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Agenda Date: 5/5/2010

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: RONALD GEE, PLANNER III - 707.253.4417

SUBJECT: CITY OF AMERICAN CANYON - ALUCP COMPLIANCE GENERAL PLAN AMENDMENT - AIRPORT
LAND USE CONSISTENCY DETERMINATION # P10-0002-ALUC

RECOMMENDATION

CITY OF AMERICAN CANYON GENERAL PLAN AND ZONING - AIRPORT LAND USE CONSISTENCY DETERMINATION #P10-00002-ALUC

Request: Airport Land Use Compatibility Review and Consistency Determination for City of American Canyon General Plan and Zoning with related development review implementation procedures as required pursuant to the State Aeronautic Act, Public Utilities Code Chapter 4, Article 3.5, Section 21676. The City of American Canyon is in the process of updating its General Plan and Zoning Ordinance to comply with the current Napa County Airport Land Use Compatibility Plan. Upon the Airport Land Use Commission finding of consistency with airport land use compatibility criteria, and upon adoption of the General Plan Amendment and Zoning updates by the City of American Canyon, most subsequent individual development proposals within the City and within airport compatibility boundaries will no longer be subject to separate review by the Airport Land Use Commission.

Staff Recommendation: That the Commission find the project consistent with the Airport Land Use Compatibility Plan.

Staff Contact: Ronald Gee, 299-1351, ronald.gee@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

1. That the Airport Land Use Commission find the City of American Canyon General Plan Amendment, Rezoning and implementation procedures (P10-00002-ALUC) consistent with the Napa County Airport Land Use Compatibility Plan (ALUCP).

Discussion:

Since incorporation of the City of American Canyon in 1992, the City has not had a general plan and land use regulations that have been formally reviewed for consistency by the ALUC. The City's original general plan and zoning contained airport land use compatibility policies, but there had been some discrepancies between those policies and those contained in the ALUC's Airport Land Use Compatibility Plan (ALUCP). The City's original 1994 general plan was largely consistent with the original ALUCP adopted in 1991, but during the 1990's City and ALUC Staff could not reach agreement over several implementation items and consequently that general plan was never formally submitted to the ALUC for review. In 1999, the ALUC amended the ALUCP triggering a requirement for all the local land use agencies (American Canyon, Napa City, Napa County) to amend their plans and submit for new consistency determinations (or pursue an override). City of Napa revised their plan in 2003, and Napa County revised their plan in 2004. It appeared that City of American Canyon's plan would be revised in 2005, but several staffing changes at the City lead to the project being put on hold. The current Planning Director and Senior Planner resumed the effort several months ago and moved the current set of general plan and zoning changes forward working closely with ALUC Staff. Since 1992 all City discretionary actions, regulations and permits affecting land within the Airport Influence Area (AIA) have been subject to individual review by the ALUC pursuant to Public Utilities Code 21676.5(a). Once the ALUC has found the City's general plan and land use regulations consistent with the ALUCP, review of most other individual land use actions by the ALUC will no longer be necessary.

The "project" currently before the ALUC is technically an evaluation of the entire City general plan and all other City land use regulations related to city governed land that lies within the AIA. The action before the ALUC is to determine ALUCP consistency for all of these documents. Given the large volume of material contained within these various documents, ALUC Staff have focused this report on only those areas that relate to airport compatibility, and most notably, the currently proposed set of general plan and zoning changes specifically targeted to address airport compatibility measures. ALUC Staff believe that with these final adjustments to the City general plan and zoning overall consistency with the ALUCP has been achieved.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The City of American Canyon found the project Categorically Exempt from CEQA review as defined by 14 California Code of Regulations, Section 15320 (State CEQA Guidelines) for Changes in Organization of Local Agencies. The proposed general plan amendment and rezoning do not change the geographical area where Airport Land Use Compatibility Plan (ALUCP) policies apply. These actions facilitate transfer of authority for ALUCP compliance determination for general discretionary applications within the Airport Influence Area from the Napa County Airport Land Use Commission to the City of American Canyon.

BACKGROUND AND DISCUSSION

Airport Land Use Consistency Factors:

1. History - The City of American Canyon is the last jurisdiction of the three located within the Napa County Airport influence area to bring its general plan and zoning code into compliance with the 1999 ALUCP, as required by the State Aeronautics Act. If the ALUC approves the revised plan and zoning amendments, American Canyon will no longer be required to submit to the ALUC for its approval of most land use actions, permits and regulations pertaining to property located within the airport influence area, pursuant to Public Utilities Code (PUC) 21676.5; however, all General Plan, Zoning Ordinance, Subdivision Ordinance, Specific Plan and building regulation amendments that affect properties within Airport Compatibility zones will still require separate ALUC review and approval.

American Canyon has been working on these amendments for the past eight months and previously submitted a draft to the ALUC staff on January 4, 2010. Although originally scheduled for February 7, 2010 ALUC hearing, working with ALUC staff, the applicant continued to refine the application to ensure that all ALUCP policies would be incorporated into City policy documents. After months of coordination and cooperation with the ALUC staff and American Canyon planning staff, the revised American Canyon General Plan and implementing ordinance amendments are ready for ALUC approval.

2. Location - The project amends and updates the City of American Canyon General Plan to bring it into compliance with the Napa County Airport Land Use Compatibility Plan (ALUCP). Included are concurrent Zoning Amendments to implement ALUCP policies. These changes affect all parcels located in approximately the north half of the City that are located within Napa County Airport Influence Areas Zone D, the Common Traffic Pattern, and Zone E, Other Airport Environs. Zone D extends approximately 1.9 miles (10,000 feet) south of the centerline of Runway 6/24 and 2.0 miles southeast of the centerline of Runway 18/36. Zone E extends an additional (4,000 feet) beyond the Zone D boundary. Typical overflights of the project area consist of aircraft on the downwind approach leg to Runway 6/24 and southbound departure traffic.

3. Land Use – On December 17, 2009, the American Canyon Planning Commission unanimously recommended to the City Council approval of a General Plan Amendment to update and bring the 1994 General Plan into compliance with the ALUCP. On April 22, 2010, the Planning Commission considered concurrent Zoning Ordinance Amendment to adopt Zoning Map, ordinance text and permit issuance procedural changes to implement airport compatibility policies on parcels located in Napa County Airport influence areas. With combined Airport Land Use Commission (ALUC) Consistency Determination and City of American Canyon adoption of the General Plan Amendment and Rezoning, the net effect is to transfer responsibility of finding consistency with airport land use compatibility criteria from the ALUC to the City of American Canyon for general development on sites located within both City boundaries and Airport Compatibility Zone boundaries.

The proposed General Plan Amendment identifies text changes to the Land Use and Transportation Elements of the 1994 City General Plan. Outdated maps and exhibits tied to the April, 1991 ALUCP are replaced with reference documents found in the revised December, 1999 ALUCP. New General Plan text references airport compatibility policies that include: a) dedication of avigation or overflight easements and/or deed restrictions and real estate disclosure notifications when new development or subdivisions are permitted in airport influence areas; b) building height restrictions; c) consideration of criteria to determine acceptable locations for residential development located within the Airport's common traffic pattern; d) ALUC referral of helipad applications; and e) ALUC referral of all General Plan, Zoning Ordinance, Subdivision Ordinance, Specific Plan and building regulation amendments that affect properties within Airport Compatibility Zones.

The proposed Zoning Amendment revises the City Zoning Map to indicate Airport Zone D and E boundaries. Zoning text amendments will require a new airport policy consistency finding for approval of discretionary permits for all development applications, exterior alterations of sites or buildings, Zoning Clearances and Certificates of Occupancy will require clearance of potential conflicts with the list of permitted and conditional uses in zone districts located within airport influence areas Zones D and E.

After discussions between ALUC and City staff, the proposed General Plan and Zoning Amendments now provide adequate notice to affected property owners and ensure effective ALUCP policy implementation. The City's initial approach was to update and amend City General Plan policies only as detailed in the attached December 18, 2009 Planning Commission report. The current revision includes amendments to the Zoning Map, permit findings and review procedures as described in the attached April 22, 2010 report. City of American Canyon General Plan and ALUCP airport policy consistency requirements are included in the Zoning Ordinance.

Copies of all proposed General Plan and Zoning Ordinance text changes and amendments are attached to this report. ALUC Staff has reviewed the entire City of American Canyon General Plan, Zoning Ordinance, Subdivision Ordinance and Specific Plans and believes all appropriate changes necessary for ALUCP compliance have been incorporated. Applicable General Plan Elements and Zoning Ordinance Sections have also been attached. In the interest of resource conservation, if the ALUC wishes to review the complete reference documents, they can be found at the City of American Canyon web site. The General Plan is available at:

<http://www.cityofamericancanyon.org/index.aspx?page=115> The Title 18, Subdivisions and Title 19, Zoning Ordinances can be found at: <http://qcode.us/codes/americancanyon/>.

As set forth in *State Aeronautics Law* (Public Utilities Code 21676), the ALUC must review the proposed General Plan and Zoning Amendment prior to its consideration by the American Canyon City Council because the proposal involves changes to the General Plan and Zoning Ordinance designations and policies within airport influence areas, and these changes are specifically intended to bring the American Canyon General Plan and Zoning ordinance into compliance with the ALUCP. In its independent capacity, the ALUC is only reviewing the proposal for airport compatibility. However, since the net effect of this action will transfer consistency determination for general development review to the City from the ALUC, the ALUC should consider whether these changes and mechanisms ensure effective implementation. As noted above, all future development applications which include an amendment of a general plan, specific plan, or adoption of a building regulation or zoning ordinance, will still be referred to the ALUC for ALUCP consistency determination pursuant to PUC 21676 (b).

ALUC Staff has reviewed the proposal for consistency with ALUCP policies. Staff recommends that the ALUC determine the project is consistent with the ALUCP with all proposed General Plan policy changes and implementation measures.

4. Concentration of People – The current set of proposed zoning and general plan changes have incorporate the ALUCP's density restrictions. City Staff will evaluate concentrations of people on a case-by-case basis for each new use in accordance with the requirements of the ALUCP. Projects that conflict or potentially conflict with density limitation will be subject to ALUC review. With the proposed changes, the City's regulations will be fully consistent with ALUCP density limitations.

5. Building Height – City regulations have long limited building height to 35 feet for occupied structures, which is fully consistent with ALUCP standards.

6. Lighting and Glare – No changes to City regulations concerning light and glare are necessary to achieve consistency. Over the last several years, City regulations have contain sufficient measures to ensure that developments do not result in light and glare impacts. The City's standard conditions for development prohibit uplighting and off-site light and glare slippage consistent with ALUCP policies.

7. Building Materials – No changes to City regulations concerning building materials are necessary to achieve consistency. All projects within the City are subject to design review, and the building design requirements prohibit reflective materials. The City's standard conditions of approval prohibit reflective roof materials and building skylights are now required under the International Building Code (IBC) to disfuse incoming light, which consequently disfuses nighttime uplighting.

8. Overflight Easement – New General Plan text changes will require dedication of avigation or overflight easements and/or deed restrictions and real estate disclosure notifications when new development or subdivisions are permitted in airport influence areas. Avigation or overflight easements are required for all projects located within airport influence areas. No changes to this long established requirement will occur as part of this proposed General Plan and Ordinance Amendment.

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

10. Processing – ALUCP Policy 1.3.2 (b) requires referral of a project to the ALUC prior to City of American Canyon City Council final action to allow the local decision maker to consider the ALUC's finding prior to final action. Two substantial hearings before the City of American Canyon Planning Commission have taken place to review General Plan text changes and updates on December 18, 2009 and proposed Zoning Ordinance changes on April 22, 2010 in compliance with ALUC policy. No City Council hearing has been scheduled.

In the event that the ALUC were to find the proposed General Plan and Ordinance Amendments inconsistent with the ALUCP, the proposal, with any further amendments, could be reconsidered by the City of American Canyon Planning Commission in lieu of the City Council pursuing an override. Any revised application package would then need to return to the ALUC for consistency determination before the City Council can take final action. If the ALUC were to determine the current proposal inconsistent with ALUCP policies, the City of American Canyon's City Council would need to override the ALUC determination by a two-thirds vote to proceed.

SUPPORTING DOCUMENTS

- A . Application
- B . December 17, 2009 PC General Plan Amendment Report
- C . General Plan Amendments
- D . General Plan Land Use Element
- E . General Plan Noise Element
- F . April 22, 2010 PC Zoning Ordinance Amendment Report
- G . Zoning Ordinance Amendments
- H . Graphics

Airport Land Use Commission: Approve

Reviewed By: John McDowell