

# Exhibit G

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

**Resolution No. 19-008**

In re: the proposed Laguna Seca Office Park General Development Plan to allow residential uses on six (6) parcels (Lots 2 through 7) and the development of a 15-unit residential apartment complex on Lot 5 within the Visitor Serving/Professional Office (VO/B-6-UR-D-S) Zoning District. REF190012 (multiple Assessor's Parcel Numbers)

**CORRECTED**  
**June 21, 2019**

(This resolution  
supersedes the  
previous resolution  
emailed on  
June 19, 2019)

**WHEREAS**, on March 20, 2018, Leonard McIntosh (“applicant”) submitted an application to the County of Monterey to allow residential uses on six (6) parcels (Lots 2 through 7) and the development of a 15-unit residential apartment complex on Lot 5 within the Visitor Serving/Professional Office (VO/B-6-UR-D-S) Zoning District (“project”) in the Laguna Seca Office Park in the unincorporated area of the County of Monterey; and

**WHEREAS**, the application was deemed complete by operation of law for purposes of the County on April 20, 2018, and the County deemed the application complete on January 19, 2019; and

**WHEREAS**, on February 25, 2019, the ALUC adopted the 2019 Airport Land Use Compatibility Plan for the Monterey Regional Airport (2019 ALUCP), a comprehensive update that replaced the 1987 Compatibility Land Use Plan for the airport (1987 CLUP); and

**WHEREAS**, on March 11, 2019, the agent for the project submitted the project application to the ALUC staff for referral to the ALUC (ALUC File No. REF190012); and

**WHEREAS**, the ALUC is responsible for review of projects within the applicable area of influence for consistency with the adopted airport land use compatibility plan; and

**WHEREAS**, the applicant contends that the application is subject to the 1987 CLUP because it was deemed complete by the County prior to the adoption of the 2019 ALUCP, whereas ALUC staff determined that the application was subject to the 2019 ALUCP because it was referred to the ALUC after adoption of the 2019 ALUCP, and applicant also argued, in the alternative, that the project is consistent with the 2019 ALUCP; and

**WHEREAS**, ALUC staff brought the project to the ALUC on April 22, 2019 for consistency review; and

**WHEREAS**, On April 22, 2019, by a majority vote (4-2), the ALUC determined the project was inconsistent with the 2019 ALUCP; however, staff subsequently learned that the meeting agenda had not been posted at the hearing site 72 hours prior to the start of the meeting; and

**WHEREAS**, to ensure compliance with the agenda posting requirements of the Brown Act as well as the 2019 ALUCP Policy 4.1.11.2 “Response Time Requirement” which requires ALUC application referrals to be processed within 60 days from when the application was submitted, the ALUC set a special meeting for May 6, 2019 to: 1) rescind the action taken at the April 22, 2019 meeting; and 2) consider anew the Laguna Seca GDP Project; and

**WHEREAS**, the applicant for the project requested postponement of the hearing from May 6 to May 30<sup>th</sup> due to unavailability and agreed to waive the 60-day deadline to that extent;

**WHEREAS**, on May 6th, 2019, by a majority vote (6-0), the ALUC: 1) rescinded the April 22 determination on the project; and 2) continued the hearing on the project to May 30th, 2019; and

**WHEREAS**, on May 30<sup>th</sup>, 2019, the ALUC conducted a duly noticed public meeting to consider the proposed Laguna Seca Office Park General Development Plan and development of a 15-unit residential apartment complex on Lot 5 within the Visitor Serving/Professional Office (VO/B-6-UR-D-S) Zoning District; and

**WHEREAS**, pursuant to the 2019 ALUCP Table 4B (Safety Criteria Matrix), the project exceeds the maximum residential density of 1 dwelling unit per 2 acres allowed within Safety Zone 4; and

**WHEREAS**, the Safety Zone 4 Criteria is intended to restrict the development of land uses that could pose particular hazards to the public or to vulnerable populations in case of an aircraft accident; and

**WHEREAS**, 2019 ALUCP Policy 4.1.5.2 provides that if the ALUC project application is deemed complete prior to the adoption of the 2019 ALUCP, the project should be evaluated by the ALUC under the 1987 Comprehensive Land Use Plan; however, staff and the applicant disagreed as to whether the policy refers to the completeness determination of the ALUC or the underlying agency; and

**WHEREAS**, if the project were evaluated under the 1987 CLUP, a finding of consistency could be made with the 1987 CLUP since the CLUP does not include a Safety Zone 4 which was created under the 2011 Caltrans Airport Land Use Planning Handbook; and

**WHEREAS**, a motion to find the project inconsistent with the 2019 ALUCP failed by a vote of 3-4; and

**WHEREAS**, pursuant to Public Utilities Code section 21676(d), if the ALUC does not make a consistency determination within 60 days of the referral, the proposed

action is deemed consistent with the airport land use compatibility plan by operation of law; and

**WHEREAS**, the ALUC was unable to reach a decision of consistency or inconsistency in light of the dispute as to whether the 1987 or 2019 compatibility plan applies and in consideration of fairness to the applicant whose application could have been found consistent with the then existing airport land use compatibility plan if the application had been timely referred to the ALUC.

**NOW, THEREFORE, BE IT RESOLVED**, the Monterey County Airport Land Use Commission elects not to make a consistency determination for the Laguna Seca Office Park General Development Plan to allow residential uses on six (6) parcels (Lots 2 through 7) and the development of a 15-unit residential apartment complex on Lot 5 within the Visitor Serving/Professional Office (VO/B-6-UR-D-S) Zoning District.

**PASSED AND ADOPTED** on this 30<sup>th</sup> day of May 2019, upon motion of Commissioner Cleveland and seconded by Commissioner Carbone by the following vote, to-wit:

AYES: Commissioners Gunter, Cleveland, McGregor, Cohan, Sabo, Healy and Carbone

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST

Carl P. Holm, Secretary to the ALUC

By: 

Shelley Glennon, Designee of Secretary to the ALUC

June 19, 2019

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