

COUNTY OF MONTEREY

AIRPORT LAND USE COMMISSION



Monterey County ALUC Staff
c/o HCD-Planning
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REGULAR MEETING AGENDA

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

March 25, 2024

3:00 p.m.

IMPORTANCE 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: Monterey Peninsula Airport District, Board Meeting Room, 200 Fred Kane Drive, Suite 200, Monterey, CA 93940.

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 (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 (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 (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 (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 (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 (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

February 26, 2024

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. PLN030204-AMD2 – County of Monterey

Proposed Amendment to the East Garrison Specific Plan of the County of Monterey's 2010 General Plan

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

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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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, February 26, 2024 – Regular Meeting

1. CALL TO ORDER – Pledge of Allegiance

The Monterey County Airport Land Use Commission (ALUC), Commissioner (Chair) Cohan presiding, convened at 3:01 p.m. Commission members and members of the public attended/participated physically.

2. ROLL CALL

Commissioners (or Proxy) Present:

Commissioners Carbone, Stewart, Cleveland, Cohan, Scherer, Kerr – a quorum

Commissioners Not Present and Not Represented by Proxy:

Commissioner Dondaldson

ALUC (Monterey County) Staff Present:

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

For Informational Purposes Only, Members of the Public Participating:

Nancy Runyon, public member
Joyce Hofferma, public member
Christy Sabdo, City of Monterey
Kim Cole, City of Monterey
Levi Hill, City of Monterey

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.

Nancy Runyon, City of Pacific Grove resident – requests 838 Forest Ave, Pacific Grove and 1195 Hoffman Ave be included in the ALUC. Staff response: subject address is located within Safety Zone 7.

4. COMMISSIONER’S COMMENTS

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

5. APPROVAL OF MINUTES

The Commission voted 6-0 (6 ayes – 0 nays) to approve the minutes of the January 22, 2024 special meeting. Motion to approve made by Commissioner Kerr and seconded by Commissioner Carbone.

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. REF240007 – City of Monterey

Proposed adoption of City of Monterey’s Draft Land Use and Safety Elements.

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

Staff presented the project.

Commissioner Cleveland asked whether the Draft Land Use Element, specifically Policy c.5 and its establishment of a 1000-foot buffer, had been reviewed by local military operations.

Commissioner Kerr had questions related to what future projects will be referred to the ALUC in the future, and what safety zones or requirements the former Ford Ord site would be subject to.

Commissioner Cohan provided an overview of Government Code section 65302.3.

The Commission voted 6-0 (6 ayes – 0 nays) to find REF240007 consistent with the ALUCP. Motion to approve made by Commissioner Cleveland and seconded by Commissioner Cohan.

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.

No update at this time. All affected jurisdictions still have outstanding planning documents that need to be referred to the ALUC.

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.

No updates at this time.

8. ANNOUNCEMENTS

9. ADJOURNMENT

Meeting adjourned at 3:47pm.

Next scheduled regular meeting: March 25, 2024

COUNTY OF MONTEREY

AIRPORT LAND USE COMMISSION



MEMORANDUM

To:	Airport Land Use Commission
From:	Fionna Jensen, ALUC Staff; March 10, 2024 (831) 796-6407, JensenF1@co.monterey.ca.us
Meeting Date:	March 25, 2024
Subject:	Scheduled Item 7a – Proposed Amendment to the East Garrison Specific Plan of the County of Monterey’s 2010 General Plan (ALUC File No. PLN030204-ADM2).

RECOMMENDATION:

Staff recommends the Monterey County Airport Land Use Commission (ALUC) find the proposed amendment (update) to the East Garrison Specific Plan of the County of Monterey’s General Plan (ALUC File No. PLN030204-AMD2) consistent with the 2019 Airport Land Use Compatibility Plan for Marina Municipal Airport (ALUCP).

PROPOSED AMENDMENT & BACKGROUND INFORMATION:

On March 11, 2024, the County of Monterey submitted an application (ALUC File No. PLN030204-AMD2) to ALUC staff for a proposed amendment (update) to the East Garrison Specific Plan (EGSP) of the County’s 2010 General Plan.

Approved EGSP

The EGSP (HCD-Planning File No. PLN030204) was adopted by the County of Monterey Board of Supervisors in October 2005 (2005 EGSP). PLN030204 consisted of a 1982 General Plan Amendment, Zoning Ordinance Amendment, creation of the East Garrison Specific Plan, and a Combined Development Permit and General Development Plan to allow a standard subdivision creating parcels to support 1,470 dwelling units (including 70-second units), 75,000 square feet of commercial uses, 4,000 square feet of institutional uses, and other public uses (see below **Figure 1**). Associated site improvements included the removal of native trees and development on slopes in excess of 30 percent. The East Garrison community, which is primarily built out, is located approximately two miles east of the City of Marina and 5.5 miles southwest of the City of Salinas along Reservation Road.



Figure 1. 2005 East Garrison Specific Plan Land Use Map.

At the time of adoption by the County of Monterey Board of Supervisors, the 1982 Marina Municipal Airport Comprehensive Land Use Plan (CLUP) was in effect. On October 25, 2004, the County of Monterey Planning and Building Inspection Department (presently the County of Monterey Housing and Community Development) presented the EGSP to the ALUC. Concerns raised during this meeting included the potential for the detention basin to attract birds and increase the potential for bird strikes, and the potential to occupy assembly space with "sensitive receptors" (generally defined as the young, infirm, or elderly people). Subsequent to this meeting, the ALUC provided comments, dated November 19, 2004, on the EGSP project and related Draft Environmental Impact Report (Draft EIR). As described in **Exhibit C**, the comment letter notes that the northeast portion of the development/subdivision site, planned for development of a storm drain basin, landscaped open space and park, a parking lot, and about six live-work units, was within the "airport planning area" as depicted in the 1982 CLUP. Due to the proximity and influence of the Marina Municipal Airport, the ALUC letter explained that the EGSP project was subject to CLUP policies, specifically relating to overflight. CLUP Policies 2.4.1 through 2.4.3 required that project owners within the airport planning area provide an aviation easement to the airport owner (which was and is currently the City of Marina) and that local jurisdictions establish a method of notifying new property owners within the planning area of potential airport impacts and provide similar noticing to existing property owners. The ALUC also requested that a note be depicted on the EGSP Final Map stating that the site is within an aviation easement. Following the October 25, 2004 meeting, the ALUC was informed that the detention ponds would not hold water for extended periods of time and therefore the November 19, 2004 letter noted that the ALUC had no additional comments or concerns regarding potential bird strikes. Finally, the letter recommended that a condition of approval be added that would prohibit public assembly in the portion of the property within the CLUP airport planning area. The

ALUC letter concluded by stating, “With these recommendations incorporated into the project, we have no objections, and in fact support the EGSP project.”

In response to this comment letter, the County of Monterey Board of Supervisors included Condition of Approval No. 151 in its October 4, 2005 approval of the East Garrison Specific Plan, Vesting Tentative Map, and Combined Development Permit, which states “The Applicant shall convey an overflight easement to the Marina Municipal Airport owner.” The “Action to be Performed” for this condition states, “Include language as a note on each final map and include in the CC&Rs. The easement language shall be agreed to by the airport owner, the Airport Land Use Commission, and the applicant. An easement deed shall be recorded on the property prior to subdivision if required by the Redevelopment Agency.”

The aviation easements affect the airspace over the subject properties which “...lies above an imaginary plane, as such plane is defined in accordance with the applicable provisions of Federal Aviation Administration regulations set forth in 14 C.F.R. §§77.21-77.29, to an indefinite height above said imaginary plane...” as it relates to the flight path of the runway at the Marina Municipal Airport.

The easements granted to the Marina Municipal Airport the following rights:

- The right of all persons and aircraft to fly through the subject airspace.
- The right of lawfully-operated aircraft flying through the subject airspace to create noise, vibration, fumes, lights, electrical and electromagnetic emissions, communication signals, fuel, fuel particles, air currents, and other effects of air, illumination and fuel consumption.
- The right of the Marina Municipal Airport to clear and keep clear from the subject airspace any portions of buildings, structures, trees or other objects, at the Airport’s cost.
- The right to mark and light, as obstructions to air navigation, any buildings, structures, trees or other objects which extend from the property into the subject airspace, at the Airport’s cost.
- The right to enter the subject property for these purposes.

The easements restrict the property owner’s use of the property as follows:

- Height Restriction. The property owner may not construct any building, structure, improvement, tree or other object that extends vertically into the subject airspace.
- Limitation on Public Assembly. The property may not be used for public assembly. This is defined as groups of people for scheduled or organized events for which a permit, license, or other approval from a public entity is required; scheduled or organized events to which members of the public are invited by any means of communication; and events organized by any organization or entity. This does not apply to a solely private gathering of people held by or for one or more residents at their places of residence.

On December 4, 2017, the ALUC considered and accepted the language of the three aviation easements over portions of the East Garrison Specific Plan area (outlined in red in **Figure 2**). The City of Marina subsequently accepted and recorded these easements.

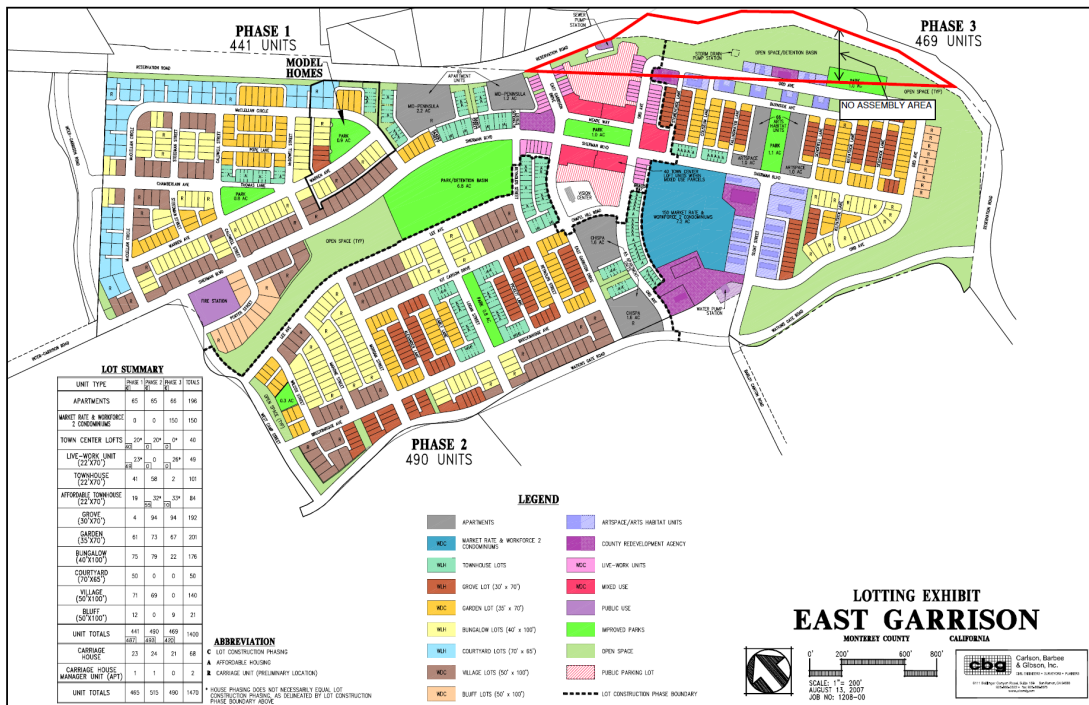


Figure 2. EGSP Aviation Easement (outlined in red).

Proposed EGSP Amendment

The proposed EGSP Amendment would modify the final phase of development (also known as the “Town Center” phase) of the East Garrison Specific Plan by 1) reducing the total number of residential units by 16 units and commercial uses by 45,000 square feet, 2) modifying the architectural styles and patterns of the East Garrison Pattern Book, 3) relocating proposed residential units, and 4) other site improvements (see **Figure 3**). A fully copy of the East Garrison Specific Plan Amendment and East Garrison Pattern Book Amendment are available for review on the County’s website:

<https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/library-current-major-projects/east-garrison/pln030204-amd2-east-garrison-specific-plan-amendment>



Figure 3. Proposed EGSP Amendment –Town Center/Final Phase.

The proposed EGSP Amendment also entails the construction of up to 325 total residential units, consisting of up to 259 market-rate residential units (including 119 rental live/work artist “rowhouses”) and 66 affordable apartments, as well as up to 30,000 square foot of commercial/institutional/retail uses (including a community courtyard), a one-acre Town Center Park, and a 4,000-sf library/sheriff’s office. These modifications apply to a 32-acre portion of the EGSP. The proposed EGSP Amendment would reduce the maximum amount of non-residential space by 45,000 square feet (e.g., commercial and institutional uses) and would decrease the overall amount of residential development associated with the full buildout of the approved 2005 EGSP, although the proposed Amendment would increase the number of residential units constructed under the Final Phase. More specifically, the proposed Amendment would reduce the total number of residential units by 16 residential units, with a total of 1,454 residential units under full buildout of the EGSP compared to 1,470 residential units under the 2005 project. **Figure 4** illustrates the proposed commercial and residential ‘Mixed-Use’ building in Town Center/Final Phase.

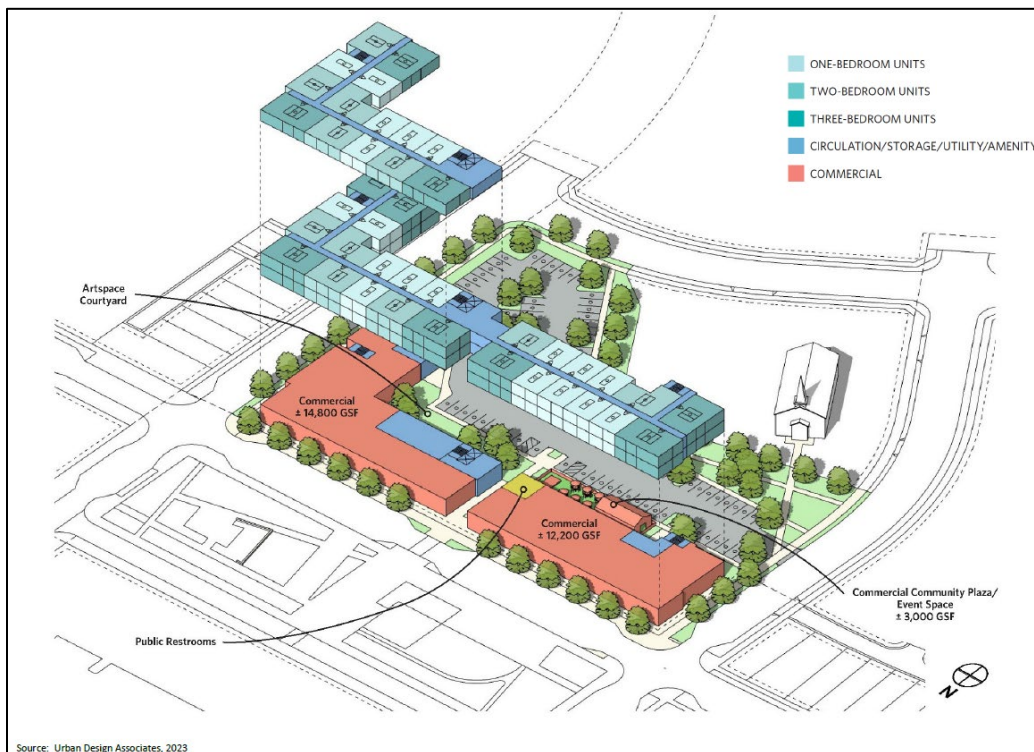


Figure 4. Proposed EGSP Amendment – Commercial and Residential Mixed Space in Town Center/Final Phase.

Table 1 provides a comparison of the Final Phase under the 2005 EGSP and the proposed EGSP Amendment, while **Table 2** summarizes the overall differences (all phases) between the 2005 EGSP and the proposed EGSP Amendment.

Table 1			
Comparison of Final Phase under the Approved Project and Proposed Modification			
Proposed Use	Approved Project*	Proposed Modification**	Difference
Market-rate Residential Units	49 Live/Work Rowhouses	119 Live/Work Rowhouses	Increase of 170 units [^]

Table 1			
Comparison of Final Phase under the Approved Project and Proposed Modification			
Proposed Use	Approved Project*	Proposed Modification**	Difference
	40 Single-family units 89 units total	140 Single-family units 259 units total	
Affordable Apartments	N/A	66 units	Increase of 66 units [^]
Commercial	Up to 75,000 sf Minimum of 34,000 sf	Maximum of 30,000 sf***	Maximum reduction of 45,000 sf
Public/Institutional	4,000 sf	4,000 sf	
Town Center/Parks	1 acre	1 acre	N/A
Adaptive Historic Reuse	100,000 sf	100,000 sf	N/A
Notes: * As described in the Adopted EGSP ** As described in the application materials provided by the Applicant *** Includes community courtyard ^ Includes units carried over from Phases 3 and 2 of development (442 total units were approved as part of Phase 3 but 250 of the approved units were not constructed, and one (1) unit was carried over from Phase 2) (Source: Century Communities, January 2024)			

Table 2			
Comparison of Total Development under the Approved Project and Proposed Modification			
Proposed Use	Approved Project*	Proposed Modification**	Difference
Residential (dwelling units)			
Single-Family	780	919	Increase of 139 units [^]
Townhouse	227	150	Decrease of 77 units [^]
Live/Work Rowhouse	197	119	Decrease of 78 units
Affordable Apts.	196	196	N/A
Accessory Dwelling Units	70	70	N/A
Total	1,470	1,454	Decrease of 16 units
Non-Residential (square feet)			
Commercial (incl. Community Courtyard)	75,000	30,000	Decrease of 45,000 sf
Library/Sheriff	4,000	4,000	N/A

Table 2 Comparison of Total Development under the Approved Project and Proposed Modification			
Proposed Use	Approved Project*	Proposed Modification**	Difference
Fire Station	7,000	11,200	Increase of 4,200 sf***
Arts/ Cultural/ Education (incl. Chapel)	100,000	100,000	N/A
Total	186,000	145,200	Decrease of 40,800 sf
Notes: * As described in the Adopted EGSP ** As described in the application materials provided by the Applicant *** Already constructed – not included in the Proposed Modification (Source: Century Communities, November 2023)			

The proposed EGSP Amendment includes several land use categories, including high- and medium-density residential, town center, live/work units, parks and open space, and adaptive reuse, as described in **Table 3**. The maximum building height included under the proposed EGSP Amendment range between 25 feet to 50 feet.

Table 3 Summary of Final Phase Land Uses				
Land Use	Description	Acreage	Units/SF	Density (Residential)
Residential Land Uses				
Residential Medium (RM)	Mix of single-family detached and attached units.	3.6	61	17 DU/AC
Residential High (RH-2)	Mix of single- and multi-family attached units.	3.7	79	21 DU/AC
Mixed-Use Land Uses				
Town Center (TC)	Mix of commercial/retail, existing chapel, and inclusionary housing units.	2.5	Up to 30,000 sf of commercial space*	17 DU/AC
			66 inclusionary units	
			3,400 sf chapel	
Live/Work (LW)	Live/Work rowhouse units designed to accommodate residential space above ground floor home office or residential uses.	4.3	119 units	28 DU/AC

Table 3 Summary of Final Phase Land Uses				
Land Use	Description	Acreage	Units/SF	Density (Residential)
Institutional/Community Land Uses				
Public Uses (PU)	Library/sheriff's office within the Town Center	0.1	4,000 sf library/sheriff's office	N/A
Parks (P) and Open Space (OS)	Green area to serve as multi-use space for Town Center	4.6	N/A	N/A
Notes: * Includes community courtyard (Source: Century Communities, January 2024)				

The proposed EGSP would also subdivide certain existing lots within the Final Phase to facilitate individual sale and/or lease of each of the proposed residential and live/work units and the remaining non-residential space. Finally, associated improvements considered by the proposed EGSP Amendment include increasing parking by 333 stalls, installing necessary utilities (electrical, natural gas, sewer, and water mains), and stormwater control facilities to manage onsite drainage.

Once constructed, operation of the Amended EGSP would consist predominantly of new residential uses. The Town Center will serve as the primary gathering space for residents and visitors to the East Garrison community. The exact nature of commercial, civic, community, and artistic land uses has not been fully determined at this time. However, permitted commercial uses include retail establishments, restaurants, business services, commercial recreation, and personal and household services. Permitted civic uses include gardens, community centers, clubs and lodges, museums, libraries, religious facilities, and government offices. Commercial uses will be governed by a commercial program to ensure that commercial uses are responsive to market demands. The 30,000 square feet of commercial uses are inclusive of a community courtyard, which would be utilized for informal gatherings and outdoor seating for restaurant uses. Permitted community uses include community events, festivals, and concerts. Permitted artistic land uses include painting, sculpture, photography, and music.

In 2019, the ALUC adopted the Marina Municipal Airport Land Use Compatibility Plan (ALUCP). The ALUCP is the governing document for all development within the affected airport planning area, or Airport Influence Area. The EGSP is entirely within the Marina Airport Influence Area (Safety Zone 7). Per Public Utility Code section 21676.5(a), the County of Monterey is required to refer all General Plans, Areas Plans, and Specific Plans, and all adoptions of zoning and building regulations, that may affect land use in the airport planning areas to the ALUC for a consistency determination. Consequently, the EGSP Amendment has been referred for consideration. The ALUC's purview is limited to only those aspects of the 2005 EGSP that are being modified through PLN030204-AMD2 (see **Figure 3**).

CONSISTENCY DETERMINATION ANALYSIS:

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

NOISE COMPATIBILITY

The proposed amendment was reviewed for consistency with the 20-Year Forecast Noise Contour Map for Marina Municipal Airport. The lands proposed for potential future residential and non-residential uses are located outside of the 60 or greater Community Noise Equivalent Level (CNEL) contour. In accordance with the ALUCP Table 4A, these contemplated land uses 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.

AIRSPACE PROTECTION

A majority of the County is located outside the 14 Code of Federal Regulations (CFR) Part 77 approach, horizontal, conical, and transitional surfaces for Monterey Regional Airport. However, the portion of the unincorporated County of Monterey subject to the EGSP is located within the conical and horizontal Part 77 surfaces for the Marina Municipal Airport (Exhibit 4D of the ALUCP). No existing or proposed structure would exceed 100 feet above ground level or penetrate Part 77 surfaces, and thus FAA review was not required for this project. Also, any new or remodeled structures would be subject to the maximum height restrictions of the EGSP (between 25 feet to 50 feet), which conform to CFR Part 77 requirements. Therefore, it is not anticipated that future structures will not penetrate into the Part 77 airspace surfaces, and no further conditions regarding airspace protection are recommended.

SAFETY COMPATIBILITY

The EGSP planning area is within Safety Zone 7 (Airport Influence Area). Safety Zone 7 is the most permissible safety zone of the ALUCP. This Safety Zone 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, outdoor stadiums, and similar very high-intensity uses. As described above, the EGSP Amendment contemplates the construction of 325 residential units, with a density of 17 or 21 dwelling units per acre. Additionally, the EGSP Amendment includes 30,000 square feet of commercial/institutional/retail uses (including a community courtyard), a one-acre Town Center Park, and a 4,000-sf library/sheriff's office. The Town Center would include a variety of mixed-use land uses, including commercial, retail, an existing chapel, and inclusionary housing uses. The proposed parks and open space area would serve as a multi-use space for the Town Center and be used for community gatherings and festivals. Based on the 300 persons per acre non-residential intensity (Table 4B of the ALUCP), the Town Center lot (2.5 acres in size) could be occupied by a total of 750 people. As described above, permitted commercial uses of the Town Center include light commercial uses, such as retail establishments, restaurants, business services, commercial recreation, and personal and household services. It is not anticipated that the commercial and mixed-use businesses within the Town Center would exceed the allowable intensity threshold. To ensure that large public gatherings do not occur, ALUC staff is

recommending a non-standard condition of approval (ALUC-1) requiring that the following note be added to the Final Map for the amended Phases:

- “LIMITED PUBLIC ASSEMBLY: The property may not be used for public assembly that would exceed 300 persons per acre. Public assembly is defined as groups of people for scheduled or organized events for which a permit, license or other approval from a public entity is required; scheduled or organized events to which members of the public are invited by any means of communication; and events organized by any organization or entity. This does not apply to a private gathering of people held by or for one or more residents at their places of residence.”

As of January 1, 2004, residential property owners are required to disclose to prospective buyers that the property is in the "vicinity" or "Airport Influence Area" of an airport, such as the Marina Municipal Airport (Assembly Bill 2776). Although State law does not require the real estate disclosure to be recorded in the chain of title for the affected property, the ALUCP requires that all properties within the AIA be provided a real estate disclosure notice. To ensure that future property owners and lessees within the EGSP area and in the vicinity of the Marina Municipal Airport are aware that they may be exposed to objectionable noise, vibration, or odors associated with airport operations, ALUC staff is recommending a non-standard condition of approval requiring that the following language be added to the Final Map for the amended phases:

- “NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

Further, the development contemplated by the EGSP Amendment would be subject to County regulations that limit and avoid hazards to flight. The County's 2010 General Plan (Policy LU1.13) requires that all exterior lighting be unobtrusive and constructed or located so that only the intended area is illuminated, long-range visibility is reduced of the lighting source, and off-site glare is fully controlled. Chapter 16.12 of the County's municipal code requires that an erosion control plan be approved for all construction permits. All future developments within the EGSP area would be subject to these regulations. As conditioned, the EGSP Amendment would be consistent with the ALUCP and would not introduce a use not previously contemplated in 2005 or which would be considered a hazard to flight or inconsistent with the regulations applicable to Safety Zone 7.

MARINA AIRPORT REVIEW:

On March 12, 2024, ALUC staff forwarded the proposed EGSP Amendment to the Marina Municipal Airport staff for review. No response was received.

CONCLUSION:

Based on a review and analysis of the proposed project, staff recommends the ALUC adopt a resolution finding the proposed amendment (update) to the East Garrison Specific

Plan of the County of Monterey's General Plan consistent with the 2019 Airport Land Use Compatibility Plan for Marina Municipal Airport, subject to two conditions of approval.

Attachments:

Exhibit A – [Draft East Garrison Specific Plan Amendment](#)

Exhibit B – Draft Resolution with Draft Conditions of Approval

Exhibit C – 2004 ALUC letter re: East Garrison Specific Plan EIR

Exhibit D – Approved vs Proposed EGSP Land Use Plan

cc: ALUC Commissioners; ALUC Counsel; Marina Airport District (M. Nelson); County of Monterey (A. Quenga, AICP, and M. Beretti, AICP); Dean Mills; Keith McCoy; ALUC File No. PLN030204-AMD2

DRAFT RESOLUTION

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

Resolution No. 24-002

Finding the proposed amendment to the East Garrison Specific Plan of the County of Monterey's General Plan (ALUC File No. PLN030204-AMD2) consistent with the 2019 Airport Land Use Compatibility Plan for Marina Municipal Airport (ALUCP).

WHEREAS, on March 11, 2024, the County of Monterey (County) submitted an ALUC application (ALUC File No. PLN030204-AMD2) for a proposed amendment to the East Garrison Specific Plan (EGSP) to ALUC staff; and

WHEREAS, the ALUC is responsible for review of projects within the Airport Influence Area for Marina Municipal Airport, as identified in the 2019 ALUCP; and

WHEREAS, the County of Monterey Board of Supervisors adopted the East Garrison Specific Plan (HCD-Planning File No. PLN030204) in October 2005. PLN030204 consisted of a 1982 General Plan Amendment, Zoning Ordinance Amendment, creation of the East Garrison Specific Plan, and a Combined Development Permit and General Development Plan to allow a standard subdivision creating parcels to support 1,470 dwelling units (including 70-second units), 75,000 square feet of commercial uses, 4,000 square feet of institutional uses, public uses, and other associated site improvements; and

WHEREAS, at the time of adoption of the EGSP, the 1982 Marina Municipal Airport Comprehensive Land Use Plan (CLUP) was in effect; and

WHEREAS, on October 25, 2005, the County of Monterey presented the EGSP to ALUC. A northern portion of the EGSP was within the "airport planning area," as defined and illustrated in the 1982 CLUP. On November 19, 2004, the ALUC commented on the EGSP and the associated Environmental Impact Report. The ALUC's letter raised concerns regarding potential hazards to flight (i.e., bird strikes and assembly of sensitive receptors) and recommended that an aviation easement be required in accordance with the overflight policies of the CLUP; and

WHEREAS, on October 4, 2005, the County of Monterey Board of Supervisors approved the East Garrison Specific Plan, Vesting Tentative Map, and Combined Development Permit (PLN030204) with Condition of Approval No. 151, which required that the "The Applicant ... convey an overflight easement to the Marina Municipal Airport owner" over the portion of the property within the 1982 CLUP airport planning area; and

WHEREAS, on December 4, 2017, the ALUC considered and accepted the language of the three aviation easements over portions of the East Garrison Specific Plan area. The City of Marina subsequently accepted and recorded these easements; and

WHEREAS, the proposed EGSP amendment would modify the Final Phase of development (also known as the “Town Center” phase) of the East Garrison Specific Plan by 1) reducing the total number of residential units by 16 units and commercial uses by 45,000 square feet, 2) modifying the architectural styles and patterns of the East Garrison Pattern Book, 3) relocating proposed residential units, and 4) reducing the commercial square footage; and

WHEREAS, the proposed amendment entails the construction of up to 325 total residential units, consisting of up to 259 market-rate residential units (including 119 rental live/work artist “rowhouses”) and 66 affordable apartments, as well as up to 30,000 square foot of commercial/institutional/retail uses (including a community courtyard), a one-acre Town Center Park, and a 4,000-sf library/sheriff’s office and other associated improvements. These modifications apply to a 32-acre portion of the EGSP; and

WHEREAS, once constructed and in operation the amended EGSP would result in a reduced total number of residential units by 16 residential units, with a total of 1,454 residential units under full buildout of the EGSP compared to 1,470 residential units under the 2005 project.

WHEREAS, the proposed EGSP amendment was reviewed for consistency with the 20-Year Forecast Noise Contour Map for Marina Municipal Airport. The lands proposed for potential future residential uses are located outside of the 60 or greater Community Noise Equivalent Level (CNEL) contour. In accordance with the ALUCP Table 4A (Noise Compatibility Criteria Matrix), residential uses located outside of the 60 to 75 CNEL would be 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 proposed development of EGSP is located within the conical and horizontal part 77 surfaces for the Marina Municipal Airport (Exhibit 4D of the ALUCP). No existing or proposed structure would exceed 100 feet above ground level or penetrate Part 77 surfaces. Any new or remodeled structures would be subject to the maximum height restrictions of the EGSP (between 25 feet to 50 feet), which conform to CFR Part 77 requirements and thus, it is not anticipated that future structures will not penetrate into the Part 77 airspace surfaces, and no further conditions regarding airspace protection are recommended; and

WHEREAS, safety zone 7 (Airport Influence Area) 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, outdoor stadiums, and similar very high-intensity uses; and

WHEREAS, the proposed development includes parks and open space areas that would serve as a multi-use space for the Town Center and be used for community gatherings and festivals. Based on the 300 persons per acre non-residential intensity

(Table 4B of the ALUCP), the Town Center lot (2.5 acres in size) could be occupied by a total of 750 people; and

WHEREAS, to ensure that large public gatherings that exceed the allowable intensity do not occur and safety compatibility, ALUC staff is recommending a non-standard condition of approval (“LIMITED PUBLIC ASSEMBLY”) requiring that the following note be added to the Final Map for the amended Phases:

“LIMITED PUBLIC ASSEMBLY: The property may not be used for public assembly that would exceed 300 persons per acre. Public assembly is defined as groups of people for scheduled or organized events for which a permit, license, or other approval from a public entity is required; scheduled or organized events to which members of the public are invited by any means of communication; and events organized by any organization or entity. This does not apply to a private gathering of people held by or for one or more residents at their places of residence.”

WHEREAS, as of January 1, 2004, residential property owners are required to disclose to prospective buyers that the property is in the "vicinity" or “Airport Influence Area” of an airport, such as the Marina Municipal Airport (Assembly Bill 2776). To ensure that future property owners and lessees within the EGSP area and in the vicinity of the Marina Municipal Airport are aware that they may be exposed to objectionable noise, vibration, or odors associated with airport operations, a non-standard condition of approval (ALCU-10) has been applied to require the following language be added to the Final Map for the amended Phases:

“NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

WHEREAS, all development contemplated by the EGSP Amendment would be subject to applicable County regulations, which include but are not limited to downlit lighting and erosion control, which will minimize and avoid hazards to flight; and

WHEREAS, as proposed and conditioned, the EGSP Amendment would not introduce a use not previously contemplated in 2005 or which would be considered a hazard to flight or inconsistent with the regulations applicable to Safety Zone 7; and

WHEREAS, a complete copy of the proposed Amendment is on file with the ALUC staff, and a link to the full amendment is included in the ALUC March 25, 2024 staff report; and

WHEREAS, on March 25, 2024, the ALUC conducted a duly noticed public meeting to consider the proposed amendment to the East Garrison Specific Plan of the County of Monterey’s 2010 General Plan (ALUC File No. PLN030204-AMD2).

NOW, THEREFORE, BE IT RESOLVED, the Airport Land Use Commission does hereby find that the proposed amendment (update) to the East Garrison Specific Plan of the County of Monterey's General Plan (ALUC File No. PLN030204-AMD2) consistent with the 2019 Airport Land Use Compatibility Plan for Marina Municipal Airport (ALUCP), subject to two conditions of approval (ALUC-9 and ALUC-10), incorporated herein by reference.

PASSED AND ADOPTED on this 25th day of March 2024, 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
March 25, 2024



ALUC STANDARD CONDITIONS

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

PROJECT NAME: East Garrison Specific Plan Amendment **PROJECT NO.** PLN030204-AMD2

<input checked="" type="checkbox"/>	<p>ALUC-9</p>	<p>FINAL MAP NOTE - LIMITED PUBLIC ASSEMBLY The Final Map(s) for the amended Phases shall include the following note:</p> <ul style="list-style-type: none"> • “LIMITED PUBLIC ASSEMBLY: The property may not be used for public assembly that would exceed 300 persons per acre. Public assembly is defined as groups of people for scheduled or organized events for which a permit, license or other approval from a public entity is required; scheduled or organized events to which members of the public are invited by any means of communication; and events organized by any organization or entity. This does not apply to a private gathering of people held by or for one or more residents at their places of residence.” •
<input checked="" type="checkbox"/>	<p>ALUC-10</p>	<p>FINAL MAP NOTE - NOTICE OF AIRPORT IN VICINITY The Final Map(s) for the amended Phases shall include the following note:</p> <ul style="list-style-type: none"> • “NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

COUNTY OF MONTEREY

Airport Land Use Commission

November 19, 2004

Mike Novo, AICP
Planning and Building Services Manager
Monterey County Planning and Building Inspection Department
2620 First Avenue
Marina, CA 93933

Dear Mr. Novo,

On behalf of the Monterey County Airport Land Use Commission (ALUC), I would like to thank you for your informative presentation at our regularly scheduled meeting on October 25, 2004. We certainly appreciated learning about the East Garrison Specific Plan (EGSP) and having the opportunity to comment on the Draft Subsequent Environmental Impact Report (DSEIR).

The Marina Municipal Airport is located north of Reservation Road within the eastern boundary of Marina City limits, south of the Salinas River, and west of Blanco Road. At the meeting, it was clearly determined that a northeastern portion of the EGSP site is within the airport planning area as identified on Figure 4-1 of the Marina Municipal Airport Comprehensive Land Use Plan (CLUP). The portion of the EGSP site within the airport planning area is at approximately the same elevation as the airport. It will be developed with a clay-lined detention basin, approximately six live-work units, and the potential for development of studio space or assembly space. Other uses will include parking areas and open space/park locales. Building elevations could reach a height of 45 feet.

Several issues were raised during the discussion period. These include: the specific area of the project within the airport planning area, the potential for the detention basin to attract birds and increase the potential for bird strikes, and the potential to occupy assembly space with "sensitive receptors" (generally defined as the young, infirm or elderly people).

While the Commission in general has no objection to the project, its proximity to the Marina Municipal Airport renders it subject to Section 2.4 Overflight Policies within the CLUP (page 21). Specifically, CLUP policies 2.4.1 through 2.4.3 require that project owners within the airport planning area provide an aviation easement to the airport owner (which is currently the City of Marina) and that local jurisdictions establish a method of notifying new property owners within the planning area of potential airport impacts and provide similar noticing to existing property owners.

As was discussed at the October 25, 2004 meeting, we will require that an aviation easement for the entire East Garrison Specific Plan site be depicted on the final map. We also require that a note identifying the site as being within an aviation easement be shown on the final map. This will satisfy the policy requirement of notifying new owners as the notes would be identified through subsequent title searches. Because the property is owned by the Army and not currently inhabitable, the ALUC is not concerned with the policy for notification to existing owners. As

COUNTY OF MONTEREY

Airport Land Use Commission

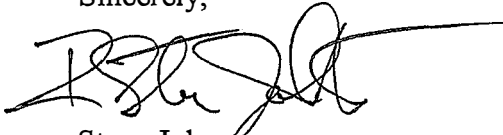
required by Policy 2.4.1, the easement shall be mutually agreeable to the ALUC, airport owner, and land owner at the time the final map is recorded.

With regard to the potential for bird strikes, it is our understanding that the detention basin will not hold water for an extended period of time. It will detain storm water during events for continual metering to the EGSP drainage system rather than direct percolation into the sandy soil. This is to preserve the integrity of the bluff on which the detention basin is to be located. We therefore have no further concerns regarding potential bird strikes.

With regard to the proposed land use designation that could attract sensitive receptors, the ALUC recommends that a condition of approval prohibit parcels within the airport planning area be used for assembly. This was mutually acceptable with the County, the ALUC, and the project proponent. We understand that assembly space is only one of many uses that are allowed under the proposed land use designation in question and that other sites within the EGSP site are so designated. Therefore, this proposed land use designation will not prevent adequate assembly space from being developed onsite. The condition specifying which parcels cannot be used for assembly must also be shown on the final map and in the map notes.

The ALUC has agreed to provide sample easement language to East Garrison Partners, LLC as the project proponent and anticipates that negotiations on the easement language will commence in early 2005. With these recommendations incorporated into the project, we have no objections, and in fact support the EGSP project. Please feel free to contact ALUC staff at 831-262-1731 with questions or concerns.

Sincerely,



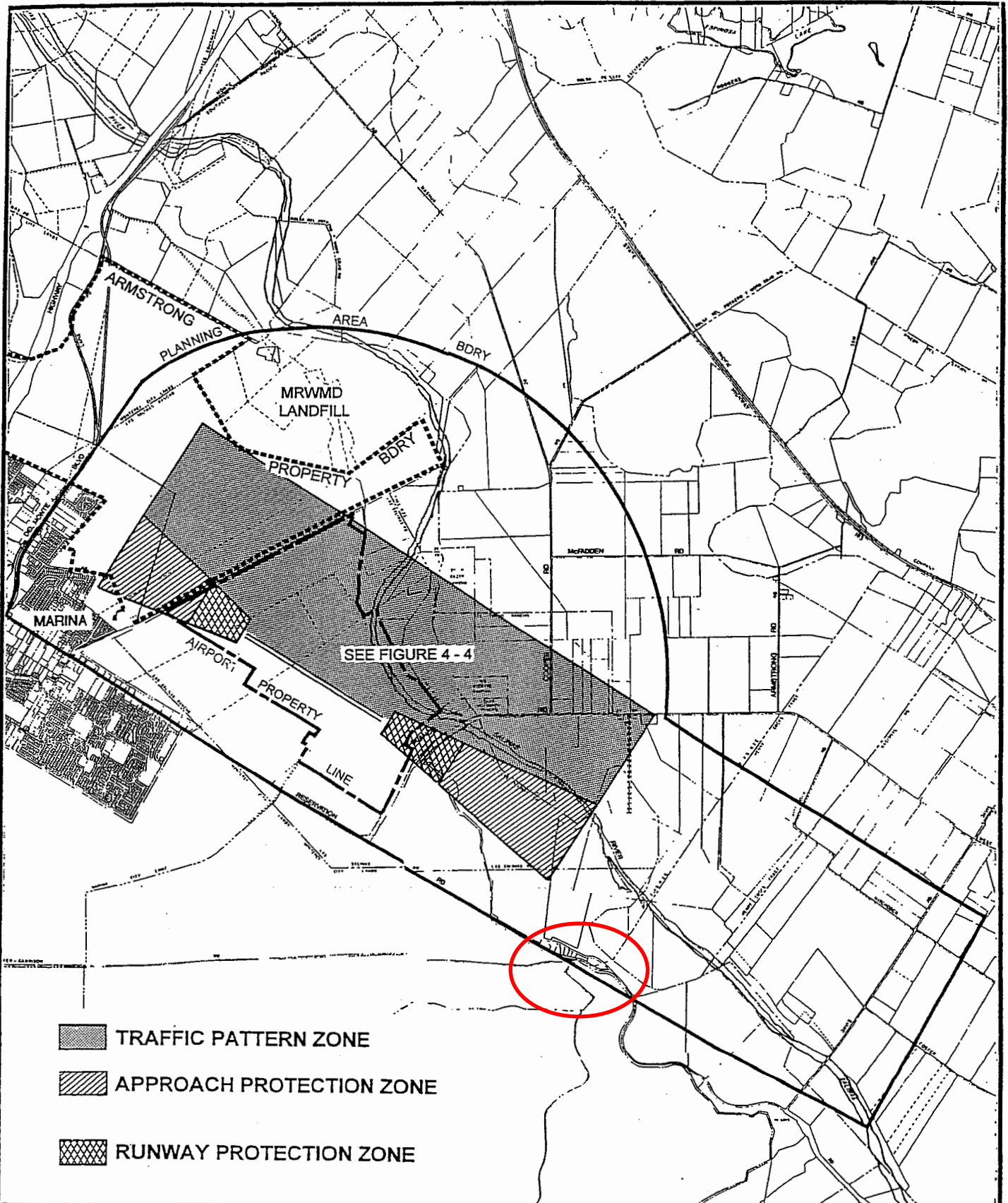
Steve Johnson
Vice-Chairman
Monterey County Airport Land Use Commission




MICHAEL BRANDMAN ASSOCIATES

2000 Crow Canyon Road Suite 415
San Ramon, CA 94583

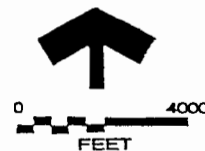
(831) 262-1731
FAX (925) 830-2715

Figure 4-1



-  TRAFFIC PATTERN ZONE
-  APPROACH PROTECTION ZONE
-  RUNWAY PROTECTION ZONE

Monterey County Airport Landuse Commission
**MARINA MUNICIPAL AIRPORT
PLANNING AREA**
Adopted 1/22/96



Sample Implementation Documents

The responsibility for implementation of the policies set forth in the compatibility plans adopted by airport land use commissions rests largely with the affected local jurisdictions. This appendix contains samples of two types of implementation documents.

- ▶ **Avigation Easement**—Avigation easements transfer certain property rights from the owner of the underlying property to the owner of an airport. ALUCs may require avigation easement dedication as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. Also, airports may require avigation easements in conjunction with programs for noise insulation of existing structures in the airport vicinity. A sample of a standard avigation easement is included in Exhibit D-1.
- ▶ **Recorded Deed Notice**—Deed notices are a form of buyer awareness measure whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. Unlike easements, deed notices do not convey property rights from the property owner to the airport and do not restrict the height of objects. They only document the existence of certain conditions which affect the property—such as the proximity of the airport and common occurrence of aircraft overflights at or below the airport traffic pattern altitude. ALUCs may make recording of deed notices a requirement for project approval within portions of the airport influence area where avigation easements are not essential. Exhibit D-2 contains a sample of a deed notice.

An additional type of implementation document available to local jurisdictions is an airport combining zone ordinance. Possible components for such an ordinance are described in Chapter 5, Table 5B.

This indenture made this ____ day of _____, 20____, between _____ herein after referred to as Grantor, and the [Insert County or City name], a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. The property which is subject to this easement is depicted as _____ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the _____ Airport official runway end elevation of _____ feet Above Mean Sea Level (AMSL), as determined by [Insert name and Date of Survey or Airport Layout Plan that determines the elevation] the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and
- (2) The easement and right to cause or create, or permit or allow to be caused or created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air, illumination, and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and
- (3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures, or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and
- (4) The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects, which extend into or above the Airspace; and
- (5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

EXHIBIT D-1

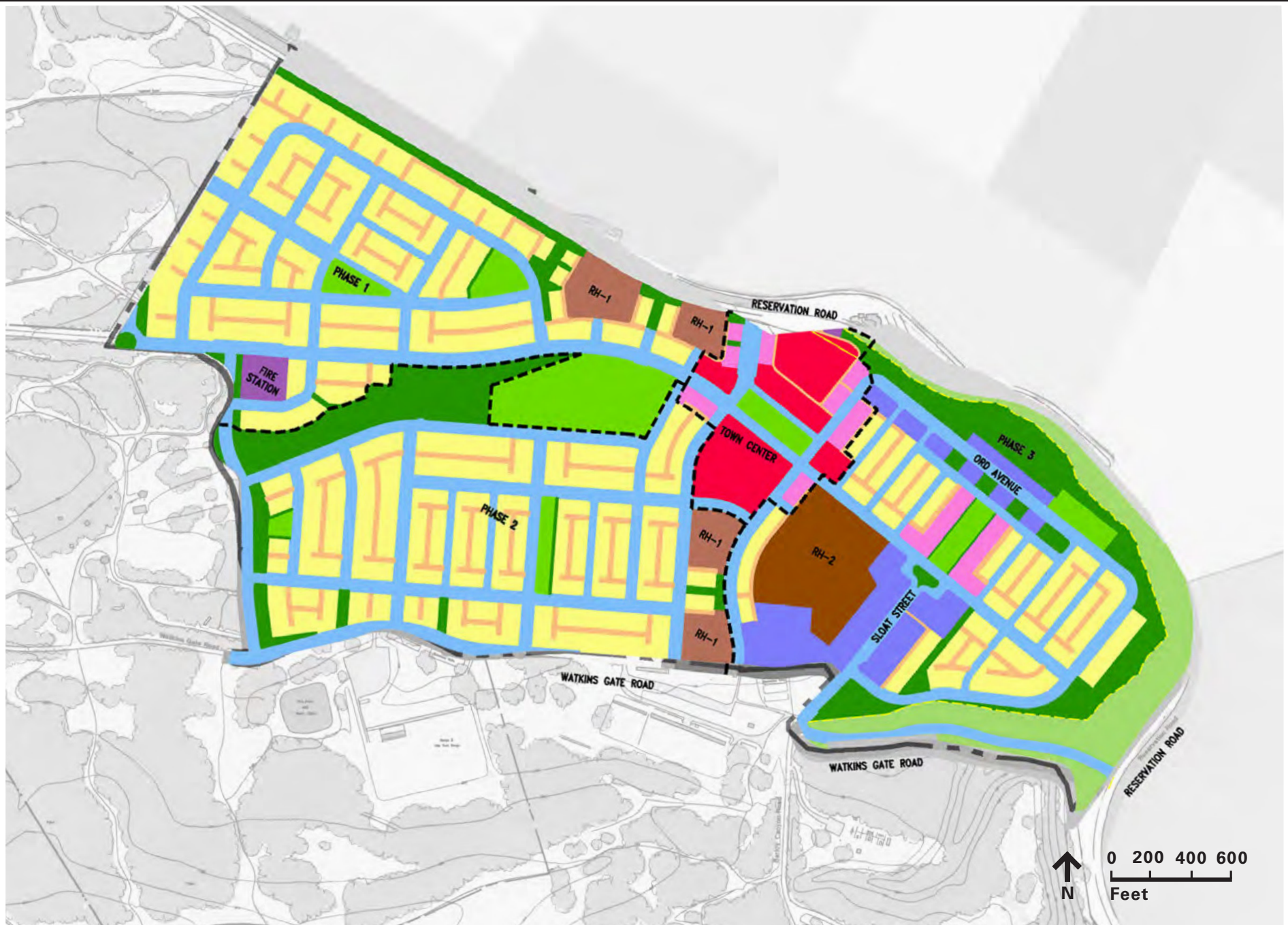
Typical Avigation Easement

A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the [Insert ALUC name] *Airport Land Use Compatibility Plan*. Such notice should be recorded by the county of [Insert County name]. Also, this deed notice should be included on any parcel map, tentative map, or final map for subdivision approval.

The [Insert ALUC name] *Airport Land Use Compatibility Plan* and [Insert County/City name] Ordinance (Ordinance No. _____) identify a [Insert Airport name] Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to protection of the public interest of the people of the state of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to [Insert County name] County population and economic growth. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

EXHIBIT D-2

Sample Deed Notice



Source: Century Communities, 2004

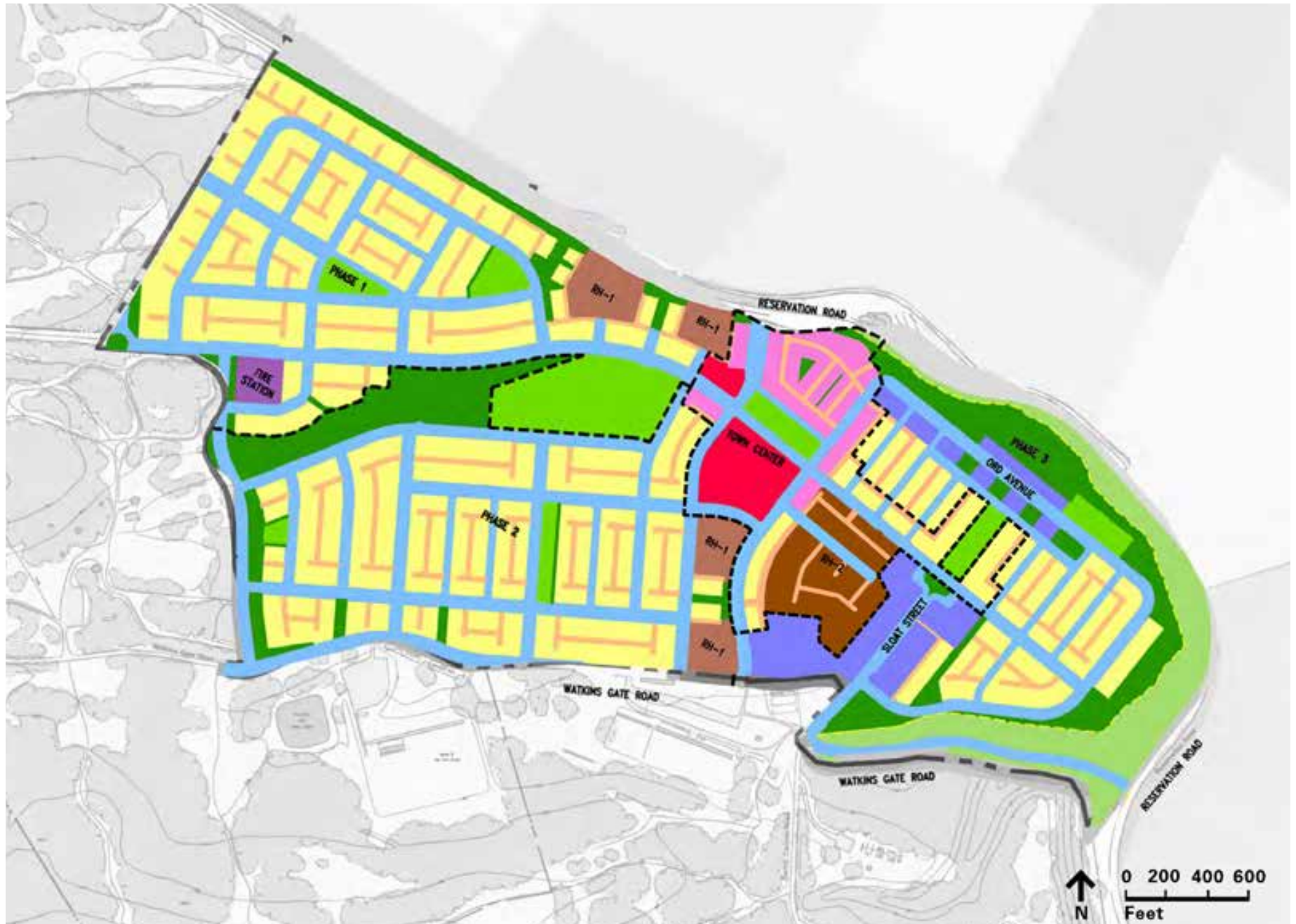
Title: **Land Use Plan - Approved Project**

Date: 2-5-2024
 Scale: _____
 Project: 2023-16



Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Figure
4a



Source: Century Communities, January 2024

Title: **Land Use Plan - Proposed Modification**

Date 2-5-2024
 Scale _____
 Project 2023-16



Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Figure
4b