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Agenda Date: 11/2/2016

Agenda Placement: 8A

## Airport Land Use Commission Board Agenda Letter

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**TO:** Airport Land Use Commission

**FROM:** John McDowell for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** John McDowell, Deputy Planning Director - 299-1354

**SUBJECT:** Napa Logistics Park #P16-00311-ALU

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### **RECOMMENDATION**

#### **NAPA LOGISTICS PARK PHASE 2 / ORCHARD PARTNERS, LLC. - AIRPORT LAND USE CONSISTENCY DETERMINATION #P16-00311-ALUC**

**Request:** Airport Land Use Compatibility Plan Consistency Determination for development of up to 2,271,000 square feet of industrial warehouse, distribution, manufacturing, e-commerce and accessory retail/office use buildings, including allowance for building heights up to 100 ft. in height above finished grade, for a 173-acre property located within the City of American Canyon. The City of American Canyon, as Lead Agency, has processed the application under Conditional Use Permit PL15-0011.

The project is located in the northwestern region of the City of American Canyon and immediately south of the southern boundary of the Napa County Airport and west of the current southerly terminus of Devlin Road, within Napa County Airport Land Use Compatibility Zone D. Assessor's Parcel Numbers: 057-090-083.

**Staff Recommendation:** That the Commission find the project consistent with the Airport Land Use Compatibility Plan.

**Staff Contact:** John McDowell, 299-1354, [john.mcdowell@countyofnapa.org](mailto:john.mcdowell@countyofnapa.org)

**Applicant Representative:** Ernie Knodel, (415) 272-5252, [eknodel@orchardpartners.com](mailto:eknodel@orchardpartners.com)

### **EXECUTIVE SUMMARY**

**Proposed Action:**

1. That the Airport Land Use Commission finds the proposed Napa Logistics Park Phase 2 project (#P16-00311-ALUC) consistent with the Napa County Airport Land Use Compatibility Plan.

**Discussion:** This proposal consists of up to 2,271,000 sq. ft. of new industrial/warehouse development on a 173-acre property located immediately south of Napa County Airport. The initial phase of development, consisting of 646,000 sq. ft. of warehouse space, was approved by the Napa County Board of Supervisors in 2009 prior to the site's annexation to the City of American Canyon. This development is subject to ALUC review because the project includes building height allowance exceeding the general ALUC standard of 35 ft. above existing ground level, and for review of a bird hazard mitigation plan addressing a significant existing wetland feature in close proximity to airport property.

As Lead Agency, the City of American Canyon prepared an Environmental Impact Report (EIR) for the project, including preparation of a Land Use Compatibility and Airspace Analysis Report that specifically addresses the building height request and bird hazard mitigation plan. The entire project, conditions of approval, EIR, and supporting documentation have been reviewed by ALUC Staff for compliance with the Airport Land Use Compatibility Plan (ALUCP). ALUC Staff is recommending that the project be found consistent with the ALUCP as detailed in the following section of this report.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

The ALUC's Consistency Determination does not meet the definition of a "project" as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and, therefore, CEQA is not applicable. The ALUC is only making a finding of consistency with airport compatibility regulations and is not responsible for approving or undertaking the project. The American Canyon City Council is the Lead Agency responsible for carrying out the project.

**BACKGROUND AND DISCUSSION****Airport Land Use Compatibility Factors:**

**1. Location** – The 173-acre project site is located immediately south of Napa County Airport. The entire property is within Land Use Compatibility Zone D, the Common Traffic Pattern. Zone D is characterized as an area of routine overflight with frequent single-event noise intrusion. Airport overflights typically range from 300 ft. to 1,000 ft. above the ground. However, given the project's close proximity to the sidelines of the runways, overflights are less common for substantially portions of the site when compared to other properties within Zone D that are farther from the runways but more aligned with approach/departure paths.

**2. Land Use** – Zone D allows for a wide range of non-residential land uses with population densities not to exceed 100 persons per acre within structures and 150 persons per acre total on site. The proposed project consists of large-scale industrial warehouse buildings, and although larger than most other nearby structures, the proposed land use is similar in scope and scale to the dominate land use type surrounding the airport. Warehouse and industrial buildings with limited ancillary retail and office, as proposed, are generally consistent with the ALUCP.

**3. Concentration of People** – ALUCP Airport Vicinity Land Use Compatibility Criteria, Table 3-2, set a maximum concentration of people in Zone D as noted in item #2 above. A detailed density evaluation (attached) was prepared for this project by Mead and Hunt, a qualified aviation consulting firm (Mead and Hunt has substantial history regarding airport land use compatibility analysis specific to Napa County, and have been involved on airport master planning activities for Napa County Airport). The analysis concludes that the anticipated population density will fall well below density limits. Typically, population densities for large-scale warehouse and industrial facilities are quite low.

**4. Building Height** – ALUCP Policy 3.3.3 restricts building height to 35-feet or as similarly provided by local ordinance. Accordingly, the ALUC previously certified the City of American Canyon's General Plan and Zoning regulations with a 50 ft. height limit. In addition, as is the case with all other local agencies subject to Napa County ALUC oversight (Napa County and the five incorporated cities/town), the City's land use regulations allow a process for structures to exceed height limits within an Airport Influence Area subject to a Consistency Determination by the ALUC.

This proposal involves an allowance for buildings up to 100 ft. above ground level. The attached project concept plans show buildings that are only 50 ft. in height, but the developer is requesting entitlement for taller buildings in order to have flexibility to construct buildings to future specific tenant's needs. The attached Mead and Hunt report provides an analysis of the building heights in relation to Federal Aviation Administration (FAA) standards. Navigable airspace is located 150 ft. above the mean height of the airport runways, which is 185.4 ft. above mean sea level (MSL). The report indicates that should buildings be constructed to the proposed 100 ft. height limit no portion of any buildings would penetrate navigable airspace. As indicated in Table 2 (page 9) of the Mead and Hunt report, maximum building height could range from 120 ft. to 145 ft. MSL based on location of the building on the site. A 100 ft. tall building on the highest portion of the site would be 40.4 ft. below navigable airspace, in compliance with FAA regulations.

The Mead and Hunt offers no opinion on the proposal's compliance with the Airspace Protection Policies (Section 3.3) of Napa County's ALUCP. The ALUCP has 5 specific policies pertaining to airspace protection, with Policies 3.3.1 and 3.3.3 specifically addressing structure height. Policy 3.3.1 states that height limits shall be set in accordance with FAA regulations. Policy 3.3.3 states that "height restrictions may allow up to 35 feet above the level of the grounds on which they are located, or as similarly provided by local ordinance." This policy goes on to state that where natural terrain features penetrate navigable airspace, as is the case for hillside areas east of Napa County Airport, the 35 ft. height limit be imposed by deed restriction. Based on Staff's understanding of past ALUC actions, the ALUC has consistently limited projects in the penetrating hillside areas to no greater than 35 ft. above ground level, so as not to cause substantive additional penetration of navigable airspace. Likewise, within the lower lying industrial areas surrounding Napa County Airport (surrounding on 3 sides), building heights of a 50 ft. to 65 ft. above ground level have been authorized, and other appurtenant features such as cellular communication towers, have been allowed to heights of 85 ft. above ground level, all on the basis that such structures fall below FAA navigable airspace definitions. Therefore, in relation to the requested 100 ft. building height limit, Staff believe the proposal can be found consistent with the ALUCP for the following reasons: 1) The project complies with FAA regulations for airspace protection and thus is consistent with the certain height limit mandated by Policy 3.3.1; 2) the project can be found consistent with Policy 3.3.3 in keeping with past building height practices applied throughout the lower lying industrial areas near the airport where navigable airspace is well above ground level; and 3) it appears, especially in regard to internal consistency between Policy 3.3.1 and 3.3.3, that the intent of Policy 3.3.3 is to ensure that penetrations of navigable airspace do not occur causing a new hazard. Within that context, a 100 ft. tall building in proximity to 35 ft. to 65 ft. tall buildings that range from 40 ft. to 100 ft. below navigable airspace likely do not represent a land use compatibility issue.

**5. Bird Hazards** - The subject property includes a substantial existing wetland feature in its northwest quadrant, which is known as No Name Creek. The creek generally flows from southeast to northwest and then

crosses through Napa County Airport off the ends of Runways 36L and 9 where it broadens into tidally influenced wetlands. This feature is a bird attractant and documented bird hazard area for the airport. Given State and Federal regulations protecting wetland features, removal of this feature from both the airport and the subject property is not feasible. In fact, the applicant is obligated to enhance the feature in order to mitigate for wetland impacts elsewhere on the project. On the other hand, airspace protection policies, both within the ALUCP and under State Aviation Law and FAA regulations, seek to minimize and/or eliminate wildlife hazards to aircraft.

The project applicant, in concert with the City of American Canyon, has proposed to address this situation by implementing a Wildlife Hazard Assessment as detailed in the attached Mead and Hunt report. The project conditions of approval and mitigation measures require evaluation, monitoring and implementation of wildlife hazard management practices, and notes the airport's role in collaboratively managing wildlife hazards. For the purpose of determining project consistency with the ALUCP, the project appears to have complied with airspace protection policies regarding wildlife hazards. The project will result in a net improvement over existing conditions.

**6. Lighting and Glare** – The project will include a variety of free standing light standards and building mounted standards. Per American Canyon City standards, the lighting must be shielding and directed downward. As such, project lighting will not substantially change the setting around the airport, or present a new source of glare to pilots. Project lighting will be consistent with the ALUCP.

**7. Communications** – No electronic equipment is proposed as part of this facility that could interfere with airport communication.

**8. Building Materials** – The proposed project includes a set of design guidelines, which would ensure the site is developed with high quality buildings and landscaping that complements the surrounding development. Allowed roofing material would not be reflective and would not represent a potential source of glare or distraction to pilots. Solar panels are not proposed with the project, but under City code solar panels are allowed on buildings and residences and therefore could be constructed in the future. City regulations do not allow highly reflective solar panels, and therefore, if solar panels were included in the future they would not pose a compatibility issue. No component of the building materials is inconsistent with ALUCP guidelines.

**9. Noise** – Proposed industrial and warehouse uses are not noise sensitive, and therefore aircraft noise poses no issue for persons on the subject property.

**10. Overflight Easement** – The ALUCP requires recordation of an overflight and aircraft hazard easement on all developing properties. The conditions of approval will require all appropriate overflight and aircraft hazard easement consistent with ALUCP policies. The avigation easement was previously recorded over the entire property with the initial phase of development.

**11. Caltrans Aeronautics** – ALUC Staff referred the submittal materials to Caltrans Aeronautics in early July and CalTrans had no issues or comments on the project.

**12. Processing** – ALUCP Policy 2.1.9 requires referral of a project to the ALUC prior to the local governing body's final action to allow the local jurisdiction to consider the ALUC's finding prior to acting on a project. The City did not follow this criteria because final action on the project occurred in December 2015. Instead, the City included a condition of approval requiring ALUC review before implementation of the project, and noting that subsequent discretionary City Council review would be triggered in the event the ALUC were to find the project inconsistent with the ALUCP. This does raise some question whether the City can remain objective and duly consider the ALUC's determination should the project be found inconsistent, but failure to comply with this processing policy in itself does not preclude the ALUC from finding the project consistent with the land use compatibility policies of the ALUCP. Since it appears that this project is otherwise supportable, Staff recommends

that the project be found consistent with the ALUCP. However, should the ALUC find that design aspects of the project are inconsistent with the ALUCP, then it would be appropriate to also identify this processing lapse in the findings of inconsistency.

**SUPPORTING DOCUMENTS**

- A . Application - Submittal
- B . American Canyon Staff Report
- C . American Canyon Conditions of Approval Excerpt
- D . Compatibility & Airspace Analysis Report
- E . Graphics

Airport Land Use Commission: Approve

Reviewed By: John McDowell