



Airport Land Use Commission

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REF260008 - City of Monterey (Ward)

Public hearing to consider whether a proposed four story mix-use building within 49 residential units and a total building area of 71,726 square feet is consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for the Monterey Regional Airport (MRY)

RECOMMENDATION:

Staff recommends that the Monterey County Airport Land Use Commission (“ALUC”) find the proposed application for mixed-use redevelopment of a 0.922-acre (40,183 square feet) site consisting of construction of a four-story mixed use building with 49 residential units consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport (MRY).

PROPOSED PROJECT:

On February 6, 2026, the City of Monterey submitted an ALUC application and supporting information for the proposed redevelopment 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 (Assessor’s Parcel Numbers 013-171-004-000 and 013-171-014-000). The proposed project consists of merging two lots at 2200 and 2210 North Fremont Street and then building a four-story mixed-use building with 49 residential apartment units and associated site improvements. The total building area would be 71,726 square feet. There would be 7 apartment units on the first floor, 15 on the second floor, 15 on the third floor, and 12 on the fourth floor. There would be one 700-square-foot commercial lease space on the first floor. The property is currently occupied by a small retail outlet, which will be demolished to accommodate the redevelopment of the site.

This project was previously brought before the ALUC for a consistency review on May 30, 2019 during which the ALUC found the project consistent with 2019 ALUCP for Monterey Regional Airport (Resolution No. 19-007; **Attachment D**). The project scope in 2019 proposed the construction of one 3-story, 89,282 square foot mixed-use building, with one level of commercial retail and associated improvements, and two levels of residential units (40 units total). The proposed height of the building was 40 feet above site grade.

ALUCP policy 4.1.5.1 has standards for when a project with a previous Airport Land Use Commission Consistency Determination shall be reviewed for consistency reviews. The policy states, *“Proposed development actions determined to be consistent or conditionally consistent with the compatibility plan analysis in effect at the time of Airport Land Use Commission project review do not require further review under this compatibility plan analysis, unless the proposed*

development is within the AIA and one or more of the following conditions occur:

- 1. An increase in the proposed residential density or nonresidential intensity;*
- 2. Alterations or reconstruction of a non-residential use that would expand a portion of the site or the floor area of the building in a manner that would increase the maximum intensity limits (number of people per acre) or the floor area ratio to levels above those existing;*
- 3. The addition of a land use that is incompatible under this compatibility plan analysis;*
- 4. The height of a structure is to be increased and would create a hazard or obstruction as determined by the FAA;*
- 5. The addition of a characteristic that would create a hazard to air navigation; and/or*
- 6. Development action is not more than five years removed from its latest consistency determination.”*

If any of these changes are proposed, the development project must be reviewed for consistency with the ALUCP. In this case, condition 1 was triggered; the project proposes an increase in residential density. Because this project was referred to the ALUC by the City of Monterey.

CONSISTENCY DETERMINATION ANALYSIS:

ALUC staff reviewed the City’s proposed development in accordance with the adopted ALUCP as discussed below:

NOISE COMPATIBILITY

The proposed development was reviewed for consistency with Table 4A and Exhibit 4B of the ALUCP (Noise Compatibility Criteria and Long Range Noise Exposure Contours. The subject property is located outside of the 65-75 CENL contours and, therefore, is not expected to be exposed to loud airport noise and is considered a compatible use. The project will conform to noise standards pursuant to the California Building Code (California Code of Regulations, Title 24).

AIRSPACE PROTECTION

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. The site is located entirely inside the 14 Code of Federal Regulations (CFR) Part 77 horizontal surface, which has an elevation of 300.6 feet above mean sea level (AMSL). The subject parcel has existing site elevations that range between 70 and 80 feet AMSL. Currently, there is existing development on the site. However, the existing development does not penetrate the Part 77 airspace surfaces, and the existing development would be demolished to accommodate the new proposed development. According to information provided by the City of Monterey, the building maximum height will be 47 feet above site grade. When combined with existing site elevations, this results in a total roof peak height of approximately 127 feet ASML, well below the required horizontal surface elevation. As such, the proposed mixed use building will not interfere with airspace protection and will remain consistent with ALUCP Policy 4.2.3.

Although the proposed structure on the site would not penetrate 14 CFR Part 77 surfaces and would not pose hazards to flight, the proposed use of a crane during construction may penetrate these surfaces. During construction, a crane would be required for assembly. In 2019 the information provided by the City of Monterey indicated the crane would not exceed 150 feet above site grade, which would result in an elevation not to exceed 230 feet AMSL. Height issues in and around airports fall under the purview of the Federal Aviation Administration (FAA). Therefore, the ALUC applied a standard condition on the previously approved project, requiring the contractor to follow FAA requirements regarding objects affecting navigable airspace.

For the proposed project, the Applicant submitted information that shows the crane height required for construction could exceed 300.6 feet AMSL. If in excess of 300.6 feet AMSL, it would penetrate the 14 CFR Part 77 surfaces. As recommended below, Condition No. ALUC-5 has been applied to require that the contractor follow FAA requirements regarding objects affecting navigable airspace. Adherence to this condition would require that the crane company submit an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) FAA Form 7460-1 at least 45 days before the proposed construction or crane use. The FAA would then evaluate the height and respond with a determination on how to proceed. Also, MRY would be notified when the form is submitted and also notified when a determination is provided by the FAA. Implementation of this condition will ensure that airspace is protected during construction and is consistent with the ALUCP's requirements regarding objects affecting navigable airspace.

SAFETY COMPATIBILITY

Per ALUCP Exhibit 4C, Monterey Regional Airport Safety Zones, the project site is located within Safety Zone 7 (Airport Influence Area or AIA). Safety Zone 7 is the most permissible zone with the Airport Safety Zones. Pursuant to ALUCP Table 4B, Safety Criteria Matrix, as proposed, the project meets all the applicable safety zone criteria and other development conditions, and would not involve any of the prohibited uses identified for the AIA such as outdoor stadiums or similar very high intensity uses. Specifically, the proposed 49 dwelling units are permitted since there is no limitation on residential dwelling unit density within Safety Zone 7. Furthermore, the occupancy of the proposed commercial spaces would not exceed the non-residential intensity maximum of 300 persons per acre. Additionally, per ALUCP Exhibit 4C, the project site is located in a designated urban area within the City of Monterey; therefore, the density and intensity limits would not apply. In accordance with Table 4B, Condition No. ALUC-2 requires the recordation of the airport disclosure notice.

OTHER FLIGHT HAZARDS

ALUCP Policy 4.2.3.4 identifies land use characteristics that are incompatible with airport operations because they would cause visual, electronic, or wildlife hazards. As proposed, the project would not introduce uses involving 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. Lighting can cause an obstruction by blinding pilots taking off or landing, or can confuse/distract pilots by appearing similar to airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting. Therefore, staff recommends a standard condition to require the MRY

airport manager to review and approve the exterior lighting plan to ensure the exterior lighting is unobtrusive to airport operations. See the attached ALUC Condition ALUC-6.

MONTEREY REGIONAL AIRPORT DISTRICT:

On April 8, 2026, ALUC staff forwarded project information to Monterey Airport District (District) staff for review. District had no major issues but requested three standard conditions: (1) file FAA Form 7460-1 if a crane or similar equipment is used and have any new outdoor lighting approved by the Airport Executive Director; (2) record an avigation easement; and (3) install down-lit, unobtrusive exterior lighting, subject to MRY airport manager approval (**Attachment C**). All of which have been applied as conditions of approval (Attachment 1 of the Draft Resolution).

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The following attachments are on file with HCD:

Attachment A - Draft ALUC Resolution

- Draft Conditions of Approval
- Project Plans

Attachment B - MRY Letter

Attachment C - City of Monterey Consistency Memo

Attachment D - ALUC Resolution No. 19-007

cc: ALUC Commissioners; ALUC Counsel; Monterey Peninsula Airport District (C. Morello); City of Monterey (Fernanda Roveri); ALUC File No. REF260008