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Agenda Date: 5/20/2009

Agenda Placement: 8B

## Airport Land Use Commission Board Agenda Letter

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**TO:** Airport Land Use Commission

**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning

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

**SUBJECT:** Napa County Housing Element Update - ALUC Review (P09-00181-ALUC)

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### **RECOMMENDATION**

#### **COUNTY OF NAPA / PROPOSED HOUSING ELEMENT UPDATE - AIRPORT LAND USE CONSISTENCY DETERMINATION # P09-00181-ALUC**

**Request:** Airport Land Use Consistency Determination for Napa County's 2009 Housing Element Update General Plan Amendment and associated changes to Napa County Code necessary to implement the Housing Element including the following as it relates to airport compatibility: 1) discussion of the designated housing sites within airport influence areas (Angwin and Napa Pipe sites); 2) allowing second units in the Agricultural Preserve; 3) allowing emergency shelters in industrial areas; 4) removing density limits for residential care facilities; 5) allowing accessory dwellings in Commercial Limited zones; and 6) simplification of the County's Growth Management System.

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

**Staff Contact:** John McDowell 299-1354 [jmcdowell@co.napa.ca.us](mailto:jmcdowell@co.napa.ca.us)

### **EXECUTIVE SUMMARY**

#### **Proposed Action:**

1. That the Airport Land Use Commission find the Napa County Housing Element Update General Plan Amendment (P09-00181-ALUC) consistent with the Napa County Airport Land Use Compatibility Plan.

#### **Discussion:**

On May 6, 2009, the Napa County Planning Commission commenced public hearings on a proposed update to the County General Plan Housing Element. The Planning Commission's hearing will continue on May 20, 2009

following the conclusion of the ALUC's business, and it is expected that the Board of Supervisors will hear the matter in May and June. The following changes that relate to airport compatibility are addressed in this report: 1) discussion of the designated housing sites within airport influence areas (Angwin and Napa Pipe sites); 2) allowing second units in the Agricultural Preserve; 3) allowing emergency shelters in industrial areas; 4) removing density limits for residential care facilities; 5) allowing accessory dwellings in Commercial Limited zones; and 6) simplification of the County's Growth Management System.

As set forth in State Aeronautics Law (Public Utilities Code 21676), the Airport Land Use Commission (ALUC) must review the proposed General Plan Amendment prior to its consideration by the Board of Supervisors because the proposal involves changes to General Plan designations and policies within airport influence areas. In its independent capacity, the ALUC is only reviewing the proposal for airport compatibility. As supported in the Background and Discussion 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 the relevant section is attached for reference. 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 in June after ALUC review of the project has been completed.

### **BACKGROUND AND DISCUSSION**

#### **Airport Land Use Consistency Factors:**

**1. Location** - The project involves a General Plan Amendment to the Napa County General Plan consisting of an update to the Housing Element. All jurisdictions in Napa County, including the County, are required to periodically review and update (as necessary) their Housing Elements to comply with State mandates concerning providing adequate opportunities for new housing. The County last updated its Housing Element in 2004.

ALUC review of the Housing Element Update is required because it involves changes to General Plan policies that affect lands subject to oversight by the ALUC, most notably, lands within the Airport Influence Areas of Napa County Airport and Angwin Airport. The Update contains several changes from the Housing Element the ALUC reviewed and found consistent in 2004. The Update also includes several changes to County Code to bring the Code into conformity with the Housing Element changes. Six items in the Housing Element Update pertain to the Airport Land Use Consistency Determination and are discussed below:

**A. Designated Housing Sites Within Airport Influence Areas** - Two of the County's designated housing sites fall with Airport Influence Areas. The first is the Napa Pipe site, which is an approximately 150 acre property located 9,000 ft. to 12,500 ft. from the nearest runway and has roughly 50 acres within Land Use Compatibility Zone D, and 100 acres within Land Use Compatibility Zone E. The second site is at Angwin on a 44.5 acre property owned

by Pacific Union College located immediately south and west of Parrett Field/Angwin Airport. Approximately 8 acres of the site are located within Land Use Compatibility Zone A and the remainder is in Zone E (formerly Zone F). Both are discussed in more detail below:

Napa Pipe Site - This site was previously evaluated by the ALUC in 2008 when the County adopted their current General Plan. The site was designated Industrial (I), but was changed to Special Study Area with the 2008 General Plan with the expressed intent that the site be considered for redevelopment with housing. Presently the County is processing a property-owner sponsored General Plan Amendment to develop a mixed-use community on the entire 150 acre site. The County's Housing Element Update, which is independent of the private development proposal, seeks to allow 20 acres of the property to develop, by right, with high-density residential. This by-right residential development would occur within Zone E, where residential development is considered a normally acceptable use. The separate Napa Pipe development proposal is subject to future ALUC review once the County has completed the project EIR.

Angwin Site - The 44.5 acre "site B" in Angwin is a sloping property located just south of Pacific Union College's campus and the airport. The County has designated it for 77 units. The most likely portion of the site where development would occur is located in the southwest corner of the site off Las Posadas Road, as a result of good access, generally level land. Such a location is well suited for airport land use compatibility because it is in Zone E and located away from the approach/departure path. The northeast portion of the site, generally east of the existing student parking lot area, is not suitable for development. The area east of the parking lot is located within Land Use Compatibility Zone A which prohibits most land uses as a result of being at essentially the business end of the runway.

B. Second units in the Agricultural Preserve - Current County regulations allow only a single family home on lots zoned AP - Agricultural Preserve, but allow a single family home and a subordinate secondary living unit. Presently no land within Airport Influence Areas is zoned AP. However, there is land west of the Napa County Airport across the Napa River that has a County General Plan designation of Agricultural Resource (AR), which would be eligible for rezoning to AP should it ever be proposed. All of those lands are presently zoned AW - Agricultural Watershed, which presently allows second units. Any rezoning within an Airport Influence Area is subject to ALUC review; however, it is likely that a rezoning from AW to AP will have no ALUC issues given that second units were previously evaluated and found consistent by the ALUC.

C. Emergency Shelters in Industrial Areas - The change will allow emergency accommodation for homeless people in Industrial areas. Many of the County's industrial areas are located within the Airport Influence Area for Napa County Airport. Such facilities are defined as an institutional use and not a residential use, and as such are allowable in Land Use Compatibility Zones D and E. Such a use may be possible in Zone C if located a sufficient distance from approach/departure paths, and if persons within the building do not exceed density limitations. Any emergency shelter use within Zone C should be referred to the ALUC for a Consistency Determination to ensure safety and to evaluate noise impacts for persons staying at the shelter. Otherwise, since the use does not constitute permanent residences within Airport Influence Area, ALUC Staff consider it compatible with the ALUCP.

D. Removing Density Limits for Residential Care Facilities - Residential Care Facilities provide various types of medical and non-medical care for persons requiring assistance in day-to-day living. The County-proposed changes will eliminate spacing requirements between such facilities, as well as relax the proximity requirement for the facility's relationship to hospitals. Presently there are no Residential Care Facilities within Airport Influence Areas. These changes could result in future use permit requests for Residential Care Facilities within Airport Influence Areas. Such facilities are prohibited by the ALUCP and County Airport Combining Zoning in Land Use Compatibility Zones A, B and C, and are normally not allowed in Zone D. These facilities are allowed in Zone E. This policy change does not cause any conflicts with airport compatibility standards, because any new facilities would be required to comply with County zoning requirements, including Airport Compatibility Combination Zoning requirements that mirror ALUCP requirements. Therefore, this change is consistent with the ALUCP.

**E. Allowing Accessory Dwellings in Commercial Limited Zones** - This change will allow residences on properties in the County Commercial Limited Zoning as an incentive to provide employee housing for commercial uses that create jobs (i.e. - jobs/housing balance). At present there are no Commercial Limited Zoning districts located within Airport Influence Areas, but it is possible that rezoning could be sought within Airport Influence Areas in the future to take advantage of this incentive. In the event such a rezoning were requested, it would be subject to ALUC review. Typically such units function in a similar manner to that of caretaker's units, which are allowed within Airport Influence Areas. ALUC Staff are not generally concerned about such accessory dwelling units should one ever be proposed within an influence area; however, ALUC Staff feel it is important to not allow erosion of Napa's well-crafted airport/residential separation requirements. This change is considered consistent with the ALUCP.

**F. Simplification of the County Growth Management System** - The residential growth rate in Napa County has been capped by the voters at 1% annually by voter mandate (Measure A). To implement this mandate, the County has a Growth Management System where the various types of residential units, such as single family, affordable, etc., are made available on a first-come, first-serve basis, and with some provisions for carrying over unused units from prior years, if any. The proposed update will simplify the processes on how these unit types are allocated. ALUC Staff have evaluated the changes, and find that they do not have the potential to affect airport operations. None of the changes affect land uses or land use designations. They only relate to the rate at which approved/allowed residential developments can proceed with construction. This change is considered consistent with the ALUCP.

**2. Land Use** – The County's General Plan and Zoning have previously been found consistent with the ALUCP on several occasions. Most recently was in February 2008 when the ALUC reviewed the recently adopted 2008 Napa County General Plan and more recently in November 2008 with the Proposed Land Use Map Amendment (PLUMA) that furthered aligned, or synchronized, County General Plan designations with long established zoning and with mutually agreed upon city/county growth boundaries. ALUC Staff view this proposed Housing Element as consistent with those past actions and finds the County has provided sufficient assurance to ensure that land use within Napa County remains highly compatible with airport operations.

**3. Concentration of People** – The changes noted above in item #1 result in urban and rural designated lands being changed to reflect their current agricultural zoning. As such, no changes to possible density are occurring, and no increases are being enabled as result of changing more intense land uses to conform to less intense zoning. The resulting changes clarify that less dense agricultural land use is allowed, and agricultural land use in Napa County is consistent with airport operations and compatibility.

**4. Building Height** – No changes to County regulations related to building height limits are proposed. The County's building height remains 35 ft. for occupied structures and 50 ft. from unoccupied space, fully consistent with ALUCP standards.

**5. Lighting and Glare** – No changes to County regulations concerning light and glare are proposed. The County's General Plan and zoning remains fully consistent with the ALUCP.

**6. Communications** – The proposed General Plan amendment will not change any County regulations concerning communication facilities, and the County's regulations will continue to be consistent with ALUCP standards.

**7. Building Materials** – No changes to County regulations concerning building materials are proposed. The County's zoning remains consistent with the ALUCP.

**8. 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 General Plan Amendment, and County regulations remain consistent with the ALUCP.

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

information. Caltrans Aeronautics also received a referral of the EIR when it was circulated. No comments have been received regarding the project.

**10. 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 County Planning Commission on May 6, 2009, and is scheduled again for further review by the Planning Commission later on May 20, 2009. The Board of Supervisors' review will commence upon conclusion of hearings by the Planning Commission and are anticipated to occur in May and June. The County has complied with Policy 2.1.9.

#### **NOTE ON ATTACHMENTS**

All commissioners were previously provided with copies of the County Housing Element and background materials. Members of the public may access this information from downloading the materials from the May 6th and May 20th Planning Commission Agendas and Staff Report webpage accessible at [www.co.napa.ca.us](http://www.co.napa.ca.us). Copies may also be obtained from the Clerk of the Commission at 1195 Third Street.

#### **SUPPORTING DOCUMENTS**

- A . Angwin Site B Airport Compatibility Zones Aerial
- B . Housing Element EIR - Airport Compatibility Excerpt

Airport Land Use Commission: Approve

Reviewed By: John McDowell