

Solano County Airport Land Use Commission



**SOLANO
COUNTY**

15 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
Fax (707) 784-4805
www.solanocounty.com

Thomas Randall
Chairman

**MINUTES OF THE
SOLANO COUNTY AIRPORT LAND USE COMMISSION
MEETING OF MAY 9, 2019**

The meeting of the Solano County Airport Land Use Commission was held in the Solano County Administration Center, Board of Supervisors Chambers (1st floor), 675 Texas Street, Fairfield, CA.

MEMBERS PRESENT: Commissioners Cavanagh, Vancil, DuClair, Meyer, Sagun, Seiden, Cook, Sarna, and Chairman Randall

MEMBERS ABSENT: None

OTHERS PRESENT: Jim Leland, Resource Management; Lee Axelrad, Deputy County Counsel; Kristine Sowards, Resource Management

Call to Order & Roll Call

Chairman Randall called the meeting to order at 7:05 p.m. Roll call was taken, and a quorum was present.

Approval of the Agenda

The agenda was approved as prepared.

Approval of the Minutes

The minutes of the meeting of April 11, 2019 were approved with one modification, to correct the misspelling of Commissioner Sagun's name.

Reports from Commissioners and/or Staff

Chairman Randall welcomed Dan Sarna as the Commission's newest member who will be representing Rio Vista. Dan's past experience includes 30 years with the City of Vallejo Fire Department, and he is currently the manager of the Travis AFB Aero Club.

Items from the Public

There was no one from the public wishing to speak.

Consent Calendar

There were no items scheduled on the Consent Calendar

Old Business

There was no old business to discuss.

New Business

1. Annual nomination and election of Chair of the Solano County Airport Land Use Commission, and annual nomination and election of Vice-Chair of the Commission, as provided by the Bylaws.

Chairman Randall opened the floor for nominations. After a roll call was taken for both Chair and Vice-Chair, Commissioners Randall and Sagun were elected Chair and Vice-Chair, respectively.

2. Workshop to consider policy questions regarding the regulations within the Travis Air Force Base Land Use Compatibility Plan (Travis Plan) pertaining to: 1) concentration of persons on the ground, 2) nursing homes, and 3) schools.

Jim Leland provided a summary of the written staff report. The report stated that over the past several years, staff and the commission have worked with the City of Suisun City and the Mount Calvary Baptist Church on the Church's proposal to develop a multi-purpose project on Peterson Road, 1000 feet east of Walters Road in the City of Suisun City. The project is a multi-use project that will serve residents of Suisun City, Fairfield, and surrounding communities. The project has been reviewed on a preliminary basis twice, once on March 10, 2016 and more recently on March 14, 2019.

The proposed project includes the construction of a sanctuary building, education center and a senior affordable housing project as well as a business center, a family life center, personal storage units, and a conference and banquet center. The proposed project is located within the Area of Influence of the Travis Plan (Plan) within Compatibility Zone C. In addition, the project lies within the Travis Plan's Bird Strike Hazard Zone; partly within the Assault Landing Zone Training Area Overlay; and partly between the 65 and 70 CNEL noise contours. During the commission's hearing on March 14, 2019, several questions arose regarding certain policy provisions within the Travis Plan. The staff report addressed those provisions in further detail.

Commissioner Meyer spoke to the senior housing. She stated that although this is not necessarily considered a nursing home where care is provided, 55 and older communities have anywhere ranging from very active people to those in hospice. She said if there is an individual who is immobile and is being taken care of by someone else living in the home, there is still the situation of immobility. She referred to Policy 4.5.3 as referenced in the staff report saying that it not only points to nursing homes, but also other uses in which most occupants are children, elderly, and/or disabled and shall be prohibited within Zone C. She referred to the various definitions in the staff report of the word elderly and questioned what would happen when a person reaches beyond that age. She wondered if that individual would then be required to relocate out of that housing development.

Commissioner Meyer spoke of her training in the Air Force saying that it not only included flight safety but also ground safety. She said there is a risk assessment matrix evident in the Travis Plan; a risk assessment matrix that talks about the severity of what could happen with the probability of its occurrence running along the Y-axis. She said she would consider an aircraft crashing to qualify as a catastrophic event even if the chance of it is remote, it should be avoided. She said according to the matrix, the risk assessment is labeled as serious which means that mitigation efforts would have to be made to move the serious risk to a lower category. She commented that from an objective standpoint, the risks here are at a minimum, serious if not high because of the catastrophic nature of a possible crash.

Lee Axelrad, deputy county counsel, noted that the meeting tonight is being conducted in a workshop format and at the end of the discussion the commission will not be asked to make a consistency determination concerning this proposal. He said the workshop has implications beyond a single project, the discussion is about the interpretation of the Travis Plan on the three issues that are being deliberated on. He reminded the commission to

leave the meeting with an open mind and in a receptive mode to hearing any additional information that may come forward in the future concerning this project.

Mr. Leland said that what the commission is discussing at a broad level is how to draw a line between whether something is or is not, when it presents itself in the form of an application. He commented that a single-family home sold in a community of 55 and older is probably not a nursing home since that community does not have doctors on staff inside those homes. An apartment or condominium project for 55 and older may not be a nursing home, but it could become one depending on how many ancillary facilities are located there or what kind of care is permitted to take place on the premises. That is a matter of fact to be determined with each application. Mr. Leland stated that the Plan does not give specific methodology for determining absolutely a project is one thing or another, it ultimately is a judgement call on the part of the commission. What is being said generally, if there is no evidence of care being provided to a population that cannot care for itself, it is probably not a nursing home. Same is true as a daycare facility, if a group of children are someplace such as a rented spot in a shopping center for a birthday party, that is probably not something that would be captured under the day care prohibition. Mr. Leland commented that the Plan, in retrospect, probably could have done a better job of defining terminology to assist the commission.

Commissioner Meyer inquired about the thought process behind prohibiting nursing homes within Zone C. Mr. Leland explained that this was an attempt by the authors of the Plan to do the mitigation of risk assessment. He said conventional subdivisions, apartments up to a certain density, and commercial uses are allowed in Zone C, but to mitigate certain forms of risk in that zone, the authors believed the intensity of those uses should be limited. They also wanted to mitigate for populations that might have difficulty exiting the scene in the event of an emergency. Those populations being young children and non-ambulatory patients. He also noted that not all uses that have children or persons over 55 are prohibited.

Chairman Randall spoke to the scenario in which a resident living in the senior housing development becomes elderly and may require some medical assistance. He wanted to know if that resident would then be required to leave the property. Mr. Leland stated that any approved housing project will have a distribution of ages. He said deed restrictions are not placed on subdivisions in Zone C to require persons to relocate after a certain age. He said it seems the authors of the Plan struggled with this and decided to prohibit the things that are obvious, and where there would be universal agreement. Those things were the drivers of why the authors picked day care for children, nursing homes, hospitals, etc. Mr. Leland said there is no magic solution that applies generally to any project, it is going to be a case-by-case determination as the applications come forth. Staff is looking for direction by the commission on factors to consider as particular cases come up.

Commissioner Cook commented that in looking at the Travis Plan, Section 4.5.3 relating to safety criteria, in the case of the senior housing, two things are irrefutable: that people will get older and they will become increasingly frail. The criteria states that children and elderly are prohibited in Zone C. She said whether they are in a nursing home or in a housing development, they still fall under this safety concern and that is why Zone C exists; to protect those vulnerable populations. Commissioner Cook said it appears to her that the way the staff report is written it does not focus enough on that protection. She said that she is advocating for the commission to give that the greater weight than the benefit of the doubt on the other side.

Mr. Leland said the question remains as to where the line is drawn by the commission. He commented that the commission could impose a deed restriction on a subdivision that states that when a person reaches a certain age they must move out of Zone C.

Commissioner Cook said what she is questioning is whether there should be the allowance for a senior affordable housing development in the project at all. She commented that the proposal is a good one, but not in this area because it is located within Zone C. She said she did not feel that the staff report is written in a neutral way. It is written supportive of the project. She stated that she believed the commission has the obligation to speak up if a project does not meet all the noise and safety requirements in the Plan.

Mr. Leland stated that what staff is trying to convey to the commission is they must choose whether a housing project is a housing project or a nursing home. If it is a housing project, then it is not prohibited by the Plan. He stated that the parameters that are applied to housing is density. All other parameters such as nursing home, hospital, daycare, are non-residential. If it is considered housing, it is subject to 11 dwelling units per acre. If it is a care facility or nursing home where a population cannot care for itself and treatment is being provided, then it is not housing and is subject to all those factors. Mr. Leland noted that it is being described by the proponent as a housing project.

Commissioner Sagun said he also shares the same concerns as Commissioners Meyer and Cook. He said he is keeping an open mind, but right now he must look at the intent of the Plan. He believed the intent is not to have more than an inordinate amount of risk near the airport such as placing large groups of people or those types of uses at the end of the runway. He felt the Plan is very clear and staff has done a good job of pointing out the development standards. He commented that those standards do not give the latitude to the commission to unilaterally change that Plan. He stated that there was a lot of time and effort and resources put into developing the Plan. He did not think it was fulfilling of the commission's responsibility to the public and to the Plan to arbitrarily go in after the fact and change the requirements that were all agreed upon when the Plan was adopted.

Commissioner Sagun spoke to Section 4.5.3 of the Plan regarding the type of occupancy that talks about most occupants being children, elderly and/or disabled. Again, he felt the intent was to not put groups of children and elderly near the runway who may not be able to egress as quickly as most during an emergency. He said he was uncomfortable with trying to come up with a creative formula to change the requirements which are very clear in the Plan. Commissioner Sagun stated that possibility at some time in the future if the Plan were to come up for review or an amendment, the commission could then consider and debate the merits at that time.

Commissioner DuClair commented that just over the hill from this proposed housing development is where Travis AFB store their munitions. He voiced concern due to the location of that area from where elderly and young children will be residing and the potential for an accidental explosion. Commissioner DuClair said he would guess that there would also be other days aside from just Sundays where significant amounts of people would be gathered on the site. He stated that he would also be concerned with possibly setting a precedent by allowing something like this.

Commissioner Vancil congratulated the congregation for their vision and their attention in listening to the commission by relocating the senior center farther away on the other side of the parcel. He commented that currently the housing is strictly proposed as senior housing, but as time passes uses can change. It could become more intensive to include nursing or

elderly care at some point in time. He inquired about the density of the other buildings such as the family life and education centers. Mr. Leland responded that the density information was provided in prior discussions but noted that the discussion tonight is not about this project.

Commissioner Vancil said he believes the density of the sanctuary itself clearly exceeds the boundaries. He said in the case of density of population, the commission needs to follow the guidelines that are set. Commissioner Vancil stated that there is air traffic that flies in the general area of the project and there are planes maneuvering in the VFR pattern that would come reasonably close to the proposed project.

Commissioner Meyer agreed that an additional risk associated with this project would be the location of the munitions bunkers that Commission DuClair spoke to earlier.

Commissioner Cavanagh said this discussion seems to keep evolving around this project, but the real issue as far the senior housing is concerned, is housing. He felt that the commission will lose sight of the fact that every Zone C senior housing project would have to be evaluated in the same light if the commission continues to totally focus on this project. Commissioner Cavanagh stated that the commission needs to decide if senior housing is an appropriate use in Zone C. He said he is uncomfortable talking about this project until getting a better feel for the larger policy question.

Mr. Leland stated that the larger policy question comes up against the same factors, which would be that housing is not prohibited whether it is or is not senior, because it is not a prohibited use under the Travis Plan. It is clearly stated that the only criteria for housing is density per acre. Mr. Leland said nursing homes are clearly prohibited, plus there is language about other kinds of uses that might involve the elderly or infirmed or children. He said this leaves the commission having to determine on a policy basis if age restricted housing is housing or a care facility. Depending upon what the commission determines will depend on the rules of whether it is allowed in Zone C.

Commissioner Meyer commented that in stepping back and looking at this it appears this project is not within the bounds of the density. In the staff report it says the Travis Plan cannot be read to allow for person-hours equivalency and it has to do with the number of people who may be on the property at any single point in time, whether indoors or outdoors. Based on that, regardless of whether there is anything else associated with it, Commissioner Meyer said what she sees is that the project being proposed currently is not compatible with the Plan regardless of who is or who is not elderly.

Lee Axelrad reiterated that the commission needs to keep an open mind until other information may be presented. He stated that the proposal by the applicant has changed from iteration to iteration as it has been coming forward. This is the reason why it is being brought forward in a workshop setting so that the applicant can try and shape their proposal in a way that works.

Commissioner Cook spoke to the issue of children's schools. She said the way it is written in the staff report it seems to imply that since this is not a kindergarten through 12th grade it does not meet the definition of a bonafide school. Commissioner Cook said she believed that the way the Plan was written is to provide examples, and so it is not intended to be all inclusive. She said a traditional school is one example since it contains lots of young children and is prohibited in Zone C. She commented that an education facility that is 60,000 square feet is going to have a lot of children and may also have some parents too such as a traditional school having teachers. She said it appears there are more similarities than

differences and yet the way the argument is written in the report is that it is not the same and so therefore it does not apply.

Mr. Leland said the question once again is where the line is drawn. What is a school and what is not a school, what is the kind of school the commission wants to prohibit and what is the kind of school that is acceptable. Mr. Leland commented that lots of places call themselves schools. He said that staff comes at these problems from the point of view of not wanting to read into the Plan something that may not be there, and always try to be as literal as possible in terms of the words in the Plan. He stated that when the Plan says children's schools are prohibited and defines them as being those institutions that provide state mandated education, staff does not feel they have the latitude to call something a school if it is not a public or parochial or private school providing state mandated education. Mr. Leland said that staff recognizes the kids in the Sunday School are the same age as the kids in a K-12 school, that is not being debated, but they are not on site five days a week receiving mandatory education which the Plan seems to elude to.

Commissioner Cook stated that at the presentation in March the applicant indicated that they would only be using the facility on Sunday. She commented that it being a 60,000 square foot costly building for the purposes of educating children, it would be hard to believe that it would only be used for a few hours on a Sunday.

Mr. Leland commented that one thing which should be clear to the applicant is that there is going to be a lot more detail in the project description needed the next time they come before the commission. Detail for each one of the facilities listed on their site plan and exactly what goes in each structure so that staff and the commission can decipher what is and how the Plan may apply. Mr. Leland mentioned the other aspect that will probably be brought by staff is the need for some enforcement that works in the form of either a deed restriction or avigation easement or some combination of both that locks them into whatever it is that might get approved.

Commissioner DuClair commented that come summer time most churches have summer school which would typically operate Monday through Friday from 8am to 12pm. which he felt would be what a traditional school would have.

Commissioner Seiden referred to Table 1 that references maximum density where it states that the residential maximum is 11 dwelling units per acre. He said the senior housing on the site plan lists 72 units. He said he sees that as relatively incompatible. Mr. Leland stated that when a proposal comes before the commission it would depend on how many acres are devoted to the 72 units.

Commissioner Sagun stated that the commission needs to keep in mind that the purpose of this workshop is to keep the discussion generic and to deliberate any potential methodology the commission is going to use to further define the requirements. He referred to the 11 dwelling units per acre and inquired as to the definition of a dwelling unit.

Mr. Leland explained that a dwelling unit is generally a self-contained unit that has a kitchen, bathing, and sleeping facility for one or more persons. He said 11 units per acre is generally going to end up being attached in some manner.

Commissioner Sagun said he believed the intent of the Plan is in keeping large groups of children or older people from gathering or living in a certain location, regardless of the purpose as to why those groups are there, the intent is to keep the risk at a manageable level.

Commissioner Cavanagh stated that he agreed. He said the commission must review church applications the same way as reviewing a senior housing development. If the commission does not want to have that concentration of people, the question would be if to allow churches in Zone C. He believed if a church is to be allowed, then all its intended uses should be allowed as well.

Commissioner Sagun stated that what the commission is really doing is managing the risk. He believed that is why the members of the commission were appointed, to share their expertise and experience and to collectively come to a good decision on managing the risk within the guidelines.

Commissioner Cook spoke with regard to some statistics pertaining to airplane accidents and what percentage of aircraft accidents happen on take-off and landing. She said when there is talk in the abstract of the unlikelihood of an accident happening, the fact of the matter is accidents do happen, as in 3 months ago, in February 2019, when a C-5 aircraft crashed on the runway at Travis AFB. She stated that according to Boeing statistics 16% of fatal accidents occur during take-off and initial climb while 29% occur during the approach and landing. Commissioner Cook stated that this proposed development is unfortunately within proximity to where aircraft take off and land at Travis.

Mr. Leland clarified that the proposed development is exactly one mile from the end of the runway and 1,100 feet from the clear zone, when travelling in a southeasterly direction from the property. He said the Travis Plan is built upon an analysis of crash statistics and flight tracks out of the Base, which is how Zones A, B1, B2, C, and D were created. The airport planners who put together the Plan, in concert with the Base, identified Zones A, B1 & B2 as places where most likely aircraft mishaps will occur. Zone C is where that was not given much consideration because it allows a lot of uses that would not have been allowed if thought there was going to be a high likelihood of aircraft accidents. Mr. Leland noted that staff has asked for and expect to receive from the Base updated flight track information that can be reviewed before this comes back before the commission.

Commissioner Seiden requested that staff provide more clarity with respect to the zones for Travis and the location of this project relating to Zone C and the runways at Travis. He commented that the visual provided in the previous document was small and difficult to read.

Chairman Randall opened the floor for public comment

Paul Junker, City of Suisun City, appeared before the commission. He stated that the church does not in any way want to place their congregants and the people that might occupy their project at risk. He noted that this is not a for-profit developer who is willing to cut some corners. They take the commission's concerns seriously. Mr. Junker provided clarification to some of the questions that were raised. He said the density of the senior housing is 72 units on 8 acres. He said that will include not only the building, but gardens and parking associated with it. He spoke regarding the residents of the units. He referenced his own personal experience, saying that he watched a family member who moved through the various levels of assisted living where they originally lived in a senior community and ultimately moved into a community that had independent living and higher levels of care. He said it was truly what someone could call their last home. Mr. Junker stated that what is being proposed by the applicant would not be the same because there would be no medical care, nursing or professional services provided.

Mr. Junker stated that the education center is not education in the sense of a school. There will be various programs that would be offered such as bible study, high school preparation sessions with counselors for those heading off to college, as well as a range of family counseling services. He said there are a lot of small group services that would go on in addition to the bible study which would be in conjunction with the worship services. Mr. Junker stated that they are looking to the commission to help them understand whether the services that the church is providing do in fact constitute a school. He stated that they did not believe so but were happy to keep the discussion open. He said when they bring this proposal back they will provide the commission with a good understanding about the services, how those services will be offered, when they would be offered, and who would be taking part in those services.

Mr. Junker stated that the density issue is a difficult one. He said it is anticipated that the city will be retaining the services of a respected airport safety firm and they will help the church and the city to understand whether this site can be safe.

Elton Hutchinson (spelling not verified), chief financial officer for Mount Calvary Baptist Church spoke before the commission. He stated that when they originally looked at this property they looked at other properties as well. The city manager at that time was the person who mentioned this property to them which caused them to see it as a great opportunity to have a larger campus. He said they did not realize all that they were getting into at the time, but they look forward to working with the county and making sure there is a comfort level between the commission and the church because it is important that they are at a place that the congregation feel comfortable.

Commissioner Seiden referenced two incidents, one on September 24, 1972 where 22 people died in a Farrell's Ice Cream Parlour disaster at Executive Airport in Sacramento, and the second one being a twin-engine aircraft that crashed into the Sunvalley shopping center where quite a few people were severely injured and died in the incident. He stated that those are the kind of things that dwell in the commission's minds and it is not that the commission has any desire whatsoever to forestall the applicant's desire to build a newer, bigger and more effective facility on behalf of the things that they so dearly believe in. On the contrary, he stated that he believed that the commission would hardly want to support that vision, but they must keep these concerns in mind.

Commissioner Sarna stated that as being new to the commission, he felt it would be helpful to get further clarification on the applicant's intent for the senior housing. He wanted to know if it is the applicant's idea that the residents are going to stay in the housing development until they can no longer take care of themselves, and if there will be a ratio of ambulatory vs non-ambulatory. He stated that although he is stationed in Rio Vista, he works at Travis AFB and runs their Aero Club. He flies with their pilots and does approaches into Travis a few times each week. He noted that although Travis is an active military base and provide missions worldwide, they are also a training base and a lot of the pilots are young and inexperienced. He said those pilots are well trained but with that training comes a different hazard to the community. Commissioner Sarna said he believes the air force has done a tremendous job with their safety record and he did not want to downgrade or make exceptions for a site in a zone, especially Zone C at Travis. He said that he would like more information so that the commission can make an informed decision.

Commissioner Sagun inquired about the Table 1 criteria. He wanted to know if those are generic for Zone C or were tailored for this Plan. Mr. Leland stated that if land use compatibility plans statewide were compared, there would be some consistencies amongst them in what the zones allow. He commented that the art of the plan making is to determine

where the zone is, which would vary from airport to airport. Once the location of Zone C is established, they will be similar statewide because they derive their guidance from the Handbook which is published by Caltrans. The criteria are generic, but how the shape and placement on the ground are derived is very specific to the airport, the number of operations that occur there, and the type of equipment.

Since there was no further business, the meeting was adjourned.