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Agenda Date: 2/4/2009

Agenda Placement: 8A

Airport Land Use Commission Board Agenda Letter

TO: Airport Land Use Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: John McDowell, Deputy Director - 299-1354
SUBJECT: American Canyon Rezoning of Panattoni, Headwaters and Atkins Properties

RECOMMENDATION

CITY OF AMERICAN CANYON / PREZONING OF PANATTONI, HEADWATERS AND ATKINS PROPERTIES - AIRPORT LAND USE CONSISTENCY DETERMINATION # P09-00031-ALUC

Request: Airport Land Use Consistency Determination for the City of American Canyon's Rezoning of approximately 284 acres of property from Napa County-designated Industrial Park: Airport Compatibility (IP:AC) zoning to City of American Canyon "SP-2 Napa County Airport Industrial Area Specific Plan" zoning. The subject properties are located south of the Napa County Airport, west of State Highway 29 and approximately 2,400 ft. north of Green Island Road with Airport Land Use Compatibility Zone D. Assessor's Parcel Numbers 057-040-007, 057-090-069, 057-090-057, 057-090-075, 0570-090-076.

Staff Recommendation: Find the project consistent with the Napa County Airport Land Use Compatibility Plan.

Staff Contact: John McDowell 299-1354 jmcdowel@co.napa.ca.us

EXECUTIVE SUMMARY

Proposed Action:

1. That the Airport Land Use Commission find the City of American Canyon Rezoning for the Panattoni, Headwaters and Atkins properties (P09-00031-ALUC) consistent with the Napa County Airport Land Use Compatibility Plan.

Discussion:

In July 2008, the City of American Canyon ("City") and Napa County ("County") entered into an agreement establishing a rural urban limit line for the City. The new rural urban limit line designated the three properties that are currently proposed for rezoning as eligible for future annexation to the City. In December 2008, the City of

American Canyon Planning Commission recommended to the City Council approval of the proposed rezoning from County-designated Industrial Park: Airport Compatibility (IP:AC) to City-designated "SP-2 Napa County Airport Industrial Area Specific Plan." The City Council heard the item on January 20, 2009 and unanimously approved the First Reading of the Rezoning. In accordance with Airport Land Use Compatibility Plan (ALUCP), the Rezoning action has been brought forward to the ALUC prior to the final action (Second Reading) of the City Council to occur in mid-February. It is requested that the ALUC review the proposal and find the project consistent with the ALUCP.

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 merely making a finding of consistency with airport compatibility regulations and is not responsible for approving or undertaking the project. The City of American Canyon is the Lead Agency responsible for carrying out the project, and the City has prepared an Addendum to the Napa County Airport Industrial Area Specific Plan EIR.

BACKGROUND AND DISCUSSION

Airport Land Use Consistency Factors:

1. Background - Rezoning is the first step in the annexation process, and occurs prior to the City (or private party) filing an annexation request to the Local Agency Formation Commission (LAFCO), which is the agency responsible for changing jurisdictional boundaries. Upon LAFCO's approval of the annexation and the City's subsequent final recordation of boundary changes, the pre-zoned property assumes the City-designated zoning and is no longer considered "pre-zoned." Until the property annexation is complete, the County-designated zoning applies to the property. State ALUC Statute requires ALUC consistency review for any rezoning or rezoning, specific plan amendment or general plan amendment occurring within Airport Influence Area.

2. Location - The project involves rezoning of several vacant parcels under three separate private ownerships, and one railroad right-of-way located immediately south of the Napa County Airport and immediately north of the current city limits. The three properties comprise approximately 284 acres, and are currently zoned for industrial development by the County. All of the subject property is located with Zone D, the Common Traffic Pattern, and the properties are subject to varying degrees of regular overflight.

The most western property is the Atkins property which is 25.4 acres in size. This property is vacant and has no approved development on it. At one point several years ago, the Airport considered acquiring the property for use as a wetland mitigation area and disposal area for dirt to be removed for hill south of Runways 18/36. That transaction did not occur and the Airport has subsequently found other alternatives for wetlands mitigation and excess soil removal. There are no current development proposals on the Atkins property. This property is in close proximity to the south end of Runways 18/36 Left and Right generally about 500 ft. east of the extended centerline. The site is subject to overflight primarily from southbound take offs.

The center property is owned by the Headwaters development company, and it comprises 218 acres. In

December 2008, Napa County granted a use permit to develop an approximately 600,000 sq. ft. warehouse building on the eastern portion of the site. That approval included a requirement to provide a secondary southern access to the airport. That use permit will run with the land and all terms and conditions will remain in full affect upon annexation to the City. It is anticipated that the property owner will file additional development plans in the near future as market conditions dictate. The City will assume all Lead Agency review responsibilities upon annexation. This site is located parallel to Runway 6/24 and is subject primarily to approach traffic overflight from aircraft circling to land.

The eastern most property is 50.7 acres and is owned by Panattoni development. The property has one County-approved use permit for approximately 315,000 sq. ft. of speculative mixed industrial development, and a second pending industrial application for approximately 450,000 square feet. It is likely that the County will take final action on the second use permit prior to the City's annexation of the property. Of the three properties subject to this consistency review, the Panattoni site experiences the greatest number of overflights as a result of being under the base to final approach legs of the southern pattern to Runway 6/24.

3. Land Use – The County's General Plan and Zoning have previously been found consistent with the ALUCP on several occasions. The City's rezoning consists of adopting the County's existing Airport Industrial Area Specific Plan regulations as their own, and applying them to the area to be annexed. As such, all airport compatibility measures contained in the fully compliant County regulations will carry over into the area being rezoned. This concept is consistent with the agreement reach between the City and County last summer, wherein the jurisdictional boundaries of the industrial area would change, but the potential land uses on the property would remain the same.

4. Concentration of People – The rezoning will apply matching industrial park zoning requirements to those which are already in effect and which complies with ALUC compatibility requirements for concentrations of people.

5. Building Height – The City rezoning has no changes from the existing County regulations related to building heights, which limit building to 35 ft in height with appurtenant features limited to 50 ft. in height. The height limits are consistent with ALUCP standards.

6. Lighting and Glare – The City proposes no changes from the County regulations that are currently in effect which require limits on light and glare produced. The proposed regulations associated with the rezoning are consistent with the ALUCP.

7. Communications – The rezoning match existing County regulations previously found to be consistent with ALUCP standards.

8. Building Materials – The proposed regulations contain provisions concerning non-reflective building materials and design. The proposed regulations are consistent with the ALUCP.

9. Overflight Easement – The City will require property owners to obtain overflight easements for all projects located within the area being rezoned. The City will utilize the same process currently employed by the County.

10. Caltrans Aeronautics – Caltrans Division of Aeronautics staff has been sent copies of background information. No comments have been received regarding the project.

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 in December, 2008, and received a First Reading before the City Council on January 20, 2009. The City Council is scheduled for final

consideration (Second Reading) in February after completion of ALUC review. The City has complied with Policy 2.1.9

SUPPORTING DOCUMENTS

- A . City of American Canyon Summary Letter
- B . City of American Canyon Staff Report / Supporting Materials
- C . Location Map

Airport Land Use Commission: Approve

Reviewed By: John McDowell