

# Appendix I

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Airport Land Use Commission Consistency Approval

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

**Resolution No. 20 – 003**

Finding the proposed redevelopment of an existing commercial hotel and restaurant site with a new 25,000 square foot four-story hotel consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport.

REF200030, City of Monterey (Assessor's Parcel Number 013-112-045-000)

**WHEREAS**, on July 29, 2020, Lakshmi Hotel Partners, Inc. (project applicant) submitted an application to Monterey County Airport Land Use Commission (ALUC) staff (ALUC File No. REF200030) for the proposed redevelopment of an existing commercial hotel and restaurant site with a new 25,000 square foot four-story hotel; and

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

**WHEREAS**, the project was originally scheduled for consideration by the ALUC at a regular meeting on August 24, 2020; however, that meeting of the ALUC was cancelled at the direction of the ALUC Chair due to ALUC staff involvement with wildfire emergency response actions; and

**WHEREAS**, on September 28, 2020, the ALUC conducted a duly noticed public meeting to consider the proposed redevelopment project; and

**WHEREAS**, the proposed redevelopment project site is located at 2101 North Fremont Street, City of Monterey, Assessor's Parcel Number 013-112-045-000, and is located within Airport Safety Zone 3, Inner Turning Zone, of Monterey Regional Airport; and

**WHEREAS**, the proposed redevelopment project on the 0.58-acre (25,258 square foot) parcel would involve the construction of a four-story 25,000 square foot hotel to replace the existing one-story hotel and restaurant facilities. The proposed facility would have three stories above grade and a below-grade basement level, and include the following: lower and main lobby areas, bicycle storage, laundry facility, elevators, utility areas, lounge area, offices, public restrooms, pantry and fitness rooms, and 42 guest rooms. The project also includes 42 on-site surface parking spaces, walkways, and landscaping totaling 18,198 square feet of area. The proposed hotel facility would have an occupancy or intensity level of 108 persons, including both guests and staff. The proposed project plans are attached to the September 28, 2020, staff report to the ALUC as Attachment 1, and are incorporated herein by reference; and

**WHEREAS**, the ALUC has reviewed the proposed project for airspace protection and other flight hazards, and determined that due to potential hazards the developer shall file a Federal Aviation Administration Form 7460-1 (Notice of Proposed Construction of Alteration), submit an exterior lighting plan to the manager of the Monterey Regional Airport for review and approval, and install a flashing red beacon at the highest point of the structure, all per the attached ALUC Conditions ALUC-5, ALUC-6, and ALUC-7; and

**WHEREAS**, the ALUC has reviewed the proposed project for noise compatibility, and determined that due to the proximity of the project site to the Monterey Regional Airport, an aviation easement is necessary per the attached ALUC Condition ALUC-1; and

**WHEREAS**, the ALUC has reviewed the proposed project for safety compatibility, and determined that the existing and proposed levels of non-residential intensity/use are non-conforming per ALUCP Table 4B, that the proposed redevelopment project would involve continuation of a nonconforming non-residential intensity/use, and that the proposed hotel facility would decrease the magnitude of the nonconformity; and

**WHEREAS**, the ALUC finds that the proposed project is consistent overall with the ALUCP policies regarding nonconforming uses. However, given that the proposed redevelopment of the site would involve a continuation of a nonconforming use and is in close proximity to the Monterey Regional Airport, any future change that would intensify the proposed use or occupancy level would require ALUC review per the attached ALUC Condition ALUC-9.

**NOW, THEREFORE, BE IT RESOLVED**, the Monterey County Airport Land Use Commission does hereby find that the proposed redevelopment of an existing commercial hotel and restaurant site with a new 25,000 square foot four-story hotel consistent with the 2019 ALUCP for Monterey Regional Airport, incorporated herein by reference, and subject to the attached ALUC conditions.

**PASSED AND ADOPTED** on this 28<sup>th</sup> day of September, 2020, upon motion of Commissioner McGregor and seconded by Commissioner Stewart, by the following vote, to-wit:

AYES:	Commissioners McGregor, Stewart, Cleveland, Cohan, and Carbone
NOES:	Commissioner Sabo
ABSENT:	Commissioner Cromeenes
ABSTAIN:	None

ATTEST

Carl P. Holm, Secretary to the ALUC

By: 

Joseph Sidor, Designee of Secretary to the ALUC  
September 28, 2020



## ALUC CONDITIONS

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

**PROJECT NAME:** Lakshmi Hotel Partners, Inc. Project  
**PROJECT FILE NO.:** REF200030

**PROJECT REVIEWED BY THE ALUC ON SEPTEMBER 28, 2020.**

<input checked="" type="checkbox"/>	<b>ALUC-1</b>	<p><b>AVIGATION AND HAZARD EASEMENT</b> Prior to final of the first construction permit associated with the project, the developer/owner shall grant an avigation and hazard easement to the appropriate airport authority. The easement shall be recorded at the Monterey County Recorder's Office. The easement may include:</p> <ul style="list-style-type: none"> <li>• Right-of-flight at any altitude above the acquired easement surfaces.</li> <li>• Right to cause noise, vibrations, fumes, dust and fuel particle emissions.</li> <li>• Right to prevent construction or growth of all structures, objects or natural growth above the acquired easement surfaces.</li> <li>• Right-of-entry to remove, mark or light any structures or growth above the acquired easement surfaces, or right to require the owner to remove, mark or light.</li> <li>• Right to prohibit creation of electrical interference, unusual light sources and other hazards to aircraft flight.</li> <li>• Any other limitation the appropriate airport authority may recommend to protect the public's health, safety and welfare.</li> </ul>
<input type="checkbox"/>	<b>ALUC-2</b>	<p><b>NOISE INSULATION STANDARDS</b> The project shall conform to current noise insulation standards pursuant to the California Code of Regulations, Title 25, Chapter 1, Subchapter 1.</p>
<input type="checkbox"/>	<b>ALUC-3</b>	<p><b>NOISE STANDARDS</b> The project shall conform to noise standards pursuant to the California Code of Regulations, Title 21, Subchapter 6.</p>
<input type="checkbox"/>	<b>ALUC-4</b>	<p><b>AIRPORT APPROACH ZONING</b> The project shall conform with Title 21 of the Monterey County Code (Zoning Ordinances), Chapter 21.86, Airport Approaches Zoning, and/or applicable zoning code relevant to airport</p>

		hazards and operations.
<input checked="" type="checkbox"/>	<b>ALUC-5</b>	<b>OBJECTS AFFECTING NAVIGABLE AIRSPACE</b> The project shall conform to FAR, Part 77 – Objects Affecting Navigable Airspace. The developer shall submit a Federal Aviation Administration (FAA) Form 7460-1 (Notice of Proposed Construction of Alteration). The developer shall notify the staff of the Monterey Regional Airport when the form is submitted and when a determination is provided by the FAA.
<input checked="" type="checkbox"/>	<b>ALUC-6</b>	<b>EXTERIOR LIGHTING</b> Prior to the issuance of a construction permit, an Exterior Lighting Plan shall be reviewed and approved by the applicable airport manager prior to the issuance of any construction permits. All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
<input checked="" type="checkbox"/>	<b>ALUC-7</b>	<b>TOWERS - MARKING AND LIGHTING</b> When not specifically required by FAA Advisory Circular 70/7640-IF (Obstruction Marking and Lighting), the following ALUC recommendations shall be applied to towers: <input checked="" type="checkbox"/> A flashing red beacon shall be installed at the highest point of the structure. <input type="checkbox"/> A steady burning red obstruction light shall be installed at the highest point of the structure. <input type="checkbox"/> A steady burning red obstruction light shall be installed at the intermediate level of the structure. <input type="checkbox"/> Nine (9) day-glow markers (20" minimum) shall be installed on the top level of guide wires (3 to the wire). <input type="checkbox"/> The applicant shall contact the FAA to publish a NOTAM (Notice to airmen) in Monterey County about the location of the proposed structure. <input type="checkbox"/> Standard marking (orange and white striping) shall be installed, as defined in Chapter 3 of the FAA AC 70/7460-IF.
<input type="checkbox"/>	<b>ALUC-8</b>	<b>NO CONDITION REQUIRED</b> The project, as reviewed by the ALUC, is consistent with the CLUP for that jurisdiction and does not require any conditions.
<input checked="" type="checkbox"/>	<b>ALUC-9</b>	<b>NON-STANDARD CONDITION</b> (see below)

ALUC-9: In the future, if new development or a change of building use is proposed on the subject parcel that would potentially intensify the occupancy level, then the proposed change(s) shall be submitted to the ALUC for a subsequent, project-specific consistency determination.