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

Resolution No. 25-003

Finding the proposed conversion of an existing 11,177 SF commercial office building into a day care/school facility and accompanying proposed improvements inconsistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport.

REF250022, 2400 Garden Road, Monterey, (APN: 013-322-008-000).

WHEREAS, on June 30, 2025, the City of Monterey (City) submitted an ALUC application (ALUC File No. REF250022) to ALUC staff requesting a consistency determination of the proposed conversion of an existing commercial office building into a day care/school facility (Montessori Community School) located at 2400 Garden Road, Monterey; and

WHEREAS, the ALUC is responsible for the review of local land use regulations affecting land uses within the Airport Influence Area for Monterey Regional Airport, as identified in the Monterey Regional Airport Land Use Compatibility Plan (ALUCP), incorporated herein by reference, for consistency with the ALUCP; and

WHEREAS, as proposed project includes the demolition and reconstruction of approximately 8,136 square feet of the interior portions of upper floor area of the existing office building to accommodate new classroom spaces and support areas, and other site improvements including construction of a new waste enclosure, reconfiguration of the parking lot to meet current standards and provide the required number of parking spaces, and modifications to existing landscaped areas. The existing building would be occupied by Montessori Community School, providing daycare and educational programs for infants and children up to 6 years old. The proposed day care/school facility would have a maximum on-site occupancy of 120 persons (104 students and 16 staff); and

WHEREAS, pursuant to ALUCP Exhibit 4B, Noise Compatibility Criteria and Long Range Noise Exposure Contours, the subject property is located outside of the 65-, 70-, or 75- Community Noise Equivalent Levels (CNELs), and therefore, the proposed development is a compatible use; and

WHEREAS, the project site is entirely located within the 14 Code of Federal Regulations (CFR) Part 77 horizontal surface elevation of 406 feet above mean sea level (AMSL). The proposed development does not include increasing the height of any structure beyond what is currently existing on site and therefore will not encroach on Part 77 Surfaces and is an allowed use with respect to airspace protection criteria (ALUCP Policy 4.2.3); and

WHEREAS, the project site is located within Safety Zone 7 (Airport Influence Area), as delineated in the ALUCP. Safety Zone 7 is the most permissible safety zone, allowing residential development at unrestricted densities, non-residential land uses up to a maximum intensity of 300 persons per acre, and all development types except hazards to flight, outdoor stadiums, and other very high-intensity uses.

WHEREAS, pursuant to Table 4B of the ALUCP, projects within Safety Zone 7 that involve vulnerable occupants (including children, the elderly, and persons with disabilities) within 6,000 feet from the side of a runway require ALUC review and are “strongly discouraged”. The subject property is located approximately 1,395 feet south of Monterey Regional Airport runway 10R-28L; and

WHEREAS, Exhibit D2 of the ALUCP identifies the various factors (runway length, arrival and departure accidents¹, flight patterns, long-range noise contours), that were considered to create the MRY Safety Zones. Per Exhibit D2, and based on data from airports around the U.S, the subject property is located in an area that may experience multiple arrival and departure accidents; and

WHEREAS, Policy 4.2.2.2 of the ALUCP states, “The safety zone land use compatibility standards in Table 4B restrict the development of land uses that could pose particular hazards to the public or to vulnerable populations in case of an aircraft accident.” The proposed use is strongly discouraged by the ALUCP due to its close proximity to MRY runway 10R-28L. In addition, the proposed use is directly adjacent to Safety Zone 5, which prohibits daycares and school facilities; and

WHEREAS, as set out in California Public Utilities Code section 21670, the ALUC is created “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.” As proposed, the project would introduce vulnerable occupants into an area subject to higher aircraft-related hazards; therefore, creating a potential public safety concern; and

WHEREAS, the ALUC testified during the July 28, 2025 hearing that introduction of the proposed use is not compatible with 2019 ALUCP as it introduces a use that would be exposed to aircraft related noise and potential accidents, and traffic associated with operation of MRY. Accordingly, the ALUC finds that establishment, maintenance, and operation of the project will the circumstances of this particular case be detrimental to the health, safety, comfort, and general welfare of persons occupied by the project site, and be potentially detrimental or injurious to the project’s occupants; and

WHEREAS, the California Department of Transportation, Division of Aeronautics, verbally informed ALUC staff of it’s discouragement to introduce vulnerable occupants within

WHEREAS, the Monterey Regional Airport District commented on the project, and verbally testified at the July 28, 2025 hearing, stating, “Due to the potential presence

¹ Nominalized from other airports across the United States. Accident Data from California Airport Land Use Planning Handbook, 2011.

of vulnerable occupants within the vicinity of the airport, Monterey Regional Airport does not support the proposed use of 2400 Garden Road as a Day Care Center” (letter dated July 18, 2025); and

WHEREAS, on July 28, 2025, the ALUC conducted a duly noticed public meeting to consider the proposed project located at 2400 Garden Road, Monterey (APN: 013-322-008-000); and

NOW, THEREFORE, BE IT RESOLVED, the Monterey County Airport Land Use Commission does hereby find that the conversion of an existing 11,177 SF commercial office building into a day care/school facility and accompanying proposed improvements are inconsistent with the 2019 ALUCP for Monterey Regional Airport.

PASSED AND ADOPTED on this 28th day of July 2025, upon motion of Commissioner Leffel and seconded by Commissioner Cleveland, by the following vote, to-wit:

AYES: Commissioners Leffel, Carbone, Cleveland, Scherer, Kerr, and Donaldson

NOES:

ABSENT: Commissioner Cohan

ABSTAIN:

ATTEST

Craig Spencer, Secretary to the ALUC

By: *Fionna M. Jensen*
Fionna Jensen, Designee of Secretary to the ALUC
July 28, 2025