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Agenda Date: 2/5/2014

Agenda Placement: 8A

Airport Land Use Commission Board Agenda Letter

TO: Airport Land Use Commission

FROM: John McDowell for Pete Parkinson - Interim Director
Planning, Building and Environmental Services

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

SUBJECT: Allied Fuels Airport Compatibility Determination P14-0017-ALUC

RECOMMENDATION

TEADERMAN BUSINESS PARK, LLC - ALLIED CLEAN FUELS FACILITY - AIRPORT LAND USE CONSISTENCY DETERMINATION # P14-00017-ALUC

Request: Airport Land Use Compatibility Plan Consistency Determination for a proposed alternative fuels facility which includes: 1) a request to amend Napa County's Napa Valley Business Park Specific Plan (formerly Airport Industrial Area Specific Plan) to allow a retail convenience market and retail gasoline sales; 2) construction of an approximately 3,350 sq. ft. retail building; 3) installation of two fueling canopies for trucks and automobiles; 4) installation of 3 above ground fuel storage tanks; and 5) installation of fuel terminals for gasoline, diesel, liquid natural gas, compressed natural gas, diesel exhaust fluid, propane, and electric charging stations. The project is located on a 3 acre portion of a 6.37 acre property on the west side of Devlin Road approximately 2,500 ft. south of its intersection with Soscol Ferry Road, in Napa County Airport Compatibility Zone D. (Assessor's Parcel Number: 057-020-033) 221 Devlin Road, Napa.

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 that the proposed Allied Clean Fuels Facility (# P14-00017-ALUC) is consistent with the Napa County Airport Land Use Compatibility Plan (ALUCP).

Discussion: Napa County's Napa Valley Business Park Specific Plan (formerly Airport Industrial Area Specific Plan) was originally adopted in 1986 and encompasses roughly one half of the land area within Zones A through D of the Airport Influence Area for the Napa County Airport. Since the adoption of the Airport Land Use Compatibility Plan (ALUCP) in 1991, the specific plan has been evaluated for aviation compatibility on at least three times. The last comprehensive consistency evaluation occurred in 2004 at which time the County was amending the specific plan to limit the areas where retail and resort uses could be placed. The 2004 plan was found to by the ALUC to be consistent with the ALUCP.

The current proposal for a fueling facility is before the ALUC because a specific plan amendment is necessary to implement the project at the proposed location. The location, at 221 Devlin Road, is outside of the areas where retail uses are presently permitted in the specific plan. To allow the convenience market and retail gasoline sales at this location, the specific plan must be amended. Pursuant to State Aeronautic Act provisions, an ALUC consistency review is required any time a local agency (in this the County of Napa) amends their general plan, specific plan, or zoning / building regulations within an Airport Influence Area. An ALUC would not otherwise be triggered for this project if retail uses were not included. The truck fueling service, inclusive of above ground fuel tanks, in itself is not automatically subject to ALUC review, but the local agency may refer an item of this nature to the ALUC if there is a question of compatibility.

ALUC Staff are recommending that the project be found consistent with the ALUCP. The project is located within Zone D, the Common Traffic Pattern, but is in a sideline area near Soscol Ridge (which penetrates navigable airspace) and thus overflights are less common in this area than in areas coinciding with typical approach/departure paths. The most common overflights of this site occur from smaller aircraft circling to land on the secondary prevailing wind runway (Runway 18 Left). Potential for an off-airport aircraft incident is quite low at this site, and therefore the project is in a suitable location for above ground fuel tanks. The retail component of this project, in itself, does not raise any questions of aviation compatibility. Project densities will be well below ALUCP thresholds.

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 Napa County Planning Commission is the Lead Agency responsible for carrying out the project and will determine required CEQA findings before taking final action on the request.

BACKGROUND AND DISCUSSION

Airport Land Use Consistency Factors:

1. Location - The proposed servicing facility is located approximately 2,000 southeast of the extended centerline of Runway 18 Right within Zone D of the ALUCP. The site is in close proximity to Soscol Ridge, approximately 1,000 southwest of where the ridge penetrates navigable airspace, and thus is in an area where overflights are less common. Typical overflights occur from aircraft circling to approach the secondary runway, Runway 18 Left. These

are generally single engine propeller driven aircraft. This location has a low probability for an off-airport aircraft incursion. The site is also in close proximity to Devlin Road and State Route 29 which both present some opportunities for safe haven to a distressed aircraft in this location. The use of above ground fuel tanks does present some risk of explosion or other calamity in the event of an aircraft accident when compared to other land uses which do not contain above ground fuel tanks. However, this location is superior to many other locations within the business park that are more commonly subjected to aircraft overflight. ALUC Staff believe this is a suitable location for the use.

2. Land Use – This proposal is before the ALUC due to the specific plan amendment to enable retail uses at this location. However, the ALUC is obligated to evaluate the entire project. Since retail uses have already been evaluated for other areas of the specific plan located within Compatibility Zone D, and found consistent, the addition of retail use at this project site within Compatibility Zone D presents no land use issue. Zone D allows most non-residential uses. In looking at the project as a whole, the above ground fuel tanks present the greatest potential for a compatibility concern. As noted in Item #1, ALUC Staff believe that the project's locations is well suited for the above ground tanks with the low risk for an off-airport incident. The proposed land use is consistent with the requirements of Compatibility Zone D.

3. Concentration of People – Zone D allows 100 persons per acre within building and 150 person per acre on site. The approximately 3,500 sq. ft. retail convenience market will function at densities well below these thresholds. Likewise, patrons and employees utilizing the outside service pumps will be well below 150 on the 3 acre site. This project has no potential to exceed density requirements, and is fully consistent with the ALUCP in this regard.

4. Building Height – Finished floor elevation of the project is 53 ft. above Mean Sea Level (MSL). The highest point of the building and canopies is 32 ft. above floor height, or 87 ft. MSL. The project is located under the Horizon Surface of the FAA's airspace protection zones, which defines navigable airspace at 150 ft. above runway height, or 183 ft. MSL. The tallest point of the proposed project is 94 ft. below the Horizon Surface, and thus is well within ALUCP height limits.

5. Lighting and Glare – The project will include free standing light standards as well as canopy soffit lighting. Per Napa County 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 - The convenience market and fueling facility will have no special communications equipment, nor any improvements that have potential to interfere with aviation related communications.

8. Building Materials – Proposed building materials consist of wood lap siding and stone elevations with flat parapet roofs on the fueling canopies and convenience market, except that standing seam metal roofing will be used on architectural features on the convenience market. Typical roof treatment will be a white or light colored "cool roof" system for reducing solar radiant heating. These roofs are not reflective and do not represent a potential source of glare or distraction to pilots. Solar panels are not proposed with the project, but under County code solar panels are allowed at this facility and therefore could be constructed in the future. County 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.

9. Overflight Easement – The property has an existing Avigation Easement accepted by the Napa County Board of Supervisors when the original Allied Propane building was constructed approximately 20 years ago. No changes to the document are required for this project.

10. Caltrans Aeronautics – Caltrans Division of Aeronautics staff has been sent copies of attached background

information. No comments have been received regarding the project.

11. Processing – ALUCP Policy 2.1.8 states, "The ALUC shall not accept any plan, ordinance or regulation for review until the referring local agency has held at least one substantive local hearing or other public meeting on the proposed matter. . ." and prior to the local agency's final action. Staff believe the reason for this policy is two fold: 1) to avoid ALUC having to respond to land use issues outside of the jurisdiction of the ALUC which may occur if the project is reviewed too early in the process, before the local agency has commenced public review; and 2) to ensure that the ALUC can review the final design so that re-referral to the ALUC does not occur as a result of project design changes during the local agency public hearings. This policy is most suited for major consistency determinations (e.g., general plan amendments) that are subject to multiple Planning Commission, City Council or Board of Supervisor hearings at the local level.

In this case, the project is a relatively minor change to the existing specific plan and is subject to both a Napa County Planning Commission review and Board of Supervisors hearing. Typically, the ALUC would hear this item between the Planning Commission's hearing and the Board of Supervisors' hearing. Given the applicant's timing needs, ALUC Staff consented to moving this project to hearing in advance of the Planning Commission's hearing because the applicant's proposal is not presently ready for Planning Commission review, and because the Board of Supervisors has already held a public hearing to initiate the change to specific plan. There is some risk for the applicant that should the project substantial change after the ALUC hears this item, it would need to return to the ALUC for a subsequent hearing.

12. Conditions - County standard conditions of approval for the specific plan area address lighting, overflight easement, and construction requirements compatibility requirements. No project specific aviation compatibility conditions would be triggered for this project at the proposed location. The project's building and canopy heights are below the height limits that would trigger filing of a FAA 'Notice of Construction or Alteration.'

SUPPORTING DOCUMENTS

A . Graphics

B . Application Materials

Airport Land Use Commission: Approve

Reviewed By: John McDowell