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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 Planning Director - 299-1354

SUBJECT: Napa Pipe - ALUC Review (P12-00038-ALUC)

RECOMMENDATION

NAPA PIPE GENERAL PLAN AMENDMENT AND ZONING ORDINANCE AMENDMENT / NAPA REDEVELOPMENT PARTNERS - AIRPORT LAND USE CONSISTENCY DETERMINATION # P12-00038-ALUC

Request: Airport Land Use Consistency Determination for the proposed Napa Pipe General Plan Amendment and Zoning Ordinance Amendment including the following: 1) 2,050 dwelling units; 2) 150-unit continuing care retirement center for seniors; 3) 40,000 sq. ft. of neighborhood serving retail uses; 4) 190,000 sq. ft. of business park uses; 5) a 150-room hotel; 6) 34 acres of publicly accessible parks and open space; and 7) privately-maintained roads, infrastructure and community facilities. The 154-acre project site is located approximately 1/4-mile west of State Highway 121 and 1/4-mile north of State Highway 29, within Airport Land Use Compatibility Zones D and E for the Napa County Airport (Assessor's Parcel Numbers 046-400-030 & 046-412-005). 1025 Kaiser Road, Napa.

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

Staff Contact: John McDowell, 299-1354 john.mcdowell@countyofnapa.org ca.us

EXECUTIVE SUMMARY

Proposed Action:

1. That the Airport Land Use Commission find the Napa Pipe General Plan Amendment and Zoning Ordinance Amendments (P12-00038-ALUC) consistent with the Napa County Airport Land Use Compatibility Plan.

Discussion:

As set forth in State Aeronautics Law (Public Utilities Code 21676), the Airport Land Use Commission

(ALUC) must review any proposed General Plan Amendment or Zoning Ordinance Amendment affecting land use within the boundaries of an Airport Influence Area. This project involves a mixed-use development on 154 acres located within the Airport Influence Area of Napa County Airport. In accordance with ALUC policies, this compatibility determination has been referred for review after the local agency (Napa County) has commenced its public hearing process, but prior to the project being considered for final action by the Board of Supervisors. In its independent capacity, the ALUC is only reviewing the proposal for airport compatibility.

Two years ago, while the Draft Environmental Impact Report was being prepared and circulated for comments, this project was informally brought forward to the Commission. The Commission reviewed a proposed comment letter concerning airport land use compatibility topics which was later signed by the Commission Chair and forwarded to the applicant and County staff. Attached to this report is that comment letter with detailed responses prepared by the EIR consultant. The responses appear to satisfactorily address all potential issues raised in the ALUC's February 3, 2010, letter. The applicant, County Staff, and the EIR consultant have been responsive to incorporating aviation compatibility into the final project design. As supported in the Background Section of this report, ALUC Staff has reviewed the proposal for consistency with Airport Land Use Compatibility Plan (ALUCP) policies, and recommend that the ALUC find the project consistent with the ALUCP.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The County of Napa has prepared an Environmental Impact Report. The EIR discusses the project's potential to impact airport compatibility and there is a more thorough supplemental analysis by aviation consultants, Mead and Hunt, contained in the Final EIR (attached). The EIR concludes that the project will not result in significant impacts to airport compatibility. The EIR is scheduled for certification before the County Board of Supervisors after ALUC review of the project has been completed. ALUC's are not Responsible Agencies for the purposes of CEQA, and the ALUC's action on the project consists solely of a finding on the project's consistency with the ALUCP. This consistency finding neither represents an approval or denial of the project, and thus, the action does not constitute a "project" as defined under Section 15378 of State CEQA Guidelines. The County Board of Supervisor is the Lead Agency responsible for carrying out the project, and has the authority to override/overrule any consistency finding rendered by the ALUC.

BACKGROUND AND DISCUSSION

Airport Land Use Consistency Factors:

1. Location - This site was previously evaluated by the ALUC in 2008 when the County adopted their current General Plan, and again in 2009 when the County adopted their current Housing Element. Prior to 2008, the site was designated Industrial (I), but was changed to Special Study Area with the 2008 General Plan, and was assigned a 20-acre housing site in the 2009 Housing Element Update.

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 circling to land on the airport's main runway. In early 2010, the ALUC informally reviewed the project and provided comments

to the Planning Division Staff and the applicant. In response to the ALUC's February 3, 2010 letter, the EIR Consultant obtained assistance from professional aviation consultants Mead & Hunt. This firm has worked with Napa County for many years, and were primary authors of the Napa County Airport Master Plan and the ALUC's guiding document, the Napa County Airport Land Use Compatibility Plan (ALUCP).

The project location is evaluated thoroughly in the attached Napa Pipe Final EIR Comments and Responses. 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 Density - Zone E, which is the outer perimeter of Airport Influence Area lies between 10,000 ft. and 14,000 ft. from the runways. 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 2,050 dwellings, this project will be far more dense than a traditional single family residential community. This density actually lends itself to reducing 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 quite urban, and as such, it is expected that residents will be much more tolerant of the noise and activity of the urban environment. 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.

School Site - The project will generate several hundred students and the nearest elementary school is located approximately 1.5 miles from the property and well outside the Airport Influence Area. The developer has acquired a potential school site located just to the north of the project site off of Kaiser Road. The site is bordered by industrial uses on three sides. It is approximately 2.3 miles from the airport runways. In the Final EIR comments attached, Mead and Hunt provides aviation-specific analysis regarding the school site, but a more detailed overall analysis of the school site is contained in Chapter 4.3 of the Supplemental EIR. Ultimately, 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.

Day Care Center - The project concept includes a day care center located centrally within the residential part of the project just east of the railroad tracks and with Compatibility Zone E. The ALUCP allows day care centers within Zone E. This center is also located adjacent to a park and the railroad tracks, which in the rare occurrence of a semi-controlled off-airport event, there are substantial areas for the pilot to avoid this building. As noted in the Mead and Hunt analysis, risk of aircraft accident in this area is quite low.

Wetlands - The project involves the small addition of wetlands, approximately a quarter acre, in the southern portion of the site nearest the airport. The aviation consultant has evaluated this for potential bird hazards, and found that such a small amount of additional wetlands will have a negligible affect on bird attractants. The Napa River and other major wetland areas within the area already represent a substantial bird attractant, and adding a quarter acre of wetland adjacent to the urban area will not discernably change that existing condition.

Condominium Hotel - The original version of the project informally reviewed by the Commission in 2010 included a 150 unit condominium hotel within Zone D. The condominium component of the hotel has been dropped from the proposal, and hotel units would simply be use for standard transient occupancies. As such, there is no longer potential for residential units within Zone D.

3. Concentration of People – Mead and Hunt prepared a detailed analysis of populations 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 – The proposed zoning would allow buildings to a height of 85 ft. with appurtenant features extending higher, generally about 95 ft., which is significantly higher than the County's current standard applied in all other unincorporated areas where buildings are limited to 35 ft. for occupied areas, and unoccupied spaces are allowed to 50 ft. in height. The Cities of American Canyon and Napa allow structures to a height of 50 ft. within the Airport Influence Area. The Final EIR commenters assert that the ALUC misrepresented the ALUCP's height limits in our letter of February 3, 2010. ALUC Staff strongly disagree with this assertion, and believe the responders are taking an overly board interpretation of the language (see Final EIR comment page 5-326, second paragraph). The response seems to suggest that because the proposed buildings do not penetrate navigable airspace, the ALUC is obligated to find the proposed height compatible with aviation. ALUC Staff do not agree with this rationale if this is indeed what the EIR commenter is suggesting.

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). It 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, with a subsection that further states 35 ft. high structures can also be allowed in areas where natural terrain features penetrate navigable airspace if appropriately marked as required by the FAA. 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, as suggested by the EIR commenter, would have resulted in man made features that significantly exceed the height of the existing terrain features surrounding the County airports. The ALUC's policy to limit building height in a manner consistent with the surrounding areas is a sound measure for ensuring land use compatibility with aviation. The greater the distance between the top of structures and the bottom of navigable airspace, the greater amount of nonnavigable airspace available to distressed aircraft to recover or at least avoid structures (and the people within).

With that point clarified, ALUC Staff believe the 85 ft. to 95 ft. height can be supported in this case simply due to the project's particular setting. First, and as noted in the Final EIR, project buildings will remain below the height of the Southern Crossing (Highway 29 over Napa River) bridge and hill, also known as the Officer George F. Butler Memorial Bridge. The Southern Crossing bridge is 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). Second, the tops of new structures will be of similar height to the existing industrial structures they will be replacing. ALUCP Policy 2.1.4, which pertains to "infill" development, provides that uses similar to existing but otherwise prohibited uses, can occur when the area in question is already substantially developed with the similar use, and when the new use would not extend or expand the otherwise prohibited use. Although this policy does not directly apply, because the project site is changing from an industrial use to mixed use residential community, it is noteworthy because it aligns with direction in the California Airport Land Use Planning Handbook that ALUC's should account for existing conditions when determining compatible of new proposals. Building heights for this proposed use will be commensurate to what has existed for decades. In fact, these existing buildings have been in place for approximately the same period of time as the airport, and in that regard are similar in character to that of other long existing features surrounding the airport. Lastly, navigable airspace over the southern third of the property where a 48 ft. height limit will be in place is 183 ft. MSL. Given that the project site is roughly 5 ft. to 10 ft. above MSL, there will be well over a 100 ft. of separation between building tops and the lower navigable airspace threshold. The area where the 85 ft. to 95 ft. building heights will occur, is located below the outer conical surface where navigable airspace increases from 183 ft. MSL at 10,000 ft. from the runways to 383 ft. MSL at 14,000 ft. from the runways. Buildings at 105 ft. MSL in these areas will be anywhere from 78 ft. to 278 ft. below navigable

airspace, which is quite similar to what occurs within the County's industrial park adjoining the airport. Within that industrial park, navigable airspace is primarily 183 ft. MSL, but the natural terrain ranges from 30 ft. MSL to 120 ft. MSL sloping upward toward the east. An 85 ft. high building at the corner of Highway 29 and Highway 12, as an example, would be much closer to penetrating navigable airspace than the same building being located at Napa Pipe simply because the Napa Pipe site is sits close to sea level and the Highway 29/12 intersection sits at 75 ft. above sea level. Although ALUC Staff would be reluctant to support building height such as this throughout other portions of the Airport Influence Area, especially within the County's Airport Industrial Area business park and the surrounding agricultural areas, it appears that the proposed building height for this location could be found acceptable.

Project construction will also require temporary cranes extending above 100 ft. in elevation. Planning Division Staff have indicated that all project approvals will be subject to the County's standard condition requiring notification of the Airport Manager and appropriate marking of the crane(s) to alert pilots of the potential hazard. In addition, the project site will retain its Airport Compatibility Combination zoning which also prevents uses that could cause a hazard to flight.

5. Lighting and Glare – The project involves redevelopment of an industrial site to mixed urban uses. The greater potential light and glare impact would result from new light fixtures being installed throughout the property. Presently, there are several poorly shielded existing flood lights on the subject property. These fixtures will be removed and replaced with new lighting. County Planning Division Staff have indicated that the project will be subject to the County's standard condition 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, and may actually be an improvement as a result of the existing flood lighting being removed. Consequently, the project should not result in light and glare compatibility issues.

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 County. The proposed zoning designations include a requirement to prepare a development plan and design guidelines. This document will establish all design criteria. Being that the project site will retain its Airport Compatibility Combination zoning, the County's current regulations prohibiting highly reflective surfaces and other building materials that may cause hazard to flight will still apply. Therefore, final project building materials is not anticipated to cause potential conflicts with airport compatibility.

8. Noise – The supplemental Mead and Hunt analysis and Final EIR thoroughly address potential noise impacts. 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 urban density.

On the western site of the project at the old dry docks, the applicant envisions including a sunken outdoor events space. This outdoor facility is located within Zone E. The ALUCP lists amphitheatres as a not normally acceptable use subject to ALUC review. ALUC Staff do not anticipate that this space will function in the same manner as a more amphitheater or other more intense outdoor arena, and will function more similarly to event space at a public park with infrequent use, similar to what occurs in downtown Napa at Veteran's Park. Use of dry dock for occasional outdoor events poses no compatibility issues for aviation.

9. Overflight Easement – The County 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. Regardless, the County's Airport Compatibility Combination zoning designation will be applied to the entire project site, and thus recordation of overflight easements will be mandated by ordinance in conjunction with future building permits and recordation of subdivision and parcel maps.

10. Caltrans Aeronautics – The Draft EIR was referred to Caltrans Division of Aeronautics for comment. Caltrans Aeronautics Staff commented on the project on May 4, 2010 (see attached). Those comments were satisfactorily addressed in the Final EIR. Caltrans echoed several comments raised in the ALUC comment letter, and pointed out filing of a Federal Aviation Administration Notice to Construct may be required.

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 initially reviewed by the County Planning Commission on February 21, 2012, and is scheduled again for further review by the Planning Commission on March 19, 2012. The Board of Supervisors' review will commence upon conclusion of hearings by the Planning Commission. The County 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.

12. Project Alternatives - The County Planning Commission has been presented with three options for moving forward with the project. The first option is the applicant's proposed project, consisting of the 2,050 homes plus industrial/commercial uses on 154 acres and evaluated above. The second option is a Planning Staff proposal to rezone the western 63 acres of the property to residential and commercial and leave the eastern portion of the site for industrial use. This alternative would allow for a maximum of 954 residential units. The last option would be a reduced development alternative based off the County's current Housing Element, which would allow 410 residential uses and leave the remainder of the site as presently zoned.

This compatibility analysis and the project EIR evaluates the developer's proposal, and concludes that the overall larger project can be found consistent with the ALUCP. The Planning Staff option, which merely consists of a smaller project with no new areas of development, would consequently be consistent with the ALUCP as well. From an airport compatibility view point, the Planning Staff option essentially just results in a greater amount of land remaining industrial, which is generally highly compatibility with airport operations. The option based on the County's current Housing Element was previously reviewed by the ALUC in 2009 and found consistent. Therefore, ALUC Staff are asking that the Commission find the developer's proposal consistent with the ALUCP, and in the event a smaller project is ultimately approved by the Board of Supervisors, referral back to the ALUC would not be necessary.

NOTE ON ATTACHMENTS

All commissioners were previously provided with copies of the Final EIR volumes. Members of the public may access this information on the County's website at <http://www.countyofnapa.org/napapipe> and at the Conservation, Development and Planning Department on the second floor of the County Administration Building, 1195 Third Street in Napa.

SUPPORTING DOCUMENTS

- A . ALUC Application Letter
- B . ALUC February 3, 2010 Letter and Final EIR Responses
- C . Caltrans Comment and Final EIR Response

- D . Planning Division Staff Report
- E . Proposed General Plan Amendments
- F . Proposed Zoning Ordinance
- G . Matrix of Three Project Alternatives
- H . Graphics

Airport Land Use Commission: Approve

Reviewed By: John McDowell