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

Resolution No. 19 – 007

Finding the proposed mixed-use development of a 0.922-acre site consisting of the construction of an approximately 89,000 square foot 3-story building consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport.

ALUC File No. REF190016; 2200 and 2210 North Fremont Street, City of Monterey (Assessor's Parcel Numbers 013-171-004-000 and 013-171-014-000)

WHEREAS, on April 2, 2019, the project applicant submitted an ALUC application and supporting information to the Monterey County Airport Land Use Commission (ALUC) staff for ALUC consideration of a proposed development of a 0.922-acre (40,175 square feet) site located at 2200 and 2210 North Fremont Street, southeast of the intersection of Airport Road and North Fremont Street, in the City of Monterey (ALUC File No. REF190016); and

WHEREAS, the proposal includes demolition of an existing structure on the site, and construction of an 89,282 square foot 3-story mixed-use building with one level of commercial retail and parking space, and two levels of residential units with 40 units total. The ground or main level would have 6,000 square feet of commercial retail space; 26,140 square feet of parking space; and 2,381 square feet of circulation and utility areas. The second level would consist of 19,235 square feet of residential area (20 units) and 12,375 square feet of open space/common areas. The third level would consist of 17,446 square feet of residential area (20 units) and 5,705 square feet of circulation area; and

WHEREAS, the ALUC is responsible for review of projects within the applicable area of influence for consistency with the applicable 2019 ALUCP for Monterey Regional Airport; and

WHEREAS, the project site is located approximately 2,000 feet (0.38 miles) from the end of Runway 10R and approximately 4,800 feet (0.91 miles) from the end of Runway 10L at Monterey Regional Airport. Per 2019 ALUCP Exhibit 4C, the site is located in Safety Zone 7 (Airport Influence Area); and

WHEREAS, pursuant to the most current Noise Contour Exposure Maps for Monterey Regional Airport, the project area would be located approximately 1,200 feet (0.23 miles) outside of the 65 Community Noise Equivalent Level (CNEL) contour. In accordance with ALUCP Table 4A, Noise Compatibility Criteria Matrix, the proposed commercial and multi-family residential uses would be compatible uses with no restrictions, and the application of noise insulation conditions is not required. However, due to the proximity of the project site to Airport Property, and to prevent potential future conflicts regarding overflight noise, the ALUC recommends a condition requiring the

property owner grant an avigation and hazard easement to the Airport Authority (see the attached ALUC Condition ALUC-1); and

WHEREAS, per ALUCP Exhibit 4C, Monterey Regional Airport Safety Zones, the project site is located within Safety Zone 7 (Airport Influence Area or AIA). Pursuant to ALUCP Table 4B, Safety Criteria Matrix, as proposed the project meets all of the applicable safety zone criteria and other development conditions, and would not involve any of the prohibited uses identified for the AIA; and

WHEREAS, pursuant to ALUCP Policy 4.2.3.4, the proposed project does not promote hazards to air navigation, such as electrical interference, high intensity lighting, bird attraction, or glare. However, due to the proximity of the project site to Airport Property, exterior lighting proposed within the project area could create a safety concern for pilots. Therefore, the ALUC recommends a condition to require airport manager review and approval of an exterior lighting plan to ensure the exterior lighting used is unobtrusive to airport operations (see the attached ALUC Condition ALUC-6); and

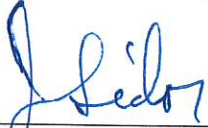
WHEREAS, the project site is located inside the 14 Code of Federal Regulations (CFR) Part 77 transitional surfaces for Monterey Regional Airport, and the transitional surface elevation at the project site is approximately 300 feet above mean sea level. As proposed, the elevation of the completed structure would not penetrate 14 CFR Part 77 surfaces and would not pose hazards to flight. However, the proposed use of a crane during construction would potentially result in temporary penetration of the transitional surfaces. Therefore, the ALUC recommends a standard condition requiring the construction contractor follow Federal Aviation Administration requirements regarding objects affecting navigable airspace (see the attached ALUC Condition ALUC-5).

NOW, THEREFORE, BE IT RESOLVED, that the Monterey County Airport Land Use Commission does hereby find that the application (ALUC File No. REF190016) for the proposed mixed-use development of a 0.922-acre site consisting of the construction of an approximately 89,000 square foot 3-story building consistent with the 2019 ALUCP for Monterey Regional Airport, subject to incorporation of the recommended ALUC Conditions, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this 30th day of May, 2019, upon motion by Commissioner Gunter, seconded by Commissioner Cleveland, by the following vote, to-wit:

AYES:	Gunter, Cleveland, McGregor, Cohan, Healy, and Carbone
NOES:	Sabo
ABSENT:	None
ABSTAIN:	None

ATTEST
Carl P. Holm, Secretary to ALUC

By: 
Joseph Sidor, Designee of Secretary to ALUC
June 3, 2019



ALUC CONDITIONS

The following standard and/or non-standard conditions may be applied to an application being considered before the ALUC. If the box next to the condition is marked, that indicates the condition is to be applied to the project as part of the ALUC recommendation.

PROJECT NAME: 2200 NORTH FREMONT STREET
PROJECT FILE NO.: REF190016

PROJECT REVIEWED BY THE ALUC ON MAY 30, 2019.

<input checked="" type="checkbox"/>	ALUC-1	<p>AVIGATION AND HAZARD EASEMENT Prior to final of the first construction permit associated with the project, the developer/owner shall grant an avigation and hazard easement to the appropriate airport authority. The easement shall be recorded at the Monterey County Recorder's Office. The easement may include:</p> <ul style="list-style-type: none"> • Right-of-flight at any altitude above the acquired easement surfaces. • Right to cause noise, vibrations, fumes, dust and fuel particle emissions. • Right to prevent construction or growth of all structures, objects or natural growth above the acquired easement surfaces. • Right-of-entry to remove, mark or light any structures or growth above the acquired easement surfaces, or right to require the owner to remove, mark or light. • Right to prohibit creation of electrical interference, unusual light sources and other hazards to aircraft flight. • Any other limitation the appropriate airport authority may recommend to protect the public's health, safety and welfare.
<input type="checkbox"/>	ALUC-2	<p>NOISE INSULATION STANDARDS The project shall conform to current noise insulation standards pursuant to the California Code of Regulations, Title 25, Chapter 1, Subchapter 1.</p>
<input type="checkbox"/>	ALUC-3	<p>NOISE STANDARDS The project shall conform to noise standards pursuant to the California Code of Regulations, Title 21, Subchapter 6.</p>
<input type="checkbox"/>	ALUC-4	<p>AIRPORT APPROACH ZONING The project shall conform with Title 21 of the Monterey County Code (Zoning Ordinances), Chapter 21.86, Airport Approaches Zoning, and/or applicable zoning code relevant to airport</p>

		hazards and operations.
<input checked="" type="checkbox"/>	ALUC-5	OBJECTS AFFECTING NAVIGABLE AIRSPACE The project shall conform to FAR, Part 77 – Objects Affecting Navigable Airspace.
<input checked="" type="checkbox"/>	ALUC-6	EXTERIOR LIGHTING Prior to the issuance of a construction permit, an Exterior Lighting Plan shall be reviewed and approved by the applicable airport manager prior to the issuance of any construction permits. All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
<input type="checkbox"/>	ALUC-7	TOWERS - MARKING AND LIGHTING When not specifically required by FAA Advisory Circular 70/7640-IF (Obstruction Marking and Lighting), the following ALUC recommendations shall be applied to towers: <input type="checkbox"/> A flashing red beacon shall be installed at the highest point of the structure. <input type="checkbox"/> A steady burning red obstruction light shall be installed at the highest point of the structure. <input type="checkbox"/> A steady burning red obstruction light shall be installed at the intermediate level of the structure. <input type="checkbox"/> Nine (9) day-glow markers (20" minimum) shall be installed on the top level of guide wires (3 to the wire). <input type="checkbox"/> The applicant shall contact the FAA to publish a NOTAM (Notice to airmen) in Monterey County about the location of the proposed structure. <input type="checkbox"/> Standard marking (orange and white striping) shall be installed, as defined in Chapter 3 of the FAA AC 70/7460-IF.
<input type="checkbox"/>	ALUC-8	NO CONDITION REQUIRED The project, as reviewed by the ALUC, is consistent with the CLUP for that jurisdiction and does not require any conditions.
<input type="checkbox"/>	ALUC-9	NON-STANDARD CONDITION (See attached)