

Solano County Airport Land Use Commission

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**SOLANO
COUNTY**

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Bill Seiden
Chairman

**MINUTES OF THE
SOLANO COUNTY AIRPORT LAND USE COMMISSION
Meeting of April 9, 2015**

The meeting of the Solano County Airport Land Use Commission was held in the Solano County Administration Center, Board of Supervisors Chambers (1st floor), 675 Texas Street, Fairfield, CA 94533

MEMBERS PRESENT: Commissioners Potter, Baldwin, Seiden, DuClair, Randall, and Chairman Vancil

MEMBERS ABSENT: Commissioners Cavanagh and Baumler

OTHERS PRESENT: Jim Leland, Resource Management; Lori Mazzella, County Counsel; Kristine Letterman, Resource Management

Item Nos.

1, 2 & 3

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

Item No. 4. Approval of the Agenda

It was recommended by staff that Item 9E be heard after Item 9A due to the similar subject matter pertaining to Housing Element Updates. The motion which was made by Commissioner Potter and seconded by Commissioner DuClair passed unanimously.

Item No. 5. Approval of the Minutes

The minutes of the meeting of February 5, 2015 were approved as prepared.

Item No. 6. Committee Reports

There were no committee reports.

Item No. 7. Public Comment

There was no one from the public wishing to speak.

Item No. 8. Old Business

There was no old business to discuss.

Item No. 9. New Business

A. Action Item: Conduct a Public Hearing to consider the consistency of ALUC-2015-01 (City of Vacaville Housing Element) with the Nut Tree Airport and the Travis AFB Land Use Compatibility Plans (LUCP). Sponsor: City of Vacaville

Jim Leland provided a brief presentation of staff's written report. The Vacaville Housing Element update consists of policies and programs designed to maximize the provision of

housing to all segments of the community. The policies and programs contained within the housing element apply to prospective development on vacant lands as well as to certain existing residential properties either under public or private ownership. Staff recommended the commission find the proposal consistent with the Travis AFB and Nut Tree Airport LUCP.

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

A motion was made by Commissioner Seiden and seconded by Commissioner Randall that the Commission determine the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan and Nut Tree Airport Land Use Compatibility Plan. The motion passed 6-0. (Resolution No. 15-04)

- E. Action Item:** Conduct a Public Hearing to consider the consistency of ALUC-2015-05 (County of Solano Housing Element) with the Nut Tree Airport, Rio Vista Airport and the Travis AFB Land Use Compatibility Plans (LUCP). Sponsor: County of Solano

Jim Leland summarized staff's written report and reviewed the proposed draft changes. The report stated that the Solano County General Plan and Zoning Amendment consists of policies, programs and ordinances designed to maximize the provision of housing to all segments of the community and to protect residents from certain specified natural hazards and disasters. Staff recommended that the commission find the amendments are consistent with the Travis AFB and Nut Tree Airport LUCP.

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

A motion was made by Commissioner DuClair and seconded by Commissioner Seiden that the Commission determine the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan, Nut Tree Airport Land Use Compatibility Plan, and Rio Vista Airport Land Use Compatibility Plan. The motion passed 6-0. (Resolution No. 15-08)

- B. Action Item:** Conduct a Public Hearing to consider the consistency of ALUC-2015-02 (T-Mobile Vaca Valley) with the Nut Tree Airport and the Travis AFB Land Use Compatibility Plans (LUCP). Sponsor: City of Vacaville

Jim Leland introduced the item and provided the commission with an overview of the staff report. The City of Vacaville is proposing to amend the North Village Specific Plan to allow minor and major telecommunication facilities within the Business Park zoning district, and a conditional use permit request to construct a 65 ft. tall monopine tower and a 360 sq. ft. equipment enclosure, behind the main commercial building located at 3777 Vaca Valley Parkway. The subject property is a developed parcel, currently occupied by the Kids Gone Wild activity center, parking, landscaping and a storm water detention pond. Land uses surrounding the parcel include single family residences to the northeast, a detention basin across Crescent Drive to the east, vacant land to the north, the Kaiser Permanente Medical Campus to the south, and existing development to the west. Staff recommended that the commission find the project consistent with the Travis AFB and Nut Tree Airport LUCP.

In response to Commissioner Potter's inquiry, the applicant's representative, Leah Hernikl, stated that the building is an industrial type building with various tenants and not much retail space. She believed that one occupant was a fitness center.

Commissioner Potter inquired about the compatibility of the industrial building with the business park zoning classification.

Mr. Leland explained that the business park zone is one of the more lenient zones around the airport. He stated that the plan for that area was previously found by the commission to be consistent for industrial office park type uses.

Commissioner Potter said that even though the classification existed before the land use was put into place, he inquired if would now bring up the topic for the use to be re-examined as compatible.

Mr. Leland said to the extent that there was development existing that predated the 1988 Plan is not before the commission, and so it does not reopen the discussion because a new use is going to occur on the property. He stated that the only matter before the commission tonight is the addition of the cell tower.

Commissioner DuClair inquired if there was a study done which focused on radiation emissions from the tower due to the tower being placed within the vicinity of where children will play. Ms. Hernikl responded that a study has been prepared and the site is well within the regulations.

Chairman Vancil opened the public hearing. Since there were no speakers from the public wishing to speak, the public hearing was closed.

A motion was made by Commissioner Potter and seconded by Commissioner DuClair that the Commission determine the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan and Nut Tree Airport Land Use Compatibility Plan. The motion passed 6-0. (Resolution No. 15-05)

- C. Action Item:** Conduct a Public Hearing to consider the consistency of ALUC-2015-03 (Superior Self Storage) with the Nut Tree Airport and the Travis AFB Land Use Compatibility Plans (LUCP). Sponsor: City of Vacaville

Mr. Leland reviewed staff's written report. The City of Vacaville is proposing to permit the construction of a 92,296 square foot two-story indoor public storage facility on a 2.67 acre site located at the southwest corner of E. Monte Vista Avenue and Piper Drive. The building footprint will remain at or near the same as the current approved project (45,701 sq. ft.) in order to preserve the largest contiguous open space on the parcel.

Mr. Leland noted that it is not evident from the materials submitted by the applicant that the criteria had been met for the open space in Zones B and C. He said the plan calls for the submission of an open space plan to the commission for review where they can make the determination that the requirement has been met. Since the other two aspects of this project are consistent staff recommends conditional approval of this consistency determination subject to a condition that the city and the applicant submit a plan, that it be reviewed by either the full commission or a subcommittee of the commission and once it is reviewed there is a requirement that it be approved by the city. There will then be a plan in place that is going to preserve the open space requirements for those two compatibility zones. Staff asked the commission to consider using the subcommittee approach because it keeps the city and the applicant from having to wait an additional month for the ALUC to meet in order to submit the plan.

Commissioner DuClair voiced his concerns with regard to lighting and signage. The applicant, Dave Kindelt, referred to the diagram in the submittal package and pointed out the proposed lighting. He noted that there will be two sign locations attached to the building, one facing north and one facing east. He said the lighting will be kept significantly below the top of the building.

Commissioner Seiden pointed out that a major focus for a student pilot is on how to land a plane in an emergency. He stated that he would defer to whatever the standards are however as an experienced instructor and pilot he would not be particularly excited about it.

Mr. Kindelt stated that they became involved in this process 6 months ago and were made aware today that there was already an approved project on the site. The approved project as such has almost the same exact footprint. He said that they made their application, did due diligence and complied with the existing approval. He stated that they made modifications for the second story and shown that the impacts are no more impacting than the present. He said that they made an attempt to not design something outside of the existing scope.

Commissioner Potter asked if once a submittal is made for open space if that could preclude another developer on other land in those two zones from having the option of building.

Mr. Leland stated that in the particular instance of the Nut Tree Airport he did not believe that it would be the case that any private land loses development rights. It is hypothetically possible around an airport that in Zone B a situation could arise where there is so much development and so little vacant land left that the vacant land that is left is the de facto 50%. He said that presently almost 82% of Zone B is open. It is not necessarily suitable for a crash landing but that is the amount of land available to try and find the 50%. Mr. Leland noted that individual parcels may contribute a substantial amount of the open space or none at all as long as the total zone meets the criteria.

Commissioner Seiden said that in looking at the diagram, parts of Genentech and the proposed development known as Vaca Valley Storage are within Zone B. He said it would appear there is more than 50% open space, but part of that would be declaring I-505 as open space.

Chairman Vancil opened the public hearing.

Ray Lopez, 7856 Heather Lane, Vacaville, stated that they have owned the subject property since 1988. He explained that they were previously going to build on the land and received approval for it. At that time he said they spoke with county staff on the airport issue and were required to relinquish 90 feet of property for a landing strip. Mr. Lopez said that he is speaking in favor of the project because he would like to see this move forward because he is paying taxes on the property.

Chairman Vancil inquired about the relinquishment of the 90 feet of property and asked the property owner for further explanation. Mr. Lopez said that he spoke with county staff approximately 7 or 8 years ago and that was the requirement at that time.

Ron Smith appeared before the commission. He informed the commission that he is the applicant for the Vaca Valley Self Storage proposal which is next on the agenda. He said that he would like to see the commission accept staff's recommendation that an ad hoc

committee resolve the open space issue because it takes time for such a process and time is money.

Since there were no further speakers, Chairman Vancil closed the public hearing

Chairman Vancil noted that he also shared concerns with regard to light pollution. He stated that in looking at the map of Zone B, a bit of the open space has already been taken by the Genentech facility and a good bit by I-505. He said that normally he would consider a wide open freeway as being something that would be very accessible for an aircraft in distress, but in this particular area within I-505 it is developed with interchange; there are on-ramps, exit ramps and an overpass and that to him is an obstacle for an aircraft in distress. Chairman Vancil said that he would not consider the I-505 area to be potential open space. He said this is a subject of concern because open space is not specifically defined.

Chairman Vancil inquired if the 1,000 foot calculation from the runway extension was done in the 1988 Plan or is it from the current end of the runway. Mr. Leland said that he did not know specifically how that calculation was done but assumed it was based on the 1988 Plan.

Chairman Vancil said that in the 1988 Plan the 1,000 feet is already built so the additional 1,000 feet that they have used is already there. He commented that in the Nut Tree Master Plan is a proposal to shift the runway 200 feet because of problems on the other end and it potentially may extend the runway a few hundred feet more. If that is done and this facility is built it would no longer have the clearance and would in fact be too low.

Mr. Leland commented that the 1988 Plan envisioned a precision approach with a 50 to 1 slope coming off the runway. As he recalled when the master plan was reviewed for the airport, even with the extended runway and the shift, because they deleted the precision approach and went to a steeper slope it actually retracted from the 1988 Plan.

Chairman Vancil agreed saying that he believed the obstacle was probably defined off Genentech but that would require closer analysis to determine. He said that we gave up the precision approach because it became apparent with a few more hundred feet of extension we no longer could do the 1 to 50 slope required. He believed further analysis at the height is needed. He believed a 1 to 35 is currently being used for non-precision so it would be somewhat beneficial, but if we are talking about really close to the runway that still may not be enough.

Chairman Vancil stated that right now the county has held off on updating the 1988 Plan. The Master Plan was approved a couple of years ago but with the Doolittle project and the ICON project the layout of the Nut Tree Airport is going to change. He said that work is diligently being done now to define what Nut Tree is going to look like and then staff can come back and update the airport land use plan. He believed that in this direction of the runway in Zone B a lot of open space is already being used up and this proposal uses up even more really close to the runway. Mr. Vancil said that he is sympathetic to the developer but in his opinion he did not believe this is the right project at the right time for the Nut Tree Airport.

Commissioner DuClair stated that he agreed with Chairman Vancil. He said that in looking at the Vaca Valley Parkway overpass, there is a portion of Zone B just on the other side of the overpass that is wasteful and if a plane is coming in from the north a pilot would have to make a real high climb to get over the overpass and approaching

from the other direction the distance would be rather short. He said that in an emergency a plane would need more space that is flat open vs. something that approaches quickly.

Commissioner Seiden said that he did not intend his comments to suggest that a personal preference as an instructor for instance which would not desire to see those buildings there, should rule the day. Rather the specific requirement for 50% in Zone B is what should be applied in his opinion. He stated that his preference would be to defer this discussion as requested to a subcommittee to find out the answer and tentatively approve the proposal with conditions.

Commissioner Potter stated that the staff recommendation has a proviso that there is going to be a submittal to be handled by a subcommittee on whether they meet the open space criteria, and with this discussion obviously that is going to get more scrutiny. He said the 1988 plan is in place and to hold the applicant hostage to a future unproduced plan at this point does not seem reasonable. He asked if the control on this project is the open space assessment that staff and the subcommittee decides upon.

Mr. Leland stated that there is some latitude in the way the state envisioned ALUCs operating for commissioners to use their local knowledge of the airspace and the conditions at the airport in making their judgment. He did not know to what extent the commissioners could do that outside of the 1988 plan. Chairman Vancil commented that the plan is old but legally that is what is currently on the books for the applicant to use.

A motion was made by Commissioner Seiden and seconded by Commissioner Potter that the Commission determine that the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan and Nut Tree Airport Land Use Compatibility Plan, subject to the recommended conditions of approval: 1) The applicant shall submit an Open Space Plan to the Airport Land Use Commission or an ad-hoc committee of the Commission as determined by the Chair, for a determination that the Open Space Plan meets the standards incorporated into the 1988 Nut Tree Airport Land Use Compatibility Plan, the Open Space Plan is adopted by the City of Vacaville, and the applicant provides a navigation easement and a height limit easement for the proposed project. The motion passed 6-0. (Resolution No. 15-06)

Commissioners Randall and Seiden volunteered to serve on the ad-hoc committee to evaluate the open space plan.

- D. Action Item:** Conduct a Public Hearing to consider the consistency of ALUC-2015-04 (Vaca Valley Self Storage) with the Nut Tree Airport and the Travis AFB Land Use Compatibility Plans (LUCP). Sponsor: City of Vacaville

Jim Leland gave a brief summary of the written staff report. The City of Vacaville is proposing to permit an approximately 85,700 square foot, one-story self-storage facility on a 4.92-acre site located at 2400 East Monte Vista Avenue in Area I of the Vacaville-Golden Hills Business Park. The proposed storage facility will include an approximately 2,650 square foot office with 4 parking stalls, decorative wrought iron perimeter fencing and landscaping. The proposed facility will include a variety of storage units which can be used for storing household possessions as large as recreational vehicles. The project straddles both Zone B and C. It is also a warehouse and is consistent with the land uses allowed in the two zones. It is further away from the end of the runway so it has a more favorable comparison to the Part 77 Surfaces. It is subject to the same open space conditions that were presented in the last determination where the applicant will submit an open space plan, the subcommittee reviews it to affirm that it meets the test and they supply a navigation height easement.

Commissioner Seiden said that both of these proposed developments impact the 50% and wanted to know how it is to be determined if having one rather than two still meets the 50% requirement.

Mr. Leland stated that he believed what the city will be interested in doing is to indicate development on all of the vacant parcels they have planned for growth and determine if they can meet the 50% percent elsewhere. The city is the author of the open space plan and the subcommittee is merely verifying if what is being done meets the test of the Nut Tree Plan. He said the decision on how they meet it and which parcels are in or out is completely up to the city's discretion.

Commissioner DuClair once again voiced his concern with the issue of light pollution and signage. He said that he would like to see the same conditions as recommended for the Superior Self Storage project be a part of this project as well.

Since there were no further questions or comments, Chairman Vancil opened the public hearing.

Robert Lilly, project engineer, 8577 Bader Road, Elk Grove, said that he used the existing edge of the runway for his calculations. He said if the runway is moved further forward he did not believe it would have an impact on the project. He said that they are willing to make changes to address any concerns. They will do night sky lighting and would accept a condition of approval that would direct light downward so that it is not an issue. They could also plant bushes or lower landscaping along the East Monte Vista corridor and would accept that as a condition of approval as well. Mr. Lilly stated that they could lower the front office space so that it is one-story throughout the project.

With regard to the fencing, Commissioner DuClair said that he understood it needed to be as high as possible for security reasons, but it also needs to be as low as possible for safety of the aircraft. Mr. Lilly stated that they are proposing 6 foot high fencing for security.

Since there were no further speakers, Chairman Vancil closed the public hearing.

A motion was made by Commissioner Potter and seconded by Commissioner DuClair that the Commission determine that the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan and Nut Tree Airport Land Use Compatibility Plan, subject to the following condition: 1) The applicant shall submit an Open Space Plan to the Airport Land Use Commission or an ad-hoc committee of the Commission as determined by the Chair, for a determination that the Open Space Plan meets the standards incorporated into the 1988 Nut Tree Airport Land Use Compatibility Plan, and the Open Space Plan is adopted by the City of Vacaville, and the applicant provides a navigation easement and a height limit easement for the proposed project. The motion passed unanimously. (Resolution No. 15-07).

Commissioners Randall and Seiden volunteered to serve on the ad-hoc committee to evaluate the open space plan for this project.

- F. Update:** Receive a status report from the Chairman and staff on the update to the Travis Plan Update, including:
1. Technical Advisory Committee
 2. Renewable Energy Working Group
 3. ESA Airports Progress Report

Chairman Vancil gave an update with regard to the meetings for the Technical Advisory Committee and Renewable Energy Working Group and spoke about the distribution of the White Papers by both the primary and sub consultants. Mr. Vancil noted that the consultant should be ready to draft the plan sometime in late June, which will also go through the CEQA process.

Jim Leland added that the next work product the consultants will generate is a set of draft policies for the plan which should be released sometime in late April.

Chairman Vancil spoke briefly about the white papers and described the methods of mitigation for the wind turbine radar problem. He commented that the mitigations were focused mainly on the wind aspects because solar appears to be less of a problem. Mr. Vancil spoke about the analysis on max mission and elaborated on how data was obtained, about noise patterns, a new proposed map, and the wildlife component of the plan.

Chairman Vancil announced that the ALUC will need to change their next regular meeting date because the policy committee will be meeting on the same day and staff will also be attending that meeting. An informal poll of the commissioners concluded that a quorum would be available on May 7th for a special ALUC meeting.

Item No. 10. Adjournment

Since there was no further business, the meeting was adjourned.