Exhibit B

This page intentionally left blank.

DRAFT RESOLUTION

Before the Monterey County Airport Land Use Commission, State of California

Resolution No. 26-XXX
Finding that the proposed amendments to implement the County of Monterey's Housing Element update, specifically rezoning of Opportunity Sites 46, 47, and 52, adoption of a By-Right Housing Ordinance, adoption of Objective Design Standards, and associated amendments to the Monterey County Code, 2010 General Plan, and Local Coastal Program are consistent with the 2019 Airport Land Use Compatibility Plans (ALUCP) for the Monterey Regional Airport

REF260023, County of Monterey, (Multiple Assessor's Parcel Numbers)

WHEREAS, on July 27, 2026, the County of Monterey submitted an application (ALUC File No. REF260023) to ALUC staff requesting a consistency review of amendments to implement the County of Monterey's Housing Element update (HEU6), specifically rezoning of Opportunity Site 52, adoption of a By-Right Housing Ordinance, adoption of Objective Design Standards, and associated amendments to the Monterey County Code, 2010 General Plan, and Local Coastal Program. This referral also includes re-consideration of Opportunity Sites 46 and 47, and associated rezoning and policy language; and

WHEREAS, the ALUC is responsible for the review of local land use regulations affecting land uses within the Airport Influence Area for Monterey Regional Airport, as identified in the Monterey Regional Airport Land Use Compatibility Plan (ALUCP), incorporated herein by reference, for consistency with the ALUCP; and

WHEREAS, on January 13, 2025 (ALUC File No. REF240038) the Commission adopted ALUC Resolution No. 25-002 subject to various conditions of approval, including the removal of Opportunity Sites 46 and 47, amendments or establishment of the Airport Approach Zoning (AAZ) regulations for the Airport Influence Area consistent with the 2019 ALUCP and a rezoning of all affected parcels to apply an AAZ overlay district; and

WHEREAS, on December 15, 2025 (ALUC File No. REF250041) the Commission adopted ALUC Resolution No. 25-006 to include an additional Opportunity Site 52 in draft HEU6; and

WHEREAS, on March 12, 2025, the County of Monterey Board of Supervisors directed staff to add Opportunity Sites 46 and 47 in the Opportunity Sites inventory of the HEU6; and

WHEREAS, on May 12, 2026, the California Department of Housing and Community Development (CA HCD) found the HEU6 in statutory compliance with state housing law. However, the HEU6 cannot be found in substantial compliance until the County has adopted the HEU6, completes its required rezones and are adopted, submitted to, and approved by CA HCD; and

WHEREAS, the County Staff have prepared various amendments to the County's municipal code, 2010 General Plan, and Land Use Plans to implement the HEU6 and to obtain certification from CA HCD; and

WHEREAS, the draft By-Right Housing Ordinance (proposed Chapter 21.55), the Zoning Clearance (proposed Chapter 21.71) and the Model Objective Design Standards establish a ministerial approval pathway that conditions project approval on compliance with all objective standards, including the objective airspace, noise, and safety requirements set forth in the adopted ALUCP; and

WHEREAS, such ministerial approval does not bypass ALUCP consistency, which allow qualifying housing developments to be processed as a "use by right" under Government Code Section 65583.2(i) and previously found consistent by the commission; and

WHEREAS, the Model Objective Design Standards establish objective design criteria that defer to the height and development standards, including downlit lighting, of the underlying base zoning district and do not authorize heights, densities, or uses beyond those established by the applicable zoning designation, consistent with the ALUCP; and

WHEREAS, the associated amendments to the Monterey County Code, the 2010 General Plan, and the Local Coastal Program are focused on implementation of the HEU6 and do not introduce uses incompatible with the ALUCP; and

WHEREAS, specifically, the draft Housing Element includes adding a policy to the 2010 General Plan (Land Use Element) memorializing the Condition ALUC-10 of Resolution No. 25-001 and 25-002, and requiring that the County ensure consistent application of the 2019 Monterey Land Use Compatibility Plan (ALUCP) and establish regulations for the Airport Influence Area. Development proposals that have the potential to conflict with ALUCP noise, airspace, safety, and/or land use compatibility requirements shall be referred to the Airport Land Use Commission (ALUC) for an advisory review. The County shall refer amendments to the General Plan and zoning changes to ALUC for consideration. This policy is proposed to satisfy Condition No. ALUC-10 of the above mentioned resolution, but also to meet the intent of Government Code Section 65302.3; and

WHEREAS, Opportunity Site 52, located at the intersection of Olmstead Road and Highway 68 and known as "Tarpy Flats", has a General Plan designation of Resource Conservation with Affordable Housing Overlay as designated by the 2010 County of

Monterey General Plan and zoning district of Rural Density Residential with Urban Reserve and Viewshed sensitivity overlay (RDR/10-UR-VS). With implementation of the proposed draft Housing Element, Opportunity Site 52 will be rezoned with split zoning to High Density Residential, 30 units per acre (HDR/30) and portion of the site to Resource Conservation (RC); and

WHEREAS, the ALUC has reviewed Opportunity Site 52's rezones for noise compatibility, airspace protection, safety compatibility, and determined that it is consistent with ALUCP; and

WHEREAS, Opportunity Sites 46 and 47 were reviewed for consistency with Table 4A of the ALUCP (Noise Compatibility Criteria). In accordance with the ALUCP Table 4A, the foreseeable residential development on Opportunity Sites 46 and 47 will be located outside of the 65 CNEL and thus would be a compatible use with no restrictions. Therefore, the proposed amendment and foreseeable development are consistent with the ALUCP with regard to noise compatibility criteria, and no further conditions regarding noise are recommended; and

WHEREAS, Opportunity Site 46's existing terrain elevation (299 feet to 400 feet) is entirely below Title 14 Code of Federal Regulations (CFR) Part 77's horizontal surface elevation (406.6 feet above mean sea level [AMSL]). An Avigation and Hazard Easement was conveyed over Opportunity Site 46 in 1982 (Reel 1545, Page 946). Approximately half of Opportunity Site 47's existing terrain ranges from 356 to 406 feet AMSL. The eastern portion of the project site has elevations that exceed 406 feet (ranging from 407 to 550 feet). This eastern area already penetrates Part 77 horizontal surface. Currently, there is an existing athletic field that is an accessory to York School with existing elevations ranging between approximately 401 and 404 feet AMSL;

WHEREAS, ALUCP Policy 4.2.3.2(e) prohibits structures "*on terrain that already penetrates 14 CFR Part 77 surfaces.*" Therefore, the draft Housing Element proposes to include a split rezoning and special treatment area approach to satisfy the ALUCP and address the ALUCs concerns regarding safety, airspace protection and land use compatibility. Specifically, this approach proposes to rezone only those portions of the Sites 46 and 47 that are below 400 feet AMSL to High Density Residential (HDR) with a maximum density of 30 dwelling units per acre (HDR/30). The remainder of the property that penetrates Part 77 airspace would remain zoned Public-Quasi Public (PQP) with Design Control (D) and Site Control (S) overlay districts. PQP-D-S limits any residential development potential. The ALUCP allows for development to penetrate Part 77 Airspace only if the existing terrain is below the airspace elevation. HDR allows for structures to have a height of 35 feet above average natural grade. However, given the already elevated terrain of these sites, the ALUC previously found inclusion of Sites 46 and 47 to be inconsistent with the ALUCP as future development may pose a greater threat to airspace protection and introduce incompatible uses, and required their removal from the Housing Element (Condition No. ALUC-11 and 13 of Resolution No. 25-002). Therefore, the draft Housing Element proposes a Special Treatment Area (to be added as a Policy in the General Plan), that establishes height requirements to ensure consistency with Part 77 Airspace requirements of the 2019 Monterey Regional ALUCP. The following is the draft language, subject to non-substantive changes and Board of Supervisors consideration:

"*The York School Opportunity Sites (46/47) shall be designated as a Special Treatment Area. To ensure that development complies with applicable airspace protection regulations under 14 CFR Part 77, the Special Treatment Area establishes the following height limitations for all structures, notwithstanding the underlying zoning district or any other applicable requirements of the Monterey County Code:*

- *Existing terrain below 370 feet above mean sea level (AMSL): No additional height restriction.*
- *Existing terrain between 370 and 390 feet AMSL: Maximum of two stories and a maximum ridge height of 406 feet AMSL.*
- *Existing terrain between 390 and 400 feet AMSL: Maximum of one story and a maximum ridge height of 406 feet AMSL.*
- *Existing terrain above 400 feet AMSL: No structural development, except fences, hardscape, and similar development, shall be permitted*

Development that does not conform to this policy may be allowed, subject to a Use Permit, if the Appropriate Authority finds, after consideration by the Airport Land Use Commission, that the proposed development is 1) consistent with the goals and policies of the ALUCP and 2) will not adversely affect public health and safety."

WHEREAS, Opportunity Site 46 is located within Safety Zone 7 and Safety Zone 4. York School's main structures and facilities are located within Safety Zone 4. The northern portion of the site, containing two athletic fields, is within Safety Zone 7. Safety Zone 4 prohibits children's school and residential development that exceeds 1 unit per 2 acres. York School was established in 1963. Under the 2019 ALUCP, York School remains an incompatible use within Safety Zone 4 but is recognized as a nonconforming use that existed prior to the adoption of either the 1987 CLUP or 2019 ALUCP. ALUCP Policy 4.1.4.1 prohibits modifying nonconforming uses that increase the magnitude of the nonconformity; and

WHEREAS, the updated draft Housing Element includes split zoned approach to identify portions of the property that would be rezoned to High Density Residential (HDR) with a maximum density of 30 dwelling units per acre (HDR/30) to only apply to the northern portion of the property that is within Safety Zone 7. The remaining portions of the sites containing York School's main structures and facilities and that are located within Safety Zone 4 will continue to be zoned Public-Quasi Public (PQP); and

WHEREAS, Opportunity Site 47 is located within Safety Zone 7, which allows residential development at unrestricted densities, a maximum intensity of 300 persons per acre for non-residential land uses, and all development types, except hazards to flight. Pursuant to Table 4B (Safety Criteria Matrix), High-density Residential (30 units per acre) development is a compatible use within Safety Zone 7, and therefore, per the ALUCP, the draft Housing Element and foreseeable development of Opportunity Site 47 will not introduce an incompatible use; and

WHEREAS, the updated draft Housing Element contemplates a balanced approach to split zone Sites 46 and 47, elevation-tiered height restrictions (Special Treatment Area policy), and would not introduce high-density residential development

into Safety Zone 4, an area with a higher risk of aircraft accidents. This approach does meet the compatibility policies of the ALUCP and does not pose a potential threat to public health, safety, and welfare. Therefore, as proposed, Opportunity Sites 46 and 47, and the proposed rezoning and STA, is consistent with the ALUCP, as it relates to safety and land use compatibility. This resolution, therefore, deletes Conditions ALUC-11 and ALUC-13 of Resolution No. 25-002. All other findings, evidence, conditions of approval of prior ALUC resolution relating to the County's draft Housing Element remain valid; and

WHEREAS, on July 29, 2026, ALUC staff forwarded project information to Monterey Airport District (District) staff for review. The MRY Airport Manager requested that future development be required to convey an Avigation Easement, and that appropriate notification is provided to the FAA if cranes are needed for construction. No concerns were raised about the rezoning, inclusion of Sites 46 and 47, or other Housing Element implementation policies and amendments; and

WHEREAS, a complete copy of the proposed amendment is on file with the ALUC staff, and a link to the full Draft Housing Element is included in the ALUC August 24, 2026 staff report; and

WHEREAS, on August 24, 2026, the ALUC conducted a duly noticed public meeting to consider the proposed project; and

NOW, THEREFORE, BE IT RESOLVED, the Monterey County Airport Land Use Commission does hereby find that the proposed project (ALUC File No. REF260023) is consistent with the 2019 Airport Land Use Compatibility Plan for the Monterey Regional Airport.

PASSED AND ADOPTED on this 24th day of August 2026, upon motion of Commissioner _____ and seconded by Commissioner _____ by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST
Craig Spencer, Secretary to the ALUC

By: _____
Fionna Jensen, Designee of Secretary to the ALUC
August 24, 2026

This page intentionally left blank