



Agenda Submittal

**Agenda #:** **Status:** ALUC-Regular-NW

**Type:** ALUC-Document **Department:** Airport Land Use Commission

**File #:** AC 21-007 **Contact:** Jim Leland 784-6765

**Agenda date:** 5/13/2021 **Final action:**

**Title:** ALUC-21-06 (Vallejo Zoning Code Update)

Conduct a Public Hearing to consider the consistency of ALUC-21-06 (Vallejo Zoning Code Project) with the Travis AFB Land Use Compatibility Plan (Travis Plan)

**Governing body:** Airport Land Use Commission

**District:**

**Attachments:** 1. A - Application, 2. B - Referral Letter Solano ALUC, 3. C - Draft Zoning Code, 4. D - Planning Commission Staff Report and Attachments, 5. E - March 15 PC Staff Report

Date	Ver.	Action By	Action	Result
5/13/2021	1	Airport Land Use Commission		

**RECOMMENDATION:**

Staff is recommending that the Commission determine that the Vallejo Zoning Code Project (ALUC-21-06) is consistent with the Travis Plan.

**DISCUSSION:**

Introduction

The City of Vallejo is in the process of completing an update to their zoning regulations (See Attachments A, B, C, D and E). Zoning districts exist throughout the City of Vallejo and provide rules for the development of private property consistent with the City’s General Plan.

On October 13, 2016, the Solano County Airport Land Use Commission (ALUC) considered the City of Vallejo’s request for a consistency determination for its new general plan and related specific plans. The ALUC concluded that each document was consistent with the 2015 Travis Plan.

The proposed Vallejo Zoning Code Project includes changes to the existing general plan and zoning requirements and each of these modifications must be reviewed for consistency with the applicable airport land use compatibility plans.

**Project Description**

The City of Vallejo completed an update of its General Plan in 2016. Subsequently, the City embarked on a process to update its Zoning Code, the main implementing device for the general plan. The revised zoning regulations are now undergoing the public hearing review phase and are destined for a City Council hearing in the near future (See Attachment E PC Staff Report March 15).

. The Vallejo Zoning Code Update Project consists of two components:

1. Minor changes to the **general plan**, and
2. Significant changes to the City's **zoning** regulations.

Each component is described further below.

## 1. Proposed General Plan Changes

### General Plan Amendments

*(from the Staff Report to the Vallejo Planning Commission March 15, 2021)*

#### Revised Density Range

In June 2019, City Council adopted a Resolution of Intention to amend the General Plan 2040 regarding the density range for selected land use designations. Since adoption of General Plan 2040 in August 2017, staff had determined that a more economically driven density range for selected areas would allow Vallejo to be more competitive in the market place and responsive to shifts in market conditions, particularly for attached multi-family housing such as townhomes. This involved the City's mixed-use corridors, particularly along Sonoma Boulevard, from Curtola Parkway to American Canyon, including the North Gateway District, and portions of Tennessee Street, Solano Avenue, Springs Road, and Broadway Street. At that time, City Council directed Staff to initiate the General Plan 2040 Amendment for Planning Commission's consideration and recommendation. However, it was later determined to include the density adjustments as part of the New Zoning Code Project.

The proposed density adjustment amendment reduces the minimum density but maintains the maximum density as follows:

Neighborhood Corridor	18 - 30 du/acre to 16 - 30 du/acre
Business/Limited Residential	25 - 50 du/acre to 16 - 50 du/acre
Central Corridor	18 - 50 du/acre to 16 - 50 du/acre
North Gateway	30 - 50 du/acre to 16 - 60 du/acre (du: dwelling unit)

### Additional Amendments

*(from the Staff Report to the Vallejo Planning Commission March 15, 2021)*

#### Potential Housing Development

##### *Housing Added to the Regional Commercial Designation*

To comply with the Housing Element and increase housing development opportunity, the New Zoning Code Project also includes amending the General Plan land use descriptions for the Retail/Entertainment (RE) land use designation to include residential as a permitted land use at a density of 18 to 50 units per acre, and for the Business/Light Industrial (B/L) land use designation to permit live/work. The amendment to the RE

designation allows medium and high density residential development and mixed-use projects in typical non-residential areas, such as in the Northgate Plaza and along the I-80 freeway. The proposed zoning district for areas designated as RE is Regional Commercial (RC). Residential development must be single-unit attached (townhouse or triplex), four units or more, or a mixed-use project.

#### *Housing Added to the Business/Light industrial Designation*

Similarly, the General Plan definition of the Business/Light Industrial (B/LI) land use designation does not include residential as a permitted land use. The proposed amendment permits live/work, which is considered a commercial use that includes residential as an accessory use. The proposed zoning district for areas designated as B/LI is Limited Industrial (IL). This amendment supports the General Plan and Housing Element goals to achieve a jobs/housing balance throughout the City by allowing housing within walking distance of employment centers, which are areas zoned as IL.

#### Land Use Map Corrections and Re-designations

To complete the Draft Zoning Map, Staff re-examined the General Plan Land Use Map and determined that several properties and certain areas were incorrectly designated and did not align with the General Plan, Housing Element and Sonoma Boulevard Specific Plan policies and actions. As such, several amendments to the General Plan Land Use Map are proposed for adoption concurrently with the new Zoning Code and Zoning Map. The proposed General Plan Amendments are included with the New Zoning Code Project documents.

#### Specific Plan Amendments

There are currently eight active Specific Plans in Vallejo. The General Plan 2040 calls for retention of most of them with the exception of the Northgate Specific Plan

#### Northgate Specific Plan

Due to near buildout of the Northgate Specific Plan area, the General Plan anticipated that both the land use regulations and development standards for Northgate would be provided in the New Zoning Code based on the General Plan land use designations. In addition, the boundaries of the Northgate Specific Plan include the Northeast Quadrant Gateway, which is subject to separate development and guidelines adopted by Planned Unit Development (PUD) Nos. 575 and 582. To align the Zoning Code with the General Plan, the Northgate Specific Plan and PUD Nos. 575 and 582 will be repealed and the New Zoning Code will provide the land use regulations and development standards for the Northgate Specific Plan Area. The repeal of the Specific Plan does not affect the existing residential development, as those projects were processed as Planned Developments and will remain active. The repeal will allow for residential development in the commercial areas and encourage a more pedestrian friendly environment. The development standards provided in the Specific Plan will be enhanced by the new standards in the New Zoning Code, particularly standards that require additional landscaping and pedestrian access in large shopping centers.

#### Downtown Vallejo Specific Plan (DVSP) and White Slough Specific Area Plan

The General Plan 2040 also anticipated that the development regulations in the DVSP and land use regulations for the WSSP would be provided in the New Zoning Code. Based on further review of the Specific Plan and vision for the Downtown and Central Corridor areas as provided in the General Plan, Staff proposes to amend both the Specific Plans to remove the land use and development standards. Also, both plans identify uses that are outdated and there are more uses included in the New Development Code. As such, the proposed amendments will eliminate confusion, redundancy, and potential conflicts with the New Zoning Code;

however, the Specific Plan objectives and policies for each area will be retained.

## 2. Proposed Zoning Code

*(from the Staff Report to the Vallejo Planning Commission March 15, 2021)*

“The City of Vallejo has completed a comprehensive update to its Zoning Code (Title 16 of the Vallejo Municipal Code) that includes both text and map amendments to reflect the goals, policies, and implementation measures expressed in General Plan 2040. The proposed New Zoning Code establishes new and modified land use regulations that will guide future development and design throughout the City. The proposed New Zoning Code includes, but is not limited to new and revised zoning districts, permitting procedures, permitted and conditionally permitted land uses and development standards (setbacks, height, minimum lot size, etc.) in each zoning district, city-wide development standards (fences, accessory structures, landscaping, parking, signs, etc.), and land use definitions that regulate city-wide development.” The complete description is included within Attachment E (PC Staff Report March 15 2021) and the complete Zoning Code is provided in Attachment C (Draft Zoning Code). The City also States in its referral letter (Attachment B) that:

“The New Zoning Code and Map cover the entire city, which falls within Zone E of the LUCP. The Project does not include any new zoning provisions related to the following:

1. Objects greater than 200 feet in height
2. Wind turbines greater than 100 feet in height
3. Meteorological towers greater than 200 feet in height

The Project does include new regulations relating to commercial scale solar facilities. Chapter 16.338, Solar and Wind Energy Systems provides additional regulations beyond the current Code for solar facilities, including site and project design standards and requirements for facilities and equipment such as visibility, height and setbacks. For commercial properties, equipment may extend up to 5 feet above the roof surface on which they are installed and the maximum height limit in the commercial zoning districts is 102 feet. As such, objects above 200 feet in height are prohibited. Based on the above, the New Zoning Code Project is consistent with the Travis Air Force Base LUCP for Zone E.”

## **ANALYSIS**

### REQUIRED TESTS FOR GENERAL PLAN CONSISTENCY

The State Department of Aeronautics has published the 2011 California Airport Land Use Planning Handbook as a guide for Airport Land Use Commissions in the preparation and implementation of Land Use Compatibility Plans and Procedure Documents. The Solano Countywide Airport Land Use Review Procedures also require the review of all amendments to a local agency’s general plan, consistent with the State law.

The tests for consistency are provided below.:

1. **Elimination of any direct conflicts between the General Plan and relevant compatibility plan(s).**

Direct conflicts primarily involve general plan land use designations which do not meet the density (for residential uses) or intensity (for non-residential uses) criteria specified in the compatibility plan, although conflicts with regard to other policies also may exist.

**2. Delineation of a mechanism or process for ensuring that individual land use development proposals comply with the ALUC's adopted compatibility criteria.**

Elimination of direct conflicts between a county's or a city's general plan and the ALUC's compatibility plan is not enough to guarantee that future land use development will adhere to the compatibility criteria set forth in the compatibility plan. An implementation process must also be defined either directly in the general plan or specific plan or by reference to a separately adopted ordinance, regulation, or other policy document.

There are three facets to the process of ensuring compliance with airport land use compatibility criteria:

**a. Delineation of Compatibility Criteria-** Airport land use compatibility criteria must be defined either in a policy document adopted by the county or city or through adoption of or reference to the ALUC's compatibility plan itself.

**b. Identification of Mechanisms for Compliance-** The mechanisms by which applicable compatibility criteria will be tied to an individual development and continue to be enforced must be identified. Conditional use permits or development agreements are two possibilities.

**c. Indication of Review and Approval Procedures-** Lastly, the procedures for review and approval of individual development proposals must be defined. At what level within a county or a city are compatibility approvals made: staff, planning commission or governing body? The types of actions which are submitted to the ALUC for review and the timing of such submittals relative to internal review and approval process also must be indicated.

Staff has reviewed the City of Vallejo's General Plan Project in light of these tests. Our analysis for both the General Plan component and the Specific Plan Component are presented below.

**Relevant Issues for the ALUC**

The ALUC is concerned with those aspects of the Vallejo General Plan Project that have the potential to be incompatible with of the Travis Plan. The Vallejo General Plan revisions cover a geographic area which lies within Compatibility Zones E.

**Compatibility Zone E**

Compatibility Zone E includes the area located between Zone D and the AIA boundary, which is coterminous with the Solano County boundaries. Zone E requires ALUC review for all proposed buildings or structures that are 200 feet or higher AGL. There are no limits on the types of land uses, densities, or intensities, although large stadiums and similar uses should be avoided in this compatibility zone.

In addition to the factors discussed above, the only other compatibility factors within this zone along with the "Other Development Conditions" listed below:

1. Airspace review required for objects > 200 feet AGL
2. All proposed wind turbines must meet line-of-sight criteria in Policy 3.4.4
3. All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review
4. All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review
5. 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.

## **ANALYSIS OF CONSISTENCY FACTORS**

### **Elimination of Direct Conflict**

The Commission is concerned with eliminating any direct conflicts between the Vallejo General Plan Project and the Travis Plan. Within Compatibility Zone E, there are no density limitations on residential land uses or intensity limitations on non-residential land uses. Compatibility Zone E also contains limitations on the height of structures and requirements for commercial solar projects and wind turbines over 100 feet in height. The general plan revisions discussed above does not establish any criteria or standards for the deployment of wind or solar projects, nor does it permit any structures in excess of 100 feet in height above ground level.

As a result, there are no direct conflicts between the Vallejo General Plan revisions and the Travis Plan.

### **Assurance of Compliance with Compatibility Criteria**

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

Consistency between the Vallejo General Plan Project and the Travis Plan is established by both the elimination of direct conflicts, as discussed above, as well as the provision of mechanisms which assure compliance with the Travis Plan.

### **Mechanisms for Compliance and Indication of Review and Approval Procedures-**

Subsequent development permits will be reviewed by the City Council, Planning Commission, and the Director of Community Development. In the case of legislative actions, ALUC review must occur. For other permits, the Planning Commission and Director of Community Development must make a consistency finding as required by the General Plan and Zoning Code. The current zoning code limits structures to a 100-foot height limit. Before these zoning regulations may be modified, they would require a subsequent consistency determination from the Airport Land Use commission. The combination of these procedural and permitting requirements is the mechanism for assuring compliance with the Travis Plan. Therefore, the proposal meets these tests for consistency.

### **Determination Regarding the General Plan Revisions**

Based on the analysis and discussions above, staff recommends that the Solano County Airport Land Use Commission determine that the proposed amendments to the City of Vallejo general plan are consistent with the Travis Plan.

## **REQUIRED TESTS FOR ZONING REGULATION CONSISTENCY BY THE AIRPORT LAND USE COMMISSION**

State law, under Section 21661.5 of the Public Utilities Code, requires that any proposed zoning regulations or revisions to the local zoning ordinance be reviewed for consistency with adopted airport land use compatibility plans.

### **ALUC Review Requirements**

State law, under Section 21661.5 of the Public Utilities Code, requires that any proposed zoning regulations or revisions

to the local zoning ordinance be reviewed for consistency with adopted airport land use compatibility plans.

The ALUC is concerned with those aspects of the proposed development code changes which have the potential to be incompatible with of the Travis Air Force Base, as discussed below.

## Required Tests for Consistency for Rezoning Actions

State law, under Section 21661.5 of the Public Utilities Code, requires that any proposed zoning regulations or revisions to the local zoning ordinance be reviewed for consistency with adopted airport land use compatibility plans.

### California Airport Land Use Planning Handbook

The State Department of Aeronautics has published the California Airport Land Use Planning Handbook as a guide for Airport Land Use Commissions in the preparation and implementation of Land Use Compatibility Plans and Procedure Documents. Section 6.4.2 sets forth procedures for the review of local zoning ordinances and directs agencies to consider the topics listed in Table 5A, as follows:

#### **Zoning or Other Policy Documents** *(from Table 5A, CalTRANS Airport Land Use Planning Handbook)*

*The Handbook lists the following topics for consideration when reviewing zoning or other policy documents.*

- *Intensity Limitations on Nonresidential Uses*
- *Identification of Prohibited Uses*
- *Open Land Requirements*
- *Infill Development*
- *Height Limitations and Other Hazards to Flight*
- *Buyer Awareness Measures*
- *Non-conforming Uses and Reconstruction*

## ANALYSIS

### 1. Intensity Limitations on Nonresidential Uses

Within Compatibility Zones E, there are no limitations on intensity for non-residential land uses. As a result, the City of Vallejo Zoning Code Project is consistent with this criterion.

### 2. Identification of Prohibited Uses

Within Compatibility Zones E, there are no prohibited uses. As a result, the City of Vallejo Zoning Code Project is consistent with this criterion.

### 3. Open Land Requirements

Within Compatibility Zones E, there are no open land requirements. As a result, the City of Vallejo Zoning Code Project is consistent with this criterion.

### 4. Infill Development

The proposed regulations apply throughout the City of Vallejo to properties which may or may not be considered infill locations. Infill development is sometimes afforded additional density or intensity when it is surrounding by existing development that does not meet the requirements of the Travis Plan. Since there are no density or intensity limitations within Compatibility Zones E, the infill issue is mute. No

further consideration is required for this criterion and the regulations would be consistent with these criteria.

## 5. Height Limitations and Other Hazards to Flight

### 1. Airspace review required for objects > 200 feet AGL

The Vallejo zoning regulations do not permit any structures in excess of 100 feet in height. Therefore, the project is consistent with this criterion.

### 2. All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1(b).

Policy 5.6.1(b) applies to any turbine greater in height than 100 feet. The Vallejo zoning regulations do not permit any structures in excess of 100 feet in height. Therefore, the project is consistent with this criterion

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

The term commercial-scale, as used in the Travis Plan, refers to utility scale solar power generation facilities. The zoning regulations do not permit utility-scale solar projects. Therefore, the project is consistent with this criterion

### 4. All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review

The Vallejo zoning regulations do not permit any structures in excess of 100 feet in height. Therefore, the project is consistent with this criterion.

### 5. Outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use involving discretionary review that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA.

The City of Vallejo is outside of the Outer Perimeter of the Wildlife Hazard Area. As a result, this criterion does not apply and the project is consistent with this requirement.

## 6. Buyer Awareness Measures

The proposed regulations do not involve any properties within Compatibility Zones A, B or C where Buyer Awareness Measures are of concern. The proposed project lies within Compatibility Zone E and outside of any noise contours of concern. As a result, Buyer Awareness Measures are not required by the Travis Plan, and the proposals are thereby consistent with the Travis Plan.

## 7. Non-conforming Uses and Reconstruction

The project is not authorizing any construction, nor does it modify the non-conforming use provisions of the Vallejo Zoning Code. As a result, Non-conforming uses and reconstruction issues are not involved and the Vallejo Zoning Code Project is consistent with the Travis Plan.



Determination Regarding the Zoning Code Revisions

Based on the analysis and discussions above, staff recommends that the Solano County Airport Land Use Commission determine that the proposed amendments to the City of Vallejo Zoning Code are consistent with the Travis Plan.

**RECOMMENDATION**

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

**Determination:** The Commission determine that the Vallejo Zoning Code Project (ALUC-21-06) is consistent with the Travis Plan.