

# Attachment D

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

**Resolution No. 25-002**

Finding the proposed amendments to the County of Monterey’s Housing Element (General Plan) consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport, subject to three conditions of approval.

**WHEREAS**, on October 23, 2024, the County of Monterey (County) submitted an ALUC application for a proposed amendment (update) to the Housing Element of the County’s General Plan (ALUC File No. REF240038) to ALUC staff; and

**WHEREAS**, the ALUC is responsible for the review of projects within the Airport Influence Area for Monterey Regional Airport, as identified in the 2019 ALUCP; and

**WHEREAS**, the proposed General Plan Housing Element amendment would evaluate the County’s existing and projected housing needs, review previous goals and programs, inventory sites within the unincorporated County, identify housing constraints, discuss development of housing programs to address needs and list quantifiable objectives; and

**WHEREAS**, as proposed, the amendment would demonstrate that the County has adequate sites available to accommodate its 6th cycle Regional Housing Need Allocation (RHNA), based on statewide and regional estimates determined by the California Department of Housing and Community Development (HCD); and

**WHEREAS**, HCD does not mandate that these units be constructed but requires the County to identify sites and zoning designations that can accommodate housing developments capable of satisfying the RHNA distributed across four Income levels (1,070 Very Low, 700 Low, 420 Moderate, and 1,136 Above Moderate). No specific housing or development projects within the County’s current jurisdiction are proposed as part of the Housing Element update; and

**WHEREAS**, the County’s draft Housing Element relies on 56 Opportunity Sites (4,479 units), various pipeline sites (1,484 units), and accessory dwelling units (“ADUs”, 270 units) to demonstrate to HCD that the County has more than enough capacity to comply with RHNA requirements (total capacity for at least 6,233 units); and

**WHEREAS**, two Opportunity Sites (Sites 46 and 47) and one Pipeline Site (Site 60) are within the Monterey Regional Airport sphere of influence. These sites are located primarily within Safety Zone 7 (Airport Influence Area; AIA), as shown in ALUCP Exhibit 4C. However, portions of Opportunity Site 46 and Pipeline Site 60 are within Safety Zone 4 (Outer Approach/Departure Zone); and

**WHEREAS**, to facilitate development on the identified Opportunity Sites, the County proposes various programs and policies. Program - H-3.A (Rezoning for Higher Density Residential Development) will rezone Opportunity Sites 46 and 47 High-Density Residential (HDR), increasing the allowed densities to 20 units per acre, while maintaining a maximum height of 35 feet and ensuring compatibility to promote efficient land use and maximize housing potential. Program H-4.G (Zoning Ordinances and GP Efficiencies for Housing) will update Monterey County Code Titles 20 and 21 (Zoning Code), and General Plan policies to incorporate changes in state law and streamline permitting for housing, including adjusting policies for streamlined processes that accommodate housing development; and

**WHEREAS**, the proposed Housing Element amendment was reviewed for consistency with the Long Range Noise Contour Exposure Maps for Monterey Regional Airport. The lands proposed for potential future residential uses are located outside of the 65 (or greater) Community Noise Equivalent Level (CNEL) contour. In accordance with the ALUCP Table 4A (Noise Compatibility Criteria Matrix), 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**, the ALUCP's airspace protection policies (4.2.3) aim to prevent development of land use conditions that would pose hazards to flight operations, including airspace obstructions, wildlife hazards, and visual or electronic interference; 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 feet above mean sea level [AMSL]). However, a majority of the site is identified as having terrain within 50 feet of Part 77's horizontal surface elevation. Since no existing terrain on Opportunity Site 46 exceeds 406 feet AMSL, rezoning the property to allow the construction of 35-foot-tall residential structures will not conflict with ALUCP Policy 4.2.3.2(e), which states "Proposed structures are prohibited on terrain that already penetrates 14 CFR Part 77 surfaces." Development on terrain less than 406 feet AMSL that has a ridge height exceeding 406 feet AMSL is discouraged by the ALUCP but may be conditionally allowed if the Federal Aviation Administration is notified and issues a Determination of No Hazard. Additionally, the Monterey Regional Airport would also need to support the development, as it could conflict with the applicable Avigation and Hazard Easement (Reel 1545, Page 946). Therefore, foreseeable development on Opportunity Site 46 will be conditionally consistent with ALUCP policies relating to airspace, and rezoning of Opportunity Site 46 does not pose an immediate hazard to airspace; and

**WHEREAS**, Opportunity Site 47 contains elevations ranging between 330 feet to 550 feet AMSL. Approximately a third of Opportunity Site 47 contains elevations that exceed 406 feet AMSL. Development of this portion of the site would conflict with ALUCP Policy 4.2.3.2(e), which states "Proposed structures are prohibited on terrain that already penetrates 14 CFR Part 77 surfaces." Constructing 35-foot-tall residential structures on the moderate to lower elevations of Opportunity Site 47 (less than 406 feet AMSL) may result in development with a ridge height exceeding 406 feet AMSL. Such

development is discouraged by the ALUCP but may be conditionally allowed if the Federal Aviation Administration is notified and issues a Determination of No Hazard. However, because the draft Housing Element contemplates rezoning the entire property to High-Density Residential, 20 units per acre, the proposed zoning district's allowed height (35 feet) together with the higher elevations of the subject property (greater than 406 feet AMSL) conflicts with the ALUCP and poses potential airspace obstruction and hazard. Therefore, as proposed, Opportunity Site 47 is inconsistent with the ALUCP, as it relates to airspace protection, and shall be removed from the draft Housing Element (Condition No. ALUC- 11); and

**WHEARAS**, 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. 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 prohibits modifying nonconforming uses that increase the magnitude of the nonconformity. The draft Housing Element includes rezoning Opportunity Site 46 property from Public Quasi-Public to High-Density Residential. The Public Quasi-Public zoning district does not support high-density residential development. Accordingly, the proposed rezone would intensify the Opportunity Site by allowing high-density residential development, thus increasing the number of allowed residential units on the lot. Further, high-density residential development (20 units per acre) is an incompatible residential density within Safety Zone 4, which allows 1 unit per 2 acres. Accordingly, the proposed rezoning and foreseeable development would increase the magnitude of the nonconforming use of the school facility. Therefore, as proposed, Opportunity Site 46 is inconsistent with the ALUCP, as it relates to safety and land use compatibility, and shall be removed from the draft Housing Element (Condition No. ALUC- 13); 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 (20 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. However, the ALUC finds that introducing high-density residential units onto a site with high elevations and beneath known flight patterns and touch-and-go-tracks (Exhibit A3 of the ALUCP) is an incompatible use; and

**WHEREAS**, on May 30, 2019, ALUC considered the "Laguna Seca Office Park General Development Plan" (LSOP GDP), located on Pipeline Site 60, which proposed allowing up to 120 residential units on six parcels (Lots 2 through 7) and the construction of a 15-unit residential apartment complex on Lot 5. At this hearing, the ALUC adopted Resolution No. 19-008 electing to "not 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".

By electing to not make a consistency determination, the project and General Development Plan were effectively deemed consistent with the applicable Airport Land Use Compatibility Plan by operation of law. The draft Housing Element does not propose any amendments to Pipeline Site 60's previously approved permits (or maximum allowed units of 120) and therefore the foreseeable development on Pipeline Site 60 will not introduce new incompatible uses or hazards to flight or airspace; and

**WHEREAS**, to ensure that future housing development, as encouraged by the draft Housing Element, is compatible with applicable Monterey Regional ALUCP policies, Condition No. ALUC-10 has been applied. This condition requires that the County of Monterey update its Airport Approach Zoning (AAZ) regulations (Title 21, Chapter 21.86) to clarify that it applies to all properties with the Airport Influence Area, mirror the noise, airspace protection (including other flight hazards), and safety zone compatibility requirements of the Monterey Regional ALUCP, and establish required conditions of approval and Appropriate Authority findings. Condition No. ALUC-10 also requires that all properties within the Monterey Regional AIA be rezoned with an AAZ overlay district. The ALUC shall review and find the updated AAZ Ordinance consistent prior to adoption and implementation by the County; and

**WHEREAS**, no development is proposed with implementation of the Housing Element amendment and therefore no hazards to flight will directly occur with adoption of the Amendment. Future development of the identified may be subject to ALUC review and approval to determine ALUCP compatibility and potential hazards to flight; and

**WHEREAS**, the ALUC has reviewed the proposed Housing Element amendment for noise compatibility, airspace and flight hazard protection, and safety compatibility, and determined that three conditions are necessary (ALUC-10 and 11, 13); and

**WHEREAS**, the potential application of ALUC conditions would be better suited during ALUCP consistency reviews and determinations of future General Plan Land Use Designation, Zoning Map amendments, or specific development proposals; 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 January 13, 2024 staff report; and

**WHEREAS**, on January 13, 2025, the ALUC conducted a duly noticed public meeting to consider the proposed amendments to the Housing Element of the County's General Plan.

**NOW, THEREFORE, BE IT RESOLVED**, the Monterey County Airport Land Use Commission does hereby find that the proposed County of Monterey's Sixth Cycle Draft Housing Element Update is consistent with the 2019 ALUCP for Monterey Regional Airport, subject to revisions, which have been incorporated as conditions of approval:

1. The draft Housing Element shall be revised to remove Opportunity Site 46;
  2. The draft Housing Element shall be revised to remove Opportunity Site 47;
- and

3. Upon the Board of Supervisor's adoption of the County's 6th Cycle Housing Element, the County shall, the County shall 1) amend its Airport Approach Zoning (AAZ) regulations (Title 21, Chapter 21.86), or create a new Chapter, that applies to all properties with the Monterey Regional Airport Influence Area, incorporates the noise, airspace protection (including other flight hazards), and safety zone compatibility requirements of the 2019 Monterey Regional ALUCP, establishes required conditions of approval and Appropriate Authority findings; and 2) rezone all properties within the Monterey Regional Airport Influence Area to include an AAZ overlay district.

**PASSED AND ADOPTED** on this 13<sup>th</sup> day of January 2025, upon motion of Commissioner Cleveland and seconded by Commissioner Leffel, by the following vote, to-wit:

AYES: Commissioners Cohan, Carbone, Cleveland, Scherer, and Leffel  
NOES: Commissioner Kerr  
ABSENT: Commissioner Donaldson  
ABSTAIN:

ATTEST

Craig Spencer, Secretary to the ALUC

By: Edgar Sanchez  
Edgar Sanchez, Designee of Secretary to  
the ALUC January 13, 2025

## Attachment 1: ALUC CONDITIONS

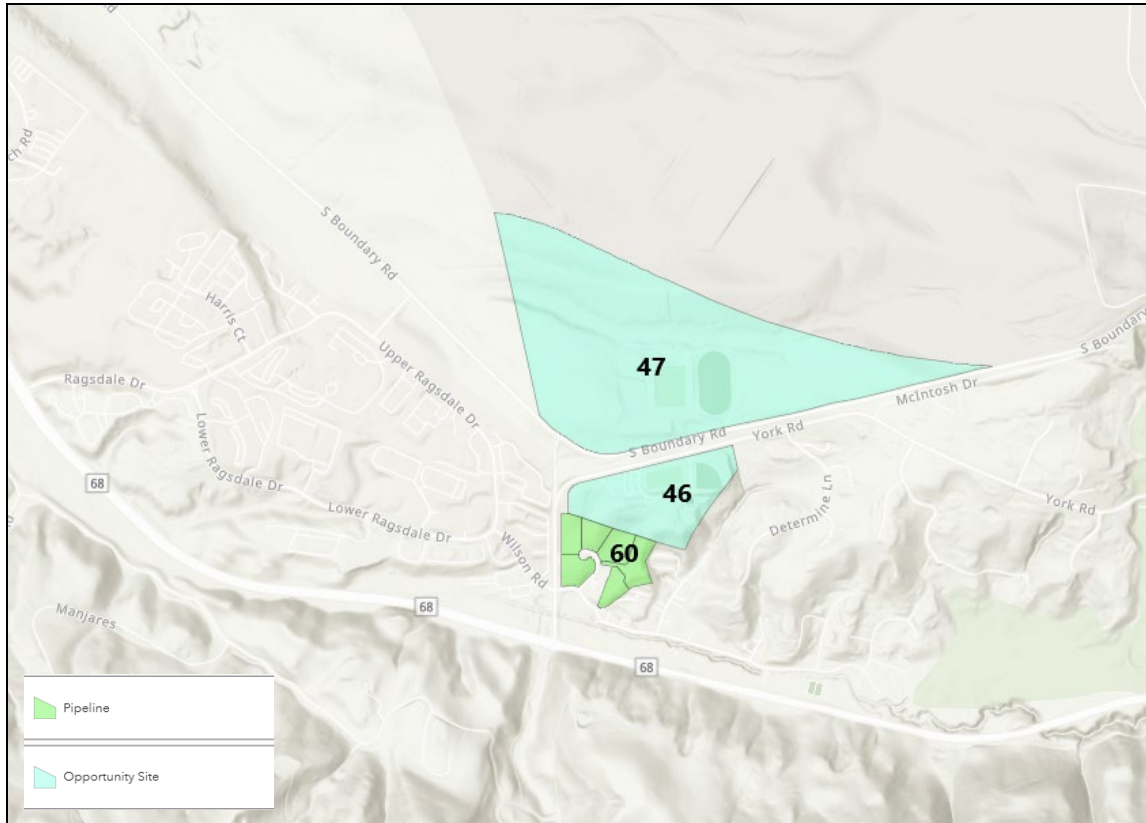
**PROJECT NAME** COUNTY OF MONTEREY (DRAFT HOUSING ELEMENT)  
**PROJECT NO.** REF240038

<input checked="" type="checkbox"/>	<b>ALUC-10</b>	<p><b>NON-STANDARD CONDITION – AIRPORT APPROACH ZONING OVERLAY</b></p> <p>Upon the Board of Supervisor’s adoption of the County’s 6th Cycle Housing Element, the County shall also 1) amend its Airport Approach Zoning (AAZ) regulations (Title 21, Chapter 21.86), or create a new Chapter, that applies to all properties with the Monterey Regional Airport Influence Area, incorporates the noise, airspace protection (including other flight hazards), and safety zone compatibility requirements of the 2019 Monterey Regional ALUCP, establishes required conditions of approval and Appropriate Authority findings; and 2) rezone all properties within the Monterey Regional Airport Influence Area to include an AAZ overlay district.</p> <p>The draft AAZ Ordinance update shall be referred to the ALUC for consideration prior to adoption by the Board of Supervisors.</p>
<input checked="" type="checkbox"/>	<b>ALUC-11</b>	<p><b>NON-STANDARD CONDITION – REMOVAL OF OPPORTUNITY SITE 46</b></p> <p>Upon the Board of Supervisor’s adoption of the County’s 6<sup>th</sup> Cycle Housing Element, County staff shall demonstrate to ALUC staff that Opportunity Site 46 (APN:173-071-008-000) has been removed.</p>
<input checked="" type="checkbox"/>	<b>ALUC-13</b>	<p><b>NON-STANDARD CONDITION – REMOVAL OF OPPORTUNITY SITE 47</b></p> <p>Upon the Board of Supervisor’s adoption of the County’s 6<sup>th</sup> Cycle Housing Element, County staff shall demonstrate to ALUC staff that Opportunity Site 47 (APN:031-131-006-000) has been removed.</p>

**PROJECT REVIEWED BY ALUC ON: 1/13/25**



# Attachment 2: HOUSING INVENTORY SITES WITHIN THE MRY ALUCP CONSIDERED BY THE ALUC ON 1/13/25



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