

# COUNTY OF MONTEREY

## AIRPORT LAND USE COMMISSION

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Monterey County ALUC Staff  
c/o HCD-Planning  
1441 Schilling Place, 2nd Floor  
Salinas, CA 93901

Phone: (831) 755-5025  
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## SPECIAL MEETING AGENDA

City of Sand City, Council Chambers  
1 Pendergrass Way  
Sand City, California 93955

**December 11, 2023**

**3:00 p.m.**

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### IMPORTANT NOTICE REGARDING PARTICIPATION IN THE AIRPORT LAND USE COMMISSION MEETING

To participate in this Monterey County Airport Land Use Commission meeting, public participants are invited to observe and address the Commission in-person at the Board Meeting Room. Instructions for the public to participate are below:

**Participate at the Physical Meeting Site: [City of Sand City, Council Chambers  
1 Pendergrass Way, Sand City, CA 93955](#)**

#### Meeting Instructions:

1. If a member of the public wishes to comment on a particular agenda item, the public is strongly encouraged to submit their comments in writing via email to the Commission staff at [JensenF1@co.monterey.ca.us](mailto:JensenF1@co.monterey.ca.us) (Fionna Jensen). Comments should be submitted by 2:00 p.m. on the business day prior to the commission meeting date. To assist Commission staff in identifying the agenda item to which the comment relates, the public is requested to include the file number in the subject line. Comments received by the 2:00 p.m. deadline will be distributed to the Commission and will be placed in the record.
2. If speakers or other members of the public have documents they wish to distribute to the Commission for an agenda item, they are encouraged to submit such documents via email to the Commission staff at [JensenF1@co.monterey.ca.us](mailto:JensenF1@co.monterey.ca.us) (Fionna Jensen). Documents should be submitted by 2:00 p.m. on the business day prior to the commission meeting date. To assist Commission staff in identifying the agenda item to which the document relates, the public is requested to include the file number in the subject line.
3. If applicants or members of the public want to present documents and/or Power Point presentations while speaking, they should submit the document and/or presentation electronically by 2:00 p.m. on the business day prior to the commission meeting date to Commission staff at [JensenF1@co.monterey.ca.us](mailto:JensenF1@co.monterey.ca.us) (Fionna Jensen). If submitted after that deadline, staff will make best efforts, but cannot guarantee, to make the document and/or presentation available to present during the meeting.
4. While the matter is being heard, a member of the public may submit a comment via email, preferably limited to 250 words or less, to Commission staff [JensenF1@co.monterey.ca.us](mailto:JensenF1@co.monterey.ca.us) (Fionna Jensen). To assist Commission staff in identifying the agenda item to which the comment relates, the public is requested

to include the file number in the subject line. If the comment is received prior to close of public comment on an agenda item, every effort will be made to read the comment into the record, but some comments may not be read out loud due to time limitations or length of the comment (e.g., if the comment exceeds 250 words). Comments received prior to the close of the public comment period on an agenda item will be made part of the record for that item.

5. Members of the public who wish to make a general public comment for items not on the day's agenda may submit their comment via email, preferably limited to 250 words or less, to the Airport Land Use Commission staff at [JensenF1@co.monterey.ca.us](mailto:JensenF1@co.monterey.ca.us) (Fionna Jensen). The Airport Land Use Commission name and meeting date, and "general comment", should be indicated in the subject line. The comment will be placed in the record for the meeting, and every effort will be made to read the comment into the record at the appropriate time on the agenda.
6. Individuals with disabilities who desire to request a reasonable accommodation or modification to observe or participate in the meeting may make such request by sending an email to the Commission staff at [JensenF1@co.monterey.ca.us](mailto:JensenF1@co.monterey.ca.us) (Fionna Jensen). Such requests include but are not limited to: Wheelchair Accessible Facilities, Sign Language Interpreters and Printed Materials in large print, Braille, or on disk, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. The request should be made no later than 12:00 p.m. (i.e., noon) two (2) business days prior to the Airport Land Use Commission meeting date in order to provide time for the Commission staff to address the request.
7. The Commission Chair and/or Secretary may set reasonable rules as needed to conduct the meeting in an orderly manner.

**1. CALL TO ORDER – Pledge of Allegiance**

**2. ROLL CALL**

*Any Commissioner who will not be able to attend the scheduled public meeting shall notify the Chair, their Proxy, and ALUC staff.*

**3. PUBLIC COMMENT**

*The Commission will receive public comment on non-agenda items within the purview of the Commission. It is not necessary to complete a speaker request form. The Chair may limit the length of individual presentations to 3 minutes.*

**4. COMMISSIONER'S COMMENTS**

*Commissioners may speak on non-agenda items within the purview of the Commission.*

**5. APPROVAL OF MINUTES**

November 13, 2023

**6. CONSENT**

None

**7. SCHEDULED ITEMS**

*Note: Action listed for each item represents staff recommendation. The Commission may, at its discretion, take any action on the items listed on the Agenda.*

**a. REF230040 – City of Monterey**

Proposed adoption of City of Monterey's draft Housing Element.  
Proposed Action: Find the proposed amendments to the City of Monterey's Housing Element (General Plan) consistent with the 2019 Airport Land Use Compatibility Plan for Monterey Regional Airport, provided modifications to Programs 1-I and 1-H are incorporated.

**b. Airport Land Use Compatibility Plan (ALUCP) Update**

Update regarding local jurisdiction progress on the requirement to amend applicable general and specific plans in response to the adoption of the ALUCPs for Monterey Regional Airport and Marina Municipal Airport.

Proposed Action: For information only. No action required.

**c. Future Airport Land Use Compatibility Plan (ALUCP) Update**

Update regarding funding and staff resources for future updates to the ALUCPs for Salinas Municipal Airport and Mesa Del Rey (King City) Airport.

Proposed Action: For information only. No action required.

**8. ANNOUNCEMENTS**

**9. ADJOURNMENT**

# COUNTY OF MONTEREY

## AIRPORT LAND USE COMMISSION

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Monterey Peninsula Airport  
Board Meeting Room  
200 Fred Kane Drive, Suite 200  
Monterey, California

### **Action Minutes of the Proceedings of the Commissioners of the Monterey County Airport Land Use Commission for Monday, November 13, 2023 – Regular Meeting**

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#### **1. CALL TO ORDER – Pledge of Allegiance**

The Monterey County Airport Land Use Commission (ALUC), Commissioner (Chair) Cohan presiding, convened at 3:40 p.m. Commission members and members of the public attended/participated physically.

#### **2. ROLL CALL**

##### **Commissioners (or Proxy) Present:**

Commissioners Carbone, McGregor (proxy), Cleveland, Cohan – a quorum

##### **Commissioners Not Present and Not Represented by Proxy:**

Commissioners Stewart, Williamson

##### **ALUC (Monterey County) Staff Present:**

Fionna Jensen, Housing and Community Development (HCD)-Planning

##### **For Informational Purposes Only, Members of the Public Participating:**

Kathryn Avila, Avila Construction  
Mike Avila, Avila Construction  
Christy Sabdo, City of Monterey  
Grant Leonard, City of Salinas  
Jim McClenahan

#### **3. PUBLIC COMMENT**

*The Commission will receive public comment on non-agenda items within the purview of the Commission. It is not necessary to complete a speaker request form. The Chair may limit the length of individual presentations to 3 minutes.*

None.

**4. COMMISSIONER'S COMMENTS**

*Commissioners may speak on non-agenda items within the purview of the Commission.*

None.

**5. APPROVAL OF MINUTES**

The Commission voted 4-0 ( 4 ayes – 0 naves) to approve the minutes of the October 23, 2023 regular, as amended on November 13, 2023. Motion to approve made by Commissioner Cleveland and seconded by Commissioner Cohan.

**6. CONSENT**

None.

**7. SCHEDULED ITEMS**

*Note: Action listed for each item represents staff recommendation. The Commission may, at its discretion, take any action on the items listed on the Agenda.*

**a. REF230034 – City of Monterey**

Proposed demolition of an existing 6,250 square foot warehouse and construction of a replacement 20,706 square foot U-Haul warehouse and associated site improvements.

Proposed Action: Find the project consistent with the 2019 Airport Land Use Compatibility Plan for the Monterey Regional Airport.

Staff presented and responded to Commissioner questions.

The Commission voted 4-0 ( 4 ayes – 0 naves) to find REF230034 consistent with the 2019 Airport Land Use Compatibility Plan for Monterey Regional Airport. Motion made by Commissioner Cleveland and seconded by Commissioner McGregor.

Commissioner Cleveland asked whether there would be night construction and if reflective glass is proposed. No night lighting and large exterior windows removed from design. Construction to begin in the next 6 months.

Commissioner Cohan asked whether a crane would be used during construction.

**b. REF230035 – City of Salinas**

Proposed adoption of City of Salinas' draft Housing Element

Proposed Action: Find the project consistent with the 1982 Airport Land Use Plan for Salinas Municipal Airport.

Staff presented and responded to Commissioner questions.

The Commission voted 5-0 ( 5 ayes – 0 naves) to find the City of Salinas's draft Housing Element consistent with the 1982 Airport

Land Use Plan for Salinas Municipal Airport. Motion made by Commissioner McGregor and seconded by Commissioner Cohan.

**c. Airport Land Use Compatibility Plan (ALUCP) Update**

Update regarding local jurisdiction progress on the requirement to amend applicable general and specific plans in response to the adoption of the ALUCPs for Monterey Regional Airport and Marina Municipal Airport.

Proposed Action: For information only. No action required.

Staff provided an update on recent outreach to affected local jurisdictions. City of Monterey is expected to its Draft Housing Elements to the ALUC by the end of 2023.

**d. Future Airport Land Use Compatibility Plan (ALUCP) Update**

Update regarding funding and staff resources for future updates to the ALUCPs for Salinas Municipal Airport and Mesa Del Rey (King City) Airport.

Proposed Action: For information only. No action required.

No updates at this time.

**8. ANNOUNCEMENTS**

**9. ADJOURNMENT**

Meeting adjourned at 4:05pm

Next scheduled regular meeting: December 11, 2023 (special). December 18, 2023, regular meeting is cancelled.

# COUNTY OF MONTEREY

## AIRPORT LAND USE COMMISSION

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### MEMORANDUM

<b>To:</b>	Airport Land Use Commission
<b>From:</b>	Fionna Jensen, ALUC Staff; November 28, 2023 (831) 755-5262, <a href="mailto:JensenF1@co.monterey.ca.us">JensenF1@co.monterey.ca.us</a>
<b>Meeting Date:</b>	December 11, 2023
<b>Subject:</b>	Scheduled Item 7a – Proposed adoption of City of Monterey’s draft Housing Element (ALUC File No. REF230040).

#### **RECOMMENDATION:**

Staff recommends the Monterey County Airport Land Use Commission (ALUC) find the proposed amendments to the City of Monterey’s Housing Element (General Plan) (ALUC File No. REF230040) consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport (MRY), provided modifications are made.

#### **PROPOSED AMENDMENT & BACKGROUND INFORMATION:**

On November 27, 2023, the City of Monterey applied (ALUC File No. REF230040) to ALUC staff for a proposed amendment (update) to the Housing Element of the City’s General Plan. This Draft Housing Element represents the 6th Cycle Planning Period update and covers the 2023-2031 planning period, as established by the California Department of Housing and Community Development (HCD).

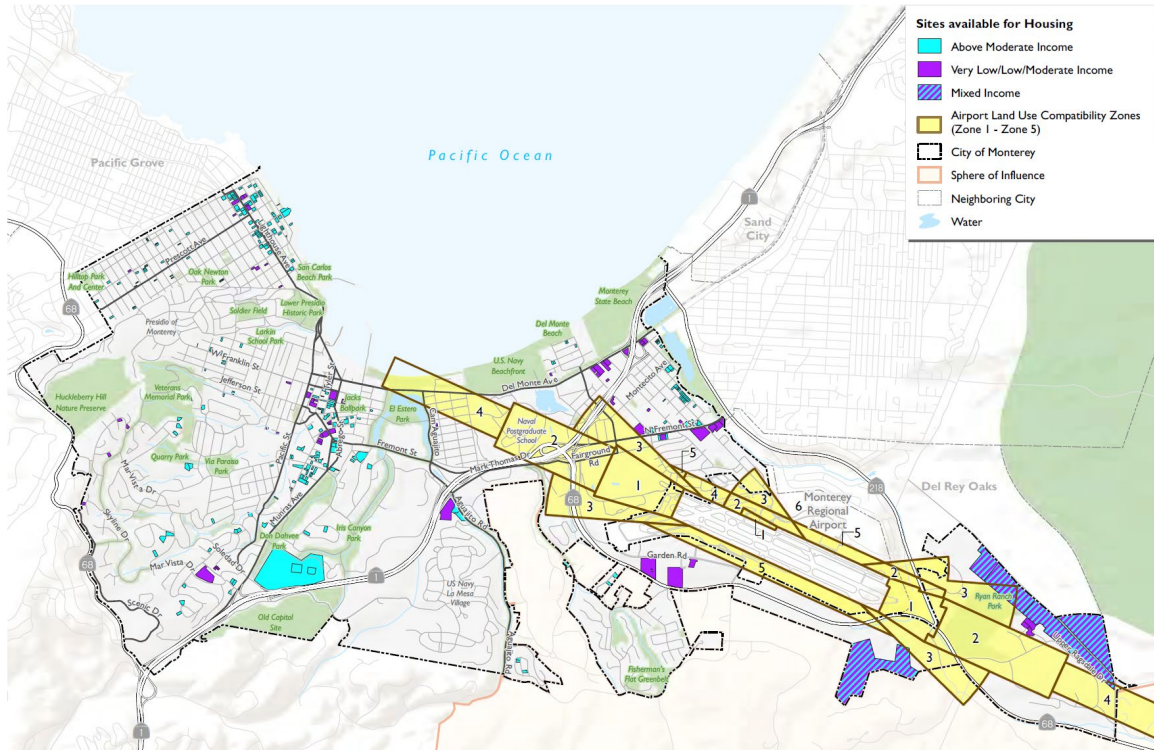
Pursuant to State law, the City’s Draft Housing Element includes an evaluation of existing and projected housing needs, a review of previous goals and programs, an inventory of sites, an identification of housing constraints, the development of housing programs to address needs, and quantifiable objectives. The City’s Draft Housing Element may be viewed in its entirety on the City’s public website at the following link: [https://haveyoursaymonterey.org/monterey2031/news\\_feed/draft-housing-element-submitted-to-the-state-housing-office-hcd](https://haveyoursaymonterey.org/monterey2031/news_feed/draft-housing-element-submitted-to-the-state-housing-office-hcd)

The Draft Housing Element is required to show that the City has adequate sites available to accommodate its Regional Housing Need Allocation (RHNA), based on statewide and regional estimates determined by HCD. The Association of Monterey Bay Area Governments (AMBAG) is the local agency mandated by California Government Code section 65554(a) to distribute the “Fair Share Allocation” of the regional housing needs to each jurisdiction in Monterey and Santa Cruz Counties. No specific housing or development projects within the City’s current jurisdiction are proposed as part of the Draft Housing Element update.

The RHNA plan allocated 3,654 total units as the City’s fair share to accommodate for the 6th Cycle Planning Period. The RHNA does not mandate that these units be constructed; it does, however, require that the City demonstrate available vacant lands to meet this projected need. Additionally, Accessory Dwelling Units and Junior Accessory Dwelling Units anticipated to be built between 2023 and 2031 are also credited towards the City’s RHNA pursuant to Government Code Section 65583.1. Residential developments approved and permitted but not yet built (“pipeline projects”) can be credited towards the City’s RHNA for the 6th Cycle Housing Element provided the City can demonstrate that the units can be built by the end of the 6th Cycle planning period (2031). Similarly, units within completed projects that have received a certificate of occupancy as of June 30, 2023, can also be credited towards the RHNA.

To demonstrate that the City has sufficient land available to meet the projected need, the City conducted an analysis of available land in the City to accommodate housing for all income categories. The Draft Housing Element’s Land Use Inventory (see below figure) contains four components, including 1) identification of vacant or underutilized parcels, 2) analysis of site constraints, 3) assessment of development capacity, and 4) demonstration that zoning is adequate. The Draft Housing Element Land Use Inventory concluded adequate land is available to accommodate the City’s total housing needs. The Draft Housing Element includes an inventory of 321 potential sites for housing with a combined capacity for up to 5,667 new units over the next eight years. Additionally, the Draft Housing Element projects the construction of up to 120 accessory dwelling units on existing single-family properties throughout the City. The Housing Element includes approximately a dozen housing inventory sites that are not located within the Airport Influence Area (AIA), or any other safety zone, and thus are not regulated by the 2019 ALUCP. The remaining housing inventory sites are located in Zone 7 (AIA), Zone 3 (Inner Turning Zone; ITZ), and Safety Zone 4 (Outer Approach/Departure Zone; OADZ).

Figure 1: Monterey Airport Land Use Compatibility Zones and Sites Available for Housing





As stated above, the Draft Housing Element is only a policy document, and no specific housing or development projects are proposed as part of this update. Future General Plan Amendments (rezones, specific plans, etc.) and proposals to develop the identified housing inventory sites with residential housing will require a ALUC consistency determination review<sup>1</sup>.

### **CONSISTENCY DETERMINATION ANALYSIS:**

ALUC staff reviewed the City's proposed amendment (update) to the Housing Element of the City's General Plan in accordance with the adopted ALUCP as discussed below:

#### NOISE COMPATIBILITY

The Draft Housing Element and proposed housing inventory sites were reviewed for consistency with the Long Range Noise Contour Maps (Exhibit 4B of the ALUCP). In accordance with the ALUCP Exhibit 4B and Table 4A, the proposed residential sites are located outside of the 65 CNEL and thus would be compatible with no restrictions or conditions of approval. Furthermore, all future development projects would be required to conform with the current noise insulation standards, and the current California Building Code requires all residential structures to achieve an interior noise level of no more than 45 decibels. Therefore, based on the above analysis, the proposed amendment is consistent with the ALUCP with regard to noise compatibility criteria, and no further conditions regarding noise are recommended for the Housing Element Update.

#### AIRSPACE PROTECTION

The majority of the City is located inside the 14 Code of Federal Regulations (CFR) Part 77 approach, horizontal, conical, and transitional surfaces for Monterey Regional Airport. Currently, none of the existing buildings within the City penetrate the Part 77 airspace surfaces. The Draft Housing Element includes Program 1-C, which would amend the Downtown Specific Plan to allow an increase in building heights from the current limit of 4 stories up to a maximum of 5 stories (or approximately 55 feet) in the Alvarado District. However, even with the increased maximum building height at this location, no current or future structure would penetrate Part 77 airspace, which is approximately 406.6 feet above ground level at this location. All other housing inventory sites and associated future development would be subject to the existing maximum height restrictions of the City's Zoning Ordinance and would be required to conform to CFR Part 77 requirements. If future development exceeds 100 feet in height, which is not anticipated, FAA and ALUC review and approval would be required. Therefore, it is not anticipated that future structures would penetrate into Part 77 airspace surfaces, and no further conditions regarding airspace protection are recommended.

#### SAFETY COMPATIBILITY & OTHER FLIGHT HAZARDS

All but two identified housing inventory sites are located within Safety Zone 7 (AIA) as shown in ALUCP Exhibit 4C (Monterey Regional Airport Safety Zones). Pursuant to Table 4B (Safety Criteria Matrix for Zone 7), Safety Zone 7 does not establish a maximum allowed density and residential development is an allowed use. The draft

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<sup>1</sup>Pursuant to Government Code Section 65302.3, local jurisdictions and districts had 180 calendar days (or until December 16, 2019) to amend their general plans, specific plans, community plans, and zoning ordinances, as necessary, to be consistent with the 2019 Monterey Municipal ALUCP or take the steps necessary to overrule the ALUC. As of December 2023, the City of Monterey has yet to submit its General Plan, specific plans, community plans, and zoning ordinances to the ALUC for a consistency determination. Until ALUC staff receives the requested documentation, and pursuant to Public Utilities Code Section 21676.5, local agencies shall submit all proposed land use regulations and permit applications within the Airport Influence Area to the ALUC for determination of consistency with the ALUCP.

Housing Element would not allow or encourage any new prohibited uses within Safety Zone 7 (i.e., hazards to flight or outdoor stadiums). Therefore, the foreseeable development of the housing inventory sites within Safety Zone 7 would be considered comparable land uses.

Two housing inventory sites (the “Monterey Peninsula Unified School District (MPUSD)” and “Fort Ord Property”) are partially within Safety Zone 3 (ITZ) or Safety Zone 4 (Outer Approach/Departure Zone [OADZ]). These two areas are identified in the above Figure 1 as “Mixed Income.” The MPUSD property (APN: 259-091-011-000) is located east of Tarpey Flats and south of MRY. The 50-acre parcel is on relatively flat terrain and is identified as a potential site for moderate- and low-income housing in the City’s Highway 68 Area Plan (approved in November 1984) if MPUSD were to declare the property surplus. To facilitate the development of this site with mixed-income housing, Draft Housing Element Program 1-I has been included and assumes 640 new housing units (or 12.8 units per acre), including 145 homes affordable to moderate-income households and 145 homes affordable to lower-income households over the planning period based on the City’s inclusionary requirements. Approximately 0.25 acres of the 50-acre MPUSD property is located within Safety Zone 3, which prohibits residential uses, except for low density residential and infill in developed areas. ALUC staff worked with City of Monterey staff to revise Program 1-I (**Exhibit D**) to ensure that future development on the MPUSD property that is within the Airport Influence Area (encompasses all Safety Zones; Exhibit 1B of the ALUCP) will be compatible with the ALUCP and applicable Safety Zone restrictions. Implementation of revised Program 1-I has been applied as a Condition of Approval (ALUC-9). As mentioned above, proposals to develop the identified housing inventory sites with residential housing will require a future ALUC consistency determination review.

The Fort Ord Property (consisting of 6 properties, and various APNs) is identified in the Draft Housing Element as approximately 105 acres of vacant land available for housing and other uses. These 105 acres are within the Draft Housing Element’s Housing Opportunity Area of “Ryan Ranch and Fort Ord.” The preliminary inventory assumes a total of 1,660 new housing units in the Ryan Ranch and Fort Ord Housing Opportunity Area, 220 of which would be made available to moderate-income households and 220 of which would be made available to low-income households, consistent with the City’s inclusionary ordinance. Approximately 7 acres of the 105-acre Fort Ord Property is within Safety Zone 3, while 0.8 acres of this site is within Safety Zone 4. The remainder of the site is within Safety Zone 7. Based on the City of Monterey’s Zoning Code, the portion of the Fort Ort Property within Safety Zone 3 is zoned Open Space and consequently would not allow residential development. Implementation of Program 1-H of the Draft Housing Element would require preparation of a specific plan for the Ryan Ranch and Fort Ord Housing Opportunity Area with the intent of creating a mixed-use village on a portion of the site to provide housing, jobs, schools, shops, services, and recreation for future residents while also preserving carefully selected areas of natural open space and habitat. The City of Monterey informed ALUC staff that the specific plan would recognize that a portion of the Fort Ord property is within Safety Zone 3 and would maintain Open Space zoning in that location. Safety Zone 3 allows for low density residential uses and therefore, maintaining the current zoning (Open Space), which prohibits residential uses, is more strict but consistent with the ALUCP. Safety Zone 4 allows for residential development at a density of 1 unit per 2 acres. The portion of the Fort Ord Property within Safety Zone 4 is approximately 0.8 acres and therefore only one unit would be allowed per the ALUCP. ALUC staff worked with City of Monterey staff

to revise Program 1-H (**Exhibit D**) to ensure that future development on the Fort Ord property that is within the Airport Influence Area (encompasses all Safety Zones; Exhibit 1B of the ALUCP) will be compatible with the ALUCP and applicable Safety Zone restrictions. Implementation of Revised Program 1-H has been applied as a Condition of Approval (ALUC-9). The Draft Housing Element's encouraged specific plan for the Ryan Ranch and Fort Ord Opportunity Area would be subject to ALUC review and approval. Future review shall ensure development of this Property is according to the restrictions of the applicable Safety Zone.

It should be noted that under State law and City of Monterey zoning regulations, the development of accessory dwelling units (ADUs) is permitted on residentially zoned properties throughout the City. As such, City regulations would permit the development of new ADUs in the portions of the Villa Del Monte and Casanova-Oak Knoll neighborhoods that are within Safety Zone 3, where the ALUCP establishes a maximum density of one dwelling unit per two acres and prohibits the addition of second units that would increase the existing density of a site. On November 14, 2022, the ALUC adopted Resolution 22-005 that interpreted the term "secondary units" in footnote 1 of Table 4B to include accessory dwelling units and junior accessory dwelling units, meaning that ADUs and JADUs are excluded from the density restrictions of Safety Zones 2-5, and found the existing ordinance and proposed amendment to Section 38-112.6 of the City Monterey's Zoning Ordinance pertaining to ADUs and JADUs consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport provided modifications were made to ensure protection of public safety. Modifications included limiting ADU and JADU sizes to 850 square feet and 500 square feet, respectively, in Safety Zones 2, 3, 4, and 5, and prohibiting ADUs and JADUs in 65 or greater CNELs. However, on May 2, 2023, the City Council adopted the necessary findings to overrule the ALUC's consistency determination and adopted an amendment to Section 38-112.6 of the City's Zoning Ordinance to allow ADUs up to 1,000 square feet and JADUs up to 500 square feet on all residentially zoned properties.

No development is proposed as part of this Housing Element Update. All future projects shall record the standard Airport Disclosure Notice and ensure that all exterior lighting is down-lit. Application of specific conditions would be better suited during the review of specific project developments or Zoning Ordinance amendments. Therefore, the Draft Housing Element does not encourage or induce any prohibited uses and is consistent with the Safety Criteria of the ALUCP.

#### **MONTEREY REGIONAL AIRPORT REVIEW:**

On November 28, 2023, ALUC staff forwarded the proposed Housing Element amendment to the Monterey Regional Airport staff for review. No response was received prior to the distribution of this report.

#### **CONCLUSION:**

Based on review and analysis of this proposed project, staff recommends the ALUC adopt a resolution finding the City of Monterey's proposed amendment (update) to the Housing Element consistent with the 2019 Airport Land Use Compatibility Plan for Monterey Regional Airport, provided that the City modifies Programs 1-H and 1-I of the Draft Housing Element to include the following language, as shown in Exhibit D:

**Program 1-H:** ... “however, future land uses planned on the Fort Ord property that are within the Monterey Regional Airport Influence Area shall be compatible with the ALUCP.”...

**Program 1-I:** ... “Future land uses planned within the Monterey Regional Airport Influence Area shall be compatible with the ALUCP.

Attachments:

Exhibit A - Draft ALUC Resolution

- Attachment 1: Recommended Conditions of Approval

- Attachment 2: Housing Sites Inventory Map

Exhibit B - City of Monterey Consistency Analysis Letter

Exhibit C - [Draft Housing Element](#)

Exhibit D – Revised Programs 1-H and 1-I

cc: ALUC Commissioners; ALUC Counsel; Monterey Peninsula Airport District (C. Morello); City of Monterey (Christy Sabdo); ALUC File No. REF230040

**EXHIBIT A**  
**DRAFT RESOLUTION**

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

**Resolution No. 23- 014**

Finding the proposed amendment to the City of Monterey's Housing Element (General Plan) consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport, with modifications. REF230040, City of Monterey (multiple Assessor's Parcel Numbers)

**WHEREAS**, on November 27, 2023, the City of Monterey (City) submitted an ALUC application for a proposed amendment (update) to the Housing Element of the City's General Plan (ALUC File No. REF230040) 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 City's existing and projected housing needs, review previous goals and programs, inventory sites within the City, identify housing constraints, discuss the development of housing programs to address needs, and list quantifiable objectives; and

**WHEREAS**, as proposed, the amendment would demonstrate that the City 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; yet, requires that the City demonstrate available vacant lands to meet the projected housing need (RHNA). No specific housing or development projects within the City's current jurisdiction are proposed as part of the Housing Element update. Future Zoning Ordinance amendments will be required to help accommodate the encouraged and foreseeable development projects and shall be subject to separate ALUC review; and

**WHEREAS**, the City has identified 321 housing inventory sites within the City boundaries that would meet the City's RHNA requirements. These lands are located primarily within Safety Zone 7 (Airport Influence Area; AIA), as shown in ALUCP Exhibit 4C (Monterey Regional Airport Safety Zones). However, two housing inventory sites are partially within Safety Zones 3 and 4 (Inner Turning Zone; ITZ, and Outer Approach/Departure Zone; OADZ); 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), all of the proposed residential sites are located outside of the 65 CNEL and are compatible uses with no restrictions. Therefore, the proposed amendment and the associated foreseeable development are consistent with the ALUCP with regard to noise compatibility criteria, and no further conditions regarding noise are recommended; and

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

**WHEREAS**, all but two proposed housing inventory sites are located within Safety Zone 7, which does not establish residential density restrictions. The draft Housing Element would not allow any new prohibited uses within Safety Zone 7 (i.e., hazards to flight or outdoor stadiums) and the foreseeable development of the housing inventory sites within Safety Zone 7 will be considered comparable land uses; and

**WHEREAS**, two vacant housing inventory sites (the “Monterey Peninsula Unified School District (MPUSD)” and “Fort Ord Property”) are partially within Safety Zone 3 (ITZ) or Safety Zone 4 (OADZ), and are identified in the draft amendment as “mixed-income” housing sites; and

**WHEREAS**, to facilitate the development of the 50-acre MPUSD site with mixed-income housing, Draft Housing Element Program 1-I assumes 640 new housing units for this site (12.8 units per acre), including 145 homes affordable to moderate-income households and 145 homes affordable to lower-income households. Approximately 0.25 acres of the MPUSD property is located within Safety Zone 3, which prohibits residential uses, except for low density residential (1 unit per 2 acres) and infill in developed areas. As conditioned (ALUC-9), Program 1-I will be modified to ensure that future development on the MPUSD property that is within the Airport Influence Area (encompasses all Safety Zones; Exhibit 1B of the ALUCP) will be compatible with the ALUCP and applicable Safety Zone restrictions; and

**WHEREAS**, implementation of Program 1-H of the Draft Housing Element would allow the preparation of a specific plan for the Ryan Ranch and Fort Ord Housing Opportunity Area, which includes the Fort Ord Property, with the intent of creating a mixed-use village on a portion of the site to provide housing, jobs, schools, shops, services, and recreation for future residents; and

**WHEREAS**, the Fort Ord Property (consisting of 6 properties, various APNs) is identified in the Draft Housing Element as approximately 105 acres of vacant land available for housing and other uses. Approximately 7 acres of the 105-acre Fort Ord Property is within Safety Zone 3, while approximately 0.8 acres of this site is within Safety Zone 4. The remainder of the site is within Safety Zone 7. The City of Monterey intends on maintaining the current Open Space zoning of the 7 acre portion of the Fort Ord Property that is within Safety Zone 3. Maintaining the current Open Space zoning of this portion of the property would prohibit residential uses. This is stricter but compatible with the allowed uses of Safety Zone 3, which allows for low density residential uses.

Safety Zone 4 allows for residential development at a density of 1 unit per 2 acres. The 0.8-acre portion of the Fort Ord Property within Safety Zone 4 would be limited to one unit per the ALUCP. As conditioned (ALUC-9), Program 1-H will be modified to ensure that future development on the Fort Ord property that is within the Airport Influence Area (encompasses all Safety Zones; Exhibit 1B of the ALUCP) will be compatible with the ALUCP and applicable Safety Zone restrictions; and

**WHEREAS**, the Draft Housing Element's encouraged development of the MPUSD property and the specific plan for the Ryan Ranch and Fort Ord Opportunity Area, including the Fort Ord Property, would be subject to future ALUC review and approval. Future review shall ensure development of these properties complies with the requirements and restrictions of the applicable ALUCP Safety Zone; and

**WHEREAS**, the Draft Housing Element projects the construction of up to 120 accessory dwelling units on existing single-family properties throughout the City. New ADUs would be allowed in the portions of the Villa Del Monte and Casanova-Oak Knoll neighborhoods that are within Safety Zone 3, which establishes a maximum density of one dwelling unit per two acres and prohibits the addition of second units; and

**WHEREAS**, on November 14, 2022, the ALUC adopted Resolution 22-005 that interpreted the term "secondary units" in footnote 1 of Table 4B to include accessory dwelling units and junior accessory dwelling units, meaning that ADUs and JADUs are excluded from the density restrictions of Safety Zones 2-5, and therefore allowed within these Safety Zones. ALUC Resolution 22-005 also found the City of Monterey's existing ordinance and proposed amendment to Section 38-112.6 of the City's Zoning Ordinance pertaining to ADUs and JADUs consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport provided modifications were made to ensure protection of public safety. Modifications included limiting ADU and JADU sizes to 850 square feet and 500 square feet, respectively, in Safety Zone 2, 3, 4, and 5, and prohibiting ADUs and JADUs in 65 or greater CNELs; and

**WHEREAS**, on May 2, 2023, City Council adopted the necessary findings to overrule the ALUC's November 14, 2022 consistency determination and adopted an amendment to Section 38-112.6 of the City's Zoning Ordinance to allow ADUs up to 1,000 square feet and JADUs up to 500 square feet on all residentially zoned properties. Therefore, ADUs and JADUs, as allowed by City of Monterey's Zoning Ordinance, are allowed uses in Safety Zones 2-5, and 7; and

**WHEREAS**, the ALUC has reviewed the proposed amendment for noise compatibility, airspace protection, safety compatibility, and other flight hazards and determined that one condition is necessary (ALUC-9); and

**WHEREAS**, the potential application of additional ALUC conditions would be better suited during ALUC consistency determinations of any future General Plan Land Use Designation and Zoning Map amendments for 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 December 11, 2023 staff report; and

**WHEREAS**, on December 11, 2023, the ALUC conducted a duly noticed public meeting to consider the proposed amendments to the Housing Element of the City's General Plan.

**NOW, THEREFORE, BE IT RESOLVED**, the Monterey County Airport Land Use Commission does hereby find the City of Monterey's proposed amendment (update) to the Housing Element consistent with the 2019 Airport Land Use Compatibility Plan for Monterey Regional Airport, provided that the City modifies Programs 1-H and 1-I of the Draft Housing Element to include the following language, as shown in Attachment 1:

Program 1-H: ... "however, future land uses planned on the Fort Ord property that are within the Monterey Regional Airport Influence Area shall be compatible with the ALUCP."...

Program 1-I: ... "Future land uses planned within the Monterey Regional Airport Influence Area shall be compatible with the ALUCP".

**PASSED AND ADOPTED** on this 11<sup>th</sup> day of December 2023, upon motion of Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST

Craig Spencer, Secretary to the ALUC

By: \_\_\_\_\_  
Fionna Jensen, Designee of Secretary to the ALUC  
December 11, 2023

Attachment 1: Conditions of Approval

Attachment 2: Housing Inventory Sites Map



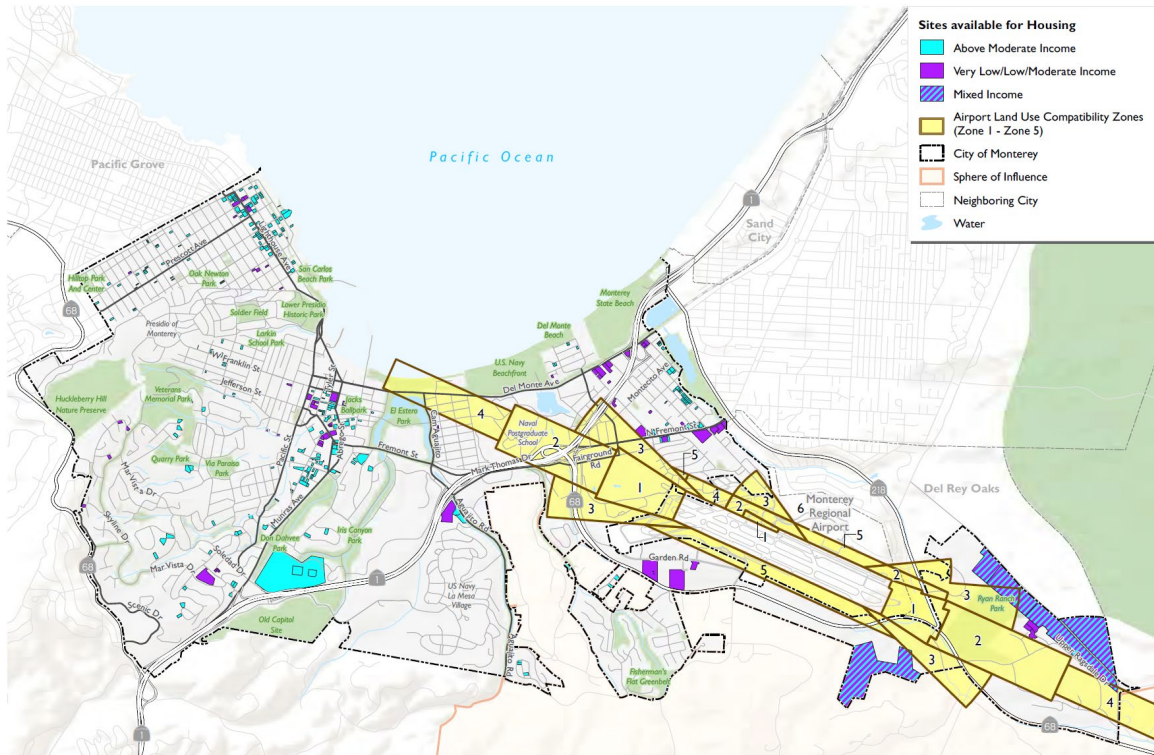
# Attachment 1: ALUC CONDITIONS

**PROJECT NAME** CITY OF MONTEREY (DRAFT HOUSING ELEMENT)  
**PROJECT NO.** REF230040

<input checked="" type="checkbox"/>	<b>ALUC-9</b>	<p><b>NON-STANDARD CONDITION - REVISIONS TO PROGRAMS 1-H and 1-I</b></p> <p>Upon City Council’s adoption of the City’s 6<sup>th</sup> Cycle Housing Element, City staff shall demonstrate to ALUC staff that the following language has been incorporated into Programs 1-H and 1-I:</p> <p>Program 1-H: ... <u>“however, future land uses planned on the Fort Ord property that are within the Monterey Regional Airport Influence Area shall be compatible with the ALUCP.”</u> ...</p> <p>Program 1-I: ... <u>“Future land uses planned within the Monterey Regional Airport Influence Area shall be compatible with the ALUCP”.</u></p>
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**PROJECT REVIEWED BY ALUC ON: 12/11/23**

## Attachment 2: HOUSING INVENTORY SITES MAP



## EXHIBIT B



November 27, 2023

Fionna Jensen  
Senior Planner  
County of Monterey Housing & Community Development  
1441 Schilling Place, South 2<sup>nd</sup> Floor  
Monterey, CA 93901  
**\*\*VIA EMAIL\*\***

Subject: ALUCP Consistency Determination – City of Monterey’s Draft 2023-2031  
Housing Element

Dear Ms. Jensen,

This memo considers the consistency of the City of Monterey's Draft 2023-31 Housing Element with the Monterey Regional Airport 2019 Airport Land Use Compatibility Plan (ALUCP). Based on the analysis below, the City of Monterey requests that the Airport Land Use Commission make a determination that the Draft 2023-31 Housing Element is consistent with the ALUCP.

### Background

The Draft 2023-31 Housing Element is a comprehensive update to the Housing Element of the General Plan, undertaken to accommodate the City's share of the regional housing need and address new State law. The Draft Housing Element includes an inventory of 321 potential sites for housing with a combined capacity for up to 5,667 new homes over the next eight years. Additionally, the Draft Housing Element projects construction of up to 120 accessory dwelling units on existing single-family properties throughout the city.

### Analysis

#### *Land Use Compatibility*

Sites included in the inventory were selected in consideration of the various natural and human made hazards present in the City of Monterey, including airport safety zones and areas of flood, wildfire, and liquefaction risk. The attached map shows that all sites included on the inventory are outside of airport safety zones 1-6, with the exception of a portion of the Fort Ord Property which is in airport safety zone 3 (Inner Turning Zone). That portion of the Fort Ord property is currently zoned Open Space and residential is not permitted. Through Program 1-H in the Draft Housing Element, the City will prepare a specific plan for the Fort Ord Property with the intent of creating a mixed-use village on a portion of the site to provide housing, jobs, schools, shops, services and recreation for future residents while also preserving carefully selected areas of natural open space

and habitat. The specific plan would recognize that a portion of the property is within airport safety zone 3 and would maintain Open Space Zoning in that location so as to ensure consistency with the ALUCP.

The Draft Housing Element also includes Program 1-C, under which the City would amend the Downtown Specific Plan to permit an increase in building heights from the current limit of 4 stories up to a maximum of 5 stories (or approximately 55 feet) in the Alvarado District. Even with the increased maximum building height at this location, no structure would penetrate Part 77 airspace, which is at 406.6 feet above ground level at this location. Additionally, no structures over 100 feet in height would be permitted, the threshold above which ALUC review is required within airport zone 7. The Draft Housing Element does not propose to change building heights elsewhere in the city; building heights would remain capped at 3 stories in the Lighthouse and North Fremont Specific Plan areas.

It should be noted that under State law and City of Monterey zoning regulations, the development of accessory dwelling units (ADUs) is permitted on residentially zoned properties throughout the community. This includes established neighborhoods in the vicinity of the Monterey Regional Airport. As such, City regulations would permit development of new ADUs in the portions of the Villa Del Monte and Casanova-Oak Knoll neighborhoods that are within airport safety zone 3, where the ALUCP establishes a maximum density of one dwelling unit per two acres and prohibits the addition of second units that would increase the existing density of a site. However, on May 2, 2023, the City Council adopted findings overruling the ALUC's consistency determination<sup>1</sup> to permit exceptions for ADUs<sup>2</sup>.

Therefore, overall, the Draft Housing Element would not result in conflicts with the safety zone land use compatibility standards or the criteria limiting the height of structures, trees, and other objects in the vicinity of an airport.

#### *Noise Compatibility*

All sites included on the inventory in the Draft Housing Element are outside of the long-range noise contour shown on Exhibit 4B of the ALUCP. Therefore, the Draft Housing Element would not result in conflicts with the noise compatibility criteria established in the ALUCP.

#### Attachments:

Figure 1: Monterey Airport Land Use Compatibility Zones and Sites Available for Housing

If you have any questions regarding this correspondence or any other related issue, please contact me at (831) 646-3758.

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<sup>1</sup> ALUC Decision on the City's intent to overrule Resolution No. 22-005 regarding Chapter 38-112.6, ADU and JADU's, of the City of Monterey Zoning Ordinance, March 27, 2023.

<sup>2</sup> City Council Resolution No. 23-049 C.S., Adopting Findings and Overruling the ALUC's consistency determination for the draft ordinance amending Monterey City Code Section 38-112.6 "Accessory Dwelling Units and Junior Accessory Dwelling Units" and Amending Section 38-11 "Definitions."

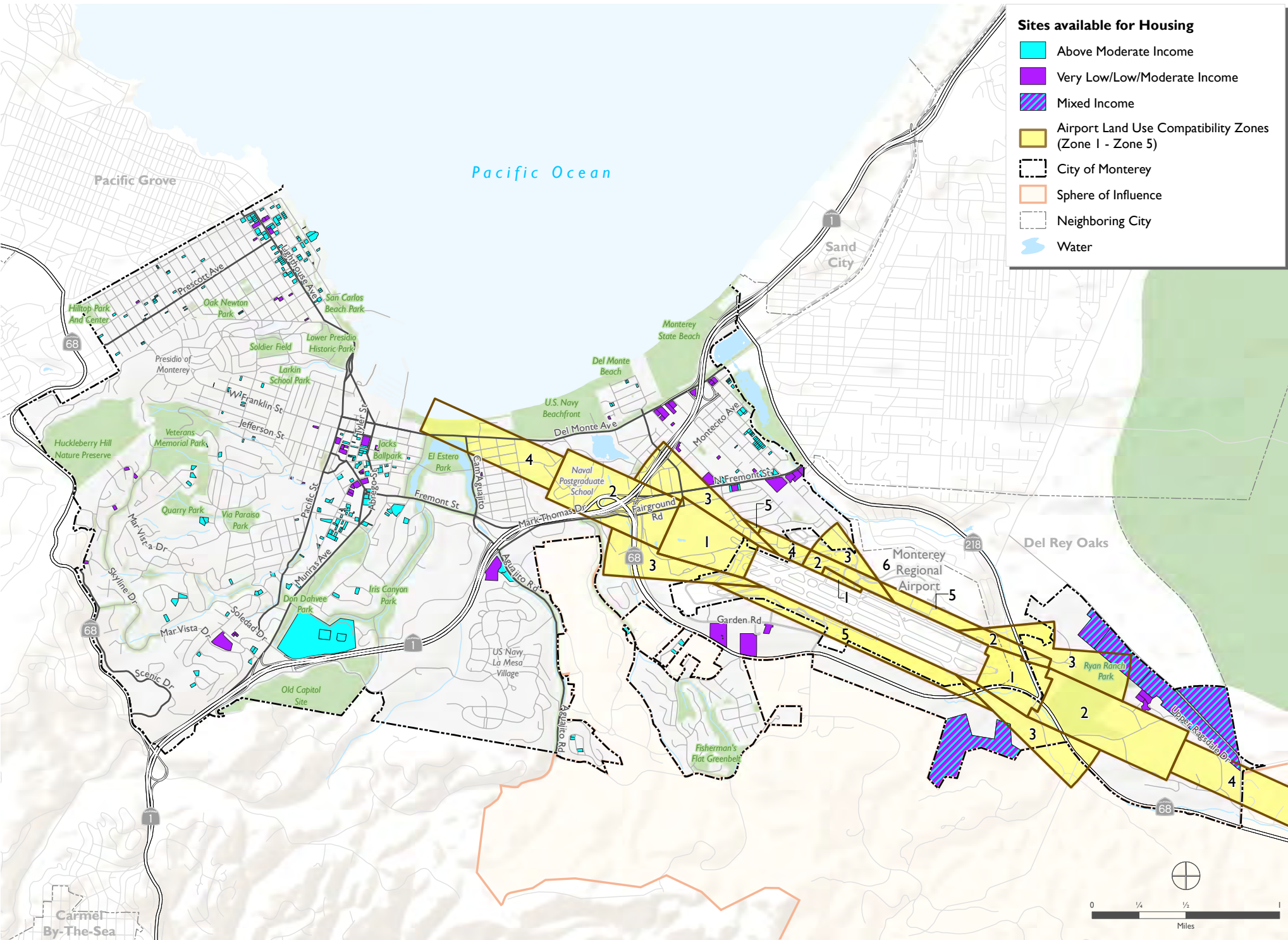
Sincerely,



Christy Sabdo, AICP  
Senior Associate Planner

cc: Kim Cole, AICP, Community Development Director  
Levi Hill, AICP, Planning Manager  
Andrew Hill, Principal, Dyett and Bhatia

Figure I: Monterey Airport Land Use Compatibility Zones and Sites Available for Housing



Data Source: City of Monterey, 2022; Monterey County GIS, 2022; Dyett & Bhatia, 2022.

## EXHIBIT D

**Program 1-H Fort Ord/Ryan Ranch Specific Plan.** In a community survey conducted for the Housing Element that garnered over 1,050 responses, the former Fort Ord Military Base was the area of the city identified most favorably for new housing to meet current and projected need. Adjacent Ryan Ranch, home to a regional medical center and office park south of the airport, was also ranked highly as a location for new townhomes and apartments by respondents. Integrating new housing into this area would need to be done carefully and in a way that responds to the variety of preferences and concerns that community members expressed through the survey, as described in Chapter 3. Therefore, the City will prepare a specific plan to establish a clear vision for the area and to guide future development and conservation, identify infrastructure needs and financing mechanisms, and establish measures to ensure sustainable development and adequate resource protection. The overarching objective should be to foster the creation of a mixed-use village on a portion of the site to provide housing, jobs, schools, shops, services and recreation for future residents while also preserving carefully selected areas of natural open space and habitat. The Specific Plan should prioritize housing and mixed-use development on any combination of the parcels shown on Map 3-10 Sites Available for Housing; however, future land uses planned on the Fort Ord property that are within the Monterey Regional Airport Influence Area shall be compatible with the ALUCP. Additionally, given that the City of Monterey is the property owner, incentives should be incorporated to ensure that at least 220 of the new homes planned will be affordable to moderate income households and at least 220 homes will be affordable to lower income households.

**Responsibility:** Community Development Department

**Timeframe:** (a) identify funding sources and release RFP by end of 2024; (b) complete site remediation work, special status species surveys, and biological study by the end of Q3 2026; (c) bring draft specific plan to City Council for adoption in Q4 2028

**Objective:** 1,600 new housing units, including 220 homes affordable to moderate income households and 220 homes affordable to lower income households

**Funding:** General Fund and grant funding

**Program 1-I Highway 68 Area Plan Update.** MPUSD owns a vacant 50-acre parcel on relatively flat land, east of Tarpey Flats and south of Highway 68 and the Monterey Regional Airport. The Highway 68 Area Plan envisions a mix of up to 300 low and moderate income housing units on this property if MPUSD declares the property surplus, and the Plan provides policy direction and design guidelines that could serve as a starting point for planning of the site and surroundings. Through this program, the City will update the Highway 68 Area Plan to facilitate development of mixed income housing, access and infrastructure improvements, and neighborhood services and amenities on the site. The Highway 68 Area Plan Update should identify portions the site for low-medium density housing, high density housing, and open space preservation, including creation of a parcel or parcels no greater than 10-acres in size for development at densities deemed appropriate to accommodate housing for lower income households; incorporate regulatory or process incentives to facilitate on-site provision of housing for households with

limited financial resources; establish a basis for the City, MPUSD, and Monterey County to jointly pursue an Enhanced Infrastructure Financing District (EIFD) to help fund the cost of infrastructure to support development of the site. Future land uses planned within the Monterey Regional Airport Influence Area shall be compatible with the ALUCP.

**Responsibility:** Community Development Department

**Timeframe:** (a) identify funding sources and release RFP by end of 2026; (b) bring draft specific plan to City Council for adoption in Q3 2031

**Objective:** 640 new housing units, including 145 homes affordable to moderate income households and 145 homes affordable to lower income households

**Funding:** General Fund and grant funding.