Exhibit A

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OAR CONSISTENCY DETERMINATION ANALYSIS:
ALUC staff reviewed the County of Monterey's referral in accordance with the adopted ALUCP for the Marina Municipal Airport, as discussed below.

NOISE COMPATIBILITY
Opportunity Sites 31 and 53 were reviewed for consistency with Table 4A and Exhibit 2E of the 2019 Marina Municipal ALUCP (Noise Compatibility Criteria and Long-Range Noise Exposure Contours). The subject properties are located outside of the 65-70 CNEL contours and therefore will not be exposed to loud airport noise. In accordance with the Marina Municipal ALUCP Table 4A, the foreseeable residential development of Opportunity Sites 31 and 53, as rezoned to HDR/30, would be compatible uses with no restrictions or conditions of approval. Furthermore, all future development projects would be required to conform with the current noise insulation standards, and the current California Building Code requires all residential structures to achieve an interior noise level of no more than 45 decibels. Based on the above analysis, the proposed rezoning and Housing element amendments and implementation action are consistent with the Marina Municipal ALUCP, with regard to noise compatibility criteria, and no further conditions regarding noise are recommended.

AIRSPACE PROTECTION & HAZARDS TO FLIGHT
Marina Municipal ALUCP Policy 4.2.3 addresses the objective of airspace protection to avoid the development of land use conditions that would pose hazards to flight, such as airspace obstructions, wildlife hazards, and land use characteristics that pose other potential hazards to flight by creating visual or electronic interference.

Site 31
The highest elevation on Opportunity Site 31 is approximately 190 ft ASML. Opportunity Site 31's existing terrain is located entirely below Title 14 Code of Federal Regulation's (CFR) Part 77 horizontal surface, which has an elevation of 300 feet above mean sea level (AMSL). Currently, there is no existing development on Opportunity Site 31 that penetrates the Part 77 airspace surfaces. Opportunity Site 31 would be rezoned to High Density Residential 30 units per acre. Accordingly, any new development on this site would be subject to the maximum height restrictions of the County's High Density Residential zoning district (35 feet). The highest possible elevation of a structure on this site would be approximately 225 feet AMSL (190 feet + 35 feet). Therefore, it is not anticipated that future structures on Opportunity Site 31 will penetrate the Part 77 airspace surfaces, and no further conditions regarding airspace protection are recommended. Future development proposals on Opportunity Site 31 would be reviewed to ensure the development does not introduce any hazards to flight.

Site 53
The elevation on Opportunity Site 53 ranges from approximately 170 to 220 ft AMSL. Opportunity Site 53's existing terrain is located below Title 14 Code of Federal Regulation's (CFR) Part 77 horizontal surface, which has an elevation of 300 feet above mean sea level (AMSL). Currently, there is no existing development on Opportunity Site 53 that penetrates the Part 77 airspace surfaces. Opportunity Site 53 will be rezoned to City of Marina's Multiple-Family Residential District Zone (R-4), which allows residential development of at least 30 residential units per acre. Accordingly, any new

development on this site would be subject to the maximum height restrictions of the City of Marina's R-4 zoning district (42 feet). The highest possible elevation of a structure on this site would be approximately 262 feet AMSL (220 feet + 42 feet). Therefore, it is not anticipated that future structures on Opportunity Site 53 will penetrate the Part 77 airspace surfaces, and no further conditions regarding airspace protection are recommended. Future development proposals on Opportunity Site 53 would be reviewed to ensure the development does not introduce any hazards to flight.

Housing Element Implementation
The draft Housing Element's Programs, Policies and Implementation actions do not conflict with the ALUCP's airspace protection regulations and do not introduce or encourage uses that pose hazards to flight, such as airspace obstructions, wildlife hazards, and land use characteristics that pose other potential hazards to flight by creating visual or electronic interference.

SAFETY COMPATIBILITY
Opportunity Site 31 and 53 are located entirely within Safety Zone 7 (Airport Influence Area), as delineated in Marina Municipal ALUCP Exhibit 4C (Airport Safety Zones). Safety Zone 7 is the most permissible safety zone of the ALUCP. This Safety Zone allows for 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, High-Density Residential (30 units per acre) and Multiple-Family Residential District (R-4) development is a compatible use/density within Safety Zone 7, and therefore development of Opportunity Site 31 and 53 will not introduce any incompatible land uses. Future development proposals would be reviewed for consistency with the ALUCP to ensure the development does not introduce any hazards to flight.

Housing Element Implementation
The draft Housing Element's Programs, Policies and Implementation actions do not conflict with the ALUCP's safety protection regulations and therefore will not introduce any incompatible land uses.

MRY ALUCP CONSISTENCY DETERMINATION ANALYSIS:
ALUC staff reviewed the County of Monterey's referral in accordance with the adopted ALUCP for the Monterey Regional Airport, as discussed below.

NOISE COMPATIBILITY
Opportunity Sites 46, 47 and 52
Opportunity Sites 46, 47 and 52 were reviewed for consistency with Table 4A of the ALUCP (Noise Compatibility Criteria). The subject properties are located outside of the 65-70 CENL contours and therefore will not be exposed to loud airport noise and is considered a compatible use. In accordance with the ALUCP Table 4A, foreseeable development of these Opportunity Sites will be located outside of the 65 CNEL and would be compatible uses with no restrictions or conditions of approval. Furthermore, all future development projects would be required to conform with the current noise insulation standards, and the current California Building Code requires all residential structures to achieve an interior noise level of no more than 45 decibels.

Housing Element Implementation

The proposed draft Housing Element's Programs, Policies and Implementation actions are consistent with the Monterey Regional ALUCP, with regard to noise compatibility criteria, and no further conditions regarding noise are recommended.

AIRSPACE PROTECTION & HAZARDS TO FLIGHT

Opportunity Site 52

ALUCP Policy 4.2.3 addresses the objective of airspace protection to avoid the development of land use conditions that would pose hazards to flight, such as airspace obstructions, wildlife hazards, and land use characteristics that pose other potential hazards to flight by creating visual or electronic interference. Site 52 is located entirely inside the 14 Code of Federal Regulations (CFR) Part 77 approach, horizontal, conical, and transitional surfaces for Monterey Regional Airport. The elevation on Opportunity Site 52 ranges from approximately 190 to 350 ft above mean sea level (AMSL). Opportunity Site 52's existing terrain is located entirely below Title 14 Code of Federal Regulation's (CFR) Part 77 horizontal surface, which has an elevation of 406 feet AMSL. Currently, there is no existing development on Opportunity Site 52 that penetrates the Part 77 airspace surfaces. Opportunity Site 52 would be rezoned to High-Density Residential. Accordingly, any new development on this site would be subject to the maximum height restrictions of the County's High Density Residential zoning district (35 feet). The highest possible elevation of a structure on this site would be approximately 385 feet AMSL (350 feet + 35 feet). Therefore, it is not anticipated that future structures on Opportunity Site 52 will penetrate the Part 77 airspace surfaces, and no further conditions regarding airspace protection are recommended. Future development proposals on Opportunity Site 52 would be reviewed to ensure the development does not introduce any hazards to flight.

Opportunity Site 46 and 47

Opportunity Site 46 is also subject to Title 14 Code of Federal Regulations (CFR) Part 77 horizontal surface. The majority of Opportunity Site 46 has elevations within 50 feet of Part 77 horizontal surfaces, ranging between 299 and 400 feet AMSL. No portion of the site exceeds 406 feet AMSL. This Opportunity Site is developed with York School, which was established in 1963, prior to the adoption of the 1987 Monterey Regional Airport Comprehensive Land Use Plan (CLUP) and the 2019 Airport Land Use Compatibility Plan. The existing development is not identified in the ALUCP as already penetrating the horizontal airspace surface. An Avigation and Hazard Easement was conveyed over Opportunity Site 46 in 1982 (Reel 1545, Page 946).

Opportunity Site 47 is subject to Title 14 Code of Federal Regulations (CFR) Part 77 horizontal surface, which has an elevation of 406 feet above mean sea level (AMSL). Accordingly, any terrain with an elevation greater than 406 feet AMSL would encroach into the Part 77 horizontal surface and could pose a threat or obstruction to airspace. The majority of Opportunity Site 47's terrain is identified as being within the "50-ft Terrain Penetration Buffer" which means that the property has elevations that are within 50 feet of 406 feet (ranging from 356 to 406 feet). Additionally, the eastern portion of the project site has elevations that exceed 406 feet (ranging from 407 to 550 feet) and thus already penetrates the 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. The western portion of the site ranges between 350-370 feet AMSL.

The draft Housing Element proposes to include a split rezoning and special treatment

area approach to address the ALUCs concerns regarding safety, airspace protection and land use compatibility. Specifically, this approach proposes to rezone only those portions of the properties 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.

As a reminder, the ALUCP allows for development to penetrate Part 77 Airspace only if the existing terrain is below the airspace elevation. For development proposed on terrain that already penetrates the airspace, the ALUCP prohibits it: "*Proposed structures are prohibited on terrain that already penetrates 14 CFR Part 77 surfaces*" (Policy 4.2.3.2.e).

The HDR zoning district allows 35-foot structures. As described above, Site 46 and 47 have varying elevations, some that penetrate Part 77 and others that don't. To combat this, the proposed special treatment area would apply height restrictions to the areas rezoned to HDR to avoid penetration into Part 77 Airspace. The proposed Special Treatment Area (STA) would be added as a Policy in the 2010 General Plan and each property would be rezoned with a Special Treatment Zoning Designation, which memorializes the height requirements to ensure consistency with Part 77 Airspace requirements of the 2019 Monterey Regional ALUCP as described above. There are four tiers of height restrictions proposed in the special treatment area. The STA language would incorporate similar language as to the below:

1) **No height restriction** on areas with elevations **below 370 feet AMSL** (369 feet + 35feet = 404 feet AMSL < 406 feet AMSL). Fully compliant with Part 77 surface regulations, no additional airspace analysis needed.
2) **Two story restriction with a ridge height maximum of 406 feet** on areas with elevations **between 370-390 feet AMSL**. Typical two-story residences are 25 feet. Construction of a 25-foot story residence on terrain with an elevation of 370 AMSL would not exceed the 406-foot AMSL Part 77 surface (370 feet + 25 feet = 395 feet AMSL < 406 feet AMSL). However, a 25-foot story residence on terrain with an elevation of 390 AMSL would exceed the 406-foot AMSL Part 77 surface (390 feet + 25 feet = 415 feet AMSL > 406 feet AMSL). Therefore, this height restriction would also require that the ridge height of the two-story residence not exceed 406 feet AMSL. Accordingly, this restriction is fully compliant with Part 77 surface regulations, no additional airspace analysis needed.
3) **One story restriction with a ridge height maximum of 406 feet** on areas with elevation **between 390-400 feet AMSL**. Typical one-story residences are 16 feet. Construction of a 16-foot story residence on terrain with an elevation of 390 AMSL would not exceed the 406 foot AMSL Part 77 surface (390 feet + 16 feet = 406 feet AMSL). However, a 16-foot story residence on terrain with an elevation of 400 AMSL would exceed the 406 foot AMSL Part 77 surface (400 feet + 16 feet = 416 feet AMSL > 406 feet AMSL). Therefore, this height restriction would also require that the ridge height of the one-story structure (residence or non-habitable) not exceed 406 feet AMSL. Accordingly, this restriction is fully compliant with Part 77 surface regulations, no additional airspace analysis needed.
4) **No structural development on areas with elevations above 400 feet AMSL.** However, hardscape, minor fences, and other improvements need to be installed.

This restriction is fully compliant with Part 77 surface regulations, no additional airspace analysis needed.

County staff recognize that ALUCP Policy 4.2.3.2 could support much more of the site being developed with 35-foot structures on existing terrain with an elevations of 405 feet AMSL and below (approximately 50% of the Site 47), subject to FAA airspace review. However, the County also understands the ALUC's public health and safety concerns. Accordingly, the County's proposed revisions are aimed at better meeting the goals and policies of the ALUCP, the concerns of the Commission, and the County's housing needs by not allowing ridge heights of future structures to penetrate the airspace.

If future development were to conflict with the above height limitations, the draft STA language allows developers to seek a discretionary entitlement (Use Permit). However, such development would be subject to review and consideration by the ALUC and require that the Appropriate Authority find proposed development is 1) consistent with the goals and policies of the ALUCP and 2) will not adversely affect public health and safety.

ALUC staff have reviewed the proposed modifications to Sites 46 and 47, as well as the proposed Special Treatment Area, and believe it satisfies the requirements and intent of the ALUCP. Future conditions of approval would be required of for this site, should it be developed, including an Airport Disclosure Notice and Airspace Avigation Easement.

Housing Element Implementation
The draft Housing Element's Programs, Policies and Implementation actions do not conflict with the ALUCP's airspace protection regulations and do not introduce or encourage uses that pose hazards to flight, such as airspace obstructions, wildlife hazards, and land use characteristics that pose other potential hazards to flight by creating visual or electronic interference.

SAFETY COMPATIBILITY

Opportunity Site 52
Opportunity site 52 is entirely located within Safety Zone 7 (Airport Influence Area) as shown in ALUCP Exhibit 4C (Monterey Regional Airport Safety Zones). Pursuant to Table 4B (Safety Criteria Matrix for Zone 7), the proposed Housing Element amendment would not allow any new prohibited uses (i.e., hazards to flight or outdoor stadiums), and there are no limitations on residential density within Safety Zone 7. Safety Zone 7 is the most permissible safety zone of the ALUCP. This Safety Zone allows for 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, outdoor stadiums, and similar very high intensity uses.

Opportunity Site 46
Opportunity Site 46 is located within Safety Zone 7 (Airport Influence Area) and Safety Zone 4 (Outer Approach/Departure Zone). York School's main structures and facilities are located within Safety Zone 4. The northern portion of the property, 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. In the 1987 CLUP, York School was identified as an "Incompatible Use Outside 65 CNEL". Under the 2019 ALUCP, York School remains an incompatible use within Safety Zone 4 but is recognized as a non-conforming use that existed prior to the

adoption of either the 1987 CLUP or 2019 ALUCP. ALUCP Policy 4.1.4.1 (Modifications to Nonconforming Uses) states:

"Modification of existing nonconforming land uses shall be permissible, provided that the modification does not increase the magnitude of the nonconformity when compared to Table 4B. The magnitude of nonconformity shall be measured by:

1. *For residential land uses, the number of dwelling units and size of the structure on the lot;*
2. *For nonresidential land uses, the size of the nonconforming use in terms of lot area and building floor area."*

To address previous concerns with Safety Zones 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, containing two athletic fields, and 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). The Public Quasi-Public zoning district does not support high-density residential development.

Accordingly, the proposed rezone would intensify the site by allowing high-density residential development, thus increasing the number of allowed residential units on the lot only for the portion of the site that is located identified within Safety zone 7. Safety Zone 7 is the most permissible safety zone of the ALUCP. This Safety Zone allows for residential development at unrestricted densities. Accordingly, the proposed rezoning and foreseeable development would not increase the magnitude of the nonconforming use of the school facility within Safety zone 4.

ALUC staff recognize that there are portions of the site that could be developed consistent with ALUCP policies (e.g. northern portion). The updated draft Housing Element contemplates a balanced approach to split zone the site 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 safety compatibility policies of the ALUCP and does not pose a potential threat to public health, safety, and welfare. Therefore, as proposed, Opportunity Site 46 would be consistent with the ALUCP, as it relates to safety and land use compatibility.

Opportunity Site 47

Pursuant to the ALUCP, Opportunity Site 47 is located within Safety Zone 7 (Airport Influence Area), as shown in ALUCP Exhibit 4C (Monterey Regional Airport Safety Zones). Safety Zone 7 is the most permissible safety zone of the ALUCP. This Safety Zone allows for 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 Opportunity Site 47 will not introduce an incompatible use.

Housing Element Implementation

The draft Housing Element's Programs, Policies and Implementation actions do not conflict with the ALUCP's safety protection regulations and therefore will not introduce any incompatible land uses.

MARINA MUNICIPAL AIRPORT REVIEW:

On July 29, 2026, ALUC staff forwarded the proposed Housing Element amendment to the Marina Municipal Airport staff for review. No comments were received.

MONTEREY REGIONAL AIRPORT REVIEW:

On July 29, 2026, ALUC staff forwarded the proposed Housing Element amendment to the Monterey Regional Airport 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 (**Exhibit D**).

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