

Agenda Submittal

Agenda #:	2	Status:	ALUC-Regular-NW
Type:	ALUC-Document	Department:	Airport Land Use Commission
File #:	AC 25-006	Contact:	Nedzlene Ferrario
Agenda date:	02/13/2025	Final Action:	
Title:	ALUC-25-01 (City of Benicia's Religious Institution Ordinance)		
	Determine that Application No. ALUC-25-01 (City of Benicia's Religious Institution Ordinance), located within the Travis Air Force Base (AFB) Compatibility Zone D and E, is consistent with the Travis AFB Land Use Compatibility Plan		
Governing body:	Airport Land Use Commission		
District:			
Attachments:	A - Airport Compatibility Zones Criteria, B - City of Benicia and Compatibility Zones, C - City Draft Resolution and Amendments, D - Draft Resolution		

Date:	Ver.	Action By:	Action:	Result:
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RECOMMENDATION:

Adopt a Resolution determining that Application No. ALUC-25-01 (City of Benicia's Religious Institution Ordinance), located within the Travis Air Force Base (AFB) Compatibility Zone D and E, is consistent with the Travis AFB Land Use Compatibility Plan (LUCP).

Summary

Section 21676 (d) of the State Aeronautics Act requires the Airport Land Use Commission (ALUC) review of any general plan or zoning regulations amendments within an Airport Influence Area.

The City of Benicia proposes to amend the City's General Regulations Ordinance, adding to Benicia Municipal Code Section 17.70.470. The proposed amendments to Section 17.70.470 will implement the recently adopted Housing Element, Program 2.05 - To facilitate housing mobility, the City will establish a Religious and Institutional Facility Housing Overlay or similar zoning text amendment. The proposed amendments comply with California Government Code Section 65913.16

The City limits lie within Travis AFB Compatibility Zone D and E. Zone D and E do not restrict densities or intensities and require review of structural heights of objects and/or hazards related to bird attraction, electrical inference, glare, and other flight hazards. The proposed amendments do not conflict with the compatibility criteria.

DISCUSSION:

Proposed Project

According to City staff, the proposed amendments could allow for the construction of accessory dwellings and multifamily units (up to eight total units) on religious institution-owned and certain community institution-owned properties.

The multifamily and accessory dwelling units would be allowed in association with religious and community institutional uses that exist as of January 1, 2024, and in the following zoning districts:

- Residential (R) Districts. Single-Family Residential (RS), Medium-Density Residential (RM), and High-Density (RH).
- Commercial (C) Districts. Community Commercial (CC) and Office Commercial (CO), and General Commercial (CG).
- Public and Semipublic (PS) District.
- Downtown Mixed-Use Master Plan (DMUMP). Neighborhood General-Open (NG-O) and Town Core-Open (TC-O).

Examples of religious and community institutional uses include religious assembly uses; convalescent facilities; and emergency shelters. The proposed ordinance includes amendments to parking, design and review procedures. The proposed amendments are provided as Attachment C.

AIRPORT PLANNING CONTEXT & ANALYSIS

Zoning regulations amendments must undergo review by the ALUC for consistency with the applicable LUCPs (State Aeronautics Act section 21676). The proposed amendments would apply city-wide, which is located in Compatibility Zones D and E of the Travis AFB LUCP (Attachment B). Staff evaluated the City's project using the Zone Compatibility criteria for Zone D and E of the Travis AFB LUCP. Staff analysis of the project is summarized in Attachment A.

Analysis Finding

Based on the review, staff finds that the proposed changes comply with the requirements of the zones to protect flight and are consistent with the Travis AFB Land Use Compatibility Plan (LUCP).

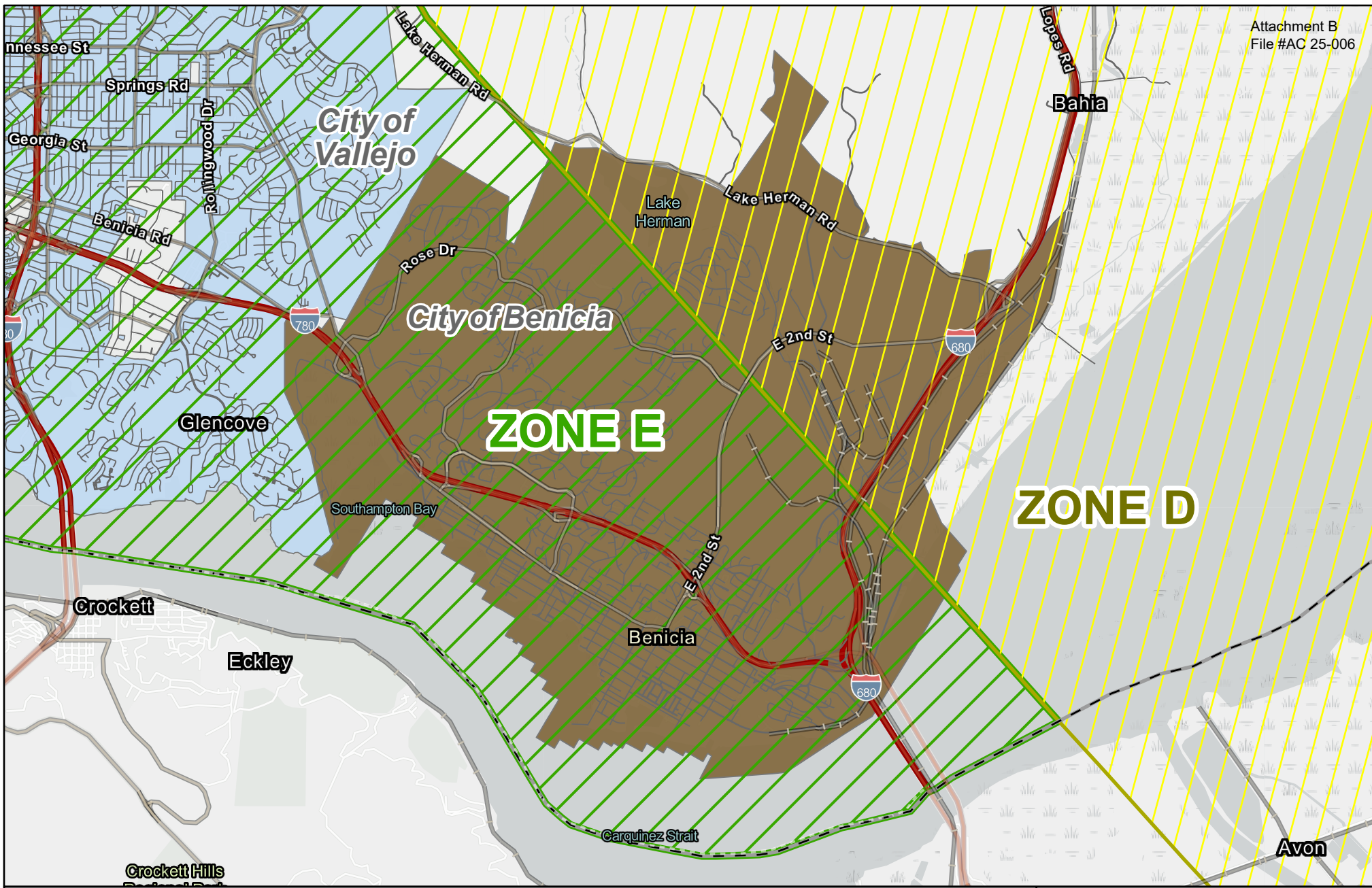
Attachments

Attachment A: Airport Compatibility Zones Criteria
Attachment B: City of Benicia and Compatibility Zones
Attachment C: City Draft Resolution and Amendments
Attachment D: Draft Resolution

Travis AFB Land Use Compatibility Zone Criteria

ALUC 25-01 City of Benicia Religious Institution Ordinance

Compatibility Zone Criteria	Consistent	Not Consistent	Comment
Zone D			
Max Densities – No limits	X		The amendments have the potential to increase density; however, Zone D does not restrict densities; therefore, the ordinance is consistent with the criteria
Prohibited uses: hazards to flight	X		The amendments do not propose hazards to flight
Additional Criteria			
<ul style="list-style-type: none"> • ALUC review required for objects > 200 feet AGL • Deed Notice Required • All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1(b) • All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review and coordination with Travis AFB • All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review • For areas within the Bird Strike Hazard Zone, reviewing agencies shall prepare a WHA for projects that have the potential to attract wildlife that could cause bird strikes. ALUC will use this information to coordinate with the Travis AFB Bird/Wildlife Aircraft Strike Hazard (BASH) Team. Based on the findings of the WHA and coordination with the Travis AFB BASH Team, all reasonably feasible mitigation measures must be incorporated into the planned land use. For areas outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA. 	X		<p>The amendments do not propose objects taller than 200 ft, wind turbines, or commercial solar. Benicia city is located beyond the 5-mile bird hazard radius.</p> <p>Deed notices are applied as conditions of approval on a project-by-project basis, according to City staff</p>
Zone E			
Max Densities – No limits	X		The amendments have the potential to increase density; however, Zone D does not restrict densities; therefore, the ordinance is consistent with the criteria.
Prohibited Uses: None	X		The amendments do not propose hazards to flight
Additional Criteria:			
<ul style="list-style-type: none"> • ALUC review required for objects > 200 feet AGL • All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1(b) • All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review • All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review • Outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA. 	X		<p>The amendments do not propose objects taller than 200 ft, wind turbines, or commercial solar. Benicia city is located beyond the 5-mile bird hazard radius.</p>

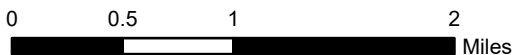


Travis AFB Compatibility Zones in City of Benicia

- Zone D
- Zone E
- City of Benicia
- City of Vallejo
- Solano County Boundary



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.



RESOLUTION NO. 25 - ____ (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING AMENDMENTS TO TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE PERTAINING TO REGULATIONS FOR HOUSING DEVELOPMENT FOR RELIGIOUS & COMMUNITY INSTITUTIONAL USES TO IMPLEMENT HOUSING ELEMENT PROGRAM 2.05

WHEREAS, the City of Benicia 2023-2031 Housing Element was certified by the Department of Housing and Community Development (HCD) in April 2024; and

WHEREAS, Program 2.05 of the Housing Element aims to advance housing mobility by establishing a Religious and Institutional Facility Housing Overlay or similar zoning text amendment with the following potential provisions: expanding the provisions of Section 65913.16 to other institutional uses including property under the ownership of institutional uses, such as schools and hospitals; allowing religious and institutional uses to construct up to a total of four multifamily units, and up to a total of four ADUs and JADUs (for a total of eight units) onsite when an affordable housing development may not be feasible; and;

WHEREAS, the City reached out to local religious organizations to provide updates and information on available housing development opportunities on church-owned and community institution-owned properties, as well as provided an update on California state laws that have been enacted to allow affordable housing development on religious and community institution-owned properties; and

WHEREAS, the City conducted one virtual public outreach meeting on July 29, 2024, and one in-person public outreach meeting at the Benicia Library Dona Benicia Room on October 28, 2024; and

WHEREAS, the proposed project includes an amendment to Title 17 (Zoning) of the Benicia Municipal Code to add Section 17.70.470 Housing for Religious & Community Institutional Uses; and

WHEREAS, this ordinance would include amendments to General Regulations (BMC Chapter 17.70), Definitions (BMC section 17.12.030), and Accessory Dwelling Units (BMC section 17.70.060); and

WHEREAS, notice of public hearing was posted at Benicia City Hall on December 18, 2024, as well as published in the Benicia Herald on December 20, 2024; and

WHEREAS, the Planning Commission, at its regular meeting on January 16, 2025, conducted the public hearing, considered public comment and reviewed the proposed project; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find that the amendments to the City of Benicia Zoning Ordinance Title 17, (Zoning) of the Benicia Municipal Code is covered by the Housing Element EIR (certified January 24, 2023; State Clearinghouse Number 2022060021). The proposed amendment would allow for the construction of accessory dwelling and multifamily units on religious institution-owned and certain community institution-owned properties, and these revisions additionally clarify and align existing Code. The proposed amendments would not alter the physical environment in any manner that would result in a significant effect on the environment. Additionally, this project is categorically exempt pursuant to Section 15303(a), New Construction or Conversion of Small Structures Class 3, of the California Environmental Quality Act (CEQA) Guidelines, which allows for a second dwelling unit in a residential zone; in urbanized areas, up to three single-family residences may be constructed or converted under this exemption. This project is also categorically exempt pursuant to Section 15303(b), New Construction or Conversion of Small Structures Class 3, for multi-family structures, this exemption allows for a duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia finds that the project adheres to the spirit and intent of the General Plan to ensure that urban development occurs within the City's urban growth boundary while preserving and protecting open spaces.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia does hereby recommend that the City Council find that the project is consistent with the General Plan including the following specific goals, policies and objectives:

- Community Development and Sustainability, Goal 2.1: Preserve Benicia as a small-sized city.
 - Policy 2.1.7: The City shall promote compact urban development within the Urban Growth Boundary (UGB) and shall encourage development of public, semipublic, active recreational, and all other uses deemed desirable for the community inside the UGB.
- Community Development and Sustainability, Program 2.12.G: Review and modify the zoning ordinance, as needed, to accommodate a mix of uses in the blocks immediately east and west of First Street.
- Public and Quasi-Public Goals, Policies, and Programs, Goal 2.29: Provide for churches to locate where conflicts with adjacent land uses will be minimized.
 - Policy 2.29.3: In any future developments, consider earmarking land for quasi-public uses.

- Community Health and Safety, Goal 4.10: Support improved regional air quality.
 - Policy 4.10.2: Encourage designs and land use strategies that reduce automobile use and promote mixed use, jobs/housing balance, telecommuting, bicycle, and pedestrian facilities, and transit.
- Housing Element Goal 2: Have an adequate supply and mix of housing types to meet existing and future housing needs. Future development in the city will adhere to efficient land use patterns placing housing near transit and services.
- Housing Element Program 2.05: To facilitate housing mobility, the City will establish a Religious and Institutional Facility Housing Overlay or similar zoning text amendment with the following potential provisions:
 - Expanding the provisions of Section 65913.6 to other institutional uses including property under the ownership of institutional uses, such as schools and hospitals.
 - Allowing religious and institutional uses to construct up to four multifamily units, and up to four ADUs and JADUs (total of eight units) onsite when an affordable housing development may not be feasible.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia does hereby recommend that the City Council of Benicia adopt an amendment to Title 17 (Zoning), General Regulations, of the Benicia Municipal Code, to add section 17.70.470, Housing for Religious & Community Institutional Uses, as well as corresponding amendments to Definitions (BMC section 17.12.030), and Accessory Dwelling Units (BMC section 17.70.060) (Exhibit A).

On motion of Commissioner and seconded by Commissioner , the above Resolution is introduced and adopted by the Planning Commission of the City of Benicia at its regular meeting of the Commission held on the 16th day of January 2025 and adopted by the following vote:

Ayes: Commissioners

Noes: Commissioners

Absent: Commissioners

Abstain: Commissioners

Terry Mollica, Chair

Date

Exhibit A

Amendments to BMC Chapter 17

17.12.030 Definitions.

“Place of worship” means a property owned or operated by a religious assembly use, as such use is classified in Section 17.216.040, that is used for the purpose of regular assembly by members of the institution.

17.70.060 Accessory Dwelling Units

E. Maximum Number Per Lot. Not more than one accessory dwelling unit is allowed per lot except as follows:

1. Where allowed by subsections (G)(2), Detached Accessory Dwelling Units, (G)(3), Non-Livable Multifamily Space) and (G)(4), Detached Accessory Dwelling Units on Multifamily Lots, of this section; and

2. Where allowed pursuant to the provisions of section 17.70.470 of this title.

17.70.470 –Housing for Religious & Community Institutional Uses

A. Purpose and Intent. This section is supplementary to California Government Code Section 65913.16, and establishes regulations to permit housing development, inclusive of affordable housing, on properties owned, operated, and developed by religious and certain community institutional uses, in order to expand upon the provisions of California Government Code Section 65913.16 by:

1. Accommodating housing consistent with 2023-2031 Housing Element, and any amendments thereto;
2. Expanding opportunities for housing, including affordable housing, in association with religious and community institutions;
3. Enabling efficient use and development of land resources;
4. Providing appropriate standards and criteria for reviewing proposals for new construction and other development subject to the provisions of this section; and

5. California Government Code Section 65913.16 regulations shall apply to the use classifications outlined in this section.

B. Applicability.

1. This section permits multifamily and accessory dwelling units in association with religious and community institutional uses, where such uses exist as of January 1, 2024 and are permitted or conditionally permitted in the following districts or zones:
- a. Residential (R) Districts. Single-Family Residential (RS), Medium-Density Residential (RM), and High-Density (RH).
 - b. Commercial (C) Districts. Community Commercial (CC) and Office Commercial (CO), and General Commercial (CG).
 - c. Public and Semipublic (PS) District.
 - d. Downtown Mixed Use Master Plan (DMUMP). Neighborhood General-Open (NG-O) and Town Core-Open (TC-O).
2. For the purposes of this section, religious and community institutional uses include the following use classifications only:
- a. Religious assembly uses;
 - b. Convalescent facilities; and
 - c. Emergency shelters.
3. Accessory Use. Housing units permitted pursuant to this section shall be considered accessory to the main use of the site and shall not be considered to exceed the allowable density for the lot or parcel upon which they are located.
- a. Limited Application. This section shall apply only to a religious and a community institution use for the purposes specified in subsection B.2 above.
 - b. This section shall be applied in combination with the requirements of Government Code 65913.16 as they currently exist or may hereinafter be amended.

C. Use Regulations

1. ADUs. Up to four (4) accessory dwelling units and up to four (4) junior accessory dwelling units shall be permitted if compliant with the provisions of this section, qualifies and meets criteria of Government Code 65913.16 and in accordance with the procedures and standards of section 17.70.060 when affordable housing development may not be feasible.

2. Multifamily. Up to four multifamily units shall be permitted, when compliant with the provisions of this section, as well as qualifies and meets criteria of Government Code section 65913.16.
3. Notwithstanding the foregoing subsections C.1 and C.2, up to a total of eight (8) dwelling units (inclusive of accessory dwelling units and multifamily units) may be permitted on an eligible site.

D. Parking. Parking shall be required for residential uses pursuant to chapter 17.74 of this title; except as otherwise provided in Government Code 65913.16.

E. Design Standards.

1. Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with all standards of section 17.70.060.
2. Multifamily units shall comply with the Objective Planning and Design Standards pursuant to section 17.70.430. In addition, the following standards shall be applicable in a R, C or PS district:
 - a. Upper Story Massing. A third story must be stepped back from the primary street at least 10 feet for a minimum of 35 percent of the facade length. Recessed area may be used as a balcony, terrace, or other usable open space.
 - b. Balconies. A balcony above the ground floor shall not project more than three feet from any exterior building wall that faces the side yard of an adjacent residential use.

F. Development Plan Review

1. Accessory dwelling units and junior accessory dwelling units provided pursuant to this section are exempt from design review pursuant to section 17.108.020 BMC. Development plans shall be reviewed in accordance with the permitting process identified in section 17.70.060 BMC.
2. Multifamily housing provided pursuant to this section shall be reviewed in accordance with Chapter 17.108.020.C Objective Ministerial Review.

**SOLANO COUNTY AIRPORT LAND USE COMMISSION
RESOLUTION NO. 25-**

**RESOLUTION REGARDING CONSISTENCY WITH
AIRPORT LAND USE COMPATIBILITY PLANS
(City of Benicia Religious Institution Ordinance)**

WHEREAS, pursuant to California Public Utilities Code section 21675 the Solano County Airport Land Use Commission (“**Commission**”) has the responsibility to prepare and adopt airport land use plans for any public and military airports within Solano County and to amend any such adopted plan as necessary; and

WHEREAS, pursuant to such authority, the Commission has adopted airport land use compatibility plans for Travis Air Force Base, Rio Vista Municipal Airport, and the Nut Tree Airport, and the Solano County Airport Land Use Compatibility Review Procedures (the “**Compatibility Plans**”); and

WHEREAS, in enacting the sections within the State Aeronautics Act (the “**Act**”) that provide for airport land use commissions, the California Legislature has declared that the purposes of the legislation include: (1) to provide for the orderly development of each public use airport in this state; (2) to provide for the orderly development of the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards; (3) to provide for the orderly development of the area surrounding these airports so as to prevent the creation of new noise and safety problems; (4) to protect the public health, safety, and welfare by ensuring the orderly expansion of airports; and (5) to protect the public health, safety, and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses (Pub. Util. Code, § 21670, subd. (a)); and

WHEREAS, the Act provides that an airport land use commission's powers and duties include: (a) to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses; (b) to coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare; (c) to prepare and adopt an airport land use compatibility plan pursuant to Public Utilities Code section 21675; and (d) to review the plans, regulations, and other actions of local agencies and airport operators pursuant to Public Utilities Code section 21676 (Pub. Util. Code, § 21674); and

WHEREAS, the Act provides that the purpose of compatibility plans is to provide for the orderly growth of the airports and the area surrounding the airports, and to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general (Pub. Util. Code, § 21675, subd. (a)); and

WHEREAS, Public Utilities Code section 21675, subdivision (a), authorizes the Commission, in formulating a compatibility plan, to develop height restrictions on buildings, specify the use of land, and determine building standards, including sound-proofing adjacent to airports; and

WHEREAS, Public Utilities Code section 21675, subdivision (b), directs the Commission to prepare a compatibility plan for areas surrounding military airports, and the Legislature's intent in enacting subdivision (b) was to protect the continued viability of military installations in California,

to protect the operations of military airports from encroachment by development, and to encourage land use policies that reflect the contributions military bases make to their communities, as well as their vital importance in the state’s economy and in the defense of our nation; and

WHEREAS, pursuant to such authorities, the Compatibility Plans set forth criteria to be applied by the Commission when evaluating local land use plans and specific development proposals; and

WHEREAS, Public Utilities Code section 21676, subdivision (b), requires that prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Commission, local agencies within Solano County are required to first refer the proposed action to the Commission for a consistency determination; and

WHEREAS, the City of Benicia (“**Local Agency**”) is considering approving the following project (the “**Project**”), as set forth in greater detail in the Staff Report and its Attachments concerning “Item AC 25-006” of the Commission’s February 13, 2025 Regular Meeting (“**Staff Report**”): “Adopt a Resolution determining Application No. ALUC-25-01 (City of Benicia’s Religious Institution Ordinance), located within the Travis Air Force Base (AFB) Compatibility Zone D and E, is consistent with the Travis Air Force Base (AFB) Land Use Compatibility Plan (LUCP)”

WHEREAS, the Commission has duly considered the Project, at a noticed public meeting, in order to ensure consistency of the Project with the Compatibility Plans.

RESOLVED, that after due consideration and based upon the administrative record, the Commission does adopt and incorporate by this reference as its findings and determinations the analysis, conclusions, and recommended findings of the Staff Report.

RESOLVED, that after due consideration and based upon the administrative record, the Commission does find and determine that the Project is consistent with the Travis AFB Land Use Compatibility Plans.

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RESOLVED, that after adoption of this Resolution Staff is authorized to correct any clerical errors in this Resolution or the Staff Report.

I certify that the foregoing resolution was adopted at a regular meeting of the Solano County Airport Land Use Commission on February 13, 2025 by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

ABSENT: Commissioners _____

By _____
Ross Sagun, Chair
Solano County Airport Land Use Commission

Attest:

By: _____
James Bezek, Secretary to the Commission