

Solano County Airport Land Use Commission

675 Texas Street, Suite 5500
Fairfield, CA 94533
Tel 707.784.6765
Fax 707.784.4805

LAND USE COMPATIBILITY DETERMINATION: APPLICATION FORM

TO BE COMPLETED BY STAFF	
APPLICATION NUMBER:	FILING FEE:
DATE FILED:	RECEIPT NUMBER:
JURISDICTION:	RECEIVED BY:
PROJECT APN(S):	
TO BE COMPLETED BY THE APPLICANT	
I. GENERAL INFORMATION	
PROJECT NAME: Vacaville Municipal Code Update	
PROJECT LOCATION: Vacaville, CA	
LEAD AGENCY: City of Vacaville Community Development Department Planning Division Offices	
AGENCY CONTACT: Peyman Behvand City Planner 650 Merchant Street Vacaville, CA 95688 Peyman.Behvand@cityofvacaville.com	PHONE: (707) 449-5332 FAX: (707) 449-5423
	DATE: March 11, 2021

PLEASE CALL THE APPOINTMENT DESK AT (707) 784-6765 FOR AN APPLICATION APPOINTMENT.

TO BE COMPLETED BY THE APPLICANT

II. DESCRIPTION OF PROJECT

Title 14 of the Vacaville Municipal Code contains regulations and development standards for land development actions, subdivision of property, neighborhood design, traffic planning, and all other aspects of physical development in the community. The last comprehensive update to the Land Use & Development Code was completed in 1996, following the adoption of the 1990 General Plan. In 2015, the City adopted a comprehensive update to the Vacaville General Plan. Subsequent to this action, City staff is pursuing a comprehensive update to Title 14 to ensure consistency with the Vacaville General Plan.

Currently, the Nut Tree Airport Compatibility Plan and Travis Airforce Base Compatibility Plans are codified under Chapter 14.09.134 (Supplemental Standards, Airport, Helistop, and Heliport Land Use Compatibility) of Title 14. Chapter 14.09.134 includes land use limitations and standards that are consistent with these compatibility plans. The proposed Zoning Ordinance Amendment would restructure to chapter name and numbering, but all other standards would remain the same. The existing Code and proposed amendments are included with the application.

In addition, the City has retained the firm Meade and Hunt to perform a more detailed analysis of the proposed changes; their analysis is also included in the application.

PLEASE CALL THE APPOINTMENT DESK AT (707) 784-6765 FOR AN APPLICATION APPOINTMENT.

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TO BE COMPLETED BY THE APPLICANT	
II. DESCRIPTION OF PROJECT (CONT'D)	
POTENTIAL PROJECT EMISSIONS: (i.e. smoke, steam, glare, radio, signals): The Project would not introduce any new emission sources. No effect.	
PROJECT AIRPORT LAND USE COMPATIBILITY PLAN: Nut Tree Airport Compatibility Plan and Travis Air Force Base Compatibility Plan	COMPATIBILITY ZONE: Nut Tree Airport Plan: Zone A - F Travis Air Force Base Plan: Zone D
PERCENTAGE OF LAND COVERAGE: No changes to land coverage requirements.	MAXIMUM PERSONS PER ACRE: No changes to density requirements.
THE FOLLOWING INFORMATION MUST BE SUBMITTED AS A MINIMUM REQUIREMENT:	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> JURISDICTION REFERRAL LETTER: Attached. <input checked="" type="checkbox"/> ENVIRONMENTAL DOCUMENTATION: Attached. <input checked="" type="checkbox"/> LOCATION MAP: Attached. <input type="checkbox"/> ASSESSOR'S PARCEL MAP, with subject property marked in red: Not applicable. <input type="checkbox"/> SITE PLAN, drawn to scale and fully dimensioned including topographical information, and 8 ½ x 11 inch reduction(s): Not applicable. <input type="checkbox"/> ELEVATIONS, if located in APZ, clear zones and A, B, C compatibility zones or over 200 ft. in height, plus 8 ½ x 11 inch reduction(s): Not applicable. <input type="checkbox"/> WIND TURBINE STUDY, including cumulative impact studies. Such studies shall include an analysis of: (1) the individual effects of the proposed project; and (2) as required by law, an analysis of the cumulative effects of the proposed project considered in connection with the effects of past projects, the effects of other current projects and proposed projects, and the effects of probable future projects, including: (i) the probable build out for wind energy development of the remaining vacant parcels within the wind resource areas described in the Solano County General Plan; and (ii) any probable replacement of existing turbines or meteorological towers with structures having different dimensions: Not applicable. <input checked="" type="checkbox"/> SUPPLEMENTAL INFORMATION: Draft documents for Municipal Code amendments. <input checked="" type="checkbox"/> FEES: \$200.00 Will be submitted at future date. <input checked="" type="checkbox"/> ELECTRONIC COPIES OF ALL APPLICATION MATERIALS ON A CD: <i>See attachment.</i> 	
X..... APPLICANT SIGNATURE _____ DATE _____	
DOES THE PROJECT PROPOSE THE DEMOLITION OR ALTERATION OF ANY EXISTING STRUCTURES ON THE PROJECT SITE? <div style="text-align: center;"> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, describe below: </div>	

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM B

LOCAL AGENCY REFERRAL LETTER

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ESTABLISHED 1850

CITY OF VACAVILLE

650 MERCHANT STREET
VACAVILLE, CALIFORNIA 95688-6908
www.cityofvacaville.com
707-449-5100

RON ROWLETT
Mayor, Member-At-Large

NOLAN SULLIVAN
Vice-Mayor, Member-At-Large

VACANT
Councilmember, Member-At-Large

ROY STOCKTON
Councilmember, District 1

MICHAEL SILVA
Councilmember, District 3

JASON ROBERTS
Councilmember, District 5

JEANETTE WYLIE
Councilmember, District 6

March 11, 2021

Community Development Department
Planning Division

Mr. Jim Leland
Solano County Resource Management Department
675 Texas Street
Fairfield, CA 94533

SUBJECT: LOCAL AGENCY REFERRAL LETTER – CODE UPDATE
Citywide Code Update
Zoning Ordinance Amendment

Dear Jim:

This letter will serve as the Local Agency Referral Letter acknowledging the submittal of an application requesting a compatibility determination from the Airport Land Use Commission (ALUC) for the Citywide Land Use and Development Code Update. The Community Development Department is acting as the applicant for this request. The proposed project consists of a Citywide update to Title 14 of the Vacaville Municipal Code, which includes minor changes to development standards and procedures for industrial, commercial and residential zoning districts. The proposed changes would not reduce or change the Airport Land Use Commission's authority to review projects on a case-by-case basis.

The Director of Community Development has determined the Zoning Ordinance Amendment is within the scope of the previously certified Vacaville General Plan Environmental Impact Report (SCH No. 2011022043), and pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) of the California Environmental Quality Act (CEQA), no additional environmental review is required or necessary. As a result, the application packet does not include a CEQA document.

The required materials, as listed on the County's instructions for preparing an application, are attached to this letter. Please let me know if you see anything missing that is either required for the review or that would be helpful for the County staff or for the ALUC members as part of the consistency review. If you have any questions, please feel free to contact me by phone at (707) 449-5364 or by email at albert.enault@cityofvacaville.com.

Sincerely,

ALBERT ENAULT,
Associate Planner

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM C

STAFF REPORTS

NOT AVAILABLE

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM D

NOT APPLICABLE

PROJECT IS CONSISTENT WITH
GENERAL PLAN EIR

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM E

LOCATION MAP

NOT APPLICABLE

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM F

ASSESSOR'S PARCEL MAP

NOT APPLICABLE

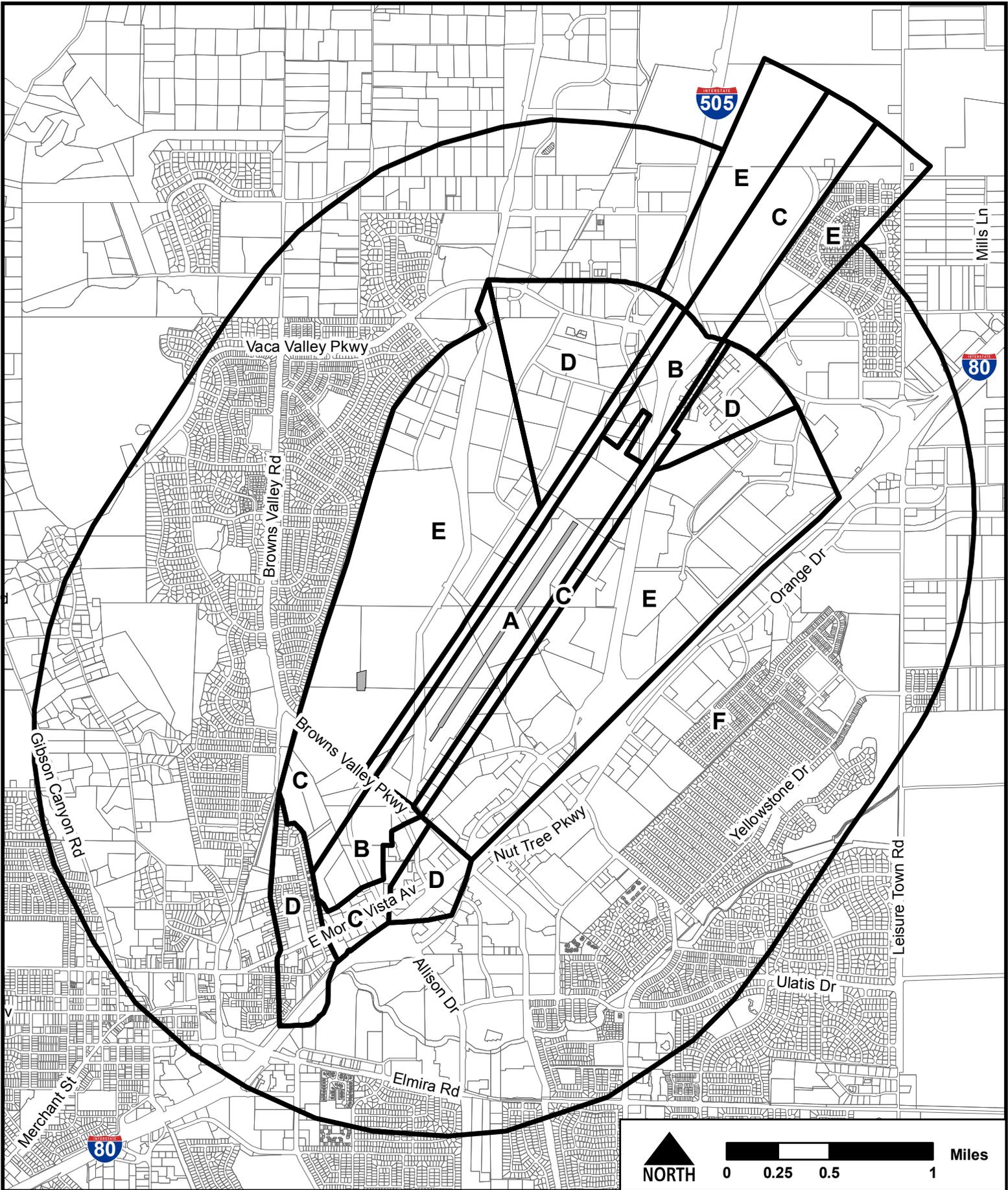
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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM G

AIRPORT BOUNDARY MAP

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ITEM G - AIRPORT MAP

A-F COMPATIBILITY ZONES



CITYWIDE CODE UPDATE

VACAVILLE, CALIFORNIA

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM H

PROJECT PLANS
(CODE SECTIONS)

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Chapter 14.09.134

Supplemental Standards, Airport, Helistop, and Heliport Land Use Compatibility

Sections:

- 14.09.134.010 Purpose.
- 14.09.134.020 Applicability.
- 14.09.134.030 Consideration of Airport Impacts.
- 14.09.134.040 Referral to the Solano County Airport Land Use Commission (ALUC).
- 14.09.134.050 Nut Tree Airport Compatibility Areas.
- 14.09.134.060 Uses Within the Nut Tree Airport Compatibility Areas.
- 14.09.134.070 Height Limitations.
- 14.09.134.080 Open Land Areas Around Nut Tree Airport.
- 14.09.134.090 Non-Conforming Uses.
- 14.09.134.100 Repeal of Requirements.
- 14.09.134.110 Heliports, Helistops, and Helicopters.

14.09.134.010 Purpose.

The Nut Tree Airport and the Travis Air Force Base Airport, also referred to as Travis Airport, are important to the economic prosperity of the City of Vacaville. Consideration must be given to the operations of the Nut Tree and Travis Airports when development is proposed in order to ensure that a compatible balance of uses is maintained. The provisions of this chapter are established to achieve the following purposes:

- A. To provide for the safe and orderly development of the Nut Tree Airport and the Travis Air Force Base by protecting users of the airport from hazardous encroachments into areas of avigational operation and preventing the creation of hazardous encroachments into defined airspaces;
- B. To ensure the continued viability of the Nut Tree Airport as a general aviation facility and protect the substantial public investment in the facility;
- C. To ensure the continued vitality of Travis Air Force Base as a military facility and to protect the substantial public investment in the facility;
- D. To comply with the requirements of the California Public Utilities Code to protect the public health, safety, and welfare by ensuring the orderly

expansion of airports and the reasonable reduction of the public's exposure to hazards associated with the operation of airport facilities;

E. To implement the policies of the Nut Tree Airport Land Use Compatibility Plan and the Travis Airport Land Use Compatibility Plan;

F. To protect persons and property in the vicinity of the Nut Tree Airport, the Travis Airport and Heliports and Helistops from unreasonable hazards or impacts associated with airport operations;

G. To implement the goals, objectives, and policies of the Zoning Ordinance, the Development Code, and the General Plan.

H. To provide standards which regulate the location and construction of helistops and heliports to ensure the safe and orderly use of such facilities and to ensure that such uses are compatible with surrounding land uses.

(Ord. 1709, Amended, 11/05/2004; Ord. 1680, Amended, 01/10/2003)

14.09.134.020 Applicability.

The provisions of this chapter shall apply as follows:

A. Nut Tree Airport. All properties in the vicinity of the Nut Tree Airport which may be affected by aircraft operations, as well as areas where aircraft operations may be affected by other uses, shall be referred to as the Nut Tree Airport Compatibility Areas, which includes the areas depicted in Figures 14.09.134-1, Nut Tree Airport Compatibility Map, and Figure 14.09.134-2, FAA Airspace Plan and Height Limits Map, of this chapter. Projects located within the Nut Tree Airport Compatibility Areas shall comply with the standards of this chapter.

B. Travis Airport. Areas which may be affected by aircraft operations associated with the Travis Airport, as well as areas where aircraft operations may be affected by other uses, shall be referred to as Travis Air Force Base Area of Influence, which includes the area depicted in Figure 14.09.134-3, of this chapter. Projects located within the Travis Air Force Base Area of Influence shall comply with the standards of this chapter.

C. Certain provisions of this chapter shall be applicable to projects located within the Nut Tree Airport Compatibility Areas or the Travis Air Force Base Area of Influence or projects involving helicopters, heliports or helistops. Other provisions

of this chapter shall be applicable only to projects within the Nut Tree Compatibility Areas.

D. The standards are minimum requirements and shall not be construed to prevent the City Council, the Planning Commission, or the Director from imposing, as part of a project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.

E. Where there exists a conflict between any of the standards of limitation prescribed in this chapter and any other provisions of this Title, the more stringent standard of limitation shall prevail. (Ord. 1709, Amended, 11/05/2004; Ord. 1680, Amended, 01/10/2003)

14.09.134.030 Consideration of Airport Impacts.

Approvals made pursuant to this Title shall be consistent with applicable land use, height, and other standards adopted within this chapter. Public notice of potential impacts associated with airport operations shall be provided as follows:

A. Nut Tree Airport Compatibility Areas. As part of the review of an application for a subdivision, design review, conditional use permit, planned development, or any other approval pursuant to this Title, the decision-maker shall consider the impact of the project upon present or planned airport operations. All such applications shall be reviewed for consistency with the provisions of this chapter and may be conditioned to ensure such consistency. The following conditions of approval shall be applied to any approved project:

1. Dedication of Overflight Easements. Prior to the issuance of building permits for any new construction or the recording of any subdivision map or waiver thereof, an overflight easement shall be provided to Solano County. The overflight easement shall permit the right of flight in the airspace above the property, including the generation of noise associated with such flight, and shall provide for the regulation of the release or creation of electrical emissions which could interfere with aircraft operations. The overflight easement shall be provided in a form approved by the City Attorney and the Solano County Counsel and shall be recorded on the title of the subject property.

2. Notice to Purchasers Required. No building permit shall be issued for any new dwelling unit intended for sale, rental, or lease until the

Director approves the form, content, and method of notice by which the initial purchasers, renters, or lessees of residential property within an airport compatibility area will be informed that the area is subject to aircraft overflight. Said notices shall include, but not be limited to, a map showing the airport compatibility area, the most recent noise contours forecast, and current and anticipated flight paths.

3. Interference with Aviation Activity. Notwithstanding any other provision of this chapter, no use shall be allowed within an airport compatibility area which may produce hazards to aircraft in flight, including the following:

- a. Glare or distracting lights which could be mistaken for airport lights;
- b. Sources of smoke;
- c. Sources of electrical interference with aircraft communication or navigation;
- d. Uses, such as landfills or certain agricultural uses, which attract birds; or
- e. Any other hazard or endangerment to the landing, takeoff, or maneuvering of aircraft using or intending to use the airport.

B. Travis Air Force Base Area of Influence. As part of the review of an application for a subdivision, design review, conditional use permit, planned development, or any other approval pursuant to this Title, the decision-maker shall consider the impact of the project upon present or planned airport operations. All such applications shall be reviewed for consistency with the provisions of this chapter and may be conditioned to ensure such consistency. The following conditions of approval shall be applied to any approved project:

1. Dedication of Overflight Easements in the Height Review Overlay Zone. Prior to the issuance of building permits for any new construction or the recording of any subdivision map or waiver thereof, an overflight easement shall be provided to Solano County for any project within the Height Review Overlay Zone as depicted in Figure 14.09.134-3 of this chapter. The overflight easement shall be provided in a form approved by the City Attorney and the Solano County Counsel, shall be recorded on the title of the subject property, and include the following provisions:

- a. Provide the right of flight in the airspace above the property

b. Allow the generation of noise and other impacts associated with aircraft overflight

c. Restrict the height of structures, trees and other objects

d. Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit

e. Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.

(Ord. 1680, Amended, 01/10/2003)

14.09.134.040 Referral to the Solano County Airport Land Use Commission (ALUC).

To ensure the orderly and compatible development of land within Nut Tree Airport Compatibility Area and the Travis Air Force Base Area of Influence, the land use development applications listed in Table 14.09.134.01 of this chapter, shall be referred to the Solano County Airport Land Use Commission, or the ALUC, for a determination of consistency with the Nut Tree Airport Land Use Compatibility Plan or the Comprehensive Airport Land Use Plan for Travis Air Force Base, whichever is applicable. The review and referral of development applications shall be in accordance with the Solano County Airport Land Use Compatibility Review Procedures manual.

A. Prior to an action being taken by the decision-maker with authority over the project, land use applications listed in Table 14.09.134.01 shall be referred to the ALUC:

1. If the ALUC determines that the project is consistent, or if amended, would be consistent, with the applicable adopted airport land use plan, the project may proceed with the applicable development review process;

2. If the ALUC determines that the project is not consistent with the applicable adopted airport land use plan, the City Council shall become the decision-maker for the project:

a. The original decision-maker shall make a recommendation to the City Council on whether the project is consistent with the purposes of Section 21670 of Article 3.5 of the State Public Utilities Code, as cited in subsection b.i-ii of this section;

b. The City Council may approve, approve with conditions, or deny the project. How-

ever, if the project involves an amendment to the General Plan, adoption of a specific plan or policy plan or a substantial amendment to such a plan, or involves the adoption of a zone change or adoption or amendment to the Zoning Ordinance, or involves an exception to the airport height limits as specified in Section 14.09.134.070.A.3.a. of this chapter, approval shall require that the City Council, after a public hearing, overrule the determination of the ALUC by a two-thirds vote of the governing body, and make the finding that the project is consistent with the purposes of Section 21670 of Article 3.5 of the State Public Utilities Code, which includes the following:

i. That the project is consistent with the goals and objectives of the California Airport Noise Standards, and would not result in the creation of new noise and safety hazards; and

ii. That the project would not result in the public being exposed to excessive noise and safety hazards.

B. A project referred to the ALUC for review shall not be required to be submitted at more than one stage of the planning process, provided that sufficient information is included with the first referral to ensure that the applicable compatibility criteria may be evaluated.

**Table 14.09.134.01
Projects to be Referred to the Solano County Airport Land Use Commission**

Project within the Nut Tree Airport Compatibility Area	Project within the Travis Air Force Base Area of Influence
Adoption of or amendment to the General Plan.	
Any proposed specific plan or policy plan or a substantial amendment to previously approved plan.	
Any proposed land use action involving a question of compatibility with the airport activities, as determined by the Director.	
Any proposal for a new airport or heliport whether for public use or private use if the facility requires an Airport Permit or Heliport Permit issued by the California Department of Transportation.	
Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California.	
A proposed zone change, zoning ordinance or building regulation or an amendment or variance to any such ordinance or regulation, that may impact airport operations.	
Adoption or modification of the master plan for an existing public-use airport.	
Request for an exception to the airport height limits, as specified in Section 14.134.070.A.3.a. of this chapter.	
	Any object within the Height Review Overlay Zone is subject to FAA review; in addition, objects greater than 35 feet in height require referral to the ALUC.
Any object greater than 200 feet tall, located anywhere within the City, per the Solano County Airport Land Use Compatibility Review Procedures.	

Note: The Solano County Airport Land Use Compatibility Review Procedures shall be referred to for additional information on processing of projects by the ALUC.

(Ord. 1680, Amended, 01/10/2003)

14.09.134.050 Nut Tree Airport Compatibility Areas.

The provisions of this section apply only to uses within the vicinity of the Nut Tree Airport.

To ensure the development of compatible land uses in the vicinity of the Nut Tree Airport, compatibility areas are established for the Nut Tree Airport, as depicted in Figure 14.134-1 of this chapter. This section identifies land uses which are "allowed," "normally not allowed," or "prohibited," within these compatibility areas, based upon a balancing of the risks to which a property is exposed and the consequences of an accident.

A. All applications made pursuant to this Title for property within an airport compatibility area shall be reviewed for consistency with the standards of this section. In addition, all projects shall

be subject to design review approval, or any other applicable project approval.

B. All uses should generally fall within the persons per acre guidelines established with each area.

C. In determining whether a land use is allowed, normally not allowed, or prohibited, the following definitions shall apply:

1. Allowed. Allowed uses clearly meet the persons per acre criteria of the applicable compatibility area;

2. Normally Not Allowed. Normally not allowed uses generally do not meet the persons per acre criteria of the applicable compatibility area. Such uses may only be allowed if a specific use is found by the Director or the ALUC, as applicable, to meet the persons per acre criteria specified in the applicable compatibility area;

3. Prohibited. Prohibited uses clearly do not meet the persons per acre criteria of the applicable compatibility area and are not allowed.

14.09.134.060 Uses Within the Nut Tree Airport Compatibility Areas.

The following standards shall apply only to uses within the vicinity of the Nut Tree Airport.

A. Compatibility Area A – Clear Area or Primary Surface. Area A is an area of high risk and high noise where very low density land uses may be acceptable. The maximum density standard is 10 persons per acre in buildings and 15 persons per acre in and out of structures.

1. Allowed Uses:

- a. Pastures and open space;
- b. Parks with very low intensity uses;
- c. Aircraft tie-downs;
- d. Parking lots;
- e. Nurseries, plant;
- f. Outdoor storage;
- g. Any other uses which are determined

by the Director and the ALUC to generally not have an anticipated maximum density of more than 10 persons per acre in buildings, and not more than 15 persons per acre outside of buildings on the basis of specific floor plans and other related information;

2. Normally Not Allowed Uses:

- a. Warehousing, general;
- b. Storage, household and business;
- c. Industrial uses that are permitted pursuant to a specific plan or policy plan;

3. Prohibited Uses:

- a. Any substantial assemblage of people;
- b. Any structure that exceeds the height limits established herein;
- c. Any noise sensitive uses;
- d. Any residential uses.

4. Special Development Condition. A minimum setback of 50 feet shall be required from the extended runway centerline for any structure;

5. Royal Cathay Policy Plan. Land designated in the Royal Cathay Policy Plan which is generally located west of I-80 and east of the Nut Tree Airport, may be developed as specified in the policy plan, under Project Area III, the Clear Zone.

B. Compatibility Area B – Inner Approach/Departure Area. Area B is an area of substantial risk associated with high noise and low

overflights along the imaginary runway extension. The maximum density standard is 20 persons per acre in buildings and 40 persons per acre in and out of buildings.

1. Allowed Uses:

- a. Allowed uses from Area A;
- b. Parks with low intensity uses;
- c. Nurseries, plant;
- d. Warehousing, general;
- e. Storage, household and business;
- f. Industrial uses permitted pursuant to a specific plan or policy plan;
- g. Any other uses which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 20 persons per acre in buildings, and not more than 40 persons per acre outside of buildings on the basis of specific floor plans and other related information.

2. Normally Not Allowed Uses:

- a. Retail and general merchandise sales;
- b. Offices, except as necessary to allowed uses;

3. Prohibited Uses:

- a. Any substantial assembly of people;
- b. Any structure that exceeds the height limits established herein;
- c. Any noise sensitive uses;
- d. Any residential uses;
- e. Uses involving substantial amounts of highly flammable or explosive materials.

C. Compatibility Area C – Outer Approach/Departure Area or Adjacent to Runway. Area C is an area of substantial noise and moderate risk associated with routine overflight on instrument approach or below 400 feet above ground level (AGL), or few overflights but close to the runway edge. The maximum density standard is one dwelling unit per acre for residential uses and 50 persons per acre in buildings and 75 persons per acre total for non-residential uses.

1. Allowed Uses:

- a. Allowed uses from Area B;
- b. Retail and general merchandise sales, a maximum of one story, except that storage may exceed one story;
- c. Offices, a maximum of one story, except that storage may exceed one story;

d. Banks and financial services, a maximum of one story, except that storage may exceed one story;

e. Automobiles and other vehicles, sales and service, new or used;

f. Hotels and motels, a maximum of one story;

g. Any other uses, including multi-story buildings, which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 50 persons per acre in buildings, and not more than 75 persons per acre outside of buildings on the basis of specific floor plans and other related information.

h. Area C, lying north of I-80 and extending from the Callan Street residential area on the southwest, to the Putah South Canal on the northeast, is considered to be predominantly devoted to uses consistent with Area D standards. Therefore, new uses may be approved in this area if they meet Area D standards.

2. Normally Not Allowed Uses:

a. Retail and general merchandise sales, multi-story;

b. Offices, multi-story;

c. Banks and financial services, multi-story;

d. Theaters and meeting halls;

e. Churches and other religious institutions;

f. Amusement arcades;

g. Recreation centers;

h. Restaurants and eating establishments;

i. Bars and lounges.

3. Prohibited Uses:

a. Schools, public and private;

b. Libraries and museums;

c. Hospitals;

d. Community care facilities, large;

e. Noise sensitive outdoor uses;

f. New residential uses.

4. Exceptions for uses in Area C are addressed in subsection 14.09.134.060.G.1-2. of this section.

D. Compatibility Area D – Extended Approach/Departure Area. Area D is an area of moderate risk associated with frequent noise intrusion. The maximum density standard is four dwelling units per acre for residential uses and 100

persons per acre in buildings and 150 persons per acre in and out of structures for other uses.

1. Allowed Uses:

a. Allowed uses from Area C;

b. Restaurants and eating establishments, a maximum of one story, except that storage may be more than one story;

c. Bars and lounges, a maximum of one story, except that storage may be more than one story;

d. Offices, a maximum of two stories;

e. Banks and financial services, a maximum of two stories;

f. Retail and general merchandise sales, a maximum of two stories;

g. Hotels and motels, a maximum of two stories;

h. Any other uses, including multi-story buildings, which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 100 persons per acre in buildings, and not more than 150 persons per acre outside of buildings on the basis of specific floor plans and other related information.

2. Normally Not Allowed Uses:

a. New single family residential uses;

b. Commercial centers, exceeding 500,000 square feet in area;

c. Theaters and meeting halls;

d. Churches and other religious institutions;

e. Schools, public and private;

f. Libraries and museums;

g. Hospitals;

h. Community care facilities, large.

3. Prohibited Uses:

a. Noise sensitive outdoor uses.

4. Exceptions for uses in Area D are addressed in subsection 14.09.134.060.G.1-2. of this section.

E. Airport Compatibility Area E – Adjacent to Runway or Final Approach. Area E is an area of minor to significant sideline noise with limited risk. The maximum average density standard is six dwelling units per acre for residential uses, which can be clustered to three times the average density. There shall be no maximum density standard for other uses.

1. Acceptable Uses:

a. All uses except those prohibited below.

2. Normally Not Acceptable Uses:

a. Schools, public and private (permanent school sites may be allowed subject to approval by the State Division of Aeronautics);

b. Hospitals;

c. Community care facilities, large;

d. Residential densities greater than an average of six dwelling units per acre, or a maximum of 18 dwelling units per acre, achieved through clustering.

3. Prohibited Uses:

a. Highly noise sensitive uses such as amphitheaters.

4. Exceptions for uses in Area E are addressed in subsection 14.09.134.060.G.1-2. of this section.

F. Compatibility Area F – Other Airport Environs. Area F is an area of overflight areas with limited risk under flight paths.

1. Acceptable Uses:

a. All uses except those prohibited below.

2. Prohibited Uses:

a. Large assemblages of more than 300 persons in buildings such as schools, auditoriums, etc., and captive groups of more than 100 persons in buildings such as penal institutions and large community care facilities, etc., under the direct approach pattern.

3. Exceptions for uses in Area F are addressed in subsection 14.09.134.060.G.1-2. of this section.

G. Exceptions to Area Standards:

1. In Compatibility Areas D, E, and F where substantial development already exists, additional infill development of similar land uses may be allowed to occur on parcels of three acres or less even if such land uses are prohibited elsewhere in the area;

2. In Compatibility Areas C, D, E, and F, where an existing development on a parcel of three acres or less has been partially or fully destroyed, it may be rebuilt to a density not exceeding that of the original construction, in accordance with Section 14.09.134.090 of this chapter, and with the provisions of Chapter 14.09.135, Non-Conforming Uses and Structures, of this division.

H. Interpretation of Boundaries. Adjustments and interpretations of the boundaries of land use compatibility areas may be appropriate based upon geographic features and parcel lines not reflected

in the base map. Adjustments and interpretations of the boundaries shall be referred to the Airport Land Use Commission.

NUT TREE AIRPORT COMPATIBILITY MAP

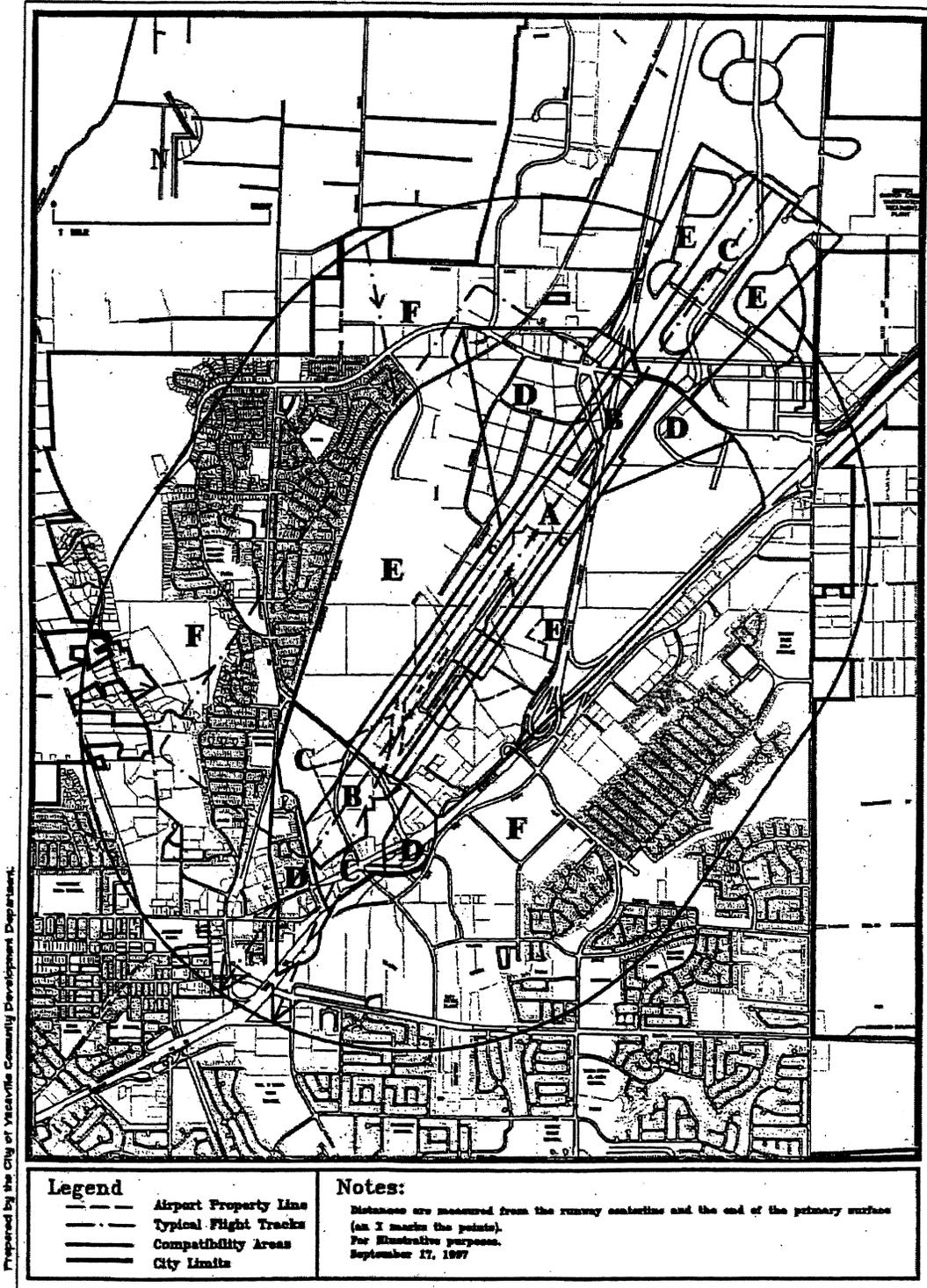


Figure 14.09.134-1

14.09.134.070 Height Limitations.

In order to preclude the creation of hazards affecting the operation of an airport, airport height limits are established as described below and as depicted in Figure 14.09.134-2, FAA Airspace Plan and Height Limits Map, for the Nut Tree Airport, and as depicted in Figure 14.09.134-4, FAA Part 77 Imaginary Surfaces Map, for the Travis Airport.

A. Nut Tree Airport Compatibility Areas. The height limits are established consistent with FAR Part 77 surface identification for the Nut Tree Airport. For purposes of determining these heights, the U.S. Coast and Geodetic (based) Survey has established the runway elevation reference for the Nut Tree Airport to be 113 feet.

1. Maximum Height. Except as provided in this section, no structure or object shall be erected, altered, maintained, or allowed to grow in excess of the height limit established for the airspace surface area in which the property is situated. The maximum height of any structure or object shall be such that no penetrations of the applicable airspace surface occur.

2. Determination of Maximum Height. To determine the airport height limit for a specific location on a site within the airport compatibility area, it is necessary to determine the elevation of the point on the applicable airspace surface that lies directly above the location in question.

a. For the primary surface and the horizontal surface, the elevation of the entire surface is established as 113 feet and 263 feet, respectively;

b. For the transitional, approach, and conical surfaces, the elevation is a function of the horizontal distance from the primary surface and the slope of the applicable surface. For example, a location underlying the approach surface at the north end of the runway that is 5,000 feet from the primary surface, would have a maximum height limit of 213 feet above sea level. The 5,000 feet distance at a slope of one foot vertical for each 50 feet horizontal results in an increase of 100 feet over the primary surface elevation of 113 feet.

3. Exceptions to Maximum Height.

a. In Compatibility Areas A, B, and C, an exception to the maximum height limits may be approved by the decision-maker provided the decision-maker determines that no reasonable use of

the property is possible if the height limitations are strictly interpreted;

b. In Areas D, E, and F, airport height limits shall not be less than 35 feet above the ground level.

4. Surface Areas. An isometric view of the airport surface areas is shown in Figure 14.09.134-2. The surface areas are as follows:

a. Primary Surface. Primary surface means a surface at an elevation of 113 feet longitudinally centered on the airport runway and extending beyond the end of a runway. The primary surface at the Nut Tree Airport is 1000 feet in width and extends 200 feet beyond the end of the south end of the runway (Runway 2) and the end of the planned extension of the north end of the runway (Runway 20);

b. Approach Surface. Approach surface means the surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface at a defined slope. The approach surface at the Nut Tree Airport extends outward and upward from the end of the primary surface at a slope of 50 feet horizontally to one foot vertically for an initial distance of 10,000 feet and at a slope of 40 feet horizontally to one foot vertically for a distance of 40,000 feet thereafter at the north end of the runway (Runway 20) and at a slope of 34 feet horizontally to one foot vertically for a distance of 10,000 feet at the south end of the runway (Runway 2);

c. Transitional Surface. Transitional surface means the surface extending outward and upward from the sides of the primary surface and the approach surface at a slope of seven feet horizontally to one foot vertically to the intersection with the horizontal surface. The transitional surface at the Nut Tree Airport extends outward and upward from the primary surface and approach surface at a slope of seven to one to an elevation of 150 feet above the runway elevation or 263 feet mean sea level;

d. Horizontal Surface. Horizontal surface means a horizontal plane 150 feet above the established runway elevation extending from the intersection of the transitional and approach surfaces to the intersection of the conical surface with the horizontal surface. The horizontal surface at the Nut Tree Airport is 150 feet above the runway elevation of 113 feet extending out from the approach

and transitional surfaces to the intersection with the conical surface at an arc radius of 10,000 feet from the center of each end of the primary surface of each runway;

e. Conical Surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet.

B. Travis Air Force Base Area of Influence. The established runway elevation for Travis Airport is 62 feet mean sea level. FAR Part 77 Imaginary Surfaces, as shown in Figure 14.09.134-4 of this chapter, shall be used to determine height restrictions for manmade objects and structures, as follows:

1. Definitions:

a. Outer Horizontal Surface. The outer horizontal surface is defined as a plane extending for a horizontal distance of 30,000 feet from the outer periphery of the conical surface, located 500 feet above the established runway elevation. The extent of the outer horizontal surface is depicted in Figure 14.09.134-4 of this chapter.

b. Other Surfaces. The primary surface, clear zone surface, transitional surface, inner horizontal surface, conical surface, and approach-departure clearance surface are shown in Figure 14.09.134-4 of this chapter. Because they do not overlie land areas within the City or within the City's urban service area, as specified in the Vacaville General Plan, they are not defined in this chapter. The definitions of these surfaces are provided in Appendix C of the Travis Airport Land Use Plan.

2. Requirements:

a. Objects that would be of a greater height than the outer horizontal surface of 562 feet mean sea level are considered to be an obstruction to air navigation. Except as provided in subsection B.3. of this section, no structure or object which is an obstruction to air navigation shall be erected, altered, maintained, or allowed to grow. The maximum height of any structure or object shall be such that no penetration of the applicable air space surface occurs;

b. Any proposed structure that would penetrate the 100:1 imaginary slope in the area depicted in Figure 14.09.134-4 of this chapter and identified thereon as "FAA Construction Referral

Boundary (100:1)" shall comply with the notice and filing requirements of applicable federal and state regulations.

3. Exceptions to Height Limitations.

a. Construction of objects upon land which underlies the outer horizontal surface and which penetrates the outer horizontal surface, as shown in Figure 14.09.134-4 of this chapter, may be allowed if they conform to FAR Part 77 height limits and filing requirements, and provided that a height limit easement is granted consistent with FAR Part 77.

(Ord. 1680, Amended, 01/10/2003)

14.09.134.080 Open Land Areas Around Nut Tree Airport.

This section addresses the provision of open land areas for emergency landings of aircraft using the Nut Tree Airport. Protection of the public health and safety necessitates planning for the provision of open land sufficient in length and width to accommodate the emergency landing of aircraft without substantial risk to persons and property.

A. Open Land Areas. In Compatibility Areas A and B, adequate amounts of open land suitable for emergency landings shall, to the extent practical, be provided.

1. Amount of Area Provided.

a. In Area A, no less than 65 percent of the site area shall be suitable open land area;

b. In Area B, no less than 50 percent of the site area shall be suitable open land area.

2. Areas Considered to be Suitable Open Land.

a. Open land areas may use private or public properties and rights-of-way;

b. Suitable open land areas include, but are not limited to, parking lots, landscaped areas, roadways, and certain outdoor storage areas.

3. Standards Applicable to Open Land Areas. The following standards shall apply to the use of sites designated as open land areas:

a. Trees, light poles, and other similar objects shall not exceed 20 feet in height; trees shall be small varieties with small trunks and canopies;

b. Structures in outdoor storage areas shall not exceed 10 feet in height;

c. Vehicles, equipment, and other items in outdoor storage areas shall not exceed 5,000 lbs. in weight.

B. Open land areas shall, to the extent possible, be located adjacent to other open land areas to provide contiguous open areas.

C. Site Plan Review. As a part of the review of any subdivision, design review, conditional use permit, or other approval pursuant to this Title, the decision-makers shall examine the feasibility of clustering development and coordinating the provision of open land between structures to provide areas for controlled emergency landings.

14.09.134.090 Non-Conforming Uses.

For the purposes of this chapter, a non-conforming use is a use which was legally established prior to the enactment of this ordinance (December 11, 1997), but by reason of adoption or amendment of this Title, or by reason of annexation to the City, the use no longer conforms to the regulations for the airport compatibility area in which it is located. The following provisions shall apply to non-conforming uses within the Nut Tree Airport and Travis Airport Compatibility Areas.

A. Regulations Not Retroactive. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or otherwise changing or altering of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter nor otherwise interfere with the continuation of a non-conforming use. Nothing contained in this chapter shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter and which is diligently prosecuted.

B. Existing Uses. No permit shall be granted which would allow the creation or establishment of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter or any amendments thereto, or than it was when the application for a permit was made.

C. Abandonment. Whenever the Director determines that a non-conforming structure has been abandoned for a continuous period of 90 days, or that a non-conforming structure or tree is more than 50 percent destroyed, physically deteriorated, or decayed, no permit shall be granted which would allow such a tree or structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

14.09.134.100 Repeal of Requirements.

In the event of the closure of the Nut Tree Airport or the Travis Air Force Base, the above sections limiting the use of property in the vicinity of the facility ceasing operation for purposes of protecting the public health and safety relative to airport hazards and nuisances shall be automatically

repealed upon a finding of the Director that the facility has ceased operations and reinitiation of operations is not feasible.

Ordinance History Division 14.09, Zoning

Ord. 1680, 2003, Airport Land Use Compatibility Chapter 14.09.134, Airport Land Use Compatibility

Ord. 1580, §3, 1997, adopted

Ord. 1580, §1, 1997, repealed Ch. 17.64, Nut Tree Airport Compatibility Standards

Ord. 1580, §1, 1997, repealed Ch. 17.67, Travis Air Force Base Compatibility Standards

Ch. 17.64, Nut Tree Airport Compatibility Standards

Ch. 17.67, Travis Air Force Base Compatibility Standards

Ord. 1530, §1, 1995

Ord. 1517, 1994

Ord. 1429, §1, 1991

Ord. 1367, §1, 1988

14.09.134.110 Heliports, Helistops, and Helicopters.

The provisions of this section apply to the establishment of heliports and helistops, and the operation of helicopters, within city limits.

A. Conditional Use Permit Required. The establishment of a heliport or helistop is subject to the provisions of Chapter 14.09.110, Conditional Use Permits.

1. Heliports and helistops may be erected and maintained only at:

i. An authorized airport provided it is consistent with the airport's Land Use Compatibility Plan; or,

ii. Within an area with a zoning designation that allows for heliports or helistops; or,

iii. Within a Policy Plan or Specific Plan area where the Plan specifically provides for heliports and helistops.

2. In granting a Conditional Use approval the decision-maker may impose additional conditions upon the placement and operation of the proposed heliport or helistop. Such additional conditions may include, but not be limited to, setback from the adjoining properties, hours of operation, flight patterns, specific noise mitigation and other measures that would be intended to minimize off-site impacts of the proposed heliport or helistop.

B. Construction Standards. Heliports and helistops are to be constructed and used in accordance with the provisions of this section and the requirements of the conditional use permit.

1. The construction, use, maintenance and operation of any accessory equipment and structures shall comply with provisions of this section, with the commercial development standards of Chapter 14.09.084 of the Land Use and Development Code, with the requirements of the conditional use permit and with the requirements of the Policy Plan or Specific Plan.

2. A helistop may be constructed directly on the roof surface of a building if all roof supports are designed for the load specified in this chapter. Structural design of all buildings supporting a helistop shall be in accordance with the Uniform Building Code unless otherwise specified in this section.

C. Approach Zones. There shall be a minimum of two approach zones to an approved helistop. The approach paths shall be at least ninety (90) feet apart and shall be sufficiently free of obstruction to provide a glide slope of 8:1 (8 feet horizontal measurement and 1 foot in vertical measurement).

D. Landing at Other Than an Established Heliport or Helistop Prohibited. It shall be unlawful for any person to land, discharge passengers, materials, or goods, load passengers materials or goods, or depart in a helicopter any place within the incorporated limits of the City other than at an approved heliport or helistop, or airport, except:

1. In connection with a construction project where a helicopter is to be used to lift equipment related to such project after fourteen (14) days advance notice has been given to the Community Development Director and a Temporary Use Permit Application under Section 14.09.084.100 has been approved.

i. A developer, contractor, entity or person, that will have construction related deliveries, via helicopter, shall obtain approval of a Temporary Use Permit Application from the City in advance of any such deliveries if located within 1000 feet from a residential zoning district. All property owners and residents within 600 feet of the site shall be notified by the City at the applicant's expense, a minimum of five (5) days in advance of the proposed delivery. The approval shall be valid for a minimum of seven (7) calendar

days, but shall not exceed twenty-one (21) calendar days. This requirement is in addition to any other approvals that may be required herein and from other reviewing agencies including, but not limited to, the Federal Aviation Administration and the State of California Department of Transportation Division of Aeronautics.

2. When necessary for law enforcement or other governmental purpose and for emergencies.

i. The provisions of this chapter shall not apply to the take offs and landings in response to an emergency. For the purposes of this chapter, the term "emergency" shall mean a medical situation which requires transportation by a medical helicopter, a police, highway patrol or military situation, search or rescue operation, response to a natural disaster, or other similar circumstances.

2. In conjunction with a special event such as an athletic contest, a holiday celebration or similar activity after thirty (30) days advance notice has been given to the Community Development Director and a temporary use permit, subject to Section 14.09.084.100, has been approved.

E. Dimensions of Touchdown Area. The touchdown or landing area for a helistop on ground level shall be a minimum one hundred (100) feet by one hundred (100) feet in size. The touchdown or landing area for a helistop on the roof-top of a building or structure shall be a minimum area of forty (40) feet, but in any event an area not less than one and one-half times the diameter of the rotor blades of the largest helicopter to use the area. In every case of a roof-top helistop, the touchdown or landing area shall be surrounded on all sides by a clear area having a minimum average width at roof level of fifteen (15) feet, but with no width less than five (5) feet.

F. Safety Precautions. Helipads and helistops constructed and operated within the City shall comply with the following safety requirements:

1. The touchdown area shall be marked as prescribed by the Federal Aviation Administration.

2. Means of egress from helipads and helistops shall comply with Chapter 10 of the Uniform Building Code, except that all landings areas located on buildings or structures shall have two or more means of egress. For landing platforms or roof areas less than 60 feet in length, or less than 2,000 square feet in area, the second means of

egress may be a fire escape or ladder leading to the floor below.

3. Fire protection standards as determined by the Fire Chief.

4. No refueling or repairing is to be accomplished at a helistop except in an emergency situation, and then only as approved by the Fire Chief.

5. Helipads and helistops shall be provided with a wind indicator or wind sock acceptable to the City

6. Night Lighting. If the helistop is to be used for night landing, it shall be lighted in accordance with the applicable standards or recommendations of the Federal Aviation Administration.

7. Primary Surface. The primary surface of a helistop or heliport shall be a level grade and a dust-proof surface.

G. General Requirements. The operation of heliports and helistops within the City shall comply with all of the following requirements:

1. There shall be compliance with all laws and regulations of the Federal Aviation Administration, the State of California and the City of Vacaville.

2. No elevated structure being used as a helistop shall be used for fueling, refueling or the storage of flammables.

3. The owner and the operator of a helipad or helistop within the City shall maintain insurance in the amount of \$10,000,000 (ten million dollars) for personal injury and property damage, naming the City of Vacaville as an additional insured, or such additional sums as the Community Development Director shall deem necessary because of special circumstances in granting a conditional use permit for such facilities.

4. The maximum number of take offs and landings to be permitted at a helipad or helistop shall be specified in the conditional use permit and shall not exceed a combined total of ten (10) per day unless the Community Development Director or the Planning Commission finds that a specified additional number is in the public interest and allows an additional number in granting a conditional use permit for the operation of a helipad or helistop.

(Ord. 1709, Add, 11/05/2004)

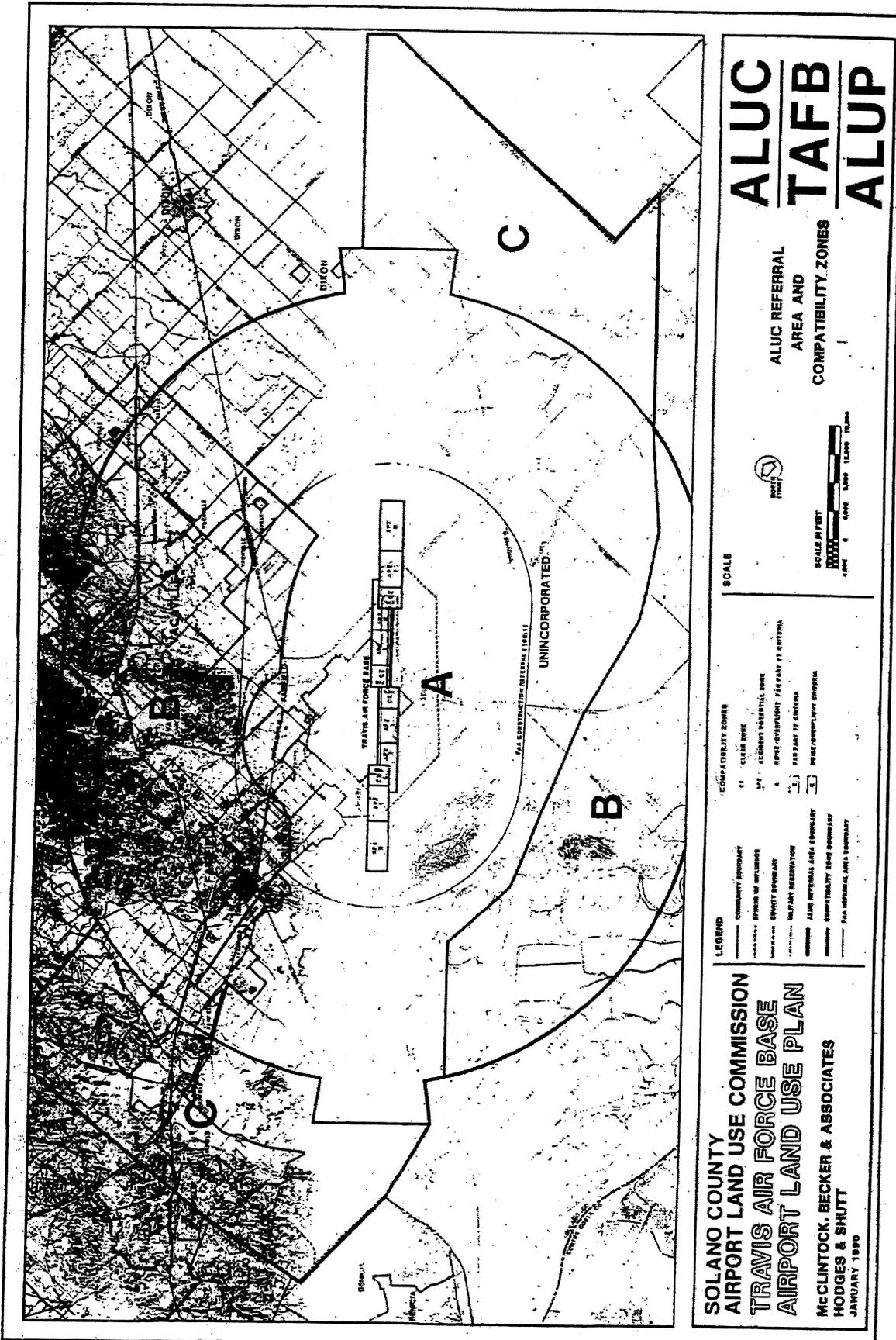
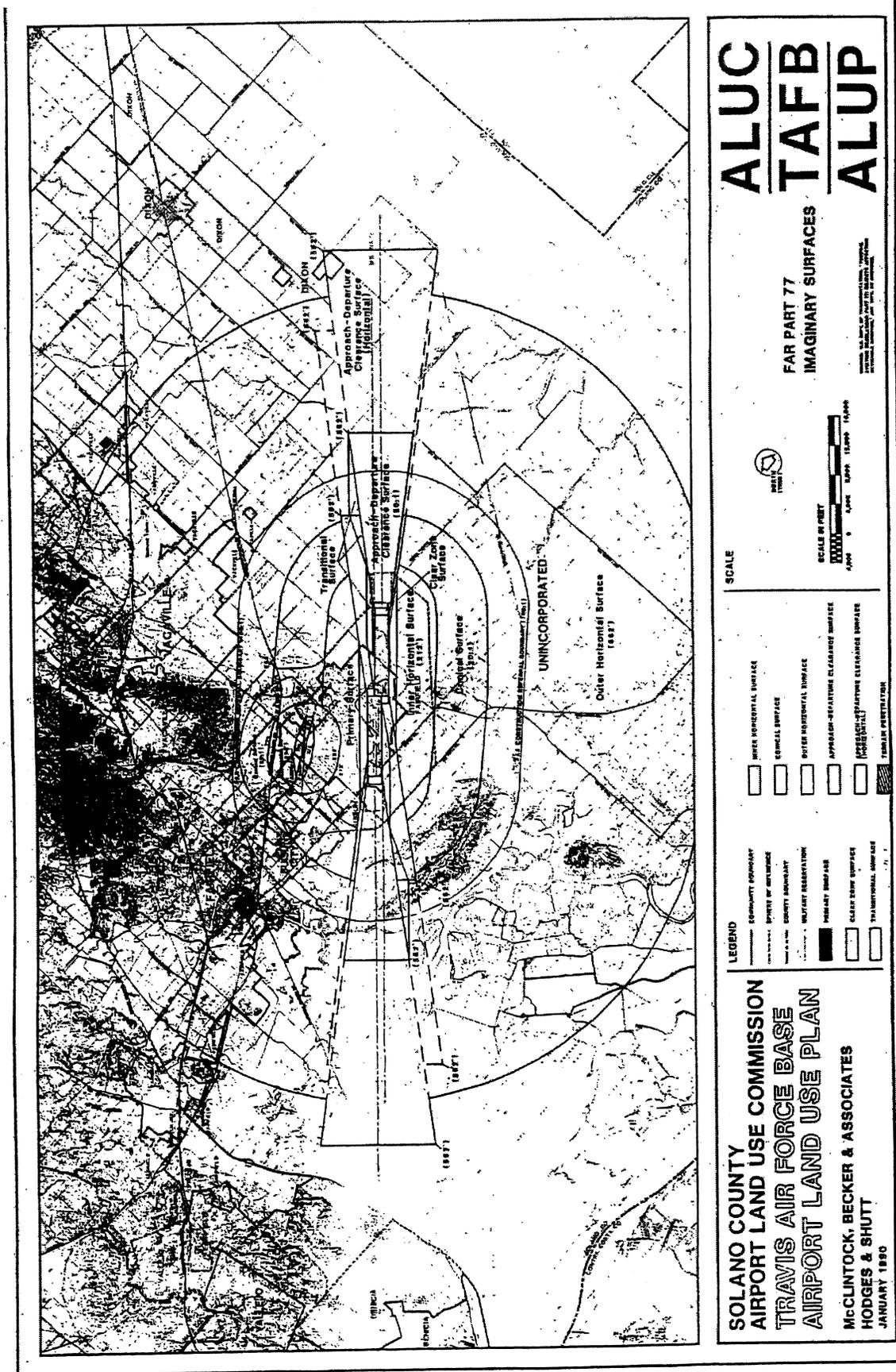


Figure 14.09.134-3



ALUC
TAFB
ALUP

FAR PART 77
IMAGINARY SURFACES



SCALE

LEGEND	
[Symbol]	INNER HORIZONTAL SURFACE
[Symbol]	CONICAL SURFACE
[Symbol]	OUTER HORIZONTAL SURFACE
[Symbol]	APPROACH-DEPARTURE CLEARANCE SURFACE
[Symbol]	OBSTACLE SURFACE CLEARANCE SURFACE
[Symbol]	TRANSITIONAL SURFACE
[Symbol]	COMMUNITY BOUNDARY
[Symbol]	STATE OR MUNICIPAL BOUNDARY
[Symbol]	COUNTY BOUNDARY
[Symbol]	UNLAWY REGULATION
[Symbol]	PERMANENT BOUNDARY
[Symbol]	CLEAR ZONE SURFACE
[Symbol]	TRANSITIONAL SURFACE

SOLANO COUNTY
AIRPORT LAND USE COMMISSION
TRAVIS AIR FORCE BASE
AIRPORT LAND USE PLAN
McCLINTOCK, BECKER & ASSOCIATES
HODGES & SHUTT
JANUARY, 1990

Figure 14.09.134-4

NEW CODE

Division 14.09: Airport Environs (AE) Overlay District

Sections:

- 14.09.110.010 Purpose
- 14.09.110.020 Applicability
- 14.09.110.030 Use Restrictions
- 14.09.110.040 Height Limitations
- 14.09.110.050 Open Lands Around Nut Tree Airport
- 14.09.110.060 Overflight Notification and Easement
- 14.09.110.070 Solano County Airport Land Use Commission (ALUC) Review
- 14.09.110.080 Nonconforming Uses
- 14.09.110.090 Repeal of Requirements

14.09.040.010 Purpose

The purpose of the Airport Environs (AE) Overlay District is to regulate land use and development within the Nut Tree Airport Compatibility Areas and the Travis Air Force Base Area of Influence consistent with the adopted land use compatibility plans. The Nut Tree Airport and the Travis Air Force Base Airport, also referred to as Travis Airport, are important to the economic prosperity of the City of Vacaville. Consideration must be given to the operations of the Nut Tree and Travis Airports when development is proposed in order to ensure that a compatible balance of uses is maintained. The provisions of this chapter are established to achieve the following purposes:

- A. To provide for the safe and orderly development of the Nut Tree Airport and the Travis Air Force Base by protecting users of the airport from hazardous encroachments into areas of avigational operation and preventing the creation of hazardous encroachments into defined airspaces;
- B. To ensure the continued viability of the Nut Tree Airport as a general aviation facility and protect the substantial public investment in the facility;
- C. To ensure the continued vitality of Travis Air Force Base as a military facility and to protect the substantial public investment in the facility;
- D. To comply with the requirements of the California Public Utilities Code to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the reasonable reduction of the public's exposure to hazards associated with the operation of airport facilities;
- E. To implement the policies of the Nut Tree Airport Land Use Compatibility Plan and the Travis Airport Land Use Compatibility Plan;
- F. To protect persons and property in the vicinity of the Nut Tree Airport and the Travis Airport from unreasonable hazards or impacts associated with airport operations; and
- G. To implement the goals, objectives, and policies of the General Plan.

14.09.040.020 Applicability

- A. The provisions of this chapter apply within the Nut Tree Airport Compatibility Areas and the Travis Air Force Base Area of Influence.

1. **Nut Tree Airport Compatibility Areas.** Nut Tree Airport Compatibility Areas include properties in the vicinity of the Nut Tree Airport which may be affected by aircraft operations, as well as areas where aircraft operations may be affected by other uses, as depicted in the Nut Tree Airport Compatibility Map the FAA Airspace Plan and Height Limits Map, in the Nut Tree Airport Land Use Compatibility Plan.
 2. **Travis Air Force Base Area of Influence.** Travis Air Force Base Area of Influence includes areas which may be affected by aircraft operations associated with the Travis Airport, as well as areas where aircraft operations may be affected by other uses, as depicted in the Travis Air Force Base Land Use Compatibility Plan.
- B. Adjustments and interpretations of the boundaries of land use compatibility areas may be appropriate based upon geographic features and parcel lines not reflected in the base map. Adjustments and interpretations of the boundaries shall be referred to the Airport Land Use Commission.
- C. Regulations in the AE Overlay District modify and supplement the base zoning district regulations. In cases where the regulations of the AE Overlay District conflict with the regulations of the base zoning district, the more restrictive regulations take precedence.

14.09.040.030 Use Restrictions

- A. **General Restrictions.** Notwithstanding any other provision of this chapter, no use shall be allowed within an airport compatibility area which may produce hazards to aircraft in flight, including the following:
1. Glare or distracting lights which could be mistaken for airport lights;
 2. Sources of smoke;
 3. Sources of electrical interference with aircraft communication or navigation;
 4. Uses, such as landfills or certain agricultural uses, which attract birds; or
 5. Any other hazard or endangerment to the landing, takeoff, or maneuvering of aircraft using or intending to use the airport.
- B. **Nut Tree Airport Compatibility Areas Use Restrictions.** Within the Nut Tree Airport Compatibility Areas, uses should generally fall within the persons per acre guidelines established with each area.
1. **Determination Criteria.** In determining whether a land use is allowed, normally not allowed, or prohibited, the following definitions shall apply:
 - a. *Allowed.* Allowed uses clearly meet the persons per acre criteria of the applicable compatibility area.
 - b. *Normally Not Allowed.* Normally not allowed uses generally do not meet the persons per acre criteria of the applicable compatibility area. Such uses may only be allowed if a specific use is found by the Director or the ALUC, as applicable, to meet the persons per acre criteria specified in the applicable compatibility area.
 - c. *Prohibited.* Prohibited uses clearly do not meet the persons per acre criteria of the applicable compatibility area and are not allowed.
 2. **Compatibility Area A – Clear Area or Primary Surface.** The maximum density standard is 10 persons per acre in buildings and 15 persons per acre in and out of

structures. A minimum setback of 50 feet shall be required from the extended runway centerline for any structure.

a. *Allowed Uses:*

- i. Pastures and open space;
- ii. Parks with very low intensity uses;
- iii. Aircraft tie-downs;
- iv. Parking lots;
- v. Nurseries, plant;
- vi. Outdoor storage; and
- vii. Any other uses which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 10 persons per acre in buildings, and not more than 15 persons per acre outside of buildings on the basis of specific floor plans and other related information.

b. *Normally Not Allowed Uses:*

- i. Warehousing, general;
- ii. Storage, household and business; and
- iii. Industrial uses.

c. *Prohibited Uses:*

- i. Any substantial assemblage of people;
- ii. Any structure that exceeds the height limits established herein;
- iii. Any noise sensitive uses; and
- iv. Any residential uses.

C. ***Compatibility Area B – Inner Approach/Departure Area.*** The maximum density standard is 20 persons per acre in buildings and 40 persons per acre in and out of buildings.

a. *Allowed Uses:*

- i. Allowed uses from Area A;
- ii. Parks with low intensity uses;
- iii. Nurseries, plant;
- iv. Warehousing, general;
- v. Storage, household and business;
- vi. Industrial uses permitted pursuant to a specific plan or policy plan; and
- vii. Any other uses which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 20 persons per acre in buildings, and not more than 40 persons per acre outside of buildings on the basis of specific floor plans and other related information.

- b. *Normally Not Allowed Uses:*
 - i. Retail and general merchandise sales; and
 - ii. Offices, except as necessary to allowed uses
- c. *Prohibited Uses:*
 - i. Any substantial assembly of people;
 - ii. Any structure that exceeds the height limits established herein;
 - iii. Any noise sensitive uses;
 - iv. Any residential uses; and
 - v. Uses involving substantial amounts of highly flammable or explosive materials.

2. ***Compatibility Area C – Outer Approach/Departure Area or Adjacent to Runway.*** The maximum density standard is one dwelling unit per acre for residential uses and 50 persons per acre in buildings and 75 persons per acre total for non-residential uses.

- a. *Allowed Uses:*
 - i. Allowed uses from Area B;
 - ii. Retail and general merchandise sales, a maximum of one story, except that storage may exceed one story;
 - iii. Offices, a maximum of one story, except that storage may exceed one story;
 - iv. Banks and financial services, a maximum of one story, except that storage may exceed one story;
 - v. Automobiles and other vehicles, sales and service, new or used;
 - vi. Hotels and motels, a maximum of one story; and
 - vii. Any other uses, including multi-story buildings, which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 50 persons per acre in buildings, and not more than 75 persons per acre outside of buildings on the basis of specific floor plans and other related information.
 - viii. Area C, lying north of I-80 and extending from the Callan Street residential area on the southwest, to the Putah South Canal on the northeast, is considered to be predominantly devoted to uses consistent with Area D standards. Therefore, new uses may be approved in this area if they meet Area D standards.
- b. *Normally Not Allowed Uses:*
 - i. Retail and general merchandise sales, multi-story;
 - ii. Offices, multi-story;
 - iii. Banks and financial services, multi-story;
 - iv. Theaters and meeting halls;

- v. Churches and other religious institutions;
 - vi. Amusement arcades;
 - vii. Recreation centers;
 - viii. Restaurants and eating establishments; and
 - ix. Bars and lounges.
- c. *Prohibited Uses:*
- i. Schools, public and private;
 - ii. Libraries and museums;
 - iii. Hospitals;
 - iv. Community care facilities, large;
 - v. Noise sensitive outdoor uses; and
 - vi. New residential uses.
3. **Compatibility Area D – Extended Approach/Departure Area.** The maximum density standard is four dwelling units per acre for residential uses and 100 persons per acre in buildings and 150 persons per acre in and out of structures for other uses.
- a. *Allowed Uses:*
- i. Allowed uses from Area C;
 - ii. Restaurants and eating establishments, a maximum of one story, except that storage may be more than one story;
 - iii. Bars and lounges, a maximum of one story, except that storage may be more than one story;
 - iv. Offices, a maximum of two stories;
 - v. Banks and financial services, a maximum of two stories;
 - vi. Retail and general merchandise sales, a maximum of two stories;
 - vii. Hotels and motels, a maximum of two stories; and
 - viii. Any other uses, including multi-story buildings, which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 100 persons per acre in buildings, and not more than 150 persons per acre outside of buildings on the basis of specific floor plans and other related information.
- b. *Normally Not Allowed Uses:*
- i. New single-unit dwelling;
 - ii. Commercial centers, exceeding 500,000 square feet in area;
 - iii. Theaters and meeting halls;
 - iv. Churches and other religious institutions;
 - v. Schools, public and private;
 - vi. Libraries and museums;

- vii. Hospitals; and
 - viii. Community care facilities, large.
 - c. *Prohibited Uses: Noise sensitive outdoor uses.*
 - d. *Exceptions.* Where substantial development already exists, additional infill development of similar land uses may be allowed to occur on parcels of three acres or less even if such land uses are prohibited elsewhere in the area.
4. ***Airport Compatibility Area E – Adjacent to Runway or Final Approach.*** The maximum average density standard is six dwelling units per acre for residential uses, which can be clustered to three times the average density. There shall be no maximum density standard for other uses.
- a. *Acceptable Uses.* All uses are acceptable except as provided below.
 - b. *Normally Not Acceptable Uses:*
 - i. Schools, public and private (permanent school sites may be allowed subject to approval by the State Division of Aeronautics);
 - ii. Hospitals;
 - iii. Community care facilities, large; and
 - iv. Residential densities greater than an average of six dwelling units per acre, or a maximum of 18 dwelling units per acre, achieved through clustering.
 - c. *Prohibited Uses:* Highly noise sensitive uses such as amphitheaters.
 - d. *Exceptions.* Where substantial development already exists, additional infill development of similar land uses may be allowed to occur on parcels of three acres or less even if such land uses are prohibited elsewhere in the area.
5. ***Compatibility Area F – Other Airport Environs.*** All uses are acceptable except those involving large assemblages of more than 300 persons in buildings such as schools, auditoriums, etc., and captive groups of more than 100 persons in buildings such as penal institutions and large community care facilities, etc., under the direct approach pattern.
- a. *Exceptions.* Where substantial development already exists, additional infill development of similar land uses may be allowed to occur on parcels of three acres or less even if such land uses are prohibited elsewhere in the area.

14.09.040.040 Height Limitations

The maximum height of any structure or object shall be such that no penetration of the applicable air space surface occurs.

- A. ***Nut Tree Airport Compatibility Areas.*** The height limits are established consistent with FAR Part 77 surface identification for the Nut Tree Airport. For purposes of determining these heights, the U.S. Coast and Geodetic (based) Survey has established the runway elevation reference for the Nut Tree Airport to be 113 feet.
- 1. ***Maximum Height.*** No structure or object shall be erected, altered, maintained, or allowed to grow in excess of the height limit established for the airspace surface area in which the property is situated except as provided below.

- a. In Compatibility Areas A, B, and C, an exception to the maximum height limits may be approved provided the decision-maker determines that no reasonable use of the property is possible if the height limitations are strictly interpreted.
 - b. In Compatibility Areas D, E, and F, airport height limits shall not be less than 35 feet above the ground level.
2. **Determination of Maximum Height.** To determine the airport height limit for a specific location on a site within the airport compatibility area, it is necessary to determine the elevation of the point on the applicable airspace surface that lies directly above the location in question.
 - a. For the primary surface and the horizontal surface, the elevation of the entire surface is established as 113 feet and 263 feet, respectively.
 - b. For the transitional, approach, and conical surfaces, the elevation is a function of the horizontal distance from the primary surface and the slope of the applicable surface. For example, a location underlying the approach surface at the north end of the runway that is 5,000 feet from the primary surface, would have a maximum height limit of 213 feet above sea level. The 5,000 feet distance at a slope of one foot vertical for each 50 feet horizontal results in an increase of 100 feet over the primary surface elevation of 113 feet.
3. **Surface Areas.**
 - a. *Primary Surface.* Primary surface means a surface at an elevation of 113 feet longitudinally centered on the airport runway and extending beyond the end of a runway. The primary surface at the Nut Tree Airport is 1000 feet in width and extends 200 feet beyond the end of the south end of the runway (Runway 2) and the end of the planned extension of the north end of the runway (Runway 20).
 - b. *Approach Surface.* Approach surface means the surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface at a defined slope. The approach surface at the Nut Tree Airport extends outward and upward from the end of the primary surface at a slope of 50 feet horizontally to one foot vertically for an initial distance of 10,000 feet and at a slope of 40 feet horizontally to one foot vertically for a distance of 40,000 feet thereafter at the north end of the runway (Runway 20) and at a slope of 34 feet horizontally to one foot vertically for a distance of 10,000 feet at the south end of the runway (Runway 2).
 - c. *Transitional Surface.* Transitional surface means the surface extending outward and upward from the sides of the primary surface and the approach surface at a slope of seven feet horizontally to one foot vertically to the intersection with the horizontal surface. The transitional surface at the Nut Tree Airport extends outward and upward from the primary surface and approach surface at a slope of seven to one to an elevation of 150 feet above the runway elevation or 263 feet mean sea level.
 - d. *Horizontal Surface.* Horizontal surface means a horizontal plane 150 feet above the established runway elevation extending from the intersection of the transitional and approach surfaces to the intersection of the conical surface with the horizontal surface. The horizontal surface at the Nut Tree Airport is 150 feet above the runway elevation of 113 feet extending out from the approach and transitional surfaces to the intersection with the conical surface at an arc radius

of 10,000 feet from the center of each end of the primary surface of each runway.

- e. *Conical Surface.* Conical Surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet.

B. **Travis Air Force Base Area of Influence.** The established runway elevation for Travis Airport is 62 feet mean sea level.

1. **Maximum Height.** No structure or object which would be of a greater height than the outer horizontal surface of 562 feet mean sea level shall be erected, altered, maintained, or allowed to grow except as provided below.
 - a. Construction of objects upon land which underlies the outer horizontal surface and which penetrates the outer horizontal surface may be allowed if they conform to FAR Part 77 height limits and filing requirements, and provided that a height limit easement is granted consistent with FAR Part 77.
2. **Notification Requirement.** Any proposed structure that would penetrate the 100:1 imaginary slope identified as "FAA Construction Referral Boundary (100:1)" shall comply with the notice and filing requirements of applicable federal and state regulations.
3. **Outer Horizontal Surface.** The outer horizontal surface is defined as a plane extending for a horizontal distance of 30,000 feet from the outer periphery of the conical surface, located 500 feet above the established runway elevation.

14.09.040.050 Open Land Areas Around Nut Tree Airport

Open land areas around the Nut Tree Airport are required for emergency landings of aircraft using the Nut Tree Airport.

A. **Required Open Land Areas.** In Compatibility Areas A and B, adequate amounts of open land suitable for emergency landings shall, to the extent practical, be provided.

1. **Amount of Area Required.**
 - a. In Area A, no less than 65 percent of the site area shall be suitable open land area.
 - b. In Area B, no less than 50 percent of the site area shall be suitable open land area.
 - c. [In Area C, no less than 15 percent of the site area shall be suitable open land area.](#)
 - e-d. [In Area D, no less than 10 percent of the site area shall be suitable open land area.](#)
2. **Areas Considered to be Suitable Open Land.**
 - a. Open land areas may use private or public properties and rights-of-way.
 - b. Suitable open land areas include, but are not limited to, parking lots, landscaped areas, roadways, and certain outdoor storage areas.
3. **Standards Applicable to Open Land Areas.** The following standards shall apply to the use of sites designated as open land areas:

- a. Trees, light poles, and other similar objects shall not exceed 20 feet in height; trees shall be small varieties with small trunks and canopies.
 - b. Structures in outdoor storage areas shall not exceed 10 feet in height.
 - c. Vehicles, equipment, and other items in outdoor storage areas shall not exceed 5,000 lbs. in weight.
- B. Open land areas shall, to the extent possible, be located adjacent to other open land areas to provide contiguous open areas.
- C. As a part of the review of any subdivision, design review, conditional use permit, or other approval pursuant to this Title, the decision-makers shall examine the feasibility of clustering development and coordinating the provision of open land between structures to provide areas for controlled emergency landings.

14.09.040.060 Overflight Notification and Easement

- A. ***Nut Tree Airport Compatibility Areas.*** The following dedication of overflight easements and notice to purchasers are required within the Nut Tree Airport Compatibility Areas.
1. ***Dedication of Overflight Easements.*** Prior to the issuance of building permits for any new construction or the recording of any subdivision map or waiver thereof, an overflight easement shall be provided to Solano County. The overflight easement shall permit the right of flight in the airspace above the property, including the generation of noise associated with such flight, and shall provide for the regulation of the release or creation of electrical emissions which could interfere with aircraft operations. The overflight easement shall be provided in a form approved by the City Attorney and the Solano County Counsel and shall be recorded on the title of the subject property.
 2. ***Notice Required.*** No building permit shall be issued for any new dwelling unit intended for sale, rental, or lease until the Director approves the form, content, and method of notice by which the initial purchasers, renters, or lessees of residential property within an airport compatibility area will be informed that the area is subject to aircraft overflight. Said notices shall include, but not be limited to, a map showing the airport compatibility area, the most recent noise contours forecast, and current and anticipated flight paths.
- B. ***Travis Air Force Base Area of Influence.*** The following dedication of overflight easement is required within the Travis Air Force Base Area of Influence.
1. ***Dedication of Overflight Easements in the Height Review Overlay Zone.*** Prior to the issuance of building permits for any new construction or the recording of any subdivision map or waiver thereof, an overflight easement shall be provided to Solano County for any project within the Height Review Overlay Zone as depicted in Figure 14.09.134-3 of this chapter. The overflight easement shall be provided in a form approved by the City Attorney and the Solano County Counsel, shall be recorded on the title of the subject property, and include the following provisions:
 - a. Provide the right of flight in the airspace above the property.
 - b. Allow the generation of noise and other impacts associated with aircraft overflight.
 - c. Restrict the height of structures, trees and other objects.
 - d. Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit.

- e. Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.

14.09.040.070 Solano County Airport Land Use Commission (ALUC) Review

The review and referral of development applications shall be in accordance with the Solano County Airport Land Use Compatibility Review Procedures manual and the following.

- A. ***Referral Required.*** The following projects within the Nut Tree Airport Compatibility Area or the Travis Air Force Base Area of Influence shall be referred to the Solano County Airport Land Use Commission (ALUC) for a determination of consistency with the Nut Tree Airport Land Use Compatibility Plan or the Comprehensive Airport Land Use Plan for Travis Air Force Base, whichever is applicable, prior to an action being taken by the decision-maker with authority over the project.
 - 1. Adoption of or amendment to the General Plan.
 - 2. Any proposed specific plan or policy plan or a substantial amendment to previously approved plan.
 - 3. Any proposed land use action involving a question of compatibility with the airport activities, as determined by the Director.
 - 4. Any proposal for a new airport or heliport whether for public use or private use if the facility requires an Airport Permit or Heliport Permit issued by the California Department of Transportation.
 - 5. Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California.
 - 6. A proposed zone change, zoning ordinance or building regulation or an amendment or variance to any such ordinance or regulation, that may impact airport operations.
 - 7. Adoption or modification of the master plan for an existing public-use airport.
 - 8. A request for an exception to the airport height limits in the Nut Tree Airport Compatibility Areas.
 - 9. Any object greater than 35 feet in height in the Travis Air Force Base Influence Area.
 - 10. Any object greater than 200 feet tall, located anywhere within the City.
- B. ***ALUC Determination.***
 - 1. If the ALUC determines that the project is consistent, or if amended, would be consistent, with the applicable adopted airport land use plan, the project may proceed with the applicable development review process;
 - 2. If the ALUC determines that the project is not consistent with the applicable adopted airport land use plan, the City Council shall become the decision-maker for the project:
 - a. The original decision-maker shall make a recommendation to the City Council on whether the project is consistent with the purposes of Section 21670 of Article 3.5 of the State Public Utilities Code.
 - b. The City Council may approve, approve with conditions, or deny the project. However, if the project involves an amendment to the General Plan, adoption of a specific plan or policy plan or a substantial amendment to such a plan, or involves the adoption of a zone change or adoption or amendment to the Zoning

Ordinance, or involves an exception to the airport height limits, approval shall require that the City Council, after a public hearing, overrule the determination of the ALUC by a two-thirds vote of the governing body, and make the finding that the project is consistent with the purposes of Section 21670 of Article 3.5 of the State Public Utilities Code.

- C. A project referred to the ALUC for review shall not be required to be submitted at more than one stage of the planning process, provided that sufficient information is included with the first referral to ensure that the applicable compatibility criteria may be evaluated.

14.09.040.080 Nonconforming Uses

For the purposes of this chapter, a non-conforming use is a use which was legally established prior to the enactment of this ordinance (December 11, 1997), but by reason of adoption or amendment of this Title, or by reason of annexation to the City, the use no longer conforms to the regulations for the airport compatibility area in which it is located.

- A. **Regulations Not Retroactive.** The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or otherwise changing or altering of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter nor otherwise interfere with the continuation of a non-conforming use. Nothing contained in this chapter shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter and which is diligently prosecuted.
- B. **Existing Uses.** No permit shall be granted which would allow the creation or establishment of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter or any amendments thereto, or than it was when the application for a permit was made.
- C. **Abandonment or Destruction.** Whenever the Director determines that a non-conforming structure has been abandoned for a continuous period of 90 days, or that a non-conforming structure or tree is more than 50 percent destroyed, physically deteriorated, or decayed, no permit shall be granted which would allow such a tree or structure to exceed the applicable height limit or otherwise deviate from the zoning regulations except as follows.
 - 1. In Compatibility Areas C, D, E, and F of the Nut Tree Airport, where an existing development on a parcel of three acres or less has been partially or fully destroyed, it may be rebuilt to a density not exceeding that of the original construction.

14.09.040.090 Repeal of Requirements

In the event of the closure of the Nut Tree Airport or the Travis Air Force Base, the above sections limiting the use of property in the vicinity of the facility ceasing operation for purposes of protecting the public health and safety relative to airport hazards and nuisances shall be automatically repealed upon a finding of the Director that the facility has ceased operations and re-initiation of operations is not feasible.

Division 14.09:

OLD CODE WITH TRACK CHANGES

~~Supplemental Standards, Airport, Helistop, and Heliport Land Use Compatibility~~

Chapter 14.09.110 Airport Environs (AE) Overlay District

Sections:

14.09.110.010 Purpose

14.09.110.020 Applicability

14.09.110.030 Use Restrictions

14.09.110.040 Height Limitations

14.09.110.050 Open Lands Around Nut Tree Airport

14.09.110.060 Overflight Notification and Easement

14.09.110.070 Solano County Airport Land Use Commission (ALUC) Review

14.09.110.080 Nonconforming Uses

14.09.110.090 Repeal of Requirements

~~14.09.134.010 Purpose.~~

~~14.09.134.020 Applicability.~~

~~14.09.134.030 Consideration of Airport Impacts.~~

~~14.09.134.040 Referral to the Solano County Airport Land Use Commission (ALUC).~~

~~14.09.134.050 Nut Tree Airport Compatibility Areas.~~

~~14.09.134.060 Uses Within the Nut Tree Airport Compatibility Areas.~~

~~14.09.134.070 Height Limitations.~~

~~14.09.134.080 Open Land Areas Around Nut Tree Airport.~~

~~14.09.134.090 Non-Conforming Uses.~~

~~14.09.134.100 Repeal of Requirements.~~

~~14.09.134.110 Heliports, Helistops, and Helicopters.~~

~~14.09.134~~110.010 Purpose. 

The purpose of the Airport Environs (AE) Overlay District is to regulate land use and development within the Nut Tree Airport Compatibility Areas and the Travis Air Force Base Area of Influence consistent with the adopted land use compatibility plans. The Nut Tree Airport and the Travis Air Force Base Airport, also referred to as Travis Airport, are important to the economic prosperity of the City of Vacaville.

Consideration must be given to the operations of the Nut Tree and Travis Airports when development is proposed in order to ensure that a compatible balance of uses is maintained. The provisions of this chapter are established to achieve the following purposes:

- A. To provide for the safe and orderly development of the Nut Tree Airport and the Travis Air Force Base by protecting users of the airport from hazardous encroachments into areas of ~~navigation~~ aviational operation and preventing the creation of hazardous encroachments into defined airspaces;
- B. To ensure the continued viability of the Nut Tree Airport as a general aviation facility and protect the substantial public investment in the facility;
- C. To ensure the continued vitality of Travis Air Force Base as a military facility and to protect the substantial public investment in the facility;
- D. To comply with the requirements of the California Public Utilities Code to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the reasonable reduction of the public's exposure to hazards associated with the operation of airport facilities;
- E. To implement the policies of the Nut Tree Airport Land Use Compatibility Plan and the Travis Airport Land Use Compatibility Plan;
- F. To protect persons and property in the vicinity of the Nut Tree Airport, the Travis Airport and Heliports and Helistops from unreasonable hazards or impacts associated with airport operations; and
- G. To implement the goals, objectives, and policies of the Zoning Ordinance, the Development Code, and the General Plan.
- ~~H. To provide standards which regulate the location and construction of helistops and heliports to ensure the safe and orderly use of such facilities and to ensure that such uses are compatible with surrounding land uses.~~

(Ord. 1709, Amended, 11/05/2004; Ord. 1680, Amended, 01/10/2003)

14.09.134110.020 Applicability. 

A. The provisions of this chapter ~~shall apply as follows~~ apply within the Nut Tree Airport Compatibility Areas and the Travis Air Force Base Area of Influence.

1. Nut Tree Airport Compatibility Areas. Nut Tree Airport Compatibility Areas include, All-properties in the vicinity of the Nut Tree Airport which may be affected by aircraft operations, as well as areas where aircraft operations may be affected by other uses, as depicted on ~~shall be referred to as~~ the Nut Tree Airport Compatibility Map Areas, which includes the areas depicted in Figures 14.09.134-1, Nut Tree Airport Compatibility Map, and Figure 14.09.134-2, the FAA Airspace Plan and Height Limits Map, in the

~~Nut Tree Airport Land Use Compatibility Plan. of this chapter. Projects located within the Nut Tree Airport Compatibility Areas shall comply with the standards of this chapter.~~

~~2. Travis Air Force Base Areas of Influence Airport. Areas which may be affected by aircraft operations associated with the Travis Airport, as well as areas where aircraft operations may be affected by other uses, as depicted in the Travis Air Force Base Land Use Compatibility Plan. shall be referred to as Travis Air Force Base Area of Influence, which includes the area depicted in Figure 14.09.134-3, of this chapter. Projects located within the Travis Air Force Base Area of Influence shall comply with the standards of this chapter.~~

~~B. Adjustments and interpretations of the boundaries of land use compatibility areas may be appropriate based upon geographic features and parcel lines not reflected in the base map. Adjustments and interpretations of the boundaries shall be referred to the Airport Land Use Commission.~~

~~C. Regulations in the AE Overlay District modify and supplement the base zoning district regulations. In cases where the regulations of the AE Overlay District conflict with the regulations of the base zoning district, the more restrictive regulations take precedence.~~

~~C. Certain provisions of this chapter shall be applicable to projects located within the Nut Tree Airport Compatibility Areas or the Travis Air Force Base Area of Influence or projects involving helicopters, heliports or holistops. Other provisions of this chapter shall be applicable only to projects within the Nut Tree Compatibility Areas.~~

~~D. The standards are minimum requirements and shall not be construed to prevent the City Council, the Planning Commission, or the Director from imposing, as part of a project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.~~

~~E. Where there exists a conflict between any of the standards of limitation prescribed in this chapter and any other provisions of this Title, the more stringent standard of limitation shall prevail.~~

~~(Ord. 1709, Amended, 11/05/2004; Ord. 1680, Amended, 01/10/2003)~~

14.09.134110.030 Use Restrictions ~~Consideration of Airport Impacts.~~ 

A. **General Restrictions.** Notwithstanding any other provision of this chapter, no use shall be allowed within an airport compatibility area which may produce hazards to aircraft in flight, including the following:

1. Glare or distracting lights which could be mistaken for airport lights;

2. Sources of smoke;
3. Sources of electrical interference with aircraft communication or navigation;
4. Uses, such as landfills or certain agricultural uses, which attract birds; or
5. Any other hazard or endangerment to the landing, takeoff, or maneuvering of aircraft using or intending to use the airport.

B. ***Nut Tree Airport Compatibility Areas Use Restrictions.*** Within the Nut Tree Airport Compatibility Areas, uses should generally fall within the persons per acre guidelines established with each area.

1. ***Determination Criteria.*** In determining whether a land use is allowed, normally not allowed, or prohibited, the following definitions shall apply:
 - a. *Allowed.* Allowed uses clearly meet the persons per acre criteria of the applicable compatibility area.
 - b. *Normally Not Allowed.* Normally not allowed uses generally do not meet the persons per acre criteria of the applicable compatibility area. Such uses may only be allowed if a specific use is found by the Director or the ALUC, as applicable, to meet the persons per acre criteria specified in the applicable compatibility area.
 - c. *Prohibited.* Prohibited uses clearly do not meet the persons per acre criteria of the applicable compatibility area and are not allowed.
2. ***Compatibility Area A – Clear Area or Primary Surface.*** The maximum density standard is 10 persons per acre in buildings and 15 persons per acre in and out of structures. A minimum setback of 50 feet shall be required from the extended runway centerline for any structure.
 - a. *Allowed Uses:*
 - i. Pastures and open space;
 - ii. Parks with very low intensity uses;
 - iii. Aircraft tie-downs;
 - iv. Parking lots;
 - v. Nurseries, plant;
 - vi. Outdoor storage; and
 - vii. Any other uses which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 10 persons per acre in buildings, and not more than 15 persons per acre outside of buildings on the basis of specific floor plans and other related information.
 - b. *Normally Not Allowed Uses:*
 - i. Warehousing, general;
 - ii. Storage, household and business; and
 - iii. Industrial uses.
 - c. *Prohibited Uses:*

- i. Any substantial assemblage of people;
 - ii. Any structure that exceeds the height limits established herein;
 - iii. Any noise sensitive uses; and
 - iv. Any residential uses.
- 3. **Compatibility Area B – Inner Approach/Departure Area.** The maximum density standard is 20 persons per acre in buildings and 40 persons per acre in and out of buildings.
 - a. *Allowed Uses:*
 - i. Allowed uses from Area A;
 - ii. Parks with low intensity uses;
 - iii. Nurseries, plant;
 - iv. Warehousing, general;
 - v. Storage, household and business;
 - vi. Industrial uses permitted pursuant to a specific plan or policy plan; and
 - vii. Any other uses which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 20 persons per acre in buildings, and not more than 40 persons per acre outside of buildings on the basis of specific floor plans and other related information.
 - b. *Normally Not Allowed Uses:*
 - i. Retail and general merchandise sales; and
 - ii. Offices, except as necessary to allowed uses
 - c. *Prohibited Uses:*
 - i. Any substantial assembly of people;
 - ii. Any structure that exceeds the height limits established herein;
 - iii. Any noise sensitive uses;
 - iv. Any residential uses; and
 - v. Uses involving substantial amounts of highly flammable or explosive materials.
- 4. **Compatibility Area C – Outer Approach/Departure Area or Adjacent to Runway.** The maximum density standard is one dwelling unit per acre for residential uses and 50 persons per acre in buildings and 75 persons per acre total for non-residential uses.
 - a. *Allowed Uses:*
 - i. Allowed uses from Area B;
 - ii. Retail and general merchandise sales, a maximum of one story, except that storage may exceed one story;

- iii. Offices, a maximum of one story, except that storage may exceed one story;
- iv. Banks and financial services, a maximum of one story, except that storage may exceed one story;
- v. Automobiles and other vehicles, sales and service, new or used;
- vi. Hotels and motels, a maximum of one story; and
- vii. Any other uses, including multi-story buildings, which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 50 persons per acre in buildings, and not more than 75 persons per acre outside of buildings on the basis of specific floor plans and other related information.
- viii. Area C, lying north of I-80 and extending from the Callan Street residential area on the southwest, to the Putah South Canal on the northeast, is considered to be predominantly devoted to uses consistent with Area D standards. Therefore, new uses may be approved in this area if they meet Area D standards.

b. *Normally Not Allowed Uses:*

- i. Retail and general merchandise sales, multi-story;
- ii. Offices, multi-story;
- iii. Banks and financial services, multi-story;
- iv. Theaters and meeting halls;
- v. Churches and other religious institutions;
- vi. Amusement arcades;
- vii. Recreation centers;
- viii. Restaurants and eating establishments; and
- ix. Bars and lounges.

c. *Prohibited Uses:*

- i. Schools, public and private;
- ii. Libraries and museums;
- iii. Hospitals;
- iv. Community care facilities, large;
- v. Noise sensitive outdoor uses; and
- vi. New residential uses.

5. ***Compatibility Area D – Extended Approach/Departure Area.*** The maximum density standard is four dwelling units per acre for residential uses and 100 persons per acre in buildings and 150 persons per acre in and out of structures for other uses.

a. *Allowed Uses:*

- i. Allowed uses from Area C;

- ii. Restaurants and eating establishments, a maximum of one story, except that storage may be more than one story;
 - iii. Bars and lounges, a maximum of one story, except that storage may be more than one story;
 - iv. Offices, a maximum of two stories;
 - v. Banks and financial services, a maximum of two stories;
 - vi. Retail and general merchandise sales, a maximum of two stories;
 - vii. Hotels and motels, a maximum of two stories; and
 - viii. Any other uses, including multi-story buildings, which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 100 persons per acre in buildings, and not more than 150 persons per acre outside of buildings on the basis of specific floor plans and other related information.
- b. *Normally Not Allowed Uses:*
- i. New single-unit dwelling;
 - ii. Commercial centers, exceeding 500,000 square feet in area;
 - iii. Theaters and meeting halls;
 - iv. Churches and other religious institutions;
 - v. Schools, public and private;
 - vi. Libraries and museums;
 - vii. Hospitals; and
 - viii. Community care facilities, large.
- c. *Prohibited Uses: Noise sensitive outdoor uses.*
- d. *Exceptions.* Where substantial development already exists, additional infill development of similar land uses may be allowed to occur on parcels of three acres or less even if such land uses are prohibited elsewhere in the area.
6. ***Airport Compatibility Area E – Adjacent to Runway or Final Approach.*** The maximum average density standard is six dwelling units per acre for residential uses, which can be clustered to three times the average density. There shall be no maximum density standard for other uses.
- a. *Acceptable Uses.* All uses are acceptable except as provided below.
 - b. *Normally Not Acceptable Uses:*
 - i. Schools, public and private (permanent school sites may be allowed subject to approval by the State Division of Aeronautics);
 - ii. Hospitals;
 - iii. Community care facilities, large; and
 - iv. Residential densities greater than an average of six dwelling units per acre, or a maximum of 18 dwelling units per acre, achieved through clustering.

- c. *Prohibited Uses:* Highly noise sensitive uses such as amphitheaters.
 - d. *Exceptions.* Where substantial development already exists, additional infill development of similar land uses may be allowed to occur on parcels of three acres or less even if such land uses are prohibited elsewhere in the area.
7. ***Compatibility Area F – Other Airport Environs.*** All uses are acceptable except those involving large assemblages of more than 300 persons in buildings such as schools, auditoriums, etc., and captive groups of more than 100 persons in buildings such as penal institutions and large community care facilities, etc., under the direct approach pattern.
- a. *Exceptions.* Where substantial development already exists, additional infill development of similar land uses may be allowed to occur on parcels of three acres or less even if such land uses are prohibited elsewhere in the area.

~~Approvals made pursuant to this Title shall be consistent with applicable land use, height, and other standards adopted within this chapter. Public notice of potential impacts associated with airport operations shall be provided as follows:~~

~~A. Nut Tree Airport Compatibility Areas. As part of the review of an application for a subdivision, design review, conditional use permit, planned development, or any other approval pursuant to this Title, the decision-maker shall consider the impact of the project upon present or planned airport operations. All such applications shall be reviewed for consistency with the provisions of this chapter and may be conditioned to ensure such consistency. The following conditions of approval shall be applied to any approved project:~~

~~1. Dedication of Overflight Easements. Prior to the issuance of building permits for any new construction or the recording of any subdivision map or waiver thereof, an overflight easement shall be provided to Solano County. The overflight easement shall permit the right of flight in the airspace above the property, including the generation of noise associated with such flight, and shall provide for the regulation of the release or creation of electrical emissions which could interfere with aircraft operations. The overflight easement shall be provided in a form approved by the City Attorney and the Solano County Counsel and shall be recorded on the title of the subject property.~~

~~2. Notice to Purchasers Required. No building permit shall be issued for any new dwelling unit intended for sale, rental, or lease until the Director approves the form, content, and method of notice by which the initial purchasers, renters, or lessees of residential property within an airport compatibility area will be informed that the area is subject to aircraft overflight. Said notices shall~~

include, but not be limited to, a map showing the airport compatibility area, the most recent noise contours forecast, and current and anticipated flight paths.

3. Interference with Avigation Activity. Notwithstanding any other provision of this chapter, no use shall be allowed within an airport compatibility area which may produce hazards to aircraft in flight, including the following:

- a. Glare or distracting lights which could be mistaken for airport lights;
- b. Sources of smoke;
- c. Sources of electrical interference with aircraft communication or navigation;
- d. Uses, such as landfills or certain agricultural uses, which attract birds; or
- e. Any other hazard or endangerment to the landing, takeoff, or maneuvering of aircraft using or intending to use the airport.

B. Travis Air Force Base Area of Influence. As part of the review of an application for a subdivision, design review, conditional use permit, planned development, or any other approval pursuant to this Title, the decision-maker shall consider the impact of the project upon present or planned airport operations. All such applications shall be reviewed for consistency with the provisions of this chapter and may be conditioned to ensure such consistency. The following conditions of approval shall be applied to any approved project:

1. Dedication of Overflight Easements in the Height Review Overlay Zone. Prior to the issuance of building permits for any new construction or the recording of any subdivision map or waiver thereof, an overflight easement shall be provided to Solano County for any project within the Height Review Overlay Zone as depicted in Figure 14.09.134-3 of this chapter. The overflight easement shall be provided in a form approved by the City Attorney and the Solano County Counsel, shall be recorded on the title of the subject property, and include the following provisions:

- a. Provide the right of flight in the airspace above the property
- b. Allow the generation of noise and other impacts associated with aircraft overflight
- c. Restrict the height of structures, trees and other objects

~~d. Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit~~

~~e. Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.~~

~~(Ord. 1680, Amended, 01/10/2003)~~

Division 14.10: 14.09.134.040 Referral to the Solano County Airport Land Use Commission (ALUC).



To ensure the orderly and compatible development of land within Nut Tree Airport Compatibility Area and the Travis Air Force Base Area of Influence, the land use development applications listed in Table 14.09.134.01 of this chapter, shall be referred to the Solano County Airport Land Use Commission, or the ALUC, for a determination of consistency with the Nut Tree Airport Land Use Compatibility Plan or the Comprehensive Airport Land Use Plan for Travis Air Force Base, whichever is applicable. The review and referral of development applications shall be in accordance with the Solano County Airport Land Use Compatibility Review Procedures manual.

A. Prior to an action being taken by the decision-maker with authority over the project, land use applications listed in Table 14.09.134.01 shall be referred to the ALUC:

1. If the ALUC determines that the project is consistent, or if amended, would be consistent, with the applicable adopted airport land use plan, the project may proceed with the applicable development review process;

2. If the ALUC determines that the project is not consistent with the applicable adopted airport land use plan, the City Council shall become the decision-maker for the project:

a. The original decision-maker shall make a recommendation to the City Council on whether the project is consistent with the purposes of Section 21670 of Article 3.5 of the State Public Utilities Code, as cited in subsection b.i-ii of this section;

b. The City Council may approve, approve with conditions, or deny the project. However, if the project involves an amendment to the General Plan, adoption of a specific plan or policy plan

or a substantial amendment to such a plan, or involves the adoption of a zone change or adoption or amendment to the Zoning Ordinance, or involves an exception to the airport height limits as specified in Section 14.09.134.070.A.3.a. of this chapter, approval shall require that the City Council, after a public hearing, overrule the determination of the ALUC by a two-thirds vote of the governing body, and make the finding that the project is consistent with the purposes of Section 21670 of Article 3.5 of the State Public Utilities Code, which includes the following:

- i. That the project is consistent with the goals and objectives of the California Airport Noise Standards, and would not result in the creation of new noise and safety hazards; and
- ii. That the project would not result in the public being exposed to excessive noise and safety hazards.

B. A project referred to the ALUC for review shall not be required to be submitted at more than one stage of the planning process, provided that sufficient information is included with the first referral to ensure that the applicable compatibility criteria may be evaluated.

Table 14.09.134.01

Projects to be Referred to the Solano County Airport Land Use Commission

Project within the Nut Tree Airport Compatibility Area	Project within the Travis Air Force Base Area of Influence
Adoption of or amendment to the General Plan.	
Any proposed specific plan or policy plan or a substantial amendment to previously approved plan.	
Any proposed land use action involving a question of compatibility with the airport activities, as determined by the Director.	
Any proposal for a new airport or heliport whether for public use or private use if the facility requires an Airport Permit or Heliport Permit issued by the California Department of Transportation.	
Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California.	
A proposed zone change, zoning ordinance or building regulation or an amendment or variance to any such ordinance or regulation, that may impact airport operations.	
Adoption or modification of the master plan for an existing public-use airport.	
Request for an exception to the airport height limits, as specified in Section 14.134.070.A.3.a. of this chapter.	
	Any object within the Height Review Overlay Zone is subject to FAA review; in addition, objects greater than 35 feet in height require referral to the ALUC.
Any object greater than 200 feet tall, located anywhere within the City, per the Solano County Airport Land Use Compatibility Review Procedures.	

Note: The Solano County Airport Land Use Compatibility Review Procedures shall be referred to for additional information on processing of projects by the ALUC.

(Ord. 1680, Amended, 01/10/2003)

Division 14.11: 14.09.134.050 Nut Tree Airport Compatibility Areas.

The provisions of this section apply only to uses within the vicinity of the Nut Tree Airport.

To ensure the development of compatible land uses in the vicinity of the Nut Tree Airport, compatibility areas are established for the Nut Tree Airport, as depicted in Figure 14.134-1 of this chapter. This section identifies land uses which are “allowed,” “normally not allowed,” or “prohibited,” within these compatibility areas, based upon a balancing of the risks to which a property is exposed and the consequences of an accident.

A. All applications made pursuant to this Title for property within an airport compatibility area shall be reviewed for consistency with the standards of this section. In addition, all projects shall be subject to design review approval, or any other applicable project approval.

B. All uses should generally fall within the persons per acre guidelines established with each area.

C. In determining whether a land use is allowed, normally not allowed, or prohibited, the following definitions shall apply:

1. Allowed. Allowed uses clearly meet the persons per acre criteria of the applicable compatibility area;

2. Normally Not Allowed. Normally not allowed uses generally do not meet the persons per acre criteria of the applicable compatibility area. Such uses may only be allowed if a specific use is found by the Director or the ALUC, as applicable, to meet the persons per acre criteria specified in the applicable compatibility area;

3. Prohibited. Prohibited uses clearly do not meet the persons per acre criteria of the applicable compatibility area and are not allowed.

Division 14.12: 14.09.134.060 Uses Within the Nut Tree Airport Compatibility Areas.

The following standards shall apply only to uses within the vicinity of the Nut Tree Airport.

A. Compatibility Area A – Clear Area or Primary Surface. Area A is an area of high risk and high noise where very low density land uses may be acceptable. The maximum density standard is 10 persons per acre in buildings and 15 persons per acre in and out of structures.

1. Allowed Uses:

- a. Pastures and open space;
- b. Parks with very low intensity uses;
- c. Aircraft tie-downs;
- d. Parking lots;
- e. Nurseries, plant;
- f. Outdoor storage;
- g. Any other uses which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 10 persons per acre in buildings, and not more than 15 persons per acre outside of buildings on the basis of specific floor plans and other related information;

2. Normally Not Allowed Uses:

- a. Warehousing, general;
- b. Storage, household and business;
- c. Industrial uses that are permitted pursuant to a specific plan or policy plan;

3. Prohibited Uses:

- a. Any substantial assemblage of people;
- b. Any structure that exceeds the height limits established herein;
- c. Any noise sensitive uses;
- d. Any residential uses.

4. Special Development Condition. A minimum setback of 50 feet shall be required from the extended runway centerline for any structure;

5. Royal Cathay Policy Plan. Land designated in the Royal Cathay Policy Plan which is generally located west of I-80 and east of the Nut Tree Airport, may be developed as specified in the policy plan, under Project Area III, the Clear Zone.

B. Compatibility Area B – Inner Approach/Departure Area. Area B is an area of substantial risk associated with high noise and low overflights along the imaginary runway extension. The maximum density standard is 20 persons per acre in buildings and 40 persons per acre in and out of buildings.

1. Allowed Uses:

- a. Allowed uses from Area A;
- b. Parks with low intensity uses;
- c. Nurseries, plant;
- d. Warehousing, general;
- e. Storage, household and business;
- f. Industrial uses permitted pursuant to a specific plan or policy plan;

g. Any other uses which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 20 persons per acre in buildings, and not more than 40 persons per acre outside of buildings on the basis of specific floor plans and other related information.

2. Normally Not Allowed Uses:

- a. Retail and general merchandise sales;
- b. Offices, except as necessary to allowed uses;

3. Prohibited Uses:

- a. Any substantial assembly of people;
- b. Any structure that exceeds the height limits established herein;
- c. Any noise sensitive uses;
- d. Any residential uses;
- e. Uses involving substantial amounts of highly flammable or explosive materials.

C. Compatibility Area C – Outer Approach/Departure Area or Adjacent to Runway. Area C is an area of substantial noise and moderate risk associated with routine overflight on instrument approach or below 400 feet above ground level (AGL), or few overflights but close to the runway edge. The maximum density standard is one dwelling unit per acre for residential uses and 50 persons per acre in buildings and 75 persons per acre total for non-residential uses.

1. Allowed Uses:

- a. Allowed uses from Area B;

b. Retail and general merchandise sales, a maximum of one story, except that storage may exceed one story;

c. Offices, a maximum of one story, except that storage may exceed one story;

d. Banks and financial services, a maximum of one story, except that storage may exceed one story;

e. Automobiles and other vehicles, sales and service, new or used;

f. Hotels and motels, a maximum of one story;

g. Any other uses, including multi-story buildings, which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 50 persons per acre in buildings, and not more than 75 persons per acre outside of buildings on the basis of specific floor plans and other related information.

h. Area C, lying north of I-80 and extending from the Callan Street residential area on the southwest, to the Putah South Canal on the northeast, is considered to be predominantly devoted to uses consistent with Area D standards. Therefore, new uses may be approved in this area if they meet Area D standards.

2. Normally Not Allowed Uses:

- a. Retail and general merchandise sales, multi-story;
- b. Offices, multi-story;
- c. Banks and financial services, multi-story;
- d. Theaters and meeting halls;
- e. Churches and other religious institutions;
- f. Amusement arcades;
- g. Recreation centers;
- h. Restaurants and eating establishments;
- i. Bars and lounges.

3. Prohibited Uses:

- a. Schools, public and private;
- b. Libraries and museums;
- c. Hospitals;
- d. Community care facilities, large;
- e. Noise sensitive outdoor uses;
- f. New residential uses.

4. Exceptions for uses in Area C are addressed in subsection 14.09.134.060.G.1-2. of this section.

D. Compatibility Area D – Extended Approach/Departure Area. Area D is an area of moderate risk associated with frequent noise intrusion. The maximum density standard is four dwelling units per acre for residential uses and 100 persons per acre in buildings and 150 persons per acre in and out of structures for other uses.

1. Allowed Uses:

- a. Allowed uses from Area C;
- b. Restaurants and eating establishments, a maximum of one story, except that storage may be more than one story;
- c. Bars and lounges, a maximum of one story, except that storage may be more than one story;
- d. Offices, a maximum of two stories;
- e. Banks and financial services, a maximum of two stories;
- f. Retail and general merchandise sales, a maximum of two stories;
- g. Hotels and motels, a maximum of two stories;
- h. Any other uses, including multi-story buildings, which are determined by the Director and the ALUC to generally not have an anticipated maximum density of more than 100 persons per acre in buildings, and not more than 150 persons per acre outside of buildings on the basis of specific floor plans and other related information.

2. Normally Not Allowed Uses:

- a. New single family residential uses;
- b. Commercial centers, exceeding 500,000 square feet in area;
- c. Theaters and meeting halls;
- d. Churches and other religious institutions;
- e. Schools, public and private;
- f. Libraries and museums;
- g. Hospitals;
- h. Community care facilities, large.

3. Prohibited Uses:

- a. Noise sensitive outdoor uses.

4. Exceptions for uses in Area D are addressed in subsection 14.09.134.060.G.1-2. of this section.

E. Airport Compatibility Area E – Adjacent to Runway or Final Approach. Area E is an area of minor to significant sideline noise with limited risk. The maximum average density standard is six dwelling units per acre for residential uses, which can be clustered to three times the average density. There shall be no maximum density standard for other uses.

1. Acceptable Uses:

- a. All uses except those prohibited below.

2. Normally Not Acceptable Uses:

- a. Schools, public and private
(permanent school sites may be allowed
subject to approval by the State Division
of Aeronautics);
- b. Hospitals;
- c. Community care facilities, large;
- d. Residential densities greater than an
average of six dwelling units per acre, or
a maximum of 18 dwelling units per acre,
achieved through clustering.

3. Prohibited Uses:

- a. Highly noise sensitive uses such as
amphitheatres.

4. Exceptions for uses in Area E are
addressed in subsection 14.09.134.060.G.1-2.
of this section.

F. Compatibility Area F – Other Airport Environs. Area F is an area of overflight areas with limited risk under flight paths.

1. Acceptable Uses:

- a. All uses except those prohibited
below.

2. Prohibited Uses:

- a. Large assemblages of more than 300
persons in buildings such as schools,
auditoriums, etc., and captive groups of
more than 100 persons in buildings such
as penal institutions and large

community care facilities, etc., under the direct approach pattern.

3. Exceptions for uses in Area F are addressed in subsection 14.09.134.060.G.1-2. of this section.

G. Exceptions to Area Standards:

1. In Compatibility Areas D, E, and F where substantial development already exists, additional infill development of similar land uses may be allowed to occur on parcels of three acres or less even if such land uses are prohibited elsewhere in the area;

2. In Compatibility Areas C, D, E, and F, where an existing development on a parcel of three acres or less has been partially or fully destroyed, it may be rebuilt to a density not exceeding that of the original construction, in accordance with Section [14.09.134.090](#) of this chapter, and with the provisions of Chapter [14.09.135](#), Non-Conforming Uses and Structures, of this division.

H. Interpretation of Boundaries. Adjustments and interpretations of the boundaries of land use compatibility areas may be appropriate based upon geographic features and parcel lines not reflected in the base map. Adjustments and interpretations of the boundaries shall be referred to the Airport Land Use Commission.

NUT TREE AIRPORT COMPATIBILITY MAP

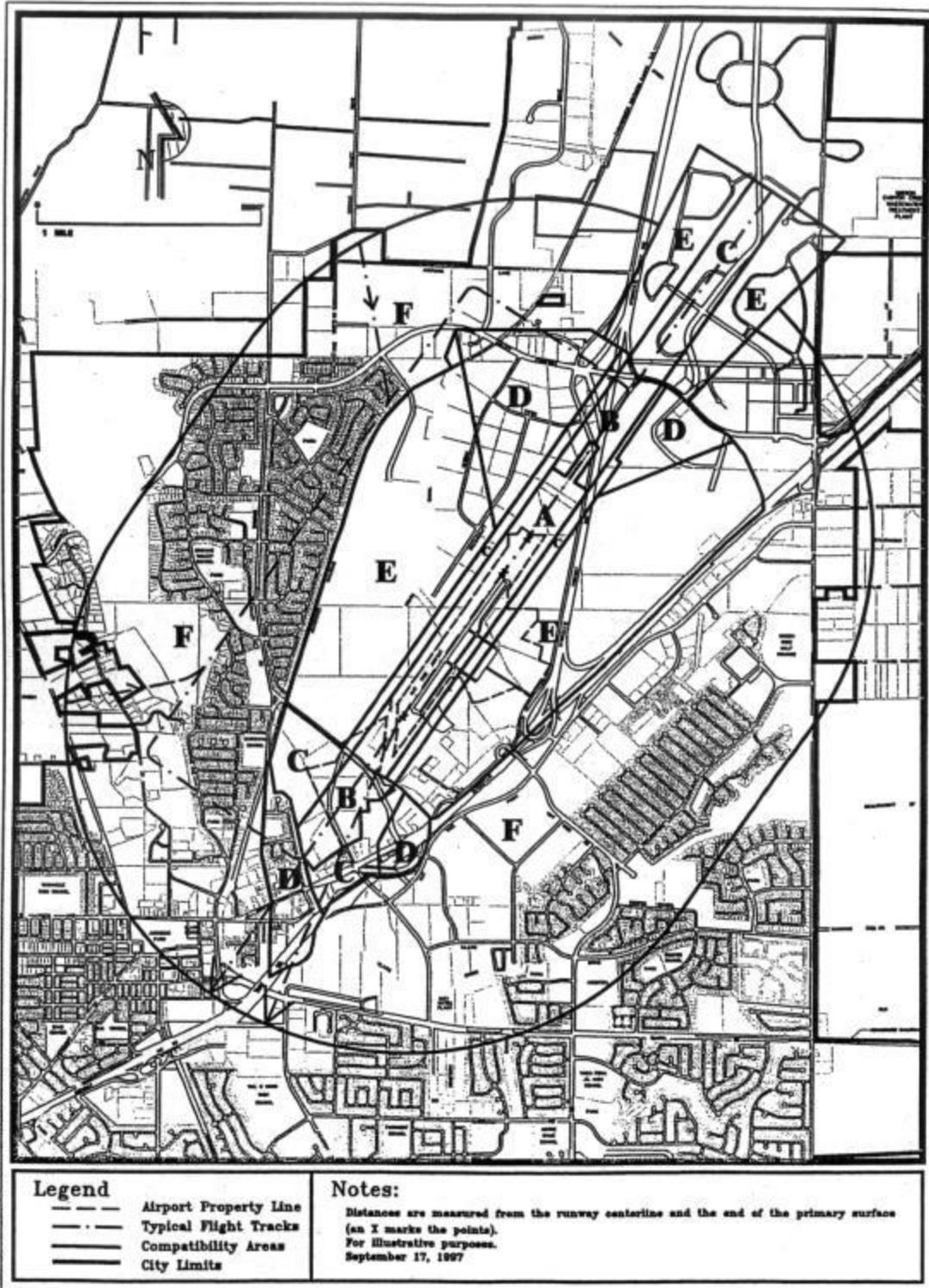


Figure 14.09.134-1

Division 14.13: 14.09.134.070 Height Limitations.



In order to preclude the creation of hazards affecting the operation of an airport, airport height limits are established as described below and as depicted in Figure 14.09.134-2, FAA Airspace Plan and Height Limits Map, for the Nut Tree Airport, and as depicted in Figure 14.09.134-4, FAA Part 77 Imaginary Surfaces Map, for the Travis Airport.

A. Nut Tree Airport Compatibility Areas. The height limits are established consistent with FAR Part 77 surface identification for the Nut Tree Airport. For purposes of determining these heights, the U.S. Coast and Geodetic (based) Survey has established the runway elevation reference for the Nut Tree Airport to be 113 feet.

1. Maximum Height. Except as provided in this section, no structure or object shall be erected, altered, maintained, or allowed to grow in excess of the height limit established for the airspace surface area in which the property is situated. The maximum height of any structure or object shall be such that no penetrations of the applicable airspace surface occur.

2. Determination of Maximum Height. To determine the airport height limit for a specific location on a site within the airport compatibility area, it is necessary to determine the elevation of the point on the applicable airspace surface that lies directly above the location in question.

a. For the primary surface and the horizontal surface, the elevation of the entire surface is established as 113 feet and 263 feet, respectively;

b. For the transitional, approach, and conical surfaces, the elevation is a function of the horizontal distance from the primary surface and the slope of the applicable surface. For example, a location underlying the approach surface at the north end of the runway that is 5,000 feet from the primary surface, would have a maximum height limit of 213 feet above sea level. The 5,000 feet distance at a slope of one foot vertical for each 50 feet horizontal results in an increase of 100 feet over the primary surface elevation of 113 feet.

3. Exceptions to Maximum Height.

a. In Compatibility Areas A, B, and C, an exception to the maximum height limits may be approved by the decision-maker provided the decision-maker determines that no reasonable use of the property is possible if the height limitations are strictly interpreted;

b. In Areas D, E, and F, airport height limits shall not be less than 35 feet above the ground level.

4. Surface Areas. An isometric view of the airport surface areas is shown in Figure 14.09.134-2. The surface areas are as follows:

a. Primary Surface. Primary surface means a surface at an elevation of 113 feet longitudinally centered on the airport runway and extending beyond the end of a runway. The primary surface at the Nut Tree Airport is 1000 feet in width and extends 200 feet beyond the end of the south end of the runway (Runway 2) and the end of the planned extension of the north end of the runway (Runway 20);

b. Approach Surface. Approach surface means the surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface at a defined slope. The approach surface at the Nut Tree Airport extends outward and upward from the end of the primary surface at a slope of 50 feet horizontally to one foot vertically for an initial distance of 10,000 feet and at a slope of 40 feet horizontally to one foot vertically for a distance of 40,000 feet thereafter at the north end of the runway (Runway 20) and at a slope of 34 feet horizontally to one foot vertically for a distance of 10,000 feet at the south end of the runway (Runway 2);

c. Transitional Surface. Transitional surface means the surface extending outward and upward from the sides of the primary surface and the approach surface at a slope of seven feet horizontally to one foot vertically to the intersection with the horizontal surface. The transitional surface at the Nut Tree Airport extends outward and upward from the primary surface and approach surface at a slope of seven to one to an elevation of 150 feet above the runway elevation or 263 feet mean sea level;

d. Horizontal Surface. Horizontal surface means a horizontal plane 150 feet above the established runway elevation extending from the intersection of the transitional and approach surfaces to the intersection of the conical surface with the horizontal surface. The horizontal surface at the Nut Tree Airport is 150 feet above the runway elevation of 113 feet extending out from the approach and transitional surfaces to the intersection with the conical surface at an arc radius of 10,000 feet from the center of each end of the primary surface of each runway;

e. Conical Surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet.

B. Travis Air Force Base Area of Influence. The established runway elevation for Travis Airport is 62 feet mean sea level. FAR Part 77 Imaginary Surfaces, as shown in Figure 14.09.134-4 of this chapter, shall be used to determine height restrictions for manmade objects and structures, as follows:

1. Definitions:

a. Outer Horizontal Surface. The outer horizontal surface is defined as a plane extending for a horizontal distance of 30,000 feet from the outer periphery of the conical surface, located 500 feet above the established runway elevation. The extent of the outer horizontal surface is depicted in Figure 14.09.134-4 of this chapter.

b. Other Surfaces. The primary surface, clear zone surface, transitional surface, inner horizontal surface, conical surface, and approach-departure clearance surface are shown in Figure 14.09.134-4 of this chapter. Because they do not overlie land areas within the City or within the City's urban service area, as specified in the Vacaville General Plan, they are not defined in this chapter. The definitions of these surfaces are provided in Appendix C of the Travis Airport Land Use Plan.

2. Requirements:

a. Objects that would be of a greater height than the outer horizontal surface of 562 feet mean sea level are considered to be an obstruction to air navigation. Except as provided in subsection B.3. of this section, no structure or object which is an obstruction to air navigation shall be erected, altered, maintained, or allowed to grow. The maximum height of any structure or object shall be such that no penetration of the applicable air space surface occurs;

b. Any proposed structure that would penetrate the 100:1 imaginary slope in the area depicted in Figure 14.09.134-4 of this chapter and identified thereon as "FAA Construction Referral Boundary (100:1)" shall comply with the notice and filing requirements of applicable federal and state regulations.

3. Exceptions to Height Limitations.

a. Construction of objects upon land which underlies the outer horizontal surface and which penetrates the outer horizontal surface, as shown in Figure 14.09.134-4 of this chapter, may be allowed if they conform to FAR Part 77 height limits and filing requirements, and provided that a height limit easement is granted consistent with FAR Part 77.

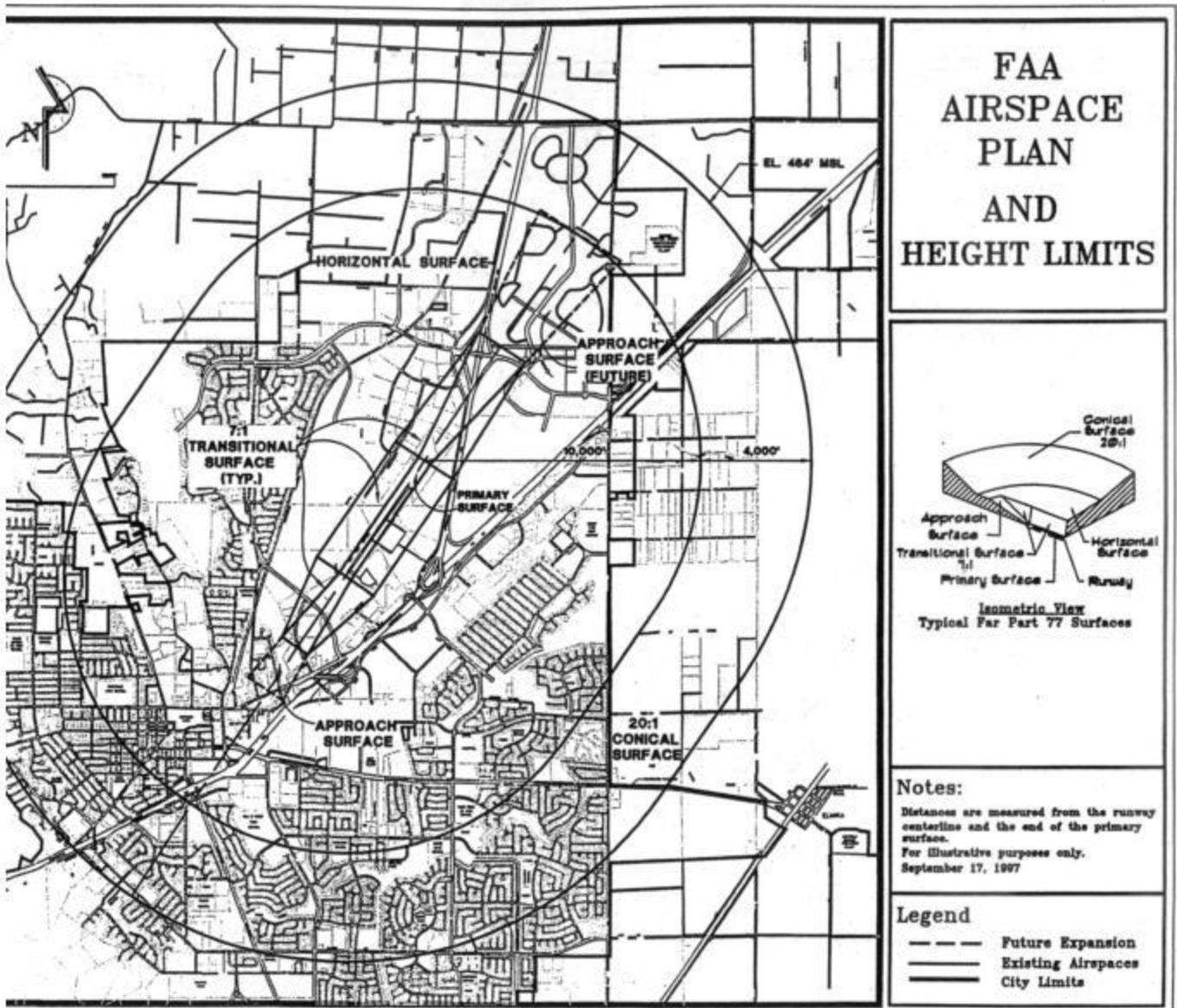


Figure 14.09.134-2

Division 14.14: 14.09.134.080 Open Land Areas Around Nut Tree Airport.

This section addresses the provision of open land areas for emergency landings of aircraft using the Nut Tree Airport. Protection of the public health and safety necessitates planning for the provision of open land sufficient in length and width to accommodate the emergency landing of aircraft without substantial risk to persons and property.

A. Open Land Areas. In Compatibility Areas A and B, adequate amounts of open land suitable for emergency landings shall, to the extent practical, be provided.

1. Amount of Area Provided.

a. In Area A, no less than 65 percent of the site area shall be suitable open land area;

b. In Area B, no less than 50 percent of the site area shall be suitable open land area.

2. Areas Considered to be Suitable Open Land.

a. Open land areas may use private or public properties and rights-of-way;

b. Suitable open land areas include, but are not limited to, parking lots, landscaped areas, roadways, and certain outdoor storage areas.

3. Standards Applicable to Open Land Areas. The following standards shall apply to the use of sites designated as open land areas:

a. Trees, light poles, and other similar objects shall not exceed 20 feet in height; trees shall be small varieties with small trunks and canopies;

b. Structures in outdoor storage areas shall not exceed 10 feet in height;

c. Vehicles, equipment, and other items in outdoor storage areas shall not exceed 5,000 lbs. in weight.

B. Open land areas shall, to the extent possible, be located adjacent to other open land areas to provide contiguous open areas.

C. Site Plan Review. As a part of the review of any subdivision, design review, conditional use permit, or other approval pursuant to this Title, the decision-makers shall examine the feasibility of clustering

development and coordinating the provision of open land between structures to provide areas for controlled emergency landings.

Division 14.15: 14.09.134.090 Non-Conforming Uses.



For the purposes of this chapter, a non-conforming use is a use which was legally established prior to the enactment of this ordinance (December 11, 1997), but by reason of adoption or amendment of this Title, or by reason of annexation to the City, the use no longer conforms to the regulations for the airport compatibility area in which it is located. The following provisions shall apply to non-conforming uses within the Nut Tree Airport and Travis Airport Compatibility Areas.

A. Regulations Not Retroactive. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or otherwise changing or altering of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter nor otherwise interfere with the continuation of a non-conforming use. Nothing contained in this chapter shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter and which is diligently prosecuted.

B. Existing Uses. No permit shall be granted which would allow the creation or establishment of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter or any amendments thereto, or than it was when the application for a permit was made.

C. Abandonment. Whenever the Director determines that a non-conforming structure has been abandoned for a continuous period of 90 days, or that a non-conforming structure or tree is more than 50 percent destroyed, physically deteriorated, or decayed, no permit shall be granted which would allow such a tree or structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

Division 14.16: 14.09.134.100 Repeal of Requirements.



In the event of the closure of the Nut Tree Airport or the Travis Air Force Base, the above sections limiting the use of property in the vicinity of the facility ceasing operation for purposes of protecting the public health and safety relative to airport hazards and nuisances shall be automatically repealed upon a finding of the Director that the facility has ceased operations and reinitiation of operations is not feasible.

Ordinance History Division 14.09, Zoning

Ord. 1680, 2003, Airport Land Use Compatibility

Chapter 14.09.134, Airport Land Use Compatibility

Ord. 1580, §3, 1997, adopted

Ord. 1580, §1, 1997, repealed Ch. 17.64, Nut Tree Airport Compatibility Standards

Ord. 1580, §1, 1997, repealed Ch. 17.67, Travis Air Force Base Compatibility Standards

Ch. 17.64, Nut Tree Airport Compatibility Standards

Ch. 17.67, Travis Air Force Base Compatibility Standards

Ord. 1530, §1, 1995

Ord. 1517, 1994

Ord. 1429, §1, 1991

Ord. 1367, §1, 1988

Division 14.17: 14.09.134.110 Heliports, Helistops, and Helicopters.

The provisions of this section apply to the establishment of heliports and helistops, and the operation of helicopters, within city limits.

A. Conditional Use Permit Required. The establishment of a heliport or helistop is subject to the provisions of Chapter [14.09.110](#), Conditional Use Permits.

1. Heliports and helistops may be erected and maintained only at:

- i. An authorized airport provided it is consistent with the airport's Land Use Compatibility Plan; or,
- ii. Within an area with a zoning designation that allows for heliports or helistops; or,
- iii. Within a Policy Plan or Specific Plan area where the Plan specifically provides for heliports and helistops.

2. In granting a Conditional Use approval the decision-maker may impose additional conditions upon the placement and operation of the proposed heliport or helistop. Such additional conditions may include, but not be limited to, setback from the adjoining properties, hours of operation, flight patterns, specific noise mitigation and other measures that would be intended to minimize off-site impacts of the proposed heliport or helistop.

B. Construction Standards. Heliports and helistops are to be constructed and used in accordance with the provisions of this section and the requirements of the conditional use permit.

1. The construction, use, maintenance and operation of any accessory equipment and structures shall comply with provisions of this section, with the commercial development standards of Chapter [14.09.084](#) of the Land Use and Development Code, with the requirements of the conditional use permit and with the requirements of the Policy Plan or Specific Plan.

2. A helistop may be constructed directly on the roof surface of a building if all roof supports are designed for the load specified in this chapter. Structural design of all buildings supporting a helistop shall be in accordance with the Uniform Building Code unless otherwise specified in this section.

C. Approach Zones. There shall be a minimum of two approach zones to an approved helistop. The approach paths shall be at least ninety (90) feet apart and shall be sufficiently free of obstruction to provide a glide slope of 8:1 (8 feet horizontal measurement and 1 foot in vertical measurement).

D. Landing at Other Than an Established Heliport or Helistop Prohibited. It shall be unlawful for any person to land, discharge passengers, materials, or goods, load passengers materials or goods, or depart in a helicopter any place within the incorporated limits of the City other than at an approved heliport or helistop, or airport, except:

1. In connection with a construction project where a helicopter is to be used to lift equipment related to such project after fourteen (14) days advance notice has been given to the Community Development Director and a Temporary Use Permit Application under Section [14.09.084.100](#) has been approved.

i. A developer, contractor, entity or person, that will have construction related deliveries, via helicopter, shall obtain approval of a Temporary Use Permit Application from the City in advance of any such deliveries if located within 1000 feet from a residential zoning district. All property owners and residents within 600 feet of the site shall be notified by the City at the applicant's expense, a minimum of five (5) days in advance of the proposed delivery. The approval shall be valid for a minimum of seven (7) calendar days, but shall not exceed twenty-one (21) calendar days. This requirement is in addition to any other approvals that may be required herein and from other reviewing agencies including, but not limited to, the Federal Aviation Administration and the State of California Department of Transportation Division of Aeronautics.

2. When necessary for law enforcement or other governmental purpose and for emergencies.

i. The provisions of this chapter shall not apply to the take offs and landings in response to an emergency. For the purposes of this chapter, the term "emergency" shall mean a medical situation which requires transportation by a medical helicopter, a police, highway patrol or military situation, search or rescue operation, response to a natural disaster, or other similar circumstances.

2. In conjunction with a special event such as an athletic contest, a holiday celebration or similar activity after thirty (30) days advance notice has been given to the Community Development Director and a temporary use permit, subject to Section [14.09.084.100](#), has been approved.

E. Dimensions of Touchdown Area. The touchdown or landing area for a helistop on ground level shall be a minimum one hundred (100) feet by one hundred (100) feet in size. The touchdown or landing area for

a helistop on the roof-top of a building or structure shall be a minimum area of forty (40) feet, but in any event an area not less than one and one-half times the diameter of the rotor blades of the largest helicopter to use the area. In every case of a roof-top helistop, the touchdown or landing area shall be surrounded on all sides by a clear area having a minimum average width at roof level of fifteen (15) feet, but with no width less than five (5) feet.

F. Safety Precautions. Helipads and helistops constructed and operated within the City shall comply with the following safety requirements:

1. The touchdown area shall be marked as prescribed by the Federal Aviation Administration.
2. Means of egress from helipads and helistops shall comply with Chapter 10 of the Uniform Building Code, except that all landings areas located on buildings or structures shall have two or more means of egress. For landing platforms or roof areas less than 60 feet in length, or less than 2,000 square feet in area, the second means of egress may be a fire escape or ladder leading to the floor below.
3. Fire protection standards as determined by the Fire Chief.
4. No refueling or repairing is to be accomplished at a helistop except in an emergency situation, and then only as approved by the Fire Chief.
5. Helipads and helistops shall be provided with a wind indicator or wind sock acceptable to the City
6. Night Lighting. If the helistop is to be used for night landing, it shall be lighted in accordance with the applicable standards or recommendations of the Federal Aviation Administration.
7. Primary Surface. The primary surface of a helistop or heliport shall be a level grade and a dust-proof surface.

G. General Requirements. The operation of heliports and helistops within the City shall comply with all of the following requirements:

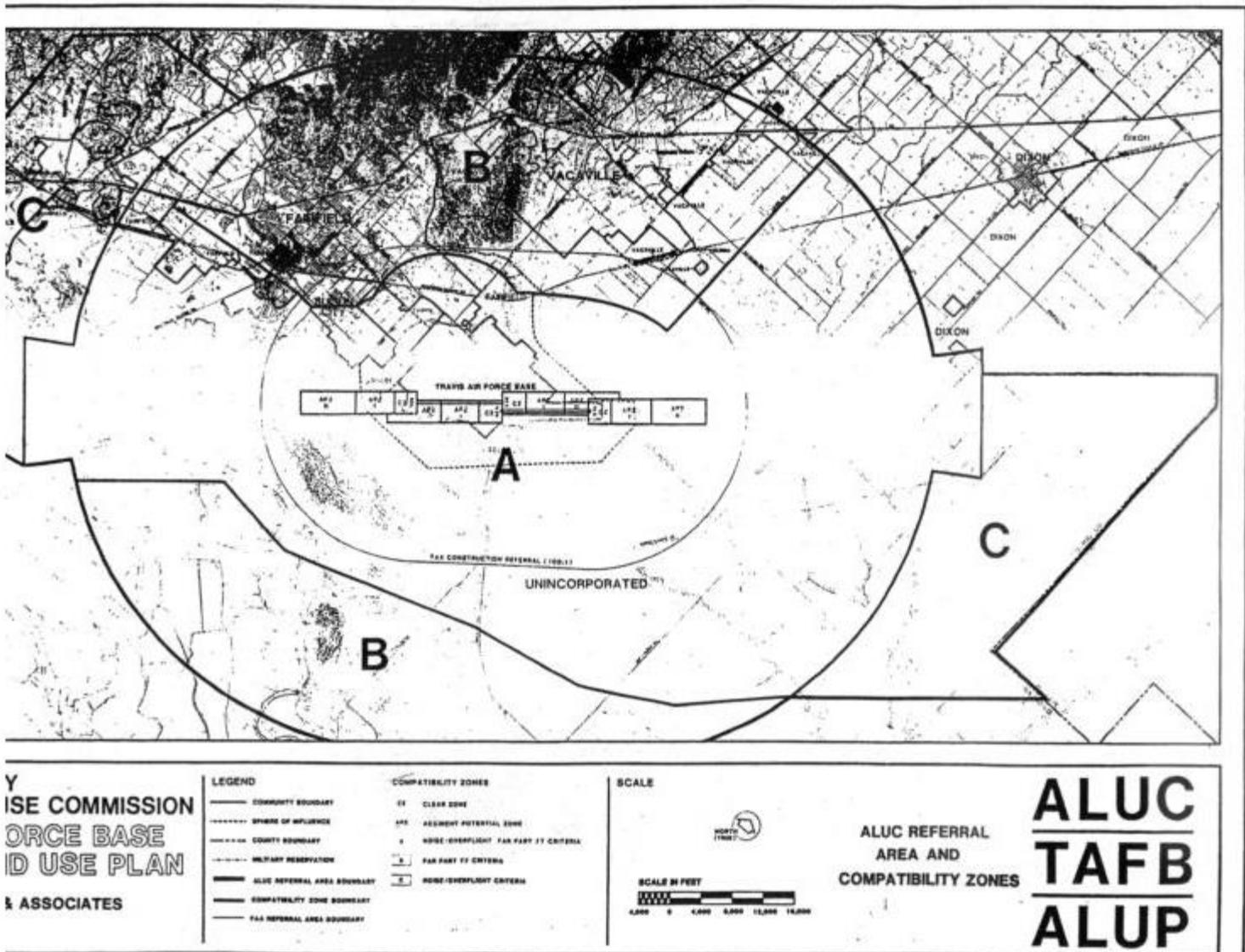
1. There shall be compliance with all laws and regulations of the Federal Aviation Administration, the State of California and the City of Vacaville.
2. No elevated structure being used as a helistop shall be used for fueling, refueling or the storage of flammables.
3. The owner and the operator of a helipad or helistop within the City shall maintain insurance in the amount of \$10,000,000 (ten million dollars) for personal injury and property damage, naming the City of

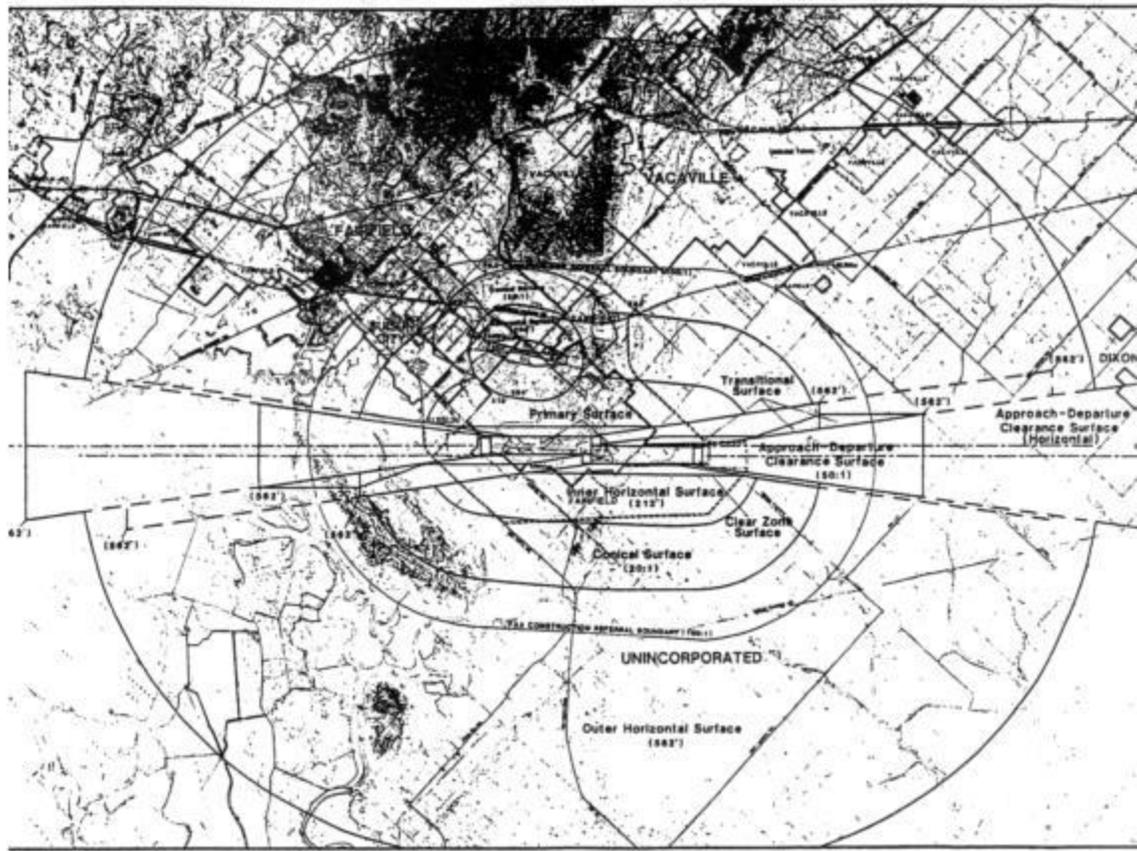
Vacaville as an additional insured, or such additional sums as the Community Development Director shall deem necessary because of special circumstances in granting a conditional use permit for such facilities.

4. The maximum number of take offs and landings to be permitted at a helipad or helistop shall be specified in the conditional use permit and shall not exceed a combined total of ten (10) per day unless the Community Development Director or the Planning Commission finds that a specified additional number is in the public interest and allows an additional number in granting a conditional use permit for the operation of a helipad or helistop.

(Ord. 1709, Add, 11/05/2004)

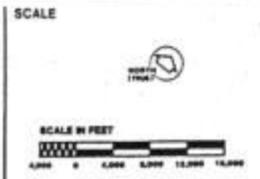
Figure 14.09.134-3





Y
USE COMMISSION
ORCE BASE
ID USE PLAN
& ASSOCIATES

LEGEND	
	PROPERTY BOUNDARY
	SPHERE OF INFLUENCE
	COUNTY BOUNDARY
	MILITARY RESERVATION
	PRIMARY SURFACE
	CLEAR ZONE SURFACE
	TRANSITIONAL SURFACE
	INNER HORIZONTAL SURFACE
	CONICAL SURFACE
	OUTER HORIZONTAL SURFACE
	APPROACH-DEPARTURE CLEARANCE SURFACE
	APPROACH-DEPARTURE CLEARANCE SURFACE (HORIZONTAL)
	THAWAN PENETRATION



FAR PART 77
IMAGINARY SUR

BASED ON U.S. DEPT. OF TRANSPORTATION, FEDERAL AERONAUTICAL ADMINISTRATION, PART 77, SUBPART G, OBSTRUCTION SURVEILLANCE, JAN. 1973, AS AMENDED.

Figure 14.09.134-4

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM I

ELEVATION HEIGHT &
OPEN LANDS ANALYSIS

NOT APPLICABLE
(SEE ATTACHED CODE)

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEMS J,K

PROJECT DESCRIPTION

ALSO INCLUDED ON APPLICATION FORM

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Draft City of Vacaville Land Use and Development Code Update

Analysis of Consistency with

Nut Tree Airport and Travis AFB Airport Land Use Compatibility Plans

Mead & Hunt

March 11, 2021

Introduction

The City of Vacaville (City) is in the latter phases of updating its citywide Land Use and Development Code (Code). In accordance with California Public Utilities Code Section 21676(b), proposed local agency “adoption or approval of a zoning ordinance or building regulation” affecting lands within an airport influence area established by the airport land use commission (ALUC) of the county must be referred to the ALUC. The ALUC is then responsible for determining whether the ordinance or regulation is consistent with the ALUC’s airport land use compatibility plan (ALUCP). Accordingly, the City has referred its proposed Code to the Solano County Airport Land Use Commission (SCALUC).

At the request of the SCALUC staff and under contract with the City, Mead & Hunt has prepared this consistency evaluation of the proposed Code to assist the SCALUC in making a formal consistency determination. The specific version of the Code evaluated is the Vacaville Code Update Public Review Draft dated August 17, 2020. The influence areas of two airports overlay all or portions of the City: Nut Tree Airport and Travis Air Force Base (AFB). Compatibility criteria applied in this evaluation are set forth in two plans adopted by the SCALUC: *Airport/Land Use Compatibility Plan – Nut Tree Airport* (May 1988) and *Travis Air Force Base Land Use Compatibility Plan* (October 2015). These two documents are referred to herein as the Nut Tree ALUCP and Travis ALUCP, respectively.

Proposed Land Use Action

In 2015, the Vacaville City Council adopted a comprehensive update of its general plan setting forth the City’s long-range vision and goals for its future. As indicated on the City’s web page, “the Land Use and Development Code regulates exactly **how** and **where** land may be used to achieve that vision.” The Code regulates aspects of development such as construction standards, land subdivisions, and zoning. The last major update of the Code was completed in 1996, following the adoption of an earlier general plan.

The draft Code is divided into 13 divisions with topics ranging from administration of the Code to specific design criteria. While all divisions of the Code need to be consistent with SCALUC policies, the focus of the review in this paper is on the Zoning Ordinance contained in Division 14.09. Also examined here is the zoning map that accompanies the Code text.

Airport Land Use Compatibility Plans

Airport land use compatibility plans address four types of compatibility concerns: noise, safety, airspace protection, and overflight. The criteria established by SCALUC in the Nut Tree and Travis ALUCPs address each of these factors and serve as the basis for this consistency evaluation.

Nut Tree Airport

The Nut Tree ALUCP lists the fundamental land use compatibility criteria in a tabular format beginning on page 10 of the document. For each of six compatibility zones, the criteria specify the maximum allowable densities for residential development, the maximum number of people per acre for nonresidential uses, and requirements for open land. Other development conditions are noted and explicitly prohibited uses are listed. Further policy details are provided on subsequent text pages. Nearly all of the airport influence area is within city territory and parts of the city extend beyond the airport influence area (see accompanying map). The majority of land within the airport influence area is already developed.

Travis Air Force Base

The influence area of Travis Air Force Base (AFB) covers the entirety of Solano County plus small parts of adjacent counties. The City is primarily affected by Zone D (see accompanying map). The northwestern edge of the City is in Zone E, a small noncontiguous area to the east is in Zone C, and high terrain to the south is in the Height Review Overlay Zone. The compatibility criteria for each of these zones are shown in Table 1 of the Travis ALUCP. Except in Zone C where density and intensity limits apply, hazards to flight, including the height of objects and land uses that create glare or have the potential to attract birds, are the only compatibility concerns within these zones.

Consistency Analysis

In this analysis of the Code, Mead & Hunt first examined the Code language for any provisions that could have airport land use compatibility implications. Some of our comments regarding the Code text are relevant to both the Nut Tree and Travis AFB ALUCPs, while others pertain to only one of the two plans. These comments are separately grouped below and listed according to the Code section to which they apply. Note that some of the comments relevant to both ALUCPs are based on requirements of the California Public Utilities Code (PUC) or guidance included in the *California Airport Land Use Planning Handbook (Handbook)* which the PUC requires to be used as guidance for preparation of ALUCPs.

Secondly, we did a detailed comparison between the proposed City zoning map and the criteria in the Nut Tree ALUCP to evaluate whether there are conflicts with respect to the types of land uses and other development characteristics allowed by the City versus by the SCALUC. This evaluation is contained in the accompanying table described in the final section of this paper. A similar evaluation was not done with respect to the Travis ALUCP as the criteria from that plan only address airspace protection concerns and do not restrict the allowable types of underlying land uses.

Overall, Mead & Hunt regards the draft Code as highly consistent with the Nut Tree and Travis ALUCPs. Many of the comments offered here are recommendations rather than changes required for consistency. To the extent that there are conflicts, the City could either make the changes prior to referring the Code to the SCALUC or submit the August 2020 version reviewed here. In the latter case, the SCALUC could either find the Code to be inconsistent, thus requiring it be submitted again later, or conditionally consistent with agreement by the City to make the necessary revisions.

Comments on Code Provisions Related to Both ALUCPs

Division 14.01 – Administration

- *14.01.010.030 Administration / General Provisions / Consistency with the General Plan:* This section, or perhaps elsewhere in the Code, should note that all proposed amendments to the General Plan affecting land within either airport influence area must first be referred to the SCALUC for a consistency determination prior to action by the City Council. This requirement is dictated by PUC Section 21676(b).
- *14.01.010.050 Administration / General Provisions / Amendment to the Development Code:* Similarly to amendments to the General Plan, amendment of the Code or proposed granting of a variance is subject to SCALUC review if the amendment applies to land within an airport influence area and involves matters that may have airport land use compatibility implications. This point should be noted here and/or elsewhere in the Code and also stems from PUC Section 21676(b). The requirement for ALUC review of zoning variances is noted in Table 5A of the *Caltrans Handbook*.
- *14.01.030.020 Administration / Authority / City Council – Approval Authority:* The listing of actions for which the authority rests with the City Council should include overruling of SCALUC consistency determinations. PUC Sections 21676(a), (b), and (c) all indicate that it must be the governing body of the local agency that takes action to overrule an ALUC. This action cannot be delegated to a Planning Commission or other subordinate body or local agency staff. This topic is discussed in Section 14.09.110.070.B of the draft Code and should be cross-referenced here.
- *14.01.030.030 Administration / Authority / Planning Commission – Approval Authority:* Whether in the Code or other City regulation or procedures, the City should be aware that, until the General Plan and the Code have been deemed consistent with the two ALUCPs, most of the actions listed in this section must be referred to the SCALUC for a consistency determination before a final local action is taken and some such as zoning map amendments and zoning variances always must be referred under the circumstances noted above regarding Section 14.01.010.050.

Division 14.02 – Interpretations and Definitions

- *14.02.030.040 Interpretations and Definitions / Rules of Measurement / Calculating Density:* The draft Code calculates residential density differently than is done in the Nut Tree and Travis ALUCPs. It appears, however, that the draft Code is more restrictive than the ALUCP criteria, thus no conflict results. The draft Code divides the number of dwelling units by the developable area to determine density. The developable area excludes steep slopes, public streets, easements, etc. Footnote 1 in the Nut Tree ALUCP Compatibility Criteria Table indicates that gross acreage should be used in the density calculation. In the Travis ALUCP, Footnote 1 of Table 1 also relies upon gross acreage which it defines as including “the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands.” Thus, as an example, a 10-acre parcel with 8 developable acres in a City zone that permits 4 units per acre would appear to be limited to 32 total dwellings under City criteria whereas, under either ALUCP, a 4-units-per-acre limit on 10 gross acres would allow at least 40 units (the share of adjacent roads and open lands adds to the gross acreage and thus to the allowable number of dwellings).
- *14.02.030.060 Interpretations and Definitions / Rules of Measurement / Measuring Height:* This section indicates that “Building height is measured from the grade plane to the average

elevation between the eaves and the ridge for a hip, gable, or gambrel roof or the highest point on the roof for other roof forms.” While not an issue except perhaps at points close to the Nut Tree runway or on areas of high terrain, the City should be aware that, for airspace protection purposes, the Federal Aviation Administration (FAA) is concerned with the highest elevation of structures, including chimneys, antennas, or other features that are higher than the roof (see FAA website (<https://oeaaa.faa.gov>)).

Division 14.04 – General Plan Amendments

- *14.04.030.030 General Plan Amendments / Approval Process / Action by the City Council:* The above comment regarding Section 14.01.010.030 also applies here.

Division 14.09 – Zoning

- *14.09.020.060 Zoning / Amendments to Zoning Ordinance and Zoning Map / City Council Hearing and Action:* The comment regarding Section 14.01.010.030 applies here as well.
- *14.09.020.070 Zoning / Amendments to Zoning Ordinance and Zoning Map / Required Findings:* Proposed zoning ordinance or map amendments also must be consistent with Nut Tree and Travis ALUCPs for areas of the City that fall within the influence areas of those airports.
- *Table 14.09.070.A, Land Use Regulations – Commercial and Mixed-Use Zoning Districts:* This table indicates that residential dwellings are allowed with a Conditional Use Permit in some commercial districts as well as in mixed-use zoning districts. Such uses may conflict with ALUCP criteria in some locations and adherence to these criteria should be a factor in whether a Conditional Use Permit is issued. This point should be noted here and/or in Section 14.09.270.150. It also should be noted somewhere that even commercial uses listed as permitted may be subject to intensity (people per acre) limits set by the Nut Tree ALUCP.
- *Table 14.09.080.A, Land Use Regulations – Employment Zoning Districts:* Residential uses are conditionally allowed in the Business Park zoning district. The above comment regarding Table 14.09.070.A also applies here.
- *Table 14.09.090.A, Land Use Regulations – Public and Semi-Public Zoning Districts:* Residential uses are conditionally allowed within only a minor use permit in the Public Facilities zoning district. If this district exists anywhere that residential uses are restricted under the Nut Tree ALUCP, then a Conditional Use Permit should be required so as to assure compliance with ALUCP criteria. Also, all uses listed in this table, including ones shown as permitted, are subject to ALUCP intensity limitations if the property is within a Nut Tree compatibility zone where these limitations are established.
- *14.09.110.010 Zoning / Airport Environs Overlay District / Purpose, Paragraph D:* This paragraph paraphrases PUC Section 21670(a). Consideration should be given to more directly using the PUC language, particularly “minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.” PUC Section 21675(b) extends this purpose to apply to military airports as well.
- *14.09.110.010 Zoning / Airport Environs Overlay District / Purpose, Paragraph E:* Mead & Hunt recommends that this paragraph reference the adoption dates of the Nut Tree and Travis ALUCPs mentioned in this paragraph. The wording as it stands infers that the City will implement the policies of any future update of either of these plans without taking any specific action to acknowledge the update. This paragraph also should indicate that the ALUCPs were adopted by the Solano County Airport Land Use Commission.

- *14.09.110.020 Zoning / Airport Environs Overlay District / Applicability, Paragraph C:* The statement here that, where there are conflicts between the overlay district and the base zoning district, “the more restrictive regulations take precedence” is important. It seems that it should also be mentioned where the base zoning districts are first outlined.
- *14.09.110.030 Zoning / Airport Environs Overlay District / Solano County Airport Land Use Commission (ALUC) Review:* Reference to a specific date of the “Solano County Airport Land Use Compatibility Review Procedures manual” is recommended. Also, recommended is that cross-reference to Paragraph A regarding requirements for referral of projects to the SCALUC be made elsewhere in the Code. This would help ensure that referrals occur and are not overlooked during City processing of proposed projects.
- *14.09.110.030 Zoning / Airport Environs Overlay District / Nonconforming Uses, Paragraph B:* Mead & Hunt is concerned that the wording of Paragraph B could enable airspace hazards not conforming with the current City codes to remain if they existed prior to the effective date of the new Code. Clarification of the wording is recommended.
- *14.09.250.020 Zoning / Resource Protection / Creeks and Riparian Habitat Protection:* This section—or elsewhere if more suitable—should reference FAA criteria regarding avoidance of bird attractants that can create hazards to flight. This issue is addressed in Section 5.8 of the Travis ALUCP but is also relevant to land uses near Nut Tree Airport.
- *14.09.320.040 Zoning / Variances / Procedures:* As noted in the comment on Section 14.01.010.050, zoning variances are subject to SCALUC review if the amendment applies to land within an airport influence area and involves matters that may have airport land use compatibility implications. This point should be included here or elsewhere in this chapter.
- *14.09.340.030 Zoning / Specific Plans / Procedures:* This section should indicate that, as dictated by PUC Section 21676(b), adoption or amendment of specific plans affecting land within the influence area of either Nut Tree Airport or Travis AFB must be referred to the SCALUC for a determination of consistency with the respective ALUCP. This action must take place prior to final approval by the City.

Comments on Code Provisions Related Only to Nut Tree ALUCP

Division 14.09 – Zoning

- *14.09.110.030 Zoning / Airport Environs Overlay District / Use Restrictions, Paragraph B:* In the sentence “Within the Nut Tree Airport Compatibility Areas, uses should generally fall within the persons per acre guidelines established with each area,” use of the phrase “should generally” is vague. While Footnote 2 in the Nut Tree ALUCP criteria table also uses this wording, the footnote goes on to say “Jurisdictions may satisfy density standards through adoption of an implementing plan or ordinance which is determined by the Airport Land Use Commission to meet the standards.” The draft Code does this by including criteria closely based on the more specific guidance contained in Appendix D of the Nut Tree ALUCP. Therefore, “should generally” should be changed to “must” to be consistent with both the ALUCP and sub-paragraphs B.2 through B.7 of the draft Code.
- *14.09.110.030 Zoning / Airport Environs Overlay District / Use Restrictions, Paragraph B subparagraphs:* These subparagraphs list for each of the ALUCP compatibility zones the uses that are allowed, normally not allowed, or prohibited. The listing is based on Appendix D of the ALUCP and is largely the same. Most of the differences are in the terminology used to identify

the various land use categories and have no bearing on consistency. Some differences are more substantive, however.

- All subparagraphs – As discussed above, the use of the terms “generally” and “substantial” is problematic. The Code should require adherence to the intensity limits listed for each compatibility zone. We note, though, that most ALUCs, as well as guidance in the *Handbook* page 4-19, calculate the number of people on a site based on a typical busy period of use rather than the absolute maximum occupancy such as used in building and fire codes. “Busy period” can be defined as the average peak daily occupancy of the busiest month.
- B.3.b – Hotels and motels must be added to the Normally Not Allowed Uses.
- B.3.b.ii – The word “necessary” should be “accessory.”
- B.4.a.viii – Mead & Hunt is not familiar with the approval or development status of this area of Compatibility Zone C southwest of the airport. A 2018 Google Earth aerial shows it as largely undeveloped. The draft Code language in essence shifts the area from Zone C into Zone D, thus doubling the allowable intensity from 50 to 100 people per acre and resulting in a conflict with the Nut Tree ALUCP. The SCALUC should evaluate whether this deviation is acceptable. Mead & Hunt notes that similar locations in the other three quadrants of the runway approaches are in Zone D, but the southwest area is in the overflight area of aircraft departing to the southwest and turning right to remain in the traffic pattern, thus creating greater noise and safety concerns.
- B.5.d – This subparagraph allows infill development on parcels of three acres or less anywhere in Zone D. This provision is consistent with the second to last bullet on page 13 of the Nut Tree ALUCP text. However, text on page 45 indicates infill is only applicable to the south of the airport. The SCALUC should clarify its interpretation of the ALUCP text and its application to Zone D.
- *14.09.110.030 Zoning / Airport Environs Overlay District / Overflight Notification and Easement, Paragraph A:* The requirement included in the draft Code that an overflight easement be dedicated as a condition for issuance of a building permit on any new construction in the airport influence area is consistent with the Nut Tree ALUCP. Mead & Hunt notes, however, that policies of most ALUCs and guidance of the Caltrans *Handbook* indicate that easement dedication be limited to high-impact locations close to airport runways and to areas of high terrain. Elsewhere, the recording of a deed notice or overflight notification generally suffices. The SCALUC should consider relaxing its easement dedication requirements for the Nut Tree Airport influence area comparable to the policies in the Travis ALUCP.
- *14.09.160.040 Zoning / Residential Social Services (RSS) Overlay District / Use Regulations:* To the extent not precluded by state law, emergency shelters should adhere to Nut Tree ALUCP intensity criteria and review procedures.
- *14.09.180.060 Zoning / Planned Development (PD) Overlay District / Variations in Standards, Paragraph C:* Increase in residential density should not be allowed if it would be inconsistent with ALUCP criteria.
- *14.09.210.080 Zoning / Affordable Housing, Density Bonuses, and Incentives / Additional Bonuses:* To the extent not precluded by state law, residential densities with added bonuses should remain within the density criteria set by the ALUCP.

Comments on Code Provisions Related Only to Travis ALUCP

Division 14.09 – Zoning

- **14.09.110.030 Zoning / Airport Environs Overlay District / Use Restrictions:** This section does not contain a listing of use restrictions for the Travis AFB influence area comparable to those provided for Nut Tree. While the Travis ALUCP creates minimal limitations on land uses within the City, there are some and not all of them fall under the heading of height restrictions covered in Section 14.09.110.040, Paragraph B. These should be included in the Code. Specifically, the table in Section 4.6 of the Travis ALUCP lists the following development conditions that do not pertain to height:
 - All new or expanded commercial-scale solar facilities must conduct a Solar Glare Hazard Analysis Tool (SGHAT) glint and glare study for SCALUC review.
 - Outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a Wildlife Hazard Analysis (WHA). [The boundary of the Outer Perimeter is shown in Figure 4 of the Travis ALUCP and extends into the southeastern area of the City.
- **14.09.110.040 Zoning / Airport Environs Overlay District / Height Limitations, Paragraph B:** This paragraph omits mention of Travis ALUCP Section 4.9 criteria applicable within the Height Review Overlay Zone. Criteria relevant to the City within this Zone and which should be included in the Code are:
 - Airspace review required for objects >35 feet AGL.
 - Avigation easement dedication required.
 - All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1 of the Travis ALUCP.
 - All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review.
 - 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.
- **14.09.110.060 Zoning / Airport Environs Overlay District / Overflight Notification and Easement, Paragraph B:** Figure 14.09.134-3 showing the Height Review Overlay Zone for Travis AFB was not provided for Mead & Hunt review.

Analysis of Vacaville Zoning Map

The accompanying table provides a comparison between criteria applicable within the various City zoning districts listed in Chapter 14.09.040 of the draft Code and the criteria contained in the Nut Tree ALUCP for its compatibility zones. The colored cells in the table indicate that there are locations within the City where specific City and ALUCP zones geographically overlap. A gray cell means that there is no overlap.

The colors in the cells reflect the consistency status of the City zones relative to the Nut Tree ALUCP criteria.

- Red indicates an outright conflict. The City zoning designation needs to be changed to be consistent with the ALUCP. Exceptions can be made where the City designation matches the existing land use. However, some provision will need to be established to ensure that the use will not be expanded or changed in a manner that will make it more inconsistent with the ALUCP criteria.
- Yellow represents conditional consistency. The applicable conditions are briefly noted in the right column of the table. In most cases, the condition is that the number of occupants must be limited in order to comply with the ALUCP intensity (people per acre) criteria for the particular compatibility zone, but the land use type is otherwise acceptable.
- Green means that development done in accordance with the City criteria for the zone will normally be consistent with the ALUC criteria.

Land use designations shown on the Vacaville Zoning Map provided to Mead & Hunt for review are mostly consistent or conditionally consistent with Nut Tree ALUCP criteria. However, there are several instances where a City zoning designation for a particular location conflicts with the corresponding ALUCP criteria for that location. Most of these conflicts involve residential zoning districts. To the extent that the City designations reflect existing land uses, these designations are not considered to be a conflict and can remain. If they represent potential new development, they must be changed to be consistent with the ALUCP.

AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM L

DENSITY CALCULATIONS

NOT APPLICABLE

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM M

WIND TURNBINE INFORMATION
NOT APPLICABLE

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM N

INFORMATIONAL CONTENT

NOT APPLICABLE

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM O

FCC REFERRAL
NOT APPLICABLE

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM P

AVAILABLE UPON REQUEST BY
THE DEPARTMENT OF
RESOURCE MANAGEMENT
SOLANO COUNTY

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AIRPORT LAND USE COMMISSION
APPLICATION SUBMITTAL ITEMS

ITEM Q

APPLICATION FEE (\$200.00)

INCLUDED WITH APPLICATION FORM

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