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Agenda Date: 12/18/2019

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Airport Land Use Commission Board Agenda Letter

TO: Airport Land Use Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: John McDowell, SUPERVISING PLANNER - 299-1354

SUBJECT: Napa Pipe Project (File No. P19-00468-ALUC)

RECOMMENDATION

NAPA REDEVELOPMENT PARTNERS - NAPA PIPE PROJECT - AIRPORT LAND USE CONSISTENCY DETERMINATION #P19-00468-ALUC

Request: Airport Land Use Compatibility Plan Consistency Determination for proposed amendments to the previously approved Napa Pipe Project located within the City of Napa, including General Plan, Zoning Map, Zoning Text, Development Agreement, Tentative Subdivision Map, Development Plan, and Design Guidelines actions to modify the land use plan for the 154-acre site. The project modifications consists primarily of converting the northeastern portion of the site from light industrial use to residential use, but not increasing the total number of residential units allowed over the site which stands at up to 1,085 dwellings. The project site is located on the south-side of Kaiser Road, adjacent to and east of the Napa River; within the City of Napa's (MU-722) Mixed Use and (LI-723) Light Industrial General Plan Designations and (MP-NP-ILAC, MP-NP-IPB:AC, MP-NP-IPB-W:AC & MP-NP-MUR-W:AC) Napa Pipe Master Plan Zoning Districts (APNs: 046-400-054, -055, 046-412-006, -007), and within Napa County Airport Compatibility Zones D and E.

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

EXECUTIVE SUMMARY

Proposed Action:

1. That the Airport Land Use Commission finds the revised Napa Pipe Project (#P19-00468) consistent with the

Napa County Airport Land Use Compatibility Plan.

Discussion:

This project involves a revised plan for a mixed-use master planned development on 154 acres located within the Airport Influence Area of Napa County Airport. The project was originally evaluated by the Airport Land Use Commission (ALUC) in 2012 when Napa County initially approved the master plan. In phases over the last several years, all of the subject property has now been annexed to the City of Napa, and the City is now the lead agency processing the current request. This revision is subject to ALUC review because it involves changes to zoning and the City General Plan. The most notable element of the revision consisting of changing light industrial land on the northeastern portion of the site to residential, but this does not result in an increase in the overall number of residential units planned for the community which stands at a maximum of 1,085 units. State Aeronautics Law (Public Utilities Code 21676) sets forth that the ALUC must review any proposed General Plan Amendment or Zoning Ordinance Amendment affecting land use within the boundaries of an Airport Influence Area. Since this project has previously been reviewed by the ALUC, the focus of this review is on the consistency of the revisions with the Airport Land Use Compatibility Plan (ALUCP) policies. As discussed in the Background Section of this report, staff is recommending that the ALUC find the project consistent with the ALUCP.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

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 respect to airport compatibility regulations and is not responsible for approving or undertaking the project. In January 2013, the Napa County Board of Supervisors certified an EIR for the original Napa Pipe Project. For the current project, the City of Napa prepared an initial study to determine whether the City actions to approve the amended entitlements may result in environmental effects that were not identified and addressed in the County's certified Napa Pipe EIR, and has prepared an Addendum to the Napa Pipe EIR to document that determination.

BACKGROUND AND DISCUSSION

Airport Land Use Consistency Factors:

1. Location - This site was previously evaluated four times by the ALUC. It was initially evaluated in 2008 when Napa County adopted their current General Plan, and again in 2009 and 2014 when the County adopted their Housing Elements. The Napa Pipe project was evaluated by the ALUC in 2012 when Napa County was initially entitling the specific development. The current ALUC review is triggered because the revised project includes a General Plan Amendment and zoning changes.

The Napa Pipe site is located approximately 9,000 ft. to 12,500 ft. from the nearest runway and has roughly 54.1 acres within Land Use Compatibility Zone D, and 100.2 acres within Land Use Compatibility Zone E. The project is

located north of the airport in an area of routine overflight, primarily resulting from aircraft on landing approach to the airport's main runway. The project location was thoroughly evaluated in the 2012 Napa Pipe Final EIR Comments and Responses. At that time, the consultant for the Napa County Airport, Mead and Hunt, prepared a detailed analysis of overflight characteristics and risk assessment based off of the ALUCP and in interviews with the Airport Manager, the Federal Aviation Administration (FAA), tower operator, and a key airport tenant.

2. Land Use:

Residential Uses - A feature of the original project was limiting all residential uses to Airport Land Use Compatibility Zone E. The proposed residential uses will continue to be limited to the Zone E portion of the site, although they will be expand to the northeastern portion of the site. Residential uses will now cover almost all of the Zone E portion of the site. Zone E is the outer perimeter of Airport Influence Area which lies between 10,000 ft. and 14,000 ft. from the runways. Residential uses are a normally allowed use within Zone E. This zone is considered the "Other Airport Environs" and is characterized as an area where aircraft, particularly larger aircraft, are departing or approaching the airport. This is an area of very low risk and overflight annoyance is the greatest concern.

At 1,085 dwellings, this project will be far more dense than a traditional single family residential community although the overall density is lower as a result of spreading the residential uses over a larger portion of the site. Higher density neighborhoods have less potential to result in annoyance from single-event overflight occurrence. Most dwellings will share walls with other dwellings, and private backyards and outdoor spaces will be rather limited when compared to traditional single family neighborhoods. This setting is urban in character as opposed to suburban, and as such, it is expected that residents will be much more tolerant of noise . Overflight annoyance is much less likely to occur than in a low density setting where single-event occurrences can be much more pronounced. Consequently, the project's residential density does not represent a compatibility issue.

Continuum of Care Facility / Senior Housing - The master plan has always included a senior housing concept which could also include a continuum of care facility which was planned for specific site within Zone E. With the revised project, the zoning regulations would allow the facility to be located anywhere within Zone E, which normally allows such uses. However, as a result of spreading residential density throughout the Zone E portions of the site, the senior housing project was also being considered as an option within one of the project blocks located within Compatibility Zone D, which represented a potential inconsistency with the ALUCP. Over the last month, ALUC staff, City staff and the applicant have been in discussion to address this issue. The attached City Planning Commission staff report included draft regulations that would have enabled the senior housing option within Zone D. However, subsequent to the issuance of the City Planning Commission staff report, the applicant withdrew the request resulting in the Planning Commission recommending revised draft regulations that do not include zoning for the senior facility within Zone D. This resolves the potential inconsistency, at least for now. It should be noted however that the Development Agreement continues to recognize the possibility of a continuum of care facility within Zone D without actually entitling the use. The Development Agreement language at the end of the City of Napa memo states that a rezoning action would be necessary should a continuum of care facility be proposed and that ALUC review would be triggered at that time.

It is possible the ALUC could find continuum of care facility (or "nursing home") consistent with the ALUCP should rezoning be requested in the future, because the ALUCP identifies that nursing homes are a "normally not acceptable use." There is a possibility that a normally not acceptable uses can be found consistent with the ALUCP if the project is in a location, and designed in a manner, that does not result in airport land use compatibility issues, and a finding is made that "a major community objective is served" by locating the use within a normally not acceptable area as opposed to locating it within a normally acceptable area. It should also be noted that if a continuum of care facility contains residential occupancies, such a independent retirement apartments, it would simply be a prohibited residential use within Zone D and inconsistent with the ALUCP. As the project stands now, it would be preferred if the City of Napa dropped the concept of a continuum care facility within Zone D entirely,

but the ALUC does not have the ability to condition the project and since a legislative act to rezone the site is required, the use is speculative and the ALUC can find the overall project as it currently stands consistent with the ALUCP.

School Site - A school site was included as an option in the original proposal and will not change as a result of the current project revisions. The potential school site located just to the north of the project site off of Kaiser Road is approximately 2.3 miles from the airport runways. The decision on whether school construction will be pursued at this site will be made by the Napa Valley Unified School District and is subject to State approval. The school district may voluntarily refer a school proposal to the ALUC review during that process.

3. Concentration of People – In 2012 Mead and Hunt prepared a detailed analysis of population densities which has been incorporated into the Final EIR. The evaluation concludes that population densities will be at 31 people per acre; well within acceptable densities. Maximum densities within Zone D are 100 persons per acre within structures and 150 persons per acre total. There are no density limits within Zone E.

4. Building Height – No changes to maximum building heights of 95 ft. are proposed, which was previously found consistent by the ALUC although it was a significant discussion issue at the time in 2012. With the overall density being reduced in the revised project, it is likely most buildings will be constructed to a height significantly less than 95 feet and thus will continue to be consistent with the ALUC's previous finding. As a matter of background, in the 2012 EIR there appeared to be a misunderstanding of how aviation height limit policies are applied, and it was suggested that as long as a building did not penetrate navigable airspace, it should be considered a compatibility land use. This was corrected during the 2012 ALUC review. There are two ALUCP policies addressing structure height. Policy 3.3.1 states that the criteria for limiting building height should be based off of Part 77, Subpart C of the Federal Aviation Regulations (FAR). The criteria does not say that building heights are coterminous with navigable airspace. Policy 3.3.3. states that building heights should be limited to 35 ft. or as similarly allowed by local ordinance. This 35 ft. overall height limit was applied to account for the generally rural and/or suburban character of the existing setting surrounding the airports of Napa County. Allowing structures to match the navigable airspace threshold would have resulted in man-made features that significantly exceed the height of the existing terrain features surrounding the airport.

The ALUC found the building height consistent with the ALUCP because buildings will remain below the height of the Southern Crossing bridge at approximately 105 ft. above mean sea level (MSL) and the top of the neighboring hill is approximately 120 ft. MSL at its highest point. These existing vertical obstructions of greater height are located between the project site and the airport creating what is termed "shielding" in FAR Part 77.15(a). The overall height of new structures would also be of similar height to the existing industrial structures they will be replacing.

5. Lighting and Glare – No changes to project lighting are proposed from the original approval. The greater potential light and glare impact would result from new light fixtures being installed throughout the property. The project is subject to the City's standard conditions requiring all lighting to be cast downward and kept at minimal levels. It is anticipated that the project will have a similar nighttime aerial appearance as what is existing in the adjacent business park. This is not anticipated to be a significant change to the existing setting.

6. Communications – The project does not include any component that have a potential to conflict with aviation communications.

7. Building Materials – Specific project architecture has not yet been finalized and will be subject to subsequent review and approval by the City. The project site will retain its Airport Compatibility Combination zoning which prohibits highly reflective surfaces and other building materials that may cause hazard to flight. Therefore, final project building materials is not anticipated to cause potential conflicts with airport compatibility.

8. Noise – Aviation noise was evaluated in the 2012 Final EIR by Mead and Hunt. The project site is well outside cumulative noise contours for the airport. Single-event overflight annoyance is the greatest potential noise impact resulting at the project. The commercial and industrial uses will not be impacted by these overflight occurrences. ALUC Staff and the aviation consultants do not believe residents will be impacted as well given the higher urban density. Although the original project had higher densities, the revised project continues to feature high density multi-family apartments and condominiums which are less likely to result in overflight annoyance when compared to traditional single family residential development.

9. Overflight Easement – The City requires overflight easements for all projects located within airport influence areas. No changes to this long established requirement will occur as part of this project. The applicant has agreed to incorporate this measure into the project.

10. Caltrans Aeronautics – The original Draft EIR was referred to Caltrans Division of Aeronautics for comment. Caltrans Aeronautics Staff commented on the project on May 4, 2010, and the comments were satisfactorily addressed in the Final EIR and project design. The revised project does not conflict with Caltrans Aeronautics comments.

11. 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 purpose of this policy is to allow the local government and ALUC flexibility in the event that the ALUC has a compatibility issue to be addressed. The application was reviewed by the City's Planning Commission on December 5, 2019 and is scheduled for the City Council on after ALUC review is completed. The City has complied with Policy 2.1.9. It should be noted that re-referral to the ALUC will be necessary if major changes to the scale and scope of the project were to occur beyond what has been evaluated as part of this action.

Airport Land Use Compatibility Plan Consistency Analysis Summary:

Noise

Finding: Consistent – The project will not result in exposure of persons on the ground to significant levels of aircraft noise, and the proposed uses are not sensitive receptors to single event noise intrusion.

Safety

Finding: Consistent – The project site is located outside off-airport areas where higher levels of risk or hazard are present. The project meets density limits. There are open areas on and near the site where off-airport emergency touch downs could be attempted. Persons on the ground will not be exposed to a significantly higher safety risk.

Airspace Protection

Finding: Consistent – There is no change in maximum building height which was previously found to have no potential to obstruct navigable airspace, and is well below the height of other existing natural and man-made features in the general proximity. The project does not include any design features that would cause a hazard to flight.

Overflight

Finding: Consistent – Recordation of an overflight easement as mandated by the ALUCP and City ordinance has been required, which is the prescribed measure for addressing potential overflight annoyance for non-residential uses.

SUPPORTING DOCUMENTS

A . ALUC Application Submittal

- B . City of Napa Project Revision Correspondence
- C . City of Napa Planning Commission Staff Report
- D . City of Napa Planning Commission Draft Resolution
- E . Graphics

Airport Land Use Commission: Approve

Reviewed By: Charlene Gallina