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

Resolution No. 25-001

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 the Marina Municipal Airport, subject to two 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 Marina Municipal 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; however, require 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 7 and 31) and one Pipeline Site (Site 57) are within the Marina Municipal Airport sphere of influence. These sites are located primarily within Safety Zone 7 (Airport Influence Area; AIA), as shown in ALUCP Exhibit 4C. However, a portion of Opportunity Site 7 is partially within Safety Zone 2 (Inner Approach); 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 7 and 31 High Density Residential (HDR) or Mixed Use (MU) (or a combination of either zoning district), increasing the allowed densities to 20-30 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 Marina Municipal 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 7 and 31 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. The proposed Housing Element amendments will not introduce or encourage development that will penetrate Federal Aviation Regulation Part 77 airspace surfaces because development on Opportunity Sites 7 and 31 will be restricted to a maximum allowed height of 35 feet and the existing terrain is well below the Part 77 Horizontal and Approval surfaces; and

WHEREAS, Opportunity Site 31 is located within Safety Zone 7, which does not establish residential density restrictions. Opportunity Site 31 will be rezoned to High-Density Residential, 20 units per acre. Therefore, the high-density residential development of this site, as encouraged by the Housing Element amendment, will be a compatible use; and

WHEREAS, Opportunity Site 7 is primarily located within Safety Zone 7, while the northern approximately 20-acre portion of the site is within Safety Zone 2. Opportunity Site 7 will be rezoned to Mixed-use or a combination of Mixed-Use and High-Density Residential. Safety Zone 2 prohibits many of the uses allowed within the Mixed Use and High-Density Residential zoning districts, including but not limited to, residential use (except for low-density residential [1 unit per 10 acres] and infill development), schools, daycare centers, libraries, hospitals, gas stations, recreational uses, playgrounds, and theaters. Safety Zone 7 allows for 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. To ensure that high density residential development is not sited within the portion of Opportunity Site 7 that is within Safety Zone 2, Condition No. ALUC-9 has been applied. This condition requires that the County revise the draft Housing Element to specify that only the portion of Opportunity

Site 7 that is within Safety Zone 7, as delineated in the ALUCP, shall be rezoned to Mixed Use or High Density Residential; and

WHEREAS, rezoning the entirety of Opportunity Site 7 to allow high-density residential development, as called for by draft Program H-3.A, conflicts with Safety Zone 2's allowances. Condition No. ALUC-9 resolves this inconsistency. No other draft Housing Element Program would introduce uses that are incompatible with the respective safety zones; and

WHEREAS, development on Pipeline Site 57 (EGSP Amendment) received an ALUC consistency determination on March 25, 2024 (Resolution No. 24-002). No revisions are being proposed to the EGSP at this time and therefore the foreseeable development on Pipeline Site 57 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 Marina Municipal 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 Marina Municipal ALUCP, and establish required conditions of approval and Appropriate Authority findings. Condition No. ALUC-10 also requires that all properties within the Marina Municipal 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 two conditions are necessary (ALUC-9 and ALUC-10); 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 Marina Municipal Airport, subject to two revisions, which have been incorporated as conditions of approval:

1. The draft Housing Element Update shall be revised to require that only the portion of Opportunity Site 7 that is within Safety Zone 7, as designated by the Marina Municipal ALUCP, is eligible for a rezone to High-Density Residential, Mixed Use, or a combination of both zoning districts.
2. Concurrent with approval/adoption of the Housing Element, 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 within the Marina Municipal's Airport Influence Area, incorporates the noise, airspace protection (including other flight hazards), and safety zone compatibility requirements of the 2019 Marina Municipal ALUCP, establishes required conditions of approval and Appropriate Authority findings; and 2) rezone all properties within the Marina Municipal Airport Influence Area to include an AAZ overlay district.

PASSED AND ADOPTED on this 13th day of January 2025, upon motion of Commissioner Leffel and seconded by Commissioner Kerr, by the following vote, to-wit:

AYES: Commissioners Cleveland, Scherer, Kerr, and Leffel
NOES: Commissioners Cohan and Carbone
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"/>	ALUC-9	<p>NON-STANDARD CONDITION – OPPORTUNITY SITE 7</p> <p>Upon the Board of Supervisor’s adoption of the County’s 6th Cycle Housing Element, County staff shall demonstrate to ALUC staff that the Housing Element will only rezone that portion of Opportunity Site 7 (APN:031-121-007-000 and 175-021-004-000) within Safety Zone 7, as delineated by the ALUCP, to High-Density Residential, Mixed Use, or a combination of both zoning districts.</p>
<input checked="" type="checkbox"/>	ALUC-10	<p>NON-STANDARD CONDITION – AIRPORT APPROACH ZONING OVERLAY</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 within the Marina Municipal Airport Influence Area, incorporates the noise, airspace protection (including other flight hazards), and safety zone compatibility requirements of the 2019 Marina Municipal ALUCP, establishes required conditions of approval and Appropriate Authority findings; and 2) rezone all properties within the Marina Municipal 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>

PROJECT REVIEWED BY ALUC ON: 1/13/25

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

