Draft

Environmental Impact Report

Housing Element Update



August 2023

State Clearinghouse No. 2023040680

Prepared for:
City of Del Rey Oaks

Prepared by:
Denise Duffy & Associates

City of Del Rey Oaks
HOUSING ELEMENT UPDATE

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Report State Clearinghouse
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Associates, Inc.

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EXECUTIVE SUMMARY

OVERVIEW OF PROPOSED PROJECT

This Draft EIR for the proposed project addresses the environmental impacts, environmental issues, and alternatives in substantial compliance with CEQA. This Draft EIR evaluates the Housing Element for the 5th Cycle Planning Period, including 2023 updates to existing policies and programs contained within the adopted 2019 Draft Housing Element. The City is also considering adoption of a draft 6th Cycle Housing Element Update. This EIR also considers the cumulative impacts of adoption and implementation of the 6th Cycle Housing Element Update. The City has prepared this Draft EIR in accordance with the requirements of CEQA and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.).

Under Government Code section 65588, the State of California requires that all local governments address and plan for future local and regional housing needs by preparing a housing element. The Housing Element provides the framework for future decisions and actions that affect the development of housing and accessory uses in the City. Section 65583 also requires that the Housing Element of each jurisdiction include an estimate of its "fair share" of the regional housing needs. The City's determination of fair share is identified through the Regional Housing Need Allocation (RHNA) process discussed further below. An overview of the proposed project is provided in **Chapter 1, Introduction**, **Section 1.4, Proposed Project Overview**, and a full description of the proposed project is presented in **Chapter 2, Proposed Project**, of this document.

Project Summary

The project under consideration is the City of Del Rey Oaks 2023 Draft Housing Element Update. The City must prepare a Housing Element as part of its General Plan under the requirements of California State law. All local governments must implement solutions to address local and regional housing needs. The Draft Housing Element represents the 5th Cycle Planning Period update and covers the 2015-2023 planning period. The City's Housing Element was last officially updated in December 2019. This 2023 Draft Housing Element Update revises specific adopted programs in the 2019 document related to general plan amendment and rezoning for specified areas of the City, as further described below. Thus, the proposed project evaluated in this EIR includes the adoption of the 2023 Housing Element Update, as well as the general plan amendment and rezoning proposed. The City is also considering adoption of a draft 6th Cycle Housing Element Update for the planning period 2023-2031. This EIR also considers the cumulative impacts of adoption and implementation of the 6th Cycle Housing Element Update. Cumulative analyses are provided for each CEQA checklist topic in their respective sections under **Chapter 3, Environmental Setting and Environmental Impacts**.

The Draft Housing Element is a policy document rather than a proposal for a specific action. The Draft Housing Element includes an analysis of the City's housing needs; identifies various governmental and non-governmental constraints to meeting those needs; establishes reasonable goals, objectives and policies based on those needs; and sets forth a comprehensive list of actions to achieve the identified goals and objectives.

Additionally, Section 15146(b) of the CEQA Guidelines states that an EIR on a project such as the adoption or amendment of a local general plan "should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific

construction projects that might follow." The purpose of this Draft EIR is to provide analysis on the effects that can be expected from implementation of the proposed project, including adoption of the Housing Element Updates and amendment to the general plan and rezoning. The City does not have adequate land designated for residential use, and thus, the proposed project includes revisions to the general plan and rezoning to provide land appropriately designated for affordable housing to meet the RHNA. The State does not require cities and counties to actually build the housing necessary to meet the community's needs. However, it does require that each community adopt policies and programs to support housing development, as well as designate adequate land at appropriate densities to meet the housing needs. As the location and specifics of future construction of residential development facilitated by the proposed project is not known, the EIR will not provide detail on the impacts of specific construction projects that might follow.

The Draft Housing Element has been prepared in accordance with the requirements of California Government Code sections 65580-65589.8 and updates the current Housing Element of the City's General Plan. Upon its adoption, the Housing Element would become part of the City's General Plan.

Project Objectives

The primary goal of the proposed project is to update the Housing Element for the City. The Housing Element's key policy objectives are as follows:

- Maintain and improve a range of housing opportunities to address the existing and projected needs of the community;
- Maintain and improve existing neighborhoods and housing;
- Promote the development of housing to meet the needs of all segments of the population; and
- Continue to ensure that all segments of the community have access to safe and decent housing that meets their special needs.

Under California Housing Element law, the housing element must also include an identification of goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing. The Draft Housing Element contains five goal categories the City has identified to address major housing related issues facing the community. The City's adopted Housing Element goals are presented below:

- Goal A: The City Will Provide Adequate Sites to Build New Housing Units for All Income Levels and to Meet the City's Fair Share of Housing Needs;
- Goal B: The City Will Encourage the Provision of a Wide Range of Housing by Location, Type of Unit, and Price to Meet the Existing and Future Housing Needs in the City;
- Goal C: The City Will Work to Remove Governmental and Non-Governmental Constraints to Housing Development;
- Goal D: The City Will Promote Equal Housing Opportunities for All Persons; and,
- Goal E: The City Will Continue to Conserve and Improve the Condition of the Existing Housing Stock to Ensure the Safety, Welfare, and Affordability of Residents.

The City has also identified the following key objectives for the Housing Element:

- Adopt 5th Cycle Housing Element Update and complete rezoning actions necessary for an HCD compliant Housing Element in 2023.
- Meet the State required Regional Housing Needs Assessment (RHNA) allocation for the 5th Cycle and 6th Cycle Housing Element Updates by identifying housing sites with a collective capacity to meet the City's combined 5th and 6th Cycle RHNA.

Resource Topics Considered

The scoping process determined that the proposed project could lead to potential environmental impacts on specific natural resources and on the human environment. Based on comments received during the scoping process and preliminary review, **Chapter 3, Environmental Setting and Environmental Impacts** of this Draft EIR includes a detailed evaluation of resource topics with respect to direct and indirect impacts that may result from the proposed project, and also provides a discussion of cumulative impacts. **Chapter 4, Cumulative Impacts & Other CEQA Requirements** includes further discussion of cumulative impacts, as well as growth-inducing impacts, and significant and unavoidable impacts to comply with other requirements of CEQA. **Chapter 5, Alternatives** discusses impacts of the proposed project compared to feasible project alternatives. The resource topics evaluated include:

- Aesthetics;
- Agricultural Resources;
- Air Quality;
- Biological Resources;
- Cultural and Tribal Resources;
- Energy;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services and Recreation;
- Transportation;
- Utilities and Service Systems; and
- Wildfire.

OVERVIEW OF ALTERNATIVES

CEQA Guidelines Sec. 15126.6 requires the consideration of a range of reasonable alternatives to the proposed project that could feasibly attain most of the basic project objectives and would avoid or substantially lessen the significant effects of the project. The discussion of alternatives should focus on alternatives capable of eliminating the significant adverse impacts of the project or reducing them to a less-than-significant level, even if the alternative would not fully attain most of the basic project objectives or would be more costly (CEQA Guidelines Sec. 15126.6(b)). An EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making. The range of potential alternatives is governed by the "rule of reason," which requires the evaluation of alternatives "necessary to permit a reasoned choice" (CEQA Guidelines Sec. 15126.6(f)). The alternatives evaluated in this EIR are summarized below. These alternatives are more fully described in **Chapter 5, Alternatives**.

- **No Project Alternative – No Action (Alternative 1a)**: The No Project - No Action alternative consists of the City taking no action on the Housing Element; it assumes any land proposed for rezoning would be left in its current physical condition[1]. This alternative would avoid potential environmental impacts of the proposed project; however, it also would fail to meet the project objectives of providing land appropriately designated for affordable housing to meet the RHNA.
- **No Project Alternative – No Project Alternative No Rezoning (Alternative 1b)**: The No Project - No Rezoning alternative assumes the area proposed for rezoning would be developed under its current allowable density, zoning and land use designations of commercial and visitor-serving. This alternative would have similar environmental impacts to the proposed project. This alternative would also fail to meet any of the project objectives of providing land appropriately designated for affordable housing to meet the RHNA.
- **No Rezoning in Former Fort Ord Alternative (Alternative 2)**: The No Rezoning in Former Fort Ord alternative assumes the adequate land designated for residential use can be provided in the existing developed area of the City, outside former Fort Ord. Thus, this alternative identifies areas to provide adequate land areas within the City for affordable housing to meet the RHNA. This alternative could meet the primary objectives of the proposed project by providing areas to meet the City's state mandated housing needs, particularly for 6th Cycle. However, this alternative would not meet the City objective for a compliant 5th Cycle Housing Element Update as HCD has indicated the former Fort Ord area would need to be rezoned to meet HCD compliance.
- **Combined Areas in Former Fort Ord and within City (Alternative 3).** The Combined Areas in Former Fort Ord and within City alternative assumes the adequate land designated for residential use can be provided in the existing developed area of the City as well as within former Fort Ord. These areas will be rezoned under this alternative to provide adequate land areas within the City for affordable housing to meet the RHNA. This assumes reducing potential development areas within the City and within former Fort Ord to combine to meet RHNA, provide a buffer by identifying more areas to meet capacity requirements and could reduce impacts in certain resource areas. This alternative would meet the City objectives by identifying housing sites with a collective capacity to meet the City's combined 5th and 6th Cycle RHNA to achieve state mandated housing needs.

[1] This alternative addresses CEQA requirements (CEQA Guidelines, Section 15126.6(e)(2)), whereby the no project alternative analysis must discuss the existing conditions and what would be reasonably expected to occur in the foreseeable future if the project were not approved based on current plans

SUMMARY OF IMPACTS

Table ES-1 summarizes the proposed project's significant impacts and mitigation measures. Mitigation measures have been identified to either avoid the impact or reduce the level of significance. **Table 5-1** (see **Chapter 5, Alternatives**)**,** provides a comparison of impacts for each alternative.

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Aesthetics			
Impact AES-1: Scenic Vistas. The proposed project would not have a substantial adverse impact on a scenic vista.	Less than Significant	No mitigation is required.	Less than Significant
Impact AES-2: Scenic Resources. The proposed project would not result in damage to scenic resources within a state scenic highway.	Less than Significant	No mitigation is required.	Less than Significant
Impact AES-3: Visual Character or Quality. The proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings.	Less than Significant	No mitigation is required.	Less than Significant
Impact AES-4: Light and Glare. The proposed project would not introduce a new source of substantial light and glare.	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Aesthetic Impacts. The proposed project and other cumulative development would not have significant cumulative impacts related to scenic vistas, visual quality and light and glare.	Less than Significant	No mitigation is required.	Less than Significant
Agricultural Resources			
Impact AG-1: Conversion of Farmland. The proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.	No Impact	No mitigation is required.	No Impact
Impact AG-2: Conflict with Agricultural Zoning. The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.	No Impact	No mitigation is required.	No Impact

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact AG-3: Conflict with Forest/ Timberland Zoning The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	No Impact	No mitigation is required.	No Impact
Impact AG-4: Loss or Conversion of Forest Land. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.	No Impact	No mitigation is required.	No Impact
Impact AG-5: Other Changes. The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	No Impact	No mitigation is required.	No Impact
Cumulative Agricultural Impacts. The proposed project and other cumulative development would not have significant cumulative impacts related to agricultural and forest resources.	No Impact	No mitigation is required.	No Impact
Air Quality			
Impact AQ-1: Conflict with an Applicable Air Quality Plan. The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.	Less than Significant	No mitigation is required.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact AQ-2: Criteria Pollutant Emissions. The Proposed project could result in emissions of criteria pollutants that would exceed adopted thresholds of significance for PM_{10} in violation of applicable air quality standards and which could contribute substantially to an existing or projected air quality violation.	Potentially Significant	**Mitigation Measure 3.3-1**: Prior to start of construction, the project applicant or contractor shall submit a construction dust mitigation plan to the City of Del Rey Oaks for review and approval. This plan shall specify the methods of dust control that would be utilized, demonstrate the availability of needed equipment and personnel, use reclaimed water for dust control, and identify a responsible individual who, if needed, can authorize implementation of additional measures. The construction dust mitigation plan shall, at a minimum, include the following measures: • Limit grading activity to a maximum of 2.2 acres daily. • Water all active construction areas at least three times daily and more often during windy periods. Active areas adjacent to existing businesses should be kept damp at all times. If necessary, during windy periods, watering is to occur on all days of the week regardless of onsite activities. • Cover all trucks hauling trucks or maintain at least two feet of freeboard. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. • Sweep daily all paved access roads, parking areas and staging areas at construction sites. • Sweep streets daily if visible soil material is deposited onto the adjacent roads. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). • Enclose, cover, water three times daily or apply (non-toxic) soil binders to exposed stockpiles. • Limit traffic speeds on unpaved roads to 15 mph. • Replant vegetation in disturbed areas as quickly as possible. • Suspend excavation and grading activity when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact AQ-3: Exposure of Sensitive Receptors. The proposed project would not expose sensitive receptors to substantial pollutant concentrations.	Potentially Significant	Mitigation not required. **Mitigation Measure 3.3-1**, above, would ensure impact related to future development facilitated by the proposed project would be less than significant.	Less than Significant
Impact AQ-4: Other Emissions Adversely Affecting a Substantial Number of People. The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Air Quality Impacts. The proposed project would not result in a considerable contribution to a significant cumulative impact related to air quality with implementation of mitigation.	Less than Significant	No additional mitigation required beyond the mitigation measure identified for Impact AQ-2 (**Mitigation Measure 3.3-1**).	Less than Significant
Biological Resources			
Impact BIO-1: Special-Status Species. The proposed project could result in substantial adverse effects to special-status plant and wildlife species and their habitat.	Potentially Significant	**Mitigation Measure 3.4-1: Project Specific Biological Assessments (HMP Species)**. The City shall require that a biological survey of development sites be conducted by a qualified biologist to determine if the development could potentially impact HMP species of potential habitat. A report describing the results of the surveys will be provided to the City prior to any ground disturbing activities. The report will include, but not be limited to: 1) a description of the biological conditions at the site; 2) identification of the potential for HMP species to occur or HMP species observed, if any; and 3) maps of the locations of HMP species or potential habitat, if observed. If HMP species that do not require take authorization from the USFWS or CDFW are identified within the development site, salvage efforts for these species will be evaluated by a qualified biologist in coordination with the City's consulting biologist to further reduce impacts per the requirements of the HMP and BO. Where salvage is determined feasible and proposed, seed collection should occur from plants within the development site and/or topsoil should be salvaged within occupied areas to be disturbed. Seeds should be collected during the appropriate time of year	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		for each species by qualified biologists. The collected seeds and topsoil should be used to revegetate temporarily disturbed construction areas and reseeding and restoration efforts on- or off-site, as determined appropriate by the qualified biologist and the City. If HMP species that require take authorization from the USFWS and/or CDFW are identified within the development site, the City will ensure that developers comply with ESA and CESA and obtain necessary permits prior to construction. **Mitigation Measure 3.4-2: Project-Specific Biological Assessments (Non-HMP Species)**. The City shall require that a biological survey of development sites be conducted by a qualified biologist to determine if the development could potentially impact a special-status species or their habitat. A report describing the results of the surveys will be provided to the City prior to any ground disturbing activities. The report will include, but not be limited to: 1) a description of the biological conditions at the site; 2) an search of relevant resources to generate an updated list of special-status species known within the project vicinity; 3) identification of the potential for special-status species to occur or special-status species observed, if any; 4) maps of the locations of special-status species or potential habitat, if observed; and 5) recommended mitigation measures, if applicable. If special-status species are determined not to occur at the development site, no additional mitigation is necessary. If special-status species are observed or determined to have the potential to occur, the project biologist shall recommend measures necessary to avoid, minimize, and/or compensate for identified impacts. Measures may include, but are not limited to, revisions to the project design and project modifications, pre-construction surveys, construction buffers, construction best management practices, monitoring, non-native species control, restoration and preservation, and salvage and relocation.	

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		If species that require take authorization from the USFWS and/or CDFW are identified within the development site, the City will comply with ESA and CESA and obtain necessary permits prior to construction. **Mitigation Measure 3.4-3: Pre-Construction Surveys for Protected Avian Species**. Construction activities that may directly (e.g., vegetation removal) or indirectly (e.g., noise/ground disturbance) affect protected nesting avian species will be timed to avoid the breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after August 31 and before January 31. Alternatively, a qualified biologist will be retained by the City to conduct pre-construction surveys for nesting raptors and other protected avian species within 500 feet of proposed construction activities if construction occurs between February 1 and August 31. Pre-construction surveys will be conducted no more than 14 days prior to the start of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). Because some bird species nest early in spring and others nest later in summer, surveys for nesting birds may be required to continue during construction to address new arrivals, and because some species breed multiple times in a season. The necessity and timing of these continued surveys will be determined by the qualified biologist based on review of the final construction plans and in coordination with the USFWS and CDFW, as needed. If raptors or other protected avian species nests are identified during the pre-construction surveys, the qualified biologist will notify the City and an appropriate no-disturbance buffer will be imposed within which no construction activities or disturbance shall take place (generally 500 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist. **Mitigation Measure 3.4-4: Implement Open Space Requirements**. For open space areas adjacent to the project area, the following measures shall be implemented:	

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		▪ **Conduct an access assessment to identify necessary access controls.** In some cases, structures including fences or other appropriate barriers may be required within the future development to control access into the habitat areas. An assessment of access issues and necessary controls will be completed as part of planning for the development and submitted to the City for review and approval, prior to development. ▪ Signs, interpretive displays, trailhead markers, or other information will be installed and maintained at identified urban/wildland interface that illustrate the importance of the adjacent habitat area and prohibit trespass, motor vehicle entry, dumping of trash or yard wastes, pets off-leash, capture or harassment of wildlife, impacts to special-status species, and other unauthorized activities. ▪ **Incorporate non-native species control features into site design.** Detention ponds or other water features associated with future development will be sited as far from the urban/wildland interface as possible. Suitable barriers will be located between these features and the habitat area boundary to prevent these features from becoming "sinks" for special-status wildlife species, as well as sources for invasive non-natives that could then move into the adjacent habitat area. If detention ponds or other waterbodies must be located at the urban/wildland interface, a specific management program addressing control of non-native animals (e.g., bullfrogs) must be prepared and submitted for review and approval by the City, prior to development. ▪ Landscaping within the areas adjacent to open space areas will consist of native or non-native plant species that will not colonize reserve areas in the former Fort Ord outside the project area. Any landscaping or replanting required for the project will not use species listed as noxious by the California Department of Food and Agriculture (CDFA). All landscape plans will be reviewed by the City. ▪ **Limit artificial lighting at the urban/wildland interface.** Outdoor lighting associated with future development will be low intensity, focused, and directional to preclude night illumination of the adjacent habitat area. Outdoor	

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		lighting will be placed as far from the urban/wildland interface as possible given safety constraints. High-intensity lighting facing the habitat areas will be directional and as low to the ground as possible to minimize long distance glare. ▪ Develop and implement erosion control measures to prevent sediment transport into and within habitat areas. Erosion control measures will be required where vegetation removal or soil disturbance occurs as a result of all construction and maintenance, including trail, road, or fuelbreak construction/maintenance, access controls, or stormwater management, consistent with existing stormwater management plans. Specific measures to be implemented shall be detailed in an erosion control plan. The erosion control plan will include, at a minimum, the following measures. o Re-contour eroded areas. o Maintain and grade areas along the reserve perimeter and main roads as appropriate to avoid washouts. Gullies will be repaired as needed. o Install drainage features such as outlet ditches, rolling dips (similar to waterbars), and berms as needed to facilitate the proper drainage of storm runoff. o Add soil amendments such as fertilizers and gypsum for designated development areas only. o Prevent sediments from entering basins or swales that could be used by HMP species during erosion control activities. o Design and conduct erosion control measures to minimize the footprint of the structures and repairs, and design structures to minimize potential impacts on California tiger salamander and California red-legged frog that may be moving between breeding and upland habitats. o Use weed-free mulch, weed-free rice, sterile barley straw, or other similar functioning product where needed for erosion control. Seed native plant species to stabilize soils disturbed by erosion control activities and prevent colonization by invasive weeds. Incorporate native plant species to the extent practicable.	

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact BIO-2: Riparian and Wetland Habitat. The proposed project could result in a substantial adverse effect on riparian habitat or other sensitive community as identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, or on state or federally protected wetlands.	Potentially Significant	**Mitigation Measure 3.4-5: Project-Specific Sensitive Natural Community Assessments**. The City shall require that any development that could potentially impact a sensitive natural community shall be required to conduct a survey of the site by a qualified biologist. A report describing the results of the survey will be provided to the City prior to any ground disturbing activities. The report will include, but is not limited to: 1) a description of the biological conditions at the site; 2) identification of the potential for sensitive habitats or sensitive habitats observed, if any; 3) maps of the locations of sensitive habitats or potential sensitive habitat, if observed; and 4) recommended avoidance and minimization measures, if applicable. If a potential state or federally protected wetland or other are identified to be present on the site, a formal wetland delineation will be conducted in accordance to ACOE methodology. If a proposed development cannot avoid impacts to sensitive habitat areas, the City shall require a compensatory habitat-based mitigation to reduce impacts. Compensatory mitigation must involve the preservation, restoration, or purchase of off-site mitigation credits for impacts to sensitive habitats. Mitigation must be conducted in-kind or within an approved mitigation bank in the region. The specific mitigation ratio for habitat-based mitigation will be determined through consultation with the appropriate agency (i.e., CDFW, ACOE, or SWRCB) on a project-by-project basis. Impacts to sensitive habitats, including but not limited to, vernal pools, streambeds, waterways, or riparian habitat, protected under Section 1600 of Fish and Wildlife Code and Sections 401 and 404 of the CWA, require regulatory permitting to reduce impacts. Acquisition of permits and implementation of the approved mitigation strategy would ensure impacts are fully mitigated and “no net loss” of wetland habitat would occur.	Less than Significant
Impact BIO-3: Wildlife Corridors. The proposed project would not result in interference with wildlife migration or corridors.	Less than Significant	No mitigation required.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact BIO-4: Biological Resource Policies and Ordinances. The proposed project would not conflict with local policies and ordinances protecting biological resources, including tree preservation policies.	Less than Significant	No mitigation required.	Less than Significant
Impact BIO-5: Adopted Habitat Conservation Plans. The proposed project could conflict with the Fort HMP.	Potentially Significant Impact	**Mitigation Measure 3.4-1:** See Impact BIO-1 for this mitigation measure.	Less than Significant
Cumulative Biological Resources Impacts. The Project would not result in a cumulatively considerable contribution to significant cumulative impacts on special-status species, protected avian species and sensitive habitat, with the implementation of mitigation.	Less than Significant	No additional mitigation required beyond those mitigation measures identified for Impact BIO-1 and Impact BIO-2 (**Mitigation Measures 3.4-1** through **3.4-4** , and **Mitigation Measure 3.4-5**).	Less than Significant
Cultural and Tribal Resources			
Impact CTR-1: Historic Resources. The proposed project would not cause a substantial adverse change in the significance of unique historic resources.	Less than Significant	No mitigation is required.	Less than Significant
Impact CTR-2: Archaeological Resources. The proposed project could cause a substantial adverse change in the significance of unique archaeological resources.	Potentially Significant	**Mitigation Measure 3.5-1:** The following measures would be implemented in the event of an unanticipated discovery of cultural resources: a. If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgement. A Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, shall be required if the nature of the unanticipated discovery is prehistoric.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Work cannot continue within the no-work radius until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either: 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR. b. If a potentially eligible resource is encountered, then the archaeologist and lead agency shall arrange for either: 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility. If found to be eligible for either the NRHP or CRHR, then significant impacts would be resolved/mitigated through data recovery excavations to the extent of obtaining enough information to address applicable research questions. If data recovery is necessary, a data recovery plan will be prepared, reviewed by the lead agency, and implemented. Determinations of eligibility and completion of data recovery (if necessary) shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met. **Mitigation Measure 3.5-2:** Worker Awareness Training will be developed and conducted prior to any construction operations for development within the portion of the project area within former Fort Ord. The training program will inform crew members of the potential for archaeological finds and the protocols to be followed in the event of the discovery of archaeological materials. The program will be presented by a Professional Archaeologist and include an ALERT Sheet with visual aids with a focus on archaeological objects and other cultural materials that could be present within the project area. The training will also provide protocols in the event of an unexpected discovery and points of contact in the event of an unexpected find including Native American burials. The training will include a briefing to supervisory construction personnel and “tailgate” training to field personnel.	

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact CTR-3: Disturbance of Human Remains. The proposed project could inadvertently disturb human remains.	Potentially Significant	**Mitigation Measure 3.5-3:** In the event that evidence of human remains is discovered, construction activities within 100 meters of the discovery shall be halted or diverted and the requirements of Mitigation Measure 3.5-1 will be implemented. In addition, the County Coroner shall be notified in accordance with provisions of PRC Sections 5097.98-99. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four hours of the determination, as required by California Health and Safety Code Section 7050.5(c) and PRC 5097. The NAHC shall identify the person or persons it believes to be most likely descended (MLD) from the deceased Native American (PRC Section 5097.98). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).	Less than Significant
Impact CTR-4: Tribal Cultural Resources. The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource.	Potentially Significant	**Mitigation Measure 3.5-1:** See Impact CTR-2 for this mitigation measure. **Mitigation Measure 3.5-2:** See Impact CTR-2 for this mitigation measure. **Mitigation Measure 3.5-3:** See Impact CTR-3 for this mitigation measure.	Less than Significant
Cumulative Cultural Resource and Tribal Cultural Resource Impacts. The proposed project would not result in a cumulatively considerable contribution to significant cumulative impacts to buried historical or archaeological resources, human remains, and tribal cultural resources, with the implementation of mitigation.	Less than Significant	No additional mitigation required beyond those mitigation measures identified for Impact CTR-2 and Impact CTR-3 above (**Mitigation Measures 3.5-1, 3.5-2**, and **3.5-3**).	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Energy			
Impact ENG-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy. The proposed project would not result in the wasteful, inefficient, or unnecessary consumption of energy.	Less than Significant	No mitigation is required.	Less than Significant
Impact ENG-2: Conflict with Renewable Energy or Energy Efficiency Plans. The proposed project would not conflict with state or local plans for renewable energy or energy efficiency.	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Energy Impacts. The proposed project would not result in cumulative impacts related to energy consumption.	Less than Significant	No mitigation is required.	Less than Significant
Geology and Soils			
Impact GEO-1: Seismic Hazards The proposed project would not directly cause potential adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking and seismic-related ground failure. However, indirect impacts may occur as a result of future development facilitated by the proposed project.	Potentially Significant	**Mitigation Measure 3.7-1**: To minimize the potential effects from strong seismic ground shaking on project components, a geotechnical engineer report shall be prepared for the site specific area of future construction of housing. At a minimum, all recommendations from the project's Preliminary Geotechnical Design Report prepared by LFR Inc. (November 2007) shall be incorporated by the project proponent into final design plans for future construction, subject to review of the City Engineer prior to construction activities. **Mitigation Measure 3.7-2**: In order to minimize strong seismic shaking on project components, the project proponent shall incorporate the recommendations of the Preliminary Geotechnical Design Report prepared by LFR Inc. (November 2007) into project design. In addition, the project engineer shall ensure all structures will be designed to the most current standards of the California Building Code, at a minimum. Adherence into final design plans shall be reviewed by the City Engineer prior to future construction activities.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Mitigation Measure 3.7-3: Future development projects shall be required to prepare geologic/geotechnical investigations by a registered geologist/geotechnical engineer to provide recommendations and requirements for site preparation and grading, excavations, utility trench excavation and backfill, site drainage, building foundations, pavements, and concrete slabs-on-grade. All recommendations from the site-specific report shall be incorporated by the project proponent into final design plans for future construction, subject to review of the City Engineer prior to construction activities.	
Impact GEO-2: Soil Erosion. Development facilitated by the proposed project would involve grading and construction that could potentially result in soil erosion.	Potentially Significant	**Mitigation Measure 3.7-4**: In order to reduce wind and water erosion, an erosion control plan and/or Storm Water Pollution Prevention Plan shall be prepared for the site preparation, construction, and post-construction periods by the project proponent. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The following measures shall be implemented, where appropriate, to control erosion: 1) keep construction machinery off of established vegetation as much as possible, especially the vegetation on the upwind side of the construction site; 2) establish specific access routes at the planning phase of the project, and limits of grading prior to development, which should be strictly observed; 3) utilize mechanical measures (i.e. walls from sand bags and/or wooden slat or fabric fences) to reduce sand movement; 4) immediate revegetation (plus the use of temporary stabilizing sprays), to keep sand movement to a minimum; and 5) for larger-scale construction, fabric or wooden slat fences should be placed around the construction location to reduce sand movement. The erosion control plan and Storm Water Pollution Prevention Plan shall be incorporated into final design plans by the project proponent and submitted to the City Engineer for approval prior to approval of final design plans.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Mitigation Measure 3.7-5: Areas disturbed by grading shall be stabilized with adequate landscaping vegetative cover. A re-vegetation and landscaping plan shall be prepared by a landscape architect with experience in working with the type of soils that are characteristic of the site. The project proponent shall be responsible for retaining a landscape professional and for incorporating the landscaping plan into final design plans. **Mitigation Measure 3.7-6**: All drainage from improved surfaces shall be captured by closed pipe or lined ditches and carried to neighborhood storm sewers or natural drainages. At no time shall any concentrated discharge be allowed to spill directly onto the ground adjacent to structures or to fall directly onto steep slopes.	
Impact GEO-3: Unstable Geologic Units or Soils. Implementation of the proposed project would not result in significant impacts from future construction located on geologic unit that is unstable.	Less than Significant	No mitigation is required.	Less than Significant
Impact GEO-4: Expansive Soil. Implementation of the proposed project could result in significant impacts from future construction located on expansive soils.	Potentially Significant	**Mitigation Measure 3.7-7**: In order to minimize potential safety risks associated with seismic hazards and on-site soils, a design-level geotechnical analysis by a registered engineer shall be prepared prior to the issuance of any grading and/or building permit. The design-level analysis shall address site preparation measures and foundation design requirements appropriate for on-site soils. The design-level analysis shall be approved by the City of Del Rey Oaks Engineer and Consulting Building Inspector prior to the issuance of any grading and/or building permit. Final design-level project plans shall be designed in accordance with the approved geotechnical analysis.	Less than Significant
Impact GEO-5: Soils Incapable of Supporting Alternative Wastewater Disposal Systems. The proposed project would have no impact related to soils being incapable of supporting septic tanks or alternative wastewater disposal systems.	No Impact	No mitigation is required.	No Impact

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact GEO-6: Paleontological Resources. The proposed project would not directly or indirectly destroy a unique paleontological resource or site.	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Geology, Soils and Paleontological Impacts. The Project would not result in cumulative impacts related to seismic-related ground shaking and/or failure, landslides, soil erosion, unstable soils and/or paleontological resources.	No Impact	No mitigation is required for cumulative impacts. **Mitigation Measures 3.7-1, 3.7-2**, **3.7-3, 3.7-4, 3.7-5, 3.7-6,** and **3.7-7** do not apply to cumulative geological impacts.	No Impact
Greenhouse Gas Emissions			
Impact GHG-1: Greenhouse Gas Emissions. The proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.	Less than Significant	No mitigation is required.	Less than Significant
Impact GHG-2: Conflict with an Applicable Greenhouse Gas Reduction Plan. The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Greenhouse Gas Impacts. The Project would not result in a cumulatively considerable contribution to significant cumulative impacts related to GHG emissions.	Less than Significant	No mitigation is required.	Less than Significant
Hazards and Hazardous Materials			
Impact HAZ-1: Routine Transport, Use, or Disposal of Hazardous Materials. The proposed project could create a significant	Potentially Significant	**Mitigation Measure 3.9-1:** See Impact HAZ-4 for this mitigation measure.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.			
Impact HAZ-2: Upset and Release of Hazardous Materials. The proposed project would not potentially create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment from known or potential areas of contamination, including due the presence of hazardous materials sites.	Less than Significant	No mitigation is required.	Less than Significant
Impact HAZ-3: Hazardous Materials Near Schools. The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	No Impact	No mitigation is required.	No Impact
Impact HAZ-4: Hazardous Materials Site. The proposed project could create a significant hazard to the public or environment as a result of development on sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	Potentially Significant	**Mitigation Measure 3.9-1**: Prior to approval of residential development plans on the project area, environmental agencies, including the Army, and the state lead regulatory agency, DTSC, shall confirm that the clearances to be conducted and those conducted to date together with approved remedial actions, as required, will be sufficient to allow the Former Fort Ord site to be developed for residential reuse. Residential use for the specified areas identified herein will be prohibited until the landowner provides advance notification to the Army, EPA, and DTSC of its intent to change a designated area's use to residential, and until DTSC concurs that residential use is appropriate. DTSC's evaluation may consider the Residential Protocol or further site evaluation incorporating new information (e.g., geophysical mapping, site development).	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact HAZ-5: Airport Safety & Hazards. The proposed project would not result in safety hazards or excessive noise exposure to people residing or working within the project area.	Less than Significant	No mitigation is required.	Less than Significant
Impact HAZ-6: Impair Emergency Response. The proposed project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Less than Significant	No mitigation is required.	Less than Significant
Impact HAZ-7: Wildfire Hazards. The proposed project would not substantially impair an adopted emergency response or evacuation plan, exacerbate wildfire risk, require the installation or maintenance of infrastructure that would exacerbate wildfire risk, cause a significant risk of loss, injury, or death, involving wildland fires, or expose people or structures to significant post-fire risks.	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Hazardous Materials, Emergency Response, and Wildfire Impacts. The Project would not result in a cumulatively considerable contribution to significant cumulative impacts related to hazardous materials, emergency response, and wildfire.	Less than Significant	No additional mitigation required beyond those mitigation measures identified for Impact HAZ-1 above (**Mitigation Measure 3.9-1**).	Less than Significant
Hydrology and Water Quality			
Impact HYD-1: Surface Water Quality Standards and Waste Discharge Requirements, Alteration of Stormwater	Potentially Significant	**Mitigation Measure 3.10-1**: Prior to construction, further analysis shall be completed to confirm that proposed drainage facilities such as storm drains, pipes and future engineered drainage basins to retain or detain waters, (such as retention	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Drainage Pattern, and Conflicting or Obstructing with Plans. The proposed project could indirectly violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality. The proposed project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would (i) result in substantial erosion or siltation on or off site, (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site, or (iii) increase or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. In addition, the proposed project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.		basins/detention basins) have the capacity to contain runoff from a 100-year storm event, subject to the review and approval of the City Consulting Engineer.	
Impact HYD-2: Groundwater. The proposed project would not substantially decrease groundwater supplies, interfere substantially with groundwater recharge, or impede sustainable groundwater management of the basin.	Less than Significant	No mitigation is required.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact HYD-3: 100-year Flood Hazard Area. The proposed project could result in risks if future construction is located within a 100-year flood hazard area.	Potentially Significant	**Mitigation Measure 3.10-1**: See impact HYD-1.	Less than Significant
Cumulative Hydrology and Water Quality Impacts. The Project would not result in a cumulatively considerable contribution to significant cumulative impacts related to hydrology and water quality.	Less than Significant	No additional mitigation required beyond those mitigation measure identified for Impact HYD-1 above (**Mitigation Measure 3.10-1**).	Less than Significant
Land Use and Planning			
Impact LU-1: Physically Divide Community. The proposed project would not physically divide an established community.	Less than Significant	No mitigation is required.	Less than Significant
Impact LU-2: Conflict with Land Use Plan, Policy, or Regulation. The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Land Use Impacts. The proposed project would not result in a cumulatively considerable contribution to significant cumulative impacts related to land use.	Less than Significant	No mitigation is required.	Less than Significant
Mineral Resources			
Impact MR-1: Loss of Known Mineral Resources. The proposed project would not result in the loss of availability of a known mineral resource	No Impact	No mitigation is required.	No Impact

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact MR-2: Loss of Locally-Important Mineral Resource Recovery Site. The proposed project would not result in the loss of availability of a locally-important mineral resource site.	No Impact	No mitigation is required.	No Impact
Cumulative Mineral Resources Impacts. The Project would not result in a cumulatively considerable mineral resources impact.	No Impact	No mitigation is required.	No Impact
Noise			
Impact NOI-1: Substantial Temporary Increase in Ambient Noise Levels. The proposed project would not directly generate a substantial temporary construction-related increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	Less than Significant	No mitigation is required.	Less than Significant
Impact NOI-2: Excessive Vibration. The proposed project would not generate excessive groundborne vibration or groundborne noise levels.	Less than Significant	No mitigation is required.	Less than Significant
Impact NOI-3: Excessive Noise from Airports. The proposed project would not result in exposure of sensitive receptors to excessive noise levels as a result of operation of the Monterey Regional Airport	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Noise and Vibration Impacts. The proposed project would not result in a cumulatively considerable contribution to	Less than Significant	No mitigation is required.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
significant cumulative impacts related to noise and vibration.			
Population and Housing			
Impact POP-1: Induce Substantial Unplanned Population Growth. The proposed project would not induce substantial unplanned population growth in the area, either directly or indirectly.	Less than Significant	No mitigation is required.	Less than Significant
Impact POP-2: Displacement of People or Housing. The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	No Impact	No mitigation is required.	No Impact
Cumulative Population and Housing Impacts. The proposed would not have a cumulatively considerable contribution to substantial unplanned population growth or displacement of people or housing in the region.	Less than Significant	No mitigation is required.	Less than Significant
Public Services and Recreation			
Impact PS-1: New or Physically Altered Public Facilities. The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.	Less than Significant	No mitigation is required.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact PS-2: Deterioration of Neighborhood and Regional Parks. The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Public Services Impacts. The Project would not have a cumulatively considerable contribution to significant cumulative impacts related to the construction of new or expanded fire, police, schools, and park and recreational facilities.	Less than Significant	No mitigation is required.	Less than Significant
Transportation			
Impact TR-1: Conflict with Program, Plan, Ordinance, or Policy Addressing the Circulation System. The proposed project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities.	Less than Significant	No mitigation is required.	Less than Significant
Impact TR-2: Vehicle Miles Travelled. Buildout of future residential development facilitated by the proposed project would result in a significant VMT-related impact.	Potentially Significant	**Mitigation Measure 3.16-1**: Future development projects shall maintain bicycle, pedestrian, and public transit access during construction and provide bicycle storage facilities at all residential developments. All future development would be subject to and implement City guidelines and General Plan policies applicable to transit, bicycle, and pedestrian facilities. Specifically, any modifications or new transit, bicycle, and pedestrian facilities would be subject to and designed in accordance with all applicable General Plan policies.	Less than Significant
Impact TR-3: Geometric Design Hazards and Emergency Access. The proposed	Less than Significant	No mitigation is required.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) or result in inadequate emergency access.			
Cumulative Transportation Impacts. The proposed project's incremental effect would not be cumulatively considerable and would not contribute to or result in a significant cumulative impact related to transportation impacts.	Potentially Significant	No additional mitigation beyond mitigation measure identified for Impact TR-2 above (**Mitigation Measure 3.16-1**).	Less than Significant
Utilities and Energy			
Impact UTL-1: Construction of New or Expanded Utilities. The proposed project would not require or result in the relocation or construction of new or replacement water, wastewater treatment, electric power, natural gas, or telecommunications facilities, the construction of which would result in significant effects.	Less than Significant	No mitigation is required.	Less than Significant
Impact UTL-2: Adequacy of Water Supplies. Sufficient water supplies are available to serve the future development facilitated by the proposed project in the service area during normal, dry, and multiple- dry years.	Less than Significant	No mitigation is required.	Less than Significant
Impact UTL-3: Wastewater Treatment Capacity. The proposed project would not exceed wastewater treatment capacity.	Less than Significant	No mitigation is required.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact UTL-4: Solid Waste. The proposed project would not generate solid waste in excess of state standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; and the Project would comply with federal and state management and reduction statutes and regulations related to solid waste.	Less than Significant	No mitigation is required.	Less than Significant
Impact UTL-5: Conflicts with Energy Plans The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	Less than Significant	No mitigation is required.	Less than Significant
Cumulative Utilities Impacts. The proposed project would not result in a cumulatively considerable contribution to significant cumulative impacts related to utilities.	Less than Significant	Mitigation not required.	Less than Significant
Wildfire			
Impact WF-1: Substantially Impair Emergency Plans. The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.	Less than Significant	Mitigation not required.	Less than Significant
Impact WF-2: Exacerbate Wildfire Risk. The proposed project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and would not expose future occupants of development facilitated by the proposed project to pollutant concentrations from a	Less than Significant	Mitigation not required.	Less than Significant

Table ES-1 Summary of Project Impacts

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
wildfire or uncontrolled spread of a wildfire.			
Impact WF-3: Installation and Maintenance of Infrastructure. The proposed project would not require the installation or maintenance of associated infrastructure that may exacerbate wildfire risks or that may result in temporary or ongoing impacts to the environment.	Less than Significant	Mitigation not required.	Less than Significant
Impact WF-4: Flooding or Landslides from Wildfire. The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.	Less than Significant	Mitigation not required.	Less than Significant
Cumulative Wildfire Impacts. The proposed project would not result in a cumulatively considerable contribution to significant cumulative impacts related to wildfire.	Less than Significant	Mitigation not required.	Less than Significant

AREAS OF KNOWN CONTROVERSY AND ISSUES CONSIDERED

CEQA Guidelines Sec. 15123 states that an EIR shall identify areas of controversy known to the Lead Agency. Based on comment letters received during the NOP public review period, the following environmental issues are known to be of concern and may be controversial (each issue will be further discussed in the EIR):

- Potential secondary effects associated with the proposed project, including:
    - potential impacts to biological resources
    - impacts from potential hazardous materials (i.e., unexploded ordinance),
    - water supply and water use related to increased population and groundwater withdrawal,
    - impact from increased traffic trips,
    - concerns related to noise and public safety due to proximity to an airport,
    - land use implications from rezoning, and
    - impacts to tribal cultural resources.
- The need to evaluate alternatives outside of the former Fort Ord area.

Appendix A provides the Notice of Preparation (NOP) and all written comments received in response to the NOP. A summary of the scoping process is provided in **Section 1.5, CEQA Process**.

CHAPTER 1 Introduction

The City of Del Rey Oaks Housing Element Update (proposed project) is being proposed by the City of Del Rey Oaks (City), California. The proposed project will include (1) adoption and implementation of the City's 5th Cycle Housing Element Update (2015-2023), and (2) General Plan amendment and rezoning for an overlay zone that would accommodate the City's RHNA. For purposes of this EIR, these actions are together considered a "project" under California Environmental Quality Act (CEQA) regulations. The following section of this Environmental Impact Report (EIR) will provide a thorough overview of the proposed project pursuant to requirements of CEQA.

1.1 OVERVIEW

This Draft EIR for the proposed project addresses the environmental impacts, environmental issues, and alternatives in substantial compliance with CEQA. This Draft EIR evaluates the Housing Element for the 5th Cycle Planning Period, including updates to existing policies and programs contained within the adopted 2019 Draft Housing Element. The City is also considering adoption of a draft 6th Cycle Housing Element Update. This EIR also considers the cumulative impacts of adoption and implementation of the 6th Cycle Housing Element Update. The City has prepared this Draft EIR in accordance with the requirements of CEQA and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.).

Under Government Code section 65588, the State of California requires that all local governments address and plan for future local and regional housing needs by preparing a housing element. The Housing Element provides the framework for future decisions and actions that affect the development of housing and accessory uses in the City. Section 65583 also requires that the Housing Element of each jurisdiction include an estimate of its "fair share" of the regional housing needs. The City's determination of fair share is identified through the Regional Housing Need Allocation (RHNA) process discussed further below. An overview of the proposed project is provided below in **Section 1.4, Proposed Project Overview**, and a full description of the proposed project is presented in **Chapter 2, Proposed Project**, of this document. A summary of the potential impacts related to implementation of the proposed project is provided in the **Executive Summary** section of this EIR.

This Draft EIR discloses relevant information concerning the proposed project and alternatives to the proposed project and invites all interested parties to play a role in both the decision-making process and the implementation of the decision. It also provides Federal, State, and local decision-makers with detailed information concerning the potentially significant environmental impacts associated with the implementation of the proposed project.

1.1.1 Draft EIR Public Review

This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the Draft Housing Element. This Draft EIR will be circulated for agency and public review during a 45-day public review period pursuant to CEQA Guidelines section 15073. **During the public review period comments concerning the analysis contained in the Draft EIR should be sent to: Karen Minami, City Clerk or c/o City of Del Rey Oaks (Housing Element Draft EIR), 650 Canyon Del Rey Blvd, Del Rey Oaks, California 93940; or via email at kminami@delreyoaks.org.** Comments

received by the City on the EIR will be reviewed and considered as part of the deliberative process in accordance with CEQA Guidelines section 15074.

1.1.2 Type of EIR

This EIR has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either geographically, as logical parts in the chain of contemplated actions, in connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program, or as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

A program-level analysis considers the broad environmental effects of the proposed project. This Program EIR will be used to evaluate subsequent projects and activities under the proposed project. This Program EIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the proposed project. Because no site-specific development projects are proposed, this document does not include a detailed environmental review of specific development projects. Preparation of a program-level document such as this one may simplify the task of preparing subsequent project-level environmental documents for future proposed development, which may occur after adoption of the General Plan and rezoning for which the details are currently unknown.

Additional environmental review under CEQA may be required for subsequent projects and would be generally based on the subsequent project's consistency with the General Plan and the analysis in this Program EIR, as required under CEQA. It may also be determined that some future projects or infrastructure improvements may be exempt from environmental review. When individual subsequent projects or activities are proposed, the lead agency that would approve and/or implement the individual project will examine the projects or activities to determine whether their effects were adequately analyzed in this Program EIR (CEQA Guidelines Section 15168). If the projects or activities would have no effects beyond those disclosed in this Program EIR, no further CEQA compliance would be required.

1.2 PROJECT LOCATION

The City is located on California's Central Coast, approximately 100 miles south of San Francisco and 300 miles north of Los Angeles, within the Monterey Peninsula (see **Figure 1, Regional Map**). The City is bounded by the City of Seaside to the north, the former Fort Ord to the east, the Monterey Regional Airport to the south, and the Cities of Monterey and Seaside to the west (see **Figure 2, Project Location**). The City comprises 670 acres (or roughly one square mile). Regional access to the City is provided by State Highway 218, which runs directly through the City and intersects State Highway 1 to the northwest and State Highway 68 to the southwest.

1.3 OBJECTIVES

The primary goal of the proposed project is to update the Housing Element for the City. The Housing Element's key objectives are as follows:

- Maintain and improve a range of housing opportunities to address the existing and projected needs of the community;
- Maintain and improve existing neighborhoods and housing;

- Promote the development of housing to meet the needs of all segments of the population; and
- Continue to ensure that all segments of the community have access to safe and decent housing that meets their special needs.

The City has also identified the following key objectives for the Housing Element:

- Adopt 5th Cycle Housing Element Update and complete rezoning actions necessary for an HCD compliant Housing Element in 2023.
- Meet the State required Regional Housing Needs Assessment (RHNA) allocation for the 5th Cycle and 6th Cycle Housing Element Updates by identifying housing sites with a collective capacity to meet the City's combined 5th and 6th Cycle RHNA.

Under California Housing Element law, the housing element must also include an identification of goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing. The Draft Housing Element contains five goal categories the City has identified to address major housing related issues facing the community. The City's adopted Housing Element goals are presented below:

- Goal A: The City Will Provide Adequate Sites to Build New Housing Units for All Income Levels and to Meet the City's Fair Share of Housing Needs;
- Goal B: The City Will Encourage the Provision of a Wide Range of Housing by Location, Type of Unit, and Price to Meet the Existing and Future Housing Needs in the City;
- Goal C: The City Will Work to Remove Governmental and Non-Governmental Constraints to Housing Development;
- Goal D: The City Will Promote Equal Housing Opportunities for All Persons; and,
- Goal E: The City Will Continue to Conserve and Improve the Condition of the Existing Housing Stock to Ensure the Safety, Welfare, and Affordability of Residents.

1.4 PROJECT OVERVIEW

The project under consideration is the City of Del Rey Oaks 2023 Draft Housing Element Update. The City must prepare a Housing Element as part of its General Plan under the requirements of California State law. All local governments must implement solutions to address local and regional housing needs. The Draft Housing Element represents the 5th Cycle Planning Period update and covers the 2015-2023 planning period. The City's Housing Element was last officially updated in December 2019. This 2023 Draft Housing Element Update revises specific adopted programs in the 2019 document related to general plan amendment and rezoning for specified areas of the City, as further described below. Thus, the proposed project evaluated in this EIR includes the adoption of the 2023 Housing Element Update, as well as the general plan amendment and rezoning proposed. The City is also considering adoption of a draft 6th Cycle Housing Element Update for the planning period 2023-2031. This EIR also considers the cumulative impacts of adoption and implementation of the 6th Cycle Housing Element Update. Cumulative analyses are provided for each CEQA checklist topic in their respective sections under **Chapter 3**.

The Draft Housing Element is a policy document rather than a proposal for a specific action. The Draft Housing Element includes an analysis of the City's housing needs; identifies various governmental and non-governmental constraints to meeting those needs; establishes reasonable goals, objectives and

policies based on those needs; and sets forth a comprehensive list of actions to achieve the identified goals and objectives.

Additionally, Section 15146(b) of the CEQA Guidelines states that an EIR on a project such as the adoption or amendment of a local general plan "should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow." The purpose of this Draft EIR is to provide analysis on the effects that can be expected from implementation of the proposed project, including amendment to the general plan and rezoning. As the location and specifics of future construction of residential development facilitated by the proposed project is not known, the EIR will not provide detail on the impacts of specific construction projects that might follow.

The Draft Housing Element has been prepared in accordance with the requirements of California Government Code sections 65580-65589.8 and updates the current Housing Element of the City's General Plan. Upon its adoption, the Housing Element would become part of the City's General Plan.

1.5 CEQA PROCESS

CEQA is a procedural law requiring the evaluation of environmental impacts associated with discretionary actions or approvals and the disclosure of those impacts to the public. The law requires lead agencies to inform and involve the public during the decision-making process. In accordance with CEQA Guidelines Section 15082, the City of Del Rey Oaks circulated a Notice of Preparation (NOP) of an EIR for the proposed project on April 25, 2023, to trustee and responsible agencies, the State Clearinghouse, and the public. The 30-day public review period for the NOP ended on May 26, 2023. The NOP and all comment letters received on the NOP are presented in **Appendix A**.

This Draft EIR is being circulated to responsible public resource agencies, permitting agencies, trustee agencies, the State Clearinghouse, and interested stakeholders. Written comments received in response to the Draft EIR will be addressed in a final document that is anticipated to be a Final EIR.

The City Council is the decision-making body on the proposed project and EIR. If the City Council finds that the Final EIR is "adequate and complete," they may certify the Final EIR in accordance with CEQA. As set forth by CEQA Guidelines Section 15151, the standards of adequacy require an EIR to provide a sufficient degree of analysis to allow decisions to be made regarding the proposed project that take into account the potential environmental consequences.

Upon review and consideration of the Final EIR, the City Council may take action to approve, revise, or reject the proposed project.

A decision to approve the proposed project must be accompanied by written findings in accordance with CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program (MMRP) would also need to be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097. The MMRP will list all mitigation measures that have been incorporated into or imposed upon the proposed project to reduce or avoid significant effects on the environment. The MMRP will be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.[1]

[1] This EIR is subject to Section 21168.6.6 of the Public Resources Code, which provides, among other things, that the lead agency need not consider certain comments filed after the close of the public comment period for the Draft EIR. Any judicial action challenging the certification of the EIR or the approval of the proposed project described in the EIR is subject to the procedures set forth in Section 21168.6.6 of the Public Resources Code.

1.6 DOCUMENTS INCORPORATED BY REFERENCE

Section 15150 of the CEQA Guidelines permits documents pertinent to the analysis and technical documentation to be incorporated by reference in an EIR. Specifically, Section 15150 states that an EIR may "incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public…". Consequently, previous environmental documentation and pertinent technical background documents as identified in this EIR are incorporated by reference. See **Section 2.5** of this EIR for the complete list of documents incorporated by reference.

1.7 NEXT STEPS

This Draft EIR may be used by the City and other agencies as a "first tier" document for later projects as authorized by Section 15183 (projects consistent with a community plan or zoning) of the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000, et seq.). The EIR will be used to address the action of rezoning and may be relied on for use in later projects which are not known at this time. The extent to which the EIR is relied upon will depend upon whether the actions are consistent with the General Plan and whether there are new project-specific impacts requiring additional CEQA review, and whether any further action is required for the project.

This EIR is an informational document for both agency decision-makers and the public. The City is the Lead Agency responsible for certification of this EIR. The State (HCD) has provided comments on the Draft 2019 Housing Element, and the 2023 Housing Element Update for 5th Cycle. The 2023 Housing Element Update is available online at: https://www.delreyoaks.org/sites/default/files/fileattachments/city_clerk/page/2692/dro_5th_cycle_housing_element_update_2023.pdf

The document shows changes from the 2019 Draft Housing Element in strike-out and underlined to provide the reader easy references to changed programs. Additionally, **Appendix B** contains Chapter 7.0 of the 5th Cycle Housing Element Update, with changes to the Program A.1, regarding rezoning provided. After conducting a 60-day review of this Draft and program revisions, HCD did not require additional changes to this document cited above. The City will adopt this Housing Element Update and submit to HCD with evidence of rezoning action completed per the Revised Program A.1. HCD will then review the document and rezoning action for compliance and send a letter to provide its determination.

1.8 ORGANIZATION OF THE DRAFT EIR

This Draft EIR contains the information required by the CEQA Guidelines (PRC Sections 15120-15131) for EIRs, as outlined below.

- **Executive Summary:** Summarizes the contents of the document and includes a table that summarizes the potential impacts from implementation of the proposed project.
- **Chapter 1. Introduction:** Provides an overview of the document and the proposed project, including the project background, a description of the project objectives, and a discussion of CEQA requirements.
- **Chapter 2. Project Description:** Describes the proposed project in detail, including objectives, background, previous environmental documentation, and intended use of the EIR.
- **Chapter 3. Environmental Setting and Environmental Impacts:** Describes the environmental setting, discusses regulatory background, and analyzes the project-level and cumulative

environmental impacts pertinent to each resource area or topic identified in Appendix G of the CEQA Guidelines.

- **Chapter 4. Cumulative Impacts & Other CEQA Requirements:** Includes further discussion of cumulative impacts, as well as growth-inducing impacts, and significant and unavoidable impacts to comply with other requirements of CEQA.
- **Chapter 5. Alternatives:** Describes the requirements for alternatives under CEQA, identifies feasible alternatives to the proposed project, and compares impacts and ability to meet projective objectives for each alternative as compared to the proposed project.
- **Chapter 6. References and List of Prepares:** Lists references cited in the document and identifies agencies and individuals that contributed to the preparation of this document.
- **Appendices:** Includes the NOP and public scoping comments and other relevant documentation.

CHAPTER 2 Project Description

2.1 INTRODUCTION

This section of this EIR provides a description of the proposed project pursuant to requirements of CEQA. This EIR addresses the proposed project, the adoption and implementation of the 2023 Housing Element Update for the 5th Cycle. The following section provides background on the proposed project, as well as approach to the CEQA analysis in this EIR. The regional location of the proposed project is provided in **Figure 2-1**, while the project area is provided in **Figure 2-2**.

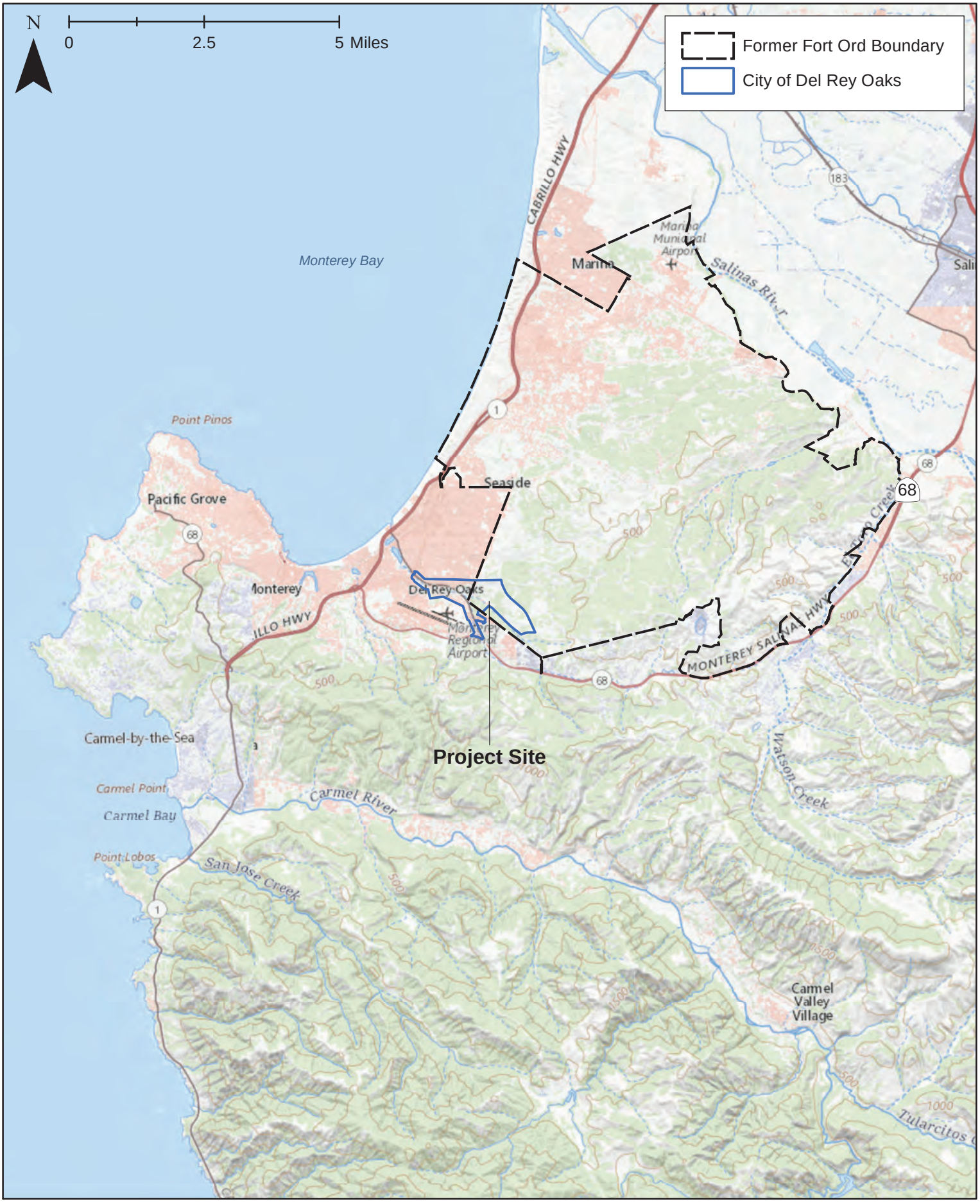
2.2 BACKGROUND

In accordance with State Housing Element law, Housing Elements include existing and projected housing needs by each planning cycle. Additional housing element requirements include review of previous goals and programs, an inventory of suitable sites, identification of housing constraints, development of housing programs to address needs, and quantifiable objectives. The City's existing 5th Cycle Housing Element was approved on December 17, 2019. An updated version of the 5th Cycle Housing Element was prepared in April 2023 and submitted to HCD. The 2023 Housing Element Update amends the 2019 adopted Housing Element; amendments are shown in **Appendix B**.

The California Department of Housing and Community Development (HCD) is the agency responsible for reviewing the housing elements of all cities in California for compliance with State law requirements and ability for each jurisdiction to meet the Regional Housing Needs Allocation (RHNA).

The 2019 Draft Housing Element Update was prepared and circulated for public review in September 2019 along with an Initial Study/Negative Declaration (2019 IS/ND). HCD provided specific direction for changes to the Draft and in November 2019, a Revised Draft Housing Element was published which included the amendments cited by HCD. The amendments revised a program committing the City to amend the General Plan and the Zoning Code to allow residential uses on land identified in the former Fort Ord. HCD also required amending the Zoning Code to provide for emergency shelters by right consistent with State law. On November 25, 2019, the Planning Commission recommended adoption of the Housing Element, including the above revisions recommended by HCD. In December 2019, the City was threatened with a lawsuit, objecting to housing on Sites 1 and 1a citing potential groundwater impacts, State housing law compliance and inadequate CEQA documentation (stating an EIR is required due to the programs calling for future rezoning). The City revised the language of policies related to rezoning on former Fort Ord lands to meet RHNA. The revisions were made in an attempt to avoid facing the delay and expense of a lawsuit. Thus, the December 17, 2019 Housing Element Update adopted by the City Council did not contain programs committing the City to rezoning but did not adopt the Revised Draft Housing Element revisions that would have achieved compliance per HCD.[1]

[1] On December 17, 2019, in an effort to address LandWatch's objections, yet still make the deadline for submitting the Housing Element update to HCD, the City Council adopted the 2019 Housing Element Update. The Council-approved version identified additional sites located outside the former Fort Ord area to meet the housing needs, and also removed the commitment to amend the City's General Plan and Zoning Code to allow for residential uses on Sites 1 and 1A within former Fort Ord. Although the City's actions were an attempt to avoid litigation, LandWatch filed a lawsuit in late December 2019, citing the actions of adopting the Housing Element and certifying the 2019 IS/ND were contrary to law. Later in 2020, the lawsuit was dropped.



Regional Map	Date 4/24/2023	Denise Duffy & Associates, Inc. Planning and Environmental Consulting	Figure 2-1
	Scale 1 in = 10,000 ft		



Location Map

Date
8/7/2023

Scale
N/A

Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure
2-2

In March, 2020, HCD submitted a letter stating the City's adopted 2019 Housing Element Update was not in compliance with state laws and specifying actions to address the non-compliance. HCD requirements included revision of program language to commit to rezoning of Sites 1 and 1a on the former Fort Ord, and completion of the rezoning action to ensure that these sites would be suitable to accommodate future housing consistent with the RHNA. HCD requirements also included City adoption of an emergency shelter ordinance, which the City completed in March 2023.

The City revised the Housing Element after public hearings were conducted related to the updated programs and locations suitable for affordable housing. The Draft 2023 5th Cycle Housing Element Update was submitted to HCD for review in April 2023.

2.2.1 Proposed Project

This EIR addresses the revisions to the 5th Cycle 2023 Draft Housing Element Update. The proposed project identifies changes to the 5th Cycle programs and implementation measures as shown in **Appendix B-1.** In accordance with State Housing Element law, Housing Elements include existing and projected housing needs by each planning cycle. For the 5th Cycle Period, the RHNA identifies an 86-unit RHNA, as shown in **Table 2-1**. Additional housing element requirements include review of previous goals and programs, an inventory of sites suitable for residential development, identification of housing constraints, development of housing programs to address needs, and quantifiable objectives. The proposed project contains each of these elements. The 2023 5th Cycle Housing Element Update was reviewed by HCD for compliance with State law requirements in 2023. HCD requires the rezoning action to be completed by the City as part of the proposed project.

Table 2-1. Regional Housing Need Allocation - 5th Cycle Planning Period and 4th Cycle Carry-Over

Income Category	5th Cycle Allocation 2015 to 2023	4th Cycle Allocation*	Total
Very low-income (31-50% of area of median income)	7	34	41
Low-income (51-80% of area median income)	4	25	29
Moderate-income (81-120% of area median income)	5	-	5
Above moderate (over 120% of area median income)	11	-	11
Total	**27**	**59**	**86**

*Carryover required per HCD for low- and very low-income categories (HCD, 2019).
2007-2014 numbers from 4th Planning Cycle per AMBAG, 2007-2014 RHNA Plan (AMBAG, 2008).
Source: AMBAG RHNA 5th Housing Element Cycle (AMBAG, 2014).

The City is also considering adoption of a draft 6th Cycle Housing Element Update. This EIR also considers the cumulative impacts of adoption and implementation of the 6th Cycle Housing Element Update. Cumulative analyses are provided for each CEQA checklist topic in their respective sections under **Chapter 3, Environmental Setting, Impacts and Mitigation.**

2.3 OBJECTIVES

The primary goal of the proposed project is to update the Housing Element for the City. The proposed project's key objectives are as follows:

- Maintain and improve a range of housing opportunities to address the existing and projected needs of the community;

- Maintain and improve existing neighborhoods and housing;
- Promote the development of housing to meet the needs of all segments of the population; and
- Continue to ensure that all segments of the community have access to safe and decent housing that meets their special needs.

The City has also identified the following key objectives for the Housing Element:

- Adopt 5th Cycle Housing Element Update and complete rezoning actions necessary for an HCD compliant Housing Element in 2023.
- Meet the State required Regional Housing Needs Assessment (RHNA) allocation for the 5th Cycle and 6th Cycle Housing Element Updates by identifying housing sites with a collective capacity to meet the City's combined 5th and 6th Cycle RHNA.

Under California Housing Element law, the housing element must also include an identification of goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing. The Draft Housing Element contains five goal categories the City has identified to address major housing related issues facing the community. The City's adopted Housing Element goals are presented below:

- Goal A: The City Will Provide Adequate Sites to Build New Housing Units for All Income Levels and to Meet the City's Fair Share of Housing Needs;
- Goal B: The City Will Encourage the Provision of a Wide Range of Housing by Location, Type of Unit, and Price to Meet the Existing and Future Housing Needs in the City;
- Goal C: The City Will Work to Remove Governmental and Non-Governmental Constraints to Housing Development;
- Goal D: The City Will Promote Equal Housing Opportunities for All Persons; and,
- Goal E: The City Will Continue to Conserve and Improve the Condition of the Existing Housing Stock to Ensure the Safety, Welfare, and Affordability of Residents.

2.4 PROJECT DESCRIPTION ELEMENTS

The project under consideration is the City of Del Rey Oaks 2023 Draft Housing Element Update. The proposed project includes implementation of the Housing Element Update, which would amend the General Plan and rezone certain properties to provide adequate sites to address regional housing needs. The proposed project amends programs cited in the 2019 document related to general plan amendment and rezoning for former Fort Ord area of the City, as detailed below. Thus, the project evaluated in this EIR includes the adoption of the 2023 Housing Element Update, as well as the general plan amendment and rezoning proposed for implementation through programs of the Housing Element.

2.4.1 Project Components

Each of the project components evaluated in this EIR are described below.

- *Housing Element 2023 Update:* The City must prepare a Housing Element as part of its General Plan under the requirements of California State law. All local governments must implement solutions to address local and regional housing needs. The Draft Housing Element represents the 5th Cycle Planning Period update and covers the 2015-2023 planning period. The City's Housing Element was last officially updated in December 2019.

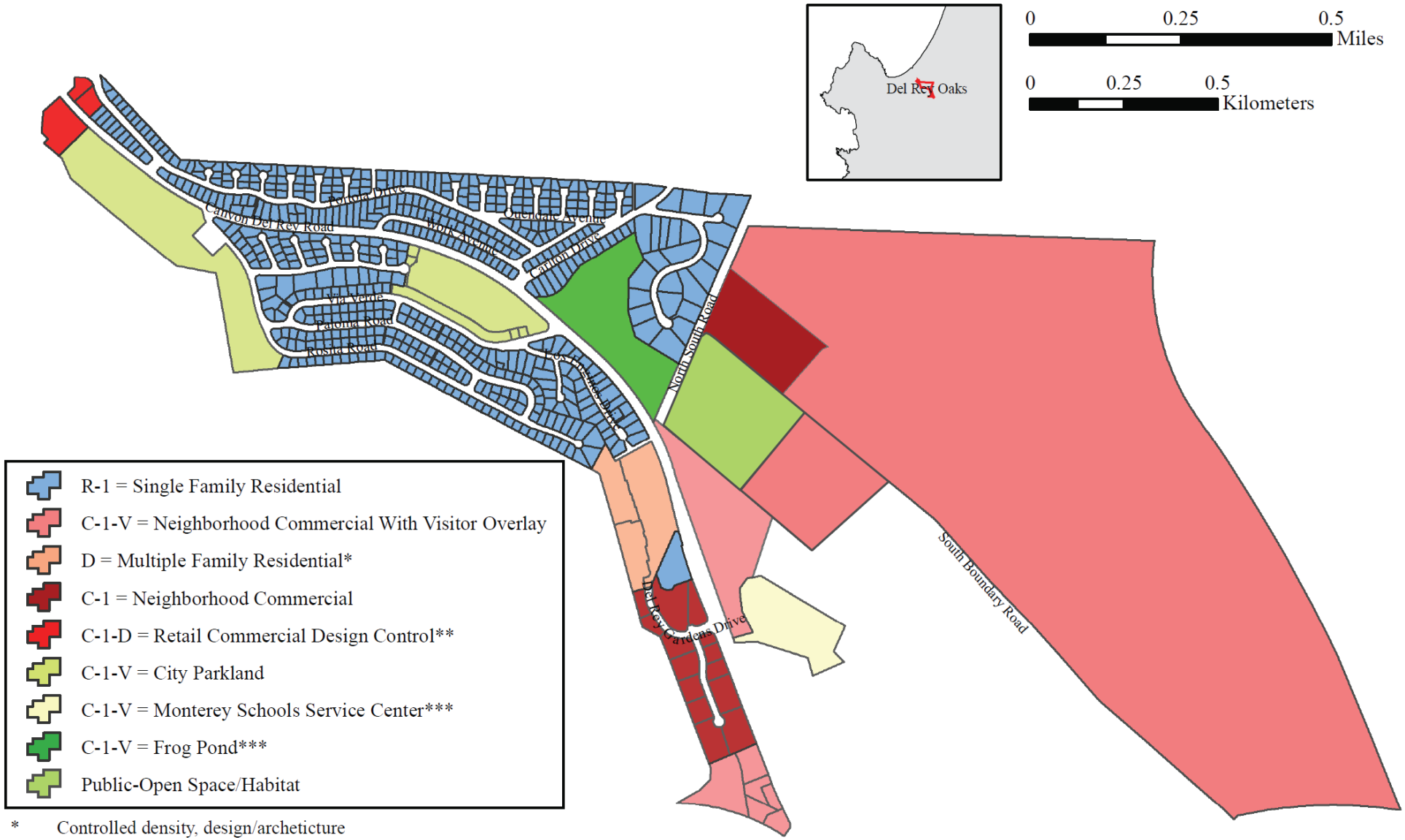
The Draft Housing Element is a policy document rather than a proposal for a specific action. The Draft Housing Element includes an analysis of the City's housing needs; identifies various objectives and policies based on those needs; and sets forth a comprehensive list of actions to achieve the identified goals and objectives.

No specific housing or development projects within the City's current jurisdiction would be constructed as a requirement of the Housing Element or as part of the proposed project. However, the proposed project is required to show that the City has adequate sites adequately zoned and available to accommodate its RHNA. HCD first estimates a statewide need for housing, which is broken down into regions, each of which then has an assigned share of estimated housing needs. 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 need to each jurisdiction in Monterey and Santa Cruz Counties. The RHNA for the Monterey County region is 4,375 housing units for the 2015 to 2023 RHNA cycle.

Table 2-1 identifies the City's RHNA, including quantifiable housing goals of the Draft Housing Element, as determined by HCD.

The RHNA plan allocated 27 units as the fair share for the City to accommodate for the 5th Cycle Planning Period and a total of 59 units carried over from the 4th Cycle Planning Period. Of the 86 total units, 41 units are to be affordable to the very low-income households, 29 units are to be affordable to the low-income households, five units are to be affordable to the moderate-income households and 11 units are to be affordable to the above moderate-income households. The RHNA does not mandate that these units be constructed; it does, however, require that the City demonstrate adequate zoning and available vacant lands exist to meet this projected need.

- *Revised Programs 2023 Update:* The proposed project's quantifiable housing goals, as well as policies and implementation programs that would achieve these goals, are identified in **Appendix B**, which includes the changes to Chapter 7.0 of the Draft Housing Element Programs. There are only minor changes from the 2019 Housing Element Update; these revisions consist of revisions to one program committing the City to amend the General Plan and rezone City-owned properties on Sites 1 and 1a. These revisions are evaluated in this EIR and shown in **Appendix B**. The General Plan and Rezoning Programs included in the proposed project are discussed further below.
- *Revised General Plan and Rezoning Programs from the Housing Element 2023 Update:* The City's Housing Sites Inventory assumes a general plan amendment and rezoning related to Sites 1 and 1a would be required to allow residential development, as Sites 1 and 1a are not currently permitted by the existing general plan designation and zoning districts. The City's Zoning Ordinance (Title 17) provides development standards and regulations and is a guideline for development within the City. The Zoning Ordinance sets development standards, such as height limits, lot coverage and variances, for individual zoning districts consistent with the General Plan, as required by California Government Code section 65860. The City's zoning districts consist primarily of residential and commercial districts (see **Figure 2-3, Zoning Map**).



* Controlled density, design/archeticture

** Portion of C-1-D used for restaurant would need a use permit or rezoning for commercial use. The County allowed restaurant on property was never rezoned.

*** County issued a special permit to the School District and Del Rey Oaks did not rezone when parcel was annexed to City.

**** Monterey County Regional Park, to remain in natural state.

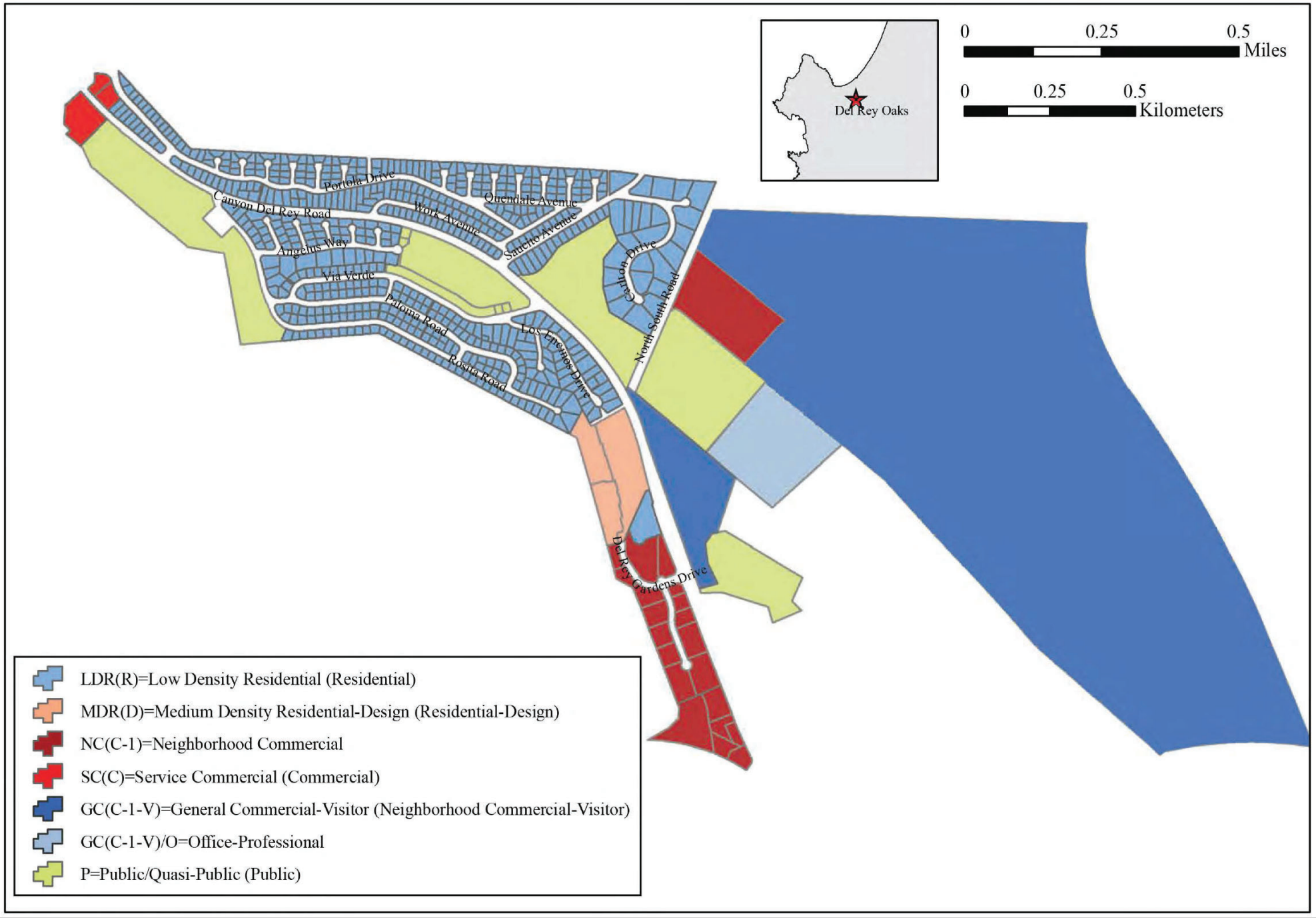
Zoning Map

Date 8/7/2023

Scale N/A

Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure 2-3



Land Use Designation Map

Date
8/7/2023

Scale
N/A

Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure
2-4

Existing land uses in the developed area of the City are consistent with the current zoning and land use designations in the General Plan and contain mainly residential, retail commercial, offices, parklands and recreational uses. Lands in the undeveloped former Fort Ord area are designated in the General Plan for visitor-serving, office, recreational, and open space uses (see **Figure 2-4, Land Use Designation Map**).

Development Planned Under Existing General Plan and Zoning. Under current planning documents, planned development in these areas would result in over 500,000 square feet (sq. ft.) of commercial development, 526 hotel units and a golf course (per FORA Reuse Plan and EIR and the City of Del Rey Oaks General Plan and EIR. See previous planning and environmental documents listed below).

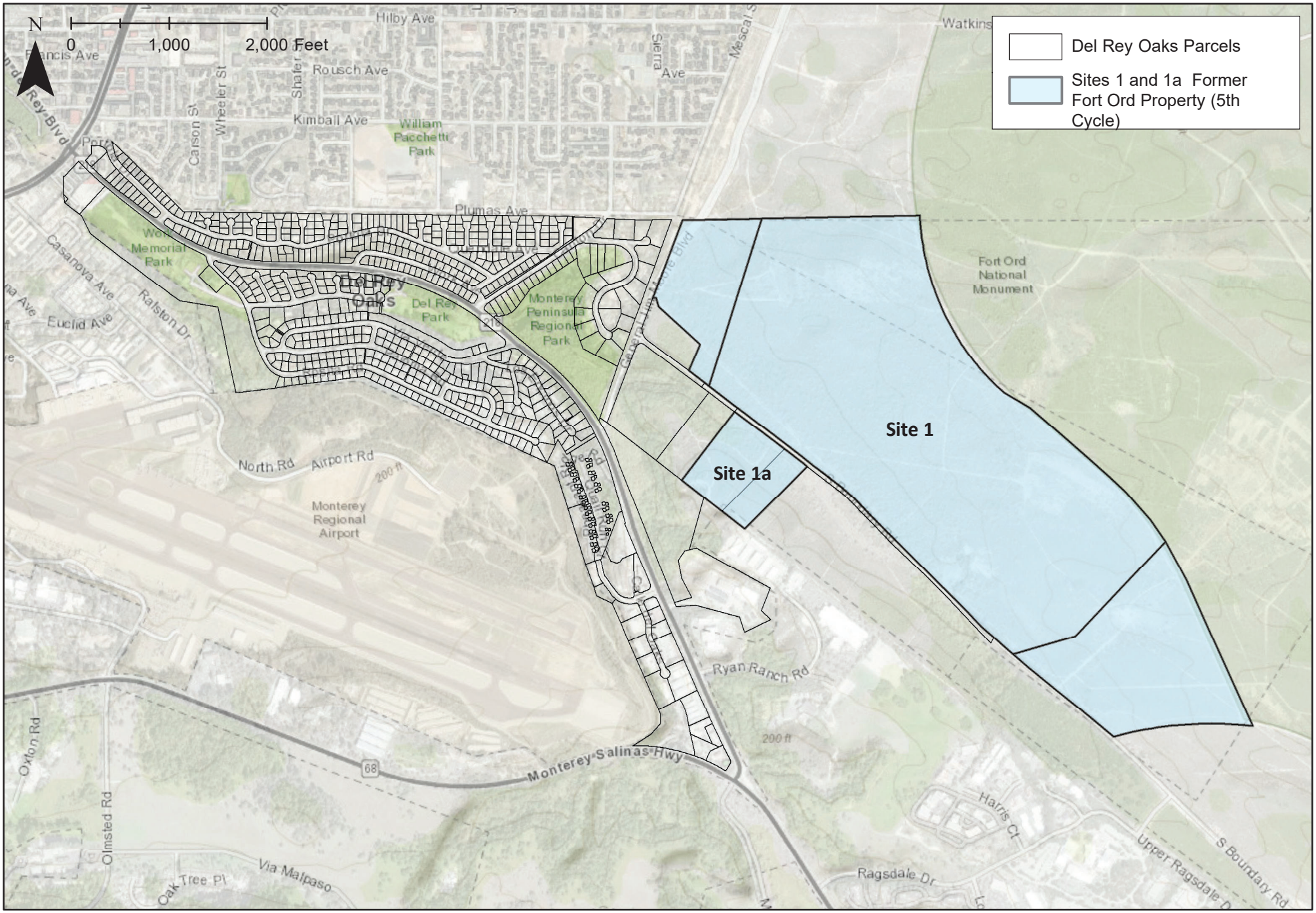
Accordingly, the City will be considering a General Plan Amendment and Rezoning on Sites 1 and 1a in the former Fort Ord to allow affordable residential land uses, consistent with the City's RHNA requirements. Rezoning would allow for affordable residential development consistent with RHNA needed City's housing needs in 5th Cycle (70 very low and low-income units and 16 moderate and above moderate-income units).

- *Site Inventory:* To ensure the provision of adequate land resources necessary to accommodate a jurisdiction's RHNA, the State requires communities to identify adequate land resources throughout their jurisdiction that could be used to accommodate future housing development. These land resources are referred to as a community's Sites Inventory. To demonstrate that the City has sufficient land available to meet the projected need, the City conducted an analysis in 2019 of available lands in the City to accommodate housing for all income categories.[2] This analysis has been updated in the 2023 Housing Element Update.

  The Draft Housing Element's Site Inventory (**Appendix B-2**) 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 Site Inventory also considers the availability of sites to accommodate a variety of housing types suitable for households within a range of income levels and housing needs. The Draft Housing Element Site Inventory concludes that adequate land is available to accommodate the City's total housing needs (70 very low- and low-income units and 16 moderate- and above moderate-income units). The City of Del Rey Oaks' Inventory for the 5th Cycle HEU 2023 identifies fewer sites in comparison to the 2019 Update Sites inventory. Refer to **Figure 2-5** and **Appendix B-2.**[3]

[2] See **Appendix B-2** for mapping from the Land Use Inventory from the 2019 Adopted Housing Element; also see https://www.delreyoaks.org/sites/default/files/fileattachments/community/page/2692/final_dro_he_12-19-19_clean_-_updated.pdf.

[3] During the 2019 site analysis, the HEU identified additional vacant sites with land available to meet RHNA. However, during the 2023 update, the City determined these sites have constraints such as available wetlands, biological concerns, limited land area, water availability, and consistency with local general plans or other planning related issues. Thus, the 2023 Update eliminated these additional sites due to constraints. HCD directed the City to the former Fort Ord area as the most suitable site for future development required to meet the City's RHNA goals for 5th Cycle. Thus, the 5th Cycle Housing Element Site Inventory is focused only on Sites to 1 and 1a for rezoning to meet RHNA.



Updated Available Land Inventory, 5th Cycle Update 2023
City of Del Rel Rey Oaks

Date
3/16/2023

Scale
1 in = 1,000 ft

Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure
2-5

Path: D:\GIS\GIS_Projects\9614\Final Products\Housing Element IS\6th Cycle\Fig 4 - Available Land Inventory.mxd

2.4.2 6th Cycle Housing Element Update

The City is also considering adoption of a draft 6th Cycle Housing Element Update. This EIR also considers the cumulative impacts of adoption and implementation of the 6th Cycle Housing Element Update as a potentially foreseeable project (cumulative) and at a programmatic level. The 6th Cycle Housing Element draft programs are similar to the 5th Cycle with additional programs presented in **Appendix B-2**. The sites inventory for 6th Cycle includes additional areas as candidate sites, as also shown in **Figure 2-6** and **Appendix B-2.**[4] Cumulative analyses are provided for each CEQA checklist topic in their respective sections under **Chapter 3**.

The following table presents the combined 5th and 6th cycle RHNA:

Table 2-2. Combined Del Rey Oaks 5th and 6th Cycle RHNA

Income Category	Allocation by Cycle*		Totals by Income Category
	5th Cycle	6th Cycle	
Very Low (0-50% of AMI)	41	60	101
Low (51-80% of AMI)	29	38	67
Moderate (81-120% of AMI)	5	24	29
Above Moderate (more than 120% of AMI)	11	62	73
Total RHNA	86	184	**270**

The City's 6th Cycle Housing Element Update covers the 2023-2031 planning period. The City's draft is currently under review by HCD, with a required review period of 90-days. The City also provided a 30-day review of a local draft of the Housing Element in May 2023. HCD will provide comments on the Sites Inventory, programs to meet RHNA, and any additional requirements to meet statutory guidelines and state law. As the 6th Cycle Housing Element is a published draft, with the 6th Cycle RHNA established as noted above, this EIR addresses the future adoption of this document and considers the potential cumulative impacts in this EIR.

2.5 PREVIOUS ENVIRONMENTAL DOCUMENTATION

Per Section 15150 of the State CEQA Guidelines, an EIR (or a negative declaration) may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. The previously prepared documents which are either generally related to the proposed project or for projects located in the City were relied upon or consulted in the preparation of this Draft EIR are listed below[5].

- City of Del Rey Oaks, December 2019. *Final Initial Study/Negative Declaration for the Del Rey Oaks Housing Element*[6].
- City of Del Rey Oaks, 1997. *Draft General Plan Update for the City of Del Rey Oaks*.

[4] The City Draft 6th Cycle Housing Element Update can be accessed at the following link: https://www.delreyoaks.org/commdev/page/housing-element

[5] https://www.delreyoaks.org/commdev/page/housing-element

[6] https://www.delreyoaks.org/sites/default/files/fileattachments/community/page/2692/final_dro_housing_element_final_is-nd_2.pdf

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General Jim Moore Blvd

Additional Candidate Site K1 (6th Cycle)

Site 1

Site 1a

South Boundary Road

Canyon Del Rey Blvd

Additional Candidate Site K2 (6th Cycle)

Land Inventory Sites

5th Cycle
Sites 1 and 1a (2023 5th Cycle Update)

6th Cycle -
Sites 1 and 1a from 2023 5th Cycle Update and additional Candidate Sites (K1 and K2)

0 0.1 0.2 mi
0 0.2 0.4 km
N

Fort Ord Boundary
Project Area

5th and 6th Cycle Land Inventory Former Fort Ord Project Area

Denise Duffy and Associates, Inc.
Planning and Environmental Consulting

Date 08-03-2013
Scale 1 in = 0.1 mi
Figure 2-6

Path: C:\GIS\GIS_Projects\9614\Final Products\Housing Element EIR\Project Area Map2.mxd

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- City of Del Rey Oaks, 1997. *Final Environmental Impact Report for the Del Rey Oaks General Plan Update Project*.
- City of Del Rey Oaks, 1997. *Supplemental Information in Response to Additional Public Comments prepared for the Final Revised Draft Environmental Impact Report, City of Del Rey Oaks General Plan Update.*
- Fort Ord Reuse Authority, June 1997. *Fort Ord Reuse Plan*. *Volume 1: Context and Framework.*
- Fort Ord Reuse Authority, June 1997. *Fort Ord Reuse Plan*. *Volume 2: Reuse Plan Elements.*
- Fort Ord Reuse Authority, June 1997. *Fort Ord Reuse Plan*. *Volume 4: Final Environmental Impact Report.*
- City of Del Rey Oaks, 2003. *Initial Study Prepared for the City of Del Rey Oaks, Redevelopment Plan, Del Rey Oaks Fort Ord Redevelopment Project*.

As noted, the City of Del Rey Oaks adopted a 2019 Housing Element Update IS/ND which addresses the impacts of the adoption of the Housing Element as an amendment to the Del Rey Oaks General Plan EIR.

Previous environmental documentation has analyzed development of the former Fort Ord properties in the City of Del Rey Oaks under land use designations for visitor-serving and commercial uses.

Implementation of the proposed project would approve Housing Element to allow affordable housing as an additional land use in the former Fort Ord to meet the RHNA identified above, in an area already planned for development This EIR addresses the programmatic impacts of the approval of a General Plan Update, as well as the indirect impacts of related to implementation of the rezoning action: allowing future development of affordable housing in areas identified for development per the General Plan and Updated Housing Element as described above.

2.6 USE OF THIS EIR

This EIR is intended to provide the information and environmental analysis necessary to assist the City in considering permits and approvals needed to adopt and implement the proposed project.

The following are anticipated actions/approvals concerning the proposed project:

- Certify the EIR with appropriate environmental findings.
- Adopt a Mitigation Monitoring and Reporting Program pursuant to CEQA.
- Adopt the Housing Element Update.
- Amend the General Plan and associated maps to be consistent with the proposed project, including amendments to land use designations pursuant to the Housing Element.
- Amend the Del Rey Oaks Municipal Code text and maps.

Additionally, the California Department of Housing and Community Development (HCD) will review the Housing Element Update prior to adoption. The HCD is a reviewing agency for the Housing Elements but not a responsible agency under CEQA.

There are other agencies that may also review the EIR during the public review period. However, no responsible agencies for the planning actions above are identified.

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CHAPTER 3 Environmental Setting and Environmental Impacts

INTRODUCTION

This chapter characterizes the environmental setting and environmental impacts for the proposed project and provides an analysis of the physical environmental effects of implementation of the proposed project. This chapter describes the environmental setting, assesses impacts, and identifies mitigation measures for significant impacts.

This chapter relies on existing information and analyses primarily from the following documents; additional data sources to support specific resource discussions are cited in the text:

- Final Initial Study and Mitigated Negative Declaration for the Del Rey Oaks Housing Element (Del Rey Oaks, 2019);
- Draft Initial Study and Mitigated Negative Declaration for the City of Del Rey Oaks Housing Element and Amendments to the General Plan, Redevelopment Plan, and Zoning Ordinance (Del Rey Oaks, 2006);
- Final Initial Study Prepared for the City of Del Rey Oaks, Redevelopment Plan, Del Rey Oaks Fort Ord Redevelopment Project (Del Rey Oaks, 2003);
- Draft General Plan Update for the City of Del Rey Oaks (Del Rey Oaks, 1997)
- Final Environmental Impact Report for the Del Rey Oaks General Plan Update Project (Del Rey Oaks, 1997)
- Fort Ord Reuse Plan (Reuse Plan) and Final EIR (FORA, 1997);

The analysis contained in this chapter evaluates the potential physical effects associated with implementation of the proposed project that may directly, indirectly, or cumulatively affect the environment in accordance with State CEQA Guidelines (Section 15064(d)). Project Alternatives are discussed separately in **Chapter 5**. CEQA requires that the direct, indirect, and cumulative effects of proposed actions be assessed and disclosed. For the purposes of this EIR , the term “impacts” is based on CEQA Guidelines 15358, which define three types of impacts:

1. Direct impacts are caused by the action and occur at the same time or place (CEQA Guidelines 15064(d)(1)).
2. Indirect impacts are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect impacts may include growth inducing impacts and other impacts related to induced change in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems (CEQA Guidelines Section 15358(a)(2)). If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect change in the environment (CEQA Guidelines Section 15064(d)(2)).
3. Cumulative impact is an impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking

place over a period of time (CEQA Guidelines Section 15355). Please refer to individual discussion in each of the following **Chapter 3** topical sections and **Chapter 4, Other Statutory Considerations** for the cumulative impact analysis.

Direct and indirect impacts can also vary in duration and result in temporary, short-term, and long-term effects on the physical environment. A temporary impact would occur only during the activity. A short-term impact would last from the time an activity ceases to some intermediate period of approximately one to five years. A long-term or permanent impact would last longer than five years after an activity ceases. Long-term impacts may be the result of ongoing maintenance and operation of a project or may result in a permanent change in the condition of a resource, in which case it could be considered a permanent impact.

Environmental Baseline

The State CEQA Guidelines contain specific requirements related to the identification of the appropriate baseline. CEQA Guidelines Section 15125(a) require that an EIR include a description of "the physical environmental conditions in the vicinity of a project, as they exist at the time...environmental analysis is commenced..." These environmental conditions normally constitute the baseline physical conditions by which the CEQA lead agency determines whether an impact is significant. Generally, the appropriate CEQA baseline is the existing environmental conditions at the time the NOP was published or the time the environmental analysis commenced.

Significance Determinations

The analysis contained in this EIR evaluates the potential environmental consequences associated with the proposed project and alternatives in accordance with the requirements of CEQA. This analysis is limited to evaluating whether the proposed project and alternatives would represent a "significant effect on the environment" under CEQA.

CEQA's objective is to identify significant environmental impacts associated with a project. CEQA defines a *significant impact on the environment* as "a substantial, or potentially substantial, adverse change in the environment" (PRC Div. 13 21068). State CEQA Guidelines Section 15382 describes *adverse change* as an "adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

Significance criteria, or thresholds of significance, are commonly used under CEQA in order to determine the extent and magnitude of potential impacts. A "threshold of significance" is "an identifiable quantitative, qualitative, or performance level of a particular environmental effect, non-compliance with which means the impact would normally be determined to be significant by the agency and compliance with which means the impact will normally be determined to be less than significant" (CEQA Guidelines Section 15064.7). Under CEQA, a lead agency may rely on significance thresholds based on Appendix G of the State CEQA Guidelines or an adopted set of local thresholds, although it is not required (CEQA Guidelines 15064.7).

Each resource section under **Chapter 3** of this EIR identifies the criteria used to assess the potential effects of the proposed project. Significance criteria used in these analyses are based on both CEQA and NEPA standards, including Appendix G of the CEQA Guidelines.

In evaluating the potential impacts of the proposed project, the level of significance is determined by applying the threshold of significance presented for each resource evaluation area. CEQA requires that

identification of the level of significance for each impact be stated in an EIR. Environmental impact categories are established by the CEQA lead agencies to determine whether an impact is considered significant. For the purpose of this EIR and to provide the degree of specificity required under CEQA, the following terminology is used to evaluate the level of significance of impacts discussed in this EIR. These terms are consistent with the generally accepted standards of CEQA compliance practice.

- **No Impact.** No project-related impacts to the environment would occur with development of the proposed project and alternatives. This impact level does not require mitigation measures.
- **Less Than Significant Impact.** The impact would not result in a substantial adverse change in the environment. This impact level does not require mitigation measures.
- **Less Than Significant With Mitigation Incorporated.** An impact that may have a "substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project" (CEQA Guidelines Section 15382). However, the incorporation of mitigation measures that are specified after analysis would reduce the project-related impact to a less-than-significant level.
- **Significant and Unavoidable Impact.** An impact is considered significant and unavoidable if the analysis concludes that there could be a substantial adverse effect on the environment, and no feasible mitigation measures are available to reduce the impact to a less-than-significant level.
- **Beneficial Impact.** An impact is considered beneficial if the analysis concludes that there will be a positive change in the environment.

This EIR uses the term "mitigation" consistent with Section 15126.4(a)(1)(A) of the CEQA Guidelines, which states that an EIR shall "distinguish between measures which are proposed by the project proponents to be included in the project, and other measures proposed by the lead…agency…and not included in the project."

Overview of the Analysis

The information included in this Draft EIR is based on the best available information. The lead agencies, through the scoping process and discussions with agencies and stakeholders, gathered information and performed focused studies to document resource conditions and evaluate the potential impacts of the proposed project.

This Draft EIR analyzes the potential effects of the proposed project on the environment under the applicable environmental resource topics listed in the CEQA Initial Study Checklist in Appendix G of the State CEQA Guidelines. The subsections contained in **Chapter 3** of the Draft EIR include detailed evaluations of the resource topics identified in **Table 3-1; Chapter 4, Other Statutory Considerations** provides a discussion of cumulative impacts.

Each environmental resource section includes a discussion of the environmental setting, applicable regulations pertaining to the resource area, impact assessment, and mitigation measures where applicable. Each section of **Chapter 3** contains the following elements:

Environmental Setting. This subsection presents a description of the existing physical environmental conditions in the vicinity of the proposed project and alternatives with respect to each resource area at an appropriate level of detail to understand the impact analysis.

Table 3-1. Resource Topics/Sections and Abbreviations Key

Resource Topics (Section Number)	Abbreviations
Aesthetics (see **Section 3.1**)	AES
Agricultural Resources (see **Section 3.2**)	AG
Air Quality (see **Section 3.3**)	AQ
Biological Resources (see **Section 3.4**)	BIO
Cultural and Tribal Resources (see **Section 3.5**)	CTR
Energy (see **Section 3.6**)	ENG
Geology and Soils (see **Section 3.7**)	GEO
Greenhouse Gas Emissions (see **Section 3.8**)	GHG
Hazards and Hazardous Materials (see **Section 3.9**)	HAZ
Hydrology and Water Quality (see **Section 3.10**)	HYD
Land Use and Planning (see **Section 3.11**)	LU
Mineral Resources (see **Section 3.12**)	MR
Noise (see **Section 3.13**)	NOI
Population and Housing (see **Section 3.14**)	POP
Public Services and Recreation (see **Section 3.15**)	PS
Transportation (see **Section 3.16**)	TR
Utilities and Service Systems (see **Section 3.17**)	UTL
Wildfire (see **Section 3.18)**	WF

Regulatory Framework. This subsection provides a brief discussion of Federal, State, and local regulations and policies that are applicable to the resource topic and the proposed project and alternatives.

Impacts and Mitigation Measures. This subsection evaluates the potential for the proposed project to affect the physical environment. Significance criteria for evaluation of environmental impacts are defined in the beginning of the impact analysis section, including an explanation of how the significance criteria are used in the evaluation of impacts for the proposed project. This subsection includes a discussion of the approach to the analysis, including identification of any significance criteria that are not applicable to the proposed project. Potential impacts are identified and characterized. Where feasible, mitigation measures are identified to avoid or reduce identified significant impacts to a less-than-significant level.

In **Sections 3.1-3.18**, the level of detail used when describing environmental impacts for each resource topic varies in proportion to their significance, meaning that severe impacts are described in more detail than less consequential impacts, as required by CEQA Guidelines Section 15126.2(a). The purpose is to help decision makers and the public focus on key impacts associated with the proposed project. CEQA requires that an EIR be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make an informed decision. An evaluation of the environmental effects of a proposed project under CEQA need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible (CEQA Guidelines Section 15151). This EIR provides a factual and objective disclosure of the environmental impacts of the proposed project.[1]

The proposed project would involve implementing the 2023 Housing Element Update, including amending the General Plan and Zoning to allow residential uses for affordable housing units to meet the RHNA and State Law. The 2023 5th Cycle Housing Element Update was previously analyzed in the *Final Initial Study and Mitigated Negative Declaration for the Del Rey Oaks Housing Element* (Del Rey Oaks, 2019) and some of the programs have been implemented. These include the adoption of the emergency housing Ordinance and the ADU Ordinance. Therefore, this EIR focuses on implementation from the proposed

[1] As stated previously, environmental impacts associated with the evaluated project alternatives are discussed separately in **Chapter 5, Alternatives** of this EIR.

General Plan Amendment and rezoning in the former Fort Ord which would result in residential uses designated for the former Fort Ord area.

The full buildout of former Fort Ord was assessed in the FORA Reuse Plan EIR, and the City General Plan EIR at a much greater development density and intensity than the proposed project. However, these assessments did not consider residential uses for the area. Previous environmental documentation that did address residential development in the area include the Final Initial Study for the Del Rey Oaks Fort Ord Redevelopment Project and the Draft Initial Study and Mitigated Negative Declaration for the City of Del Rey Oaks Housing Element and Amendments to the General Plan, Redevelopment Plan, and Zoning Ordinance, listed above. These documents are incorporated by reference, as noted previously.

Impacts are evaluated at a program level and where appropriate, indirect impacts that can be anticipated are assessed at a deeper level, when information is available for the former Fort Ord area. The future indirect impacts cannot be fully assessed at this time as there is not sufficient project-level detail available to enable an analysis of project-specific development due to the programmatic nature of the proposed project. Additional environmental review under CEQA for future development proposed would be undertaken, as appropriate, for future residential development facilitated by the proposed project, as specific projects are proposed.

As discussed previously in **Chapter 2, Project Information and Description** the City is also considering adoption of a draft 6th Cycle Housing Element Update. This EIR also considers the cumulative impacts of adoption and implementation of the 6th Cycle Housing Element Update as a potentially foreseeable project (cumulative) and at a programmatic level. Cumulative analyses are provided for each CEQA checklist topic in their respective sections under **Chapter 3**.

Environmental impacts are evaluated to the extent possible and at an appropriate level of detail given the programmatic nature of the projects and lack of project information available related to future development of affordable housing. CEQA Guidelines Section 15146 states that the degree of specificity required in an EIR will correspond with the degree of specificity involved in the underlying activity which is described in the EIR. For the 2023 5th Cycle Housing Element Update and 6th Cycle Update (2023-2031), compliance with the adopted development standards and regulatory requirements under the City's General Plan and state and federal regulations are applied. Additionally, appropriate programmatic mitigation measures have been developed that provide for mitigation to reduce the impacts to a less-than-significant level.

The analysis for each resource area includes discussions of the existing environmental setting, applicable significance criteria, and potential environmental impacts.

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3.1 AESTHETICS

3.1.1 Introduction

This section evaluates the existing visual quality of the project area and potential changes to the visual and aesthetic environment that would result from implementation of the proposed project. The visual analysis is based on field surveys conducted by DD&A, and review of aerial photographs of the project area and surroundings. No comments were received during the public scoping period concerning aesthetics. Refer to **Appendix A**, **NOP and Public Comment Letters**.

3.1.2 Environmental Setting

Regional Overview

The proposed project is located within the City of Del Rey Oaks in Monterey County. Monterey County is aesthetically rich and visually diverse and includes several visual features including coastal views, agricultural fields, natural ridgelines, and oak woodlands which are widely recognized and highly regarded for their aesthetic quality. Highway 68 is a State designated scenic highway and runs adjacent to the City limits at the southeast portion of the City adjacent to commercial and retail land uses[1]. The City is situated adjacent to the Pacific Ocean along the Monterey Peninsula. The surrounding hillsides provide a backdrop for the city and offer scenic views of Monterey Bay and the peninsula.

Concepts and Terminology

Visual or aesthetic resources are generally defined as both the natural and built features of the landscape that contribute to the public's experience and appreciation of the environment. Depending on the extent to which a project's presence would alter the visual character and quality of the environment, a visual or aesthetic impact may occur. Visual quality, visual character, affected viewers and visual sensitivity are the terms used throughout the analysis, and are defined below.

Visual Quality

Visual quality is defined as the overall visual impression or attractiveness of a site or locale as determined by its aesthetic qualities (such as color, variety, vividness, coherence, uniqueness, harmony, and pattern). Natural and built features combine to form perspectives with varying degrees of visual quality, which are rated in this analysis as low, moderate, and high, as follows:

- **Low.** The location is lacking in natural or cultural visual resource amenities typical of the region. A site with low visual quality will have aesthetic elements that are relatively unappealing and perceptibly uncharacteristic of the surrounding area.
- **Moderate.** The location is typical or characteristic of the region's natural or cultural visual amenities. A site with moderate visual quality maintains the visual character of the surrounding area, with aesthetic elements that do not stand out as either contributing to, or detracting from, the visual character of an area.
- **High.** The location has visual resources that are unique or exemplary of the region's natural or cultural scenic amenities. A site with high visual quality is likely to stand out as particularly appealing and makes a notable positive contribution to the visual character of an area.

[1] Also referred to as State Route (SR) 68 in regional planning documents. For the purpose of this analysis, the use of State Route and Highway are interchangeable.

Visual Character

Visual character is a general description of the visual attributes of a particular land use setting and the unique set of landscape features. The purpose of defining the visual character of an area is to provide the context within which the visual quality of a particular site or locale is most likely to be perceived by the viewing public. For natural and open space settings, visual character is most commonly described in terms of areas with common landscape attributes (such as landform, vegetation, or water features).

Visual Sensitivity

Visual sensitivity is the overall measure of a site's susceptibility to adverse visual changes. Visual sensitivity is rated as high, moderate, or low and is determined based on the combined factors of visibility, visual quality, viewer types and volumes, and visual exposure to the project area as described above. A setting's overall visual sensitivity is the measure of its susceptibility to significant visual impacts as a result of project-caused visual change.

Site Characteristics

Scenic Resources

The California Scenic Highway Program is part of the California Department of Transportation (Caltrans) and was established to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. There are no locally designated scenic roads in the project area. The two closest routes designated as scenic highways by the California Department of Transportation (Caltrans, 2023), or deemed eligible for such designation, include Highway 1 and Highway 68 as described below:[2]

- Highway 1. The portion of Highway 1, one mile west of the project area (starting west of the Highway 68 and Highway 1 interchange) is designated as a Caltrans Eligible Scenic Highway.
- Highway 68. The portion of Highway 68 located south of the project area is a Caltrans Officially Designated Scenic Highway.

Visual Character and Quality

The existing *visual character* of the City is comprised of distant mountain ranges, undeveloped land, and residential and commercial development. The City is one of six cities on the Monterey Peninsula. The City is generally bounded by the City of Seaside on the north, the Monterey Peninsula Airport on the west, the City of Monterey on the southeast and the former Fort Ord Military Reservation on the east. The City lies nestled in Canyon Del Rey in a wooded setting. Highway 218 (Canyon Del Rey) runs through the City and intersects Highway 1 to the northwest and Highway 68 to the south.

Overall, the undeveloped lands on the former Fort Ord exhibit moderate to high visual quality; however, the area is not located within a designated scenic vista or scenic corridor as defined by local and regional plans. The project area and vicinity contain aesthetic elements that are notably appealing, particularly the undeveloped areas of former Fort Ord. The *visual quality* of the City overall is considered moderate, and moderate to high for the areas within the former Fort Ord.

The overall *visual sensitivity* of this area is considered moderate because of the variable conditions of the area, characterized by both natural and developed visual setting (e.g., adjacent residential and commercial area) and existing topography limiting views.

[2] Caltrans, 2023, California State Scenic Highway Map, GIS Viewer. Available at: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa

Light and Glare

Major sources of light in City include street lighting along major streets and highways and nighttime lighting of residences, commercial buildings, and governmental buildings along Canyon Del Rey Boulevard. Typically, lighting from residences is screened by topography, trees or other structures along Canyon Del Rey Boulevard within the City. Sources of existing nighttime light are limited in the area of former Fort Ord, as the land is vacant. Other than street lighting in this area, nighttime lighting is associated with residential development along General Jim Moore Boulevard within the City and in neighboring Seaside residential areas.

3.1.3 Regulatory Framework

Federal

National Scenic Byways Program

The closest "All American Road" under the Federal Highway Administration's National Scenic Byways Program to the City is Highway 1 from Carmel south to Big Sur (and beyond). All roads nationally designated are considered part of America's Byways collection and must possess at least one of these six intrinsic qualities: historic, cultural, natural, scenic, recreational, and/or archaeological. To receive an All-American Road designation, a road must possess multiple intrinsic qualities that are nationally significant and contain one-of-a-kind features that do not exist elsewhere. The road must also be considered a "destination unto itself," and must provide an exceptional travel experience.

State

California State Scenic Highway Program

The California State Scenic Highway program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. The program includes a list of highways that are either designated or eligible for designation as a Scenic Highway. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. SR 68 is a State designated scenic highway and runs adjacent to the City limits at the southern portion of the City adjacent to commercial and retail land uses.

Senate Bill 743

Senate Bill 743 (California Public Resources Code Section 21099) passed in 2013, made changes to the CEQA for projects located in transit-oriented development areas. Among these changes are that a project's aesthetics impacts are no longer considered significant impacts on the environment if the project is a residential, mixed-use residential, or employment center project and if the project is located on an infill site within a transit priority area (TPA). Pursuant to Section 21099 of the California Public Resources Code, a "transit priority area" is defined as an area within 0.5 mile of an existing or planned major transit stop. A "major transit stop" is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Local

City of Del Rey Oaks General Plan

The City of Del Rey Oaks General Plan Goals 1 and 3 promote consideration of viewshed in future development and ensure future development will: 1) Enhance the beauty, health, safety, and quality of life for residents of the City of Del Rey Oaks and 2) Create and maintain pleasant City entrances and scenic views from Canyon Del Rey Boulevard. General Plan Policies L-8, L-11 and L-12 state:

Policy L-8 *New development along Canyon Del Rey should be reviewed from the standpoint of the "view from the road," in addition to normal site plan review criteria. Buildings should be modulated for interest and softened by trees and landscaping.*

Policy L-11 *Commercially zoned areas shall include standards for: visual appearance, landscaping, screening of storage and trash, building bulk, height, exterior treatment, and relationship to Canyon Del Rey and Highway 68.*

Policy L-12 *New and/or remodeled and expanded residential structures shall be visually attractive and compatible with the existing residential neighborhoods and their appearance.*

3.1.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. have a substantial adverse effect on a scenic vista;

b. substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view from a State Scenic Highway;

c. in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or

d. create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Impact Analysis Overview

Approach to Analysis

The following impact analysis addresses potential impacts on scenic resources, scenic vistas, and the visual character of the project area and surroundings. The Housing Element updates programs to facilitate affordable housing and does not in itself result in construction or development. Thus, there is no direct physical impact from the adoption of the Housing Element Update and approval of the General Plan amendment and rezoning. The City and HCD have determined that rezoning is needed to meet the RHNA requirements. Therefore, implementation of the proposed project would result in a rezoning that would allow residential uses on lands identified in Program A.1, in the former Fort Ord area of the City. This area is currently planned for commercial and visitor-serving uses. Implementation of the 5th Cycle Housing Element would result RHNA in 86 affordable housing units (the 6th Cycle Draft Housing Element RHNA per AMBAG is 184 units for 2023-2031 cycle).

This analysis addresses the indirect impacts of future residential uses at the former Fort Ord sites identified in the Housing Element to meet RHNA, focusing on the candidate sites presented in **Figures 2-** and **2-6** and **Appendix B-2**. As the specific area, location and design of the future residential units are not known, impacts and mitigation to address potential future residential development are general in nature.

As noted previously, development is already planned for the former Fort Ord area, predominantly commercial and visitor-serving uses, per the adopted Reuse Plan and City General Plan at density and intensity, as described in **Chapter 1**. Additionally, the adopted City Redevelopment Plan identified 200 residential units as part of redevelopment of the former Fort Ord in the City. Visual impacts from project implementation are assessed based on the proposed project's potential to have a substantial adverse effect on scenic vistas, substantially damage scenic resources, substantially degrade the existing visual character, or quality of the site and its surroundings.

Impacts and Mitigation Measures

Impact AES-1: Have a substantial adverse effect on a scenic vista. (Criterion a)

For the purposes of this analysis, a scenic vista is a view from a public place (roadway, designated scenic viewing spot, etc.) that is expansive and considered important by a jurisdiction or a community. It typically would have a vantage point from the top of a hill, or it can be seen from a roadway with a longer-range view of the landscape. An adverse effect would occur if a project would alter, block, or otherwise damage a scenic vista upon implementation.

The proposed project would not have a direct adverse effect on a scenic vista as there is no physical development associated with the proposed project. The proposed project identifies potential sites for development and establishes policies and programs to meet the RHNA. The proposed project, however, does not specifically identify the location or type of the projected housing units. While, implementation of the proposed project would allow residential uses on the former Fort Ord properties, future project specific details would determine whether the introduction of new residential uses on previously undeveloped parcels, and the development of secondary housing units on properties already developed with housing, could result in potential changes to scenic vistas.

Additionally, the redevelopment of former Fort Ord was designated for development of commercial/hotel development consistent with the Fort Ord Reuse Plan and City General Plan, at intensities and development areas as described in **Chapter 2, Project Information and Description**. The additional assignment of residential use in this area would not result in any increase in development intensity based upon the proposed development of 86 residential affordable units in 5th Cycle and 184 affordable units under the 6th Cycle RHNA. The City's Conservation and Open Space Element of the General Plan identifies a number of policies to protect and enhance visual resources. Any potential future development would be required to be consistent with the City's General Plan applicable policies to protect visual resources. Future development will be subject to review under City guidelines and policies to protect scenic vistas and design review requirements, so that impacts from future development within the former Fort Ord area to meet RHNA would not create a substantial adverse effect on a scenic vista. This impact is considered less than significant.

Impact AES-2: Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. (Criterion b)

There are no known scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway that would be impacted by the future development of housing under the proposed project. The City's Conservation and Open Space Element of the General Plan

identifies a number of policies to protect and enhance visual resources. As stated above, the nearest State Scenic Highway is Highway 68 which is located along the southern boundary of project area, at the intersection of Highway 68 and Highway 218. From this vantage point, and along Highway 68, the project area of former Fort Ord does not appear to be visible from this designated State Scenic Highway. Since the former Fort Ord area is planned for major development of commercial and visitor-serving uses, allowing residential uses within this area under the proposed project would not result in a significant impact. There are no historic building or scenic resources on the former Fort Ord site. Any potential future development would be required to be consistent with the City's General Plan applicable policies to protect visual resources. This represents a less than significant impact.

Impact AES-3: In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.(Criterion c)

Future project specific details would determine whether the introduction of new residential uses on previously undeveloped parcels, and the development of secondary housing units on properties already developed with housing. Future development of housing to meet RHNA could result in potential changes to visual character of surrounding areas, depending on the location, design, overall density, and landscaping at the construction sites. The location of future development is not known, however, based on the updated Housing Element, implementation of the 5th Cycle amendments and zoning ordinance revision would allow less residential development on the former Fort Ord than envisioned in the Redevelopment Plan, which assumed 200 residential units. The RHNA numbers include 86 residential units under 5th Cycle, which is less than those planned under the Redevelopment Plan. However, there is a greater overall number of future residential units when combining the 6th Cycle (184 units in the 6th Cycle, combined with the 86 units in 5th Cycle, for 270 combined RHNA affordable units) for Sites 1 and 1a. These amendments will allow development of a different land use than approved in the existing City General Plan, however, it would be at a reduced development intensity than the commercial, and visitor-serving development originally planned for the portion of the project area within former Fort Ord.

Potential impacts would be addressed by design guidelines, regulations, policies, and project-specific measures, thereby limiting impacts on existing visual resources and the visual quality of areas where development would occur. Additionally, future development will be subject to review under City guidelines to protect scenic views that may be impacted by future development within the City and the revisions to development planning. Overall, the proposed project would involve rezoning, but future development under the program would not conflict with applicable zoning provisions regulating scenic quality such as general plan policies, as well as applicable design standards in effect at that time.

Impact AES-4: Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. (Criterion d)

There is no direct impact from future construction or development (or a physical impact) from the adoption of the Housing Element Update, General Plan amendment or from rezoning. However, implementation of the programs would result in rezoning to allow residential development, specifically to provide affordable housing to meet RHNA. The RHNA for 5th Cycle is provision of 86 residential units and 184 units for 6th Cycle. Indirect impacts of future residential development facilitated by the proposed project at the portion of the project area within former Fort Ord would be within an area planned for future development, as presented in **Figures 2-5** and **2-6** and **Appendix B-2**.

Nighttime illumination and glare impacts are the effects of a project's exterior lighting upon adjoining uses and areas. Light and glare impacts are determined through a comparison of the existing light sources with the proposed lighting plan or policies. Future development facilitated by the proposed project could result in an incremental increase in new residential development, however, which would increase the amount of daytime glare or nighttime lighting in the planning area from existing conditions. Additionally, development is planned for the former Fort Ord area as described in **Chapter 1, Introduction**. These amendments will allow development of a different land use than envisioned in the existing City development area, however, it would at less development intensity that the commercial, and visitor-serving development planned under the existing City General Plan for the portion of the project area within former Fort Ord. Implementation of the proposed project would result in a less than significant impact related to creating new sources of substantial light or glare.

The specific area, location and design of the future residential units are not known. Future project specific details would determine whether the introduction of new residential uses on the vacant parcels within the former Fort Ord could result in potential substantial new source of light or glare would adversely affect day or nighttime views in the area.

3.1.5 Cumulative Impacts

This section evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to aesthetics. Significant impacts, including those associated with scenic resources, visual character, and increased light and glare would generally be site-specific and would not contribute to cumulative impacts after implementation of the General Plan policies and the provisions stated in the Del Rey Oaks Municipal Code.

While future sites for housing sites are located in land currently vacant, they are zoned for development for commercial, hotel and urban uses, and were evaluated as developable areas in the City General Plan EIR, FORA Reuse Plan EIR and the Redevelopment Plan ISMND. There is no new significant effect, and the impact is not more severe than the impact identified in the General Plan EIR. Therefore, the proposed project would not result in a new or greater contribution to cumulative effects to visual resources beyond what was identified in the General Plan EIR.

Development in the City and former Fort Ord facilitated by the proposed project in conjunction with buildout under the City General Plan could result in impacts to visual resources and aesthetic quality. Implementation of the proposed project would encourage increased housing development, mainly in areas already proposed for significant development with other land uses. Future projects in the City and the former Fort Ord area would undergo analysis for impacts to aesthetics and visual resources. Potential impacts could be addressed by design guidelines, regulations, policies, and project-specific measures, thereby limiting impacts on existing visual resources where development occurs.

Cumulative development would introduce new light and glare sources in the vicinity of the proposed project, but each jurisdiction's development projects are required to comply with local plans, policies, and regulations that minimize the effects of light and glare on surrounding properties. Compliance with these existing requirements would minimize the light and glare impacts of individual projects, and the cumulative impact of increased light and glare would not be significant.

The proposed project would not have a significant adverse impact on the aesthetics resources of the project area and its surroundings, with implementation of the standards and guidelines of local and regional planning documents and regulations. The application of existing design guidelines and standards would ensure aesthetic impacts of cumulative development are less than significant. Consequently,

development facilitated by the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact associated with aesthetics and visual resources, including conflict with requirements for preserving scenic vistas, scenic resources in State- or locally designated highways or drives, visual quality, and for limiting the effects of light and glare. Therefore, implementation of the proposed project would not result in a cumulatively considerable contribution to impact on aesthetics.

3.2 AGRICULTURAL RESOURCES

3.2.1 Introduction

This section assesses the potential impacts to agriculture and forestry resources within the project area and potential impacts that could result from implementation of the proposed project. No comments concerning agricultural resources were received during the public scoping period for this EIR. Refer to **Appendix A**, **NOP and Public Comment Letters**.

3.2.2 Environmental Setting

Regional Overview

In California, agricultural land is given consideration under CEQA. According to Public Resources Code section 21060.1, "agricultural land" is identified as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland as defined by the U.S. Department of Agriculture land inventory and monitoring criteria. CEQA also requires consideration of lands that are under Williamson Act contract. The California Department of Conservation, under the Farmland Mapping and Monitoring Program (FMMP), produces maps and statistical data that are used for analyzing impacts on California's agricultural resources.

3.2.3 Regulatory Framework

City of Del Rey Oaks General Plan

According to the City of Del Rey Oaks General Plan Land Use Element, there are no lands identified for agricultural purposes in the General Plan. Therefore, there are no General Plan policies related to agricultural resources.

3.2.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, in determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use,

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract,

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)),

d. Result in the loss of forest land or conversion of forest land to non-forest use,

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Impacts and Mitigation Measures

Impact AG-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. (Criterion a)

Impact AG-2: Conflict with existing zoning for agricultural use, or a Williamson Act contract. (Criterion b)

The City is not designated as prime agricultural land, is not under Williamson Act Contract, and is not zoned for agricultural use. There are no existing agricultural resources, uses, or operations within the City or within the areas surrounding the City property. There is no agricultural land within or near any areas within the City. Implementation of the proposed project would not result in direct impacts to Important Farmlands (Prime, Unique, Statewide or Local Important Farmlands), or lands under Williamson Act Contract as the City does not contain any land under these designations. Lands within the City are designated as "Other Land" or "Urban and Built-Up Land" on the FMMP. Thus, the proposed project would have no impact on agricultural resources.

Impact AG-3: Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). (Criterion c)

Impact AG-4: Result in the loss of forest land or conversion of forest land to non-forest use. (Criterion d)

Impact AG-5: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. (Criterion e)

Implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) as the City does not contain any of these designations, nor would it result in the loss of forest land or conversion of forest land to non-forest uses. No impact would occur.

3.2.5 Cumulative Impacts

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to agricultural and forest resources. This analysis then considers whether or not the incremental contribution of the impacts

associated with the implementation of the proposed project would be significant. Both conditions must apply in order for a project's cumulative effects to rise to the level of significance.

The proposed project would not impact agricultural and forest resources. Therefore, the proposed project's incremental contribution to any cumulative impacts to these resources would not be cumulatively considerable.

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3.3 AIR QUALITY

3.3.1 Introduction

This section describes the existing environmental baseline for air quality relevant to the proposed project, including a description of regional topography and climate, and evaluates the potential effects to air quality as a result of implementation of the proposed project. This section also outlines applicable Federal, State, and local air quality regulatory requirements, local and regional air quality pollutants, existing conditions, ambient air quality standards (AAQS), and sensitive receptors. No comments concerning air quality were received during the NOP public scoping period. Refer to **Appendix A**, **NOP and Public Comment Letters**.

3.3.2 Environmental Setting

Regional Overview

The proposed project is located within the North Central Coast Air Basin (NCCAB), one of 14 statewide basins designated by the California Air Resources Board (CARB). The NCCAB covers an area of 5,159 square miles along the central California coast. The NCCAB is comprised of Monterey, Santa Cruz, and San Benito Counties. The NCCAB is under the jurisdiction of the Monterey Bay Air Resources District (MBARD), formerly the Monterey Bay Unified Air Pollution Control District (MBUAPCD). MBARD is responsible for producing an Air Quality Management Plan (AQMP) that reports air quality and regulates stationary air pollution sources throughout the NCCAB.

MBARD is also responsible for measuring the concentration of pollutants and comparing those concentrations against Ambient Air Quality Standards (AAQS). Additionally, MBARD monitors criteria pollutants to determine whether they are in attainment or not in attainment. MBARD is responsible for local control and monitoring of criteria air pollutants throughout the NCCAB. Air quality is affected by topography, meteorology, and climate.

Topography

The NCCAB is generally bounded by the Diablo Range to the northeast, which together with the southern portion of the Santa Cruz Mountains forms the Santa Clara Valley which extends into the northeastern tip of the NCCAB. Further south, the Santa Clara Valley transitions into the San Benito Valley, which runs northwest-southeast and has the Gabilan Range as its western boundary. To the west of the Gabilan Range is the Salinas Valley that extends from Salinas to King City at the southeast end. The northwest portion of the NCCAB is dominated by the Santa Cruz Mountains.

Meteorology and Climate

The climate of the NCCAB is dominated by a semi-permanent high-pressure cell over the Pacific Ocean. In the summer, the dominant high pressure cell results in persistent west and northwest winds across the majority of coastal California. As air descends in the Pacific high-pressure cell, a stable temperature inversion is formed. As temperatures increase, the warmer air aloft expands, forcing the coastal layer of air to move onshore producing a moderate sea breeze over the coastal plains and valleys. Temperature inversions inhibit vertical air movement and often result in increased transport of air pollutants to inland receptor areas. In the winter, when the high-pressure cell is weakest and furthest south, the inversion associated with the Pacific high-pressure cell is typically absent in the NCCAB. The predominant offshore flow during this time of year tends to aid in pollutant dispersal producing relatively healthful to moderate air quality throughout the majority of the region. Conditions during this time are often characterized by

afternoon and evening land breezes and occasional rainstorms. However, local inversions caused by the cooling of air close to the ground can form in some areas during the evening and early morning hours.

Project Area Setting

The project area is located at the southern boundary of the former Fort Ord Army Base, about three miles southeast of Monterey Bay. Winds from the west-northwest are most common in Del Rey Oaks and Monterey. In general, wind flow is aligned to the coastline, as air is typically drawn southeastward into the Salinas Valley. In the winter, winds tend to flow down the Salinas Valley from the southeast toward Monterey Bay. In the spring, winds tend to blow from the west (onshore) averaging about 6.7 mph. In the summer, winds are primarily westerly northwesterly, averaging about 6.5 mph. In the fall, winds flow from the southeast during the night, and switch to the west and northwest by late morning, and average about 4.6 mph. However, winds are variable throughout much of late fall and winter. The lightest winds are in fall and winter. Rainfall in the area averages about 19.7 inches per year, with almost all substantial precipitation occurring between November and April. Temperatures are mild due to the strong marine influence, with little winter frost, and summer maximum rarely exceeding degrees Fahrenheit (deg F) 85 F. Mean maximum daily temperatures range from 60 deg F in the winter to 67 deg F in summer and 72 deg F in early fall. Minimum temperatures range from the low to mid 40's deg F in winter to the low 50's deg F in summer.

Criteria Air Pollutants

For the protection of public health and welfare, the Federal Clean Air Act (FCAA) required that the U.S. Environmental Protection Agency (U.S. EPA) establish National Ambient Air Quality Standards (NAAQS) for various pollutants. These pollutants are referred to as "criteria" pollutants because the U.S. EPA publishes criteria documents to justify the choice of standards. These standards define the maximum amount of an air pollutant that can be present in ambient air. An ambient air quality standard is generally specified as a concentration of an air pollutant averaged over a specific time period, such as one hour, eight hours, 24 hours, or one year. The different averaging times and concentrations are meant to protect against different exposure effects. Standards established for the protection of human health are referred to as primary standards; whereas, standards established for the prevention of environmental and property damage are called secondary standards. The FCAA allows states to adopt additional health-protective standards.

3.3.3 Regulatory Framework

Federal

U.S. Environmental Protection Agency

At the federal level, the U.S. EPA has been charged with implementing national air quality programs. The U.S. EPA's air quality mandates are drawn primarily from the FCAA, which was signed into law in 1970. Congress substantially amended the FCAA in 1977 and again in 1990.

Federal Clean Air Act

The FCAA required the U.S. EPA to establish NAAQS, and also set deadlines for their attainment. NAAQS are summarized in **Table 3.3-1**.

Table 3.3-1 Summary of Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards*	National Standards* (Primary)
Ozone (O_3)	1-hour	0.09 ppm	–
	8-hour	0.070 ppm	0.070 ppm
Particulate Matter (PM_{10})	AAM	20 µg/m^3	–
	24-hour	50 µg/m^3	150 µg/m^3
Fine Particulate Matter ($PM_{2.5}$)	AAM	12 µg/m^3	12 µg/m^3
	24-hour	No Standard	35 µg/m^3
Carbon Monoxide (CO)	1-hour	20 ppm	35 ppm
	8-hour	9 ppm	9 ppm
	8-hour (Lake Tahoe)	6 ppm	–
Nitrogen Dioxide (NO_2)	AAM	0.030 ppm	0.053 ppm
	1-hour	0.18 ppm	0.100 ppb
Sulfur Dioxide (SO_2)	AAM	–	0.03 ppm
	24-hour	0.04 ppm	0.14 ppm
	3-hour	–	0.5 ppm (1300 µg/m^3)**
	1-hour	0.25 ppm	75 ppb
Lead	30-day Average	1.5 µg/m^3	–
	Calendar Quarter	–	1.5 µg/m^3
	Rolling 3-Month Average	–	0.15 µg/m^3
Sulfates	24-hour	25 µg/m^3	No Federal Standards
Hydrogen Sulfide	1-hour	0.03 ppm (42 µg/m^3)	
Vinyl Chloride	24-hour	0.01 ppm (26 µg/m^3)	
Visibility-Reducing Particle Matter	8-hour	Extinction coefficient: 0.23/kilometer-visibility of 10 miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when the relative humidity is less than 70 percent.	

ppm=parts per million; ppb=parts per billion; AAM=Annual Arithmetic Mean; µg/m^3=micrograms per cubic meter
** For more information on standards visit: https://ww3.arb.ca.gov/research/aaqs/aaqs2.pdf*
***Secondary Standard*
Source: ARB 2016

Two types of NAAQS have been established: primary standards, which protect public health, and secondary standards, which protect public welfare from non-health-related adverse effects, such as visibility restrictions. The FCAA also required each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The FCAA Amendments of 1990 added requirements for states with

nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution.

State

California Air Resources Board

CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA) of 1988. Other CARB duties include monitoring air quality (in conjunction with air monitoring networks maintained by air pollution control districts and air quality management districts, establishing CAAQS, which in many cases are more stringent than the NAAQS, and setting emissions standards for new motor vehicles. The emission standards established for motor vehicles differ depending on various factors including the model year, and the type of vehicle, fuel and engine used.

California Clean Air Act

The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO_2, and NO_2 by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either: 1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or; 2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

California Building Standards Code

The California Building Standards Code (CBC), commonly referred to as Title 24, contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. Included in the CBC are energy efficiency standards, which are commonly referred to as California Green Building Standards or CalGreen standards. The CBC is adopted every three years by the California Building Standards Commission (BSC). In the interim, the BSC also adopts annual updates to make necessary mid-term corrections. The CBC was most recently updated in 2022.

Regional/Local

Monterey Bay Air Resources District

MBARD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the NCCAB, within which the project area is located. Responsibilities of MBARD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.

In an attempt to achieve NAAQS and CAAQS and maintain air quality, MBARD has most recently completed the *2012-2015 Air Quality Management Plan* (AQMP) for achieving the state ozone standards and the *2007 Federal Maintenance Plan* for maintaining federal ozone standards (MBARD, 2018b).

To achieve and maintain ambient air quality standards, MBARD has adopted various rules and regulations for the control of airborne pollutants. MBARD Rules and Regulations that are applicable to the proposed project include, but are not limited to, the following:

- **Rule 402 (Nuisances).** The purpose of this rule is to prohibit emissions that may create a public nuisance. Applies to any source operation that emits or may emit air contaminants or other materials.
- **Rule 425 (Use of Cutback Asphalt).** The purpose of this rule is to limit emissions of vapors of organic compounds from the use of cutback and emulsified asphalt. This rule applies to the manufacture and use of cutback, slow cure, and emulsified asphalt during paving and maintenance operations.

3.3.4 Regulatory Attainment Designations

The attainment status of the NCCAB is summarized in **Table 3.3-2**. An attainment designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A nonattainment designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation(s) was caused by an exceptional event, as defined in the criteria. Unclassified designations indicate insufficient data is available to determine attainment status.

MBARD monitors criteria pollutants to determine whether they are in attainment or not in attainment. **Table 3.3-2** illustrates the attainment status for criteria pollutants.

Table 3.3-2. Attainment Status for the NCCAB

Pollutants	State Designation	Federal Designation
Ozone (O_3)	Nonattainment – Transitional	Attainment
Inhalable Particulates (PM_{10})	Nonattainment	Attainment
Fine Particulates ($PM_{2.5}$)	Attainment	Attainment
Carbon Monoxide (CO)	Monterey Co. – Attainment	Attainment
	San Benito Co. – Unclassified	Attainment
	Santa Cruz Co. – Unclassified	Attainment
Nitrogen Dioxide (NO_2)	Attainment	Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment
Lead	Attainment	Attainment
Source: MBARD, 2017. 2012 – 2015 Air Quality Management Plan		

Under the CCAA, the basin is designated as a nonattainment transitional area for the state ozone AAQS. The NCCAB is also designated a nonattainment area for the state PM_{10} AAQS. Under the FCAA, the NCCAB is currently designated attainment for the recently established eight-hour ozone federal AAQS. The NCCAB is designated either attainment or unclassified for the remaining state and federal AAQS.

Sensitive Receptors

One of the most important reasons for air quality standards is the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed "sensitive receptors." The term sensitive receptors refers to specific population groups, as well as the land uses where individuals would reside for long periods. Commonly identified sensitive population groups are children, the elderly, the acutely ill, and the chronically ill. Commonly identified sensitive land uses would include facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Residential dwellings, schools, parks, playgrounds, childcare centers, convalescent homes, and hospitals are examples of sensitive land uses.

Sensitive receptors in the City consist predominantly of residential dwellings. There are no schools located within the City limits.

3.3.5 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. Conflict with or obstruct implementation of the applicable air quality plan.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

c. Expose sensitive receptors to substantial pollutant concentrations.

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Impact Analysis Overview

Approach to Analysis

Although the Draft Housing Element would not directly result in physical changes to the environment, the Draft Housing Element would provide for programs and policies that could facilitate development of affordable housing. Program A.1 within the Draft Housing Element (see **Appendix B-1**) includes an amendment to the Zoning Ordinance to meet the City's RHNA. The RHNA for the 5th Planning Cycle totals 86 units, including a carryover of 59 housing units from the 4th Planning Cycle. The 6th Cycle RHNA is 184 units. Air quality impacts related to construction could occur due to transport of materials to the site as well as use of petroleum-based fuels associated with construction equipment associated with grading, demolition, and construction activities. Operational impacts could result from maintenance activities at the site and vehicle trips. Future proposed development activities would be subject to State of California, California Building Code, MBARD Air Quality Guidelines, and City General Plan policies.

The evaluation addresses air quality impacts with implementation of the proposed project during future construction or operation. Each potential impact is assessed in terms of the applicable regulatory requirements, as described below, as well as mandatory compliance with various Federal and State regulations that would serve to prevent significant impacts from occurring.

MBARD Air Quality Guidelines

To assist local jurisdictions in the evaluation of air quality impacts, MBARD has published the *CEQA Air Quality Guidelines* (MBARD, 2008) and *Guidelines for Implementing the California Environmental Quality Act* (MBARD, 2016). These guidance documents include recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminants (TACs), and cumulative air quality impacts.

City of Del Rey Oaks General Plan

The Conservation/Open Space Element of the General Plan guides the City's future appearance and protection of natural resources. Numerous goals and policies of the General Plan are intended to protect and conserve natural resources. The following air quality policies apply to development within the project area.

Policy C/OS-13 The City will encourage the improvement of air quality in Del Rey Oaks and in the region by implementing the measures described in the Monterey County Air Quality Management Plan. Such measures include, but are not limited to, measures to reduce

dependence on the automobile and encourage the use of alternate modes of transportation such as buses, bicycles and walking.

Policy C-14 For all proposed new land uses in the City, provision for bicycle circulation, sidewalks and pedestrian-friendly design will be required.

Policy C-15 Land use and circulation plans shall be integrated to create an environment that supports a multimodal transportation system. Development shall be directed to areas with a confluence of transportation facilities (auto, bus, bicycle, pedestrian, etc.).

Environmental Impact Report on the Del Rey Oaks General Plan

The General Plan EIR evaluated potential air quality impacts associated with the adoption and implementation of the General Plan, including future development within the project area. This program level EIR focused on general impacts associated with implementation of the General Plan, rather than project-specific impacts associated with individual development projects.

According to the General Plan EIR, the following air quality impacts were identified:

- Buildout of the General Plan could generate short-term and long-term mobile and stationary source emissions. The primary source of source emissions would be construction activities. Traffic generated by the project and utility sources would be the primary sources of long-term emissions. These sources could have significant impacts on regional air quality.

Impacts and Mitigation Measures

Impact AQ-1: Conflict with or Obstruct Implementation of Applicable Air Quality Plan. (Criterion a)

CEQA Guidelines section 15125(b) requires that a project be evaluated for consistency with applicable regional plans, including the AQMP. As stated above, MBARD has developed and implemented several plans to address exceedance of State air quality standards, including the MBARD 2012-2015 AQMP. MBARD is required to update their AQMP once every three years; the most recent update was approved in March of 2017. This plan addresses attainment of the State ozone standard and federal air quality standard. The AQMP accommodates growth by projecting growth in emissions based on population forecasts prepared by the Association of Monterey Bay Area Governments (AMBAG) and other indicators.

Population-generating projects that are within the AQMP population forecasts are considered consistent with the plan. The Draft Housing Element includes development to reach the Regional Housing Needs Allocation (RHNA) provided by AMBAG and HCD, and thus, has already been accounted for in the AQMP. Further, there is no proposed or planned development as a result of the Draft Housing Element. The Draft Housing Element would not directly result in new development or population increases, and thus, the proposed project does not conflict with or obstruct implementation of the AQMP. In addition, as noted in the response to *Criterion b*, below, the Draft Housing Element would not result in a significant impact related to exceedance of federal or state air quality standards. For these reasons, implementation of the Draft Housing Element is not anticipated to result in a substantial increase in either direct or indirect emissions that would conflict with or obstruct implementation of the AQMP. The impact would be less than significant.

Impact AQ-2: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for which the Project Region is Non-Attainment under an Applicable Federal or State Ambient Air Quality Standard. (Criterion b)

The proposed project would not result in a cumulatively considerable net increase of any criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air

quality standard. MBARD's 2016 Guidelines for Implementing the California Environmental Quality Act (2016 CEQA Guidelines) contain standards of significance for evaluating potential air quality effects of projects subject to the requirements of CEQA. According to MBARD, a project would violate an air quality standard and/or contribute to an existing or projected violation if it would emit (from all sources, including exhaust and fugitive dust) more than:

- 137 pounds per day of oxides of nitrogen (NO_x),
- 137 pounds per day of reactive organic gases (ROG),
- 82 pounds per day of respirable particulate matter (PM_{10}),
- 55 pounds per day of fine particulate matter ($PM_{2.5}$), and
- 550 pounds per day carbon monoxide (CO).

According to MBARD's criteria for determining construction impacts, a project would result in a potentially significant impact if it would result in 8.1 acres of minimal earthmoving per day or 2.2 acres per day with major grading and excavation.

Since the proposed project would not authorize any new emissions sources, there would be no violation of any air quality standard or any adverse impacts on air quality that would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

While the proposed project would not result in physical changes to the environment, the proposed project would provide for programs and policies that could facilitate new residential development. The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. The 6th Cycle RHNA is 184 units. Program A.1 within the Draft Housing Element includes amendment to the Zoning Ordinance to meet the City's RHNA. Future residential development facilitated by the proposed project would be subject to State of California, MBARD, and California Building Code CEQA compliance and permitting, which would minimize air quality impacts from emissions.

Indirectly, rezoning and general plan amendments facilitated by the proposed project would allow residential construction to occur on land currently planned for commercial and visitor serving uses. Development activities during future construction of residential development facilitated by the proposed project would primarily be accomplished using diesel powered heavy equipment. In addition, dust is generated from a variety of project construction activities that include grading, import/export of fill material, and vehicle travel on unpaved surfaces. Dust from construction includes PM_{10}. Soil can also be tracked-out onto paved roads where it is entrained in the air by passing cars and trucks. Additionally, dust can be generated by wind erosion of exposed areas. The rate of dust emissions is related to the type and size of the disturbance, meteorological conditions, and soil conditions. Construction activities can result in localized high concentrations of PM_{10} and affect regional levels of PM_{10}. High levels of PM_{10} can lead to adverse health effects, nuisance concerns, and reduced visibility.

The MBARD CEQA Guidelines consider on-site emissions of 82 pounds per day or greater of PM_{10} from construction activity to be significant. Construction related emissions would come from sources such as exhaust or fugitive dust. Construction activities associated with future residential development facilitated by the proposed project, such as clearing, excavation and grading operations, construction vehicles traffic on unpaved ground, and wind blowing over exposed earth would generate dust and particulate matter. If these emissions exceed MBARD's significance criteria, a potentially significant impact would occur.

Implementation of **Mitigation Measure 3.3-1** would reduce impacts associated with future development facilitated by the proposed project to a less than significant level.

Mitigation Measure

3.3-1 Prior to start of construction, the project applicant or contractor shall submit a construction dust mitigation plan to the City of Del Rey Oaks for review and approval. This plan shall specify the methods of dust control that would be utilized, demonstrate the availability of needed equipment and personnel, use reclaimed water for dust control, and identify a responsible individual who, if needed, can authorize implementation of additional measures. The construction dust mitigation plan shall, at a minimum, include the following measures:

- Limit grading activity to a maximum of 2.2 acres daily.
- Water all active construction areas at least three times daily and more often during windy periods. Active areas adjacent to existing businesses should be kept damp at all times. If necessary, during windy periods, watering is to occur on all days of the week regardless of onsite activities.
- Cover all trucks hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water three times daily or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend excavation and grading activity when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site.

The combined effect of the above measures, including the use of a dust suppressant, which represent Best Management Practices, and limiting the size of the grading area would reduce project impacts to a less-than-significant level, would ensure consistency with MBARD's emission threshold of 82 pounds per day of PM_{10} concentrations from construction activity and would not cause an exceedance of the State ambient air quality standard, as averaged over 24 hours. Therefore, impacts associated with implementation of the proposed project (potential indirect air quality impacts during construction) would be less than significant with mitigation.

Impact AQ-3: Expose Sensitive Receptors to Substantial Pollutant Concentration. (Criterion c)

With regard to public health and welfare, both the U.S. EPA and the State of California have developed AAQS for various pollutants. These standards define the maximum amount of an air pollutant that can be present in ambient air. An AAQS is generally specified as a concentration averaged over a specific time period, such as one hour, eight hours, 24 hours, or one year. The different averaging times and concentrations are meant to protect against different exposure effects. In general, the standards adopted by the State of California are equivalent to or more health-protective than the national standards established by the U.S. EPA.

To assist local jurisdictions with the evaluation of localized pollutant concentrations and potential health-related impacts, MBARD has developed recommended thresholds of significance and screening criteria for the pollutants of primary concern (e.g., PM_{10}, CO, TACs). Accordingly, project-generated emissions of PM_{10} that exceed 82 pounds per day (lbs/day) could result in a violation of PM_{10} AAQS at nearby receptors, which could result in health-related impacts to nearby receptors. In addition, ground-level concentrations

of TACs that would result in an incremental increase in cancer risk of 10 in 1 million or a Hazard Index greater than 1 for the Maximally Exposed Individual would also be considered to result in a potentially significant impact to human health.

Sensitive receptors may include population groups (i.e., children, senior citizens, acutely or chronically ill people) and/or facilities where these more susceptible population groups tend to reside or spend time (i.e., schools, retirement homes, hospitals). The Draft Housing Element identified specific housing programs to assist populations groups within the City that may have special housing needs, including people with disabilities, the elderly, large families, single parents, and the homeless.

The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carry-over of 59 housing units from the 4th Planning Cycle. The Draft Housing Element, however, does not grant entitlements for new projects, nor does it include site-specific proposals, nor would the Draft Housing Element otherwise result in new development within the City. As a result, the Draft Housing Element would not expose sensitive receptors to substantial pollutant concentrations, nor create objectionable odors affecting a substantial number of people. Indirectly, rezoning and general plan amendment would allow residential construction to occur on land currently planned for commercial and visitor serving uses. Future development on the properties would primarily be accomplished with grading, site preparation and construction activities using diesel powered heavy equipment. Construction activities of development would be similar in nature to the allowable uses above, already considered in previous environmental documentation. Indirect impacts of future development of the site can be reduced to less-than-significant by application of City grading requirements, BMPs, MBARD requirements and **Mitigation Measure 3.3-1** above.

Impact AQ-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. (Criterion d)

The Housing Element does not grant entitlements for new projects, nor does it include site-specific proposals, nor would the Housing Element otherwise directly result in new development within the City. As a result, the Housing Element would not expose sensitive receptors to substantial pollutant concentrations, nor create objectionable odors affecting a substantial number of people. Future developments under the proposed project would not be expected to generate significant odors because residential uses do not include the handling or generation of noxious materials. Therefore, impacts associated with implementation of the proposed project would be less than significant related to the air quality impacts of odors and other emissions.

3.3.6 Cumulative Impacts

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to air quality. This analysis then considers whether or not the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply in order for a project's cumulative effects to rise to the level of significance.

The geographic context for cumulative impacts related to air quality is regional for criteria air pollutant and includes the air basin and within the jurisdiction of the MBARD and the City for toxic air contaminants and odors. Cumulative development in the air basin will incrementally increase the concentration of pollutants from regional construction activities, increased traffic, and stationary sources, but this increase would be partially offset by State and federal policies that set emissions standards for mobile and nonmobile sources. The MBARD has included emissions related to population growth in the AQMP using projections adopted by AMBAG. Projects or plans that would not cause the estimated cumulative

population to exceed forecasts are considered consistent with air quality planning efforts. The proposed project is consistent with the regional forecasts for Monterey County and the Air Quality Management Plan.

The proposed project would not exceed the PM_{10} significance thresholds for construction emissions, the proposed project's contribution to this potentially significant cumulative impact would not be cumulatively considerable (i.e., less than the MBARD's threshold). The proposed project would not make a considerable contribution to significant cumulative regional emissions of PM_{10}; therefore, the cumulative impact is less-than-significant.

As described above, the proposed project's direct and indirect emissions would be below MBARD significance thresholds. Therefore, project emissions are not anticipated to affect attainment and maintenance of ambient air quality standards for ozone. Short-term impacts to air quality from construction facilitated by the proposed project would be less-than-significant with mitigation.

Future developments facilitated by the proposed project would not be expected to generate significant odors because residences do not include the handling or generation of noxious materials. Therefore, impacts associated with implementation of the proposed project would be less than significant related to the cumulative air quality impacts of odors and other emissions.

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3.4 BIOLOGICAL RESOURCES

3.4.1 Introduction

This section summarizes the biological resources present in the vicinity of the project area and evaluates the potential effects of the proposed project on these resources. These resources include plant communities, wildlife habitats, potentially occurring special-status plant and wildlife species, and natural communities within and adjacent to the project area.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the CEQA and/or are raised by responsible agencies, they are identified and addressed within this EIR. Public and agency comments related to biological resources were received by CDFW, CNPS and Fort Ord Base Reuse and Closure (BRAC) during the public scoping period, and are summarized below:

- CDFW comments related to conducting focused, protocol-level surveys to determine potential presence of, impacts to, and mitigation measures for all state-listed species which may be in the project area;
- In addition, CDFW recommends EIR consider consultation with CDFW and USFWS on potential impacts to state- and federally-listed species, and nesting birds. The proposed project should be in compliance with permitting required by the California Endangered Species Act (CESA) and Federal Endangered Species Act (ESA) with the consideration that no Incidental Take Permits (ITPs) have been issued for the former Fort Ord Multi-Species Habitat Conservation Plan (former Fort Ord HCP).
- CDFW recommends incorporating biological resources data into project alternatives and cumulative impact analysis for significant or potentially significant impacts on biological resources, as well as surveys and analysis on potential future project impacts to biological resources and lakes and streams.
- CNPS requested that general plan amendment be included in the proposed project for the habitat reserve parcel (CNPS area), a parcel not included in the candidate sites for housing.
- BRAC noted that the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord (HMP), identifies requirements that apply to "Borderland Development Areas Along Natural Resource Management Area (NRMA) Interface." As the eastern boundary of Site 1 appears to abut the NRMA, BRAC requested review of the Fort Ord HMP for the borderland interface requirements.

For a complete list of public comments received during the public scoping period, refer to **Appendix A**, **NOP and Public Comment Letters**. As noted in previous analysis, the former Fort Ord Area is included as candidate sites for meeting affordable housing requirements under State Law, but no area is specified for development and development of housing will not directly result from the adoption of the proposed project. This analysis presents information on known or potential biological resources within the project area based on a literature review, but does not include results from surveys. To address impacts when specific development is proposed within the area, mitigation is proposed to require surveys prior to development approval and construction to determine potential presence of, impacts to, and mitigation measures for all sensitive biological resources.

The primary literature and data sources reviewed in order to determine the occurrence or potential for occurrence of sensitive biological resources within the project area are as follows: current agency status information from the USFWS and CDFW for species listed, proposed for listing, or candidates for listing as threatened or endangered under ESA or CESA and those considered CDFW "species of special concern" (USFWS 2023a and CDFW, 2023b); the CNPS *Inventory of Rare and Endangered Vascular Plants of California* (CNPS, 2023); CNDDB occurrence reports (CDFW, 2023a); *Flora and Fauna Baseline Study of Fort Ord* (U.S. Army Corps of Engineers [USACE], 1992); the Fort Ord HMP (USACE, 1997); the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA-NRCS, 2023); the National Wetlands Inventory (USFWS, 2023c); the National Hydrographic Dataset (U.S. Geological Survey [USGS], 2023); CDFW's Natural Communities List (CDFW, 2023c); and aerial imagery. The USGS Seaside quadrangle and the seven surrounding quadrangles (Carmel Valley, Marina, Monterey, Mt. Carmel, Salinas, Soberanes Point, and Spreckels) from the CNDDB were reviewed for documented special-status species occurrences in the vicinity of the project area.

3.4.2 Environmental Setting

Special-Status Species

Special-status species are those plants and animals that have been formally listed or proposed for listing as endangered or threatened, or are candidates for such listing under ESA or CESA. Listed species are afforded legal protection under the ESA and CESA. Species that meet the definition of rare or endangered under the CEQA Section 15380 are also considered special-status species. Animals on the CDFW's list of "species of special concern" (most of which are species whose breeding populations in California may face extirpation if current population trends continue) meet this definition and are typically provided management consideration through the CEQA process, although they are not legally protected under the ESA or CESA. Additionally, the CDFW also includes some animal species that are not assigned any of the other status designations on their "Special Animals" list; however, these species have no legal or protection status.

Plants listed as rare under the California Native Plant Protection Act (CNPPA) or included in CNPS California Rare Plant Ranks (CRPR) 1A, 1B, 2A, and 2B are also treated as special-status species as they meet the definitions of Sections 2062 and 2067 of the CESA and in accordance with CEQA Guidelines Section 15380. In general, the CDFW requires that plant species on CRPR 1A (Plants presumed extirpated in California and Either Rare or Extinct Elsewhere), CRPR 1B (Plants rare, threatened, or endangered in California and elsewhere), CRPR 2A (Plants presumed extirpated in California, but more common elsewhere); and CRPR 2B (Plants rare, threatened, or endangered in California, but more common elsewhere) of the CNPS *Inventory of Rare and Endangered Vascular Plants of California* (CNPS, 2023a) be fully considered during the preparation of environmental documents relating to CEQA. In addition, species of vascular plants, bryophytes, and lichens listed as having special-status by the CDFW are considered special-status plant species (CDFW, 2023a). CNPS CRPR 3 (Plants about which we need more information) and CRPR 4 species (plants of limited distribution) may, but generally do not, meet the definitions of Sections 2062 and 2067 of CESA, and are not typically considered in environmental documents relating to CEQA. Only species that fall into CRPR 1 and 2 are considered for this assessment. While other species (i.e., CRPR 3 or 4 species) are sometimes found in database searches or within the literature, these were not included within the analysis as they did not meet the definitions of Section 2062 and 2067 of CESA, except for those CRPR 4 species included in the Fort Ord HMP (see Regulatory Setting Section below).

Raptors (e.g., eagles, hawks, and owls) and their nests are protected in California under Fish and Game Code Section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy the nest or eggs of any such bird except otherwise provided by this code or any regulation adopted pursuant thereto."

In addition, fully protected species under the Fish and Game Code Section 3511 (birds), Section 4700 (mammals), Section 5515 (fish), and Section 5050 (reptiles and amphibians) are also considered special-status animal species. Species with no formal special-status designation but thought by experts to be rare or in serious decline may also be considered special-status animal species in some cases, depending on project-specific analysis and relevant, localized conservation needs or precedence.

Sensitive Habitats

Sensitive habitats include riparian corridors, wetlands, habitats for legally protected species, areas of high biological diversity, areas supporting rare or special-status wildlife habitat, and unusual or regionally restricted vegetation types. Vegetation types considered sensitive include those listed on the CDFW's *California Natural Communities List* (i.e., those habitats that are rare or endangered within the borders of California) (CDFW, 2023c), those that are occupied by species listed under ESA or are critical habitat in accordance with ESA, and those that are defined as Environmentally Sensitive Habitat Areas under the California Coastal Act. Specific habitats may also be identified as sensitive in city or county general plans or ordinances. Sensitive habitats are regulated under federal regulations (such as the Clean Water Act [CWA] and Executive Order [EO] 11990 – Protection of Wetlands), state regulations (such as CEQA and the CDFW Streambed Alteration Program), or local ordinances or policies (such as city or county tree ordinances and general plan policies).

Regional Overview

The lands within and surrounding the City possess diverse natural resources that include open space, creeks, trees, and wildlife. The Frog Pond Wetland Preserve area and Del Rey Creek provide a valuable habitat for numerous species of plants and animals.

Project Setting

Vegetation Types

Central Maritime Chaparral

Central maritime chaparral is the dominant vegetation type within the project area. Central maritime chaparral occurring on the former Fort Ord is typically dominated by shaggy-barked manzanita (*Arctostaphylos tomentosa* ssp. *tomentosa*), dwarf ceanothus (*Ceanothus dentatus*), Monterey ceanothus (*C. rigidus*), coyote brush (*Baccharis pilularis*), chamise (*Adenostoma fasciculata*), and sticky monkey flower (*Diplacus aurantiacus*). Additional species within this vegetation type include California coffeeberry (*Frangula californica*), fuchsia-flowered gooseberry (*Ribes speciosum*), chaparral currant (*R. malvaceum*), poison oak (*Toxicodendron diversilobum*), black sage (*Salvia mellifera*), sticky cinquefoil (*Drymocallis glandulosa*), and creeping snowberry (*Symphoricarpos mollis*). Coast live oak trees (*Quercus agrifolia*) also occur within the central maritime chaparral, present as scattered individuals, or denser groups where coast live oak woodland intergrades within the chaparral habitat.

Common wildlife species that occur within central maritime chaparral include California quail (*Callipepla californica*), California towhee (*Melozone crissalis*), California thrasher (*Toxostoma redivivum*), common poorwill (*Phalaenoptilus nuttallii*), Anna's hummingbird (*Calypte anna*), wrentit (*Chamaea fasciata*), western scrub jay (*Aphelocoma californica*), northern pacific rattlesnake (*Crotalus oreganus* ssp. *oreganus*), coast range fence lizard (*Sceloporus occidentalis bocourtii*), gopher snake (*Pituophis catenifer catenifer*), coast gartersnake (*Thamnophis elegans terrestris*), and brush rabbit (*Sylvilagus bachmani*).

Ruderal/Disturbed

Ruderal areas are those areas which have been disturbed by human activities and are dominated by non-native annual grasses and other "weedy" species. Ruderal areas within the project area include areas disturbed by former military actions, dirt roads, and erosion features. Ruderal areas may be nearly devoid of vegetation or include vegetation dominated by non-native weedy species, such as hottentot fig (also called ice plant; *Carpobrotus edulis*), ripgut brome (*Bromus diandrus*), slender oat (*Avena barbata*), rabbit-foot clover (*Trifolium arvense*), cut-leaved plantain (*Plantago coronopus*), English plantain (*P. lanceolata*), sand mat (*Cardionema ramosissimum*), filaree (*Erodium* sp.), and telegraphweed (*Heterotheca grandiflora*).

This vegetation type is considered to have low biological value as it is generally dominated by non-native plant species and consists of relatively low-quality habitat from a wildlife perspective. However, common wildlife species which do well in urbanized and disturbed areas, such as the American crow (*Corvus brachyrhynchos*), California ground squirrel (*Spermophilus beecheyi*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), western scrub jay, European starling (*Sturnus vulgaris*), coast range fence lizard, and rock pigeon (*Columba livia*), may forage within this vegetation type.

Seasonal Pond

Pond 32, also referred to as the Quarry Pond, is a seasonal pond located within the project area. When fully inundated the pond covers approximately one acre and has an average depth of approximately two feet; however, some deeper areas may reach up to four feet in depth. Spike-rush (*Eleocharis sp*.) was the dominant species observed within the pond during surveys conducted by DD&A in 2006 and 2007. The seasonal pond may provide habitat for common amphibian and avian species, such as Sierran treefrog (*Pseudacris sierra*), western toad (*Anaxyrus boreas*), killdeer (*Charadrius vociferus*), and mallard (*Anas platyrhynchos*).

Sensitive Habitats

The project area was evaluated for the presence of sensitive habitats. Central maritime chaparral habitat (described above) is identified as a sensitive habitat on the CDFW's *California Natural Communities List* (CDFW, 2018b) and in the HMP. Pond 32 (Quarry Pond) may support wetlands or other waters under the jurisdiction of the State Water Resources Control Board (SWRCB) and CDFW. Although other vernal ponds occurring on the former Fort Ord are identified wetland resources on the National Wetlands Inventory (USFWS, 2023c), Pond 32 is not. However, the National Wetlands Inventory identifies a freshwater emergent wetland within the project area, located south of South Boundary Road, and identifies that this area may be seasonally saturated or temporarily flooded (**Figure 3.4-1**). This area may be under the jurisdiction of the USACE, SWRCB, and/or CDFW. In addition, there is a low potential for future establishment of riparian habitat, state or federally protected wetlands, and/or other sensitive communities within the project area.

Special-Status Species

Published occurrence data within the project area and surrounding USGS quadrangles were evaluated to compile a table of special-status species known to occur in the vicinity of the project area (**Appendix C**). Each of these species was evaluated for their likelihood to occur within and immediately adjacent to the project area. The special-status species that are known to or have been determined to have a moderate or high potential to occur within or immediately adjacent the project area are identified below in **Table 3.4-1**. All other species are assumed unlikely to occur or have a low potential to occur based on the species-specific reasons presented in **Appendix C**, are therefore unlikely to be impacted by the proposed project, and are not discussed further.

General Jim Moore Blvd

Additional Candidate Site K1 (6th Cycle)

Site 1

Site 1a

Frog Pond

Canyon Del Rey Blvd

Pond 32 (Quarry Pond)

Pond 71

Pond 46

Additional Candidate Site K2 (6th Cycle)

South Boundary Road

Fort Ord Boundary

Project Site

Former Fort Ord Ponds

National Wetlands Inventory

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Riverine

0 0.125 0.25 mi

0 0.275 0.55 k

N

Potential Wetlands within Project Area

Denise Duffy and Associates, Inc.

Planning and Environmental Consulting

Date 08-03-2013

Scale 1 in = 0.1 mi

Figure 3.4-1

Path: C:\GIS\GIS_Projects\9614\Final Products\Housing Element EIR\Potential wetland map.mxd

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Table 3.4-1. Special-Status Species with the Potential to Occur Within the Project Area

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
MAMMALS			
Corynorhinus townsendii Townsend's big-eared bat	— / CSC / —	Found primarily in rural settings from inland deserts to coastal redwoods, oak woodland of the inner Coast Ranges and Sierra foothills, and low to mid-elevation mixed coniferous-deciduous forests. Typically roost during the day in limestone caves, lava tubes, and mines, but can roost in buildings that offer suitable conditions. Night roosts are in more open settings and include bridges, rock crevices, and trees.	**Moderate** This species may use some of the trees within the project area for night roosts and may forage throughout the project area. However, no suitable day, colonial, or maternity roost habitat is present. The CNDDB reports an occurrence of this species approximately 6 miles from the project area in the northern portion of the former Fort Ord.
Neotoma macrotis luciana Monterey dusky-footed woodrat	— / CSC / —	Forest and oak woodland habitats of moderate canopy with moderate to dense understory. Also occurs in chaparral habitats.	**High** Suitable habitat is present within the project area. The CNDDB reports an occurrence of this species approximately 8 miles from the project area; however, this species is common throughout the former Fort Ord.
Sorex ornatus salarius Monterey shrew	— / CSC / —	Mostly moist or riparian woodland habitats, and within chaparral, grassland, and emergent wetland habitats where there is a thick duff or downed logs.	**Low** Marginal habitat is present within the project area. Figure B-18 in the Fort Ord HMP does not identify the project area as containing potential habitat for this species. The CNDDB reports occurrences of this species within one mile of the proposed project.

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
REPTILES AND AMPHIBIANS			
Ambystoma californiense California tiger salamander	FT / ST / —	Annual grassland and grassy understory of valley-foothill hardwood habitats in central and northern California. Need underground refuges and vernal pools or other seasonal water sources.	**Moderate** Extensive surveys have been conducted within the former Fort Ord to determine the aquatic resources that are known or have the potential to be occupied by CTS. Suitable upland habitat, including mammal burrows, is present throughout the project area. The nearest known CTS-occupied breeding resources are located approximately 0.9 mile (1.4 kilometers) east at Pond 71 and 1.1 miles (1.8 km) east at Pond 30, both within the known dispersal range (2.2 km) of the species. In addition, other potential CTS breeding ponds, including Pond 46 and Frog Pond, are less than one mile from the project area. Pond 32 (Quarry Pond) may provide suitable breeding habitat; however, this species has not been found to breed in this pond during protocol-level surveys.
Anniella pulchra Northern California legless lizard	— / CSC / —	Requires moist, warm habitats with loose soil for burrowing and prostrate plant cover, often forages in leaf litter at plant bases; may be found on beaches, sandy washes, and in woodland, chaparral, and riparian areas.	**High** Suitable habitat is present within the project area. The CNDDB reports several occurrences of this species approximately 2 miles from the proposed project; however, this species is known to occur throughout the central maritime chaparral habitat on the former Fort Ord where suitable soil conditions occur.
Phrynosoma blainvillii Coast horned lizard	— / CSC / —	Associated with open patches of sandy soils in washes, chaparral, scrub, and grasslands.	**High** Suitable habitat is present within the project area. The CNDDB reports occurrences of this species approximately 5 miles from the proposed project; however, this species is known to occur throughout the central maritime chaparral habitat on the former Fort Ord.

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
Rana draytonii California red-legged frog	FT / CSC / —	Lowlands and foothills in or near permanent or late-season sources of deep water with dense, shrubby, or emergent riparian vegetation. During late summer or fall adults are known to utilize a variety of upland habitats with leaf litter or mammal burrows.	**Low** Suitable upland habitat is present within the project area. In addition, Pond 32 (Quarry Pond) may provide suitable breeding habitat. This species has only been detected at one pond on the former Fort Ord, located over 5 miles from the project area. The CNDDB reports occurrences of this species approximately 2 miles from the proposed project.
Taricha torosa Coast Range newt	— / CSC / —	Occurs mainly in valley-foothill hardwood, valley-foothill hardwood-conifer, coastal scrub, and mixed chaparral but is known to occur in grasslands and mixed conifer types. Seek cover under rocks and logs, in mammal burrows, rock fissures, or man-made structures such as wells. Breed in intermittent ponds, streams, lakes, and reservoirs.	**Low** Suitable upland habitat is present within the project area. In addition, Pond 32 (Quarry Pond) may provide suitable breeding habitat. This species is known to breed in some of the vernal ponds on the former Fort Ord. The CNDDB reports occurrences of this species approximately 6 miles from the proposed project.
INVERTEBRATES			
Bombus crotchii Crotch bumble bee	-- / SC / --	Occurs in open grassland and scrub at relatively warm and dry sites. Requires plants that bloom and provide adequate nectar and pollen throughout the colony's life cycle, which is from early February to late October. Generally nests underground, often in abandoned mammal burrows. Within California this species is known to occur in the Mediterranean, Pacific Coast, Western Desert, as well as Great Valley and adjacent foothill regions.	**Low** Only marginal, very low-quality habitat is present in small, isolated areas of ruderal/disturbed habitat where the non-native grasses occur. The CNDDB does not report any occurrences of this species within the quadrangles reviewed; however, this species was observed in 2022 at the Hastings Reserve, located approximately 20 miles from the project area.

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
Bombus occidentalis Western bumble bee	— / SC / —	Found in a range of habitats, including mixed woodlands, farmlands, urban parks and gardens, montane meadows, and prairie grasslands. Requires plants that bloom and provide adequate nectar and pollen throughout the colony's life cycle, which is from early February to late November. Generally nests underground, often in abandoned mammal burrows. Populations are currently largely restricted to high elevation sites in the Sierra Nevada; however, the historic range includes the northern California coast.	**Low** Only marginal, very low-quality habitat is present in small, isolated areas of ruderal/disturbed habitat where the non-native grasses occur. The CNDDB reports an occurrence of this species approximately 3 miles from the project area; however, all occurrences of this species on the Monterey Peninsula are historic and this species may no longer occur within the vicinity of the project area.
Euphilotes enoptes smithi Smith's blue butterfly	FE / — / —	Most commonly associated with coastal dunes and coastal sage scrub plant communities in Monterey County. Plant hosts are *Eriogonum latifolium* and *E. parvifolium*.	**Low** The obligate host plants for this species have the potential to occur within the project area. If present, these host plants may support this species. The CNDDB reports an occurrence of this species approximately 2 miles from the project area.
Linderiella occidentalis California linderiella	— / — / —	Ephemeral ponds with no flow. Generally associated with hardpans.	**Low** Figure B-13 in the Fort Ord HMP identifies that suitable habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports an occurrence of this species approximately 3 miles from the project area.
PLANTS			
Agrostis lacuna-vernalis Vernal pool bent grass	— / — / 1B	Vernal pool Mima mounds at elevations of 115-145 meters. Annual herb in the Poaceae family; blooms April-May. Known only from Butterfly Valley and Machine Gun Flats of Ft. Ord National Monument.	**Low** Suitable habitat for this species may be present within Pond 32 (Quarry Pond). This species is known only to occur within vernal ponds on the former Fort Ord. The CNDDB reports an occurrence of this species approximately 4 miles from the project area.

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
Allium hickmanii Hickman's onion	— / — / 1B	Closed-cone coniferous forests, maritime chaparral, coastal prairie, coastal scrub, and valley and foothill grasslands at elevations of 5-200 meters. Bulbiferous perennial herb in the Alliaceae family; blooms March-May.	**Low** Suitable habitat is present within the project area, particularly within Pond 32 (Quarry Pond). This species is known to occur on the former Fort Ord. The CNDDB reports an occurrence of this species within 0.5 mile of the project area.
Arctostaphylos hookeri* ssp. *hookeri Hooker's manzanita	— / — / 1B	Closed-cone coniferous forest, chaparral, cismontane woodland, and coastal scrub on sandy soils at elevations of 85-536 meters. Evergreen shrub in the Ericaceae family; blooms January-June.	**Moderate** Suitable habitat is present within the project area. This species is abundant on the former Fort Ord, sometimes occurring as a dominant species within the central maritime chaparral habitat. The CNDDB and Figure B-11 in the Fort Ord HMP identify that this species occurs within 0.5 mile of the project area.
Arctostaphylos montereyensis Toro manzanita	— / — / 1B	Maritime chaparral, cismontane woodland, and coastal scrub on sandy soils at elevations of 30-730 meters. Evergreen shrub in the Ericaceae family; blooms February-March.	**Moderate** Suitable habitat is present within the project area. This species is abundant on the former Fort Ord, sometimes occurring as a dominant species within the central maritime chaparral habitat. The CNDDB and Figure B-5 in the Fort Ord HMP identify that this species occurs immediately adjacent to the project area.
Arctostaphylos pajaroensis Pajaro manzanita	— / — / 1B	Chaparral on sandy soils at elevations of 30-760 meters. Evergreen shrub in the Ericaceae family; blooms December-March.	**Low** Suitable habitat is present within the project area. This species is known to occur in small populations on the former Fort Ord. The CNDDB identifies two occurrences of this species within one mile of the project area.
Arctostaphylos pumila Sandmat manzanita	— / — / 1B	Openings of closed-cone coniferous forests, maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub on sandy soils at elevations of 3-205 meters. Evergreen shrub in the Ericaceae family; blooms February-May.	**High** Suitable habitat is present within the project area. This species is abundant on the former Fort Ord, often occurring as a dominant species within the central maritime chaparral habitat. The CNDDB and Figure B-6 in the Fort Ord HMP identify that this species occurs within the project area.

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
Castilleja ambigua var. insalutata Pink Johnny-nip	— / — / 1B	Coastal prairie and coastal scrub at elevations of 0-100 meters. Annual herb in the Orobanchaceae family; blooms May-August.	**Low** Marginal habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project area.
Ceanothus rigidus Monterey ceanothus	— / — / 4	Closed cone coniferous forest, chaparral, and coastal scrub on sandy soils at elevations of 3-550 meters. Evergreen shrub in the Rhamnaceae family, blooms February-June.	**High** Suitable habitat is present within the project area. This species is abundant on the former Fort Ord, often occurring as a dominant species within the central maritime chaparral habitat. Figure B-7 in the Fort Ord HMP identifies that this species occurs within the project area.
Chorizanthe minutiflora Fort Ord spineflower	— / — / 1B	Sandy openings of maritime chaparral and coastal scrub at elevations of 55-150 meters. Only known occurrences on Fort Ord National Monument. Annual herb in the Polygonaceae family; blooms April-July.	**Moderate** The majority of the project area may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is known to occur only on the former Fort Ord. The CNDDB reports an occurrence of this species within 0.5 mile of the project area.
Chorizanthe pungens* var. *pungens Monterey spineflower	FT / — / 1B	Maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland on sandy soils at elevations of 3-450 meters. Annual herb in the Polygonaceae family; blooms April-July.	**High** The majority of the project area may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is abundant on the former Fort Ord. The CNDDB and Figure B-2 in the Fort Ord HMP identify that this species occurs within the project area.

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
Clarkia jolonensis Jolon clarkia	— / — / 1B	Cismontane woodland, chaparral, riparian woodland, and coastal scrub at elevations of 20-660 meters. Annual herb in the Onagraceae family; blooms April-June.	**Low** Suitable habitat is present within the project area. This species is not known to occur on the former Fort Ord. The CNDDB reports six occurrences of this species within the quadrangles reviewed; however, all reported occurrences are historical and have not been verified during subsequent field work. It is possible that these occurrences are misidentified *C. lewisii*, which is visually similar and known to occur in the area.
Cordylanthus rigidus* ssp. *littoralis Seaside bird's-beak	— / SE / 1B	Closed-cone coniferous forests, maritime chaparral, cismontane woodlands, coastal dunes, and coastal scrub on sandy soils, often on disturbed sites, at elevations of 0-425 meters. Annual hemi-parasitic herb in the Orobanchaceae family; blooms April-October.	**Moderate** The majority of the project area may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is known to occur on the former Fort Ord The CNDDB and Figure B-4 in the Fort Ord HMP identify that this species occurs immediately adjacent to the project area.
Delphinium hutchinsoniae Hutchinson's larkspur	— / — / 1B	Broadleaved upland forest, chaparral, coastal scrub, and coastal prairie at elevations of 0-427 meters. Perennial herb in the Ranunculaceae family; blooms March-June.	**Low** Suitable habitat is present within the project area. This species is not currently known to occur on the former Fort Ord. The nearest CNDDB occurrence is approximately 5 miles from the project area.
Ericameria fasciculata Eastwood's goldenbush	— / — / 1B	Openings in closed-cone coniferous forest, maritime chaparral, coastal dunes, and coastal scrub on sandy soils at elevations of 30-275 meters. Evergreen shrub in the Asteraceae family; blooms July-October.	**High** Suitable habitat is present within the project area. This species is known to occur on the former Fort Ord. The CNDDB and Figure B-8 in the Fort Ord HMP identify that this species occurs within the project area.
Erysimum ammophilum Coast wallflower	— / — / 1B	Openings in maritime chaparral, coastal dunes, and coastal scrub on sandy soils at elevations of 0-60 meters. Perennial herb in the Brassicaceae family; blooms February-June.	**High** Suitable habitat is present within the project area. This species is known to occur on the former Fort Ord. The CNDDB and Figure B-9 in the Fort Ord HMP identify that this species occurs within the project area.

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
Gilia tenuiflora* ssp. *arenaria Monterey gilia	FE / ST / 1B	Openings in maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub on sandy soils at elevations of 0-45 meters. Annual herb in the Polemoniaceae family; blooms April-June.	**Moderate** The majority of the project area may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is known to occur on the former Fort Ord; however, Figure B-1 in the Fort Ord HMP does not identify that this species occurs within the project area. The CNDDB reports an occurrence of this species within one mile of the project area.
Horkelia cuneata ssp. *sericea* Kellogg's horkelia	— / — / 1B	Openings of closed-cone coniferous forests, maritime chaparral, coastal dunes, and coastal scrub on sandy or gravelly soils at elevations of 10-200 meters. Perennial herb in the Rosaceae family; blooms April-September.	**Moderate** Suitable habitat is present within the project area. This species is known to occur on the former Fort Ord. The CNDDB identifies that this species occurs within 0.5 mile of the project area.
Lasthenia conjugens Contra Costa goldfields	FE / — / 1B	Mesic areas of valley and foothill grassland, alkaline playas, cismontane woodland, and vernal pools at elevations of 0-470 meters. Annual herb in the Asteraceae family; blooms March-June.	**Low** Marginal habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project area.
Malacothamnus palmeri var. *involucratus* Carmel Valley bush-mallow	— / — / 1B	Chaparral, cismontane woodland, and coastal scrub at elevations of 30-1100 meters. Perennial deciduous shrub in the Malvaceae family; blooms May-October.	**Low** Suitable habitat is present within the project area. This species is not known to occur on the former Fort Ord; however, the CNDDB reports an occurrence within 0.5 mile of the project area.
Microseris paludosa Marsh microseris	— / — / 1B	Closed-cone coniferous forest, cismontane woodland, coastal scrub, and valley and foothill grassland at elevations of 5-300 meters. Perennial herb in the Asteraceae family; blooms April-July.	**Low** Suitable habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports four occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project area.

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
Monardella sinuata ssp. *nigrescens* Northern curly-leaved monardella	— / — / 1B	Chaparral, coastal dunes, coastal scrub, and lower montane coniferous forest (ponderosa pine sandhills) on sandy soils at elevations of 0-300 meters. Annual herb in the Lamiaceae family; blooms April-September.	**Moderate** Maritime chaparral areas within the site are likely too dense to support this species; however, this species may occur within ruderal areas and along the margins of the central maritime chaparral. This species is known to occur within the former Fort Ord. The CNDDB reports an occurrence of this species immediately adjacent to the project area.
Pinus radiata Monterey pine	— / — / 1B	Closed-cone coniferous forest and cismontane woodland at elevations of 25-185 meters. Evergreen tree in the Pinaceae family. Only three native stands in CA at Ano Nuevo, Cambria, and the Monterey Peninsula; introduced in many areas.	**Low** Individuals of this species may occur within the project area; however, this species has been planted widely on the Monterey peninsula and former Fort Ord. If present, additional investigation would be necessary to determine if the individuals are naturally occurring and native.
Piperia yadonii Yadon's piperia	FE / — / 1B	Sandy soils in coastal bluff scrub, closed-cone coniferous forest, and maritime chaparral at elevations of 10-510 meters. Annual herb in the Orchidaceae family; blooms February-August.	**Moderate** Suitable habitat is present within the project area. This species is known to occur on the former Fort Ord. The CNDDB identifies that this species occurs within 0.5 mile of the project area. Figure B-10 in the Fort Ord HMP only identifies this species as occurring within the City of Marina; however, subsequent surveys conducted by the Army, BLM, and other scientists have identified several populations of this species throughout the former Fort Ord, including within the Impact Area.
Plagiobothrys chorisianus var. *chorisianus* Choris's popcorn-flower	— / — / 1B	Mesic areas of chaparral, coastal prairie, and coastal scrub at elevations of 15-160 meters. Annual herb in the Boraginaceae family; blooms March-June.	**Low** Suitable habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports two occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project area.

Species	Status (USFWS/CDFW/CNPS)	General Habitat	Potential Occurrence
Stebbinsoseris decipiens Santa Cruz microseris	— / — / 1B	Broadleaved upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, and openings in valley and foothill grassland, sometimes on serpentinite, at elevations of 10-500 meters. Annual herb in the Asteraceae family; blooms April-May.	**Low** Suitable habitat is present within the project area. This species is not known to occur on the former Fort Ord; however, a historic CNDDB occurrence is within 0.5 mile of the project area.
Trifolium hydrophilum Saline clover	— / — / 1B	Marshes and swamps, mesic and alkaline valley and foothill grassland, and vernal pools at elevations of 0-300 meters. Annual herb in the Fabaceae family; blooms April-June.	**Low** Suitable habitat for this species is present within Pond 32 (Quarry Pond). The nearest CNDDB occurrence is approximately 5 miles from the project area; however, this species is known to occur on the former Fort Ord.

3.4.3 Regulatory Setting

Federal

Federal Endangered Species Act

Provisions of the ESA of 1973 (16 USC 1532 et seq., as amended) protect federally listed threatened or endangered species and their habitats from unlawful take. Listed species include those for which proposed and final rules have been published in the Federal Register. The ESA is administered by USFWS or National Oceanic and Atmospheric Administration's National Marine Fisheries Service. In general, the National Marine Fisheries Service is responsible for the protection of ESA-listed marine species and anadromous fish, whereas other listed species are under USFWS jurisdiction.

The Army's decision to close and dispose of the Fort Ord military base was considered a major federal action that could affect listed species under the ESA. USFWS issued a Final Biological Opinion (BO) on the disposal and reuse of former Fort Ord on October 19, 1993. USFWS issued five additional BOs and one amendment between 1999 and 2014 as a result of consultation reinitiated by the Army. On May 28, 2015, USFWS issued a Programmatic BO that superseded the previous BOs. Then on June 7, 2017, USFWS issued a reinitiated Programmatic BO that supersedes the 2015 Programmatic BO (USFWS, 2017a). The 2017 Programmatic BO is the current and relevant BO for activities at the former Fort Ord[1]; the 2017 Programmatic BO contains additional conservation measures and recommendations relating to environmental cleanup actions at former Fort Ord cleanup sites.

Section 9 of ESA prohibits the take of any fish or wildlife species listed under ESA as endangered or threatened. Take, as defined by ESA, is "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Harm is defined as "any act that kills or injures the fish or wildlife…including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife." In addition, Section 9 prohibits removing, digging up, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction. Section 9 does not prohibit take of federally listed plants on sites not under federal jurisdiction. If there is the potential for incidental take of a federally listed fish or wildlife species, take of listed species can be authorized through either the Section 7 consultation process for federal actions or a Section 10 incidental take permit process for non-federal actions. Federal agency actions include activities that are on federal land, conducted by a federal agency, funded by a federal agency, or authorized by a federal agency (including issuance of federal permits).

Recovery Plans

The ultimate goal of the ESA is the recovery (and subsequent conservation) of endangered and threatened species and the ecosystems on which they depend. A variety of methods and procedures are used to recover listed species, such as protective measures to prevent extinction or further decline, consultation to avoid adverse impacts of federal activities, habitat acquisition and restoration, and other on-the-ground activities for managing and monitoring endangered and threatened species. The collaborative efforts of USFWS and its many partners (federal, state, and local agencies, tribal governments, conservation organizations, the business community, landowners, and other concerned citizens) are critical to the recovery of listed species.

[1] In 2019 USFWS issued *Changes to Vegetation Clearance Activities Under the Programmatic Biological Opinion for Cleanup and Property Transfer Actions Conducted at Former Fort Ord, Monterey County, California*; however, these changes are not relevant to the project area.

One recovery plan has been prepared for listed species known or with the potential to occur within the project area: Recovery Plan for the Central California Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*) (USFWS, 2017b).

Migratory Bird Treaty Act

The MBTA of 1918 prohibits killing, possessing, or trading migratory birds except in accordance with regulation prescribed by the Secretary of the Interior. Most actions that result in permanent or temporary possession of a protected species constitute violations of the MBTA. USFWS is responsible for overseeing compliance with the MBTA and implements Conventions (treaties) between the United States and four countries for the protection of migratory birds – Canada, Mexico, Japan, and Russia. USFWS maintains a list of migratory bird species that are protected under the MBTA, which was updated in 2023 (USFWS, 2023c).

The Clean Water Act

The U.S. Army Corps of Engineers (USACE) and U.S. EPA regulate discharge of dredged and fill material into "Waters of the United States" (waters of the U.S.) under Section 404 of the CWA. Waters of the U.S. are defined broadly as waters susceptible to use in commerce (including waters subject to tides, interstate waters, and interstate wetlands) and other waters (such as interstate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds) (33 CFR 328.3). Potential wetland areas are identified as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions."

Under Section 401 of the CWA, any applicant receiving a Section 404 permit from the USACE must also obtain a Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB). A Section 401 Water Quality Certification is issued when a project is demonstrated to comply with state water quality standards and other aquatic resource protection requirements.

State

California Endangered Species Act

The CESA was enacted in 1984. The CCR (Title 14, §670.5) lists animal species considered endangered or threatened by the state. Section 2090 of CESA requires state agencies to comply with endangered species protection and recovery and to promote conservation of these species. Section 2080 of the Fish and Game Code prohibits "take" of any species that the commission determines to be an endangered species or a threatened species. "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." A Section 2081 Incidental Take Permit from the CDFW may be obtained to authorize "take" of any state listed species.

California Fish and Game Code

Birds. Section 3503 of the Fish and Game Code states that it is "unlawful to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Section 3503.5 prohibits the killing, possession, or destruction of any birds in the orders Falconiformes or Strigiformes (birds-of-prey). Section 3511 prohibits take or possession of fully protected birds. Section 3513 prohibits the take or possession of any migratory nongame birds designated under the federal MBTA. Section 3800 prohibits take of nongame birds.

Fully Protected Species. The classification of fully protected was the state's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish (§5515), mammals (§4700), amphibians and reptiles (§5050), and birds (§3511).

Most fully protected species have also been listed as threatened or endangered species under the more recent endangered species laws and regulations. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

Species of Special Concern. As noted above, the CDFW also maintains a list of animal "species of special concern." Although these species have no legal status, the CDFW recommends considering these species during analysis of project impacts to protect declining populations and avoid the need to list them as endangered in the future.

Native Plant Protection Act

The CNPPA of 1977 directed the CDFW to carry out the legislature's intent to "preserve, protect and enhance rare and endangered plants in the state." The CNPPA prohibits importing rare and endangered plants into California, taking rare and endangered plants, and selling rare and endangered plants. The CESA and CNPPA authorized the Fish and Game Commission to designate endangered, threatened and rare species and to regulate the taking of these species (§2050-2098, Fish and Game Code). Plants listed as rare under the CNPPA are not protected under CESA.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne) is California's statutory authority for the protection of water quality and applies to surface waters, wetlands, and groundwater, and to both point and nonpoint sources. Under the Porter-Cologne, the State Water Resources Control Board (State Board) has the ultimate authority over State water rights and water quality policy. However, Porter-Cologne also establishes nine RWQCBs to oversee water quality on a day-to-day basis at the local/regional level. The project area is located within Region 3 – Central Coast RWQCB. Porter-Cologne incorporates many provisions of the federal CWA, such as delegation to the State Board and RWQCBs of the NPDES permitting program.

Under Porter-Cologne, the state must adopt water quality policies, plans, and objectives that protect the state's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegate to the nine RWQCBs. The regional boards are required to formulate and adopt water quality control plans for all areas in the region and establish water quality objectives in the plans. The Porter-Cologne sets forth the obligations of the State Board and RWQCBs to adopt and periodically update water quality control plans (basin plans). The act also requires waste dischargers to notify the RWQCBs of such activities through filing of Reports of Waste Discharge and authorizes the State Board and RWQCBs to issue and enforce waste discharge requirements (WDRs), NPDES permits, Section 401 water quality certifications, or other approvals. The RWQCBs also have authority to issue waivers to Reports of Waste Discharge requirements and WDRs for broad categories of "low threat" discharge activities that have minimal potential for adverse water quality effects, when implemented according to prescribed terms and conditions.

The term "Waters of the State" is defined by Porter-Cologne as "any surface water or groundwater, including saline waters, within the boundaries of the state." The RWQCB protects all waters in its regulatory scope but has special responsibility for wetlands, riparian areas, and headwaters, including isolated wetlands, and waters that many not be regulated by the USACE under Section 404 of the CWA. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program, which regulates discharges of fill and dredged material under Section 401 of the CWA and the Porter-Cologne.

Regional/Local

Fort Ord Habitat Management Plan

The Army's decision to close and dispose of the Fort Ord military base was considered a major federal action that could affect listed species under the ESA. In 1993, USFWS issued a BO on the disposal and reuse of former Fort Ord requiring that an HMP be developed and implemented to reduce the incidental take of listed species and loss of habitat that supports these species (USFWS, 1993, updated to USFWS, 2017a). The HMP was prepared to assess impacts on vegetation and wildlife resources and provide mitigation for their loss associated with the disposal and reuse of former Fort Ord (USACE, 1997).

The HMP establishes guidelines for the conservation and management of species and habitats on former Fort Ord lands by identifying lands that are available for development, lands that have some restrictions with development, and habitat reserve areas. The intent of the plan is to establish large, contiguous habitat conservation areas and corridors to compensate for future development in other areas of the former base. The HMP identifies what type of activities can occur on each parcel at former Fort Ord; parcels are designated as "development with no restrictions," "habitat reserves with management requirements," or "habitat reserves with development restrictions." The HMP sets the standards to assure the long-term viability of former Fort Ord's biological resources in the context of base reuse so that no further mitigation should be necessary for impacts to species and habitats considered in the HMP. This plan has been approved by USFWS; the HMP, deed restrictions, and Memoranda of Agreement between the Army and various land recipients provide the legal mechanism to assure HMP implementation. It is a legally binding document, and all recipients of former Fort Ord lands are required to abide by its management requirements and procedures.

The HMP anticipates some losses to special-status species and sensitive habitats as a result of redevelopment of the former Fort Ord. With the designated reserves and corridors and habitat management requirements in place, the losses of individuals of species and sensitive habitats considered in the HMP are not expected to jeopardize the long-term viability of those species, their populations, or sensitive habitats on former Fort Ord. Recipients of disposed land with restrictions or management guidelines designated by the HMP will be obligated to implement those specific measures through the HMP and through deed covenants. However, the HMP does not provide specific authorization for incidental take of federal or state listed species to existing or future non-federal land recipients under the ESA or CESA.

The project area is located within designated development parcels. Parcels designated as "development" have no management restrictions. However, the Programmatic BO and HMP require the identification of sensitive biological resources within the development parcels that may be salvaged for use in restoration activities in reserve areas (USFWS, 2017a and USACE, 1997).

Habitat Conservation Plans or NCCP

There are no adopted HCPs or Natural Community Conservation Plans (NCCP) associated with the project area.

Del Rey Oaks Municipal Code

The City recognizes oak trees and other significant trees as significant historical, aesthetic, and ecological resources and actively seeks to create favorable conditions for the preservation and propagation of resources within City limits. DRO Municipal Code Chapter 12.16 (Street Trees and Shrubs) requires a tree removal permit from the City to alter (i.e., significantly damage the health or appearance of) protected oaks and other significant trees within City limits, unless exempted. The City defines protected trees as follows:

- *Oak tree* means any tree of the *Quercus* genus more than 30 inches in circumference as measured two feet above the root crown or, in the case of an oak with more than one trunk, any such tree with a circumference of any two trunks of at least 40 inches as measured two feet above the root crown.
- *Significant tree* means a woody perennial plant which usually, but not necessarily, has a single trunk, and which has a height of 30 feet or more, or has a circumference of 36 inches or more at 24 inches above the ground.

Per DRO Municipal Code (amended in 2019 in Ordinance No. 298 of the City Council of the City of Del Rey Oaks), the following are exempted from the tree removal permit requirements described above:

- Cases of emergency caused by a tree being in a hazardous or dangerous condition, as determined by the City Manager or any member of the police or fire department or an affected utility company;
- The necessary cutting and trimming or trees when done for the purpose of protecting or maintaining overhead public utility lines pursuant to Rule No. 35 of General Order No. 95 of the Public Utilities Commission of the State;
- The removal of trees within the City located in or upon a public street, way, park, place, or right-of-way. However, such removals require permission from the City Manager and must be conducted under the supervision of the City Manager; and
- Tree removal requests made by a public agency. However, such removals require permission from the City Manager and must be conducted under the supervision of the City Manager.

City of Del Rey Oaks General Plan

The General Plan provides policies for protection of biological resources within the City. The following policies are applicable to the project area:

Policy C/OS-3 Wildlife habitat and wildlife corridors shall be preserved.

Policy C/OS-4 Significant stands of riparian vegetation shall be subject to only minimal cutting and removal, and then only when proven unavoidable.

Policy C/OS-5a Encourage the conservation and preservation of irreplaceable natural resources and open space at former Fort Ord.

Policy C/OS-5e The City shall ensure that all habitat conservation and corridor areas identified in the Fort Ord Habitat Management Plan (HMP) are protected from degradation due to development within or adjacent to these areas. This shall be accomplished by assuring that all new development in the Fort Ord Reuse Area adheres to the management requirements of the HMP and the policies of the Fort Ord Reuse Area Plan.

Policy C/OS-5f The City shall encourage the preservation of small pockets of habitat and populations of special status species within and around developed areas, in accordance with the recommendations of the HMP and Fort Ord Reuse Area Plan. This shall be accomplished by requiring project applicants to conduct surveys to verify sensitive species and/or habitats on the site and developing a plan for avoiding or salvaging these resources, where feasible

Policy C/OS-5g The City shall provide for the protection and mitigation of impacts of wetland areas consistent with applicable state and Federal regulations.

Policy C/OS-6 The City will encourage the Monterey Regional Parks District to ensure water quality of the Frog Pond, develop and maintain areas of open viewsheds of the Frog Pond along Canyon Del Rey and North/South Road.

3.4.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or USFWS;

c. Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption, or other means;

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites;

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impact Analysis Overview

Approach to Analysis

The biological analysis herein is a program-level analysis for the Housing Element update and the General Plan amendment. Specific subsequent projects, their associated locations, and physical effects on the environment from the implementation of the proposed Housing Element update, General Plan amendment, and rezoning are not known at this time. Thus, this analysis uses a programmatic approach to evaluating potential impacts to sensitive biological resources that may result from implementation of the proposed Housing Element and General Plan, commensurate with the conceptual level of project information available and the approval being considered (i.e., City approval of the proposed Housing Element update).

The project area is located within parcels designated by the HMP as “development.” Through implementation of the Fort Ord HMP, impacts to HMP species and habitats occurring within the designated development parcels were anticipated and mitigated through the establishment of habitat reserves and corridors and the implementation of habitat management requirements within habitat reserve parcels on former Fort Ord. As described above, parcels designated as “development” under the HMP have no management requirements or development restrictions. However, the 2017 Programmatic BO and HMP require the identification of sensitive biological resources within these parcels that may be salvaged for use in restoration activities in reserve areas (USFWS, 2017a; USACE, 1997).

HMP Species and Habitat Impact Analysis

The Fort Ord HMP species that have the potential to occur within the project area include Hooker's manzanita, Toro (Monterey) manzanita, sandmat manzanita, Monterey ceanothus, Eastwood's goldenfleece, coast wallflower, Monterey spineflower, Monterey (sand) gilia, Yadon's piperia, seaside bird's-beak, California tiger salamander, California red-legged frog, California linderiella, Smith's blue butterfly, Northern California legless lizard, and Monterey ornate shrew. With the designated habitat reserves and corridors and habitat management requirements of the HMP in place, the loss of these species is not expected to jeopardize the long-term viability of these species and their populations on the former Fort Ord (USFWS, 1993). This is because the recipients of disposed land with restrictions or management guidelines designated by the HMP will be obligated to implement those specific measures through the HMP and deed covenants.

In addition to the HMP species identified, impacts to sensitive central maritime chaparral habitat are also addressed in the HMP and, therefore, impacts to this habitat are also considered mitigated through the implementation of the HMP based on the same conclusions. The proposed project is 1) only proposing development activities within designated development parcels; 2) required to comply with the habitat management requirements identified in the HMP; and 3) would not result in any additional impacts to HMP species and habitats beyond those anticipated in the HMP. Therefore, no additional mitigation measures for these HMP species or central maritime chaparral habitat are required. Impacts to these special-status species and central maritime chaparral that would result from the proposed project are considered less than significant.

The HMP and 2017 Programmatic BO require the identification of sensitive biological resources within development parcels that may be salvaged for use in restoration activities in habitat reserve areas. In addition, the City is required to implement Borderlands requirements for Site 1. The City is required to implement HMP requirements in accordance with the deed covenants, which apply to all parcels within the project area. Therefore, this analysis assumes that salvage of HMP species will be conducted in accordance with this requirement.

However, as described above, the HMP does not exempt existing or future land recipients, including the City, from the Federal and State requirements of ESA and CESA. Of the 14 HMP species known or with the potential to occur within the portion of the project area within former Fort Ord, there are seven federal and/or state listed species that have the potential to be impacted by the proposed project and may require take authorization from the resource agencies (Service and/or CDFW): Monterey spineflower, federally threatened; sand gilia, federally endangered and state threatened; seaside bird's-beak, state endangered; Yadon's piperia, federally endangered; California tiger salamander, federal and state threatened; California red-legged frog, federal threatened; and Smith's blue butterfly, federally endangered. Therefore, although these species are HMP species, the take of these species is prohibited under the ESA and/or CESA. Development resulting in take of these species would need to be authorized by the Service and/or CDFW through the issuance of incidental take permits from the applicable agency to avoid violation of the ESA and/or CESA.

Impacts and Mitigation Measures

Impact BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. (Criterion a)

Future development within the project area could result in direct loss of individuals and habitat for a number of special-status wildlife species. In addition, future development within the project area could

also result in direct loss of individuals and habitat for a number of special-status plant species. As described in the Impact Analysis Approach section above, impacts to HMP plant and wildlife species are considered less than significant. These species include: California tiger salamander, California red-legged frog, California linderiella, Smith's blue butterfly, Northern California legless lizard, Monterey ornate shrew, Monterey spineflower, sand gilia, sandmat manzanita, Hooker's manzanita, Toro manzanita, Monterey ceanothus, seaside bird's-beak, sand-loving wallflower, Eastwood's goldenbush and Yadon's piperia. While not required to reduce a significant impact, **Mitigation Measure 3.4-1** will be implemented to further reduce the less-than-significant impact. This measure would ensure that sensitive biological resources are identified on development sites in advance of construction and that take authorization is obtained, were needed. Per the HMP and the BO requirements in deed covenants**, Mitigation Measure 3.4-1** acknowledges that the City will require developers to identify sensitive biological resources within the project area prior to any future construction to determine whether salvage is feasible and if so, seed and topsoil salvage would occur to support reseeding and restoration efforts on- or off-site. In addition, the City, or future developer with City oversight, will ensure implementation of all Borderlands requirements for Site 1. Implementation of these requirements are included in **Mitigation Measure 3.4-1**, which includes measures to avoid and minimize impacts to biological resources in adjacent open space areas.

Additionally, project impacts to species listed as threatened or endangered by CDFW and/or USFWS may also require agency consultation and/or incidental take permits. These species include: Monterey spineflower, federally threatened; sand gilia, federally endangered and state threatened; seaside bird's-beak, state endangered; Yadon's piperia, federally endangered; California tiger salamander, federal and state threatened; California red-legged frog, federal threatened; and Smith's blue butterfly, federally endangered. Therefore, although these species are HMP species, the take of these species is prohibited under the ESA and/or CESA. Other non-HMP species listed as threatened or endangered by CDFWS and/or USFWS that may occur within the project area include western bumble bee, state candidate; crotch bumble bee, state candidate; and Contra Costa goldfields, federal endangered. Impacts resulting in take of these species would need to be authorized by the USFWS and/or CDFW through the issuance of incidental take permits from the applicable agency to avoid violation of the ESA and/or CESA.

If a project would result in impacts to special-status species not included in the HMP, such impacts would be potentially significant and mitigation will be required. Several special-status species not included in the HMP have the potential to occur within the project area (see **Table 3.4-1** above). These species are not listed under ESA or CESA and take authorization from the USFWS or CDFW is not required; however, impacts to these species would be considered potentially significant under CEQA. This potentially significant impact can be reduced to a less-than-significant level with implementation of **Mitigation Measure 3.4-2** provided below, which includes project-specific biological assessments for future development to determine presence/absence of special-status species and identification of measures necessary to avoid, minimize, and/or compensate for any identified impacts.

The MBTA protects the majority of migrating birds breeding in the U.S., regardless of their official federal or state listing status under the ESA or CESA. The law applies to the disturbance or removal of active nests occupied by migratory birds during their breeding season. It is specifically a violation of the MBTA to directly kill or destroy an occupied nest of any bird species covered by the MBTA. CDFW Code Section 3503 protects the nest and eggs of native non-game birds. Under this law, it is unlawful to take, possess, or destroy any such birds or to take, possess, or destroy the nests or eggs of any such bird. FGC Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Most of the birds with the potential to occur within the project area are protected under both the MBTA and FGC Section 3503. Any future construction-related activities (e.g., trimming and removal of

vegetation, and equipment noise, vibration, and lighting) that result in harm, injury, or death of individuals, or abandonment of an active nest is a potentially significant impact that can be reduced to a less-than-significant level with implementation of **Mitigation Measure 3.4-3** identified below, which includes surveys to identify the presence of active nests prior to construction and measures to avoid active nests if found.

New development proposed adjacent to open space areas has the potential to adversely affect special-status species and natural communities within the open space areas. Damaging effects may include vandalism, dumping of trash, trampling, mountain bike use, equestrian use, and off-road vehicle use; runoff from adjacent streets and landscaped areas containing lawn fertilizer, pesticides, and vehicle waste (petroleum byproducts); introduction of invasive non-native species; off-trail activity resulting in habitat destruction and/or fragmentation and spread of invasive species; lights and noise from nearby development; unregulated movement of domestic animals; and a lack of barriers to special-status species that may enter developed areas, which may result in individual mortality. These adverse effects may be the result of activities occurring within development areas and indirectly affecting the adjacent habitat areas (e.g., water runoff), or result of increased public access and use of the open space areas due to the increase in local population and availability of open space recreational amenities. This is considered a potentially significant impact that can be reduced to a less-than-significant level with implementation of **Mitigation Measure 3.4-4** provided below, which includes implementation of open space requirements.

Mitigation Measures

Implementation of the following mitigation measures will reduce the potentially significant impacts to special-status species to a less-than-significant level. Additionally, although impacts to HMP plant and wildlife species are considered less than significant, **Mitigation Measure 3.4-1** below will be implemented to further reduce the less-than-significant impact consistent with the HMP and the BO requirements in deed covenants.

3.4-1 Project-Specific Biological Assessments (HMP Species). The City shall require that a biological survey of development sites be conducted by a qualified biologist to determine if the development could potentially impact HMP species of potential habitat. A report describing the results of the surveys will be provided to the City prior to any ground disturbing activities. The report will include, but not be limited to: 1) a description of the biological conditions at the site; 2) identification of the potential for HMP species to occur or HMP species observed, if any; and 3) maps of the locations of HMP species or potential habitat, if observed.

If HMP species that do not require take authorization from the USFWS or CDFW are identified within the development site, salvage efforts for these species will be evaluated by a qualified biologist in coordination with the City's consulting biologist to further reduce impacts per the requirements of the HMP and BO. Where salvage is determined feasible and proposed, seed collection should occur from plants within the development site and/or topsoil should be salvaged within occupied areas to be disturbed. Seeds should be collected during the appropriate time of year for each species by qualified biologists. The collected seeds and topsoil should be used to revegetate temporarily disturbed construction areas and reseeding and restoration efforts on- or off-site, as determined appropriate by the qualified biologist and the City.

If HMP species that require take authorization from the USFWS and/or CDFW are identified within the development site, the City will ensure that developers comply with ESA and CESA and obtain necessary permits prior to construction.

3.4-2 Project-Specific Biological Assessments (Non-HMP Species). The City shall require that a biological survey of development sites be conducted by a qualified biologist to determine if the

development could potentially impact a special-status species or their habitat. A report describing the results of the surveys will be provided to the City prior to any ground disturbing activities. The report will include, but not be limited to: 1) a description of the biological conditions at the site; 2) an search of relevant resources to generate an updated list of special-status species known within the project vicinity; 3) identification of the potential for special-status species to occur or special-status species observed, if any; 4) maps of the locations of special-status species or potential habitat, if observed; and 5) recommended mitigation measures, if applicable.

If special-status species are determined not to occur at the development site, no additional mitigation is necessary.

If special-status species are observed or determined to have the potential to occur, the project biologist shall recommend measures necessary to avoid, minimize, and/or compensate for identified impacts. Measures may include, but are not limited to, revisions to the project design and project modifications, pre-construction surveys, construction buffers, construction best management practices, monitoring, non-native species control, restoration and preservation, and salvage and relocation.

If species that require take authorization from the USFWS and/or CDFW are identified within the development site, the City will comply with ESA and CESA and obtain necessary permits prior to construction.

3.4-3 Pre-Construction Surveys for Protected Avian Species. Construction activities that may directly (e.g., vegetation removal) or indirectly (e.g., noise/ground disturbance) affect protected nesting avian species will be timed to avoid the breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after August 31 and before January 31. Alternatively, a qualified biologist will be retained by the City to conduct pre-construction surveys for nesting raptors and other protected avian species within 500 feet of proposed construction activities if construction occurs between February 1 and August 31. Pre-construction surveys will be conducted no more than 14 days prior to the start of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). Because some bird species nest early in spring and others nest later in summer, surveys for nesting birds may be required to continue during construction to address new arrivals, and because some species breed multiple times in a season. The necessity and timing of these continued surveys will be determined by the qualified biologist based on review of the final construction plans and in coordination with the USFWS and CDFW, as needed.

If raptors or other protected avian species nests are identified during the pre-construction surveys, the qualified biologist will notify the City and an appropriate no-disturbance buffer will be imposed within which no construction activities or disturbance shall take place (generally 500 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.

3.4-4 Implement Open Space Protection Requirements. For open space areas adjacent to the project area, the following measures shall be implemented:

- **Conduct an access assessment to identify necessary access controls.** In some cases, structures including fences or other appropriate barriers may be required within the future development to control access into the habitat areas. An assessment of access issues and

necessary controls will be completed as part of planning for the development and submitted to the City for review and approval, prior to development.

- Signs, interpretive displays, trailhead markers, or other information will be installed and maintained at identified urban/wildland interface that illustrate the importance of the adjacent habitat area and prohibit trespass, motor vehicle entry, dumping of trash or yard wastes, pets off-leash, capture or harassment of wildlife, impacts to special-status species, and other unauthorized activities.
- **Incorporate non-native species control features into site design.** Detention ponds or other water features associated with future development will be sited as far from the urban/wildland interface as possible. Suitable barriers will be located between these features and the habitat area boundary to prevent these features from becoming "sinks" for special-status wildlife species, as well as sources for invasive non-natives that could then move into the adjacent habitat area.

  If detention ponds or other waterbodies must be located at the urban/wildland interface, a specific management program addressing control of non-native animals (e.g., bullfrogs) must be prepared and submitted for review and approval by the City, prior to development.
- Landscaping within the areas adjacent to open space areas will consist of native or non-native plant species that will not colonize reserve areas in the former Fort Ord outside the project area. Any landscaping or replanting required for the project will not use species listed as noxious by the California Department of Food and Agriculture (CDFA). All landscape plans will be reviewed by the City.
- **Limit artificial lighting at the urban/wildland interface.** Outdoor lighting associated with future development will be low intensity, focused, and directional to preclude night illumination of the adjacent habitat area. Outdoor lighting will be placed as far from the urban/wildland interface as possible given safety constraints. High-intensity lighting facing the habitat areas will be directional and as low to the ground as possible to minimize long distance glare.
- Develop and implement erosion control measures to prevent sediment transport into and within habitat areas. Erosion control measures will be required where vegetation removal or soil disturbance occurs as a result of all construction and maintenance, including trail, road, or fuelbreak construction/maintenance, access controls, or stormwater management, consistent with existing stormwater management plans. Specific measures to be implemented shall be detailed in an erosion control plan. The erosion control plan will include, at a minimum, the following measures.
  - Re-contour eroded areas.
  - Maintain and grade areas along the reserve perimeter and main roads as appropriate to avoid washouts. Gullies will be repaired as needed.
  - Install drainage features such as outlet ditches, rolling dips (similar to waterbars), and berms as needed to facilitate the proper drainage of storm runoff.
  - Add soil amendments such as fertilizers and gypsum for designated development areas only.
  - Prevent sediments from entering basins or swales that could be used by HMP species during erosion control activities.

- Design and conduct erosion control measures to minimize the footprint of the structures and repairs, and design structures to minimize potential impacts on California tiger salamander and California red-legged frog that may be moving between breeding and upland habitats.
- Use weed-free mulch, weed-free rice, sterile barley straw, or other similar functioning product where needed for erosion control. Seed native plant species to stabilize soils disturbed by erosion control activities and prevent colonization by invasive weeds. Incorporate native plant species to the extent practicable.

Impact BIO-2: Impacts to Riparian Habitat, State or Federally Protected Wetlands, or other Sensitive Natural Community.

Vegetation types occurring within the project area that are listed as sensitive on the CDFW's *Natural Communities List* (CDFW, 2010) include central maritime chaparral, which covers the majority of the project area. Future development within the project area could result in loss of this sensitive vegetation type. As described in the Impact Analysis Approach, the implementation of the HMP mitigates for the loss of central maritime chaparral by preserving the same habitat within the habitat reserve areas on the former Fort Ord. Therefore, impacts to central maritime chaparral are considered less than significant with the implementation of the HMP.

Two areas of potentially jurisdictional wetlands and/or other waters of the U.S. or state are identified within the project area. In addition, there is a low potential for future establishment of riparian habitat, state or federally protected wetlands, and/or other sensitive communities within the project area. Development that occurs within or adjacent to sensitive natural communities may result in a significant impact. The presence of sensitive natural communities on a development site must be evaluated prior to approval of the development. Any impacts to sensitive natural communities are considered a significant impact that can be reduced to a less-than-significant level with implementation of **Mitigation Measure 3.4-5** identified below, which includes project-specific biological assessments for future development to determine presence/absence of sensitive habitats and identification of measures necessary to avoid, minimize, and/or compensate for any identified impacts.

Mitigation Measure

Implementation of the following mitigation measure will reduce the potentially significant impacts to sensitive natural communities to a less-than-significant level.

3.4-5 Project-Specific Sensitive Natural Community Assessments. The City shall require that any development that could potentially impact a sensitive natural community shall be required to conduct a survey of the site by a qualified biologist. A report describing the results of the survey will be provided to the City prior to any ground disturbing activities. The report will include, but is not limited to: 1) a description of the biological conditions at the site; 2) identification of the potential for sensitive habitats or sensitive habitats observed, if any; 3) maps of the **locations** of sensitive habitats or potential sensitive habitat, if observed; and 4) recommended avoidance and minimization measures, if applicable. If a potential state or federally protected wetland or other are identified to be present on the site, a formal wetland delineation will be conducted in accordance to USACE methodology.

If a proposed development cannot avoid impacts to sensitive habitat areas, the City shall require a compensatory habitat-based mitigation to reduce impacts. Compensatory mitigation must involve the preservation, restoration, or purchase of off-site mitigation credits for impacts to sensitive habitats. Mitigation must be conducted in-kind or within an approved mitigation bank

in the region. The specific mitigation ratio for habitat-based mitigation will be determined through consultation with the appropriate agency (i.e., CDFW, USACE, or SWRCB) on a project-by-project basis.

Impacts to sensitive habitats, including but not limited to, vernal pools, streambeds, waterways, or riparian habitat, protected under Section 1600 of Fish and Wildlife Code and Sections 401 and 404 of the CWA, require regulatory permitting to reduce impacts. Acquisition of permits and implementation of the approved mitigation strategy would ensure impacts are fully mitigated and "no net loss" of wetland habitat would occur.

Impact BIO-3: Impacts to Movement of Wildlife.

Wildlife movement corridors are pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or man-made factors, such as urbanization. The fragmentation of natural habitat creates isolated "islands" of vegetation that may not provide sufficient area or resources to accommodate sustainable populations for a number of species, and therefore, adversely affect both genetic and species diversity. Corridors often partially or largely mitigate the adverse effects of fragmentation by: 1) allowing animals to move between remaining habitats to replenish depleted populations and increase the gene pool available; 2) providing escape routes from fire, predators, and human disturbances, thus, reducing the risk that catastrophic events (e.g., fire and disease) will result in population or species extinction; and 3) serving as travel paths for individual animals moving throughout their home range in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

The 2010 Monterey County General Plan EIR identified a number of significant wildlife movement corridors and linkages within the vicinity of the former Fort Ord, including Linkage 308: Fort Ord – Ventana; Linkage 322: Highway 68 Western Crossing; Linkage 350: Sierra de Salinas – Toro Peak; Linkage 339: Salinas Valley Floor; and Linkage 378: Salinas River – Pinnacles National Monument (County of Monterey, 2010). Of particular importance for wildlife movement from the former Fort Ord lands to outlying areas are Linkages 308 and 322. Specifically, Linkage 322 runs along El Toro Creek in the southeastern portion of former Fort Ord and through a large, bridge undercrossing Highway 68. This corridor has been identified as a significant wildlife corridor for mammals, amphibians, and reptiles moving between former Fort Ord lands and connecting to the Sierra de Salinas and Santa Lucia Ranges.

The project area is located in the southwestern portion of the former Fort Ord, adjacent to existing developed and undeveloped land. Some of the adjacent undeveloped areas are proposed for future development; however, the large undeveloped area to the northeast is a designated Habitat Management Area (HMA) in the Fort Ord HMP. As discussed in **Section 3.4.2, Environmental Setting**, the project area is in undeveloped land that is comprised mostly of central maritime chaparral habitat with limited ruderal/disturbed areas. Future development projects could involve impacts to these habitat types that would reduce or eliminate wildlife movement through the site. However, the HMP considered conservation area connectivity as an essential component of the design of the conservation areas and corridors within the former Fort Ord. The HMP created conservation areas and corridors with the purpose of linking the plant and animal populations in the northern portion of the former base at the Marina Municipal Airport to the populations in the south to the Fort Ord National Monument and the El Toro Creek undercrossing of Highway 68. The implementation of the HMP preserves (in perpetuity) over 18,500 acres of a variety of habitats supporting a variety of common and special-status plant species, and maintains a north-south wildlife corridor across the former Fort Ord lands to connect with the primary, significant wildlife linkages. As a result, future development resulting from the Housing Element Update and General Plant amendment would not disconnect, fragment, or otherwise impeded wildlife movement

in the primary, significant wildlife movement corridors between the former Fort Ord lands and other lands. This is a less-than-significant impact. No mitigation is required.

Impact BIO-4: Conflicts with Local Biological Policies and Ordinances.

Implementation of the proposed Housing Element update and General Plan amendment may result in impacts to trees within the project area. Future development within the project area would be required to comply with General Plan policies and programs protecting biological resources, the mitigation measures identified in this EIR, and the City's Municipal Code Chapter 12.16 (Street Trees and Shrubs), cited above. The City's tree ordinance requires a tree removal permit from the City Manager to alter (i.e., significantly damage the health or appearance of) protected oaks and other significant trees within City limits, unless exempted. As noted in previous analysis, the portion of the project area within former Fort Ord is included as candidate sites for meeting affordable housing requirements under State Law, but no area is specified for development and development of housing. This EIR requires mitigation to identify known or potential biological resources within a future project site. Mitigation is proposed to require surveys prior to development approval and construction to determine potential presence of, impacts to, and mitigation measures for all sensitive biological resources.

Mitigation measures and compliance with applicable General Plan policies would ensure compliance with local ordinances. Therefore, implementation of the proposed Housing Element update and General Plan amendment would not conflict with Local Biological Policies and Ordinances related to protection of biological resources or tree preservation policies. With the mitigation measures identified in this EIR and application of General Plan policies, the impact would be less than significant.

Impact BIO-5: Conflicts with any Adopted HCP, NCCP, or Other Approved Conservation Plan.

As described in **Section 3.4.3**, the project area is not located within an approved HCP or NCCP area. However, the project area is located within the approved Fort Ord HMP area. The entire project area is located within parcels designated by the HMP as "development." As described above in the Regulatory section, parcels designated as "development" do not have habitat requirements. Additionally, a portion of the project area, Site 1, is designated in the HMP as having Borderlands requirements. Borderlands are designated development parcels or habitat reserve parcels at the urban/wildland interface where specific design considerations and management activities are required to minimize effects of development on HMP species and natural communities.

The City is required to implement HMP requirements in accordance with the deed covenants, which apply to all parcels within the project area. Therefore, although impacts to HMP plant and wildlife species are considered less than significant, **Mitigation Measure 3.4-1** will be implemented to further reduce the less-than-significant impact. Therefore, implementation of the proposed Housing Element update and General Plan amendment would not conflict with the approved HMP and no impact would occur.

Mitigation Measure

As no impacts related to conflicts with an adopted HCP would occur, no additional mitigation measures are required. However, although impacts to HMP plant and wildlife species are considered less than significant, **Mitigation Measure 3.4-1** (see above) will be implemented to further reduce the less-than-significant impact consistent with the HMP and the BO requirements in deed covenants.

3.4.5 Cumulative Impacts

CEQA Guidelines Sec. 15130 requires that an EIR evaluate the cumulative effects of a proposed project when the project's incremental effect is "cumulatively considerable." A "cumulatively considerable" effect

means that the incremental effects of an individual project are significant when viewed in connection with the effects of past, present, and reasonably foreseeable future projects (CEQA Guidelines Sec. 15065(a)(3)). A cumulative effect is defined as an impact which is created as a result of the contribution of the project evaluated in the EIR together with other projects causing related impacts (CEQA Guidelines Sec. 15355). When the combined cumulative effect associated with the project's incremental effects and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative effect is not significant (CEQA Guidelines Sec. 15130(a)(2)).

This section evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to biological resources. As discussed in **Impacts BIO-1** through **BIO-4** of this Draft EIR, implementation of the proposed project would include ground disturbance that would affect biological resources similar in extent to the assumed land disturbance evaluated in the General Plan. More specifically, future implementation of the proposed project would be located on land currently vacant but zoned for development for commercial, visitor-serving urban uses, and therefore developable pursuant to the City of Del Rey Oaks General Plan EIR, FORA Reuse Plan EIR and the Redevelopment Plan ISMND. There is no new significant effect, and the impact is not more severe than the impact identified in the General Plan EIR. Therefore, the proposed project would not result in a new or greater contribution to cumulative effects on biological resources beyond what was identified in the General Plan EIR.

The proposed project would result in development on existing vacant land, however. As discussed under **Impact BIO-1**, the proposed project would have a substantial adverse effect on species identified as candidate, sensitive, or special status. However, **Mitigation Measures 3.4-1** through **3.4-4** would reduce project-level impacts to a less than significant level through direct avoidance and compensation. Therefore, with mitigation, the proposed project would not have a cumulatively considerable contribution to the significant cumulative impact related to sensitive or special status species. As discussed under **Impact BIO-2**, future development facilitated by the proposed project could result in potentially significant impacts to sensitive natural communities. However, implementation of **Mitigation Measure 3.4-5** would reduce project-level impacts to a less than significant level.

The proposed project would not impact the movement of any native resident or migratory fish or wildlife species, or impede the use of wildlife nursery sites, as discussed under **Impact BIO-3**. Therefore, the proposed project would not have a cumulatively considerable contribution to a significant cumulative impact related to these resources.

As discussed under **Impact BIO-4**, adherence to City tree removal policies would require the minimization of impacts to oak woodlands, the protection of trees to remain during construction and redevelopment and the replacement of removed trees. Compliance with the project mitigation measures and City requirements would reduce future project-level impacts to a less than significant level. As such, the proposed project would not have a cumulatively considerable contribution to a significant cumulative impact related to conflicts with local tree preservation policies or ordinances.

As discussed under **Impact BIO-5**, the proposed project would not conflict with the Fort Ord HMP. It is anticipated that other cumulative development projects on the former Fort Ord would be analyzed for biological resource impacts and would incorporate similar mitigation to ensure consistency with the HMP. This cumulative impact is therefore less than significant, and the proposed project would not have a cumulatively considerable contribution to a significant cumulative impact related to conservation plans.

In conclusion, the proposed project would not result in a cumulatively considerable impact. No additional mitigation measures are necessary.

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3.5 CULTURAL AND TRIBAL RESOURCES

3.5.1 Introduction

This section evaluates the potential effects of the proposed project on cultural and tribal resources, including historical, archaeological, tribal, and human remains. Cultural resources are defined as buildings, sites, structures, or objects, each of which may have historical, architectural, archaeological, or cultural importance. Significant cultural resources may be historical resources (i.e., cultural resources eligible for inclusion on the California Register of Historical Resources [CRHR]) or unique archaeological resources as defined in CEQA. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either; listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to the criteria set forth in PRC Section 5024.2(c).

During the NOP scoping period, one (1) letter was received from the Native American Heritage Commission (NAHC). The comment identified requirements for tribal consultation under AB 52 and SB 18 for the proposed project. Tribal consultation was conducted for both 5th Cycle Housing Element Update and 6th Cycle Housing Element Update under AB 52 and SB 18. This consultation is described below and in the consultation letters provided in **Appendix D, Tribal Consultation**. Please also refer to **Appendix A**, **NOP, and Public Comment Letters.**

3.5.2 Environmental Setting

Regional Setting

Archaeological evidence and radiocarbon dates establish human occupation of the California Coast dating back at least 10,000 years. Evidence from coastal areas of the County suggests settlement of this area by at least 5,000 B.C., and earlier. Proto-Esselen foragers speaking Hokan represented the Sur Pattern,[1] dating to 5,000 B.C. They were replaced by proto-Costanoan peoples in the Monterey Pattern, which began about 500 B.C. and lasted up to the Historic Period.

The former Fort Ord is located within lands historically occupied by the Rumsen Indians who belonged to a branch of the Costanoan, or Ohlone, language family. Their closest village center to former Fort Ord was located at present-day San Carlos. The Rumsen and Ohlone traditional lifeways were largely destroyed when Euro-Americans began colonizing their territory in the 1770s. European contact began with the arrival of Spanish explorers in the 16th Century. In 1770, the Portola expedition established the first mission and the Royal Presidio in Monterey. In 1771, the Mission was moved to the Carmel Valley adjacent to arable land. By 1778, most of the remaining Rumsen and Esselen Indians in Carmel and Monterey were baptized, marking the beginning of the disintegration of Native American traditional lifeways in this area. By the turn of the century, vestigial Tribal communities disappeared, and by 1935, the Ohlone language was extinct.

The former Fort Ord was created in 1917 from land designated as City of Monterey Tract No. 1 and several ranches. Originally named Gigling Reservation, the installation was renamed Camp Ord in 1933 after Major General Edward Ord, and later became known as Fort Ord. The former Fort Ord became an active

[1] Pattern refers to geographically and chronologically extended cultural unit within a region, characterized by similar technology, economy, and burial practices.

military installation for the housing and training of Army troops just before World War II. Many facilities were built beginning in 1940 using funds from the Work Progress Administration. The former Fort Ord was used as an important staging area during World War II and as a training facility during the Korean and Vietnam wars.

Archaeological and Tribal Resources

Cultural Resources in the Vicinity of the Proposed Project

Three archaeological surveys were previously conducted within the boundaries of the former Fort Ord (USACE, 1993). The surveys found no archaeological resource potential in the active beach strand, low potential in the active dunes, and medium potential in the stabilized dunes. The dissected uplands were found to have a high potential for prehistoric archaeological resources along the streams that connect with the Salinas River floodplain. Areas of high archaeological sensitivity have been identified and a cultural resource survey was conducted in high and low probability areas, which found that there was little potential for cultural deposits or information at three (3) identified sites and four (4) isolated find localities (Waite, 1995). The areas of greatest archaeological sensitivity at Fort Ord include all terraces and benches adjacent to the Salinas River and El Toro Creek, the peripheries of the west cycle lakes, and lands adjacent to the streams that flow through Pilarcitos and Impossible Canyons. All other lands in the area were determined to have low to medium potential for possessing archaeological resources (FORA, 1997).

Tribal Cultural Resources

As discussed above, tribal cultural resources, as defined by PRC Section 21074, are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
- a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to the criteria set forth in PRC Section 5024.2(c). In applying the criteria set forth in PRC Section 5024.1(c) for the purposes of this paragraph, the lead agency shall consider the significance of the resources to a California Native American tribe.

Historic Context

An Inventory Survey of Historic-Period Sites at Fort Ord was prepared for the former Fort Ord to identify historic sites that may be eligible for inclusion in the National Register of Historic Places (NRHP). There are no identified eligible historic sites within the project area. The Army and the California State Historic Preservation Officer (SHPO) concluded that Stilwell Hall (approximately 5 miles northwest of the project area), which has since been deconstructed due to coastal erosion, and 35 structures in the East Garrison area (approximately 6 miles northeast of the project area) were the only former Fort Ord properties eligible for listing on the NRHP (FORA, 1997).

Cultural Tribal Resources in the Project Area

Cultural resource study results were negative for any cultural resources within the former Fort Ord within the City. The NAHC and Native American individuals/groups recommended by the NAHC were consulted in 2019 for the 2019 5th Cycle Housing Element and again in 2023 for the update. Separate consultation was conducted for both 5th Cycle Housing Element Update and 6th Cycle Housing Element Update under AB 52 and SB 18, therefore. Please refer to **Appendix D, Tribal Consultation.**

Archaeological Consulting completed an archeological survey of the site in 2010. The field area surveyed included the entire project area within former Fort Ord. The pedestrian survey consisted of a general surface reconnaissance of all accessible project areas which could reasonably be expected to contain visible cultural resources, and which could be viewed without major vegetation removal. Background research did not identify any recorded cultural resource located within the project area. In addition, Fort Ord has been the subject of two (2) overviews and another large-scale survey for cultural resources in the vicinity as discussed above.

Background research included an examination of the archaeological site records, maps, and project files of the Northwest Information Center of the California Historical Resources Information System (CHRIS), located at Sonoma State University. In addition, Archeological Consulting examined its own extensive files and maps for supplemental information, such as rumors of historic or prehistoric resources in the general project area. The Archeological Consulting report found no evidence of sacred or religious sites, Native American remains, anything of archeological significance, or findings of historical significance within the project area.

Sacred Lands Search and Tribal Consultation

A Sacred Lands search was also initiated with the NAHC in 2019 and again in January 2023 for this EIR. The Sacred Lands file search through NAHC found no recorded resources in the project area. Following the search, the commission recommended consultation with locally affiliated Native Americans and provided a list of individuals from several bands to contact for such consultation. Contact was made by mail, email, and/or telephone by the City in 2019. Contact was reinitiated in February 2023. Letters with project information including a project description and a project location map were sent to the identified contacts via certified mail. The parties contacted were asked to consider the letter and project information as notification of a proposed project as required under CEQA, AB 52 and SB 18. Return contact information was provided to facilitate multiple options for responses by letter, email, or phone.

The City contacted the NAHC again in May 2023 to request a search of the SLF File for the proposed 6th Cycle Housing Element. The NAHC responded and provided a list of Native American contacts as well as the results of the record search; search results were again negative. The City contacted the Native American groups and/or individuals identified by NAHC in fulfillment of AB 52 and SB 18 requirements.

Tribal Consultation letters and letters from the NAHC are located in **Appendix D, Tribal Consultation.** No Native American contacts requested consultation during the tribal consultation process identified above for the 5th and 6th Cycle Housing Element Updates.

3.5.3 Regulatory Framework

Federal

National Historic Preservation Act

The NHPA, first adopted in 1966, requires federal agencies to take into account the effects of their undertakings on historic properties; and makes the heads of all federal agencies responsible for the preservation of historic properties owned or controlled by their agencies. Section 106 of the NHPA requires federal agencies to consider the effects of their undertakings on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP. Undertakings include federally funded, licensed, or permitted projects.

State

California Register of Historical Resources

The CRHR is "an authoritative listing and guide to be used by state and local agencies, private groups and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1[a]). The CRHR includes buildings, sites, structures, objects, and districts significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. The CRHR is maintained by California State Parks' Office of History Preservation (OHP).

California Public Resources Code

Several sections of the California PRC protect cultural resources located on public land. Under PRC Section 5097.5, no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site (including fossilized footprints), inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature situated on public lands, except with the express permission of the public agency that has jurisdiction over the lands. Violation of this section is a misdemeanor.

PRC Section 5097.98 states that if Native American human remains are identified within a project area, the landowner must work with the Native American Most Likely Descendant as identified by the NAHC to develop a plan for the treatment or disposition of the human remains and any items associated with Native American burials with appropriate dignity. These procedures are also addressed in Section 15064.5 of the State CEQA Guidelines. California Health and Safety Code Section 7050.5 prohibits disinterring, disturbing, or removing human remains from a location other than a dedicated cemetery. Section 30244 of the PRC requires reasonable mitigation for impacts on paleontological and archaeological resources that occur as a result of development on public lands.

California Health and Safety Code

California Health and Safety Code Section 7050.5 regulates the treatment of human remains. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to his or her authority. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact the NAHC by telephone within 24 hours.

California Environmental Quality Act

CEQA requires that public or private projects financed or approved by public agencies be assessed to determine the effects on historical resources. CEQA uses the term "historical resources" to include buildings, sites, structures, objects, or districts that may have historical, pre-historical, architectural, archaeological, cultural, or scientific importance. A resource is considered historically significant under three circumstances:

1. If it is CRHR-listed or determined to be eligible for such listing by the State Historical Resources Commission;
2. If it is included in a local register of historical resources (unless the preponderance of evidence demonstrates that it is not historically or culturally significant); or

3. If it meets at least one of the criteria for listing on the CRHR (CCR Section 15064.5(a)).

Properties that are listed in or eligible for listing in the NRHP are considered eligible for listing in the CRHR and, therefore, represent significant historical resources for the purpose of CEQA (PRC Section 5024.1(d)(1)). CEQA further identifies that the fact that a resource is not listed in or determined to be eligible for listing in the CRHR (or local register), or identified in an historical resource survey, does not preclude a lead agency from determining that the resource may be a historical resource as defined pursuant to PRC 5020.1(j) or 5024.1 (State CEQA Guidelines, CCR Section 15064.5(a)(3).

CEQA also provides further guidance regarding the treatment (and evaluation of impacts) of cultural and historic resources. Specifically, State CEQA Guidelines CCR Section 15064.5(b)(3) identifies that "projects that follow the Secretary of the Interior's Standards for the Treatment of Historic Property with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (NPS, 1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource." CEQA also requires the lead agency to identify feasible measures to mitigate significant adverse changes in the significance of a historical resource (State CEQA Guidelines, CCR Section 15064.5(b)(4)). CEQA further requires that if a project would affect a state-owned historical resource, and the lead agency is a state agency, the lead agency shall consult with the SHPO as provided in PRC Section 5024.5.

Assembly Bill 52 and Senate Bill 18

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC concerning the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. AB 52 requires lead agencies to analyze a project's impacts on "tribal cultural resources" separately from archaeological resources (PRC Section 21074; 21083.09). The bill defines "tribal cultural resources" in a new section of the PRC, Section 21074. AB 52 also requires lead agencies to engage in additional consultation procedures with the respect to California Native American tribes, if the tribe has requested the lead agency to be notified of projects within its traditionally and culturally affiliated area (PRC Sections 21080.3.1, 21080.3.2, 21082.3). Finally, AB 52 requires the Office of Planning and Research to update Appendix G of the CEQA Guidelines to provide sample questions regarding impacts to tribal cultural resources, which was approved on September 27, 2016 (PRC Section 21083.9).

Under AB 52, a project that may cause a substantial adverse change in the significance of a tribal cultural resource is defined as a project that may have a significant effect on the environment. "Tribal cultural resources" are defined as either 1) sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are included in the state register of historical resources or a local register of historical resources, or that are determined to be eligible for inclusion in the state register; or 2) resources determined by the lead agency, in its discretion, to be significant based on the criteria for listing in the state register. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact.

Senate Bill 18 (SB 18) states: "Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation unless a shorter timeframe has been agreed to by the tribe."

City of Del Rey Oaks General Plan

The Conservation/Open Space Element of the General Plan provides policies for protection of cultural resources. The following conservation/open space goals apply to development in the project area:

- To protect the City's natural, cultural, visual, and historical resources.

The following policies are applicable to the project area and its potential historic, cultural, and architectural resources:

Policy C/OS-15 If development of a site uncovers cultural resources, the recommendations of Appendix K, of the Guidelines for Implementation of the California Environmental Quality Act shall be followed for identification, documentation, and preservation of the resource.

Policy C/OS-16 The City shall document and record data or information relevant to prehistoric and historic cultural resources which may be impacted by proposed development. The accumulation of such data shall act as a tool to assist decision-makers in determinations of the potential development effects to prehistoric and historic resources located within the City.

3.5.4 Impact Analysis

CEQA requires review of potential adverse impacts to defined historical resources (PRC Section 21084.1). The State CEQA Guidelines in CCR Section 15064.5(a) defines "historical resources" as any of the following:

1. Resources listed in or determined eligible by the State Historic Resources Commission for listing in the CRHR (State CEQA Guidelines, CCR Section 15064.5(a)(1)).
2. Resources included in a local register as defined in PRC Section 5020.1(k), or that are identified as significant in surveys that meet the standards provided in PRC Section 5024.1(g) (State CEQA Guidelines, CCR Section 15064.5[a][3]) "unless the preponderance of evidence demonstrates" that the resource "is not historically or culturally significant." (State CEQA Guidelines, CCR Section 15064.5[a][2]).
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence. Generally, a resource shall be considered by the lead agency to be "historically significant" if it meets criteria for listing in the CRHR, including:
    a. Is associated with events that made a significant contribution to the broad patterns of California's history and cultural heritage.
    b. Is associated with the lives of people important in our past.
    c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
    d. Has yielded or may be likely to yield information important in prehistory or history (State CEQA Guidelines Section CCR 15064.5(a)(3)).
4. The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources, or identified in an historical resource survey does not preclude a lead agency under CEQA from determining that the resource may be an

historical resource as defined in PRC Section 5020.1(j) or 5024.1 (State CEQA Guidelines, CCR Section 15064.5(a)(4)).

CEQA Guidelines (CCR Section 15064.5(b)) defines a "substantial adverse change" to an historical resource as: "physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." The significance of an historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR or in registers meeting the definitions in PRC Section 5020.1(k) or 5024.1(g).

If it is determined that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 (of CEQA) and State CEQA Guidelines CCR Section 15064.5 apply. If an archaeological site does not meet the criteria for a historical resource contained in the State CEQA Guidelines, then the site may be treated as a "unique" archaeological resource in accordance with the provisions of PRC Section 21083.2(h), in which a unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological resource is determined not to be a unique archaeological resource, the resource need not be given further consideration, other than the simple recording of its existence by the lead agency if it so elects (PRC Section 21083.2[h]). The State CEQA Guidelines note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on that resource shall not be considered a significant effect on the environment (14 CCR Section 15064.5[c][4]).

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5;

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5;

c. Disturb any human remains, including those interred outside of dedicated cemeteries; or

d. Cause a substantial adverse change in the significance of a **tribal cultural resource**, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

    i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Impact Analysis Overview

Implementation of the proposed project would not result in direct development and would not result in physical changes to the environment. However, implementation of the proposed project would provide for programs and policies that could facilitate new residential development. Future proposed development activities and projects would be required to be consistent with all State and local requirements for protection of cultural resources and adhere to the General Plan's Conservation and Open Space goals, programs, and policies. Future development would also be subject to CEQA compliance and permitting, which would minimize cultural impacts. Potential impacts from construction activities can be minimized by standard mitigation practices, conditions of approval and standard Best Management Practices (BMPs) that are imposed as part of a permit process. The following addresses potential indirect construction impacts that could occur upon development under the proposed project.

Impacts and Mitigation Measures

Impact CTR-1: Cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5. (Criteria a and b)

The results of the previous archaeological investigations and records searches did not identify any buildings, structures, sites, objects, or districts located within the project area that are significant historical resources or unique archeological resources. No historical resources as defined by CEQA have been identified within the project area. The project area does not contain known cultural resources, including pre-historic and historic archaeological sites, and, therefore, the implementation of the proposed project would be expected to have no significant impacts to cultural resources. However, although significant cultural resources are not anticipated to occur within the project area and although unlikely, there always remains a possibility that unrecorded cultural resources are present beneath the ground surface, and that such resources could be exposed and damaged during future construction facilitated by the proposed project. This is a potentially significant impact that would be reduced to a less-than-significant level with implementation of **Mitigation Measures 3.5-1** and **3.5-2** below.

Mitigation Measure

3.5-1 The following measures would be implemented in the event of an unanticipated discovery of cultural resources:

a. If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgement. A Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, shall be required if the nature of the unanticipated discovery is prehistoric.

Work cannot continue within the no-work radius until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either: 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR.

b. If a potentially eligible resource is encountered, then the archaeologist and lead agency shall arrange for either: 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility.

   If found to be eligible for either the NRHP or CRHR, then significant impacts would be resolved/mitigated through data recovery excavations to the extent of obtaining enough information to address applicable research questions.

   If data recovery is necessary, a data recovery plan will be prepared, reviewed by the lead agency, and implemented. Determinations of eligibility and completion of data recovery (if necessary) shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

3.5-2 Worker Awareness Training will be developed and conducted prior to any construction operations for development within the portion of the project area within former Fort Ord. The training program will inform crew members of the potential for archaeological finds and the protocols to be followed in the event of the discovery of archaeological materials. The program will be presented by a Professional Archaeologist and include an ALERT Sheet with visual aids with a focus on archaeological objects and other cultural materials that could be present within the project area. The training will also provide protocols in the event of an unexpected discovery and points of contact in the event of an unexpected find including Native American burials. The training will include a briefing to supervisory construction personnel and "tailgate" training to field personnel.

To conclude, the implementation of the proposed project would not cause a substantial adverse change of a historical or archeological resource pursuant to Section 15064.5. No historical or known archaeological resources are present near or within the vicinity of the proposed project. Unknown cultural resources could be encountered during construction facilitated by the proposed project, and for this reason this is a potentially significant impact that would be minimized to less than significant with the implementation of the mitigation measures identified above. Therefore, this remains a less than significant impact with mitigation.

Impact CTR-3: Disturb any human remains, including those interred outside of dedicated cemeteries. (Criterion c)

Based on the cultural investigations described above, no formal cemeteries are presently located in or near the project area and no human remains have been reported in the project area. While there is no reason to suspect the presence of human remains within or near the project area, it is possible that currently unknown human remains may be present within the project area. In the event that evidence of human remains is discovered, the requirements of **Mitigation Measure 3.5-3** below shall be implemented to reduce this potentially significant impact to a less-than-significant level.

3.5-3 In the event that evidence of human remains is discovered, construction activities within 100 meters of the discovery shall be halted or diverted and the requirements of Mitigation Measure 3.5-1 will be implemented. In addition, the County Coroner shall be notified in accordance with provisions of PRC Sections 5097.98-99. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four hours of the

determination, as required by California Health and Safety Code Section 7050.5(c) and PRC 5097. The NAHC shall identify the person or persons it believes to be most likely descended (MLD) from the deceased Native American (PRC Section 5097.98). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).

Impact CTR-4: Cause a substantial adverse change in the significance of a tribal cultural resource. (Criterion d)

The proposed project includes rezoning in the portion of the project area within former Fort Ord to allow residential as well as currently allowable commercial and visitor-serving land uses. The results of the updated SLF search through the NAHC in 2010, 2019 and the two (2) searches in 2023 did not indicate any newly inventoried Native American cultural resources in the project area. Per the previous reports and research, no tribal cultural resources or Native American resources have been identified to date. However, the NAHC results also noted that the absence or resource information in the SLF inventory does not preclude the discovery of cultural resources within any project area. Therefore, there remains a possibility that unrecorded tribal cultural resources are present beneath the ground surface, and that such resources could be exposed and damaged during construction on the properties proposed for rezoning. This potentially significant impact would be reduced to a less-than-significant level with implementation of **Mitigation Measures 3.5-1** through **3.5-3** above.

3.5.5 Cumulative Impacts

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to archaeological resources, human remains, and tribal cultural resources. This analysis then considers whether or not the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply in order for a project's cumulative effects to rise to the level of significance.

The geographic area considered in the cumulative analysis related to archaeological resources, human remains, and tribal cultural resources includes the project area, and other cumulative development in the former Fort Ord. Future development facilitated by the proposed project would not impact historic buildings within the project area as there are no known historic built environment resources eligible for listing in the NRHP or CRHR located onsite. Therefore, implementation of the proposed project would not contribute to cumulative impacts related to historic buildings or resources.

Future construction related to the implementation of the proposed project and other cumulative development could impact unknown subsurface archaeological resources. However, with the implementation of **Mitigation Measures 3.5-1** through **3.5-3**, the proposed project would not have a considerable contribution to a potentially significant cumulative impact. Development projects in the area and buildout of General Plans could result in potential impacts to cultural and paleontological resources; however, impacts to cultural resources are site specific and are evaluated and mitigated on a project-by-project basis. None of the areas of the cumulative projects in former Fort Ord would be located in

sufficiently close proximity to the project area to result in combined impacts to potential archaeological resources that could be affected by future development facilitated by the proposed project.

As such, the cumulative impact of implementation of the proposed project on archaeological resources, human remains, and tribal cultural resources would be less than significant with mitigation. The proposed project would not result in a cumulatively considerable contribution to significant cumulative impacts to buried historical or archaeological resources, human remains, and tribal cultural resources, with the implementation of mitigation.

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3.6 ENERGY

3.6.1 Introduction

This section describes the existing energy use at the State and regional level and evaluates the extent to which the proposed project could result in wasteful consumption of energy resources or conflict with regulations related to energy use. No comments concerning energy use were received during the public scoping period for this EIR. Refer to **Appendix A**, **NOP and Public Comment Letters**.

3.6.2 Environmental Setting

Energy consumption is analyzed in an EIR because of the environmental impacts associated with its production and usage. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both the production and consumption phases of energy use.

Energy usage is typically quantified using the British thermal unit (Btu).[1] As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWh) of electricity are 123,000 Btus, 1,000 Btus, and 3,400 Btus, respectively. Utility providers measure natural gas usage in terms. One term is equal to 100,000 Btus.

Electrical energy is expressed in units of kilowatts (kW) and kWh. One kilowatt, a measurement of power (energy used over time), equals one thousand joules[2] per second. A kilowatt-hour is a measurement of energy. If run for one hour, a 1,000-watt (one kW) hair dryer would use one kilowatt-hour of electrical energy. Other measurements of electrical energy include the megawatt (1,000 kW) and the gigawatt (1,000,000 kW).

Total energy usage in California was approximately 7,830 trillion Btus in the year 2016 (the most recent year for which this specific data was available). The breakdown by sector was approximately 17.7 percent for residential uses, 18.9 percent for commercial uses, 23.7 percent for industrial uses, and 39.8 percent for transportation (EIA, 2019).

According to the U.S. Energy Information Administration (EIA), existing energy use in California primarily consists of natural gas (2,248.9 trillion Btu in 2016), electricity (797.8 trillion Btu in 2016), and fuel for vehicle trips (1,713 trillion Btu in 2016) (EIA, 2019). Therefore, the remainder of this discussion will focus on the most relevant sources of energy: natural gas, electricity, and gasoline for vehicle trips.

Electricity supply in California involves a complex grid of power plants and transmission lines. In 2014, California produced approximately 75 percent of the electricity it consumed; it imported the remaining 25 percent from 11 western states, Canada, and Mexico. Decreases in hydroelectric generation resulting from lower precipitation in California and the northwest were made up for by an increase in renewable energy generation, specifically utility-scale solar photovoltaic, solar thermal, and wind generation.

Starting in 2018, all Pacific Gas & Electric (PG&E) customers within Monterey, San Benito, and Santa Cruz Counties were automatically enrolled in Central Coast Community Energy (3CE) (formerly Monterey Bay Community Power (MBCP)). 3CE is a locally controlled public agency providing carbon-free electricity to

[1] A Btu is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit.
[2] As defined by the International Bureau of Weights and Measures, the joule is a unit of energy or work. One joule equals the work done when one unit of force (a Newton) moves through a distance of one meter in the direction of the force.

residents and businesses. Formed in February 2017, 3CE is a joint powers authority, and is based on a local energy model called community choice energy. 3CE partners with PG&E, which continues to provide billing, power transmission and distribution, customer service, grid maintenance services and natural gas services to Monterey County. 3CE's standard electricity offering is carbon free and is classified as 30 percent renewable. Of the electricity provided by 3CE in 2018, 40 percent was hydroelectric, and 30 percent was solar and wind (eligible renewables) (3CE, 2019).

Electricity

In 2017, 34 percent of the State's electricity was generated by natural gas, nine percent by nuclear, 15 percent by large hydroelectric, and four percent by coal. Renewable sources such as photovoltaic systems, biomass power plants, and wind turbines, accounted for 29 percent of California's electricity. Nine percent of California's power comes from unspecified sources (California Energy Commission [CEC], 2017a).

In 2017, total system electric generation for California was 292,039 gigawatt-hours (GWh), up 0.5 percent from 2016's total generation of 290,567 GWh. California's non-CO_2 emitting electric generation categories (nuclear, large hydroelectric, and renewable generation) accounted for more than 56 percent of total in-State generation for 2017, compared to 50 percent in 2016. California's in-state electric generation was up by four percent to 206,336 GWh compared to 198,227 GWh in 2016 while net imports were down by seven percent or 6,638 GWh to 85,703 GWh. The overall modest increase observed in California's total system electric generation for 2017 is consistent with the recently published California Energy Demand 2018 – 2030 Revised Forecast:

"Annual growth from 2016 – 2027 for the CED 2017 Revised forecast averages 1.64 percent, 1.32 percent, and 1.02 percent in the high, mid, and low cases, respectively, compared to 1.02 percent in the CEDU 2016 mid case" (CEC, 2018a).

Factors contributing to the increase in total system electric generation include growth in the number of light duty electric vehicles registered in the State, increased manufacturing electricity consumption, and reductions in savings from energy efficiency programs, this last point suggesting that population growth is the primary driver of increased electricity consumption (CEC, 2018a).

As of 2018, all PG&E customers within Monterey, San Benito, and Santa Cruz were automatically enrolled in 3CE, as discussed previously. Electricity usage for differing land uses varies substantially by the type of uses in a building, the type of construction materials used, and the efficiency of the electricity-consuming devices used. Electricity in Monterey County in 2017 was consumed primarily by the non-residential sector (73 percent), the residential sector consuming 27 percent. In 2017, approximately 2,589 GWh of electricity was consumed in Monterey County (CEC, 2017b).

Natural Gas

California continues to depend upon out-of-state imports for nearly 90 percent of its natural gas supply, approximately 10 percent of California's natural gas supply came from in-state production (CEC, 2018b). In 2015, approximately 36 percent of the natural gas delivered for consumption in California was for electricity generation, 35 percent for industrial uses, 18 percent for residential uses, 10 percent for commercial uses, and less than one percent for transportation. As with electricity usage, natural gas usage depends on the type of uses in a building, the type of construction materials used, and the efficiency of natural gas-consuming devices. In 2015, the State of California consumed approximately 2.3 trillion cubic feet of natural gas, or 2.36 quads (1,015 Btu) (EIA, 2018a and 2018b).

Overall demand for direct-service natural gas in the commercial residential sectors of California is expected to flatten or decrease as a result of overall energy efficiency. Demand for natural gas at power

plants for electricity generation is also expected to decrease by one percent by 2025 (as compared to 2013 demand rates). This decrease is a result of increases in renewable power generation (CEC, 2013).

Gasoline for Motor Vehicles

Excluding federal offshore areas, California was the third-largest producer of petroleum among the 50 states in 2016, after Texas and North Dakota, and, as of January 2017, third in oil refining capacity, with a combined capacity of almost 2 million barrels per calendar day at the State's 18 operable refineries. In 2015, California accounted for one-fifth of the nation's jet fuel consumption (CEC, 2017a).

The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the U.S. has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970s to 23.9 mpg in 2015 (U.S. Bureau of Transportation Statistics, 2015). Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. The 2007 standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks of Model Years 2011 through 2020 (U.S. Department of Energy, 2007). In 2012, the federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.

3.6.3 Regulatory Framework

Federal

At the federal level, energy standards set by the U.S. EPA apply to numerous consumer and commercial products (e.g., the EnergyStar™ program). The U.S. EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Federal Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 was established in response to the oil crisis of 1973, which increased oil prices due to a shortage of reserves and sought to ensure all vehicles sold in the U.S. would meet certain fuel economy standards. The Act established the first fuel economy standards for on-road motor vehicles in the United States. Since 1996, the fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 miles per gallon. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not subject to fuel economy standards.

State

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, EO S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. As described previously, PG&E's (the electricity provider to the project site) 2015 electricity mix was 30 percent renewable.

In October 2015, SB 350 was passed, which codified California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the CCR (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years; the 2016 standards became effective January 1, 2017. The 2019 Title 24 updates were adopted May 9, 2018 and will go into effect on January 1, 2020 (BSC, 2018a). Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments (CEC, 2015).

In January 2010, the State of California adopted the CalGreen standards that establish mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality (BSC, 2018b).

Local

City General Plan

The Housing Element includes policies that would facilitate energy-efficient developments and future housing projects. Program E.3 Energy Conservation and Energy Efficient Opportunities of the Housing Element (see **Appendix B-1**) supports subsidy and incentive programs for energy conservation. Such programs would include PG&E rebates, Energy Watch Partnerships and Energy Savings Assistance Program, California Alternative Rates for Energy/Family Electric Rate Assistance Program (CARE/FERA) Program and the CaliforniaFIRST Program.

3.6.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Impact Analysis Overview

Approach to Analysis

Although the Draft Housing Element would not directly result in physical changes to the environment, the Draft Housing Element would provide for programs and policies that could facilitate new residential development. Program A.1 within the Draft Housing Element includes an amendment to the Zoning Ordinance to meet the City's RHNA. Future proposed development activities would be subject to State of California, California Building Code, City General Plan policies and be required to use energy efficient features. Energy impacts related to construction could occur due to transport of materials to the site as well as use of petroleum-based fuels associated with construction equipment. Operational impacts due to energy usage could result from maintenance activities at the site and vehicle trips. Operational emissions for future residential development under the Housing Element Update would be primarily related to the development of future residential units once completed. The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. The 6th Cycle RHNA is 184 units.

The evaluation is based on review of energy use of the proposed project during future construction or operation. Each potential impact is assessed in terms of the applicable regulatory requirements, such as mandatory compliance with various Federal and State regulations that would serve to prevent significant impacts from occurring. It should also be noted that future residential development facilitated by the proposed project would be subject to project-level environmental review under CEQA, Including analysis of project-level energy impacts.

Impacts and Mitigation Measures

Impact ENG-1: Result in Wasteful, Inefficient, or Unnecessary Consumption of Energy (Criterion a)

Impact ENG-2: Conflict with a state or local plan for renewable energy or energy efficiency (Criterion b)

Future construction of residential development facilitated by the proposed project would require the use of energy for the manufacture and transportation of building materials, preparation of the site (e.g., demolition, excavation, and grading), and project construction. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. In addition, operation of residential development facilitated by the proposed project would involve the use of energy associated with daily trips for operational maintenance and visitors. However, future development facilitated by the proposed project would not cause inefficient, wasteful, or unnecessary consumption of energy. Equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. Given the minimal increase in fuel consumption, as well as the utilization of energy efficient equipment required to be incorporated into future residential development design during construction and operation, impacts associated with energy usage would be less than significant. Future residential development facilitated by the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy.

CARB's 2017 Climate Change Scoping Plan Update (2017 Scoping Plan) builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. CARB developed such measures to address greenhouse gas emissions, however, they also directly (and indirectly) affect energy consumption by encouraging renewable energy and other clean energy options. Furthermore, even during the more intensive periods of construction of residential development facilitated by the proposed project, where construction activities would occur at the same time, activities that would demand energy, and therefore create emissions, would be dispersed across the project area.

Future construction and operation of residential development facilitated by the proposed project would comply with existing state energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. More specifically, residential development facilitated by the proposed project would be subject to the most recent energy conservation requirements of Title 24 of the California Code of Regulations, known as the California Building Standards. Measures to conserve energy may include energy-efficient windows and exterior doors, efficient heating and cooling systems, water heating systems, efficient lighting, and Energy-Star approved appliances. Additional Title 24 requirements would include roofing insulation, solar reflectance roofing materials, and lighting controls.

In addition, electricity supplied to future residential development within the project area by PG&E would comply with the State Renewable Portfolio Standard, which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement by 2020 and to 60-percent by 2030. Thus, a portion of the energy consumed during operations of future residential development within the project area would originate from renewable sources.

For these reasons, future residential development facilitated by the proposed project would have a less than significant impact on energy resources as it would not result in wasteful, inefficient, or unnecessary consumption of energy; nor would future residential development facilitated by proposed project conflict with state or local plans for renewable energy or energy efficiency.

3.6.5 Cumulative Impacts

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to energy usage. This analysis then considers whether or not the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply in order for a project's cumulative effects to rise to the level of significance.

Future residential development facilitated by the proposed project would result in less-than-significant impacts related to energy consumption. Therefore, the proposed project's incremental contribution to any cumulative impacts to energy would not be cumulatively considerable. All cumulative projects would be required to comply with Federal, State, and local regulations. Therefore, the construction and operation of these projects combined with residential development facilitated by the proposed project would not result in a considerable increase in demand for energy, resulting in wasteful, inefficient, or unnecessary consumptions of energy, or conflict with any applicable plans that would result in a considerable contribution to cumulative impacts.

3.7 GEOLOGY AND SOILS

3.7.1 Introduction

This section describes the geology, soils, and seismicity conditions in the vicinity of the project area and evaluates the extent to which the proposed project could expose people or structures to potential seismic, liquefaction, landslide, and expansive soil impacts, as well as the extent to which the proposed project could result in substantial soil erosion or loss of topsoil[1]. In addition, this section addresses potential for significant paleontological resources to occur within the project area.

No public or agency comments related to geology, soils, and seismicity conditions were received during the public scoping period. Refer to **Appendix A**, **NOP, and Public Comment Letters.**

3.7.2 Environmental Setting

Geologic structure in central California is primarily the result of tectonic events that occurred over the past 30 million years. It is widely believed that the numerous faults in this area are related to movement along the boundary between the Pacific and North American tectonic plates. The relative motion between these two tectonic plates is taken up largely along the northwestward-trending San Andreas Fault system, which defines the regional boundary between the two plates. Changes in sea level and tectonic uplift resulted in a complicated depositional environment that produced the complex geology of the Monterey Bay region.

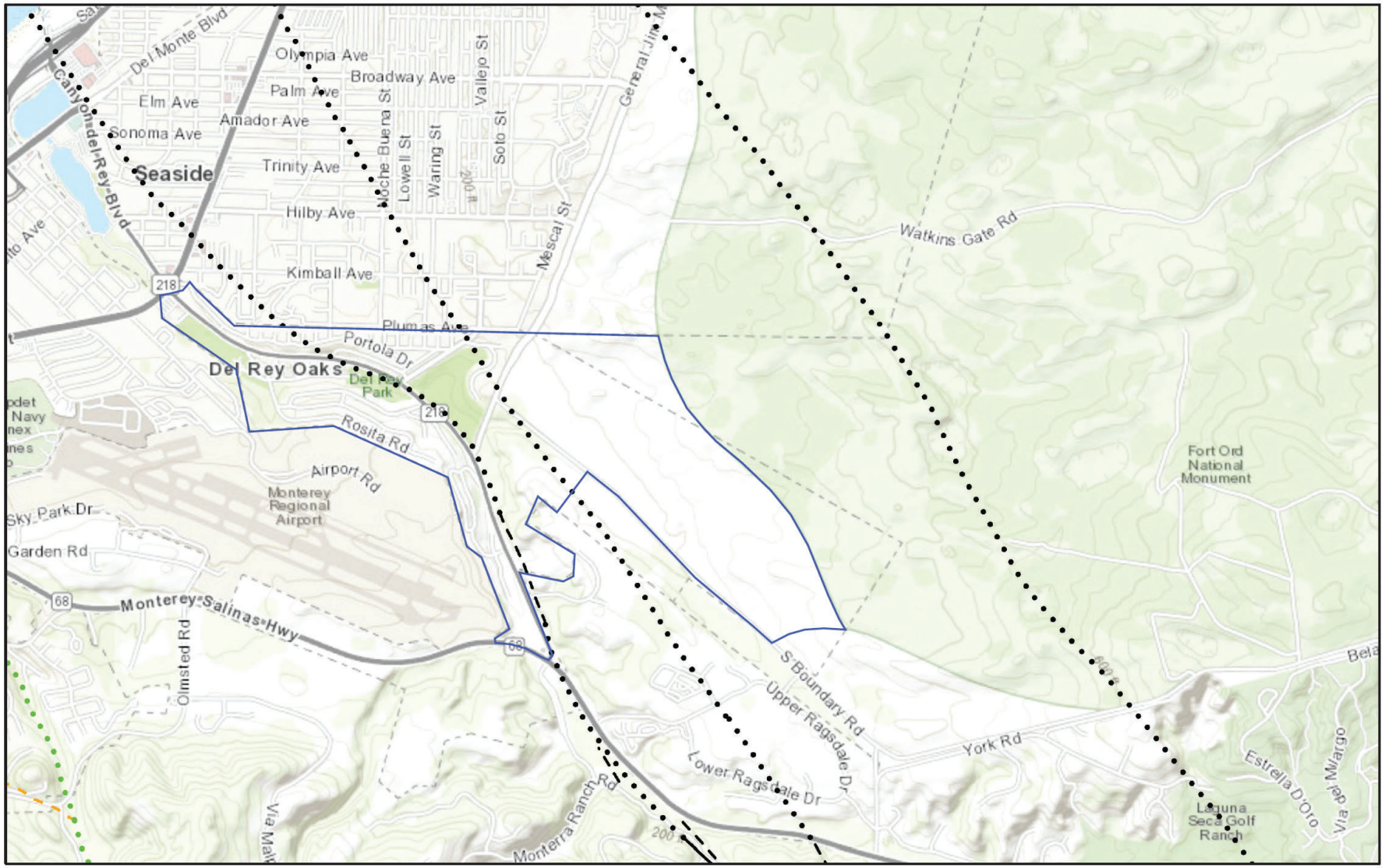
Geomorphic Setting

The project area is located within the former Fort Ord property in the City of Del Rey Oaks in Monterey County, California. Monterey County is located in the central coast of California within the Coast Ranges geomorphic province and is bordered by Santa Cruz County on the north, San Benito, Fresno and King Counties on the east, San Luis Obispo on the south, and the Pacific Ocean on the west. The project area lies within the Coast Ranges Geomorphic Province, a discontinuous series of northwest-southeast trending mountain ranges, ridges and intervening valleys characterized by complex folding and faulting. Faulting and folding have deformed and displaced the geologic units in the region, and the granitic basement and overlying Tertiary deposits have been juxtaposed along many of the northwest/southeast-trending faults. A Regional Geology Map is provided in **Figure 3.7-1**.

Topography

The project area consists of rolling Aeolian deposited sand of Pleistocene age (more than 11,000 years old). The project area's elevation ranges from 130 feet above mean sea level (msl) on the parcel south of South Boundary Road, to 337 feet above msl on the far northeastern corner of the project area.

[1] This section is based on existing information, as well as results of a Preliminary Geotechnical Design Report prepared for the project area (former Fort Ord area) by LFR, Inc. (November 9, 2007) LFR, Inc.



Historic (< 150 years), well constrained location

Historic (< 150 years), moderately constrained location

Undifferentiated Quaternary (< 1.6 million years), well constrained location

Undifferentiated Quaternary (< 1.6 million years), moderately constrained location

Undifferentiated Quaternary (< 1.6 million years), well constrained location

Fault Areas

Class B

historic

late Quaternary

latest Quaternary

middle and late Quaternary

City of Del Rey Oaks

1:36,112 6/20/2023

N

0 0.25 0.5 1 mi

0 0.38 0.75 1.5 km

Bureau of Land Management, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS

USGS

USGS | Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA |

U.S. Geological Survey Quaternary Faults

Source: USGS

Date 6/20/2023

Scale N/A

Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure 3.7-1

Drainage

The former Fort Ord area is located between 150 and 330 feet msl and has a topography that gradually rises to the northeast. The project area topography consists of rolling hills and valleys with flat to moderately hilly slopes (0 to 30 %). Storm-water drainage from the existing project area drains as overland and concentrated overland flow to localized depressions and/or ditches; when flows reach the northerly edge of South Boundary Road they are re-directed westerly parallel with South Boundary Road. The surface water from the project area is received by Laguna del Rey. For further discussion on drainage within the project area, please see **Section 3.10 Hydrology and Water Quality**.

Soils

The Natural Resource Conservation Service (NRCS) maps the surficial soils at the project area as Baywood Sand, 2 to 15 percent slopes on the northwestern portion of the project area (approximately two-thirds of the overall project area) and Arnold-Santa Ynez Complex on the southeastern portion of the project area within former Fort Ord and in the far southern portion of the parcel south of South Boundary Road[2]. Baywood Sands are fine sands with 5 to 30% non-plastic fines. The Arnold-Santa Ynez Complex consists of materials similar to the Baywood Sands for the first 1.5 feet of the soil profile. Between 1.5 and 5 feet bgs, the Arnold-Santa Ynez Complex becomes clayey-sands with between 35 and 80% fine materials. The deeper soils have plasticity indices of 10 to 30.

Regional Seismicity and Fault Zones

Seismicity

The project area is located within a seismically active area with active or potentially active fault zones. The potential of earthquake damage from ground shaking is moderate to high in the project vicinity. The San Andreas fault lies approximately 20 miles to the east of the project area. This fault has generated earthquakes in excess of 7.0 on the Richter scale at many points along its 600-mile length. The Monterey Bay-Tularcitos Fault, the closest active fault to the project area approximately 1.9 miles from the project area, is classified as a "B" fault. Although not considered to be as potentially strong as the San Andreas fault, the Monterey Bay-Tularcitos Fault is located in closer proximity to the project area, and therefore also poses a seismic hazard. No active faults have been mapped within the project area.

The City of Del Rey Oaks is subject to primary and secondary seismic hazards such as ground shaking, ground rupture and ground failure, including liquefaction and lateral spreading. The City of Del Rey Oaks is not located within an Alquist-Priolo fault zone. However, seismic hazards within the project area, such as ground accelerations and ground shaking are considered moderate. The risk of ground shaking within the City is considered moderately high; however, risk varies at different locations within the City (Cotton/Bridges/Associates, 2004). The risk of ground rupture within the project area is considered low; however, due to the proximity of several faults to the project area, a major seismic event could cause severe ground shaking in the project area.

Ground Rupture

Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. Ground rupture is most likely to occur along active faults. However, the potential for ground rupture also exists along potentially active faults. Therefore, development in areas overlying fault zones, whether active or potentially active, should be avoided. Any

[2] This section is based on existing information, as well as results of a Preliminary Geotechnical Design Report prepared for the project area by LFR, Inc. (November 9, 2007) LFR, Inc.

development that does take place within these areas should perform a fault hazard study to assess the potential for damage associated with fault rupture and to establish setbacks to mitigate the potential for such damage.

Ground Lurching

Ground lurching is a type of ground failure that could potentially occur in parts of the project area during a large earthquake. This phenomenon is characterized by irregular cracks, fissures, and fractures of lengths varying from a few inches to many feet. It is caused by the shaking, settling, and sliding of soil and can be accompanied by lateral spreading, which is the horizontal movement of soil towards the open face of an embankment.

Erosion

Erosion is a natural process that occurs over time and can be caused by either wind or water moving over soils. Soil erosion can become a problem when human activities accelerate erosion rates. Non-point sources, including impervious surfaces, construction activities, and road construction, can all accelerate the rate at which soils are removed from hillsides. The majority of the City is within a moderate erosion hazard zone. Soils within the former Fort Ord are susceptible to erosion, and require erosion control measures and standards to avoid or minimize potential increased erosion or site development in areas with significant soils constraints.

Landslides

The occurrence of landslides is influenced by a number of factors, including slope angle, soil moisture content, vegetative cover, and the physical nature of the underlying strata. Landslides can be triggered by one or more specific events, including development-related construction, seismic activity, soil saturation, and fires. The primary factor in determining landslide potential is an unstable slope condition.

Lateral Spreading

Lateral spreading is a failure within weaker soil material that causes the soil mass to move towards a free face or down a gentle slope. Liquefaction, lateral spreading, and differential compaction tend to occur in loose, unconsolidated, non-cohesive soils with shallow groundwater.

Liquefaction

Liquefaction is the transformation of soil from a solid to a liquid state as a consequence of increased pore-water pressures, usually in response to strong ground shaking, such as those generated during a seismic event. Loose, granular soils are most susceptible to these effects, while more stable silty clay and clay materials are generally somewhat less affected. In general, liquefaction potential varies according to soil type, with recent, unconsolidated alluvial soils having the highest potential.

Soil Expansion

Expansive soils shrink and swell as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. At the area, soil units with elevated plasticity indexes include Arnold Santa-Ynez Complex soils present on the eastern third of the project area. These soils may have plasticity of up to 30, indicating a moderate expansion potential.

Flooding, Tsunamis, and Seiches

The project area within former Fort Ord is not located within a designated Flood Hazard Zone (please refer to **Section 3.10, Hydrology and Water Quality**). The project area is not located within a mapped area on the State of California Tsunami Inundation Maps (California Department of Conservation, 2021).

Seiches are periodic oscillations in large bodies of water such as lakes, harbors, bays, or reservoirs. The project area is not located adjacent to any lakes or confined bodies of water. Therefore, the potential for flooding, tsunamis, or seiches is considered low.

Subsidence

The project area is not located in an area of known subsidence associated with fluid withdrawal (groundwater or petroleum); therefore, the potential for subsidence due to the extraction of fluids is considered low.

Paleontological Resources

Significant paleontological resources are fossils or assemblages of fossils that are unique, unusual, rare, uncommon, diagnostically, or stratigraphically important, and those that add to an existing body of knowledge in specific areas, stratigraphically, taxonomically, or regionally. They include fossil remains of large to very small aquatic and terrestrial vertebrates, remains of plants and animals previously not represented in certain portions of the stratigraphy, and assemblages of fossils that might aid stratigraphic correlations, particularly those offering data for the interpretation of tectonic events, geomorphologic evolution, paleoclimatology, and the relationships of aquatic and terrestrial species.

According to the Monterey County General Plan EIR, most of the fossils found in the County are of marine life forms and form a record of the region's geologic history of advancing and retreating sea levels (ICF, 2010). Because of the marine origin of these deposits, they lack the large, terrestrial fossils found in other regions such as the dinosaur fossils of the southwestern United States. Most of County's fossils are microorganisms such as foraminifers or diatoms or assemblages of mollusks and barnacles most commonly found in sedimentary rocks ranging from Cretaceous age (138 to 96 million years old) to Pleistocene age (1.6 million to 11 thousand years old).

Fossils are found throughout the county because of the widespread distribution of marine deposits (ICF, 2010). A review of nearly 700 known fossil localities was conducted by paleontologists in 2001 and 12 fossil sites were identified as having outstanding scientific value. It was determined that, for the most part, the fossils at these 12 sites reflect the type of assemblages found throughout the county (microorganisms or invertebrates); however, each has special characteristics that make them unique or rare, or in some way provide important stratigraphic or historic information.

A paleontological records search, a review of geologic maps from the California Geological Survey, and a review of existing literature on paleontological resources of Monterey County was conducted. No fossil records are cataloged in or around the project area. The closest recorded sites containing specimens are in the towns of Monterey and Salinas. As a result, the geology in the project area is considered to have a low potential for paleontological resources.

3.7.3 Regulatory Framework

Federal

The Federal Disaster Mitigation Act of 2000 (Public Law 106-390), which was adopted by Congress in October 2000, requires state and local governments to develop hazard mitigation plans in order to apply for federal grant assistance for disaster relief. Monterey County, in coordination with all of its incorporated municipalities, has prepared the Multi-Jurisdictional Hazard Mitigation Plan, which was approved by FEMA in March of 2016 (Monterey County Hazard Mitigation Planning Team and AECOM, 2015). The plan, which was initially developed and adopted in 2007, is intended to identify local policies and actions to reduce the risk and future losses from natural hazards such as flooding, severe storms,

earthquakes, and wildland fires. The plan also serves to meet key federal planning regulations which require local governments to develop a hazard mitigation plan as a condition for receiving certain types of non-emergency disaster assistance, including funding for hazard mitigation projects. The County of Monterey and the Cities of Carmel-by-the-Sea, Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside, and Soledad have each adopted the plan by resolution. The 2022 Multi-Jurisdictional Hazard Mitigation Plan is an update to the 2016 Plan and was approved by the Federal Emergency Management Agency (FEMA) September 2022.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. In accordance with this act, the State Geologist established regulatory zones, called "earthquake fault zones," around the surface traces of active faults and published maps showing these zones. Within these zones, buildings for human occupancy cannot be constructed across the surface traces of active faults. Because many active faults are complex and consist of more than one branch, each earthquake fault zone extends approximately 200 to 500 feet on either side of the mapped fault trace.

Title 14 of the CCR, Section 3601(e), defines buildings intended for human occupancy as those that would be inhabited for more than 2,000 hours per year. The proposed project does not cross an Alquist-Priolo Earthquake Fault Zone and does not include buildings that meet this criterion for human occupancy within the vicinity of any mapped fault trace. Therefore, these provisions of the act do not apply to the proposed project.

Seismic Hazards Mapping Act

Like the Alquist-Priolo Act, the Seismic Hazards Mapping Act of 1990 (PRC Sections 2690 to 2699.6) is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong groundshaking, liquefaction and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-Priolo Act. The State is charged with identifying and mapping areas at risk of strong groundshaking, liquefaction, landslides, and other corollary hazards. Cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development. Specifically, cities and counties are prohibited from issuing development permits for sites within Seismic Hazard Zones until appropriate site-specific geologic and/or geotechnical investigations have been conducted and measures to reduce potential damage have been incorporated into the development plans. There are no jurisdictions within Monterey County that are included within the State Seismic Hazards Mapping Act.

California Building Codes

The CBC, which is codified in CCR Title 24, Part 2, was promulgated to safeguard the public health, safety, and general welfare by establishing minimum standards related to structural strength, egress facilities, and general building stability. The purpose of the CBC is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction. Title 24 is administered by the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. In addition, the CBC contains necessary California amendments that are based on the American Society of Civil Engineers Minimum Design Standards 7-05, which provides requirements for general structural design and

includes means for determining earthquake loads, as well as other loads (e.g., flood, snow, wind) for inclusion in building codes. The provisions of the CBC apply to the construction, alteration, movement, replacement, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California.

The earthquake design requirements take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, all of which are used to determine a Seismic Design Category (SDC) for a project. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at the site and ranges from SDC A (very small seismic vulnerability) to SDC E/F (very high seismic vulnerability and near a major fault). Design specifications are then determined according to the SDC.

Storm Water Pollution Prevention Plan

Construction activity that disturbs one or more acres of soil, or less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP includes construction best management practices (BMPs) such as desilting basins, silt fences, hydroseeding of slopes, and monitoring and clean-up requirements.

Local

City of Del Rey Oaks General Plan

The Safety, Land Use, and Conservation/Open Space Elements of the General Plan identify potential natural and human-made hazards and provide standards for the protection of people and property from such hazards, as well as for the protection of significant mineral resources. Geologic/soil hazard and mineral resource policies which apply to development within the project area include requirements for Uniform Building Code compliance, preparation of geological and soil studies, adherence to hillside/slope development and grading standards, and avoidance of urban uses adjacent to regional mineral resource deposits.

Policy C/OS-10 All lands within 50 feet of an active or potentially active fault, lands of 25% slope and above, unstable soil areas and areas subject to periodic flooding should generally be kept free of development until further detailed geotechnical studies prove these lands safe to the City's satisfaction.

City of Del Rey Oaks General Plan Environmental Impact Report

The General Plan EIR evaluated potential area-wide geologic hazards and seismicity related to the development of properties and facilities within the Plan area. These potential hazards included seismicity, grounding shaking, ground rupture, ground lurching, liquefaction, landslides, erosion and sedimentation, subsidence, and expansive soils. According to the EIR all associated impacts were found to be less than significant with mitigation incorporated.

3.7.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in:

a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
    i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
    ii. Strong seismic ground shaking.
    iii. Seismic-related ground failure, including liquefaction.
    iv. Landslides.
b. Result in substantial soil erosion or the loss of topsoil;
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact Analysis Overview

Approach to Analysis

The proposed project is an adoption of a plan and would not result in direct impacts from increased geological hazards. Although the proposed project would not result in physical changes to the environment, the proposed project would provide for programs and policies that could facilitate new residential development. Future proposed development activities and projects would be required to be consistent with the City's development regulations and the General Plan's Safety goals, programs, and policies. Future development would also be subject to State of California, County of Monterey, and California Building Code and City Grading ordinance and regulations which would minimize geological and soil impacts related to geologic hazards. Additionally, the following mitigation measures would be applicable to future construction facilitated by the proposed project to reduce impacts.

Impacts and Mitigation Measures

Impact GEO-1: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, strong seismic ground shaking, seismic-related ground failure including liquefaction, or landslides. (Criteria a.i through a.iv)

The entire project area is located within the seismically active Monterey Bay Area; however, the project area is not located within a designated Alquist-Priolo Earthquake Fault Zone. Seismic hazards at the project area within former Fort Ord, such as ground accelerations and ground shaking are considered moderate. **Figure 3.7-1** above shows faults in the region. The risk of ground rupture within the project area is considered low. Due to the proximity of the project area to active faults, a major seismic event could cause severe ground shaking in the project area. Although the nearest source of such an earthquake would be the Monterey Bay-Tularcitos fault zone, the more likely source of major earthquakes during the life cycle of the project would be the San Andreas fault system. Therefore, the proposed project is located in an area considered to have a moderately high risk to ground shaking. The proposed project would add residential population to this area of the City and future structural development, and infrastructure could also be exposed to these hazards. Several applicable laws, regulations, and policies would reduce hazards related to rupture, strong seismic shaking and seismic-related ground failure.

Structures must be designed and constructed in accordance with applicable seismic provisions contained in the most current CBC; this would reduce the risk of structural damage caused by strong seismic shaking. With adherence to CBC and implementation of **Mitigation Measure 3.7-2**, potential impacts related to structural damage caused by strong seismic shaking are reduced to less than significant level.

Liquefaction is a phenomenon where water-saturated granular soil loses shear strength during strong ground shaking produced by earthquakes. The loss of soil strength occurs as a consequence of cyclic pore water pressure increases below the groundwater surface. Potential hazards due to liquefaction include loss of bearing strength beneath structures, possibly causing foundation failure and/or significant settlements and differential settlements. Soils most susceptible to liquefaction are clean, loose, fine-grained sands, and silts that are saturated and uniformly graded. Silty sands have also been proven to be susceptible to liquefaction. According to the geotechnical investigation, the potential for liquefaction to occur in the project area is considered low. With adherence to CBC requirements and implementation of **Mitigation Measures 3.7-1** to **3.7-7**, potential impacts related to liquefaction are less than significant.

Landslides are common in Monterey County due to the combination of uplifting mountains, fractured and weak rocks, and periodic intense rainfall along the coast. The level of susceptibility of an area is dependent on the local geologic conditions. Evidence of landslides or slope instabilities was not observed during the geotechnical investigation and risk of landslide was considered low for the project area, except for the steep slopes on the parcel south of South Boundary Road. However even in this area slope instability was not considered a potential hazard. (LFR, Inc., November 2007).

Future projects would be required to conduct geotechnical investigations to provide site-specific recommendations that address site preparation and grading, excavations, utility trench excavation and backfill, site drainage, building foundations, pavements, and concrete slabs-on-grade. Implementation of the geotechnical investigation's recommendations would reduce risk of landslides occurring on-site.

This impact is less than significant with implementation of **Mitigation Measures 3.7-1** through **3.7-7** detailed below.

Mitigation Measures

3.7-1 To minimize the potential effects from strong seismic ground shaking on project components, a geotechnical engineer report shall be prepared for the site specific area of future construction of housing. At a minimum, all recommendations from the project's Preliminary Geotechnical Design Report prepared by LFR Inc. (November 2007) shall be incorporated by the project proponent into final design plans for future construction, subject to review of the City Engineer prior to construction activities.

3.7-2 In order to minimize strong seismic shaking on project components, the project proponent shall incorporate the recommendations of the Preliminary Geotechnical Design Report prepared by LFR Inc. (November 2007) into project design. In addition, the project engineer shall ensure all structures will be designed to the most current standards of the California Building Code, at a minimum. Adherence into final design plans shall be reviewed by the City Engineer prior to future construction activities.

3.7-3 Future development projects shall be required to prepare geologic/geotechnical investigations by a registered geologist/geotechnical engineer to provide recommendations and requirements for site preparation and grading, excavations, utility trench excavation and backfill, site drainage, building foundations, pavements, and concrete slabs-on-grade. All recommendations from the site-specific report shall be incorporated by the project proponent into final design plans for future construction, subject to review of the City Engineer prior to construction activities.

Impact GEO-2: Result in substantial soil erosion or the loss of topsoil. (Criterion b)

Development facilitated by the proposed project would involve construction activities such as stockpiling, grading, excavation, paving, and other earth-disturbing activities that could result in erosion and loss of topsoil, particularly if soils are exposed to wind or stormwater during construction. Construction activities that disturb one or more acres of land surface are subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the SWRCB. Compliance with the NPDES permit requires each qualifying development project to file a Notice of Intent with the SWRCB. Permit conditions require the development of a stormwater pollution prevention plan, which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Inspection of construction sites before and after storms is also required to identify stormwater discharge from the construction activity and to identify and implement erosion controls, where necessary.

Best Management Practices (BMPs) would be implemented to manage erosion and loss of topsoil during construction-related activities.

In addition, the preliminary geotechnical study prepared for the project area (LFR, Inc., November 2007) provides recommendations to prevent on-site erosion and loss of topsoil. These recommendations include implementation of erosion control vegetation and proper site drainage design to minimize erosion on-site due to runoff. Future development of the project area within former Fort Ord facilitated by the proposed project would also be required to adhere to the geotechnical investigation's recommendations in order to minimize erosion and loss of topsoil. This analysis assumes that site-specific geotechnical investigations would be prepared for all subsequent development and that all recommendations included in the investigation would be incorporated into project design.

Required compliance with aforementioned policies, NPDES permit, and other regulations, as well as implementation of the recommendations of the geotechnical study and incorporation of **Mitigation Measures 3.7-4** through **3.7-6**, would ensure that impacts associated with substantial soil erosion or loss of topsoil would be less than significant. occur.

Mitigation Measures

3.7-4 In order to reduce wind and water erosion, an erosion control plan and/or Storm Water Pollution Prevention Plan shall be prepared for the site preparation, construction, and post-construction periods by the project proponent. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The following measures shall be implemented, where appropriate, to control erosion:

1) keep construction machinery off of established vegetation as much as possible, especially the vegetation on the upwind side of the construction site;
2) establish specific access routes at the planning phase of the project, and limits of grading prior to development, which should be strictly observed;
3) utilize mechanical measures (i.e. walls from sand bags and/or wooden slat or fabric fences) to reduce sand movement;
4) immediate revegetation (plus the use of temporary stabilizing sprays), to keep sand movement to a minimum; and
5) for larger-scale construction, fabric or wooden slat fences should be placed around the construction location to reduce sand movement.

The erosion control plan and Storm Water Pollution Prevention Plan shall be incorporated into final design plans by the project proponent and submitted to the City Engineer for approval prior to approval of final design plans.

3.7-5 Areas disturbed by grading shall be stabilized with adequate landscaping vegetative cover. A re-vegetation and landscaping plan shall be prepared by a landscape architect with experience in working with the type of soils that are characteristic of the site. The project proponent shall be responsible for retaining a landscape professional and for incorporating the landscaping plan into final design plans.

3.7-6 All drainage from improved surfaces shall be captured by closed pipe or lined ditches and carried to neighborhood storm sewers or natural drainages. At no time shall any concentrated discharge be allowed to spill directly onto the ground adjacent to structures or to fall directly onto steep slopes.

Impact GEO-3: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. (Criterion c)

Soil Stability

As stated above in **Impact GEO-1**, the project area could be subject to severe ground shaking; however, the project area has low potential for liquefaction and landslides to occur. As a result, debris flow is additionally not considered a potential hazard on the project area within former Fort Ord. The absence of groundwater near the surface within the project area and the presence of solid soil conditions indicates a low potential for lateral spreading to occur within the project area. While future residential development facilitated by the proposed project could potentially be exposed to potential adverse effects from on- or off-site landslides and lateral spreading, the potential for such hazards is considered

low. Future residential development would also be subject to project-specific geotechnical review for landslide and lateral spreading hazards. This represents a less than significant impact.

Future residential development facilitated by the proposed project will require site-specific geotechnical investigations. Implementation of the geotechnical investigation's recommendations would reduce risk of soil becoming unstable and landslides, lateral spreading, subsidence, liquefaction or collapse to occur.

Impact GEO-4: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). (Criterion d)

Structures or improvements built atop expansive soils may be subject to damage from soil shrinkage and swelling, associated with wetting, and drying. A soil with a higher plasticity index is generally more prone to shrinkage or swelling in response to seasonal rainfall. The Arnold Santa-Ynez Complex soils present on the southeastern portions of the project area may have plasticity of up to 30, indicating a moderate expansion potential. Due to the presence of potentially expansive soils, there is the potential that future residential development of this portion of the project area could expose persons and/or structures to soil related hazards. Since future residential development facilitated by the proposed project has the potential to be exposed to soil expansion on foundations and interior or exterior concrete slabs-on-grade within these areas, mitigation would be warranted to reduce project impacts to a less than significant level. Implementation of **Mitigation Measure 3.7-7** would ensure that impacts related to expansive soils would be less than significant.

Mitigation Measure

3.7-7 In order to minimize potential safety risks associated with seismic hazards and on-site soils, a design-level geotechnical analysis by a registered engineer shall be prepared prior to the issuance of any grading and/or building permit. The design-level analysis shall address site preparation measures and foundation design requirements appropriate for on-site soils. The design-level analysis shall be approved by the City of Del Rey Oaks Engineer and Consulting Building Inspector prior to the issuance of any grading and/or building permit. Final design-level project plans shall be designed in accordance with the approved geotechnical analysis.

Impact GEO-5: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (Criterion e)

The proposed project would not result in any potential adverse effects due to soils being incapable of supporting septic disposal since the proposed project would not involve the construction of septic systems. No impact would occur.

Impact GEO-6: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Criterion f)

As described above, the geology on-site is considered to have a low potential for paleontological resources. A paleontological records search, consisting of a review of geologic maps from the California Geological Survey, and a review of existing literature on paleontological resources of Monterey County was conducted for the proposed projects. No fossil records are cataloged in or around the project area. The closest recorded sites containing specimens are in portions of unincorporated Monterey County to the east and the southwest of the project area.[3] The project area is considered to have a low potential for the occurrence of paleontological resources. In addition, there are no known or mapped unique geological features within the project area. As a result, the proposed project would have a less than

[3] https://geodata.mit.edu/catalog/stanford-xc583rw0668

significant impact with respect to directly or indirectly destroying paleontological resources or unique geological features.

3.7.5 Cumulative Impacts

The impacts related to geology and soils are not cumulative in nature. For example, impacts related to seismic shaking, erosion and loss of topsoil, and expansive soils relate only to project structures or the individual development sites within the project area. Implementation of the proposed project would have less than significant impacts related to geology and soils and would therefore not result in a cumulatively considerable contribution to construction or operational cumulative geology, seismicity, or soils impacts.

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3.8 GREENHOUSE GAS EMISSIONS

3.8.1 Introduction

This section presents background information on greenhouse gas (GHG) emissions, a summary of existing GHG conditions, and a summary of the regulatory framework that pertains to the proposed project. No public or agency comments related to GHG emissions were received during the public scoping period. Refer to **Appendix A**, **NOP and Public Comment Letters**.

3.8.2 Environmental Setting

To fully understand global climate change, it is important to recognize the naturally occurring "greenhouse effect" and to define the GHGs that contribute to this phenomenon. Various gases in the earth's atmosphere, classified as atmospheric GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6).

Each GHG differs in its ability to absorb heat in the atmosphere based on the lifetime, or persistence, of the gas molecule in the atmosphere. Often, estimates of GHG emissions are presented in CO_2e (carbon dioxide equivalent), which weight each gas by its global warming potential (GWP). Expressing GHG emissions in CO_2e takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted. **Table 3.8-1** provides a summary of the GWP for GHG emissions of typical concern with regard to community development projects, based on a 100-year time horizon. As indicated, methane traps over 25 times more heat per molecule than CO_2, and N_2O absorbs roughly 298 times more heat per molecule than CO_2. Additional GHG with high GWP include nitrogen trifluoride (NF_3), sulfur hexafluoride (SF_6), PFCs, and black carbon.

Table 3.8-1. Global Warming Potential for Greenhouse Gases

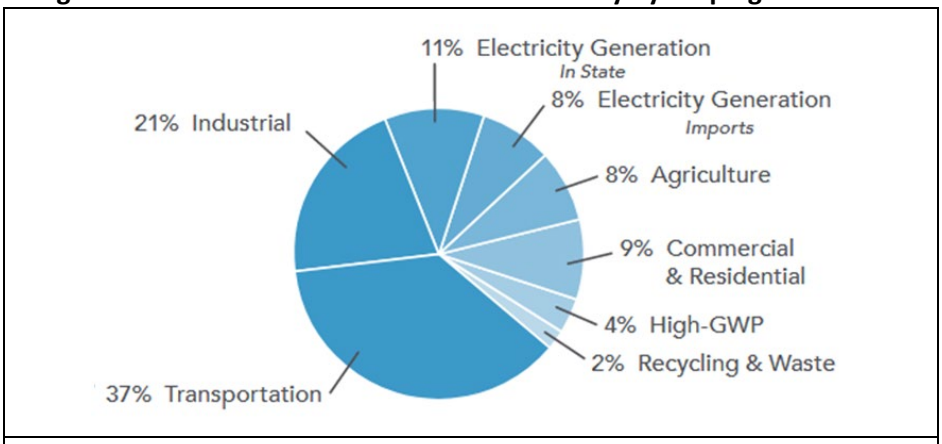
Greenhouse Gas	Global Warming Potential (100-year)
Carbon Dioxide (CO_2)	1
Methane (CH_4)	25
Nitrous Oxide (N_2O)	298
**Based on the International Panel on Climate Change's GWP values for 100-year time horizon* *Source: International Panel on Climate Change, 2007*	

Sources of Greenhouse Gas Emissions

On a global scale, GHG emissions are predominantly associated with activities related to energy production; changes in land use, such as deforestation and land clearing; industrial sources; agricultural activities; transportation; waste and wastewater generation; and commercial and residential land uses. World-wide, energy production including the burning of coal, natural gas, and oil for electricity and heat is the largest single source of global GHG emissions (U.S. EPA, 2018b).

In 2015, GHG emissions within California totaled 440.4 million metric tons (MMT) of CO_2e. GHG emissions, by sector, are summarized in **Figure 3.8-1**. In California, the transportation sector is the largest contributor, accounting for approximately 37 percent of the total state-wide GHG emissions. Emissions associated with industrial uses are the second largest contributor, totaling roughly 21 percent. Electricity generation totaled roughly 19 percent (CARB, 2018d).

Figure 3.8-1. California GHG Emissions Inventory by Scoping Plan Sector



Source: CARB, 2018d.

Effects of Global Climate Change

There are uncertainties as to exactly what the climate changes will be in various local areas of the earth. There are also uncertainties associated with the magnitude and timing of other consequences of a warmer planet: sea level rise, spread of certain diseases out of their usual geographic range, the effect on agricultural production, water supply, sustainability of ecosystems, increased strength and frequency of storms, extreme heat events, increased air pollution episodes, and the consequence of these effects on the economy.

Within California, climate changes would likely alter the ecological characteristics of many ecosystems throughout the state. Such alterations would likely include increases in surface temperatures and changes in the form, timing, and intensity of precipitation. For instance, historical records are depicting an increasing trend toward earlier snowmelt in the Sierra Nevada. This snowpack is a principal supply of water for the state, providing roughly 50 percent of state's annual runoff. If this trend continues, some areas of the state may experience an increased danger of floods during the winter months and possible exhaustion of the snowpack during spring and summer months. An earlier snowmelt would also impact the State's energy resources. Currently, approximately 20 percent of California's electricity comes from hydropower. An early exhaustion of the Sierra snowpack may force electricity producers to switch to more costly or non-renewable forms of electricity generation during spring and summer months. A changing climate may also impact agricultural crop yields, coastal structures, and biodiversity. As a result, resultant changes in climate will likely have detrimental effects on some of California's largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry (Planning and Conservation League, 2018).

3.8.3 Regulatory Framework

Federal

Executive Order (EO) 13514

EO 13514 is focused on reducing GHGs internally in federal agency missions, programs, and operations. In addition, the executive order directs federal agencies to participate in the Interagency Climate Change Adaptation Task Force, which is engaged in developing a national strategy for adaptation to climate change. U.S. EPA and the National Highway Traffic Safety Administration (NHTSA) are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced GHG emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever GHG regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle GHG regulations. On August 28, 2012, U.S. EPA and NHTSA issued their joint rule to extend this national program of coordinated GHG and fuel economy standards to model years 2017 through 2025 passenger vehicles. Most recently, in 2022, NHSTA revised the standards for light-duty vehicles for model years 2024 to 2026, which are expected to result in average fuel economy label values of 49 miles per gallon.

State

The California Legislature declared in Assembly Bill (AB) 1493 that global warming is a matter of increasing concern for public health and the environment. It cites several risks that California faces from climate change, including a reduction in the state's water supply; an increase in air pollution caused by higher temperatures; harm to agriculture; an increase in wildfires; damage to the coastline; and economic losses caused by higher food, water, energy, and insurance prices.

California has established the following long-term climate action goals: AB 32: Reduce GHG emissions to 1990 levels by 2020; Senate Bill (SB) 32: Reduce GHG emissions to 40 percent below 1990 levels by 2030; EO B-55-18: Carbon neutrality as soon as possible, but no later than 2045 and EO S-3-05: Reduce GHG emissions to 80 percent below 1990 levels by 2050. Key goals, orders and bills are discussed below.

Assembly Bill 32 - California Global Warming Solutions Act of 2006

AB 32 (Health and Safety Code Sections 38500, 38501, 28510, 38530, 38550, 38560, 38561–38565, 38570, 38571, 38574, 38580, 38590, 38592–38599) requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. The gases that are regulated by AB 32 include CO_2, CH_4, N_2O, HFCs, PFCs, NF_3, and SF_6. The reduction to 1990 levels will be accomplished through an enforceable statewide cap on GHG emissions that were phased in starting in 2012. To effectively implement the cap, AB 32 directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles (CARB, 2018c).

Senate Bill 32

SB 32 was signed by Governor Brown on September 8, 2016. SB 32 effectively extends California's GHG emission-reduction goals from year 2020 to year 2030. This new emission-reduction target of 40 percent below 1990 levels by 2030 is intended to promote further GHG-reductions in support of the State's ultimate goal of reducing GHG emissions by 80 percent below 1990 levels by 2050. SB 32 also directs CARB to update the Climate Change Scoping Plan to address this interim 2030 emission-reduction target.

Executive Order No. S-3-05

EO S-3-05 proclaims that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce the Sierra's snowpack, further exacerbate California's air quality

problems, and potentially cause a rise in sea levels. To combat those concerns, the EO established total GHG emission targets. Specifically, emissions are to be reduced to the 2000 level by 2010, to the 1990 level by 2020, and to 80 percent below the 1990 level by 2050. The EO directed the secretary of the California Environmental Protection Agency (CalEPA) to coordinate a multi-agency effort to reduce GHG emissions to the target levels.

Climate Change Scoping Plan.

In October 2008, CARB published its *Climate Change Proposed Scoping Plan*, which is the State's plan to achieve GHG reductions in California required by AB 32. The Scoping Plan states that land use planning and urban growth decisions will play important roles in the state's GHG reductions because local governments have primary authority to plan, zone, approve, and permit how land is developed to accommodate population growth and the changing needs of their jurisdictions. CARB further acknowledges that decisions on how land is used will have large impacts on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emissions sectors. With regard to land use planning, the Scoping Plan expects approximately 5.0 million metric tons (MMT) CO_2e to be achieved associated with implementation of Senate Bill 375, which is discussed further below. The *2017 Climate Change Scoping Plan* incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO B-30-15.

Senate Bill 1078 and Governor's Order S-14-08 (California Renewables Portfolio Standards)

SB 1078 (Public Utilities Code Sections 387, 390.1, 399.25 and Article 16) addresses electricity supply and requires that retail sellers of electricity, including investor-owned utilities and community choice aggregators, provide a minimum 20 percent of their supply from renewable sources by 2017. This SB will affect statewide GHG emissions associated with electricity generation. Statute SB X1-2 (2011) obligated all California electricity providers, including investor-owned utilities and publicly owned utilities, to obtain at least 33 percent of their energy from renewable electrical generation facilities by 2020. CARB is required by current law, AB 32 of 2006, to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020 and an 80 percent reduction of 1990 levels by 2050. CARB is also authorized to increase the target and accelerate and expand the time frame.

Mandatory Reporting of Greenhouse Gas Emissions

The California Global Warming Solutions Act (AB 32, 2006) requires the reporting of GHGs by major sources to the CARB. Major sources required to report GHG emissions include industrial facilities, suppliers of transportation fuels, natural gas, natural gas liquids, liquefied petroleum gas, and carbon dioxide, operators of petroleum and natural gas systems, and electricity retail providers and marketers.

California Building Code (CBC)

The CBC contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC is adopted every three years by the BSC. In the interim, the BSC also adopts annual updates to make necessary mid-term corrections. The CBC standards apply statewide; however, a local jurisdiction may amend a CBC standard if it makes a finding that the amendment is reasonably necessary due to local climatic, geological, or topographical conditions.

Green Building Standards

In essence, green buildings standards are indistinguishable from any other building standards. Both standards are contained in the CBC and regulate the construction of new buildings and improvements. The only practical distinction between the two is that whereas the focus of traditional building standards

has been protecting public health and safety, the focus of green building standards is to improve environmental performance.

AB 32, which mandates the reduction of GHG emissions in California to 1990 levels by 2020, increased the urgency around the adoption of green building standards. In its scoping plan for the implementation of AB 32, CARB identified energy use as the second largest contributor to California's GHG emissions, constituting roughly 25 percent of all such emissions. In recommending a green building strategy as one element of the scoping plan, CARB estimated that green building standards would reduce GHG emissions by approximately 26 MMT of CO_2e by 2020. Most recently, the California Energy Commission (CEC) adopted new building energy efficiency standards that amends the building code to require improvements in building insulation, use of energy-efficient lighting, and the incorporation of renewable energy technology (e.g., solar photovoltaic systems) for newly constructed residential dwellings. These standards are anticipated to reduce energy usage by approximately 50 percent for residential buildings and 30 percent for nonresidential buildings (CEC, 2018c).

Local

The Del Rey Oaks General Plan includes relevant policies and programs that assist in reducing or avoiding potential impacts related to GHG and air quality, including Housing Element Programs in Chapter 7.0, Housing Element Update, Energy Conservation (**Appendix B**).

3.8.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and

b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

The MBARD Board of Directors has not adopted recommended GHG significance thresholds applicable to development projects (MBARD, 2018b). However, it is important to note that other air districts within the State of California have recently adopted recommended CEQA significance thresholds for GHG emissions. For instance, on March 28, 2012, the San Luis Obispo Air Pollution Control District (SLOAPCD) Board approved thresholds of significance for the evaluation of project-related increases of GHG emissions. The SLOAPCD's significance thresholds include both qualitative and quantitative threshold options, which include a bright-line threshold of 1,150 $MTCO_2e$/year. The Sacramento Metropolitan Air Quality Management District (SMAQMD) the Mendocino County Air Quality Management District (MCAQMD) have adopted similar significance thresholds of 1,100 $MTCO_2e$/year and the Placer County Air Pollution Control District (PCAPCD) is currently considering adoption of a proposed mass-emissions threshold of 1,100 $MTCO_2e$/year. The GHG significance thresholds are based on AB 32 GHG emission reduction goals, which take into consideration the emission reduction strategies outlined in CARB's Scoping Plan. Development projects located within these jurisdictions that would exceed these thresholds would be considered to have a potentially significant impact on the environment which could conflict with applicable GHG-reduction plans, policies and regulations. Projects with GHG emissions that do not exceed the applicable threshold would be considered to have a less-than-significant impact on the environment and would not be anticipated to conflict with AB 32 GHG emission-reduction goals (PCAPCD, 2016; SLOAPCD, 2016; SMAQMD, 2014; and MCAQMD, 2010).

Impact Analysis Overview

Approach to Analysis

As noted above, MBARD has not yet adopted recommended GHG significance thresholds applicable to development projects. In the interim, the MBARD recommends use of other thresholds, such as those adopted by the SLOAPCD. For purposes of this analysis, project-generated emissions in excess of 1,100 $MTCO_2e$/year would be considered to have a potentially significant impact. This mass-emission threshold is based on thresholds adopted by SMAQMD and MCAQMD, which is slightly more conservative than the threshold recommended by SLOAPCD.

Indirect impacts would be associated with future rezoning and development of housing within the areas already planned for development under the City General Plan and regional planning efforts. Short-term construction emissions would be associated with construction of future residential units for meeting RHNA. Construction activities would be similar in nature to construction and development of the allowable uses identified above. Long-term operational emissions were assessed by reviewing projects of similar size for residential uses, under CalEEMod, version 2016.3.2. The analysis then addressed whether development of affordable residential units per the RHNA would exceed the identified thresholds or would conflict with applicable GHG-reduction plans, policies and regulations. Projects with GHG emissions that do not exceed the applicable threshold would be considered to have a less-than-significant impact on the environment.

Impacts and Mitigation Measures

Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (Criterion a)

Impact GHG-2: Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. (Criterion b)

The Draft Housing Element would not directly result in development of housing or new entitlements. Therefore, adoption of the Draft Housing Element, itself, will not result in impacts to greenhouse gas emissions. All future residential development facilitated by the proposed project would be subject to MBARD standards and potential indirect effects would be addressed through standard construction best management practices (i.e., MBARD CEQA Guidelines), applicable conditions of approval, and project-specific mitigation (if applicable). In addition, the Draft Housing Element includes policies and programs that promote energy efficiency (Housing Element Policy E.4) as well as encourage mixed-use and infill housing (Housing Element Policy A.2). These policies and programs could provide GHG emission reduction benefits. Moreover, future residential development facilitated by the proposed project, and as allowed due to rezoning included under the proposed project, would not result in a cumulatively considerable increase in GHG emissions. As a result, implementation of the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment. Neither the State, MBARD, nor the City have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the proposed project. But as shown above, neither implementation of the proposed project nor future residential development facilitated by the proposed project are expected to generate GHG emissions that would exceed applicable thresholds recommended by the MBARD. The proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Implementation of the Housing Element and General Plan policies related to energy conservation and GHG emissions would comply with the MBARD's recommended plan-level thresholds of significance and future development under the project would have a less-than-significant impact related to GHG emissions.

3.8.5 Cumulative Impacts

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to GHG emissions. The analysis determined the impacts from construction and operation of residential developments under the proposed project would not be cumulatively considerable; therefore, the cumulative impact would be less than significant.

Climate change is a global problem. From the standpoint of CEQA, GHG impacts relative to global climate change are inherently cumulative. No single project alone would measurably contribute to an incremental change in the global average temperature or to global or local climates or microclimates.

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3.9 HAZARDS AND HAZARDOUS MATERIALS

3.9.1 Introduction

This section provides the setting, regulatory framework, and impacts analysis related to hazards, including the past use and/or storage of chemicals and other hazardous materials. The section is based on review of regulatory agency databases and other published reports to identify potential hazardous materials releases that may affect the proposed project including workers and the public. The assessment of hazards and hazardous materials focuses on the following issues:

- The potential for encountering hazardous substances in soil and groundwater during future construction within the project area;
- Potential hazards associated with the use of chemicals during future construction and operation of the proposed project; and
- Whether the proposed project would result in, or be subject to, adverse effects related to the use, transportation, disposal, or release of hazardous materials or wastes during construction, operation, or maintenance.

For the purposes of this analysis, the term "hazardous materials" refers to both hazardous substances and hazardous wastes.[1] Under Federal and State law, materials and wastes may be considered hazardous if they are specifically listed by statute or if they are toxic, ignitable, corrosive, or reactive.

If improperly handled, hazardous materials and wastes can cause public health hazards when released to the soil, groundwater, or air. The four basic exposure pathways through which an individual can be exposed to a chemical agent include: inhalation, ingestion, bodily contact, and injection. Exposure can come as a result of an accidental release during transportation, storage, or handling of hazardous materials. Disturbance of subsurface soil during construction can also lead to exposure of workers or the public from stockpiling, handling, or transportation of soils contaminated by hazardous materials from previous spills or leaks.

This section assesses the potential public health and safety impacts of the proposed project. Hazards, such as flooding and seismic/geologic hazards, are discussed in **Section 3.7**, **Geology and Soils**, and **Section 3.10**, **Hydrology**.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the CEQA and/or are raised by responsible agencies, they are identified and addressed within this EIR. Public and agency comments related to potential public health and safety impacts were received during the public scoping period and are summarized below:

- Project consistency with unexploded ordnance (UXO) Training and Construction Support requirements should be evaluated to ensure safety during construction;
- Level of previous cleanup activities and details regarding cleanup;

[1] The California Health and Safety Code define a hazardous material as "a material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety, or to the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, radioactive materials and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment" (Health and Safety Code, Section 25501).

- Land use controls (LUCs) requirements to remedy residential use restriction on portion of Del Rey Oaks property within former Fort Ord; and
- evaluate potential alternative locations due to potential impacts associated with buried munitions at proposed project location.

For a complete list of public comments received during the public scoping period, refer to **Appendix A**, **NOP, and Public Comment Letters**.

3.9.2 Environmental Setting

Regional Setting

Hazardous materials are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

There are no contaminated sites within the City. However, the entire former Fort Ord is included on the Federal National Priority List (NPL), also known as the Superfund list. Portions of the former Fort Ord land identified in the Land Use Inventory within the City for redevelopment had unexploded ordnance (UXO) removed by the U.S. Army, this area is referred to as the Del Rey Oaks/Monterey Munitions Response Area (MRA). UXO is composed of bombs artillery, mortar, rocket and small arm ammunitions, mines, demolition charges, pyrotechnics, grenades, high explosives, and propellants. The Del Rey Oaks/Monterey MRA Record of Decision (ROD) is an official document that provides a record of how the area has been cleaned of UXO. The RODs implemented land use controls (LUCs) to include Munitions and Explosives of Concern (MEC) safety education programs for site users, construction support, and restrictions on residential use for specified areas. As a result, the Department of Toxic Substance Control (DTSC) and the EPA, the federal regulatory agencies responsible for oversight of the former Fort Ord site, concluded that the parcel was safe for redevelopment and reuse for most purposes (e.g., hotel, time-share, recreation, commercial), and subsequently transferred the parcel to the City.

As part of the transfer, the Army entered into a State Covenant to Restrict Use of Property (CRUP or Covenant) with DTSC, with which the City agreed. This Covenant prevented the following types of use for the entire Del Rey Oaks MRA: residential use, day care facilities that do not have measures to prevent contact with soil, schools for persons under 21 years of age, and hospitals (other than veterinary hospitals). During the development of the 2006 Draft Housing Element, DTSC and the City discussed removing the restriction on residential use and how this may be accomplished. Programs in the 2019 Draft Housing Element and 2023 Updates provide for rezoning of Site 1 and 1a in former Fort Ord. The rezoning per the RHNA would allow for 86 units of residential units to meet the 5th Cycle RHNA. The 6th Cycle Update includes programs for providing 184 residential units to meet the 6th Cycle RHNA (2023-2031). DTSC covenant restrictions will need to be amended or lifted to construct the units under the RHNA.

As a former military installation, the use and disposal of hazardous materials, including but not limited to automotive oils and chemicals, military munitions, asbestos containing material, lead-based paint, and other materials associated with on-going military operations at Fort Ord has been extensive. Due to the historical use of hazardous materials, numerous environmental hazards have been documented

throughout Fort Ord. As part of the base closure and realignment process, the issue of hazardous materials usage and disposal has been the subject of extensive evaluation as part of on-going remediation efforts conducted by the Army. The following section provides a general overview of hazardous materials usage at the former Fort Ord, as well as on-going remediation efforts currently being undertaken to address hazardous materials contamination.

As identified above, hazardous, and toxic waste materials at the former Fort Ord consist of a wide variety of materials including industrial chemicals, petrochemicals, domestic and industrial wastes (landfills), asbestos and lead paint in buildings, above- and underground storage units, and ordnance and explosives. Due to the extent of hazardous materials usage and associated presence of hazardous waste, the former Fort Ord was added to the U.S. EPA's National Priorities List of Hazardous Waste Sites (commonly referred to as "Superfund" List) in February 1990. Remediation conducted as part of the Superfund process is regulated by numerous regulatory requirements, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund), the Superfund Amendments and Reauthorization Act, the Conservation and Recovery Act (RCRA), the CCR Title 22 and Title 23, the California Water Code, and other regulations.

The Army, as part of the Superfund process, is responsible for completing remediation activities at the former Fort Ord prior to the final conveyance of property to local jurisdictions. The identification, remediation, and disposal of hazardous waste associated with the Superfund cleanup process was initiated as part of the Federal Facility Agreement (U.S. EPA et al., 1990). The Federal Facility Agreement is meant to "ensure that the environmental impacts associated with past and present activities at the site [former Fort Ord] are thoroughly investigated and appropriate remedial actions are taken as necessary to protect the public health, welfare, and the environment." The Federal Facility Agreement was also intended to develop requirements for the performance of the Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of the threat to the public health and the environment caused by the release of hazardous substances, pollutants, or contaminants at the site, in addition to the fulfillment of remediation requirements pursuant to CERCLA and applicable State law.

A base-wide RI/FS was conducted in 1995 to evaluate environmental contamination (Harding Lawson Associates [HLA], 1995). This process consisted of a review and evaluation of past investigative and removal actions and making recommendations for future response actions deemed necessary to protect human health and the environment. The base-wide RI/FS was approved by the regulatory agencies party to the Federal Facility Agreement and a subsequent ROD identified the Army as responsible for the long-term monitoring and cleanup of Fort Ord. According to the information contained in the base-wide RI/FS, individual sites were classified based on site characteristics and the potential for hazardous conditions. The 43 sites identified in the RI/FS were subsequently classified into three categories: 1) Base-wide Remedial Investigation (RI) Sites; 2) Interim Action sites; and 3) No Action sites. These classifications are defined as follows:

- RI Sites: RI sites have sufficient contamination to warrant a full RI, Baseline Risk Assessment (BRA), Ecological Risk Assessment (ERA), and FS.
- Interim Action Sites: Interim Action sites have limited volume and extent of contaminated soil and, as a result, are easily excavated, as an interim action.
- No Action Sites: No Action sites do not warrant remedial action under CERCLA.

The above classifications were utilized in order to expedite the review, clean-up, and conveyance of former Fort Ord lands to local municipalities. As the Army has determined that the properties are suitable to transfer under CERCLA, Findings of Suitability to Transfer (FOST) or Findings of Suitability of Early Transfer (FOSET) are prepared. In accordance with CERCLA, the FOST or FOSETS document that

either the property is uncontaminated or that all necessary remediation has been completed or is in place and operating properly and successfully.

Site History and Characteristics

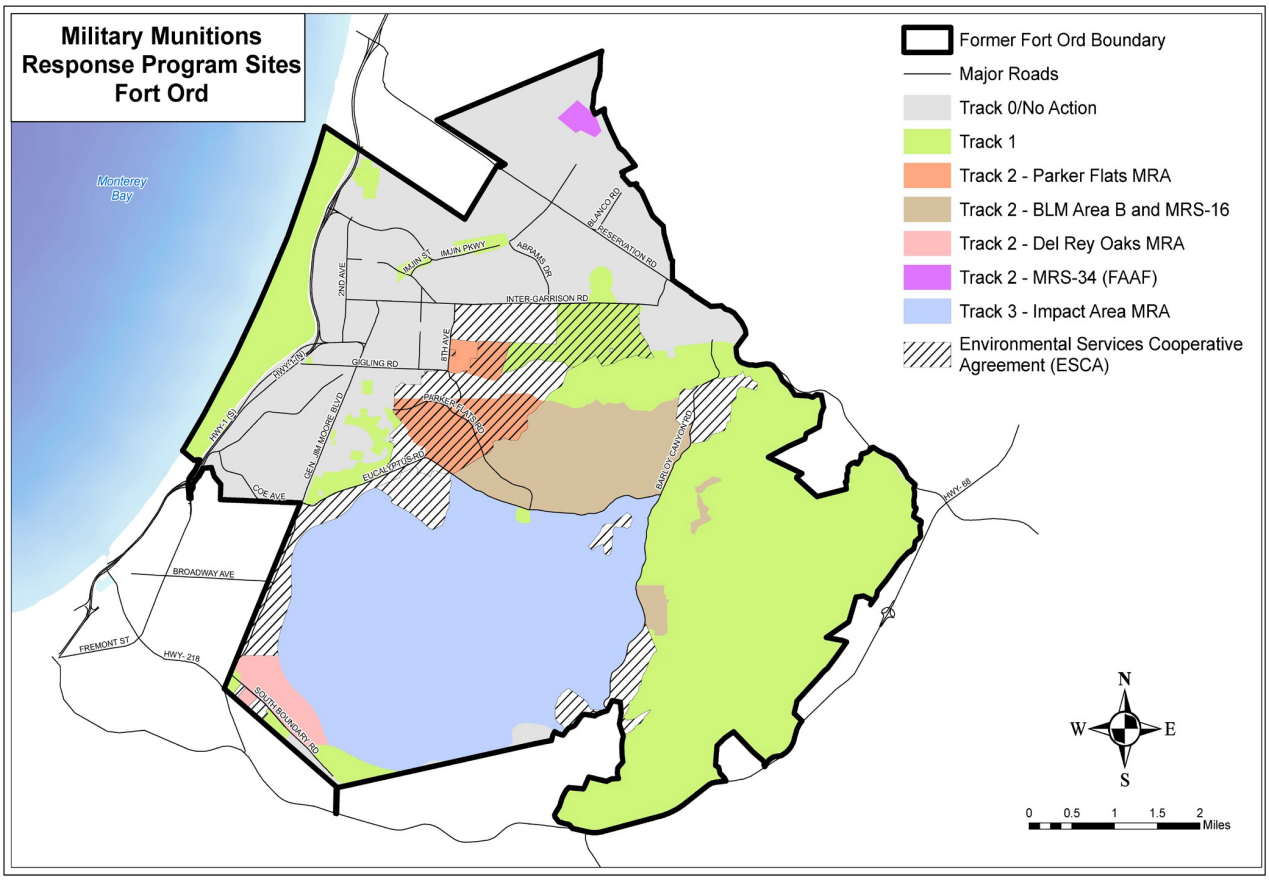
Historic land use within the project area can be associated with the use, generation, or disposal of hazardous materials. The project area is located within parcels on the former Fort Ord within an MRA, see **Figure 3.9-1 Munitions Response Program Sites in Former Fort Ord** and **Figure 3.9-2 Del Rey Oaks Fort Ord MRA**.

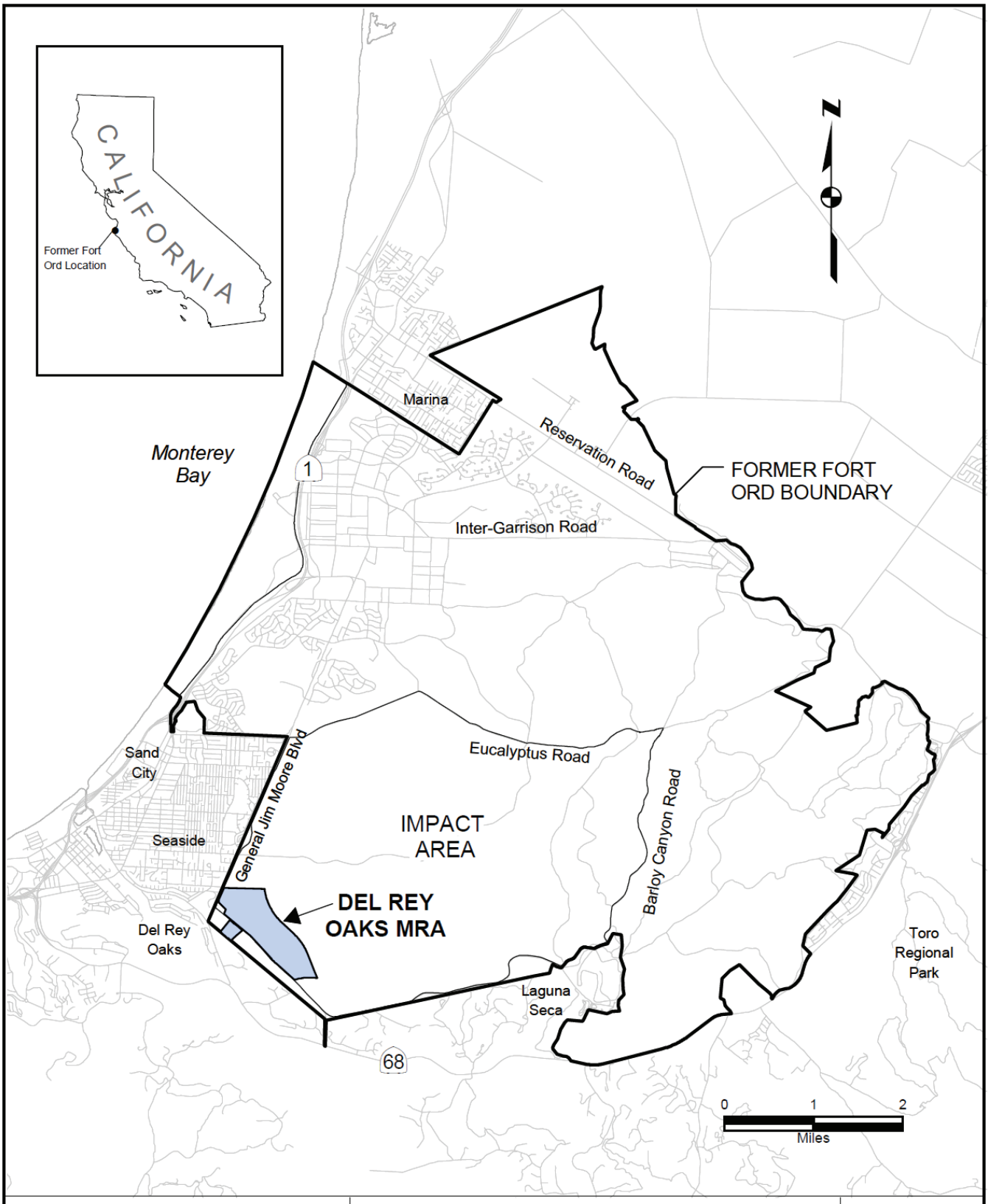
As a result of this historical use, any reuse and transfer required the property to be assessed for hazards and cleaned up prior to the proposed use. The cleanup and removal process spanned many years, starting in 1998 when the Army completed its initial subsurface investigation to 2006 when MEC removal was completed and the Final Track 2 Munitions Response RI/FS was submitted to the U.S. EPA and DTSC. Track 2 sites are areas where MEC items were present and where MEC removal actions have been conducted. Four (4) RODs have been signed for Track 2 sites, including the Parker Flats MRA ROD and the Del Rey Oaks MRA ROD, which implemented land use controls to include MEC safety education programs for site users, construction support, and restrictions on residential use for specified areas.

The Del Rey Oaks former Fort Ord area has been evaluated for the presence of UXO, including a geophysical survey and the site has been cleared for non-residential development subject to land use controls for managing risk.

The RI/FS evaluated the risks related to remaining MEC within the Del Rey Oaks MRA based upon the intended future uses. In 2008, the Army and the U.S. EPA, in consultation with the DTSC, recorded the final decision in the ROD documenting the preferred remedial alternative of LUCs for managing the risk to future land users from MEC that potentially remain in the project area. The LUCs described in the ROD include: 1) MEC recognition and safety training for workers that will conduct ground-disturbing or intrusive activities, 2) construction monitoring for ground-disturbing or intrusive activities to address MEC that potentially remains in the subsurface, and 3) restrictions against residential use (Army, 2008 and FORA, 2009, BRAC, 2023).

Figure 3.9-1 Munitions Response Program Sites in Former Fort Ord





UNITED STATES DEPARTMENT OF THE ARMY	**Del Rey Oaks MRA and Fort Ord Location Map** Record of Decision Del Rey Oaks Munitions Response Area Track 2 Munitions Response Site Former Fort Ord, California	PLATE **1**

DRAWN	JOB NUMBER	CHECKED	CHECKED DATE	APPROVED	APPROVED DATE
TJH	4088074345 12		8/2007		

Del Rey Oaks MRA and Fort Ord Source: United States Department of the Army	Date 7/28/2023 Scale N/A	Denise Duffy & Associates, Inc. Planning and Environmental Consulting	Figure 3.9-2

Schools

Schools are considered sensitive receptors for hazardous materials because children are more susceptible than adults to the effects of many hazardous materials. As discussed above, there are no schools located within ¼-mile of the proposed project.

Existing Hazards

Military Munitions -Former Fort Ord

Since 1917, portions of Fort Ord were used by infantry units for maneuvers, target ranges, and other purposes. Military munitions, formerly referred to as Ordnance and Explosives (OE)[2], were fired into, fired upon, or used on the facility in the form of artillery and mortar projectiles, rockets, guided missiles, rifle and hand grenades, land mines, pyrotechnics, bombs, and demolition materials. These materials are present throughout the former Fort Ord as either UXO or munitions debris. As a former Army training installation, the use of military munitions occurred throughout the base for training purposes.

Munitions-related training activities were primarily concentrated in an 8,000-acre area located in the south-central portion of Ford Ord; this area once served as the primary target area for weapons training. Munitions and munitions debris are also found throughout the former base. Lower densities of military munitions and UXO are expected in the outer portions of the inland range area and in the training areas to the north and east of the Impact Area. Coastal beach firing ranges are also included in the classification of lower density UXO.

Unexploded munitions and explosives are considered MEC because they are considered an explosive safety risk consisting of UXO (fired military munitions) and Discarded Military Munitions (DMM) (unfired military munitions).

As part of on-going clean-up activities on the former Fort Ord, the Army has been performing surface and subsurface clean-up actions involving military munitions and MECs in accordance with the Munitions Response RI/FS. As part of this process, prescribed burns have been used to clear the dense vegetation cover on much of the "Impact Area" and former range sites to reveal the presence of military munitions, munitions debris, and MECs. After initial surface clearance activities, the Army subsequently performs subsurface clean-up to ensure the suitability of the sites for transfer.

The former Fort Ord property within the City is included in the ROD, Del Rey Oaks Munitions Response Area, Track 2 Munitions Response Site, Former Fort Ord, California (Fort Ord Administrative Record document number: OE-0670). The selected remedy are LUCs, as described in the ROD, and include a residential use restriction on a portion of the Track 2 Del Rey Oaks MRA (as shown on **Figure 3.9-3**). Please see **Figure 3.9-4** for the portions of the property identified as requiring the residential use restriction.

[2] According to the *Draft Final Ordnance and Explosives Remedial Investigation/Feasibility Study Work Plan* (USACE, 2000), OE, now referred to as military munitions, are defined as "anything related to munitions designed to cause damage to personnel or materials through explosive force or incendiary action including bombs, warheads, missiles, projectiles, rockets, antipersonnel and antitank mines, demolition charges, pyrotechnics, grenades, torpedoes and depth charges, high explosives and propellants, and all similar and related items or components explosive in nature or otherwise designed to cause damage to personnel or material."

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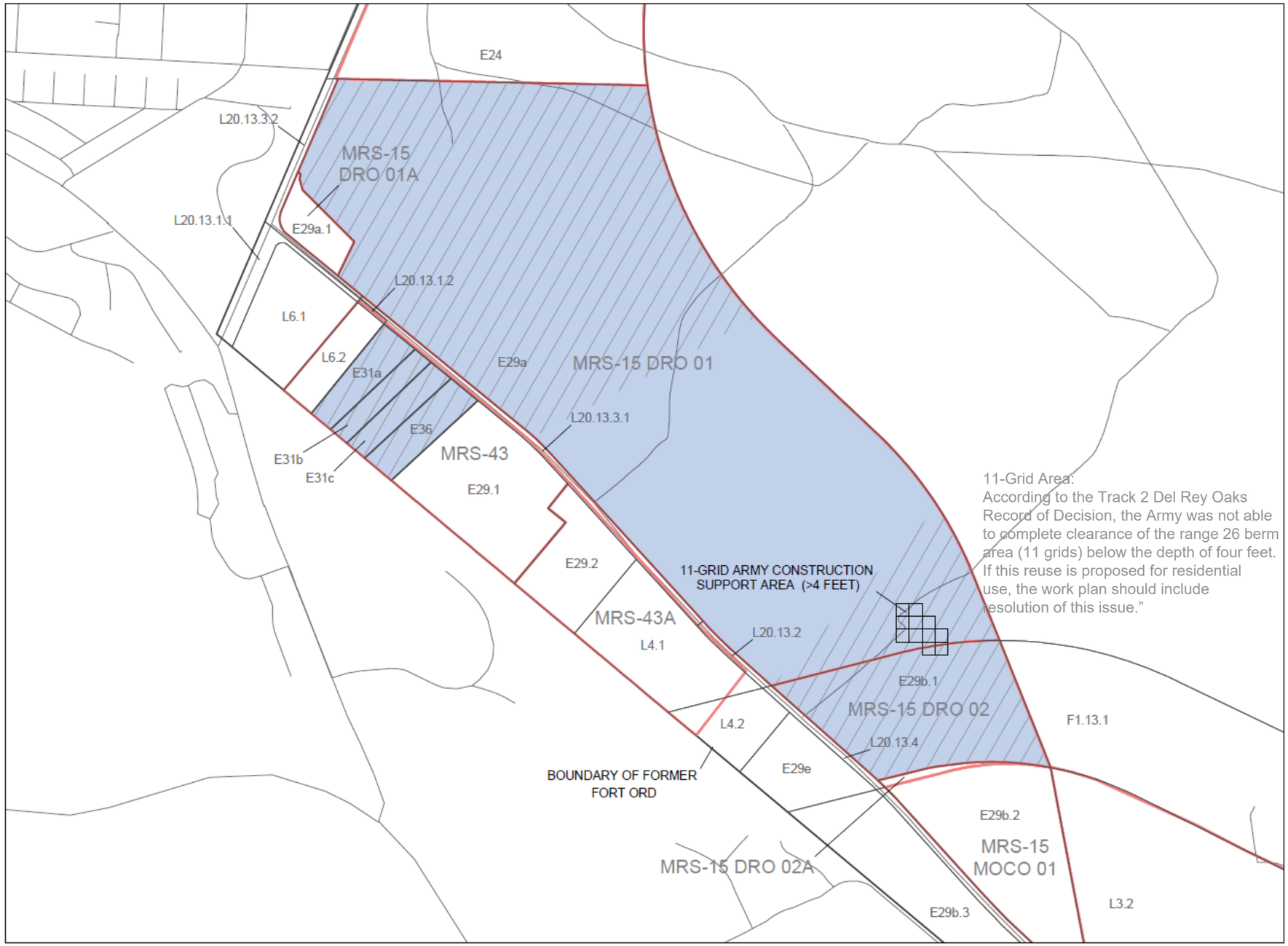

DRAWN: TJH	PROJECT NO: 4088074345 12		UNITED STATES DEPARTMENT OF THE ARMY	Record of Decision Del Rey Oaks Munitions Response Area Track 2 Munitions Response Site Former Fort Ord, California	Del Rey Oaks Munitions Response Areas and Munitions Response Sites	PLATE 2
ENGINEER:	SCALE: AS SHOWN					
CHECKED:	APPROVED:					
DATE: 8/2007	DATE:					

Del Rey Oaks MRA Track 2 Site

Source: United States Department of the Army

Date 7/28/2023

Scale N/A

Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure 3.9-3

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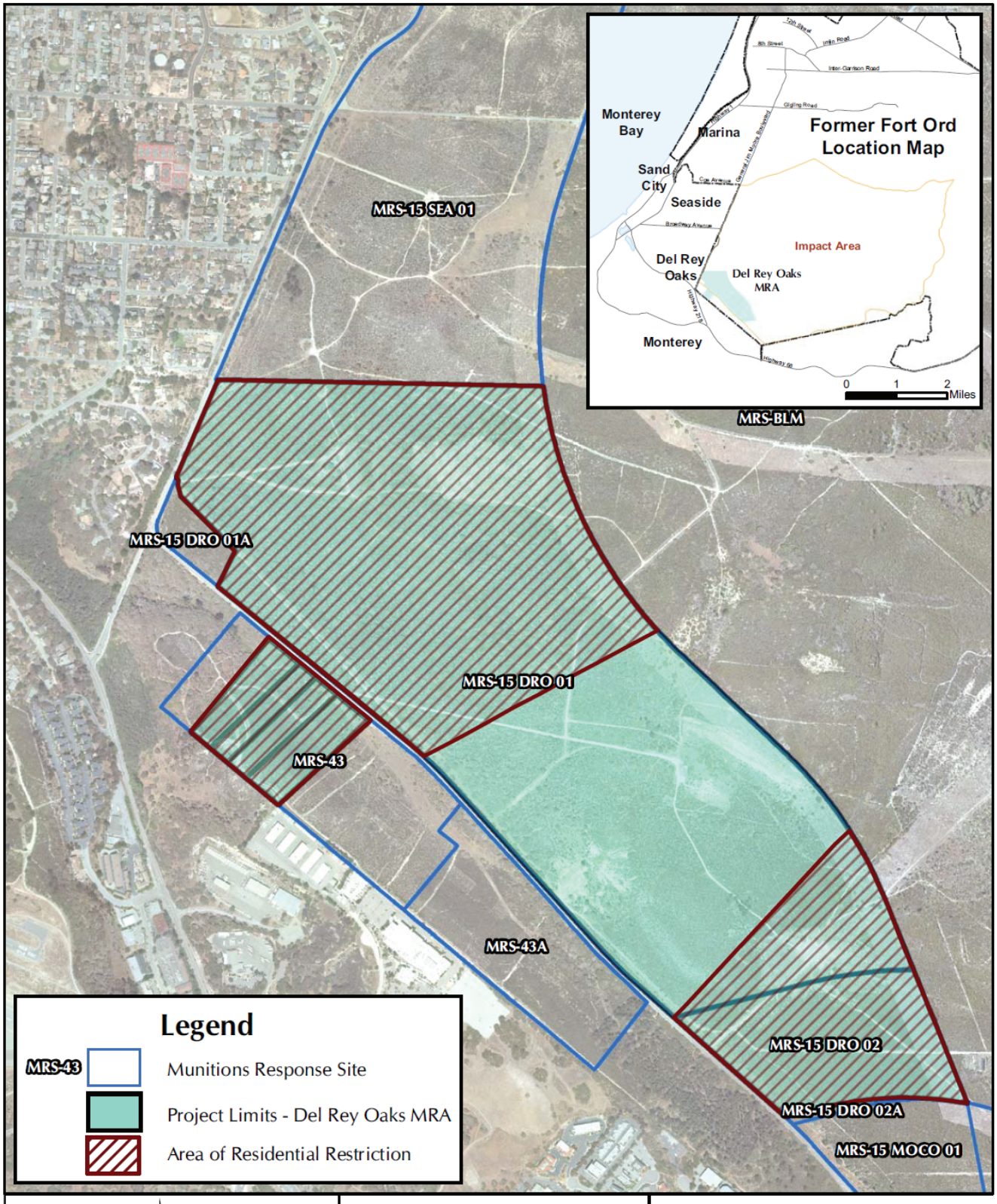


ARCADIS
Infrastructure, environment, facilities

Areas of Residential Restriction

Del Rey Oaks MRA, Del Rey Oaks, California

Figure 3

Del Rey Oaks MRA Areas of Residential Restriction Source: ARCADIS	Date 7/28/2023 Scale N/A	Denise Duffy & Associates, Inc. Planning and Environmental Consulting	Figure 3.9-4

The ROD describes that the restriction would be modified to allow for residential use, as appropriate, once DTSC has verified that the Residential Protocol has been successfully implemented. Any proposal for residential development in the Del Rey Oaks MRA where this restriction applies will be subject to regulatory review. Residential use for these specified areas will be prohibited until: 1) the City of Del Rey Oaks (the current land owner) notifies the Army, EPA and DTSC in writing of its intent to change the designated site use from recreational/commercial to residential, in advance; and 2) DTSC concurs that residential use is appropriate based on successful implementation of the Residential Protocol or further site evaluation incorporating new information (e.g., geophysical mapping, site development).[3] Parcels designated as acceptable for future residential reuse are subject to appropriate institutional controls and agreements with DTSC. At the former Fort Ord, appropriate institutional controls include such things as local excavation and digging ordinances, construction support, deed restrictions, and disclosures.

Contaminated Groundwater

There are no groundwater contamination sites or ground water monitoring wells within the proposed project area.

Wildfire

The California Department of Forestry and Fire Protection (CalFire) prepares maps of Fire Hazard Severity Zones (FHSZ), which are used to develop recommendations for local land use agencies and for general planning purposes.

The County of Monterey is characterized by moderate to very high fire hazard. Cal Fire maps identify fire hazard severity zones in the State and local responsibility areas. The City is not within a State Responsibility Area for moderate, high, or very high fire severity hazard. However, a portion of the project area within former Fort Ord is within a Local Responsibility Area (LRA) designated as a Very High Fire Hazard Severity Zone (VHFHSZ), as documented in **Section 3.18 Wildfire**.

Fire hazards include surrounding remote and undeveloped areas with chaparral and oak trees. In addition, the extent and adequacy of fire protection and control in various areas must also be considered. Poor roads and limited accessibility in the remote areas of Fort Ord increase the response time for firefighting equipment and may hinder escape. The risk of damage to life and property, therefore, is more severe and fire control more difficult. See **Section 3.18 Wildfire** of this EIR for additional information.

3.9.3 Regulatory Framework

The generation, storage, and handling of hazardous materials and wastes are regulated by various Federal, State, and local laws and regulations aimed at the protection of public health and the environment. A summary of regulations follows.

Federal

Resources Conservation and Recovery Act

The U.S. EPA is responsible for enforcing regulations at the Federal level pertaining to hazardous materials and wastes. The primary Federal hazardous materials and wastes laws are contained in the RCRA of 1976 and in the CERCLA of 1980 (or Superfund). CERCLA established the National Priorities List

[3] Curtis Payton, Base Realignment and Closure (BRAC) Environmental Coordinator for Fort Ord, April 2023. (BRAC, 2023)

for identifying and obtaining funding for remediation of severely contaminated sites. Federal regulations pertaining to hazardous materials and wastes are contained in the CFR (40 CFR). The regulations contain specific guidelines for determining whether waste is hazardous, based on either the source of generation or the characteristics of the waste.

U.S. Department of Transportation Hazardous Materials Transport Act (49 USC 5101)

The U.S. Department of Transportation, in conjunction with the EPA, is responsible for enforcement and implementation of Federal laws and regulations pertaining to transportation of hazardous materials. The Hazardous Materials Transportation Act of 1974 directs the U.S. Department of Transportation to establish criteria and regulations regarding the safe storage and transportation of hazardous materials. CFR 49, 171–180, regulates the transportation of hazardous materials, types of material defined as hazardous, and the marking of vehicles transporting hazardous materials.

Occupational Safety and Health Act (29 USC 15)

The Occupational Safety and Health Act of 1970 was passed to address employee safety in the workplace. The Act created the Occupational Safety and Health Administration (OSHA), whose mission is to ensure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. The OSHA staff establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs.

Government Code 51175-89

Government Code 51175-89 directs CAL FIRE to identify areas of significant fire hazard severity zones within LRAs. Mapping of the areas, referred to VHFHSZ, is based on fuels, terrain, weather, and other relevant factors. These zones are used to define areas which may contain wildfire hazards and may need further measures to reduce the risk associated with wildland fires.

State

California Hazardous Waste Control Law

The U.S. EPA has delegated much of its regulatory authority to individual States whenever adequate State regulatory programs exist. The DTSC of CalEPA is the agency empowered to enforce Federal hazardous materials and waste regulations in California in conjunction with the U.S. EPA.

California hazardous materials and waste laws incorporate Federal standards, but in many respects are stricter. For example, the California Hazardous Waste Control Law, the State equivalent of RCRA, contains a much broader definition of hazardous materials and waste. State hazardous materials and waste laws are contained in the CCR, Titles 22 and 26. Regulations implementing the California Hazardous Waste Control Law list 791 hazardous chemicals and 20 to 30 more common materials that may be hazardous; establish criteria for identifying, packaging and labeling hazardous waste; prescribe management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal and transportation; and identify hazardous waste that cannot be disposed of in landfills.

Under RCRA, a facility is classified as a generator of hazardous waste if it generates and stores hazardous waste on site for less than 90 days; such a facility is required to obtain a U.S. EPA generator's identification number from the U.S. EPA or DTSC. If, however, hazardous waste is stored on site for longer than 90 days, the facility is classified as a Transfer, Storage, or Disposal facility and is required to obtain an RCRA Part B Storage Permit, which can take as long as two years to obtain. Transportation and

disposal of hazardous materials are also regulated; hazardous waste must be characterized to determine methods of disposal and site disposal (i.e., class of landfill).

Under both RCRA and the California Hazardous Waste Control Law, hazardous waste manifests must be retained by the generator for a minimum of three years. A hazardous waste manifest lists a description of the waste, its intended destination, and regulatory information about the waste. A copy of each manifest must be filed with DTSC. The generator must match copies of hazardous waste manifests with receipts from the treatment/disposal/recycling facility to confirm that the waste was properly handled.

Health and Safety Code, Section 25500 et seq.

This code and the related regulations in 19 CCR 2620, et seq., require local governments to regulate local business storage of hazardous materials in excess of certain quantities. The law also requires that entities storing hazardous materials be prepared to respond to releases. Those using and storing hazardous materials are required to submit a Hazardous Materials Business Plan to their local Certified Unified Program Agency (CUPA) and to report releases to their CUPA and the State Office of Emergency Services.

Hazardous Materials Release Response Plans and Inventory Act of 1985

The Hazardous Materials Release Response Plans and Inventory Act, also known as the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Business plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) requires the administrative consolidation of six hazardous materials and waste programs (Program Elements) under the local CUPA. The following Program Elements are consolidated under the Unified Program:

- Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs (a.k.a. Tiered Permitting)
- Aboveground Petroleum Storage Tanks
- Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or "Community-Right-To-Know")
- California Accidental Release Prevention Program
- UST Program
- Uniform Fire Code Plans and Inventory Requirements

California Fire Code, Title 24, Part 9, Chapters 33, 50 and 57

The 2013 California Fire Code (CFC), written by the BSC, is based on the 2012 International Fire Code (IFC). The IFC is a model code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage, and processes. The IFC addresses fire prevention, fire protection, life safety, and safe storage and use of hazardous materials in new and existing buildings, facilities, and processes.

Chapter 33 of the CFC outlines general fire safety precautions for all structures during construction and demolition operations. In general, these requirements seek to maintain required levels of fire protection, limit fire spread, establish the appropriate operation of equipment, and promote prompt response to fire emergencies. Features regulated include fire protection systems, fire fighter access to

the site, hazardous materials storage and use, and temporary heating equipment and other ignition sources. Chapter 50 of the CFC contains the general requirements for all hazardous chemicals in all occupancies and includes general provisions for the prevention, control, and mitigation of dangerous conditions related to storage, dispensing, use, and handling of hazardous materials. The requirements outlined in Chapter 57 of the CFC are intended to reduce the likelihood of fires involving the storage, handling, use, or transportation of flammable and combustible liquids. Chapter 49 of the CFC outlines construction methods and requirements for hazardous vegetation and fuel management in "High or Very-high Fire Hazard Severity Zones."

Uniform Fire Code

The Uniform Fire Code, Article 80 (Section 80.103 of the Uniform Fire Code as adopted by the State Fire Marshal pursuant to Health and Safety Code Section 13143.9), includes specific requirements for the safe storage and handling of hazardous materials. These requirements are intended to reduce the potential for a release of hazardous materials and for mixing of incompatible chemicals, and specify the following specific design features to reduce the potential for a release of hazardous materials that could affect public health or the environment:

- Separation of incompatible materials with a noncombustible partition;
- Spill control in all storage, handling, and dispensing areas; and
- Separate secondary containment for each chemical storage system. The secondary containment must hold the entire contents of the tank, plus the volume of water needed to supply the fire suppression system for a period of 20 minutes in the event of catastrophic spill.

Regional/Local

Reuse Plan

According to the Reuse Plan, the former Fort Ord was added to the "Superfund" list in 1990 (FORA, 1997). Hazardous and toxic waste sites within the former Fort Ord fall into two major categories: 1) hazardous and toxic waste sites (i.e. buildings, landfills, storage facilities, etc.), and 2) OE. The Reuse Plan contains base-wide public-safety objectives related to past hazardous materials usage on the former Fort Ord, as well as jurisdiction specific goals and policies related to the treatment of hazardous materials. Applicable base-wide public-safety objectives include: 1) ensuring the timely and complete compliance by the Army with the RI/FS and associated ROD; and, 2) protecting public health and safety during the remediation of hazardous and toxic material sites on Fort Ord.

Remedial Action Plan

Arcadis, Inc prepared a Redial Action Plan (RAP) for the Del Rey Oaks properties[4]. The RAP provided background information for the Del Rey Oaks MRA, which was put forth when the area was identified for early transfer. As noted earlier, the Reuse Plan assigned land uses and development including visitor serving and commercial areas, although a specific development plan was not presented. The RAP provides a history of the transfer and evaluation of the City of Del Rey Oaks properties. In 2005, the Army transferred the Del Rey Oaks MRA property to the FORA in an early transfer, prior to the completion of the CERCLA process. The Finding of Suitability for Early Transfer (FOSET) which supported the transfer of the property found the property suitable for early transfer for the use of a resort hotel and golf course, commercial/retail facilities, offices and associated infrastructure. As part of this early

[4] Draft Final Remedial Design/Remedial Action Work Plan, Del Rey Oaks Munitions Response Area, Former Fort Ord Del Rey Oaks, California, July 28, 2010. Arcadis, Inc.

transfer, the Army entered into a State Covenant to Restrict Use of Property with DTSC, with which the City of Del Rey Oaks agreed, preventing the following types of use for the entire Del Rey Oaks MRA: residential use, day care facilities that do not have measures to prevent contact with soil, schools for persons under 21 years of age, and hospitals (other than veterinary hospitals).

Residential use of portions of the Del Rey Oaks MRA came into consideration by the City of Del Rey Oaks after the land had been transferred to the City. Possible residential use was evaluated in the Munitions Response RI/FS for the Del Rey Oaks MRA (Arcadis, 2010), and the residential use restriction for the central portion of the Del Rey Oaks MRA was deemed to be no longer required (Army, 2008). Portions of the Del Rey Oaks MRA where residential restriction is no longer required are shown on **Figure 3.9-4**. These portions still must comply with DTSC and Army requirements for ongoing reporting and oversight.

In addition, as identified in the RAP, if residential development is planned for the portions of the Del Rey Oaks MRA where a LUC prohibiting residential development exists, the plans will be subjected to regulatory review. Residential use for specified areas will be prohibited until the landowner provides advance notification to the Army, EPA, and DTSC of its intent to change a designated area's use to residential, and until DTSC concurs that residential use is appropriate. DTSC's evaluation may consider the Residential Protocol or further site evaluation incorporating new information (e.g., geophysical mapping, site development).

City of Del Rey Oaks Municipal Code – Chapter 15.48

Municipal Code Chapter 15.48 contains the ordnance remediation regulations and establishes special standards and procedures for digging and excavation on those properties in the former Fort Ord military base which are suspected of containing ordnance and explosives (also called munitions and explosives of concern). This ordinance requires that a permit be obtained from the City for any excavation, digging, development, or ground disturbance of any type involving the displacement of ten cubic yards or more of soil. The permit requirements include providing each site worker a copy of the Ordnance and Explosives Safety Alert; complying with all requirements placed on the property by an agreement between the City, and DTSC; obtaining ordnance and explosives construction support; ceasing soil disturbance activities upon discovery of suspected ordnance and notifying the City of Del Rey Police Department, the Army and DTSC; coordinating appropriate response actions with the Army and DTSC; and reporting of project findings.

3.9.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;

b. create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;

c. emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;

d. be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment;

e. for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would result in a safety hazard for people residing or working in the project area;

f. impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

g. expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Impact Analysis Overview

Approach to Analysis

The following impact analyses address potential hazardous substances in soil that may result in impacts during future construction facilitated by the proposed project as well as potential use and disposal of hazardous materials or waste during operation and maintenance of the proposed project. The significance criteria are assessed in this section as the basis for determining the significance of impacts related to hazards and hazardous materials. If necessary, mitigation measures are proposed to reduce significant impacts to less than significant.

The evaluation is based on review of hazardous materials use or release sites databases, the types of chemicals and hazardous materials that may be used during construction or operation of the proposed project, and the location of the proposed project area in relationship to schools, airports, and fire hazard zones. Each potential impact is assessed in terms of the applicable regulatory requirements, such as mandatory compliance with various Federal, State, and local regulations that would serve to prevent significant impacts from occurring.

Impacts and Mitigation Measures

Impact HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Criterion a)

The proposed project would not result in an impact to the creation of potential hazards or hazardous materials through the routine transport, use, or disposal of hazardous materials. The Draft Housing Element is strictly a policy document and does not provide entitlements or specific development proposals to any land use projects. Future residential development facilitated by the proposed project would be subject to separate environmental review to address any subsequent project-level impacts relating to hazards or hazardous materials and the requirements listed in **Mitigation Measure 3.9-1** below.

Impact HAZ-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Criterion b)

The proposed project would not directly create a significant hazard involving the release of hazardous materials into the environment. However, portions of the project area, identified as Sites 1 and 1a in the Draft Housing Element's Land Use Inventory within the former Fort Ord, had UXO that has since been removed per removal standards. Any future development facilitated by the proposed project in this portion of the project area would need to adhere to the land use controls outline in the ROD, meet

requirements under DTSC and transfer deed to minimize potential residual hazards, as discussed below. Therefore, impacts would be less than significant.

Impact HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Criterion c)

The proposed project would not emit hazardous emissions, handle hazardous, or acutely hazardous materials, substances, or waste within ¼ mile of an existing school. Schools and daycare facilities are considered sensitive receptors for hazardous materials because children are more susceptible than adults to the effects of many hazardous materials. The nearest school is Del Rey Woods Elementary School, located approximately 0.1 miles north of the project area. However, the portions of the project area that would feasibly be developed in the future as a result of the proposed project are located more than ¼ mile from Del Rey Woods Elementary School. As a result, no mitigation is required and no impact would occur.

Impact HAZ-4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. (Criterion d)

The adoption of the Housing Element Update and approval of the rezoning would allow residential uses on portions of former Fort Ord. However, due to the presence of potential residual MEC hazards, the RI/FS indicates that residential use restrictions are warranted for the northern and southern portions of the MRA due to the type of munitions that may be present in the subsurface. The central portion of the project area, however, was determined to be suitable for residential uses, however, must still comply with specific requirements for approval, monitoring, training, and construction management required for any ground-disturbing or intrusive activities. In order to permit residential uses on the remaining portions of the area, the Covenant restricting residential uses would need to be modified. **Figure 3.9-4 Areas of Residential Restriction** illustrates areas of the former Fort Ord that would not be subject to future residential restrictions.

The RI/FS indicated that the DTSC Residential Protocol, once approved by DTSC, would be considered an adequate mechanism to verify that the site is safe for human health and the environment. Upon successful implementation of the DTSC Residential Protocol, the regulatory agencies would allow for the removal of the residential use restriction on the remainder of the project area. The purpose of the DTSC Residential Protocol is to document what constitutes acceptable MEC clearance for the portions of the project area within former Fort Ord, such that once the portions of the former Fort Ord site have been cleared using this agreed upon process, those portions are suitable for residential reuse. Per the Protocol, the Former Fort Ord site regulators, DTSC and US EPA, must confirm that the risk of exposure to hazardous materials can be reduced through active MEC removal actions in concert with public education, continuing land use controls (such as the grading and excavation ordinance (DRO Municipal Code Chapter 15.48)) and continued active agency oversight and involvement in any MEC actions at the former Fort Ord site. Therefore, impacts would be less than significant with implementation of **Mitigation Measure 3.9-1**.

Mitigation Measure

3.9-1 Prior to approval of residential development plans on the project area, environmental agencies, including the Army, and the state lead regulatory agency, DTSC, shall confirm that the clearances to be conducted and those conducted to date together with approved remedial actions, as required, will be sufficient to allow the Former Fort Ord site to be developed for residential reuse.

Residential use for the specified areas identified herein will be prohibited until the landowner provides advance notification to the Army, EPA, and DTSC of its intent to change a designated area's use to residential, and until DTSC concurs that residential use is appropriate. DTSC's evaluation may consider the Residential Protocol or further site evaluation incorporating new information (e.g., geophysical mapping, site development).

Impact HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area. (Criterion e)

The project area is not located within the vicinity of a private airstrip. The project area is located within an airport land use plan; however, the policies and programs of the Housing Element Update and amendments to the General Plan and Zoning Ordinance would not result in a safety hazard for people residing or working in the project area. The proposed project is in compliance with the Airport Compatibility Land Use Plan (ACLUP) and applicable Airport Land Use Commission policies and regulations. Please refer to discussion of the Monterey Airport Land Use Plan as described in **Section 3.11 Land Use and Planning**. This represents a less than significant impact.

Impact HAZ-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Criterion f)

The Draft Housing Element would not physically interfere with an adopted emergency plan or result in a safety hazard due to physical interference with an emergency evacuation plan. California has developed an emergency response plan to coordinate emergency services provided by federal, state, and local government and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the State Office of Emergency Services (OES), which coordinates the responses of other agencies, including Cal EPA, California Highway Patrol, the Central Coast Regional Water Quality Control Board (RWQCB), and the local fire department. The fire department provides first response capabilities, if needed, for hazardous materials emergencies within the project area. The proposed project operations would not interfere with the designated agency responsibilities and reporting in the event of an emergency, and no impact would result. Access is available to the former Fort Ord and Citywide through local and arterial roadway systems and these would be adequate during construction activities and would not temporarily impede access for emergency response vehicles, or other vehicles using emergency evacuation routes.

Impact HAZ-7: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. (Criterion g)

The City is not within a State Responsibility Area for high fire severity hazard. However, a portion of the former Fort Ord area in Del Rey Oaks is within a Local Responsibility Area designated as a Very High Fire Hazard Severity Zone (refer to **Section 3.18 Wildfire**). The Draft Housing Element is the adoption of a planning document and would not directly expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Future home developments resulting from the adoption of the Draft Housing Element would be subject to State Fire Codes, Building Codes and other requirements that would reduce risk from wildland fires to less than significant.

3.9.5 Cumulative Impacts

CEQA defines cumulative impacts as "two or more individual effects, which, when considered together, are considerable, or which can compound or increase other environmental impacts." Section 15130 of

the CEQA Guidelines requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant. These impacts can result from the project alone, or together with other projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

This section evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to hazards and hazardous materials. Cumulative residential and commercial development in the planning area would gradually increase the population that would be exposed to the use and transport of hazardous materials; the routine use, storage, and disposal of hazardous materials; listed hazardous materials sites; and subject to emergency response and evacuation plans. The magnitude of hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with the sites. This EIR determined that compliance with existing applicable regulations would reduce project level impacts from routine use, transport, handling, storage, disposal, and release of hazardous materials; and emission of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school to a less than significant level.

Overall, hazards and hazardous materials impacts associated with individual developments are site specific in nature and must be addressed on a case-by-case basis. As discussed in **Impact HAZ-4** of this Draft EIR, implementation of the proposed project would include ground disturbance that could unearth MEC depending on the extent of assumed land disturbance. Land use controls, public education, agency oversight, and MEC removal actions would reduce project level risks associated with hazardous materials sites with mitigation. Specifically, implementation of **Mitigation Measure 3.9-1** and oversight by the DTSC, Army and City would reduce impacts to less than significant. With adherence to existing regulatory standards for hazardous materials, no significant cumulative human health impacts would occur, and the proposed project would not have a cumulatively considerable contribution to a significant cumulative impact related to hazards and hazardous materials.

Future development under the proposed project would be located on existing parcels within the project area and is not anticipated to encroach on or obstruct any existing evacuation routes. All new development in the regional would be required to comply with existing fire codes and ordinance regarding emergency access.

Oversight by the appropriate Federal, State, and local agencies and compliance by cumulative new development with applicable regulations related to the handling and storage of hazardous materials would minimize the risk of the public's potential exposure to these substances. Significant impacts under the proposed project and under cumulative development are therefore less than significant with application of existing regulations.

3.10 HYDROLOGY AND WATER QUALITY

3.10.1 Introduction

This section describes the hydrology and water quality conditions related to the proposed project, including a discussion of the existing conditions, and the potential effects of the proposed project on surface and groundwater resources. This section also summarizes the regulations and laws pertinent to water quality.

Comment letters related to hydrology and water quality received during the public scoping period expressed concerns on overdraft and water use impacts. These issue areas are addressed in the following section. Please refer to **Appendix A**, **NOP, and Public Comment Letters.**

3.10.2 Environmental Setting

Regional Setting

The City of Del Rey Oaks is located between the Salinas River and Monterey Bay coastal watersheds and covers an area of approximately 44 square miles. These two major watersheds include several smaller watersheds and surface water bodies such as the Laguna Seca and Toro Creek watersheds in the Salinas River watershed, and the Canyon del Rey watershed in the Monterey Bay coastal watershed. The Salinas River watershed drains into Moss Landing Harbor, except for during high flows when the Salinas River watershed drains into Monterey Bay. The City contains the Frog Pond Wetland Preserve, a natural drainage that serves as habitat for resident and migratory wildlife.

The climate in the project area is moderate year-round with warm, dry summers and cool, moist winters. The average temperature is approximately 59 degrees Fahrenheit (County, 2010b). The annual rainfall in the County varies, but the average is approximately 18 inches per year, mostly between the months of November and April.

Surface Water Hydrology

The topography of former Fort Ord is characterized by stabilized sand dunes in the western half of the base, transitioning to rolling hills and canyons in the eastern half. The sandy soils in the western half of the base are highly permeable and absorb much of the rainfall and runoff without forming distinct creek channels. The streams in the canyons in the eastern part of the former Fort Ord are small and intermittent. Impossible, Wildcat, Barlow, and Pilarcitos Canyons and Toro Creek drain to the northeast and into the Salinas River. Canyon del Rey drains the southern portion of the former Fort Ord and empties into the Monterey Bay, a designated national marine sanctuary.

The former Fort Ord lies within the northwest portion of the Salinas River Watershed. The Salinas River flows southeast to northwest, from the Santa Margarita Reservoir in San Luis Obispo County to its outlet at Monterey Bay near Moss Landing (County, 2010b). Well-defined natural channels are minimal on former Fort Ord, but in the eastern portion there are small channels that have intermittent flow, and in the western portion the soils are highly permeable and rainfall is primarily absorbed directly rather than conveyed as surface flow (CSUMB 2007; Schaff & Wheeler 2006). The Salinas River is the largest water system in County of Monterey and runs along the northeast border of the former Fort Ord. The Salinas River watershed is bounded by the Santa Lucia Mountains to the west and the Gabilan Mountains to the east. The Salinas River is 155 miles long and roughly bisects the county, terminating in Monterey Bay near Moss Landing. The Salinas River delivers approximately 282,000 afy of water to the Pacific Ocean at Moss

Landing. Most of the water (approximately 90 percent) is delivered during periods of peak precipitation, between mid-December and April.

The Laguna Seca watershed is located between the cities of Monterey and Salinas. Surface flows in the watershed drain to Canyon del Rey Creek through the City of Del Rey Oak and then into Monterey Bay. The Laguna Seca watershed includes a seven-square mile portion of the Seaside ground water basin. The Canyon del Rey watershed is relatively small and is located in the Seaside/Del Rey Oaks/Highway 68 Corridor (County, 2010b).

Surface Water Quality

Water quality is primarily a function of land uses in a project area. Pollutants and sediments are transported via runoff from the watershed into surface water features, such as streams, rivers, storm drains, and reservoirs. Local land uses influence the quality of the surface water through point source discharges (i.e., discrete discharges such as an outfall) and nonpoint source discharges (e.g., storm runoff). Land uses in the action area include industrial, agricultural, rural, and urban. Some of the water bodies are designated as impaired for pollutants such as pathogens, pesticides, and nutrients (please refer to **Section 3.10.3, Regulatory Setting**, for more details). Data from local monitoring programs are used to discuss water quality in the project area for the pertinent watersheds and water bodies.

Surface water quality of drainage channels within the base varies with the seasons. During the first strong rains of the season, ditches and storm drainage systems draining the urban areas of the base receive the highest concentration of urban pollutants, such as oils, grease, heavy metals, pesticide residues, and coliform bacteria. Winter storms also contribute to erosion and gullying in some areas, particularly the drainage of the eastern half of the base. Surface erosion can cause high concentrations of suspended sediment loading in streams causing increased siltation, turbidity, and accompanying high total dissolved solids.

Groundwater Hydrology and Basins

Groundwater is the water occurring beneath the earth's surface and hydrogeology refers to the study of how that water interacts with the underlying geologic units of rock and soil. Most groundwater occurs in material deposited by streams, lakes, and oceans, generally called alluvium. Alluvium consists of sand and gravel deposits and finer-grained deposits such as clay and silt. Fluvial deposits, although commonly generically included with alluvium, more specifically refer to deposits laid down by rivers and streams as a result of bank erosion, where the material is transported and redeposited in the form of bars, points, and flood plains.

Coarse materials such as sand and gravel deposits usually provide the best storage capability for water and, when saturated with water, are termed aquifers. Finer-grained clay and silt deposits are relatively poor for water storage and use, and are referred to as aquitards, in that they restrict or impede the vertical migration of groundwater or infiltrated surface water. Aquifers can extend over many square miles and are referred to as basins. A groundwater basin is defined as an aquifer or a stacked series of aquifers with reasonably well defined boundaries in a lateral direction and a definable bottom. California's groundwater basins typically include one aquifer or a series of aquifers with intermingled aquitards.

In general, groundwater basin boundaries are determined by physical attributes, such as the lateral extent of aquifers, boundaries to flow (such as bedrock), and groundwater divides. A groundwater divide, like a surface water divide, separates distinct groundwater flow regions within an aquifer. A divide is defined by a line on either side of which groundwater moves in divergent directions. The Sustainable Groundwater Management Act of 2014 (SGMA) is a California State law that requires groundwater basins are made sustainable by maintaining balance of pumping and recharge and assuring water quality. The two basins

in proximity to the proposed project area include the Seaside Basin and the Salinas Valley Groundwater Basin, described below, and illustrated in **Figure 3.10-1 Groundwater Basins**.

Seaside Basin

The City and southwest part of former Fort Ord overlies the Seaside Basin. The Seaside Basin is further subdivided into the Northern and Southern Subbasins by the Laguna Seca. The two subbasins are further subdivided into coastal and inland subareas with the division boundary just west of General Jim Moore Boulevard. The former Fort Ord overlies most of the northern part of the Seaside Basin and supplies a substantial amount of total recharge to the basin.

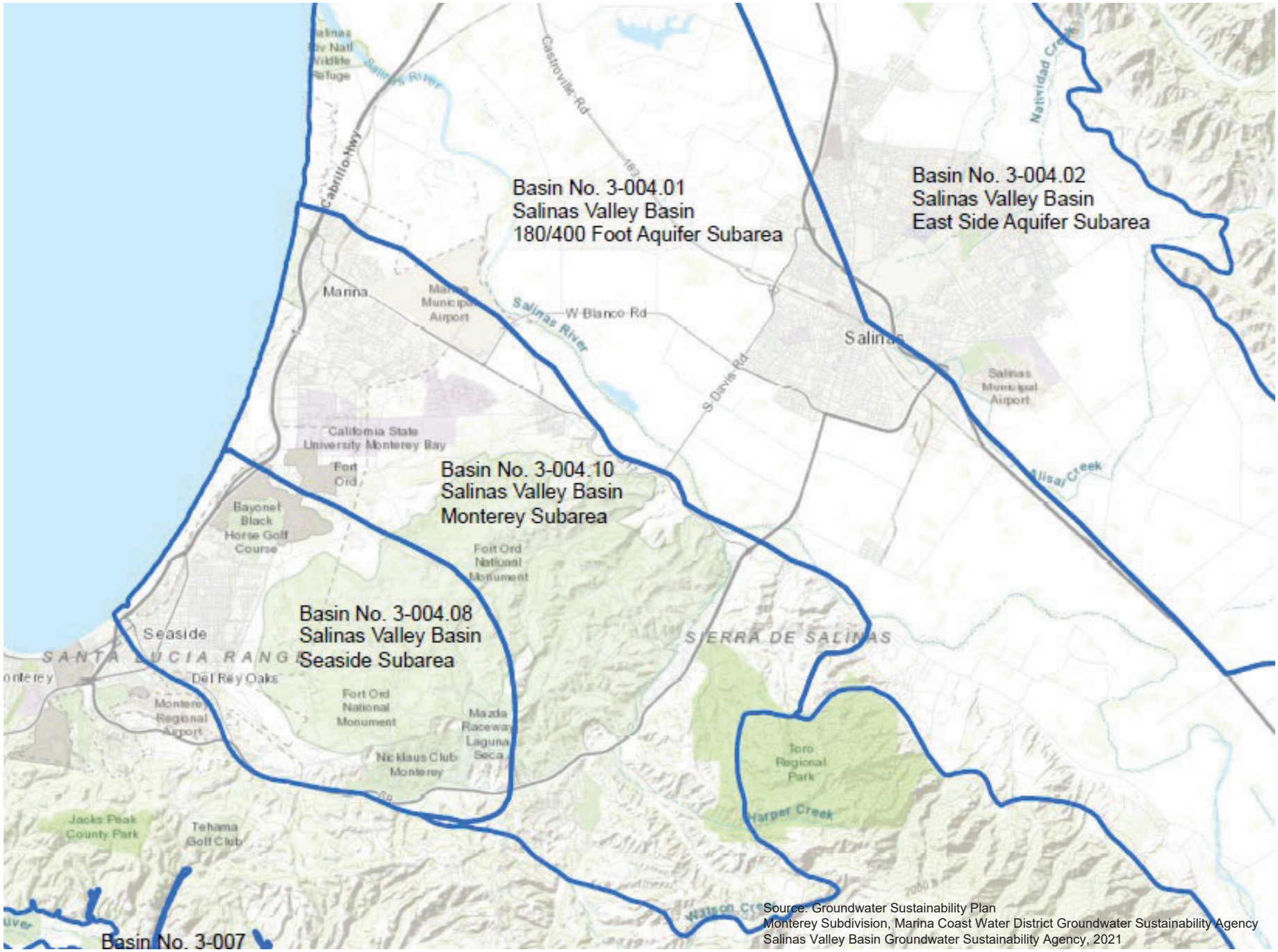
Groundwater pumping in the Seaside Basin provides water supply for municipal, irrigation (primarily golf courses), and industrial uses. Most of the remaining water pumped is by municipal wells in Seaside and used for the production of potable groundwater by the water provider, Cal American Water Company (CalAm). CalAm serves customers in the City of Del Rey Oaks, however service is not provided to users within the former Fort Ord.

Salinas Valley Groundwater Basin

The Salinas Valley Groundwater Basin (SVGB or Basin), which extends from the Monterey Bay inland, is the source of all potable water supply for the former Fort Ord, and is the source of water for the former Fort Ord portion of the City (i.e., proposed project area within former Fort Ord). Water service to the former Fort Ord portion of the City is currently provided by Marina Coast Water District (MCWD), as discussed more in **Section 3.17 Utilities**.

Based on DWR Bulletin 118, the SVGB consists of nine subbasins including the 180/400-Foot Aquifer Subbasin (3-004.01), East Side Aquifer Subbasin (3-004.02), Forebay Aquifer Subbasin (3-004.04), Upper Valley Aquifer Subbasin (3-004.05), Langley Area Subbasin (3-004.0), Monterey Subbasin (3-004.10), Seaside Subbasin (3-004.08), Paso Robles Subbasin (3-004.06), and the Atascadero Subbasin (3-004.11) (MCWD 2021; DWR 2016). The Salinas Valley Groundwater Basin has been in an overdraft condition, and the 180/400 subbasin that is utilized by the project area within the former Fort Ord has been declared by the State to be a basin subject to "critical conditions of overdraft."

180/400-Foot Aquifer Subbasin. The 180/400 Foot Aquifer Subbasin is delineated vertically into three distinct aquifer zones, consisting of aerially extensive, largely horizontally continuous, deposits of sand and gravel that exist at various depths below ground surface in the subbasin. These three aquifers are commonly referred to as the 180-Foot, 400-Foot and Deep Aquifers. The 180-Foot and 400-Foot Aquifers derive their names from the average depth below the valley floor at which the water bearing sand and gravel deposits are encountered. The Deep Aquifer consists of an aggregation of all sand and gravel deposits that exist below the 400-Foot Aquifer including aquifers in the Aromas Sand, the Paso Robles Formation and Purisima Formation, not all of which are hydraulically connected. The shallowest alluvial aquifer in the subbasin is the A-Aquifer, which is perched on top of the Salinas Valley Aquitard, above the 180-Foot Aquifer, and overlies most of the 180/400 Foot Aquifer Subbasin. Toward the coast, the A-Aquifer, also known as the Dune Sand Aquifer, is comprised of mostly dune sand deposits, which are largely unconfined in the coastal area of the basin. Natural recharge into the Dune Sand Aquifer recharges the 180-Foot Aquifer in some locations (MCWD 2021).



Source: Groundwater Sustainability Plan
Monterey Subdivision, Marina Coast Water District Groundwater Sustainability Agency
Salinas Valley Basin Groundwater Sustainability Agency, 2021

Groundwater Basins	Date 8/1/2023	Denise Duffy & Associates, Inc. Planning and Environmental Consulting	Figure 3.10-1
	Scale N/A		

The 180-Foot Aquifer extends from Monterey Bay to Chualar beneath the Salinas Valley and westward from the valley under northern Ord Community and Central Marina. The 400-Foot Aquifer is comprised of geological materials assigned to older alluvium deposits and Aromas Sand. The aquifer system is present beneath the northern Salina Valley and also extends westward beneath the northern portions of the former Fort Ord and Central Marina. Both the 180-Foot Aquifer and 400-Foot Aquifer receive recharge from the Salinas River through the overlying recent alluvial deposits (MCWD 2021).

The Deep Aquifer system consists of two geologic formations, the Paso Robles and the underlying Purisima Formations. The Deep Aquifer system is commonly believed to begin at depths of approximately 600 feet below sea level and extend to depths of up to 2,000 feet or more in some locations. Non-water bearing Monterey Shale that constitutes the bottom of the Salinas Groundwater Basin underlies the Deep Aquifer system (MCWD 2021).

Because the overlying clay layers isolate the aquifer system in the 180/400 Foot Aquifer Subbasin from potential surface water recharge, most importantly the Salinas River, the primary mechanism for recharge is from lateral flow from the adjacent subareas. This means that most recharge for the aquifer systems in the 180/400 Foot Aquifer Subbasin comes from lateral flow from the Monterey, Eastside or Forebay Subbasins. Additionally, the Deep Aquifers are believed to be recharged in whole or in part by water that has moved through the overlying aquifers. Most the recharge from the 180/400 Foot Aquifer Subbasin derives from the Forebay Subbasin due to natural recharge from the Salinas River, which is augmented by MCWRA's active management of Nacimiento and San Antonio reservoir releases to maximize river recharge (MCWD 2021).

As a result of basin-wide pumping, water levels in the 180/400 Foot Aquifer and East Side Subbasins have declined over time, contributing to a decrease in the amount of groundwater moving toward and into Monterey Bay and developing a trough or depression in groundwater levels in the East Side Subbasin. The basin currently experiences a landward groundwater gradient causing seawater intrusion, where seawater has contaminated coastal aquifers and wells. While historic groundwater pumping throughout the basin contributes to the overdraft, only the basin's coastal areas adjacent or near to the Monterey Bay experience seawater intrusion (MCWD 2021).

Groundwater Quality

The groundwater quality discussion below provides a general overview of the water quality issues that apply to the Salinas Valley Groundwater Basin (SVGB) and Seaside Basin.

Salinas Valley Groundwater Basin (SVGB) Water Quality

In general, groundwater quality in the SVGB is influenced by a number of factors including natural geochemical properties and flow within the different hydrogeologic formations, groundwater pumping and induced seawater intrusion, land use practices, and accidental releases of contaminants into the environment.

Extensive groundwater production in the Salinas Valley has resulted in overdraft conditions in the basin and induced seawater intrusion within the 180-Foot and 400-Foot Aquifers. Seawater intrusion in the Salinas Valley is typically inferred from chloride concentrations detected in groundwater monitoring and production wells, where concentrations that are greater than 500 milligrams per liter (mg/L) indicate seawater intrusion because these concentrations limit the use of the water supply for crop irrigation, and they were above the previously established California Safe Drinking Water Act, Secondary Drinking Water Standards for drinking water (Monterey County Water Resources Agency [MCWRA], 2006). This drinking water standard was lowered to 250 mg/L in 2006.

The seawater intrusion has resulted in the degradation of groundwater supplies, requiring numerous urban and agricultural supply wells to be abandoned or destroyed. Seawater intrusion in the SVGB was first documented in 1946 when the State Department of Public Works (now known as Department of Water Resources) published Bulletin 52: Salinas Basin Investigation. In the 1990s, MCWRA constructed the Salinas Valley Reclamation Plant and the Castroville Seawater Intrusion project. Since 1998, 12,000 acres of agriculture have been supplied with recycled water for crop irrigation, reducing the use of groundwater. In 2008, the Salinas River Diversion Facility was added to the project, further reducing the use of groundwater for irrigation. This project has slowed but not reversed the seawater intrusion. The current estimates of seawater intrusion within the 180-Foot and 400-Foot Aquifers indicate that seawater had intruded approximately 8 miles and 3.5 miles inland, respectively, as of 2015, inferred from chloride concentrations greater than 500 milligrams per liter.

Pursuant to state law, MCWD has prepared an Urban Water Management Plan (UWMP) and adopted an updated 2020 UWMP in 2021. The 2020 UWMP projects a water demand of 6,610 AFY in the Ord Community service area over the next 20 years, to the year 2040. While sufficient production capacity exists to meet the projected demand within MCWD's service area, there is concern that seawater intrusion may eventually degrade water quality in the Marina-Ord Area of the Monterey Subbasin where MCWD's wells are located (MCWD 2021)[1]. MCWRA and MCWD have taken actions to address and eliminate basin overdraft and seawater intrusion. MCWD also is exploring new alternative water sources to augment groundwater supplies, including recycled water, as described in **Section 3.17, Utilities**. Additionally, 180/400 Foot Aquifer Subbasin Groundwater Sustainability Plan (GSP) and the Monterey Subbasin GSP include additional strategies for reaching sustainability in these subbasins by 2040.

Seaside Basin Water Quality

Seawater Intrusion

Historical and persistent low groundwater elevations caused by pumping led to concerns that seawater intrusion may threaten the Seaside Basin's groundwater resources. In 2006, an adjudication led to the issuance of a Monterey County Superior Court decision that created the Seaside Basin Watermaster. The court concluded that groundwater production within the Seaside Basin exceeded the "Natural Safe Yield" and, therefore, a physical solution was established (i.e., injection well replenishment) to prevent seawater intrusion and its deleterious effects on the Seaside Basin. The Seaside Groundwater Basin 2018 Seawater Intrusion Analysis Report, prepared by Montgomery and Associates for the Seaside Basin Watermaster, November 2018 (Montgomery and Associates, 2018), addressed the potential for, and extent of, seawater intrusion in the Seaside Basin. Continued pumping in excess of recharge and fresh water inflows, pumping depressions near the coast, and ongoing seawater intrusion in the nearby Salinas Valley all suggest that seawater intrusion could occur in the Seaside Basin. Fortunately, no seawater intrusion was observed in existing monitoring wells. The Annual Report recommended continued monitoring and tracking of potential seawater intrusion.

[1] The Ord Community service area is projected to slightly exceed its current Salinas Valley groundwater allocation by the year 2040, but would not exceed its allocation by the end of the 5th or 6th planning cycle for housing elements for AMBAG region. By 2040, the total Ord Community allocated groundwater supply of 6,600 AFY is projected to fall short of the estimated demand of 6,610 AFY by 10 AFY. However, by 2035, the allocated supply would be sufficient to meet the estimated demand of 6,108 AFY (UWMP, 2021; CSUMB Master Plan EIR, 2022)

3.10.3 Regulatory Framework

Federal and State

FEMA and the National Flood Insurance Program

FEMA is tasked with responding to, planning for, recovering from, and mitigating against disasters. FEMA is responsible for determining flood elevations and floodplain boundaries based on USACE and approved agencies' studies; for coordinating the federal response to floods, earthquakes, hurricanes, and other natural or man-made disasters; and for providing disaster assistance to states, communities and individuals. FEMA prepares and distributes the FIRMs, which are used in the National Flood Insurance Program (NFIP). These maps identify the locations of special flood hazard areas, including the 100-year flood zone.

Previously, a portion of the project area was found to be within the 100-year flood zone with an elevation of 304 feet. The hydrologic study prepared for Phase 1 of the CCCVC found that this elevation was an error. The Phase 1 IS/EA included a mitigation (Mitigation H-1) which required the project proponent to work with the City of Seaside to revise the FEMA FIRM based on the findings of the hydrologic study. As a result, in 2017, FEMA issued a LOMR to officially modify the existing FIRM. The new FIRM designates the subject portion of the project area as within Flood Hazard Zone AH with a flood elevation of 286.1. The most up to date FIRM for the project area is provided in **Figure 3.10-2 Flood Insurance Rate Map**. In order to accommodate new development, Phase 2 includes modifications to the drainage basin. These modifications would include increasing the size and depth of the drainage basin, which would lower the 100-year flood elevation to 283 feet.

The Flood Insurance and Mitigation Administration (FIMA), a component of FEMA, manages the NFIP. The NFIP consist of three components: flood insurance; floodplain management; and flood hazard mapping. Nearly 20,000 communities across the United States and its territories participate in the NFIP by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally-backed flood insurance available to homeowners, renters, and business owners in these communities. Community participation in the NFIP is voluntary. In addition to providing flood insurance and reducing flood damages through floodplain management regulations, the NFIP also identifies and maps the nation's floodplains.



Source: Federal Emergency Management Agency (FEMA)

Flood Map	Date 6/8/2023	Denise Duffy & Associates, Inc. Planning and Environmental Consulting	Figure 3.10-2
	Scale N/A		

Clean Water Act

The CWA establishes the basic structure for regulating discharges of pollutants into Waters of the U.S. and regulating quality standards for surface waters. Its goals are to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Under the CWA, the U.S. EPA has implemented pollution control programs and established water quality standards. The NPDES permit program under section 402 of the CWA and enabling regulations controls water pollution by regulating point sources that discharge pollutants into waters of the United States. The U.S. EPA has delegated authority of issuing NPDES permits in California to the State Board, which has nine RWQCBs. The Central Coast RWQCB regulates water quality in the project area. The NPDES permit program is further described below.

The USACE and U.S. EPA regulate discharge of dredged and fill material into waters of the U.S. under Section 404 of the CWA and its implementing regulations. Waters of the U.S. are defined broadly as waters susceptible to use in commerce (including waters subject to tides, interstate waters, and interstate wetlands) and other waters (such as interstate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds) (33 CFR 328.3, 40 CFR 230.3(s)(1), 40 CFR 122.2). For regulatory purposes under the CWA, the term "wetlands" mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamps, marshes, bogs and similar areas (see 40 CFR 230.3(t)).

Section 401 of the CWA requires that, prior to the issuance of a federal license or permit for an activity or activities that may result in a discharge of pollutants into navigable waters, the permit applicant must first obtain a certification from the state in which the discharge would originate. A state certification indicates that the proposed activity or activities would not result in a violation of applicable water quality standards established by federal or state law, or that no water quality standards apply to the proposed activity.

Section 401 Water Quality Certifications are issued by the RWQCB to protect water quality and the beneficial uses of water from projects that may result in discharges of dredge and fill. The RWQCB only issues Section 401 Water Quality Certifications for projects that may discharge dredge of fill to waterbodies that are under the jurisdiction of the USACE. The RWQCB may issue other waste discharge requirements (permits) for discharges of dredge or fill to waterbodies not under the jurisdiction of the USACE, but that are Waters of the State as defined by Porter-Cologne.

Water bodies that may not be covered under USACE jurisdiction may require a Section 401 Water Quality Certification for impact on waters of the state. Placement of structures, fill, or dredged materials into Waters of the State requires Section 401 Water Quality Certification. Activities that require a federal Section 404 permit also require a Section 401 Water Quality Certification. The RWQCB issues Section 401 Water Quality Certifications and waivers.

National Pollution Discharge Elimination System Waste Discharge System

In California, the NPDES program is administered by the State Board through the RWQCBs and requires point sources to obtain NPDES permits (also called WDRs, in California). Point sources include municipal and industrial wastewater facilities and stormwater. There are two types of NPDES permits: individual permits tailored to an individual facility and general permits that cover multiple facilities within a specific category. Effluent limitations serve as the primary mechanism in NPDES permits for controlling discharges of pollutants to receiving waters. When developing effluent limitations for an NPDES permit, a permit writer must consider limits based on both the technology available to control the pollutants (i.e., technology-based effluent limits) and limits that are protective of the water quality standards of the receiving water (i.e., water quality-based effluent limits if technology-based limits are not sufficient to

protect the water body. For inland surface waters and enclosed bays and estuaries, the water-quality-based effluent limitations are based on criteria in the National Toxics Rule and the California Toxics Rule, and objectives and beneficial uses in the Basin Plan (RWQCB/SWRCB/CalEPA, 2017). For ocean discharges, the Ocean Plan contains beneficial uses, water quality objectives, and effluent limitations.

National Pollution Discharge Elimination System Construction General Permit

Construction activities on one acre or more or that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Construction Permit (SWRCB Order No. 2009-09-DWQ; Modified 2010-0014-DWQ). The State Board established the General Construction Permit program to reduce surface water impacts from construction activities. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation.

The Construction General Permit requires the development and implementation of a SWPPP. The General Construction Permit requires the preparation and implementation of a SWPPP for construction activities. The SWPPP must be prepared before the construction begins. The SWPPP must include specifications for BMPs that would need to be implemented during construction. BMPs are measures that are undertaken to control degradation of surface water by preventing soil erosion or the discharge of pollutants from the construction area. Additionally, the SWPPP must describe measures to prevent or control runoff after construction is complete and identify the procedures for inspecting and maintaining facilities and other project elements. The required elements of a SWPPP include:

- Site description addressing the elements and characteristics specific to the site;
- Descriptions of BMPs for erosion and sediment controls;
- BMPs for construction waste handling and disposal;
- Implementation of approved local plans;
- Proposed post-construction controls; and
- Non-stormwater management.

Examples of typical construction BMPs include scheduling or limiting activities to certain times of year, installing sediment barriers such as silt fence and fiber rolls, and maintaining equipment and vehicles used for construction. Non-stormwater management measures include installing specific discharge controls during certain activities, such as paving operations, vehicle and equipment washing, and fueling. The RWQCB has identified BMPs in the *Construction Best Management Practice Online Handbook* (California Stormwater Quality Association, 2015) to effectively reduce degradation of surface waters to an acceptable level.

NPDES General Permit for Discharges with Low Threat to Water Quality

Construction in areas with shallow groundwater or that are located adjacent to surface water bodies could require dewatering to create a dry area. Discharges of non-stormwater from a trench or excavation that contains sediments or other pollutants to sanitary sewer, storm drain systems, creek beds (even if dry), or receiving waters is prohibited. However, discharges of dewatering effluent are conditionally exempt. The RWQCB requires that the dewatering effluent be tested for possible pollutants; the analytical constituents for these tests are generally determined based on the source of the water, the land use history of the construction site, and the potential for the effluent to impact the quality of the receiving water body.

The *Waste Discharge Requirements and NPDES General Permit for Discharges with Low Threat to Water Quality (Order No. R3-2011-0223, NPDES No. CAG993001, amended)* (RWQCB, 2011) applies to low-threat discharges, which are defined as discharges containing minimal amounts of pollutants and posing little or no threat to water quality and the environment. Discharges that meet the following criteria are covered under this permit:

a. Pollutant concentrations in the discharge do not: (1) cause, (2) have a reasonable potential to cause, or (3) contribute to an excursion above any applicable water quality objectives, including prohibitions of discharge;

b. The discharge does not include water added for the purpose of diluting pollutant concentrations;

c. Pollutant concentrations in the discharge will not cause or contribute to degradation of water quality or impair beneficial uses of receiving waters;

d. Pollutant concentrations in the discharge do not exceed the limits in the permit unless the Executive Officer determines that the applicable water quality control plan (i.e., Ocean Plan and/or State Implementation Policy) does not require effluent limits;

e. The discharge does not cause acute or chronic toxicity in receiving waters; and

f. The discharger demonstrates the ability to comply with the requirements of this General Permit.

For discharges from construction sites smaller than one acre that are part of a larger common plan of development or that may cause significant water quality impacts, the discharge may require coverage under the construction stormwater permit or an individual NPDES permit.

Nonpoint Source Pollution Control Program

In accordance with Section 319 of the CWA and Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990, the SWRCB and California Coastal Commission jointly submitted the Plan for California's Nonpoint Source Pollution Control Program to the U.S. EPA and National Oceanic and Atmospheric Administration on February 4, 2000. California's Nonpoint Source Pollution Control Program provides a single unified, coordinated statewide approach to address nonpoint source pollution. The proposed project is not located within the coastal zone, and therefore this regulation is not applicable.

NPDES Municipal Stormwater Permit

The NPDES General Permit for WDRs for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (Order No. 2013-001-DWQ, NPDES No. CAS000004) regulates stormwater discharges from small MS4s into waters of the U.S. (State Board, 2013). An "MS4" is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) designed or used for collecting or conveying stormwater; (ii) which is not a combined sewer; and (iii) which is not part of a Publicly Owned Treatment Works as defined at Title 40 of the Code of Federal Regulations Section 122.2.

The Phase II Municipal General Permit requires regulated small MS4s to develop and implement BMPs, measurable goals, and timetables for implementation, designed to reduce the discharge of pollutants to the maximum extent practicable and to protect water quality.[2] The permittees under the small MS4

[2] Phase I stormwater permits provide permit coverage for medium (serving between 100,000 and 250,000 people) and large (serving 250,000 people) municipalities.

(Phase II) General Permit[3] in the project area include Monterey County and cities therein. Each permittee is required to prepare and implement a stormwater management plan (SWMP) and regulate stormwater runoff from development and redevelopment projects through post-construction stormwater management requirements. Under the City's NPDES Phase II Storm Water permit for small MS4s, Post-Construction Stormwater Management standards are required for any project within the City. In order to acquire a NPDES permit, the proposed project would need to develop a SWPPP and comply with Resolution No. R3-2013-0032, Attachment 1, Post Construction Performance Requirements 1 through 4.

A Memorandum of Agreement for the Monterey Regional Stormwater Pollution Prevention Program was prepared and executed by Monterey One Water (M1W) and by the entities in the southern Monterey Bay area (Monterey County and cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, and Seaside) to form the Monterey Regional Stormwater Management Program (MRSWMP). M1W acts as the administrative agent for the MRSWMP. The purpose of the MRSWMP is to implement and enforce a series of BMPs to reduce the discharge of pollutants from the MS4s to the "maximum extent practicable," to protect water quality, and to satisfy the appropriate water quality requirements of the CWA.

The MRSWMP lists BMPs and associated Measurable Goals for the six Minimum Control Measures. The Measurable Goals must include, as appropriate, the months and years for scheduled actions, including interim milestones and frequency of the action. It is through the implementation and evaluation of these BMPs and Measurable Goals that the permittees ensure that the objectives of the Phase II NPDES Program are met.

Porter-Cologne Water Quality Control Act

Porter-Cologne (Division 7 of the California Water Code) is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. Porter-Cologne applies to surface waters, wetlands, and groundwater, and to both point and nonpoint sources of pollution.

Porter-Cologne defines water quality objectives as the limits or levels of water constituents that are established for reasonable protection of beneficial uses. Porter-Cologne allows the State Board to adopt statewide water quality control plans (or "basin plans"), which serve as the legal, technical, and programmatic basis of water quality regulation for a region. The act also authorizes the NPDES program under the CWA, which establishes effluent limitations and water quality requirements for discharges to waters of the state.

The term "Waters of the State" is defined by Porter-Cologne as "any surface water or groundwater, including saline waters, within the boundaries of the state." The RWQCB protects all waters in its regulatory scope but has special responsibility for wetlands, riparian areas, and headwaters, including isolated wetlands, and waters that may not be regulated by the USACE under Section 404 of the CWA. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program, which regulates discharges of fill and dredged material under Section 401 of the CWA and Porter-Cologne.

Water Quality Control Plan

The RWQCB, State Board, and CalEPA updated the Basin Plan in 2017. It is intended to provide guidance on how the quality of the surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan serves as a guidance document

[3] Phase II stormwater permits provide permit coverage for smaller municipalities (populations less than 100,000), including non-traditional Small MS4s, which are facilities such as military bases, public campuses, prisons, and hospital complexes.

to the Water Board when reviewing and authorizing projects under their Section 401 authority. The RWQCB establishes beneficial uses of surface and groundwater resources, as contained in its Water Quality Control Plan for the Central Coast.

Anti-degradation Policies

California's anti-degradation policies are found in Resolution 68-16, Policy with Respect to Maintaining Higher Quality Waters in California, and Resolution 88-63, Sources of Drinking Water Policy.[4] These resolutions are binding on all State agencies. They apply to both surface waters and groundwaters, protect both existing and potential beneficial uses of surface water and groundwater, and are incorporated into RWQCB Basin Plan.

Groundwater Sustainability Agencies and Sustainability Plans

Under SGMA, several Groundwater Sustainability Agencies (GSA) have been formed in the region, and to address groundwater sustainability, are required to develop Groundwater Sustainability Plans (GSPs). The Salinas Valley Basin GSA (SVBGSA) covers all of the SVGB within Monterey County, except the adjudicated Seaside Basin and the lands within MCWDs GSA. The MCWD GSA covers the portion of the Monterey and 180/400 Foot Aquifer Subbasins within their service area.

The Salinas Valley Groundwater Basin consists of nine subbasins, as described above, in Section 4.8.1, of which six fall entirely or partially under the SVBGSA's jurisdiction. One of the nine subbasins, the Seaside Subbasin, is adjudicated and not managed by the SVBGSA. The SVBGSA is a Joint Powers Authority (JPA). The JPA membership is composed of the MCWRA, City of Salinas, City of Soledad, City of Gonzales, City of King (King City), the Castroville Community Services District (CSD), and M1W (SVBGSA 2020).

GSPs have been developed for both e 180/400 foot Aquifer Subbasin and the Monterey Subbasin. The sustainability goals of both is to manage groundwater resources for long-term community, financial, and environmental benefits to the Subbasin's residents and businesses. The GSPs describe sustainable management criteria (i.e., minimum thresholds, measurable objectives, and undesirable results) for the same six sustainability indicators including groundwater elevations, groundwater storage, seawater intrusion, groundwater quality, subsidence, and interconnected surface water. The GSPs identify several projects and management actions that will allow the Subbasins to attain sustainability by diversifying the Subbasin's water supply portfolio, increasing supply reliability, and protecting the Subbasin's groundwater resources against seawater intrusion. The Subbasin's historical efforts to invest in water conservation will continue under the GSPs.

City of Del Rey Oaks General Plan

The Public Services Goals, Policies, and Programs section of the City of Del Rey Oaks General Plan includes the following provisions:

Policy S-6 Engineered drainage plans shall be required for all development projects.

Policy S-6a The direct discharge of stormwater or other drainage from new impervious surfaces created by development of the office park (OP) parcel into the ephemeral drainage in the natural area expansion (NAE) *parcel* will be prohibited. No increase in the rate of flow of stormwater runoff beyond pre-development levels will be allowed. Stormwater runoff from developed areas in excess of pre-development quantities shall be managed on site through the use of basins, percolation wells, pits, infiltration galleries, or any other

[4] See http://www.swrcb.ca.gov/plans_policies/.

technical or engineering methods which are appropriate to accomplish these requirements will be utilized for development.

Policy S-7 The City shall identify public infrastructure needs to schedule improvements necessary for achieving long term land use and community development objectives.

Policy S-8 The City shall develop a water allocation program identifying priority water connections.

Policy PS-5 Provide water and maintain water management policy that will provide a sufficient quantity of appropriate quality water to meet the needs of the existing and planned community.

Policy C/OS-12 Water usage and conservation of water will be considered as part of all land use decisions.

As stated above, the City participates in a joint regional permit (Monterey Regional Storm Water Permit), which must comply with certain requirements, including:

- Encourage low impact development;
- Maintain good housekeeping practices such as sweep city streets according to the schedule;
- Providing community education about storm drain pollution and ways to reduce or prevent it;
- Training City employees to reduce or prevent storm drain pollution from City activities;
- Conducting educational site visits to business targeted as potential sources of polluted runoff;
- Conduct inspections of construction sites to reduce polluted runoff.

Floodplain Management Plan

The Monterey County Floodplain Management Plan was first developed in 2002, and most recently updated in 2014, to identify the flooding sources affecting properties, and to establish an implementation plan to reduce flooding and flood related hazards, and to ensure the natural and beneficial functions of our floodplains are protected. This requires utilization of existing programs and resources, involving those public agencies responsible for regulating development in special flood hazard areas in the planning process, and ensuring that the policies and programs identified in the implementation plan are carried out. The 2014 Floodplain Management Plan update was prepared by the MCWRA under the supervision of the Monterey County Floodplain Administrator. Monterey County has been a voluntary participant in the Community Rating System since October 1, 1991. The 2014 Floodplain Management Plan identified 109 Repetitive Loss Properties in Monterey County.

Former Fort Ord Reuse Authority Storm Water Master Plan

The Fort Ord Reuse Authority Storm Water Master Plan (FORA SWMP) provides guidelines for implementing the Reuse Plan's stormwater component (FORA, 2005). According to the FORA SWMP, since most of the FORA area overlies well-drained, highly permeable sandy soils, infiltration basins or subsurface infiltration systems would be the effective stormwater disposal methods. The basic criterion in developing the FORA SWMP is that all stormwater originating within a political jurisdiction is infiltrated within that jurisdiction. The preferred method of infiltrating storm runoff from streets is through subsurface infiltration systems. Recommendations are also made for locating infiltration basins for street and other runoff.

Monterey Peninsula Water Management District

The MPWMD was formed on June 6, 1978, under the enabling legislation found in West's California Water Code, Appendix Chapters 118-1 to 118-901. The legislative functions of the MPWMD include:

- Augmenting the water supply through integrated management of surface and ground water resources;
- Promoting water conservation (includes rationing, if needed);
- Promoting water reuse and reclamation of storm and wastewater; and
- Fostering the environmental quality, native vegetation, fish and wildlife, scenic values, and recreation on the Monterey Peninsula and in the Carmel River basin.

3.10.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would:

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

   i. result in substantial erosion or siltation on- or off-site;

   ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

   iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

   iv. impede or redirect flood flows.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact Analysis Overview

The proposed project would not result in direct development and would not result in physical changes to the environment. However, implementation of the proposed project would provide for programs and policies that could facilitate new residential development. Future proposed development activities and projects would be required to be consistent with all State and local requirements for protection of hydrology resources. Potential impacts from construction activities can be minimized by standard mitigation practices, conditions of approval and standard Best Management Practices (BMPs) that are imposed as part of a permit process. The following addresses potential indirect impacts that could occur upon implementation of the proposed project and future development of residential uses facilitated by the proposed project.

Impacts and Mitigation Measures

Impact HYD-1: Impact water quality due to earthmoving or alteration of drainage patterns. (Criteria a, c, and e)

The proposed project would not result in direct development and would not result in physical changes to the environment. However, implementation of the proposed project would provide for programs and policies that could facilitate new residential development. Future proposed development activities and projects would be required to be consistent with all State and local requirements for protection of water quality and adhere to the General Public Services Goals, Policies, and Programs. Future development facilitated by the proposed project would also be subject to CEQA compliance and permitting, which would minimize water quality impacts.

Similarly, indirect effects as a result of the proposed project could occur, but would not likely result in significant impacts to water quality. Construction would require grading and paving on-site to accommodate residential development. Construction would involve grading and vegetation removal that could cause erosion impacts. Depending on the size of the development project, compliance, and acquisition of a NPDES permit may be required, and likely include the preparation of a SWPPP. Development as a result of implementation of the proposed project would also comply with City and State stormwater, drainage, and flood control policies. A SWPPP would list BMPs to prevent construction pollutants and products from violating water quality standards or waste discharge requirements. These on-site BMPs would reduce stormwater erosion before it discharges into a drainage basin or similar infrastructure located on-site. As a result, the proposed project would not violate any water quality standards or waste discharge requirements.

When implemented, construction and operation would be required to install proper long-term erosion and sediment control BMPs to minimize potential erosion or siltation on- or off-site. As development details related to siting and runoff are not site specific, impacts to drainage patterns on- or off-site can be reduced by implementation of future drainage improvements.

Implementation of **Mitigation Measure 3.10-1** below would reduce impacts associated to a less-than-significant level.

Mitigation Measure

3.10-1 Prior to construction, further analysis shall be completed to confirm that proposed drainage facilities such as storm drains, pipes and future engineered drainage basins to retain or detain waters, (such as retention basins/detention basins) have the capacity to contain runoff from a 100-year storm event, subject to the review and approval of the City Consulting Engineer.

Impact HYD-2: Result in groundwater depletion or interfere substantially with recharge. (Criterion b)

Implementation of zoning to meet the RHNA would result in the addition of 86 residential units under 5th Cycle and 184 residential units in the 6th Cycle, for a combined 270 residential units under the RHNA. Water demand for the near-term development (5th Cycle) would total approximately 17.2 AFY and 36.8 AFY for 6th Cycle based on the water use rate of 0.20 AFY for residential units. See discussion presented in **Section 3.17 Utilities**.

This would result in an incremental increase in demand for potable water sourced from MCWD groundwater wells, however, this increase would not cause a substantial decrease in ground water supplies as: (1) total potable water demand would be under the approved General Plan buildout and would be well below the City's groundwater allocation of 242 AFY for potable water; (2) implementation of conservation measures including Title 24 compliance could reduce near-term development

components demand for MCWD potable water from groundwater; (3) the projected sustainable yield for the Monterey Subbasin considered in the GSP accounts for projected demands from MCWD's 2020 UWMP through 2040, including demand from the City; and (4) the implementation of the 180/400-Foot Aquifer Subbasin and the Monterey Subbasin GSPs will provide for sustainable groundwater management of these subbasins and the future development would not impede the implementation of these GSPs.

Therefore, as the proposed project would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin, impacts would be less than significant.

Impact HYD-3: Risks due to location within a 100-year flood hazard area. (Criterion d)

No new structures or housing would be located within the FEMA flood hazard zone. There are no planned areas of development of future structures that would impede or redirect flood flows. People or structures will not be at significant risk of loss. Therefore, impacts to potential flood hazards are less than significant.

Future drainage analysis would be required for all development prior to construction. An analysis consistent with the requirements of **Mitigation Measure 3.10-1** above would reduce impacts associated with flood hazards to a less-than-significant level.

3.10.5 Cumulative Impacts

Residential development under the proposed project would alter drainage patterns and increase impervious surfaces in the planning area, which can contribute to cumulative impacts related to reduced groundwater recharge and increase stormwater runoff which can result in flooding/ exceeding the capacity of storm drain systems. Development of cumulative projects could also alter drainage patterns and increase impervious surfaces which could contribute to these cumulative impacts. Development under the cumulative project scenario would result in an increase in impervious surfaces and thereby has the potential to increase peak stormwater runoff. Increases in stormwater runoff due to development would, however, be negligible as runoff would be minimized through standard BMPs, SWPPP, and compliance with local and state regulations. Development has the potential to adversely affect water quality in the proposed project vicinity. Specifically, cumulative development and increases in localized runoff could introduce urban pollutants into the drainage system, impacting water quality. The onsite drainage facilities and standard best management practices, in addition to project specific mitigation, would avoid offsite, cumulative water quality impacts. Compliance with the city codes, the MRP and implementation of General Plan policies and implementation measures would ensure that potential impacts from development under the proposed project related to groundwater recharge and increased runoff contributing to flooding/exceeding the capacity of storm drain systems would not be cumulatively considerable; therefore, these cumulative impacts would be less than significant.

In localized areas of Monterey County, the groundwater water aquifer and seawater transition zone have been adversely affected due to groundwater overdraft resulting in historic saltwater intrusion. Implementation of the proposed project would allow housing on the proposed candidate sites and result in an increase in water demand for *residential uses; however,* the increase is minor compared with existing and projected demand, supply, and surplus. Since the project area of former Fort Ord is planned for development under the City General Plan at a higher level of water use and development intensity than under the proposed project, allowing residential uses to meet RHNA would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed project may impede sustainable groundwater management of the basin. Therefore, the proposed project would not contribute to a cumulatively considerable impact warranting mitigation.

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3.11 LAND USE AND PLANNING

3.11.1 Introduction

This section analyzes potential impacts to land use that would result from the implementation of the proposed project. This section identifies existing land uses in the vicinity of the project area and the applicable plans, policies, and regulations that address land use. Potential impacts are determined based on the potential for the proposed project to affect such resources through the displacement, disturbance, or direct conversion of these uses.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to CEQA and/or are raised by responsible agencies, they are identified and addressed within this EIR. Public and agency comments related to land use were received during the public scoping period, and are provided in **Appendix A**, **NOP, and Public Comment Letters**.

3.11.2 Environmental Setting

The City is located in Monterey County, California, which is approximately 80 miles south of San Francisco and 42 miles southwest of San Jose. The City consists primarily of low-density single-family homes, with areas of medium-density housing, retail commercial, offices, and industry. Lands annexed in the former Fort Ord area have not been developed, but the General Plan designates the area for visitor-serving, office, recreational, and open space uses.

Under California law, the housing element must include the community's goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing.

The Housing Plan is organized into two sections: Goals and Policies, and Housing Programs. A goal is a higher-level statement that addresses the general nature and intent of the City's housing objectives. Under each goal statement, policies are also identified which provide guidance and expand upon the City's goals. Following the Goals and Policies section, the Housing Programs section describes specific actions, procedures, or strategies the City will take to carry out the identified goals and policies.

Approval of the Draft Housing Element establishes these goals and policies that are used to guide planning and development decision-making to facilitate the development of housing in the City, including the former Fort Ord area. Within the City, development is also governed by the General Plan, which provides an overall policy guide, and depending on the location of the development, other plans may also be utilized as explained in **3.11.3 Regulatory Framework** below.

Based on the goals, policies, and programs outlined in the Housing Element and findings from the Housing Needs Assessment, **Table 3.11-1** below details the units that would be needed to meet the RHNA for the 5th Cycle Housing Element, including the 4th Cycle Shortfall.

Table 3.11-1 5th Cycle Housing Element RHNA Units

Income Category	5th Cycle including 4th Cycle Shortfall	Conservation Preservation	Rehabilitation	New Construction	5th Cycle Total Units By Housing Type
Very Low (0-50% of AMI)	41	0	0	41	Combined Low and Very Low = 70
Low (51-80% of AMI)	29	0	0	29	
Moderate (81-120% of AMI)	5	0	0	5	Combined Moderate/ Above Moderate =16
Above Moderate (more than 120% of AMI)	11	0	0	11	
Total Units	86	0	0	86	

Table 3.11-2 details the units that would be needed to meet the RHNA for the 6th Cycle Housing Element, including the 5h Cycle Shortfall (2023-2031 period). These new housing units would serve households with income levels ranging from very low to above moderate incomes. In order to meet state and regional housing needs, the City must plan for and accommodate these housing units during the 2023-2031 period.

Table 3.11-2 6th Cycle Housing Element RHNA Units

Income Category	Allocation by Cycle*		Totals by Income Category	New Construction[1]	Total Units By Housing Type	
	5th Cycle including 4th Cycle Shortfall	6th Cycle				
Very Low (0-50% of AMI)	41	60	101	101	101	Combined Low and Very Low = 168
Low (51-80% of AMI)	29	38	67	67	67	
Moderate (81-120% of AMI)	5	24	29	29	29	Combined Moderate/ Above Moderate = 92
Above Moderate (more than 120% of AMI)	11	62	73	73	73	
Total Units	86	184	**270**	**270*** **	**270**	

The proposed project involves a general plan amendment and rezoning on land located on undeveloped land within the former Fort Ord within the City. The City has adopted a General Plan for the Fort Ord area with a buildout of commercial and visitor serving uses. Current general plan designations and buildout are shown on **Figure 2-3, City of Del Rey Oaks General Plan**. Development uses and areas under General Plan buildout are also summarized below. As seen, the former Fort Ord property in the General Plan did not include land use designations for residential uses. The FORA Reuse Plan and City General Plan include the following densities and acreages for development within the former Fort Ord properties, as shown in **Table 3.11-3** below.

[1]There are no units under the categories of Rehabilitation or Conservation/Preservation in the RHNA for 5th or 6th Cycle.

Table 3.11-3 Summary of City General Plan Land Uses and Development within the Fort Ord Reuse Plan Area per General Plan EIR

Proposed Land Use	Totals
Total Office Park/Conference Center	**419,000 sf**
Total Residential/Hotel*	**526 units**
Golf Acreage	**155 Acres**
Total Commercial/Retail	**83,500 sf**
Source: 1997 Del Rey Oaks General Plan Update Final EIR * The General Plan identified five new units in the existing City and 521 hotel/visitor serving units.	

3.11.3 Regulatory Framework

State

Under the requirements of State law, every city and county in California must prepare a housing element as part of its general plan. The law recognizes that an adequate supply of affordable housing for all income levels is an essential need for all communities and that all local governments share in the responsibility of implementing solutions to address local and regional housing needs. To that end, all California local governments are required to prepare a housing element that lays out how the community will plan for its housing needs. The housing element is directed by the policy framework of the general plan and attempts to balance needs and values of a community while accomplishing the goals of housing element legislation.

Housing elements are developed to identify and analyze a city's housing needs; identify various governmental and non-governmental constraints to meeting those needs; establish reasonable goals, objectives and policies based on those needs; and set forth a comprehensive list of actions to achieve the identified goals and objectives. The detailed statutory requirements for preparing a housing element are codified in the California Government Code (sections 65580–65589). By law, a housing element must also be updated on a regular basis to facilitate the improvement and development of housing within a community and must also be reviewed and certified by the State Department of Housing and Community Development (HCD).

Regional/Local

Fort Ord Base Reuse Plan

The Reuse Plan, which was adopted in June 1997, governs the redevelopment of the former Fort Ord. The Reuse Plan assigns land use designations, as well as goals, policies, and objectives related to base reuse. The Reuse Plan identifies a range of land use categories, density standards, and permitted uses for land within the boundaries of the former Fort Ord. The Reuse Plan contains goals and objectives for the development of commercial, residential, institutional, and park/recreational uses within the former Fort Ord; these goals and objectives are based on key guiding principles, which include:

- creating a unique identity for the community around the educational institutions.
- reinforcing the natural landscape setting consistent with the character of the Peninsula.
- establishing a mixed-use development pattern.
- providing diverse neighborhoods.
- encouraging sustainable practices; and
- providing regional design guidelines.

Since the Reuse Plan is the overarching planning document affecting the redevelopment of the former Fort Ord, a detailed discussion of the County and Seaside General Plans is not provided. The Fort Ord Master Plan Resolution, adopted in March 1997, requires cities and counties whose lands are within FORA's jurisdiction to bring their General Plan into conformance with the Reuse Plan, with the exception of properties transferred to the State (e.g., CSUMB and UC Campus Master Plans and State Parks General Plans are not subject to approval by FORA). State lands are considered sovereign entities and are not subject to the requirements of the Reuse Plan, although they are encouraged to maintain consistency with the Reuse Plan to the extent feasible.

The Monterey Bay Local Agency Formation Commission (LAFCO) approved a significant expansion of the City in 1997, when 360 acres were added to the Sphere and City limits as part of the "Fort Ord Properties Reorganization." The Reuse Plan is designated under the FORA Act as the official local plan for all purposes related to planning, disposition, reuse and redevelopment of the former Fort Ord (Government Code section 67675). The Reuse Plan EIR evaluated impacts of full buildout of Fort Ord estimated to occur over 40-60 years. On June 13, 1997, the FORA certified, and adopted findings in consideration of, the Draft Reuse Plan EIR. The Final Reuse Plan EIR was certified with the intent that it would serve as a program EIR and provide a "first-tier" analysis for future development within the former Fort Ord.

In approving the Reuse Plan, FORA adopted a Constrained Development scenario that significantly reduced development potential from what was evaluated in the 1996 Public Draft Plan based on limited water availability. The Master Resolution adopted by FORA indicates that the plan would result in a population of approximately 37,340 people, 10,816 housing units, and 18,342 jobs with utilization of a maximum of 6,600 acre-feet of water per year throughout the entire former Fort Ord base, including all jurisdictions. The FORA resolution adopting the Reuse Plan includes a water allocation to the member jurisdictions within the former Fort Ord boundaries. As part of the proceedings to adopt the Reuse Plan, FORA adopted the Development and Resource Management Plan (DRMP) to ensure that reuse of the former Fort Ord will restrain development to available resources and service constraints, including water and transportation. Per FORA Resolution 98-1, local jurisdictions must include policies and programs consistent with the DRMP.

City Redevelopment Plan for the Former Fort Ord Base

The City adopted amendments to its Zoning Ordinance covering the Redevelopment Plan area in conformance with the land use designations, development standards, and policies of the Reuse Plan.[2] In adopting the General Plan amendments, the City also certified an EIR which incorporated by reference, the FORA Reuse Plan EIR, and also adopted mitigation measures established in the Reuse Plan EIR. On December 9, 1998, the City Council of the City of Del Rey Oaks also passed and adopted Resolution No. 98-20 which declared the City's intent to carry out the General Plan Update in conformity with the Fort Ord Reuse Plan and Authority Act. A redevelopment plan, in conformance with the General Plan for the City of Del Rey Oaks and in conformance with the designations, development standards and policies of the Fort Ord Reuse Plan was adopted by the City in 2004. The Redevelopment Plan ISMND evaluated revisions to the Plan as well as potential for 200 residential units in the former Fort Ord area.

Air Quality Management Plan (AQMP)

Consistency of a Draft Housing Element with the regional population and employment forecast will result in consistency of the project with the local AQMP. MBARD incorporates the population in its preparation

[2] Resolution #97-1, approved by the City Council on July 17, 2002, adopted the General Plan Update and Certified the EIR for the General Plan Update.

of the regional AQMP. Therefore, the regional population and employment forecast is consistent with the applicable AQMP.

Monterey Regional Airport Land Use Plan

Government Code section 65302.3 requires that the General Plan must be consistent with airport land use plans. The proposed project was heard by the Monterey County Airport Land Use Commission (ALUC) on December 16, 2019. Staff recommended and the ALUC approved that the proposed project is consistent with the 2019 Monterey Regional Airport Land Use Plan, based upon analysis conducted on noise compatibility, airspace protection, safety compatibility, and other flight hazards (please refer to **Figure 3.9-5** and **Figure 3.13-1**). This plan identifies safety and noise considerations and appropriate mitigation measures for areas surrounding the airfield. The requirement of consistency can impact both the development of housing and the cost of residential development due to development restrictions and/or the inclusion of noise attenuation features.

City of Del Rey Oaks General Plan

The Land Use Element of the General Plan provides policies for compatibility of land uses in the City.

The following policies are applicable to the proposed project:

Policy L-1 *The City of Del Rey Oaks shall work with adjoining cities, special districts, County, Fort Ord Reuse Authority and regional agencies on matters of zoning, land use planning, transportation planning and watershed management to assure that all development projects and actions are consistent with the goals and policies contained in the City's General Plan, and that such projects and actions shall minimize adverse community and environmental impacts.*

Policy L-12 *New and/or remodeled and expanded residential structures shall be visually attractive and compatible with the existing residential neighborhoods and their appearance.*

Policy L-14 *The City should continue to support the Association of Monterey Bay Area Governments in its efforts to disseminate information and to develop technical assistance programs.*

City of Del Rey Oaks Housing Element

Housing Programs

This addresses various programs to accommodate the locality's share of RHNA, remove or mitigate governmental constraints, conserve, or improve housing stock, and promote fair and equal housing. Programs must include specific action steps the City will take to implement its policies and achieve its goals. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the jurisdiction's specific role in implementation, and (whenever possible) identify specific, measurable outcomes. This also includes a description of what has been learned based on the analysis of progress and effectiveness of the previous element. The Housing Element contains five goal statements the City has identified to address major housing related issues facing the community.

- Provide adequate sites to build new housing units for all income levels and to meet the City's fair share of housing needs.
- Encourage the provision of a wide range of housing by location, type of unit, and price to meet the existing and future housing needs in the City.
- Work to remove governmental and non-governmental constraints to housing development.

- Promote equal housing opportunities for all persons.
- Conserve and improve the condition of the existing housing stock to ensure the safety, welfare, and affordability of residents.

The goals, policies, and programs are identified to meet the City's unique and specific position in the regional housing market while meeting the community demands of a growing community and changing housing market. In accordance with State Law, the City's Housing Element is required to demonstrate that it has the regulatory and land use policies to accommodate its assigned Regional Housing Needs Allocation (RHNA). State law requires the Housing Element to include an inventory of housing sites and requires the City to appropriately zone sites to meet RHNA, the City is not required to actually develop/construct housing on these sites. The Housing Element of the General Plan provides policies and programs for meeting housing needs for all income levels. Primary objectives of the Housing Element are identified in **Chapter 2, Project Description**. Policies and programs are included in Chapter 7.0 of the 2023 Housing Element Update. Programs are included as **Appendix B-1** of this document.

Zoning Standards

Current zoning designations are shown on **Figure 2-4, City of Del Rey Oaks Zoning Map. Table 3-11.4** summarizes current residential zoning standards and zoning district densities and standards in other zoning districts. The City provides for residential uses in commercial zones as shown in the tables below under the Commercial (C), Special Treatment (ST) and Design (D) zoning districts. This district allows residential use at 5 to 18 units per acre. Additionally, other land use designations not associated with residential zoning also allow residential uses. The zoning designations of C, C-1, ST, and D allow residential uses in these categories, thereby expanding the ability for housing in a number of land use designations.

Table 3-11.4 Existing Development Standards for Residential Zones

	Single Family Residential Districts (R-1) [1]	**Multiple Family Residential Districts (R-2)**
Permitted Uses	One- and two-family dwellings, schools, libraries, clinics, and nurseries/greenhouses with accessory buildings	Two-family dwellings, dwelling groups, two-family flats, multiple family dwellings, hotels, clubs, lodges; automobile courts, automobile camps, and similar uses; all uses permitted in R-1 Districts[1]
Conditional Uses	Short-Term Rentals shall be permitted, after obtaining a conditional use permit from the Planning Commission[3]	
Lot Requirements		
Density	1-2 single family dwelling units per lot plus auxiliary unit allowed in lots sizes over 8,000 square feet (sq. ft.)	2+ per lot depending on lot size
Lot Size (min.)	6,000 sq. ft.	6,000 sq. ft.
Building Coverage	900 sq. ft. minimum (min.)	60% max
Yard Requirements		
Front (min. in feet)	20 ft.[4]	20 ft.[4]
Side (min. in feet)	Not less than 10% of the lot width but not less than 6 ft.[5]	6 ft., except add 2 ft. for each story beyond the second story
Rear	Not less than 20% of the depth of the lot, to a maximum depth of 20 ft.	Not less than 15 ft.
Height Requirements		
Building Height (max.)	30 ft.[6]	35 ft.
Number of Stories (max.)	1.5	3

	Single Family Residential Districts (R-1) [1]	Multiple Family Residential Districts (R-2)
Additional Regulations		
Garage (min.)	288 sq. ft.	N/A
Parking	One space for each family unit; one space for each two guest rooms, and one additional on-site parking space for an Auxiliary Housing Unit	One garage space for each family unit

Source: City of Del Rey Oaks Zoning Ordinance, as amended through May 13, 2019.
[1] The City has adopted an accessory dwelling unit ordinance Chapter 17.70 Accessory Dwelling Units, consistent with state law. Available at:
https://library.municode.com/ca/del_rey_oaks/codes/municipal_code?nodeId=TIT17ZO_CH17.70ACDWUN
[2] Subject to securing a use permit for any use for which a use permit is required in an R-1 District.
[3] Provided that in case a building line for the street upon which the lot faces are established by the street and highway plan of the master plan of the city, then the front yard shall have a depth of not less than that specified thereby.
[4] Exceptions allowed subject to obtaining a conditional use permit from the Planning Commission.
[5] Exceptions provided per code based upon lot size, layout, and location.
[6] Except as otherwise permitted.

Table 3-11.5 below identifies those zoning districts other than specified residential districts that allow residential development as a conditional use in other primary districts within the City.

Table 3-11.5 Zoning Districts Other than Residential Zones

Residential Use/Densities	D Zoning	C Zoning	C-1 Zoning	ST Zoning
PUD (5-18 units per acre)	Conditional Use	Not Specified	Not Specified	Not Specified
Residential-Single Family	Conditional Use	All uses permitted in any R District,[1] development standards must be consistent with the residential zone	Conditional Use, development standards must be consistent with the residential zone	Permitted Use
Residential-Condominium	Conditional Use	All uses permitted in any R District,[1] development standards must be consistent with the residential zone	Not Specified, although development standards must be consistent with the residential zone	Conditional Use

[1] Except automobile camps and similar uses
Note: Per Zoning Code, D Zoning. "17.16.030 - Conditional uses. No uses are permitted in the "D" zone without a use permit. The following uses are permitted in the "D" zone subject to first securing a conditional use permit: 1. Common-interest subdivisions (including condominiums and planned development townhouses) exceeding a density of five units per gross acre to a maximum density of 18 units per gross acre designed to provide an optimum of open space and similar amenities which will enhance the living qualities of the development and will promote, insofar as compatible with the intensity of land use, a suitable environment for family life.

As identified above, the Del Rey Oaks General Plan and Zoning Ordinance provide for a range of housing types and densities in residential and non-residential zones as well. **Table 3.11-6** summarizes current non-residential zoning standards.

Table 3-11.6 Development Standards for Overlay Districts and Non-Residential Zones

	Design (D) Overlay District	Commercial (C)	Neighborhood Commercial (C-1)	Special Treatment (ST)
Permitted Uses	Uses subject to securing a use permit[1]	Commercial use, residential, retail and wholesale businesses, automobile camps[2], power-driven machinery, outdoor advertising signage/structures	Restricted Commercial Use, business, and professional offices	Single-Family Residential and "multiple residences to the designated density;" Agricultural Use
Lot Requirements				
Density if applicable	Five (5) units per gross acre to a maximum of eighteen (18) units	-	-	Multiple density per the ST zone or as approved in ST use permit approval
Lot Size (min.)	14,000 sq. ft.	N/A	10,000 sq. ft.	5 acres
Building Coverage	50% max	N/A	N/A	Max determined by density designation
Yard Requirements				
Front (min. in feet)	20 ft.	N/A	35 ft.	N/A
Side (min. in feet)	7 ft., except add 2 ft. for each story beyond the first story[3]	20 ft [4]	10 ft.	10 ft. along property line adjoining another ownership
Rear	15 ft.[5]	10 ft.[4]	15 ft.	20 ft. along rear property line adjacent to another ownership
Height Standards				
Building Height (max.)	35 ft.	35 ft.	30 ft.	N/A
Number of Stories (max.)	3.5[6]	3	2[6]	N/A
Additional Regulations				
Parking	1.75 spaces for each studio, one bedroom and two-bedroom dwelling unit; 2 spaces for each dwelling unit of three bedrooms or larger.	N/A	1 space for each single family and detached guest house dwelling unit.	1.75 spaces for each studio, one bedroom and two-bedroom dwelling unit; not less than 2 spaces for each dwelling unit of three bedrooms or larger.

[1,2] Subject to securing a use permit in each case.
[3] Where any multiple dwelling has a rear entry opening into a side yard, side yard min. is 9 ft. and dwelling fronts min. 20 ft.
[4] In cases of C District property bordering an R District
[5] Except as otherwise provided for accessory buildings.
[6] No accessory building shall exceed either 15 ft. or one story in height.

The City also adopted an Accessory Dwelling Units (ADU) Ordinance under Chapter 17.70 of the Zoning Code which implements the various state laws related to the development of ADUs. This Chapter implements the streamlined, ministerial review procedure for ADUs and outlines objective design standards and reduced parking standards applicable to ADUs.

3.11.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. physically divide an established community; or

b. cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Impact Analysis Overview

Approach to Analysis

This analysis evaluates the proposed project (i.e., implementation of the Housing Element Update) to determine the potential for implementation of the proposed project to cause a significant environmental impact due to physically dividing an established community or due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

State law requires the Housing Element to include an inventory of housing sites and requires the City to appropriately zone sites to meet RHNA, although the City is not required to actually develop or construct housing on these sites. A Housing Element is required to identify potential sites where housing can be accommodated to meet all the income levels of a jurisdiction's RHNA. If there are insufficient sites and capacity to meet the RHNA allocation, the Housing Element is required to identify a rezoning program to accommodate the required capacity.

This analysis addressed the 5th Cycle 2023 Housing Element Update which proposed specific revisions identified by the Department of Housing and Community Development (HCD) Division of Housing Policy and Development (HCD Letter March 2020). The City Council adopted a 5th Cycle Housing Element and certified an Initial Study/Negative Declaration on December 17, 2019. HCD's review letter indicated the Housing Element was not in compliance and required specific program revisions. These revisions are identified in track changes and focus on new language in Program A.1 committing the City to rezone Sites 1 and 1a to allow residential uses to meet RHNA.

In addition to revising zoning to allow residential development included within the City's Rezoning Program A.1, the City's Housing Sites Inventory also assumes a density consistent with requirements of State law, with an increase in density currently allowed in the City's zoning district (R-2) of 18 units per acre to the required density of minimum 20 units per acre. This rezoning would represent an increase in density for residential uses for affordable housing on the sites.

Currently, the City's medium-density zoning district allows 18 units per acre; proposed zoning for affordable housing overlay or rezoning would be increased to meet State law, which requires a minimum density of 20 units per acre. Additionally, the height limit would be consistent with existing zoning for the D Overlay Zoning District, with a maximum height of 35 feet or three stories.

Thus, the proposed project includes changes to the General Plan Land Use Element and the City's zoning code necessary to implement these 2023 revisions to the Housing Element Update adopted by the City

Council in December 2019. This EIR considers these revisions as well as the potential additional candidate sites to meet the 6th Cycle RHNA. The areas identified as suitable and available for the development of housing within the City are shown on **Figure 2-4, and Appendix B-2**. As noted above, the proposed project entails the adoption of a general plan amendment and rezoning to allow residential use (affordable housing) to meet RHNA on the identified candidate sites in the former Fort Ord, shown as Sites 1 and 1a in 5th Cycle, and also including additional candidate sites for 6th Cycle (Sites K1 and K2). This area has General Plan and zoning designations allowing maximum development in the land uses and intensities identified in **Table 3.11-3 Summary of City General Plan Land Uses and Development within the Fort Ord Reuse Plan Area per General Plan EIR.** Therefore, under the FORA Reuse Plan and City General Plan, density and development would be allowed under baseline conditions, at a much greater intensity and development of uses, as shown in **Table 3.11-3.**

Impacts and Mitigation Measures

Impact LU-1: Physically divide an established community. (Criterion a)

The proposed project would not physically divide an established community. The proposed project would not result in development or new entitlements, nor would it divide the community or allow for extended City limits or development. For the purpose of this analysis, the division or disruption of the physical arrangement of an established community would occur if the proposed project or a future development facilitated by the proposed project creates a physical barrier that would separate or divide portions of a built community. The RHNA requirements for the 2023-2031 period shown in **Table 3.11-1** are well within the total allowable uses and densities provided in **Table 3.11-2** above. The proposed changes to land uses will be limited to candidate sites, including the portion of the project area within former Fort Ord. The adoption of these proposed zoning changes and Housing Element policies would not result in direct development. However, implementation of the proposed project would facilitate future residential to address the severe shortage of housing and affordable housing. The existing Zoning Ordinance and adopted Plans currently provide for housing and residential uses within their development regulations and plans. The proposed project would provide internal consistency among these planning documents, implement the Housing Element policies that provide for residential uses in the former Fort Ord area, and revise the land use designations and densities identified in the General Plan.

The proposed project would facilitate new residential uses for affordable housing to meet State Law and requirements in the former Fort Ord area. Although the proposed project sets policy and recommends actions for the City to provide housing and housing services, the "proposed project" is the adoption of the Housing Element and policy revisions. Future residential uses facilitated by the proposed project would not physically divide an established community but would provide a new allowable use to a planned future area of development. This represents a less than significant impact.

Impact LU-2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Criterion b)

The adoption and implementation of the proposed project would not create a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. There are several planning documents (outlined above) that govern development within the project area and the proposed project, once approval for residential uses to satisfy RHNA, would be consistent with these documents.

The proposed project examines the City's housing needs, as they exist today, and projects future housing needs. It sets forth statements of community goals, objectives, and policies concerning those needs and

it includes housing programs that respond to current and future needs within the limitations posed by available resources. The proposed project does identify a number of policies and programs that would result in amendments to the City's General Plan and Zoning Ordinance. However, policies and programs identified in the proposed project require adherence to state law; these requirements are necessary to bring the Housing Element to conformance to current state law and thus would not have a physical impact on the environment. Further, the proposed general plan amendment and rezoning to allow residential use for affordable housing are required to meet City and regional goals to provide a range of additional housing for the City's residents and reach the RHNA.

In considering methods for meeting the City's RHNA, the Draft Housing Element also includes a Land Inventory Analysis that assesses potential development constraints, such as water and zoning/planning documentation consistency, to identify areas that are most suitable for development. The areas identified as suitable and available for the development of housing within the City are shown on **Figure 2-4, and Appendix B-2**. As noted above, the proposed project entails the adoption of a general plan amendment and rezoning to allow residential use (affordable housing) to meet RHNA on the identified candidate sites in the former Fort Ord, shown as Sites 1 and 1a in 5th Cycle, and also including additional candidate sites for 6th Cycle (Sites K1 and K2). This area has General Plan and zoning designations allowing maximum development in the land uses and intensities, per **Table 3.11-3**.

The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Criterion b)

3.11.5 Cumulative Impacts

CEQA defines cumulative impacts as "two or more individual effects, which, when considered together, are considerable, or which can compound or increase other environmental impacts." Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant. These impacts can result from the project alone, or together with other projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

This section evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to land use.

The cumulative setting for land use and planning impacts includes the City's General Plan and former Fort Ord planning areas. Cumulative land use and planning impacts, such as the potential for conflicts with adjacent land uses and consistency with adopted plans and regulations, are typically site- and project-specific. Subsequent projects allowed by the General Plan may result in site-specific land use conflicts; however, these effects are not anticipated to be cumulatively significant.

For the land use analysis, the cumulative analysis would include increased residential development anticipated within the City's General Plan, as identified in this section. While identified potential future sites for housing are located in land that is currently vacant, they are zoned for development for commercial, hotel and urban uses, and were evaluated as developable areas in the City General Plan EIR, FORA Reuse Plan EIR and the Redevelopment Plan ISMND. There is no new significant effect, and the impact is not more severe than the impact identified in the General Plan EIR. The proposed new use of residential development under the General Plan and rezoning facilitated by the proposed project would meet affordable housing requirements under State law and be located on land already planned for large-scale development (per **Table 3.11-2** above).

Therefore, the proposed project would not result in a new or greater contribution to cumulative effects to land use beyond what was identified in the General Plan EIR. Additionally, as explained above, implementation of the proposed project would not result in a significant land use impact by potentially physically dividing an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the proposed project would not make a cumulatively considerable contribution to an environmental impact related to physically dividing an established community or related to causing a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

3.12 MINERAL RESOURCES

3.12.1 Introduction

This section evaluates the potential impacts to mineral resources that could result from implementation of the proposed project. No comments related to mineral resources were received during the NOP public scoping period. Refer to **Appendix A**, **NOP and Public Comment Letters**.

3.12.2 Environmental Setting

There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any areas in the City of Del Rey Oaks as containing mineral deposits that are of statewide significance or mineral deposits of undetermined significance that require further evaluation. Sand, gravel, and petroleum are the primary mineral resources extracted in Monterey County. Construction-grade aggregate (sand, gravel, and crushed stone) is the most abundant and commonly used mineral resource.

3.12.3 Regulatory Framework

Aggregate resources are classified by the State Geologist into four (4) mineral resource zones based on the likelihood of the presence of mineral deposits and their economic value in the form of Mineral Resource Zones (MRZs) under the Surface Mining and Reclamation Act of 1975 (SMARA). This mineral land classification is used to help identify and protect mineral resources in areas within the State subject to urban expansion or other irreversible land uses that would preclude mineral extraction.

3.12.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or

b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Impacts and Mitigation Measures

Impact MR-1: Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (Criterion a).

Impact MR-2 Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. (Criterion b).

The project area is not identified by the City's General Plan or the State of California as containing potential mineral resources. Additionally, the project area is not located within a designated MRZ. The project area is not located in an area or near an area containing mineral deposits subject to SMARA;

therefore, the proposed project will not result in a significant impact from the loss of availability of a known mineral resource. No impact would occur.

3.12.5 Cumulative Impacts

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to mineral resources. This analysis then considers whether or not the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply in order for a project's cumulative effects to rise to the level of significance.

The proposed project would not impact mineral resources. Therefore, the proposed project's incremental contribution to any cumulative impacts to these resources would not be cumulatively considerable.

3.13 NOISE

3.13.1 Introduction

This section evaluates the potential noise and vibration impacts that could result from implementation of the proposed project due to temporary construction impacts and long-term operational impacts from future residential development facilitated by the proposed project. In addition, this section describes the existing noise environment, identifies sensitive receptors to noise and vibration that could be affected by the proposed project, presents relevant noise and vibration regulations and standards, evaluates the potential effects of construction and operation on these receptors, and identifies mitigation measures as appropriate.

The Monterey Airport Land Use Commission submitted one comment related to airport-generated noise during the NOP public scoping period. This section, as well as **Section 3.11, Land Use**, considers the comments when addressing the potential for airport generated noise impacts on future residential development and reviewing land uses and densities within airport safety zones. For a complete list of public comments received during the public scoping period, refer to **Appendix A**, **NOP and Public Comment Letters.**

3.13.2 Environmental Setting

Noise Characteristics

Noise is generally defined as sound that is loud, disagreeable, or unexpected. Sound, as described in more detail below, is mechanical energy transmitted in the form of a wave because of a disturbance or vibration. Sound is transmitted by pressure waves in a compressible medium such as air. Noise is defined as unwanted sound. Environmental noise is frequently measured in decibels (dB). The A-weighted decibel (dBA) is used to reflect the human ear's sensitivity to sounds of different frequencies. The frequency of a sound is defined as the number of fluctuations of the pressure wave per second. The unit of frequency is the Hertz (Hz). One Hz equals one cycle per second. The human ear is not equally sensitive to sound of different frequencies. For instance, the human ear is more sensitive to sound in the higher portion of this range than in the lower and sound waves below 16 Hz or above 20,000 Hz cannot be heard at all. To approximate the sensitivity of the human ear to changes in frequency, environmental sound is usually measured in what is referred to as "A weighted decibels" (dBA). On this scale, the sound level that does not disturb normal talking is about 60 to 65 dBA. Because people are more sensitive to nighttime noise, sleep disturbance usually occurs at 40 to 45 dBA.

The most commonly used measurement scale used to account for a person's increased sensitivity to nighttime noise is the community noise equivalent level (CNEL). The CNEL is a noise scale used to describe the overall noise environment of a given area from a variety of sources. The CNEL applies a weighting factor to evening and nighttime values.

Excessive noise can be not only undesirable but may also cause physical and/or psychological damage. The amount and nature of the noise, and the amount of ambient noise present before the impacts may be categorized as auditory or non-auditory. Auditory effects include interference with communication and, in extreme circumstances, hearing loss. Non-auditory effects include physiological reactions such as a change in blood pressure or breathing rate, interference with sleep, adverse effects on human performance, and annoyance.

Generally, noise levels diminish as distance from the noise source increases. Some land uses are more sensitive to noise than others. Noise sensitive land uses are generally defined as residences, transient lodging, schools, hospitals, nursing homes, churches, meeting halls, and office buildings. Receptors located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Sound levels can be increased at large distances (e.g., more than 500 feet) due to atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors such as air temperature, humidity, and turbulence can also have significant effects.

A large object or barrier in the path between a noise source and a receiver can substantially attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Natural terrain features (e.g., hills and dense woods) and human-made features (e.g., buildings and walls) can substantially reduce noise levels. Walls are often constructed between a source and a receiver specifically to reduce noise. A barrier that breaks the line of sight between a source and a receiver will typically result in an approximate 5 dB of noise reduction. Noise reductions afforded by building construction can vary depending on construction materials and techniques. Standard construction practices typically provide approximately 15 dBA exterior-to-interior noise reductions for building facades, with windows open, and approximately 20-30 dBA, with windows closed. The absorptive characteristics of interior rooms, such as carpeted floors, draperies and furniture, can result in further reductions in interior noise.

Noise-Sensitive Receptors

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, historic sites, cemeteries, and recreation areas are also considered sensitive to increases in exterior noise levels. Schools, churches, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses.

Ambient Noise Environment

The major source of existing noise in the project area is motor vehicles traveling on nearby roads, particularly along Highway 218. The City is also located within the noise contours of Monterey Regional Airport and is subject to noise from overflight aircraft. The former Fort Ord property is not located adjacent to any sensitive noise receptors (i.e., homes, hospitals, schools). However, the project area is located near the Frog Pond Wetland Preserve, a regional park with nature trails. In addition, several residences are located on a bluff just south of Highway 218. The principal noise sources in Del Rey Oaks are vehicle traffic on major roads and highways and aircraft activity around Monterey Peninsula Airport.

3.13.3 Regulatory Framework

The State of California, County of Monterey, and City have regulations, plans, and policies to limit noise exposure at existing and proposed noise sensitive uses. The California Building Code regulates environmental noise intrusion. Interior noise levels attributable to exterior sources cannot exceed 45 CNEL. Regulated structures proposed where exterior noise levels exceed 60 CNEL require an acoustical analysis demonstrating that the proposed design will maintain interior noise levels at or below 45 CNEL. Further, if the interior standard can only be met with the windows closed, then the proposed buildings

shall be supplied with some form of mechanical ventilation. The County's and City's noise control ordinance regulates noise sensitive uses.

City of Del Rey Oaks Municipal Code

The City of Del Rey Oaks' Municipal Code establishes noise regulations in Chapter 8.20. The chapter discusses general noise regulations and defines public nuisances resulting from excessive noise. Excessive noise is restricted between the hours of 10 p.m. and 7 a.m. Construction is prohibited between the hours of 7 p.m. and 7 a.m. daily. The City's existing Noise Ordinance would apply to proposed residential development.

City of Del Rey Oaks General Plan

The Noise Element of the General Plan provides policies for protection from excess noise levels. The following noise goals apply to development in the project area:

- Protect citizens from exposure to excessive levels of noise.
- Encourage a reduction in aircraft noise impact on the City of Del Rey Oaks to levels specified by State noise standards (65 db) and require adequate sound proofing in new construction.
- Minimize the impact of street, road, and highway generated noise upon land uses in the City of Del Rey Oaks.
- Evaluate land uses in the city for compatibility related to noise effects and require, as appropriate, mitigation where harmful effects can be identified and measurable improvements will result.

The following policies are applicable to the project area:

Policy N-1 *Strong support shall be given to:*

a. Proposals for restricting the use of high noise emitting aircraft;

b. State and Federal regulations to quiet jet engines;

c. Reduction in flight frequency, particularly in the most noise sensitive time periods;

d. Maintenance of restrictions on nighttime flights;

e. Use of approach and departure flight paths that minimize noise over residential areas of the City;

f. Use of the natural terrain, buildings and landscape buffers to shield noise emitted to residential areas; and

g. Runway 6-24 should not be used due to noise and safety impacts of nearby residents.

Policy N-3 *Emphasis shall be placed upon the reduction of noise through administrative and physical techniques, such as cluster zoning, Building Code regulations (soundproofing, acoustical construction techniques), Health Code regulations, City Planning Commission review (acoustical architectural design, acoustical site planning, berms, landscaping buffers) and Environmental Impact Reporting.*

Policy N-4 *Noise/land use compatibility shall be considered impacted if exposed to noise levels on the exterior of a building that exceeds 65 dB, and on the interior of a building exceeds 45 dB.*

Policy N-5 *Any future improvements to Canyon Del Rey must include noise attenuation measures to ensure that resultant indoor and outdoor noise levels are within recommended acceptable levels for residential land use.*

Policy N-6 *The City will work with the Monterey Peninsula Airport District to minimize the noise impacts of the proposed increase in airport operations and changes in different types of aircraft will not be supported by the City.*

Environmental Impact Report on the Del Rey Oaks General Plan

The General Plan EIR evaluated potential noise impacts associated with the adoption and implementation of the Del Rey Oaks General Plan, including future development within the project area. This program-level EIR focused on general impacts associated with implementation of the General Plan, rather than project-specific impacts associated with individual development projects, such as the Resort at Del Rey Oaks project. According to the General Plan EIR, the following potential noise impacts were identified related to increases in noise levels over the timeframe of implementing the General Plan Update as a result of additional airport expansion, traffic, expanded commercial development, and new construction; however, no mitigation was deemed necessary.

Monterey Regional Airport Land Use Compatibility Plan

The Monterey Regional Airport Land Use Compatibility Plan (ALUCP) sets out guidelines and policies to ensure the successful growth of the airport and protection of the general welfare of inhabitants in the near vicinity to the airport. According to the ALUCP, the project area is located in the secondary planning area for the Monterey Peninsula Airport District, outside of the airport's 60+ dB contour (see **Figure 3.13-1**). The Monterey County Airport Land Use Commission identifies areas where exterior noise levels are 65 dBA CNEL or greater as noise affected. Land use controls and noise and/or avigation easements are recommended for new or redeveloped properties within the Airport's Approach Protection Zones and within the Airport's primary planning boundary. The land use compatibility chart for aircraft noise indicates that noise levels between 60 dBA CNEL and 65 dBA CNEL are satisfactory for residential land uses.[1] Further, proposals concerning new land uses under the jurisdiction of the cities and the County and within the primary and secondary planning areas must gain approval for the projects from the Airport Land Use Commission, including all amendments to the local general plans' land use designations and development plans.

3.13.4 Impact Analysis

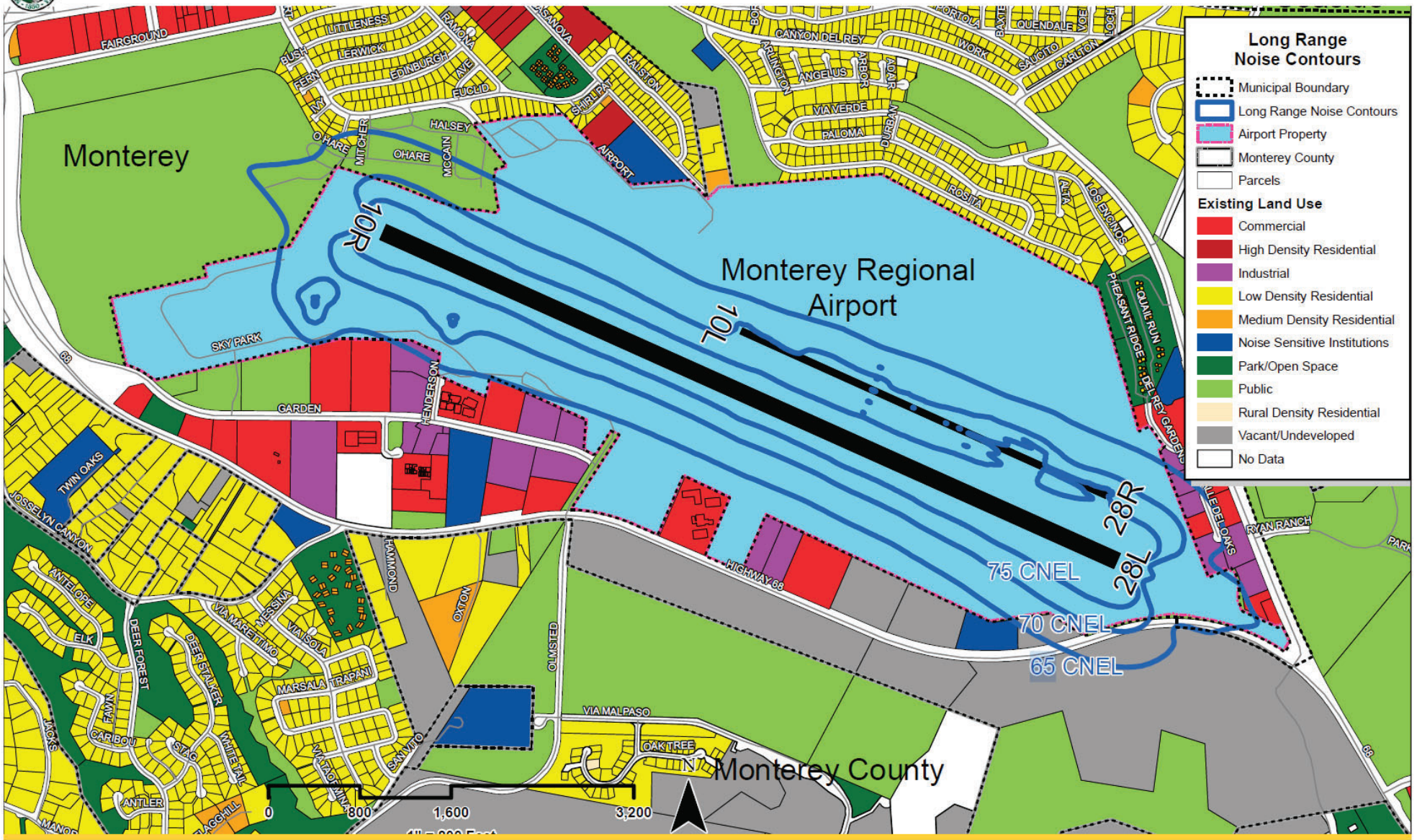
Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in:

a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;

b. Generation of excessive groundborne vibration or groundborne noise levels;

[1] Monterey Peninsula Airport District Comprehensive Land Use Plan, February 2019. Page 4-18. Available online at: https://www.co.monterey.ca.us/home/showpublisheddocument/75251/638218188294130000



Monterey Regional Airport Long Range Noise Contours

Source: Monterey County Airport Land Use Comission

Date
7/28/2023

Scale
N/A

Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure
3.13-1

c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

Impact Analysis Overview

Approach to Analysis

Although the Draft Housing Element would not directly result in physical changes to the environment, the Draft Housing Element would provide for programs and policies that could facilitate new residential development. Program A.1 within the Draft Housing Element includes an amendment to the Zoning Ordinance to meet the City's RHNA. Future proposed development activities would be subject to State of California, California Building Code, and City General Plan policies relevant to noise and vibration. Noise and vibration impacts related to construction could occur due to transport of materials to the site as well as operation of construction associated with grading, demolition, and construction activities in the vicinity of sensitive receptors. Operational impacts due to energy usage could result from mechanical equipment for residential buildings as well as maintenance activities at the site and noise from occupants. The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. The 6th Cycle RHNA is 184 units.

The evaluation is based on a review of potential sources of construction and operational noise from residential development facilitated by the proposed project. Each potential impact is assessed in terms of the applicable regulatory requirements, as described in this section, as well as mandatory compliance with various Federal and State regulations that would serve to prevent significant impacts from occurring. It should also be noted that future residential development facilitated by the proposed project would be subject to project-level environmental review under CEQA, Including analysis of project-level noise and vibration impacts.

Impacts and Mitigation Measures

Impact NOI-1: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Criterion a)

Impact NOI-2: Generation of excessive groundborne vibration or groundborne noise levels. (Criterion b)

The proposed project would not result in the generation of substantial noise throughout the City. No construction equipment noise or operational noise would be generated by approval of the proposed project. Although the proposed project would not directly result in physical changes to the environment, the proposed project would provide for programs and policies that could facilitate new residential development in the project area. Future proposed development activities and projects would be required to be consistent with the City's Noise Ordinance and the General Plan's Noise goals, programs and policies. General Plan policies and programs include minimizing noise generated from streets, roads and highways; reducing aircraft generated noise to State noise standards; soundproofing in new constructions; and protecting citizens from exposure to excessive levels of noise. Future development would be subject to State of California, County of Monterey, and California Building Code CEQA compliance and permitting, which would minimize noise impacts related to excessive groundborne vibration or groundborne noise levels.

Impact NOI-3: For a project located within the vicinity of an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels. (Criterion c)

The proposed project area is not located within the vicinity of a private airstrip. As noted in **Section 3.9 Hazards and Hazardous Materials** and above, the proposed project is less than one mile from Monterey Regional Airport and is within the vicinity of the ALUCP for the Monterey Regional Airport. The proposed project is consistent with the ALUCP with regard to noise compatibility criteria, based on consistency analysis conducted by the Airport Land Use Commission (ALUC) and specific ALUC consistency determination for the former Fort Ord area. Exhibit 4B of the ALUCP provides long range noise exposure contours; Table 4B and Exhibit 4C provide conditions and criteria of the Airport Safety Zones. Per the ALUC determination and as shown in **Figure 3.13-1**, based upon the CNEL maps and standards, the former Fort Ord area is outside areas that expose people residing or working in the project area to excessive noise levels. **Appendix E** includes the ALUC consistency analysis determination. The nearest sensitive receptors from the portion of the project area within former Fort Ord are residences located across from General Jim Moore Blvd, over 200 feet to the west of the sites. Based upon the above, the proposed project would not expose people residing or working in the project area to excessive noise levels. This represents a less than significant impact.

3.13.5 Cumulative Impacts

Because construction noise and vibration are localized effects, only construction projects that occur close to one another could combine to result in a cumulative noise or vibration effect. Therefore, noise and vibration from construction projects outside of the project area would not contribute to noise and vibration impacts in the City. This would be a less than cumulatively considerable impact. Construction activities in the City associated with future development projects may result in increases in noise levels surrounding individual project sites and may expose noise-sensitive land uses to intermittent vibration and noise. Future impacts from construction noise for future development of housing under 5th and 6th Cycle Housing Element Updates would be less than significant with implementation of the General Plan policies and the City's Municipal Code, as discussed above. Therefore, implementation of the proposed project would not make a cumulatively considerable contribution to construction or operational cumulative noise and vibration impacts.

General Plan EIR, and General Plan EIR Addendum

The project's contribution to potential significant cumulative noise increases is also less than cumulatively considerable per analysis and findings from previous environmental documentation. The General Plan EIR identified noise impacts on full buildout of the City and Redevelopment area related to exposure to noise, including airport and construction noise. Per the City's General Plan Update EIR and Addendum, potential for land use and noise compatibility impacts were identified from potential development/reuse of the property adjacent to the intersection of Highway 218 and Highway 68 within the clear zone of the Monterey Peninsula Airport. City General Plan Update Policies N-1, N-3, N-4, N-5, N-6, and Programs 31-33, per the Final EIR, (Sections 4.2, 4.10 and 4.11) include noise and safety policies that reduced these impacts to less than significant. Cumulative buildout of the City was also found to be less than significant (see **Appendix F**). There is no new significant effect, and the impact is not substantially more severe than the impact identified in the EIR and the project's contribution to cumulative noise impacts would be less than cumulatively considerable.

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3.14 POPULATION AND HOUSING

3.14.1 Introduction

This section evaluates the potential effects the proposed project on population and housing. Specifically, this section describes the existing population and housing characteristics within the project area, identifies relevant housing regulations, and where necessary, identifies mitigation measures as appropriate. No comments concerning population and housing were received during the public scoping period for this EIR; per **Appendix A**, **NOP, and Public Comment Letters**.

3.14.2 Environmental Setting

Population Characteristics

The City of Del Rey Oaks was incorporated on September 3, 1953, and encompasses 1.05 square miles. As of the 2020 U.S. Census, the City has a population of 1,592. **Table 3.14-1** illustrates the City's population growth since 1990. Population has fluctuated somewhat in the last three (3) decades, with a noticeable increase in 2017. In general, the City's population has decreased since 1990, and continued to decline since the 2020 U.S. Census.

At the start of 2022, the City estimated a population of 1,539. The average household size in the City of Del Rey Oaks is 2.4 people.

Table 3.14-1 Historical Population Trends, 1990 to 2020 City of Del Rey Oaks

Year	1990	1993	1997	2000	2002	2008	2010	2014	2017	2020
Population	1,670	1,661	1,608	1,648	1,660	1,599	1,624	1,668	1,719	1,592
Sources: California DOF 1990, 2007, 2012, 2019, and 2020										

Population Growth Projections

According to data from the U.S. Census, Del Rey Oaks' population was 1,624 in 2010, a drop of 1.6 percent from the 2000 population of 1,650 persons and dropped to 1,592 in 2020. From 2000 to 2010, Monterey County grew by 4.0 percent, and by 5.8 percent from 2010 to 2020. AMBAG's 2022 Regional Growth Forecast projects that Monterey County will continue to grow into the year 2040, and estimates that the population of Del Rey Oaks will increase significantly over the next 10 years. AMBAG is estimating that the population will increase by 34 percent by 2030.

Table 3.14-2 Del Rey Oaks Population and Future Population Projections, 1990–2040

	1990	2000	2010	2020	2030 (est.)	2040 (est.)
Population	1,661	1,650	1,624	1,662	1,734	2,330
Source: U.S. Census Bureau, 1990, 2000, 2010 and 2020; AMBAG 2022						

Employment

AMBAG's 2022 Regional Growth Forecast reported that there were 748 jobs in Del Rey Oaks in 2020. Over the course of the next 25 years AMBAG estimates a 12 percent increase in jobs in Del Rey Oaks. Although Del Rey Oaks is one of the smaller cities in Monterey County, AMBAG is predicting there will be a higher percentage of available jobs in its jurisdiction compared to the rest of the County. Although many people in Monterey County live and work in different cities, Del Rey Oaks (as well as other cities in the County) would still need to ensure that they are providing sufficient housing units to accommodate its population growth projections. **Table 3.14-3** also shows other various industries and their employment rates for both

Del Rey Oaks and Monterey County as a whole. In 2020, the majority of people who worked in Del Rey Oaks were employed in both the educational services, and health care and social assistance industry, comprising 29.6 percent of the total employed population, compared to about 20 percent of Monterey County's residents in the same category.

Table 3.14-3 Del Rey Oaks Employment Forecast, 2022

							Change 2015-2040	
Jurisdiction	**2015**	**2020**	**2025**	**2030**	**2035**	**2040**	**Numeric**	**Percent**
Del Rey Oaks	705	748	753	774	794	815	129	18%
Monterey County	225,268	243,015	245,054	249,613	253,918	258,553	38,169	17%
Source: AMBAG, 2022								

Housing

The size of units (i.e., the number of bedrooms a unit contains) is an important factor in describing the housing supply. **Table 3.14-4** summarizes the distribution of unit sizes between owner-occupied housing and renter-occupied housing in the 2020 data from the 2016-2020 ACS 5-year estimates (U.S. Census Bureau, 2020). Renter-occupied housing was a smaller portion of the housing stock. The vast majority of housing units contained two or three bedrooms.

Table 3.14-4 Distribution of Units by Tenure and Size, 2020

Size of Unit	Owner-Occupied	Renter-Occupied
Studios	3	0
1-Bedroom Units	13	12
2 or 3-Bedroom Units	377	150
4-Bedroom+ Units	72	6
TOTAL	**465**	**168**
Source: U.S. Census Bureau, 2020		

3.14.3 Regulatory Framework

State

Housing Element Law: California Government Code Section 65584(a)(1)

Pursuant to California Government Code Section 65584(a)(1), the California Department of Housing and Community Development (HCD) is responsible for determining the regional housing needs assessment (segmented by income levels) for each region's planning body known as a "council of governments" (COG), the Association of Monterey Bay Area Governments (AMBAG) being the COG serving the Monterey Bay Area and the City of Del Rey Oaks. HCD prepares an initial housing needs assessment and then coordinates with each COG to arrive at the final regional housing needs assessment (RHNA). To date, there have been five previous housing element update "cycles." California is now in its sixth "housing-element update cycle." The AMBAG RHNA and the City's General Plan Housing Element are discussed further below.

Sustainable Communities and Climate Protection Act of 2008 (SB 375)

Senate Bill (SB) 375 focuses on aligning transportation, housing, and other land uses to achieve regional greenhouse gas (GHG) emission reduction targets established under the California Global Warming Solutions Act, also known as Assembly Bill (AB) 32. SB 375 requires Metropolitan Planning Organizations (MPOs) to develop a Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP), with the purpose of identifying policies and strategies to reduce per capita passenger vehicle-

generated GHG emissions. As set forth in SB 375, the SCS must: 1) identify the general location of land uses, residential densities, and building intensities within the region; 2) identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period; 3) identify areas within the region sufficient to house an eight-year projection of the regional housing need; 4) identify a transportation network to service the regional transportation needs; 5) gather and consider the best practically available scientific information regarding resource areas and farmland in the region; 6) consider the state housing goals; 7) establish the land use development pattern for the region that, when integrated with the transportation network and other transportation measures and policies, will reduce GHG emissions from automobiles and light-duty trucks to achieve GHG emission reduction targets set by the California Air Resources Board (CARB), if there is a feasible way to do so; and (8) comply with air quality requirements established under the Clean Air Act.

Regional

Association of Monterey Bay Area Governments

The City of Del Rey Oaks is located in the jurisdiction of AMBAG, a Joint Powers Agency established under California Government Code Section 6502 et seq. Pursuant to federal and State law, AMBAG serves as a COG, a Regional Transportation Planning Agency, and the MPO for Monterey, San Benito, and Santa Cruz counties and the towns and cities within. AMBAG is responsible for preparing the RHNA in coordination with other State and local agencies. AMBAG researches and documents population, employment, and housing projections for the region and its subregions.

AMBAG prepares the RHNA mandated by State law so that local jurisdictions can use this information during their periodic updates of the General Plan Housing Element. The RHNA identifies the housing needs for very low income, low income, moderate income, and above moderate-income groups, and allocates these targets among the local jurisdictions that comprise AMBAG. The RHNA addresses existing and future housing needs based on the most recent U.S. Census, data on forecasted household growth, historical growth patterns, job creation, household formation rates, and other factors. The need for new housing is distributed among the four income groups by cycles. The 5th Cycle Housing Element RHNA was 86 units for Del Rey Oaks, including the 4th cycle shortfall. The most recent RHNA is the 6th Cycle; the City of Del Rey Oaks was assigned an RHNA of 184 units for the 2023 to 2031 planning period. Local jurisdictions are required by State law to update their General Plan Housing Elements based on the most recently adopted RHNA allocation from AMBAG.

Federal and state law requires that AMBAG prepare a long-range transportation plan every four years. AMBAG is the MPO for the Monterey Bay Area. As the MPO, AMBAG is required to produce certain documents that maintain the region's eligibility for federal funding and transportation assistance which include the Metropolitan Transportation Plan (MTP).

AMBAG prepared the 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The 2045 MTP/SCS includes the 6th Cycle Regional Housing Needs Determination (RHND) from HCD to AMBAG for Monterey County (33,274 units). The final growth forecast was adopted along with the 2045 Metropolitan Transportation Plan/Sustainable Communities in June 2022. The 2045 MTP/SCS which utilizes the AMBAG 2022 Regional Growth Forecast and contains the 6th Cycle RHNA. Existing law requires local governments to adopt a housing element as part of their general plan and update the housing element every four to eight years. SB 375 requires the RHNA to allocate housing units within the region in a manner consistent with the development pattern adopted by the SCS.

Local

City of Del Rey Oaks General Plan and Housing Element

The City of Del Rey Oaks General Plan identifies the policies regarding the relationship between new development and population and housing.

The Housing Element identifies issues, policies, and implementation measures pursuant to Article 10.6 of the Government Code, the State Housing Element Law. The update addresses issues noted in Article 10.6 (e.g., evaluation of existing and projected housing needs, review of previous goals and programs, inventory of sites, identification of housing constraints, development of housing programs to address needs, and quantifiable objectives for attainment of new construction, etc.). The overall goals of the updated Housing Element are: 1) to maintain and improve a range of housing opportunities to address the existing and projected needs of the community; 2) to maintain and improve existing neighborhoods and housing; 3) to promote the development of housing to meet the needs of all segments of the population; and 4) to continue to ensure that all segments of the community have access to safe and decent housing that meets their special needs.

The Housing Element contains quantifiable housing goals as well as policies and implementation programs that would achieve these goals.

Policies and programs for the 5th Cycle Housing Element of the General Plan were adopted in December of 2019 in the 5th Cycle Housing Element. The adopted 5th Cycle Housing Element programs and amendments to the programs for the 2023 Update are shown in **Appendix B-1** of this EIR and also can be found in Chapter 7 of the Housing Element. The Housing Element addresses growth and housing and includes data on employment and housing projections including RHNA requirements.

The Housing Element Update for 5th Cycle is intended to accommodate anticipated growth and facilitate development of new housing to meet the City's RHNA share determined by AMBAG for the 5th cycle. The City is also developing the 6th Cycle Housing Element Update, for the 2023- 2031 planning period.

City of Del Rey Oaks Municipal Code (Zoning Ordinance)

The City of Del Rey Oaks zoning ordinance (Title 17) provides development standards and regulations and is a guideline for development within the City.

3.14.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would:

a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Impact Analysis Overview

The proposed project would not result in direct development and would not result in physical changes to the environment. However, implementation of the proposed project would provide for programs and policies that could facilitate new residential development. The sites inventory identified areas where

vacant underutilized land is available to meet the RHNA, as shown on **Figure 3.1-1**. Future development activities and projects facilitated by the proposed project would be required to be consistent with all State and local requirements for addressing population and housing and adhere to the General Plan's Housing Element goals, programs, and policies.

Impacts and Mitigation Measures

Impact POP-1: Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure. (Criterion a)

The proposed project would not result in direct physical changes to the environment. However, effects on population and housing could occur as a result of the proposed Housing Element adoption and zoning changes. Based on the land use designations in the City General Plan, the General Plan would be amended to allow for development of the residential units identified in the Housing Element. With implementation considered in the Housing Element Update, 86 residential units could be developed under the 5th Cycle RHNA. The 6th Cycle Update provides for an additional 184 residential units per the RHNA.

The amendments proposed as a part of this proposed project will facilitate the development of these housing units through future development projects, resulting in an increase to the City's population. The additional 86 residential units identified in the 5th Cycle Housing Element could add approximately 206 to persons to the total City of Del Rey Oaks population, assuming 2.4 persons per residential unit. The City's population in 2022 is 1,539 persons. Therefore, implementation of the proposed project under 5th Cycle could increase the population to 1,745. This population is slightly over the City growth projected by AMBAG for the 2030 timeframe[1].

The Housing Element responds to the RHNA as determined by AMBAG's projected housing requirements for the region. Therefore, implementation of the updated Housing Element and proposed amendments would not represent a significant increase in local or regional population. Rather, the projected housing and population increases are a result of City and regional planning efforts to direct anticipated residential growth, based on AMBAG projections, in an orderly manner that is equitable to a broad range of the regional populace.

Future proposed development implemented as a result of the Housing Element would not result in substantial unplanned population growth in the area either directly or indirectly as population growth is already anticipated per AMBAG's Regional Growth Forecast and RHNA allocation. In addition, the State requires that all local governments adequately plan to meet the housing needs of their communities (HCD 2021). As such, the population growth associated with the creation of 86 RHNA for 5th Cycle and 184 for 6th Cycle would not be unplanned; to the contrary, it is specifically being planned for, with suitable sites for development identified. The project would be consistent with the General Plan, including the Housing Element Update, as amended by the project.

Given that the State is in an ongoing housing crisis due to an insufficient housing supply, the additional units under the proposed project would further assist in addressing the existing crisis and meeting the housing needs of the City's communities. The proposed project would not induce substantial unplanned population growth in an area, either directly, or indirectly. This impact would be less than significant. No mitigation is required.

[1] AMBAG and State DOF 2030 projection is 1,734 persons.

Impact POP-2: Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. (Criterion b)

The proposed project would not result in the displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Future development is proposed in the former Fort Ord area and rezoning the property would allow residential as well as commercial and visitor-serving uses. The properties of former Fort Ord are vacant and no displacement would occur. Therefore, no impacts would occur.

3.14.5 Cumulative Impacts

This analysis evaluates whether the impacts of the project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to population and housing. This analysis then considers whether or not the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply in order for a project's cumulative effects to rise to the level of significance.

The geographic context for the analysis of cumulative impacts related to population and housing includes the City, and the jurisdictions of Seaside, Monterey, Monterey County including all areas of former Fort Ord jurisdictions. A significant cumulative environmental impact could result in substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) or displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Regional growth resulting from past, present, and reasonably foreseeable projects would result in increased population. However, this population increase is planned for in area plans and regional plans. The small incremental growth from the addition of future Del Rey Oaks residents (under the 5th and 6th Cycle Housing Element RHNA) would not result in a major increase in population and would be within the amount of residential units planned for in regional planning documents. The proposed project would ensure that the City has adequate sites to accommodate the RHNA and also provides additional sites to ensure that over the long-term, beyond the 2023-2031 RHNA period, that the City continues to have adequate sites to accommodate a range of housing needs.

Therefore, implementation of the Housing Element would assist the City in accommodating its fair-share of growth and housing needs under cumulative conditions. The proposed project would not induce substantial population growth. The project would be consistent with the General Plan, including the Housing Element Update, as amended by the project. Thus, the cumulative impact would not be significant.

The proposed project would not result in the displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

3.15 PUBLIC SERVICES AND RECREATION

3.15.1 Introduction

This section assesses the potential impacts on public services from the proposed project. Public services within the proposed project area include law enforcement services, fire protection services, emergency medical services, schools, parks, and recreation, per **Appendix A**, **NOP, and Public Comment Letters**.

3.15.2 Environmental Setting

Fire

The City is currently provided fire protection services through a contract with the City of Seaside. The fire protection services include fire prevention and public education services and response to fires, rescues, hazardous material incidents, medical aid calls, and natural or man-made disasters. In addition, services include: fire hydrant testing, coordination of disaster planning with the City, provision of public education classes in earthquake preparedness, cardiopulmonary resuscitation, and First Aid. The fire stations near the City are located at 4400 General Jim Moore Boulevard in Seaside (POMFD) and 1635 Broadway Avenue in Seaside. The Seaside Fire Station is staffed with 25 firefighting personnel. The response time goal for Seaside Fire Department is 5 minutes (CSUMB Final EIR, 2022).

Police

The City Police Department is located at 650 Canyon Del Rey in Del Rey Oaks. The police department currently has nine full time officers including the chief of police. The Police Department also provides 24-hour police services to Monterey Regional Airport while meeting all of the TSA federally mandated law enforcement and airport security requirements required of a commercial airport.

Schools

Local schools are operated by the Monterey Peninsula Unified School District (MPUSD). The MPUSD also serves Monterey, Seaside, Marina, Sand City, and adjacent unincorporated areas. The closest schools to the City are Del Rey Woods Elementary School, Colton Middle School, King Middle School, and Monterey High School. The MPUSD had a total enrollment of 10,204 students in the 2016-2017 school year and 9,357 students in the 2021-2021 school year for schools that have both enrollment and capacity information available (California Department of Education (CDE), 2018a; CDE, 2021). MPUSD had an overall capacity for approximately 14,000 students in 2020-2021 (MPUSD, 2021). Thus, the MPUSD's facilities capacity exceeds student enrollment at all school levels. As shown in **Table 3.15-1**, nearby schools within the MPUSD are below capacity. The MPUSD has experienced declining enrollment for most years since the closure of Fort Ord; annual enrollment projections indicate continued declining enrollment into the future (MPUSD, 2021).

Table 3.15.1
MPUSD Nearby Schools, Enrollment, and Capacity

School Name	Address	Grades	2016-2017 Enrollment[a]	2020-2021 Enrollment	2020-2021 Capacity[c]	Remaining Existing Capacity
Elementary Schools						
Del Rey Woods Elementary	1281 Plumas Ave, Seaside	K-5	474	376	587	211
Foothill Elementary	1700 Vía Casoli, Monterey	K-6	322	248	467	219
George C. Marshall Elementary	300 Normandy Rd, Seaside	K-5	544	397	630	233
Highland Elementary	1650 Sonoma Ave, Seaside	K-5	385	288	598	310
La Mesa Elementary	1 La Mesa Way, Monterey	K-5	474	339	663	324
Martin Luther King, Jr. Elementary	1713 Broadway Ave, Seaside	K-5	458	381	987	606
Ord Terrace Elementary	1755 La Salle Ave, Seaside	K-5	504	417	749	332
Middle School						
Seaside Middle	999 Coe Ave, Seaside	6-8	675	740	1,055	315
Walter Colton Middle	100 Toda Vista, Monterey	6-8	694	509	889	380
High School						
Monterey High	101 Herrmann Dr, Monterey	9-12	1,280	1,292	1,342	50
Seaside High	2200 Noche Buena St, Seaside	9-12	1,127	1,026	1,138	112
Central Coast High	200 Coe Ave, Seaside	9-12	75	177	435	258

Sources: a. CDE 2018a;
b. CDE 2021;
c. MPUSD 2021. CSUMB Master Plan EIR, 2022

Libraries

The County maintains a network of free libraries with seventeen branch libraries, two bookmobiles, a library by mail program, deposit collections in local schools, and a number of special programs, including a literacy program which operates a literacy outreach vehicle. Free library services are provided to all residents of Monterey County. The closest libraries to the project area are the Seaside Branch Library, located at 550 Harcourt Avenue in the City of Seaside, and the Marina Branch Library, located at 190 Seaside Circle in the City of Marina.

Recreation

Del Rey Oaks has a number of large parks which dominate the lowland section of the City along the creek. Work Memorial Park is located on the west side of Rosita Drive and Del Rey Park is located on the east side of Rosita Drive at the end of Angelus Road. Del Rey Oaks has three major recreational park areas:

Work Memorial Park, Del Rey Park, and the Frog Pond. Work Memorial Park includes tennis courts, and a large area of natural oak woodland. Del Rey Park includes basketball courts, a baseball/softball diamond, play equipment, a picnic area and play field, and the old Town Hall. A portion of this land is used by the City for public works vehicles and storage and another portion is leased to a local company producing organic honey. The Frog Pond provides an important wetland open space area and is managed by the Monterey Peninsula Regional Park District.

The proposed Housing Element programs and amendments will not directly affect recreation facilities or opportunities. Application of parks and recreation policies from the General Plan Update would ensure the provision of sufficient open space and recreational opportunities for existing and future City residents. *General Plan Policy PS-2* states that new development should provide landscaping, natural areas of open space, recreation areas or amenities wherever appropriate and *General Plan Policy PS-2* also addresses the maintenance and upgrades to existing park facilities within the City.

3.15.3 Regulatory Framework

State

California Fire Code

CFC (Title 24, Part 9 of the CCR) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The CFC also establishes requirements intended to provide safety and assistance to firefighters and emergency responders during emergency operations. The provisions of the CFC apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout the State. The CFC includes regulations regarding fire resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and wildland-urban interface areas.

Local

City of Del Rey Oaks General Plan

The City of Del Rey Oaks General Plan identifies the following policy regarding the relationship between new development and recreational uses & public services.

Policy PS-2 *New development should provide landscaping, natural areas of open space, recreation areas or amenities wherever appropriate.*

Policy S-1 *New development shall be required to "pay its own way" and not overly burden existing City residences and services consistent with applicable laws.*

3.15.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction or which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:
    - Fire protection
    - Police protection
    - Schools
    - Parks
    - Other public facilities

b. Increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

c. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Impact Analysis Overview

Approach to Analysis

Indirectly, rezoning and general plan amendments facilitated by the proposed project would allow residential construction to occur on land currently planned for commercial and visitor serving development. This impact analysis focuses on the potential impacts as a result of construction and operation of future residential development facilitated by the proposed project that would result in a substantial impact to public services. Potential impacts on emergency access and access to schools and recreational facilities from construction facilitated by the proposed project are addressed in **Section 3.16**, **Transportation**.

Potential impacts affecting public services and parks (and recreational facilities) as a result of future residential development facilitated by the proposed project include the ability of fire, police or emergency services, schools, and parks and recreational facilities to maintain acceptable service or other performance objectives, the need for new or expanded public service facilities, and deterioration of existing park facilities.

Impacts and Mitigation Measures

Impact PS-1: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services such as fire protection, police protection, schools, parks, or other public facilities. (Criterion a)

The proposed project does not propose any specific development and would not directly generate housing or demand for new or physically altered public service facilities, including fire protection and police. The proposed project provides a policy framework for housing needs within the project area. Potential future development facilitated by the proposed project would be required to adhere to *General Plan Policy S-1*: which specifies that "New development shall be required to 'pay its own way' and not overly burden existing City residences and services consistent with applicable laws."

The area within former Fort Ord, where increased housing opportunities are being encouraged by the proposed project, is near existing services (police, fire, library services, schools, and other governmental facilities) or where future service and development is planned. The proposed project's objective is to designate areas where public services are already available or can be feasibly provided for future residential development. Implementation of the proposed project would provide for housing in accordance with the RHNA in areas already planned for development. Future development proposals would be required to pay all applicable fees to offset potential impacts on public service facilities.

The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other objectives. In addition, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. As a result, the proposed project would have less than significant impact on public services.

Impact PS-2: Increase the use of existing neighborhood or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or, where the expansion would have an adverse physical effect on the environment. (Criteria b and c).

The proposed project does not include any specific development proposal and would not directly result in new home developments or entitlements. The proposed project does not directly generate housing or demand for new or physically altered public service facilities, including increased use of existing neighborhood or other recreational facilities. Implementation of the proposed project would provide for housing in accordance with the RHNA in an area already planned for development. The proposed project would not result in direct impacts to recreational resources in the project area. Implementation of the proposed project would not place demands on existing or future parks or recreational facilities such that substantial physical deterioration would occur. While existing and future parks would need periodic maintenance, the small amount of RHNA increased demand for parks and other recreational facilities would not outpace routine maintenance. The proposed project would not require construction of new parks or recreational facilities as addressed in this EIR. As a result, the proposed project would have less than significant impact related to recreational resources.

3.15.5 Cumulative Impacts

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to fire protection facilities, police protection facilities, school facilities, library facilities or recreational facilities. This analysis then considers whether or not the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply in order for a project's cumulative effects to rise to the level of significance.

The geographic context for the analysis of cumulative impacts related to fire and police protection services includes the service areas of the Cities of Del Rey Oaks, Seaside, Monterey, and former Fort Ord jurisdictions. A significant cumulative environmental impact could result if the growth envisioned as part of the proposed project exceeded the ability of the fire, police, and school districts to adequately serve their service area or required the construction of new facilities to serve the City.

Future development facilitated by the proposed project would contribute to an incremental cumulative increase in the demand for fire and police protection services within the service areas noted above. However, as discussed under *Impact PS-1* above, implementation of the proposed project would not create increased demand for public services such that there would be a need for new or physically altered facilities in order for the fire and police department and service districts identified above to continue to provide fire and police protection services to their respective service areas.

The geographic context for the analysis of cumulative impacts is related to school facilities, including the school districts that serve Del Rey Oaks and the surrounding cities. Development envisioned by the proposed project would contribute to an incremental cumulative increase in the demand for school facilities within the school districts serving the city and surrounding communities. Regional growth resulting from past, present, and reasonably foreseeable projects would result in increased demand for additional school facilities within all school districts serving the city. The small incremental growth from the future Del Rey Oaks residents (under the 5th and 6th cycle Housing Element RHNA) would not result in a major increase in enrollment and would be within the amount of fluctuation typical in school district planning. A significant cumulative environmental impact could result if the growth envisioned in the proposed project exceeded the ability of school districts to adequately serve their service area or required the construction of new facilities to serve the city. As shown in **Table 3-15.1**, there is adequate capacity in the MPUSD school system for future school age children to be introduced into the project area upon implementation of the Housing Element. Therefore, impacts of the proposed project on school facilities are not cumulatively considerable and the cumulative impact would be less than significant.

There will be a small incremental increase in demand for the provision of park facilities associated with the proposed project, however this increase is not considered significant, and represents a less than significant contribution to cumulative impact. While future residential development facilitated by the proposed project and other projects occurring within the region would result in an increased demand for public services, including recreational services, each project would be required to contribute its proportionate share towards the provision of these services. Therefore, impacts of the proposed project on recreational facilities are not cumulatively considerable and the cumulative impact would be less than significant.

3.16 TRANSPORTATION

3.16.1 Introduction

This section provides an overview of existing conditions within the project area, including existing roadway networks, traffic conditions, bicycle and pedestrian networks, and public transit, as well as an overview of relevant Federal, State, and local transportation regulations. This section also describes the potential impacts related to transportation, including conflicts with transportation plans, vehicle miles traveled (VMT), project-related transportation hazards, and emergency access, associated with the implementation of the proposed Housing Element Update. Public and agency comments related to traffic and circulation were received during the public scoping period from California Department of Transportation (Caltrans) and Monterey-Salinas Transit (MST), and are summarized below:

- Accommodate multi-modal transit and Complete Streets projects to reduce greenhouse gas emissions in developments;
- Include mitigation to maintain bicycle, pedestrian, and public transit access during construction;
- Add policies to encourage high-density housing near transit corridors and active transportation infrastructure; and
- Create a policy to encourage developers to install ADA accessible bus stop infrastructure at development sites.

Refer to **Appendix A**, **NOP and Public Comment Letters.**

3.16.2 Environmental Setting

Regional Overview

Highway 218 (Canyon Del Rey Road) is a two-lane state arterial connecting Highway 1 with Highway 68 through the City. Highway 68 (Monterey – Salinas Highway) is a two-lane rural highway connecting Highway 1 in Monterey and Highway 101 in Salinas. It serves as a commuter route between Salinas and the Monterey Peninsula, provides access to the low-density developments along it, and functions as a scenic route to the Monterey Peninsula.

Existing Transit Facilities

Transit Service

Monterey-Salinas Transit (MST) provides fixed-route bus service in Monterey County and Peninsula cities. MST route 7 serves as the direct bus route along Highway 68, providing indirect access to the City. MST provides one service line specific to Del Rey Oaks, the MST Del Rey Oaks Shuttle line. The MST Del Rey Oaks Shuttle line provides a limited number of trips between Del Rey Oaks and Monterey Transit Plaza on weekdays during peak hours. Additionally, MST offers ADA Paratransit (RIDES) pick-up and drop-off service to eligible passengers as a ride-share program, and also provides a Courtesy Card Program for seniors and people with disabilities who do not meet the criteria for the MST RIDES Program but who may still receive discounted fares for fixed-route services.

Existing Pedestrian and Bicycle Facilities

Pedestrians

Pedestrian facilities include sidewalks, crosswalks and pedestrian signals. There is not a significant amount of foot-traffic in the vicinity of the City. Due to topographical constraints, it is not anticipated that pedestrian movements will significantly increase in the future.

Bicycles

There is an existing Class II bike facility along Highway 218, Carlton Dr, and General Jim Moore Blvd (formerly North/South Road). The Fort Ord Regional Train and Greenway (FORTAG) project is a proposed approximately 30-mile regional network of trails and greenways that would connect existing roads and trails and create new recreational trails spanning from Marina to Seaside and Monterey. The 2020 FORTAG Master Agreement includes a planned Canyon Del Rey/SR 218 Segment within the City of Del Rey Oaks. The Del Rey Oaks City Council approved the FORTAG Master Agreement in 2020 and approved the FORTAG Supplemental Agreement to the Master Agreement in 2023. There is no anticipated construction date for the Canyon Del Rey/SR 218 Segment at this time. There are no other known bicycle facilities in the area.

3.16.3 Regulatory Framework

State

Individual cities in the County have jurisdiction over their respective city streets and city-operated traffic signals. Caltrans has authority over the State highway system, including mainline facilities, interchanges, and arterial State routes. Caltrans approves the planning and design of improvements for all State-controlled facilities. MST, the transit service provider in the County, has jurisdiction over its services.

Senate Bill 743

SB 743 created a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 required the California Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to Level of Service (LOS) for evaluating transportation impacts. Particularly within areas served by transit, those alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." Measurements of transportation impacts may include "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated." Since the CEQA Guidelines have been amended to include those alternative criteria, auto delay is no longer considered a significant impact under CEQA. Transportation impacts related to air quality, noise, and safety must still be analyzed under CEQA where appropriate. SB 743 also amended congestion management law to allow cities and counties to opt out of LOS standards within certain infill areas. No regional or local vehicle miles traveled (VMT) threshold has been determined by the governing agencies to date.

Regional/Local

Transportation Agency for Monterey County

The Transportation Agency for Monterey County (TAMC) is an independent association of local officials who oversee planning and funding of regional transportation improvements throughout the County. TAMC prepares the Regional Transportation Plan and oversees the implementation of its recommended improvements. The agency has established a Regional Development Impact Fee (RDIF) program in the County. The program collects fees on the proportional impact of new development on regional

transportation infrastructure, helping to streamline the process for analyzing and mitigating transportation impacts.

TAMC and its member jurisdictions have adopted a county-wide, regional development impact fee to cover the costs for studies and construction of many roadway improvements throughout Monterey County. This impact fee, which went into effect on August 27, 2008, is applied to new development within Monterey County. The governing document for the fee is the *Regional Impact Fee Nexus Study Update* (March 26, 2008) prepared by Kimley-Horn Associates, Inc. *The Regional Impact Fee Nexus Study Update* was updated in October 2018 by Wood Rodgers. TAMC, Monterey County and Caltrans have agreed that the payment of the TAMC fee satisfies a project's fair share contribution to cumulative impact mitigation throughout the regional highway system.

Association of Monterey Bay Area Governments

The Association of Monterey Bay Area Governments (AMBAG) is the Metropolitan Planning Organization (MPO) for the Monterey Bay Area. As the MPO, AMBAG is required to produce certain documents that maintain the region's eligibility for federal funding and transportation assistance which include the Metropolitan Transportation Plan (MTP). AMBAG coordinates the development of the MTP with Regional Transportation Planning Agencies (San Benito County Council of Governments, the Santa Cruz County Regional Transportation Commission and the Transportation Agency for Monterey County), transit providers (San Benito County Local Transit Authority, Monterey-Salinas Transit, and Santa Cruz METRO), the Monterey Bay Air Resources District (MBARD), state and federal governments, and organizations having interest in or responsibility for transportation planning and programming. AMBAG also coordinates transportation planning and programming activities with the three counties and 18 local jurisdictions within the tri-county Monterey Bay Region. In addition to its transportation planning, study functions, and policy recommendations, AMBAG develops and maintains a regional travel demand forecasting model used for the planning of regional transportation facilities and the assessment of development proposals. AMBAG prepared the 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). Federal and state law requires that AMBAG prepare a long-range transportation plan every four years.

City of Del Rey Oaks General Plan

The Circulation Element of the General Plan provides policies for transportation and circulation applicable to the proposed project:

Policy C-9	*The City supports the Monterey County Congestion Management Program and voluntary Trip Reduction Ordinance adopted by the Transportation Agency for Monterey County.*
Policy C-10	*To reduce the need for motor vehicle trips, mixed, complementary land uses will be promoted where feasible.*
Policy C-10a	*The City will coordinate and assist with TAMC and AMBAG in providing funding for an efficient regional transportation network.*
Policy C-10b	*Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation network.*
Policy C-10c/C-15	*Land use and circulation plans shall be integrated to create an environment that supports a multi-modal transportation system. Development shall be directed to areas with a confluence of transportation facilities (auto, buses, bicycles, pedestrian, etc.).*
Policy C-11	*In order to provide or promote a safe, interconnected network of bicycle and pedestrian routes linking homes with places of work, school, recreation, shopping,*

transit centers and other activity centers both within the City and nearby, four Class II City Bike Routes are hereby designated and adopted:

- *Highway 218 within City Limits*
- *North/South Road from City limit to Highway 218*
- *Carlton Drive from Highway 218 to the City limit*
- *South Boundary Road*

Policy C-12 *Any improvement, re-pavement, or signalization on the three designated City Bike Routes permitted by the City shall include Type II bike lanes on both sides of the affected segment of those routes.*

Policy C-13 *New non-residential land uses which generate significant adverse traffic impacts shall dedicate an easement or make monetary contribution, if appropriate, toward the completion of adopted Bicycle Routes.*

Policy C-14 *For all proposed new land uses in the City, provision for bicycle circulation, sidewalks and pedestrian-friendly design will be required.*

Policy C-16 *The City will seek to continue and expand the provision of MST or other transit services to existing and new users.*

3.16.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;

b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or

d. Result in inadequate emergency access.

Impact Analysis Overview

Approach to Analysis

According to previous CEQA guidelines, a project may have a significant effect on the environment if it would cause an increase in traffic that is substantial in relation to the street system's existing traffic load and capacity. Vehicle Miles Travelled (VMT) is now the metric to evaluate project impacts on transportation and circulation. VMT measures the number of miles travelled by motor vehicles that can be attributed to a project, regardless of passenger count. At the time of publication of this document, neither the City of Del Rey Oaks nor the County of Monterey have established a methodology or thresholds of significance for VMT.

AMBAG's *2040 Metropolitan Transportation Plan/Sustainable Communities Strategy* provided a VMT forecast for Monterey County, San Benito County, and Santa Cruz County for the year 2040 utilizing 2015 conditions as a baseline. AMBAG forecasts an approximately 24 percent increase in VMT in 2040 compared to 2015 measurements, as described in **Table 3.16-1** below.

Table 3.16-1 AMBAG 2015 VMT and 2040 Forecasted Daily VMT

County	2015	2040 Forecast
Monterey	9,764,441	12,091,679
San Benito	1,382,599	2,119,312
Santa Cruz	4,688,870	5,476,518
AMBAG Regional Total	15,835,910	19,687,508
Source: AMBAG, *2040 Metropolitan Transportation Plan/Sustainable Communities Strategy*, June 2018		

The Governor's Office of Planning and Researched prepared a Technical Advisory on Evaluating Transportation Impacts (OPR 2018) to provide guidance on conducting analyses consistent with SB 743 and the revised CEQA Guidelines.[1] Per the Technical Advisory, Exceptions to the VMT prohibition do exist. When residential projects are proposed in low VMT areas or near robust transit, they are not likely to create adverse impacts. Projects that propose 100 percent affordable housing can be screened out of the VMT analysis process. Additionally, projects that would generate fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact, providing that there is no substantial evidence indicating otherwise (OPR 2018).

Impacts and Mitigation Measures

Impact TR-1: Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. (Criterion a)

The Draft Housing Element identifies a projected need for 86 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and 184 units in the 6th Cycle. The proposed project, however, does not grant entitlements for new projects, nor does it include site-specific proposals. Potential future housing development could ultimately result in an increase in the overall number of vehicle trips. However, future development facilitated by the proposed project would be subject to City General Plan policies addressing the circulation system and transit facilities which would minimize potential impacts to transportation. This would include *General Plan Policy C-10* and *Policies C-13 -16* which aim to reduce the need for motor vehicle trips and promote complementary land uses where feasible. These policies require land use and circulation plans to be integrated to create an environment that supports a multi-modal transportation system and encourage, provision for bicycle circulation, sidewalks and pedestrian-friendly design and engagement with MST. In addition, the City has committed to funding, or requires developers of future projects within the City to fund, circulation infrastructure improvements on a fair share basis.

The proposed project implementation would not conflict with adopted programs, plans, ordinances, or policies regarding bicycle or pedestrian facilities. The proposed project would be consistent with the City policies that support multimodal transportation options. Implementation of the proposed project would not interfere with existing bicycle facilities and proposed bicycle facilities would not conflict with the general intent of the planned bicycle facilities or adopted bicycle system plans, guidelines, policies, or standards. *General Plan Policy C-14* requires provision for bicycle circulation, sidewalks and pedestrian-friendly design for all new projects. Thus, the proposed project would not interfere with existing pedestrian facilities or conflict with planned pedestrian facilities or adopted pedestrian system plans, guidelines, policies, or standards; and would not conflict with a plan, ordinance or policy addressing the circulation system. As a result, the proposed project would have less than significant impact.

[1] https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Impact TR-2: Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Criterion b)

VMT was adopted as the appropriate metric for evaluating transportation impacts with the adoption of State CEQA Guidelines Section 15064.3 on December 28, 2018. The VMT metric replaced the previously widespread Level of Service (LOS) evaluation with the intent to shift the focus of transportation impact analysis from traffic congestion to total greenhouse gas emissions from vehicle travel. CEQA Guidelines Section 15064.3 subdivision (b) contains four criteria for analyzing the transportation impacts from a project. The proposed project's consistency with these criteria is evaluated below:

- Land use projects. The proposed project includes programs and policies as required by State Law and identifies areas suitable for affordable housing within the City that can meet the RHNA. Land development projects including TODs, housing, retail, and office projects are presumed to have a less than significant impact and may not need to undertake CEQA transportation analysis if they are affordable housing projects. This proposed project qualifies for the affordable housing exemption as the adoption of the Housing Element Update and rezoning would be specific for provision of affordable housing.
- Transit proximity. CEQA Guidelines Section 15064.3(b)(1) describes that projects within ½ mile of a major transit stop or high-quality transit corridor should be presumed to cause a less than significant transportation impact. As discussed above, the proposed project is served most directly by MST Route 7 and the Del Rey Oaks Shuttle line. The project area is not located near a major transit hub. As a result, there are no "high quality transit stops" in the City and only a small area of the western portion of the City is within ½ mile of a "high quality transit area".
- This section also states that projects which would decrease VMT compared to existing conditions would be presumed to have a less than significant impact. As discussed previously, implementation of the proposed project would provide for affordable housing in accordance with the RHNA in an area already planned for development of primarily commercial uses. General policies support multi-modal transportation facilities. While no specific plans are available that can be evaluated to determine if future development of affordable housing facilitated by the proposed project would reduce VMT, it is presumed that affordable housing projects would not create a significant increase in VMT as addressed above.
- Transportation projects. The proposed project does not include any new public transportation or roadway systems. Therefore, this section does not apply to the proposed project.
- Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. As stated above, neither the City of Del Rey Oaks, nor the County of Monterey have officially established or adopted a methodology or thresholds of significance for VMT. A qualitative analysis is provided herein and therefore the proposed project is consistent with this aspect of CEQA Guidelines Section 15064.3 subdivision (b)(3).
- Methodology. The City as lead agency as discretion to choose the most appropriate methodology to evaluate VMT subject to other applicable standards such as CEQA Guidelines Section 15151 (standards of adequacy for EIR analyses). To City has reviewed the screening threshold recommended in OPR's 2018 VMT Technical Advisory.

  Projects that would generate fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact, providing that there is no substantial evidence indicating otherwise (OPR 2018). The proposed project is an approval of a Housing Element

Update and would not directly generate vehicle trips at the time of the adoption and approval of the update and rezoning actions. In the future, upon rezoning and potential development, the proposed project would facilitate the construction of 86 affordable residential units under the 5th Cycle and 184 under 6th Cycle. While the proposed project would facilitate an increase in the extent of residential development within the project area as compared to existing, pre-project, conditions, the proposed project is an affordable housing project and thus, would not be considered significant under the guidelines established above.

Additionally, it is not known if individual projects proposed for affordable housing would meet one or more of the exceptions identified above. Projects may come forward that are under the 110 vehicle trips per day exception. Those projects that propose 100 percent affordable housing can be screened out of the VMT analysis process[2]. Future projects must comply with General Plan policies supporting multi-modal transportation facilities, as identified above, as well as with Del Rey Oaks Municipal Code Section 2.24.07, trip reduction requirements. This code section requires that developments submit a trip reduction checklist identifying design elements and facilities that encourage alternative transportation usage. Per the code, coordination is required with MST on whether it is feasible to implement bus service and facilities to serve the development.

This assessment reasonably assumes affordable projects meet the vehicle trips exception, and thus, the impact would be less than significant. The following mitigation requires future housing development to include bicycle facilities, to further reduce VMT impacts and be consistent with the General Plan policies. Implementation of **Mitigation Measure 3.16-1** would reduce Project VMT. Therefore, the proposed project would have a less than significant VMT-related impact as it would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Mitigation Measure

3.16-1 Future development projects shall maintain bicycle, pedestrian, and public transit access during construction and provide bicycle storage facilities at all residential developments. All future development would be subject to and implement City guidelines and General Plan policies applicable to transit, bicycle, and pedestrian facilities. Specifically, any modifications or new transit, bicycle, and pedestrian facilities would be subject to and designed in accordance with all applicable General Plan policies.

Impact TR-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access. (Criteria c & d)

The Draft Housing Element does not grant entitlements for new projects, nor does it include site-specific proposals. There are no specific plans that can be evaluated to determine locations of access and intersections from future residential development of affordable housing facilitated by the proposed project. However, future development would be subject to City General Plan policies which would evaluate transportation design features to ensure improvements do not increase hazards or result in inadequate emergency access. Future development would also be required to comply with state and local design requirements. This represents a less than significant impact.

[2] 2018 OPR Guidance supports a presumption of less than significant impact for a 100 percent affordable residential development (or the residential component of a mixed-use development). Additionally, page 15 states: "Lead agencies may develop their own presumption of less than significant impact for residential projects (or residential portions of mixed-use projects) containing a particular amount of affordable housing, based on local circumstances and evidence."

3.16.5 Cumulative Impacts

This analysis evaluates whether the impacts of the project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to transportation and circulation. This analysis then considers whether or not the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply in order for a project's cumulative effects to rise to the level of significance.

The geographic context for cumulative impacts related to transportation is the City and the former Fort Ord planning area. The City General Plan EIR identified no cumulatively considerable impacts related to transit, bicycle, pedestrian, and traffic safety and this EIR determined impacts related to this area would be less than significant.

As noted above, OPR guidance identifies affordable projects as presumed to be consistent with Section 15064.3 and thus, the impact is less than significant on a project level. As such, in this scenario, the project's contribution to effects related to VMT would be less than significant and would not be cumulatively considerable.

The above analysis identified that implementation of the proposed project would not result in conflicts with plans, policies or programs for transit, bicycle, and pedestrian facilities. Implementation of the proposed project would be subject to and implement General Plan policies applicable to transit, bicycle, and pedestrian facilities and service. Additionally, future development projects would be subject to all applicable City guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities. Therefore, the proposed project's contribution impacts related to transit, bicycle, and pedestrian facilities would be less than cumulatively considerable.

Implementation of the proposed project would be subject to, and constructed in accordance with, applicable roadway design and safety guidelines and General Plan policies. Therefore, the proposed project would not result in a new or greater contribution to cumulative effects related to hazards due to a design feature or incompatible uses beyond what was identified in the General Plan EIR. The project's contribution to substantial effects related to design features or incompatible uses would be less than cumulatively considerable.

3.17 UTILITIES AND SERVICE SYSTEMS

3.17.1 Introduction

This section assesses the potential impacts on public utilities and service systems from the proposed project. Utilities and service systems discussed include potable water service, wastewater service, solid waste facilities, electricity and natural gas. Impacts related to water quality and stormwater/drainage infrastructure are addressed in **Section 3.10**, **Hydrology and Water Quality**.

Public and agency comments related to utilities were received during the public scoping period, and are provided in **Appendix A**, **NOP and Public Comment Letters**. Primary concerns raised regarding water in the responses related to the overdrafting of the Salinas Valley Groundwater Basin and limiting projects that would use any additional groundwater from the basin.

3.17.2 Environmental Setting

Water and Wastewater

The City is provided water from the Marina Coast Water District (MCWD) and CalAm. MCWD is responsible for supplying water for redevelopment of the former Fort Ord area of the City within the MCWD jurisdiction. California American Water (CalAm) is a privately owned and operated water company with a system capacity regulated by the Monterey Peninsula Water Management District (MPWMD). The City has no remaining allocation of water to provide to new uses in the City within their MPWMD allocation.

CalAm draws from Carmel River surface water, alluvial ground water in the Carmel Valley, and Seaside coastal ground water to supply customer needs. The Monterey Peninsula has historically experienced water shortages that limit residential development. CalAm is under a cease-and-desist order (CDO) and no new water connections are allowed within the service boundaries, which includes the City, until a new source of water supply is implemented and the CDO is lifted. The portion of the City within the boundaries of the former Fort Ord is within the jurisdiction of the MCWD, and new development must abide by its requirements and limitations.

Wastewater treatment services are supplied to the City by the Seaside County Sanitation District (SCSD). The SCSD is a special district that maintains and operates the sanitary sewer collection system for the Cities of Del Rey Oaks, Sand City, and Seaside. The SCSD sanitary sewer system facilities include approximately 70 miles of collection pipelines, 930 utility holes, 475 rod holes, and 4 lift stations. The wastewater is pumped to the Monterey One Water (M1W or Agency) regional treatment facilities after collection (City of Seaside, 2018).

M1W is a regional wastewater agency in northern Monterey County, California. The regional treatment plant includes a 29.6 million gallon per day (MGD) dry weather capacity wastewater treatment facility serving primarily homes and businesses in the Monterey Peninsula area, Salinas, and northern Salinas Valley area. M1W also manages the Advanced Water Purification Facility that treats and recycles wastewater and other polluted waters to produce clean, safe, and sustainable water supplies. M1W's recycled water tertiary plant (RTP) is managed in coordination with the Monterey County Water Resources Agency; this system has provided recycled water for food crop irrigation on 12,000 acres in the Northern Salinas Valley since 1998. The tertiary recycled water treatment facility and project is called the Salinas Valley Reclamation Project (SVRP).

In 2020, M1W in collaboration with its partners, MPWMD and MCWD, began operation of the Pure Water Monterey Groundwater Replenishment Project (PWM Project) including the Advanced Water Purification Facility.[1] The PWM Project provides the Monterey Peninsula with up to 3,700 AFY of advanced-treated, or purified, recycled water for groundwater replenishment and indirect potable reuse and up to 600 AFY of purified recycled water for irrigation within MCWD's Ord Community (former Fort Ord). The MPWMD and M1W are implementing an expansion to the PWM Project to increase production capacity and provision of advanced treated water for reuse. This project (PWM Expansion) will include improvements to the Advanced Water Purification Facility to increase capacity as well as additional PWM injection well facilities. The PWM Expansion will increase the reliable water supply which is replenishing the adjudicated Seaside Groundwater Basin (Seaside Basin).

The Monterey Peninsula Water Supply Project (MPWSP) is a CalAm project to desalinate ocean water into potable water in response to state and court-ordered reductions to the Carmel River and Seaside Aquifer. The MPWSP will use three water supply sources to reduce regional demand on groundwater and the Carmel River: ocean desalination, aquifer storage and recovery (ASR) wells, and recycled water purchased from M1W. The MPWSP will also expand CalAm's partnership with the PWM Project to assist in delivering 3,500 AFY of purified recycled water.

Solid Waste

The City contracts with GreenWaste Recovery to provide weekly solid waste an recyclable materials collection and disposal for Del Rey Oaks residents. Waste is transported to the Monterey Peninsula Landfill and Recycling Facility in the City of Marina, which is operated by ReGen Monterey (formerly the Monterey Regional Waste Management District (MRWMD)). This facility serves the solid waste and recycling needs of an estimated 170,000 residents. The landfill operates six days per week and is permitted to receive 3,500 tons of waste per day. The landfill has a remaining capacity of approximately 48.5 million cubic yards and is expected to reach its permitted capacity in 2107 (California Department of Resources Recycling and Recovery [CalRecycle], 2023). The landfill receives approximately 200,000 tons of waste per year (MRWMD, 2018). Among other things, the facility accepts basic solid waste, liquid waste, and sewage sludge (biosolids), wood waste, yard waste, concrete, brick, rock, asphalt, tires, appliances, furniture, plastics, and boats. In addition to typical waste management, ReGen Monterey also operates a Materials Recovery Facility, which targets materials brought in from self-haul loads and commercial wastes, construction and demolition debris, wood waste, and yard waste. This facility diverts an estimated 64 percent of all incoming material. The facility also has off-site local recycling centers that collect household recyclables (glass, aluminum, paper, and plastics).

State agencies operate under a 50 percent waste disposal reduction mandate under AB 75; therefore, receptables and facilities would be provided to separate recyclable materials from non-recyclable waste during operation and special events. Materials, recyclables, containers, and storage shall comply with standards set by ReGen Monterey.

[1] The initial phase of the PWM Project began operation in February 2020 and was built to provide 3,500 AFY of purified recycled water to the Seaside Basin, plus up to 600 AFY of purified recycled water for irrigation demands within MCWD's former Fort Ord Community. Since startup, M1W reported purified recycled water production from PWM met the 3,500 AF water delivery obligation for Fiscal Year 2021-2022 plus additional water was put into Seaside Basin Operating Reserves. Total PWM water recharged to the Seaside Basin to date is about 10,500 AF. With the planned expansion, an additional 2,250 AFY for a total of 5,750 AFY will be provided to the Seaside Basin. The PWM and PWM Expansion projects will provide this increased amount of water for the Monterey Peninsula water resource system that serves customers of CalAm, the local water purveyor. Construction is projected for 2024/2025.

Natural Gas and Electricity

The proposed development is located with the jurisdiction of Central Coast Community Energy (3CE), a locally controlled public agency in partnership with PG&E for power services, please see **Section 3.6 Energy** for more information on State and local energy consumption as well as 3CE and PG&E power generation sources.

3.17.3 Regulatory Framework

Federal

Safe Drinking Water Act

The Safe Drinking Water Act is the primary Federal law, administered by the U.S. EPA, which regulates the quality of drinking water and establishes standards protecting public health and safety. The California Department of Health Services implements the Safe Drinking Water Act and oversees public water system quality statewide, establishing legal drinking water standards for contaminates that could threaten public health.

State

California Building Codes

The CalGreen Standards Code in Title 24, CCR requires newly constructed buildings to divert from landfills at least 50 percent of the construction materials generated by a project (CalGreen Standards, CCR Sections 4.408 and 5.408). In addition, certain additions and alterations to non-residential buildings or structures shall also recycle and/or salvage for reuse a minimum of 50 percent of the nonhazardous construction and demolition debris (CalGreen Standards, CCR Section 5.713).

California Public Utilities Commission

The California Public Utilities Commission (CPUC) is responsible for ensuring that investor-owned (private) water, energy, and telecommunications utilities deliver safe, clean, and reliable services to their customers at reasonable rates. The CPUC adopts Rules of Practice and Procedure and issues General Orders to regulate various aspects of rates, services, facilities, and the safety and financial practices of utilities, including provisions regarding water quality. All major investment projects must be approved in advance by the CPUC after undergoing CEQA review.

California Integrated Waste Management Act of 1989

The California Integrated Waste Management Board (CIWMB) was created to oversee, manage, and track waste generated in California. The authority and responsibilities of the CIWMB were promulgated in AB 939 and SB 1322, which were signed into law as the California Integrated Waste Management Act of 1989 (PRC, Division 30). The California Integrated Waste Management Act, as modified by subsequent legislation, mandated all California cities and counties to implement programs to reduce, recycle, and compost at least 50 percent of wastes by 2000 (PRC Section 41780). In January 2010, the CIWMB changed its name to CalRecycle.

AB 341, which amends the California Integrated Waste Management Act of 1989 and was adopted by the California legislature in October 2011, directs CalRecycle to adopt a State policy that actively seeks to achieve a goal of diverting 75 percent of solid waste from landfills by 2020. The new legislation focuses largely on commercial waste generators, as this sector was identified as the most in need of improved waste management. AB 341 does not alter the 50 percent diversion mandate; rather, it is a "legislative

declaration of policy" to guide the administration of the California Integrated Waste Management Act of 1989.

Regional/Local

Monterey County Integrated Waste Management Requirements

The Monterey County Integrated Waste Management Plan incorporates relevant provisions of the CalGreen Standards, which the County has adopted. Diversion rates related to construction are from the CalGreen Standards. Section 5.408.1 of the code requires non-residential projects to recycle and/or salvage for reuse a minimum of 50 percent of nonhazardous construction and demolition waste. Further, Section 5.408.3, excavated soil, and land clearing debris, requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting primarily from land clearing be reused or recycled (unless the vegetation or soil is contaminated with disease or pest infestation).

City of Del Rey Oaks Municipal Code

The City of Del Rey Oaks' Municipal Code establishes waste collection/disposal regulations in Chapter 8.08, organic waste disposal reduction regulations in Chapter 8.34, energy utility regulations in Chapter 13.04, and plumbing regulations in Chapter 15.20.

City of Del Rey Oaks General Plan

The Public Services Element of the General Plan provides policies for public utilities including water, wastewater, solid waste, and energy. The following public services and utilities goals apply to development in the project area:

- Maintain or increase the current availability of public services and facilities consistent with projected usage levels.
- Provide public services to available sites located within the City and in areas to be annexed into the City.
- Assure new development can be served by adequate public services and utilities.
- Provide water and maintain a water management policy that will provide a sufficient quantity of appropriate quality water to meet the needs of the existing and planned community.
- The City shall continue to work with the appropriate sanitation company to operate an efficient waste management program that protects the health of area residents and encourages recycling of materials.

The following policies are applicable to the project area:

Policy S-1 *New development shall be required to "pay its own way" and not overly burden existing City residences and services consistent with applicable laws*.

*Policy S-*2 *The City shall encourage the appropriate agency to look into replacing deteriorated sewer and water lines.*

Policy S-3 *All new development shall connect to a municipal water and sewer system.*

Policy S-4 *Gravity flow for sewer and water service shall be employed wherever feasible and appropriate.*

Policy S-5 *The City should work closely with the Seaside Sanitation District and the County Health Department in encouraging all homes to be connected to the sanitary sewer system.*

Policy S-6 *Engineered drainage plans shall be required for all development projects.*

Policy S-7 *The City shall identify public infrastructure needs to schedule improvements necessary for achieving long term land use and community development objectives.*

Policy S-8 *The City shall develop a water allocation program identifying priority water connections.*

Policy S-9 *The City shall encourage waste minimization and source reduction of all wastes.*

3.17.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, an impact is considered to be significant and require mitigation if it would result in any of the following:

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;

b. Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;

c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;

d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

e. Conflict with federal, state, and local management and reduction statutes and regulations related to solid waste.

Impact Analysis Overview

The adoption of the Draft Housing Element would not directly result in physical changes to the environment. However, implementation of the proposed project would provide for programs and policies that could facilitate new residential development in an area currently planned for commercial and visitor-serving development. Future proposed development activities and projects would be required to be consistent with all State and local requirements to ensure sufficient utilities service systems are available and that significant environmental effects would not result from implementation of the proposed project.

Potential impacts from development and construction that could occur upon development under the proposed project are presented below. It should be noted that there would be similar impacts related to provision of utilities to new residential units in an area already planned for commercial and visitor serving development in the same area. Therefore, the analysis below focuses on provision of utilities in general and identifies if any mitigation is required prior to development approval and construction of residential units at the densities identified in the Housing Element Update to address significant impacts in the threshold categories above.

Impacts and Mitigation Measures

Impact UTL-1: Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (Criterion a)

Implementation of the Housing Element Update and rezoning actions would not directly result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effect. Indirectly, the rezoning and general plan amendment included under the proposed project would allow residential construction to occur on land currently planned for commercial and visitor serving uses. Future residential construction facilitated by the proposed project would be similar in nature to development of commercial properties. Development would require construction of new infrastructure to serve the vacant land at the former Fort Ord, including expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Construction of infrastructure would primarily be on paved roads and required environmental pre-clearance studies would ensure that the construction would not cause significant environmental effects that could not be mitigated or avoided by standard BMPs, grading ordinance compliance, pre-clearance studies and monitoring for biological or cultural resources, and application of General Plan Policies and programs. Please see individual Chapters for applicable mitigation measures.

Impact UTL-2: Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. (Criterion b)

The City has no water to allocate to new uses in the City within their MPWMD allocation, but they do have an allocation of water assigned for redevelopment of the former Fort Ord area of Del Rey Oaks within the MCWD jurisdiction. The MCWD withdraws groundwater for delivery to all of the jurisdictions in the former Fort Ord area. The withdrawal of water from the Salinas Valley Groundwater Basin, and distribution of that water on the former Fort Ord, is under the jurisdiction of the MCWD and the MCWRA. Through an agreement between the MCWRA and the U.S. Army (now transferred to the MCWD), water is available from the Salinas Valley Groundwater Basin for uses on the former Fort Ord within specified quantities and provided that such provisions of water do not aggravate or accelerate the existing seawater intrusion in the basin.

The proposed project would not directly result in the relocation or construction of new or expanded water supplies. Future residential development facilitated by the proposed project would occur in an area planned for other uses, resulting in water use as assessed below. Implementation of the proposed project could result in the addition of 86 units in the 5th Cycle and 184 units in the 6th Cycle for a total of 270 residential units. Based on the current water availability, there is sufficient water service capacity from MCWD to serve the proposed residential units. In addition, the total number of additional residences proposed under the proposed project would not significantly impact the existing and projected water provider capacity. Based on an average MCWD water demand factor of 0.20 AFY/residential unit and review of previous Water Supply Assessments prepared for Fort Ord properties, the proposed project is anticipated to demand approximately 17.2 AFY for 5th Cycle RHNA and a total of 54 AFY for 6th Cycle (2023-2031). This represents a negligible increase in MCWD's total water demand in 2025 and 2040. In addition, any future development facilitated by the proposed project would require a will-serve letter from MCWD prior to issuance of construction permits to confirm the availability of water for the proposed development and compliance with General Plan policies above.

Further, the proposed project updates programs and does not in itself require or propose that development would occur (first tier) and as a result will not cause an increase in pumping to the SVGB. There would be no physical impact from the action of the land use amendment or from the rezoning (second tier impact). Rezoning or amending a land use designation provides a designation under which future development may occur, subject to many requirements and actions prior to any such physical development. Such a rezoning or amendment to a land use designation may allow for an application to be made to allow potential future development (third tier) that could, in the future if developed, result in an increase groundwater pumping once a project is located, permitted, constructed, and implemented. However, the effects of those projects would be evaluated on a project-by-project basis. Further, under the City General Plan, City Redevelopment Plan and FORA Reuse Plan, development is already planned for and some services extended to provide for the future development. Thus, under baseline conditions with or without the proposed project, development and future water use can occur under the existing approved and adopted plans and EIRs. The development contemplated would be amended to allow for affordable housing uses to meet the RHNA, up to 86 affordable residential units for 5th Cycle and 184 units for 6th Cycle. However, the current land use planning and zoning allow for a much larger and greater development area and density of development than that which could be considered under the RHNA.

Further, the previous EIRs adopted for the General Plan, FORA Reuse Plan and Redevelopment Plan considered the environmental impacts of development. A future project level document would tier from the program level environmental documents to address development of affordable housing units within the City. The incremental effects of those projects would be evaluated in accordance with the requirements of CEQA once the location, density, and other specifics of these projects are known. Therefore, implementation of the proposed project would not result in a determination by the water service provider which may serve the future project that it has inadequate capacity to serve the projected demand in addition to the provider's existing commitments, and impacts would be less than significant.

Impact UTL-3: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (Criterion c)

Implementation of the proposed project would not directly result in the relocation or construction of new or expanded wastewater treatment which would cause significant environmental effects. The addition of up to 86 affordable residential units for 5th Cycle and 184 units for 6th Cycle facilitated by implementation of the proposed project, would increase the demand for wastewater treatment; however, based on the currently available wastewater treatment capacity, there is sufficient wastewater service capacity available. The future development of residential uses facilitated by the proposed project would not significantly impact the existing and projected wastewater treatment provider capacity. Therefore, implementation would not result in a determination by the wastewater treatment provider which serves or may serve the future project that it has inadequate capacity to serve the projected demand in addition to the provider's existing commitments, and impacts would be less than significant.

Impact UTL-4: Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. (Criterion d)

Implementation of the proposed project would not have a significant impact on solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Existing regulations related to solid waste include AB 939 California Integrated Waste Management Act, AB 341, AB 1327 California Solid Waste Reuse and Recycling Act of 1991, California Green Buildings Standards Code. Implementation of the proposed project would not directly generate solid waste; future development facilitated by the proposed project would be required to adhere to all relevant existing statutes and regulations related to solid waste, including waste diversion and reduction measures.

Impact UTL-5: Conflict with federal, state, and local management and reduction statutes and regulations related to solid waste. (Criterion e)

Implementation of the proposed project would not conflict with federal, state, and local management and reduction statutes and regulations related to solid waste. Existing regulations related to waste reduction statutes include AB 75 and AB 341. Implementation of the proposed project would not directly generate solid waste. As stated above, the Monterey Peninsula Landfill and Recycling Facility has a remaining capacity of approximately 48.5 million cubic yards and is not expected to reach its permitted capacity until 2107. The City of Del Rey Oaks has a contract with Greenwaste Recovery for weekly solid waste collection and disposal for Del Rey Oaks residents and for curbside pickup of recyclable materials. Future development facilitated by the proposed project would result in a negligible increase in solid waste generation compared with the overall 200,000 tons of waste per year received at this facility. In addition, future development facilitated by the proposed project would be required to adhere to all relevant existing statutes and regulations related to solid waste reduction measures. This represents a less than significant impact.

3.17.5 Cumulative Impacts

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to public utilities and service systems. This analysis then considers whether or not the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply in order for a project's cumulative effects to rise to the level of significance.

The geographic context for the analysis of cumulative impacts related to public utilities and service systems includes the service areas of the Cities of Del Rey Oaks, Seaside, Monterey, Monterey County, and former Fort Ord jurisdictions for services related to water, wastewater, solid waste, and energy utilities. A significant cumulative environmental impact could result if the growth envisioned as part of the proposed project exceeded the ability of the service utility to adequately serve their service area or required the construction of new facilities to serve the city that would result in increased capacity or services.

Development under the proposed project could lead to an increased demand for water, which could lead to an increase in groundwater pumping; however, the MCWD and Monterey County Water Resources Agency would continue to monitor groundwater use and implement groundwater recharge activities to ensure that groundwater extraction as outlined in the Groundwater Management Plan for the Subbasin. Additionally, development is planned for the project area at a much greater intensity than proposed under the rezoning for residential units to meet RHNA. Therefore, development under the proposed project would not have a cumulatively considerable impact related to water supplies and demand.

The City has adopted a General Plan and accompanying EIR for the portion of the project area within former Fort Ord. The findings of these documents related to utilities and service systems are shown in **Appendix F**. The cumulative buildout of the General Plan Update when considered in the light of reasonably foreseeable probable future projects in the region is considered to have significant and unavoidable impacts on water supply given the severe shortage of water supply in the region and the overdraft and seawater intrusion problems in the local aquifer. The City has existing water allocation that is adequate to provide water to the affordable residential development facilitated by implementation of the proposed project. Furthermore, the City has committed itself through the policies and programs of the General Plan Update, the mitigation measures adopted pursuant to the Final EIR, and the Mitigation and Monitoring Program, to avoid significant impacts on the regional water supply from new development

within its jurisdiction. Per the findings of the General Plan (**Appendix F**) adopted at the time of its approval, "If each of the other jurisdictions in the region were to adopt and implement comparable policies and procedures to avoid significant water supply impacts, the cumulative impact would be reduced to a less than significant level. It is within the responsibility and jurisdiction of each agency to adopt and implement such policies and procedures. This Finding is adopted pursuant to the provisions of Section 15091 of the CEQA Guidelines." Thus, the General Plan EIR for the City determined the cumulative impact to be significant. However, the incremental contribution of the impacts associated with the implementation of the proposed project would not be significant, as discussed above.

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3.18 WILDFIRE

3.18.1 Introduction

This section assesses wildfire hazards within the project area and potential impacts that could result from implementation of the proposed project. This analysis is based existing conditions at the candidate housing sites and the surrounding areas. No comments concerning wildfire were received during the public scoping period for this EIR, per **Appendix A**, **NOP and Public Comment Letters**.

3.18.2 Environmental Setting

Regional Setting

The wildfire analysis consists of a summary of the existing conditions in the City, the regulatory framework, a discussion of the potential wildfire impacts from future development from the Housing Element update, and mitigation measures to lessen or avoid the potential impacts. The City is not within a State Responsibility Area for moderate, high, or very high fire severity hazard. However, a portion of the former Fort Ord area is within a Local Responsibility Area for very high fire severity hazard; in addition, lands directly to the south of the Monterey Regional Airport and Monterey Salinas Highway/Highway 68 within unincorporated Monterey County are designed as State Responsibility Areas with "high" and "very high" fire risk.[1] (CAL FIRE, 2022).

The California Department of Forestry and Fire Protection adopted Very High Fire Hazard Severity Zones (VHFHSZ) maps for Local Responsibility Areas (LRA). LRA are areas of California where local governments have financial responsibility for wildland fire protection. Only lands zoned very high are identified within local responsibility areas. As stated above and shown in **Figure 3.18-1**, a portion of the project area within former Fort Ord is designated as a VHFHSZ in LRA. The nearest fire station (operated by the City of Seaside) is located at 1635 Obama Way/Broadway Ave and is considered to be an adequate distance provide first response for the City and areas within the former Fort Ord within the City of Del Rey Oaks.

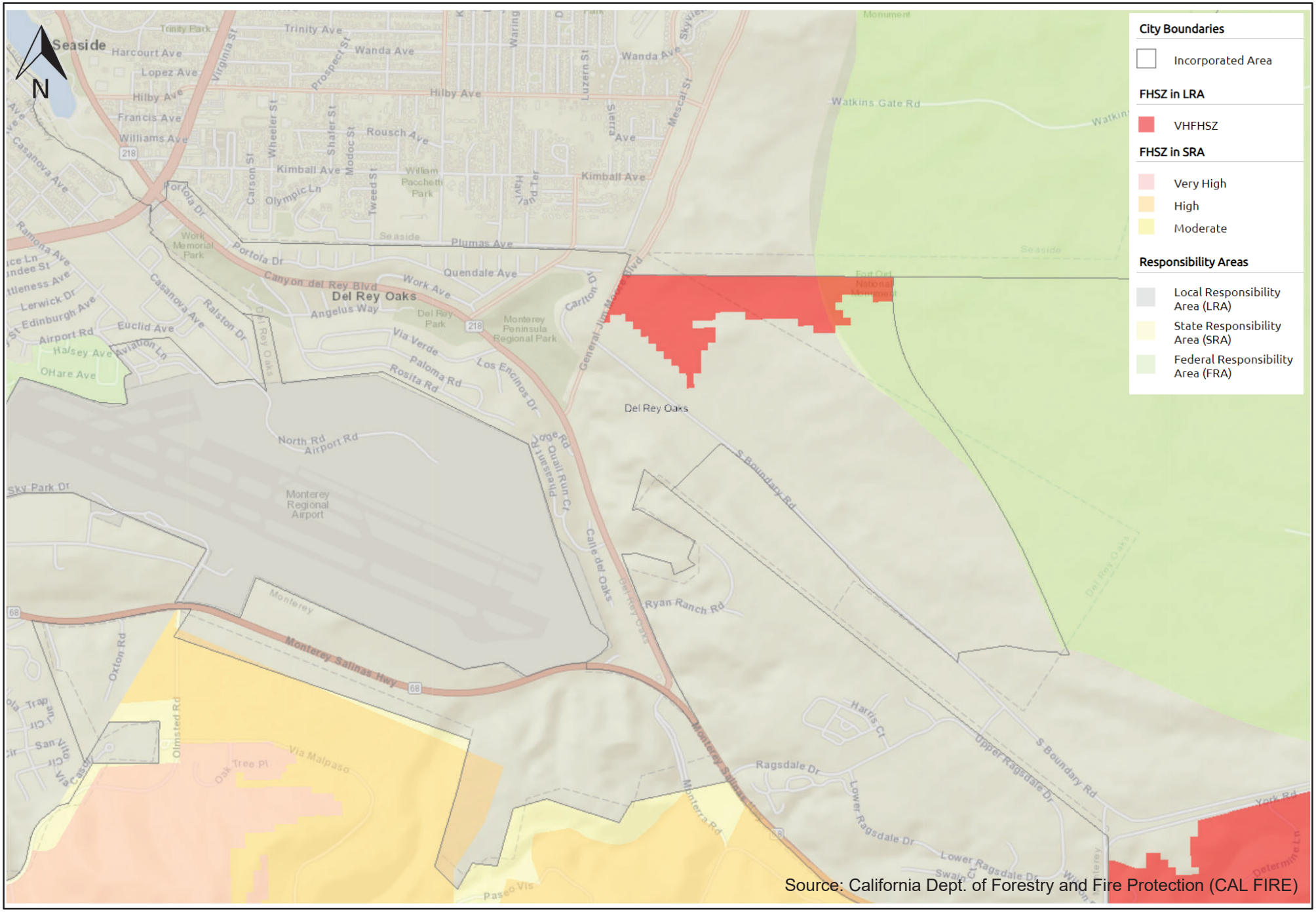
3.18.3 Regulatory Framework

Federal

Federal Emergency Management Act

The Federal Emergency Management Agency is an agency of the United States Department of Homeland Security, established on April 1, 1979 by President Carter. The agency responds to disaster that occur in the United States and overwhelm local and state resources once the governor of the state declares a state of emergency and requests FEMA assistance.

[1] PDF versions of the maps can be found at: https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/fire-hazard-severity-zones-map/.



Fire Hazard Severity Zones

Date
6/8/2023

Scale
N/A

Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure
3.18-1

State

Public Resources Code Section 4201 – 4204

Public Resources Code 4201-4204 directs the California Department of Forestry and Fire Protection (CAL FIRE) to map fire hazards within State Responsibility Areas (SRA) based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the department as a major cause of wildfire spread. These zones, referred to as Fire Hazard Severity Zones (FHSZ), classify a wildland zone as Moderate, High, or Very High fire hazard based on the average hazard across the area included in the zone. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code Section 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs CAL FIRE to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from CAL FIRE and may include additional areas not identified by CAL FIRE as VHFHSZs.

California Government Code 51182 and Assembly Bill 3074

California Government Code 51182 sets the requirements for creation of defensible space zones around residential units built in Wildland-Urban Interface (WUI) areas. Currently the law requires two zones of vegetation management reaching to 30 feet and 100 feet from the residence. In 2020 the legislature passed Assembly Bill 3074, which requires the Board of Forestry to develop regulations for a third zone within 0 to 5 feet of the home by January 1, 2023. Local and regional fire districts are tasked with regulation and inspection of defensible spaces. As of July 1, 2021, documentation of a compliant Defensible Space Inspection by the jurisdictional fire district is a condition of the sale or transfer of any residential property located in a high FHSZ or VHFHSZ. These codes include provisions for ignition-resistant construction standards in the WUI.

California Fire Code

The California Fire Code Chapter 49 establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures. The California Fire Code Chapter 9 of CCR Title 24 establishes the minimum requirements consistent with nationally recognized good practices to safeguard public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structure, and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. It is the primary means for authorizing and enforcing.

Evacuation Route Requirements

In 2019, two separate bills (AB 747 and SB 99) were signed into law that added new requirements for disclosing residential development without at least two points of ingress and egress and addressing the presence and adequacy of evacuation routes in the general plan safety element. SB 99 (2019) amended GC § 65302(g) to require that, upon the next revision of the housing element on or after January 1, 2020, the safety element must be updated to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes (i.e., points of ingress and egress) (GC § 65302(g)(5)).

AB 747 (2019) added GC § 65302.15, which requires that, upon the next revision of a Local Hazard Mitigation Plan (LHMP) on or after January 1, 2022, or beginning on or before January 1, 2022, if a local

jurisdiction has not adopted a LHMP, the safety element must be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. If a LHMP, emergency operations plan, or other document that fulfills commensurate goals and objectives, a local agency may use that information in the safety element to comply with this requirement by summarizing and incorporating by reference such a plan or other document into the safety element. The County of Monterey Hazard Mitigation Plan maps the City of Del Rey Oaks' Designated Emergency Access and Evacuation Routes.

County of Monterey Multi-Jurisdictional Hazard Mitigation Plan

The County of Monterey Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) contains a jurisdiction-specific hazard risk assessment for the City of Del Rey Oaks. The MJHMP also includes an evaluation of emergency evacuation capacity.

3.18.4 Impact Analysis

Thresholds of Significance

For the purposes of this analysis, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a. Substantially impair an adopted emergency response plan or emergency evacuation plan,

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire,

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment,

d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Impacts and Mitigation Measures

Impact WF-1: Substantially impair an adopted emergency response plan or emergency evacuation plan. (Criterion a)

The proposed project would not result in an impact to the ability of the City, State, federal agencies or local fire districts or law enforcement agencies from carrying out an adopted emergency response or emergency evacuation plan. The proposed project is a policy document and does not provide entitlements to any specific land use projects. Implementation of the proposed project would rezone parcels within the City that already exist and are proposed for development. Future residential development projects resulting from project implementation would be required to comply with applicable fire and building codes and would be required to be reviewed prior to approval. Additionally, future projects would be required to comply with policies identified in the General Plan to ensure effective emergency response. Compliance with General Plan policies, applicable fire and building codes, and the City's MJHMP would ensure that implementation of the proposed project would not substantially impair an adopted emergency response plan or evacuation plan, and the impact would be less than significant.

Impact WF-2: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. (Criterion b)

Implementation of the proposed project would result in the parcels being converted for additional housing and would result in construction and installation of associated infrastructure to accommodate new development. Associated infrastructure would be constructed in accordance with City requirements and regulations and would be required to adhere to the requirements for new infrastructure to minimize potential impacts. Additionally, future residential development resulting from implementation of the proposed project would be required to implement General Plan policies identified to minimize risk from wildfire hazards. With adherence to applicable building practices and requirements, infrastructure improvements associated with implementation of the proposed project would not exacerbate fire risk. This represents a less than significant impact.

Impact WF-3: Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, powerlines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. (Criterion c)

Implementation of the proposed project would allow rezoning and establishment a new zoning for residential uses on identified parcels within the project area to provide residential housing. Parcels identified for rezoning are located in former Fort Ord, and a portion of this area is located in the VHFHSZ, as shown in **Figure 3.18-1**. Any future development on areas within the VHFHSZ will comply with the most current version of the California Building Codes and California Fire Code. Future development must also meet applicable sections of the SRA Fire Safe Regulations, including Fire Hazard Reduction Around Buildings and Structures Regulations for SRAs and/or VHFHSZs.

The project area within former Fort Ord is currently planned for development of commercial, hotel and office use. The development of these allowable uses as well as future residential development in the project area will require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, powerlines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. However, potential future residential development resulting from implementation of the proposed project would be required to adhere to a wide range of state and local codes pertaining to flood or wildfire protection and would be required to ensure that new developments would not exacerbate fire hazards. Specifically, all future buildings and facilities would comply with local, state, and federal regulatory standards including the California Building Codes and California Fire Code as well as other applicable fire safety standards. Current federal and state standards require utilities to adopt and maintain minimum clearance standards between vegetation and transmission voltage power lines. While the location of any future development related to the use of the site for future residences is not known at this time, future structures would be in an area planned for substantial development within the City's General Plan and Redevelopment Plan and areawide planning documents. Additionally, future development would include fire access and circulation to service the development including emergency access. Currently, a series of dirt roads and old military roads provide access to various locations within the former Fort Ord from South Boundary Road and General Jim Moore Boulevard. Future construction of affordable housing in the project area would be facilitated by implementation of the proposed project, however, would not decrease or inhibit adequate response action or times from servicing fire stations. The entire former Fort Ord project area is planned for development and would be required to adhere to all fire codes, standards and regulations. Impacts from increased fire risk or that may result in temporary or ongoing impacts to the environment would be

reduced to less than significant by site planning, and adherence to all applicable codes and standards for fire safety.

Impact WF-4: Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Criterion d)

As addressed earlier, implementation of the proposed project would not result in a direct impact or expose people or structures to significant risks associated with post-fire landslides, mudflows, and flooding. Indirect impacts would be associated with future rezoning and development of housing within the areas already planned for development under the City General Plan and regional planning efforts. The proposed project would amend the land uses to also allow residential land uses, introducing people and structures to an area already planned for development. All future construction, including development of affordable housing, facilitated by the proposed project would require adherence to applicable state and local codes. The project area within former Fort Ord is currently planned for development of commercial, hotel and office use. A previously approved Redevelopment Plan for former Fort Ord provides for 200 units of residential units in the City. Proposed project implementation would add buildings, residential uses and structures and introduce people to land that is currently vacant. However, the proposed project would not exacerbate fire risks or expose people or structures to significant risks such as flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. With implementation of required codes and regulatory requirements, impacts would be less-than-significant.

3.18.5 Cumulative Impacts

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 15065[a][3]). The geographic scope for cumulative wildfire impacts is the City of Del Rey Oaks, neighboring cities of Monterey, Seaside and the jurisdictions and area of former Fort Ord, including Monterey County. This geographic scope is appropriate for wildfire, because wildfires can cause impacts to large areas.

The proposed project is considered to have a significant cumulative effect related to wildfire if:

- the cumulative effects of development without the project are not significant and the project's additional impact is substantial enough, when added to the cumulative effects, to result in a significant impact, or
- the cumulative effects of development without the project are already significant and the project contributes measurably to the effect.

Neither of the conditions above are applicable to the adoption and implementation of the proposed project. Future construction resulting from implementation of the proposed project would not impair an adopted emergency response and emergency evacuation plan. The proposed project would not exacerbate wildfire risk, require the installation or maintenance of infrastructure that would exacerbate wildfire risk or a significant risk of loss, injury, or death, involving wildland fires, or expose people or structures to significant post-fire risks. Impacts are determined to be less than significant for the proposed project.

CHAPTER 4 Cumulative Impacts & Other CEQA Requirements

This chapter addresses other statutory considerations that must be evaluated pursuant to CEQA. The following sections address these statutory considerations:

- Cumulative Impacts;
- Growth Inducing Impacts;
- Significant Irreversible and Irretrievable Commitments of Resources that would result from the Proposed Project; and
- Significant Unavoidable Impacts.

4.1 CUMULATIVE IMPACTS

This section discusses the anticipated cumulative impacts of the proposed project. The anticipated cumulative impacts are fully addressed in each topical section in **Chapter 3, Environmental Setting, Impacts, and Mitigation** of this Draft EIR. Impacts of past projects are incorporated into the description of the baseline, or the environmental setting, in the resource sections in **Chapter 3**.

An EIR is required to include an assessment of cumulative impacts when the proposed project's incremental impacts would be cumulatively considerable (CEQA Guidelines Section 15130). The assessment involves examining project-related impacts on the environment in the context of similar projects that have been caused by past or existing projects and that would be caused by reasonably foreseeable future projects. A cumulative impact is defined as "two or more individual impacts, which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines Section 15355). A project's incremental impacts are cumulatively considerable if the impacts are significant when considered in connection with other related projects.

4.1.1 CEQA Requirements

Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines Section 15355). Cumulative impacts can result from individually minor, but collectively significant, actions when added to those of other closely related past, present, or reasonably foreseeable future projects. Guidance for cumulative impact analysis is provided in Section 15130 of the CEQA Guidelines:

a. An EIR shall discuss cumulative impacts of a project when the project's incremental effect is "cumulatively considerable" (i.e., the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current, and probable future projects, including those outside the control of the agency, if necessary).

b. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR. Thus, where the impacts of a proposed project are beneficial rather than adverse, the EIR need not address adverse effects that might arise due to other projects in the vicinity of the project at issue.

c. A project's contribution is less than cumulatively considerable, and thus not significant, if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.

d. The discussion of impact severity and likelihood of occurrence need not be as detailed as for effects attributable to the project alone.

e. The focus of analysis should be on the cumulative impact to which the identified other projects contribute, rather than on attributes of the other projects that do not contribute to the cumulative impact.

CEQA further stipulates that the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence; however, the level of detail concerning cumulative impacts is not required to be as great as is provided for the effects attributed to the project (CEQA Guidelines Section 15130(b)). Moreover, CEQA Guidelines Section 15130(b)(3) further requires that the "geographic scope of the area affected by the cumulative effect" is defined and that the analysis should "provide a reasonable explanation for the geographic limitation used."

4.1.2 Approach to Cumulative Impact Analysis

CEQA Guidelines Section 15130(b)(1) describes two methods for evaluating potential cumulative impacts: a list approach or projection approach. The list approach typically identifies all of the past, present, and probable future projects that may contribute to a cumulative impact, including those projects outside of the control of the agency. Alternatively, the cumulative impact analysis may rely on a summary of projections of future development described in local, regional, or statewide plans, or other similarly related planning documents, which describes or evaluates conditions contributing to cumulative effects. It is also common for the cumulative analysis to rely on a combined approach that includes elements of the list approach and projection approach.

This EIR relies on relevant local land use plans within former Fort Ord for cumulative assessment; the AMBAG projections are also used to establish the cumulative context. Most of the local land use plans involve planning projections of 20 to 30 years. This cumulative analysis addresses the environmental impacts that may occur over the build-out of the City of Del Rey Oaks General Plan and considers planning documents from the neighboring jurisdictions.

The area addressed in this cumulative analysis is primarily the former Fort Ord area and including the County and the incorporated cities. The exceptions are air quality, which as required by the MBARD is based on the NCCAB, and biological resources, which addresses a larger area based on the range of the species being impacted. In addition, the cumulative analysis for VMT and greenhouse gases also are assessed on a larger geographic context.

Section 15355 of the CEQA Guidelines defines "cumulative impacts" as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental effects. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the proposed project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor, but collectively significant, projects taking place over a period of time. In addition to assessing the combined impacts of the proposed project and past, present and probable future projects, the EIR determines whether the impact of the proposed project is cumulatively considerable.

4.1.3 Cumulative Impact Analysis

The proposed project could result in less-than-significant and potentially significant impacts to the resource topics as described in **Chapter 3, Environmental Setting and Environmental Impacts**. The proposed project may be implemented in an interactive manner with other projects. In addition, these other projects may affect the impacts of the proposed project. A cumulative impact may be significant in the context of all projects being analyzed, but an individual project's contribution may be less than significant.

The cumulative impact analysis is presented in each resource topic included in **Chapter 3, Environmental Setting and Environmental Impacts**. Additionally, **Table 4-1. Cumulative Projects in Former Fort Ord and Nearby Area** and **Figure 4-1** identify projects in vicinity of the proposed project area.

Potential cumulative impacts that are anticipated as a result of implementing the proposed in relation to past, present, and reasonably foreseeable future projects for each resource area are described in each resource section in **Chapter 3**. The analysis in **Chapter 3** identifies those areas in which the impacts of the proposed project, when viewed against the backdrop of these other projects, could cause an incremental impact that is "cumulatively considerable" within the meaning of CEQA. The significance thresholds identified in each resource section were used to determine the significance of each cumulative impact.

The analysis considers whether or not there would be a significant, adverse cumulative impact associated with project implementation in combination with past, present, and reasonably foreseeable projects in the geographical area, and, if so, whether or not the proposed project's incremental contribution to the cumulative impact would be considerable. Both conditions must apply in order for a project's cumulative impacts to rise to the level of significance.



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Cumulative Projects in Former Fort Ord and Nearby Area

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Date 04-09-2019

Scale 1 in=1 mi

Figure 4-1

Path: D:\GIS\GIS_Projects\2018-67 CCCVC\Map Products\EIR Maps\Fig 4-1 Cumulative Projects.mxd

Table 4-1. Cumulative Projects in Former Fort Ord and Nearby Area

Cumulative Project No.	Project Name	Project Description	Areas of Overlap	Estimated Construction Schedule
1	Fort Ord Habitat Management Plan (HMP)	Implementation of the Fort Ord Habitat Management Plan would address the conservation and enhancement of habitat for several special-status plants and animals on the former Fort Ord. The plan identifies designated development areas, habitat management areas, and borderlands.	Similar environmental impacts, geographic scope, and location	Management activities are anticipated to continue throughout the next 30 – 40 years
2	Fort Ord Oak Woodland Conservation Plan (OWCP)	Jurisdictions who received property with the closure of the Army base-requirements to manage and monitor the conservation of oak woodlands on the former military base including development of a plan for the long-term protection and conservation obligations related to oak woodlands.	Similar environmental impacts, geographic scope, and location	Management activities are anticipated to commence in 2021 and would continue as needed in perpetuity
3	The Dunes on Monterey Bay	A mixed-use planned community of over 429 acres located on the former Fort Ord, in the City of Marina. The development includes multiple phases and actively under construction.	Similar environmental impacts and geographic scope	In progress to 2030
4	Sea Haven	A 248-acre residential development located in the City of Marina (formerly known as Marina Heights).	Similar environmental impacts and geographic scope	In progress to 2040
5	Marina Airport Economic Development Area	Located at the Marina Municipal Airport in the City of Marina, the Airport Economic Development Area aims to: 1) Ensure the long-term viability of the airport aviation operations, and 2) Ensure economic development opportunity through development of a business park and recreational uses.	Similar environmental impacts and geographic scope	2025 - 2035
6	Cypress Knolls	A proposed 190-acre senior residential community located in the City of Marina. The City of Marina is currently working on concepts for the area.	Similar environmental impacts and geographic scope	Beyond 2025
7	Northeast Southwest Arterial Connector Project (NE-SW Connector Project)	An arterial connector (formerly known as Eastside Parkway) would connect General Jim Moore Boulevard to Reservation Road through the former Fort Ord within unincorporated Monterey County.	Similar environmental impacts, geographic scope, and location	2025 - 2027

Cumulative Project No.	Project Name	Project Description	Areas of Overlap	Estimated Construction Schedule
8	Monterey Peninsula Water Supply Project	This project will create and expand three water supply sources for the Monterey Peninsula to reduce regional demand on groundwater and the Carmel River. These sources include construction of a desalination facility as well as aquifer storage and recovery (ASR) wells. The third source will include recycled water purchased from the M1W Monterey Peninsula Groundwater Replenishment Project (described below).	Similar environmental impacts and geographic scope	Start-up and commission scheduled for 2021
9	Monterey Peninsula Groundwater Replenishment Project (GWR or Pure Water)	The Pure Water Project is proposed by M1W and MPWMD and will use injection to recharge the Seaside Groundwater Basin with advanced, treated wastewater using a series of shallow and deep injection wells. The goal is to provide replacement water to reduce Cal-Am's pumping from the Carmel River.	Similar environmental impacts and geographic scope	Construction complete in 2021; expansion in 2024/2025
10	South Boundary Road Project	This project consists of the realignment of the existing South Boundary Road, within the Cities of Del Rey Oaks and Monterey.	Within City; similar environmental impacts and geographic scope	2024-2025
11	Seaside Senior Living	Demolition of an existing 5,000 square feet structure and construction of a 5.47-acre Residential Care Facility for the Elderly located in the central portion of the City of Seaside.	Similar environmental impacts and geographic scope	Beyond 2025
12	Seaside Resort	In January 2009, Seaside Resort Development, LLC (SRD) completed the upgrade of the Bayonet and Black Horse golf courses. The next phase of development will feature a four-star hotel with approximately 275 rooms, 175 timeshare units and 125 custom residential lots.	Similar environmental impacts and geographic scope	In progress to 2025
13	Campus Town Project	A mixed-use 85-acre site located directly south of the CSUMB campus aimed to provide housing, employment and mixed-use opportunities to campus and the region.	Similar environmental impacts and geographic scope	2022 to 2030

Cumulative Project No.	Project Name	Project Description	Areas of Overlap	Estimated Construction Schedule
14	The Projects at Main Gate	This proposed mixed-use project will include retail, entertainment, residential and hotel. The development site is approximately 60 acres of vacant coastal land at the Main Gate of the former Fort Ord Army Base and adjacent to CSUMB campus.	Similar environmental impacts and geographic scope	Beyond 2025
15	Seaside East	The Seaside East site is approximately 700 acres of undeveloped upland. The City of Seaside's General Plan calls for varying densities of residential units with about 50 acres of neighborhood retail.	Similar environmental impacts and geographic scope	Beyond 2026
16	Ferrini Ranch	Located in Monterey County, this project is a subdivision of an approximately 866-acre property into 212 residential lots including 146 market-rate lots, 23 clustered lots for workforce housing units & 43 lots for inclusionary housing units; one commercial parcel fronting on River Road and 600 acres of open space.	Within Monterey County. Similar environmental impacts.	2025 to 2030
17	Marina Station	An approved mixed-use development including over 1,300 residential units, specialty retail, general office, and industrial uses in three mixed-use village centers. In addition, this project includes approximately 30 acres of open space, parks, playgrounds, recreation areas, and a buffer between the proposed project and existing neighborhoods.	Similar environmental impacts and geographic scope.	Beyond 2025
18	East Garrison	Located within the former Fort Ord, this project is a mixed-use development consisting of a standard subdivision into 1400+/- residential units, commercial uses, and public uses.	Similar environmental impacts and geographic scope	In progress to 2026
19	CSUMB Comprehensive Master Plan Update	CSUMB master plan update addresses academic environment, student and residential life, sustainability, mobility and infrastructure systems, and connections with Monterey Bay communities.	Similar environmental impacts and geographic scope	2020-2040
20	Fort Ord Dunes State Park Campground Project	Construction of a new campground with 95 new campsites. Formerly part of the Fort Ord Army Base, the property includes approximately 990 acres of State parkland, including 4 miles of ocean beach.	Similar environmental impacts and geographic scope	2024-2026

4.2 GROWTH-INDUCING IMPACTS

CEQA requires that an EIR discuss the ways in which the proposed project could foster economic or population growth. Pursuant to the State CEQA Guidelines Section 15126.2(d), this discussion should include ways in which the proposed project could directly or indirectly foster economic or population growth or construction of new housing in the surrounding area. The discussion should include projects which could remove obstacles to population growth such as major public service expansion that allow for more construction in applicable services areas and characteristics of projects that may encourage and facilitate other activities that could result in significant impacts. According to the CEQA Guidelines, it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significant to the environment. If a proposed project is determined to be growth inducing, an evaluation is made to determine whether significant impacts on the environment would result from that growth.

Section 15126(g) of the CEQA Guidelines provides definitions and guidance in determining the growth-inducing impacts of a proposed project. The proposed project is not growth inducing because it would not:

- accelerate the rate of planned growth;
- remove obstacles to population growth;
- tax existing community service facilities; or
- foster, promote, or sustain economic population growth.

4.2.1 Growth and Development Potential

As discussed in **Chapter 2, Proposed Project**, the proposed project involves implementing the Housing Element programs and policies. The implementation of the proposed project would not remove any constraints to development, create new or improved infrastructure that could support development, or otherwise create conditions that would induce growth in or near the project area. In addition, the proposed project would not extend roads or public services into an unserved area. Therefore, the proposed project would not induce economic growth that would facilitate other activities that would have significant environmental effects.

The portion of the project area proposed for meeting RHNA is within a development area, and the proposed project would not directly result in population or economic growth through the development of new residential or commercial uses. The proposed project also would not induce substantial population growth due to new permanent employees or extension of roads or public services to unserved locations. The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. The 6th Cycle RHNA is 184 units. Indirect impacts would be associated with future rezoning and development of housing within the areas already planned for development under the City General Plan and regional planning efforts. The portion of the project area within former Fort Ord is planned for development of commercial, hotel and office use. The proposed project would amend the land uses to allow residential, in an area already planned for development and considered in previous housing elements and planning documents for housing.

Therefore, the proposed project would not directly or indirectly result in growth-inducing impacts.

4.3 SIGNIFICANT IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD RESULT FROM THE PROPOSED PROJECT

CEQA Guidelines Section 15126(c) requires that an EIR include a discussion of significant, irreversible environmental changes that would result from the implementation of a project. Irreversible environmental changes are identified as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents. Public Resources Code Section 21100.1 provides further guidance identifying when the evaluation of potential irreversible environmental changes must be included in an EIR. An EIR must evaluate the significant irreversible impacts associated with the following types of projects:

- The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency.
- The adoption by local agency formation commission of a resolution making a determination.
- A project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969.

The proposed project involves implementing the Housing Element programs and policies. The future construction of the proposed project or alternative would not result in a significant irreversible commitment of natural resources through the use of fossil fuels and construction materials, as the proposed project area is already planned for development. The potential future housing units to meet RHNA would be within the same development area and would have similar construction and operational impacts.

Implementation of the Housing Element would require the commitment of energy resources to fuel and maintain construction equipment. Accidents such as the release of hazardous materials during construction could trigger irreversible environmental damage. As discussed in **Section 3.9, Hazards and Hazardous Materials**, within the project area, UXO could be present in excavated soil. Inadvertent releases could expose the environment, construction workers, and/or the public to contaminants. However, construction activities must comply with numerous hazardous materials and stormwater regulations designed to ensure that hazardous materials are transported, used, stored, and disposed or in a safe manner to protect worker safety and to reduce the potential for a release of construction-related fuels or other hazardous materials. Therefore, significant irreversible changes from accidental releases are not anticipated. The environmental analysis conducted for the proposed project did not identify any significant irreversible impacts.

4.4 SIGNIFICANT UNAVOIDABLE IMPACTS

CEQA (PRC Section 21100(b)(2)(A)) requires that an EIR include a statement that summarizes any significant impacts on the environment that cannot be avoided if a proposed project is implemented. CEQA Guidelines Section 15126.2(b) states that such impacts include those that can be mitigated but not reduced to a less-than-significant level.

The implementation of the proposed project would not result in any significant, unavoidable impacts.

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CHAPTER 5 ALTERNATIVES

5.1 INTRODUCTION

This chapter identifies feasible alternatives to the proposed project that may attain some of the project objectives. This chapter also discusses whether these alternatives could avoid or lessen significant environmental impacts identified in this document. In addition, the No Project Alternative is discussed. This chapter also identifies the environmentally superior alternative.

5.2 BACKGROUND

According to CEQA, an EIR must describe a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the proposed project's significant effects. Additionally, a "No Project" alternative must be analyzed. An EIR must evaluate the comparative merits of the alternatives compared to the proposed project and identify an environmentally superior alternative.

The range of alternatives in an EIR is governed by a "rule of reason" that requires an EIR to set forth only those alternatives necessary to permit a reasonable choice. An EIR need not consider every conceivable alternative to a project. Rather, the alternatives must be limited to ones that meet the project objectives, are feasible, and would avoid or substantially lessen at least one of the significant environmental effects of the project. To be considered "feasible", a proposed alternative must be capable of being accomplished in a successful manner within a reasonable period of time, while taking into account economic, environmental, legal, social and technological factors.

An EIR must briefly describe the rationale for selection and rejection of alternatives and the information the Lead Agency relied on when making the selection. It also should identify any alternatives considered, but rejected as infeasible by the lead agency during the scoping process and briefly explain the reasons for the exclusion. Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects.

5.3 PROJECT OBJECTIVES

As discussed in **Chapter 2, Project Description**, the Housing Element contains goals and policies to meet RHNA and State Law. The goals for the City's adopted Housing Element Update are identified below:

- Goal A: The City Will Provide Adequate Sites to Build New Housing Units for All Income Levels and to Meet the City's Fair Share of Housing Needs;
- Goal B: The City Will Encourage the Provision of a Wide Range of Housing by Location, Type of Unit, and Price to Meet the Existing and Future Housing Needs in the City;
- Goal C: The City Will Work to Remove Governmental and Non-Governmental Constraints to Housing Development;
- Goal D: The City Will Promote Equal Housing Opportunities for All Persons; and,
- Goal E: The City Will Continue to Conserve and Improve the Condition of the Existing Housing Stock to Ensure the Safety, Welfare, and Affordability of Residents.

Per the Housing Element Update for both 5th and 6th Cycle, as identified in **Chapter 2, Project Description**, the following objectives for the Housing Element Update are identified below:

- Maintain and improve a range of housing opportunities to address the existing and projected needs of the community;
- Maintain and improve existing neighborhoods and housing;
- Promote the development of housing to meet the needs of all segments of the population; and
- Continue to ensure that all segments of the community have access to safe and decent housing that meets their special needs.

The City has also identified the following objectives of the proposed project:

- Adopt 5th Cycle Housing Element and complete rezoning actions necessary for an HCD compliant Housing Element by December 15, 2023.
- Meet the State required Regional Housing Needs Assessment (RHNA) allocation for the 5th Cycle and 6th Cycle Housing Element Updates by identifying housing sites with a collective capacity to meet the City's combined 5th and 6th Cycle RHNA.

5.4 PROJECT ALTERNATIVES CONSIDERED BUT REJECTED

An EIR must briefly describe the rationale for selection and rejection of alternatives. The Lead Agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are clearly infeasible. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, Section 15126.6(f)(3)). This section identifies alternatives considered by the Lead Agency, but rejected as infeasible, and provides a brief explanation of the reasons for their exclusion. As noted above, alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (CEQA Guidelines, Section 15126.6(c)).

CEQA Guidelines Section 15126.6(f)(2) also require examination of an alternative location for a project if such locations would result in the avoidance of or lessening of significant impacts.

5.4.1 Alternatives Eliminated from Further Consideration

The City evaluated various potential locations for affordable housing to meet RHNA unit requirements during the process of adopting the 2019 Housing Element Update. HCD reviewed the December 2019 adopted Housing Element Update and directed the City to the former Fort Ord area as the most suitable site for future development required to meet the City's RHNA goals for the 5th Cycle. HCD's review letter on the 2019 Housing Element specified former Fort Ord Sites 1 and 1a as appropriate for meeting RHNA. During the 2023 5th Cycle Housing Element Update, the City addressed suitability of sites for 5th Cycle. The City determined Sites 2 and 3 were not available for affordable housing due to environmental constraints, limited area for development, land use and deed restrictions, water availability within the planning period and access issues that would require large investments to address. Development on Site 2 is constrained by available road access, steep terrain, and natural resources including wetlands and oak tree canopy. Environmental constraints for Site 3 include wetlands in major portions of the property and restrictions due to the proximity of creek and riparian corridor. Site 3 is also deed-restricted and may not be available for

residential development. Additionally, water is not currently available under the City's allocation from the MPWMD areas within the CalAm service for Sites 2 and 3. [1]

Although the City is promoting the use of ADU's within the Draft 6th Cycle Housing Element Update, during the 5th Cycle, HCD determined that the City did not have the required history of ADU development to support using ADU's for achieving RHNA in the 5th Cycle.

Therefore, water, infrastructure, environmental, regulatory and land use restrictions restrict use of the properties within the majority of the City (i.e. all properties within MPWMD boundaries). Thus, Sites 2 and 3 and the location of ADU's under Site 4 on **Figure 5-1**, these alternatives were rejected as alternative locations capable of meeting the objectives of the proposed project during the 5th Cycle review. Sites 2 and 3 would also increase the impacts related to development on wetlands and have a greater impact to biological resources. Thus, under CEQA Guidelines Section 15126.6(f)(2) these alternatives for the proposed project would not result in the avoidance of or lessening of significant impacts.

5.5 CEQA ALTERNATIVES CONSIDERED

The following provides an overview of project alternatives, description and analysis of CEQA project alternatives, and discussion of environmentally superior alternative.

Included in this analysis are three alternatives, including the CEQA-required "no project" alternative. Alternatives have been developed to provide a reasonable range of feasible options to consider that would help decision makers and the public understand the general implications of revising or eliminating certain components of the proposed project.

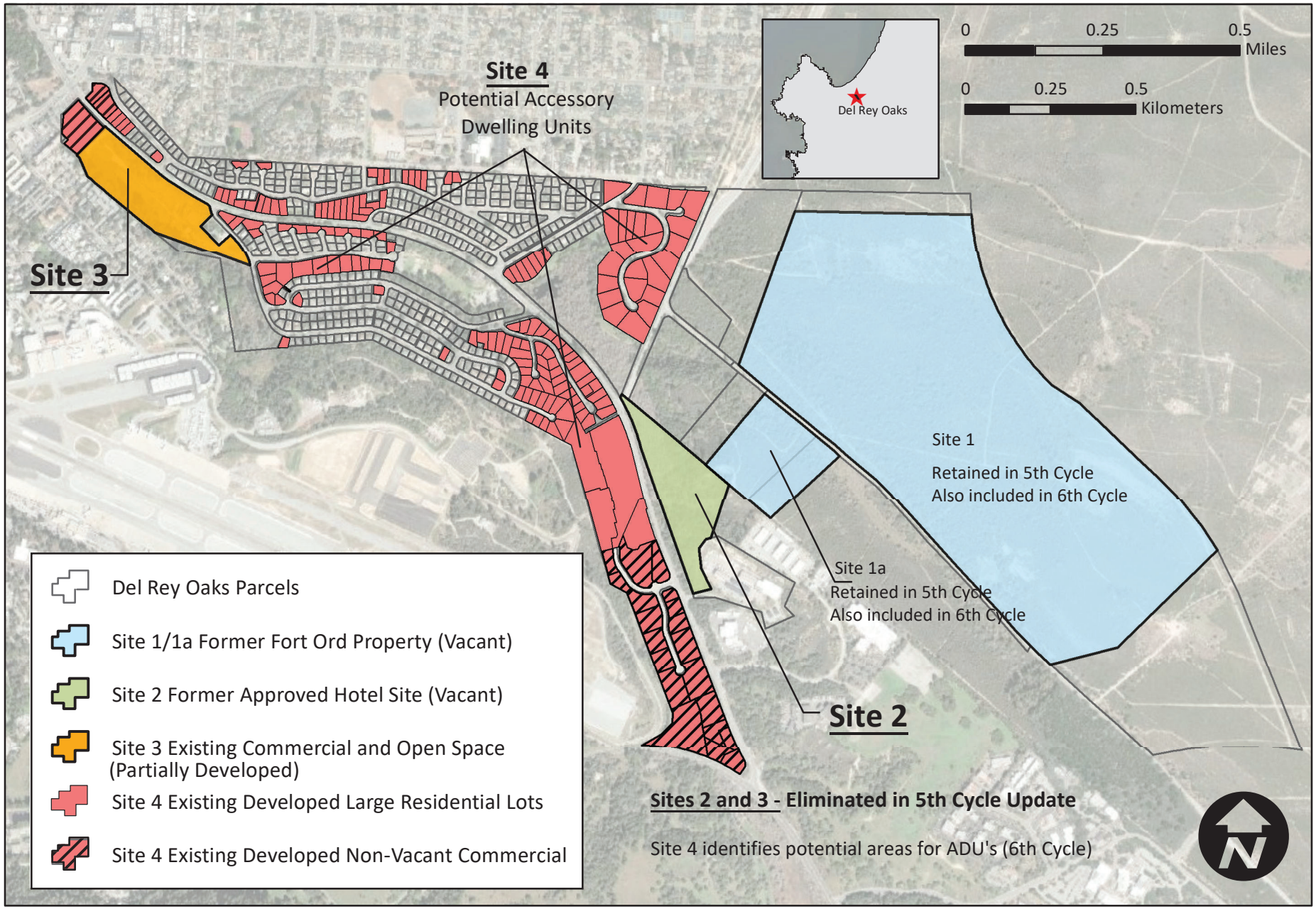
The following alternatives are evaluated in this EIR:

- Alternative 1a: No Project - No Action[2]
- Alternative 1b: No Project - No Rezoning
- Alternative 2: No Development in Former Fort Ord
- Alternative 3: Combined Sites in Former Fort Ord and in City to Meet RHNA

Table 5-1 provides an overview of summary of impacts for the proposed project and each of the alternatives. The following provides a summary project description of the alternatives and an analysis of their potential environmental impacts.

[1] The MPWMD has a stringent allocation program that prohibits the addition of new unit fixtures or new units without an available City allocation for such expansion of uses or fixtures. The City does not have any remaining water allocation for the development and construction of residential units or accessory units within the City, other than the former Fort Ord area (Sites 1 and 1a), which is outside of MPWMD's jurisdiction. The entire City, outside of former Fort Ord, is under a moratorium on new water connections until additional water allocation from MPWMD is available to the City.

[2] The No Project/"No Action" alternative is not evaluated for each impact area as no action would take place, and no impacts of future development in the City to provide affordable housing would occur. All impacts related to indirect impacts of future development would be reduced in comparison to the proposed project. This alternative also would not meet any of the objectives for the proposed project.



Site Alternatives Eliminated from Consideration
5th Cycle Housing Element Update, March 2023

Figure 5-1

Boundaries are approximate and for illustrative purposes only.

DENISE DUFFY & ASSOCIATES, INC.

Table 5-1. Impact Comparison of Alternatives

Area of Impact	Impact under Proposed Project	Alternative 1b[3]: No Project (No Rezoning)	Alternative 2: No Rezoning in Former Fort Ord	Alternative 3: Areas in Former Fort Ord and Within City (Combined)
Aesthetics	Less than significant	=	=/+	=/+
Agricultural Resources	No Impact	=	=	=
Air Quality	Less than significant with mitigation incorporated	=	=	=
Biological Resources	Less than significant with mitigation incorporated	=	=/-	=/+
Cultural and Tribal Resources	Less than significant with mitigation incorporated	=	=	=
Energy	Less than significant	=	=	=
Geology and Soils	Less than significant with mitigation incorporated	=	+	=
Greenhouse Gas Emissions	Less than significant	=	=	=
Hazards and Hazardous Materials	Less than significant with mitigation incorporated	=/-	-	=
Hydrology and Water Quality	Less than significant with mitigation incorporated	=	=	=
Land Use and Planning	Less than significant	+	=/+	=
Mineral Resources	No Impact	=	=	=
Noise	Less than significant	=	+	=
Population and Housing	Less than significant	+	=/+	=
Public Services and Recreation	Less than significant	=	=	=
Transportation	Less than significant with mitigation incorporated	=	=	=
Utilities and Service Systems	Less than significant	=	=	=
Wildfire	Less than significant	=	-	=/-
Able to Meet Project Objectives?		No	Partially	Partially

- Reduced level of impact in comparison to the proposed project (less impact)
+ Increased level of impact in comparison to the proposed project (greater impact)
= Similar level of impact in comparison to the proposed project (similar)

5.5.1 Alternative 1a: No Project - No Action

An EIR is required to evaluate and analyze the impacts of a No Project to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

Under the "No Project - No Action Alternative" the properties proposed to be rezoned to accommodate RHNA as described in the EIR would remain in their current state (vacant and undeveloped). Under this

[3] Under the No Project/No Action alternative (Alternative 1a), no action would occur on the proposed project. This assumes a no-build approach where all City lands would remain in existing condition, including former Fort Ord lands that would remain vacant. Impacts would be reduced in comparison to the proposed project and other alternatives.

alternative, there would be no approval of a Housing Element Update, no rezoning and no future development of any kind on the site. All potential impacts as outlined in **Table 5-1** would not occur. Under the No Project - No Action Alternative, there would be no action and City objectives to achieve RHNA would not be met. This No Project - No Action Alternative would also not meet the other objectives related to implementation of policies in the Housing Element to achieve affordable housing for all income levels.

The No Project Alternative analysis must discuss the existing conditions and what would be reasonably expected to occur in the foreseeable future if the project were not approved based on current plans and/or available infrastructure and community services (CEQA Guidelines, Section 15126.6(e)(2)). This approach is discussed under Alternative 1b, No Project - No Rezoning presented below.

5.5.2 Alternative 1b: No Project - No Rezoning

Description

The "No Project - No Rezoning" Alternative involves continued implementation of the existing 2015-2023 Housing Element adopted in 2019 as well as the City's existing plans and policies that would accommodate development in accordance with the existing land use designations. This alternative assumes that the proposed project (implementation of the revised Program A.1 of the 5th Cycle Housing Element) would not occur and would not result in rezoning to facilitate development of affordable housing required under the 5th Cycle RHNA. Without the rezoning proposed for 5th Cycle, approximately 86 units of affordable housing in the former Fort Ord would not be built and the City would not adopt the Housing Element Update 2023.

This alternative also assumes that the City's Housing Element for 6th Cycle RHNA, which is currently under HCD review, would not be implemented as required by State Law. Under the No Project - No Rezoning Alternative, the proposed project would not be implemented, and thus, no facilitation of future development of the 184 affordable housing units required under the 6th Cycle RHNA.

Sites 1 and 1a would continue to have designations for visitor-serving and commercial uses under the current General Plan as described in **Section 3.11, Land Use.** Under the existing designation, the sites could be developed in the future with a total of over 500,000 sq. ft. of commercial development, golf course development and over 520 visitor-serving (hotel type) units. As previously noted, under the Redevelopment Plan adopted for the former Fort Ord area, the City also assigned 200 residential units to the area. However, the implementation of this plan would require rezoning to allow residential uses. Thus, under the No Project - No Rezoning Alternative, the former Fort Ord properties would be assumed to be developed in the future under existing planned allowed uses. Properties within the City would retain their existing zoning. This alternative assumes Future residential development of these sites for affordable housing, including the former Fort Ord, would require rezoning.

Impacts

Alternative 1b, Aesthetics. The EIR identified a less than significant impact for aesthetics under the proposed project. Under Alternative 1b, development would occur under the existing designation in former Fort Ord. The development area would occur in the same areas proposed for future affordable housing development under the proposed project, however, without residential uses of affordable housing. Similar to the proposed project, development would be required to comply with the City's development standards and requirements under the City's General Plan that govern visual resources and aesthetic quality. However, an increased impact in comparison to the proposed project could occur depending on the setting, design, height, building mass and location of future development.

Alternative 1b, Agricultural Resources. The EIR identified no impacts related to agricultural resources, as none exist within the project area. This alternative would also have no impact on agricultural resources.

Alternative 1b, Air Quality - The EIR identified a less than significant impact with mitigation incorporated for air quality and exposure of sensitive receptors to particulate matter and TAC emissions were found to be less than significant with mitigation. This alternative would have similar overall air quality emissions under future development in accordance with existing plans compared to future development under the proposed project. Development under this alternative would occur in former Fort Ord area under existing planned uses, without residential use allowed. Similar to the proposed project, development under this alternative would be required to comply with the Air District's BMPs for emission reduction during construction and operation and the City's development standards and requirements that govern air quality, as well as other federal, state, and regional air quality standards.

Alternative 1b, Biological Resources. The EIR identified a less than significant impact with mitigation incorporated for biological resources under the proposed project. Development under this alternative would occur in former Fort Ord area under existing planned uses, without residential use allowed unless rezoned. In comparison to the proposed project and other alternatives with future housing in non-vacant land, this alternative would have greater impacts due to development on vacant land. The land use and zoning designations currently in place would continue and development would be subject to policies and standards that currently exist in the City. Similar to the proposed project, development would be required to comply with the City's development standards and requirements under the City's General Plan that govern biological resources, mitigation developed specific to the site and future plans, as well as other applicable federal and state regulations.

Alternative 1b, Cultural and Tribal Resources. The EIR identified a less than significant impact with mitigation incorporated for cultural and tribal resources under the proposed project. Under this Alternative, development could still take place, with associated grading and land disturbance. Potential impacts to tribal cultural resources would be subject to the same tribal consultation and regulatory requirements as the other alternatives. Impacts would therefore be similar to that of the other alternatives. Projects would be required to comply with the City's development standards and requirements under the City's General Plan that govern cultural and tribal resources, as well as other applicable federal and state regulations, which would reduce the potential for discovery of unknown cultural and tribal resources and impacts.

Alternative 1b, Energy. The EIR identified a less than significant impact for energy under the proposed project. Potential impacts related to energy under the proposed project and this alternative would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar. Development would be required to comply with the City's development standards and requirements for energy, as well as other applicable federal and state regulations.

Alternative 1b, Geology and Soils. The EIR identified a less than significant impact with mitigation incorporated for geology and soils under the proposed project. Under this alternative, no rezoning of the portion of the project area within former Fort Ord would occur, though these sites could still be developed with non-residential uses under the existing zoning. Construction and operational related geology and soils impacts from future development under this alternative would be expected to be similar to impacts for future residential development under the proposed project, and the impacts under each would therefore be similar.

Alternative 1b, Greenhouse Gas Emissions. The EIR identified a less than significant impact for greenhouse gas emissions. Potential impacts related to greenhouse gas emissions from non-residential development on the former Fort Ord under this alternative would be subject to the same standards and regulatory requirements identified for future residential development facilitated by the proposed project. The impacts under this alternative would therefore be similar to those identified for the proposed project.

Alternative 1b, Hazardous and Hazardous Materials. The EIR identified a less than significant impact with mitigation incorporated for hazards and hazardous materials under the proposed project. Since no rezoning would occur and this alternative would not include residential planning areas that have potential for exposure of future residents to undiscovered MEC, this alternative would have less potential for increased risk to residential population compared to the proposed project. However, potential impacts related to hazardous response, emergency response and evacuation under the proposed project would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar.

Alternative 1b, Hydrology and Water Quality. The EIR identified a less than significant impact with mitigation incorporated for hydrology and water quality under the proposed project. This alternative would still result in development but without future housing. Impacts related to hydrology and water quality would depend on plans, siting, drainage facilities and proposed development intensity. Potential impacts related to hydrology and water quality under the proposed project would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar.

Alternative 1b, Land Use and Planning. The EIR identified a less than significant impact for land use and planning under the proposed project. Future development under this alternative would occur in former Fort Ord area under existing planned uses, without residential use allowed unless rezoned. Similar to the proposed project, development would be required to comply with the City's development standards and requirements for land use and planning. The land use and zoning designations currently in place would continue and development would be subject to policies and standards that currently exist in the City. This alternative would not preclude additional development in the City under existing land use and zoning regulations. However, this alternative would not provide housing to fulfill the requirements of State law or to meet the City's RHNA requirements, which would be a significant and unavoidable impact, as compared to the less-than-significant impacts associated with the other alternatives.

Alternative 1b, Mineral Resources. The EIR identified no impacts related to mineral resources, as none exist within the project area. This alternative would also have no impact on mineral resources.

Alternative 1b, Noise. The EIR identified a less than significant impact for noise under the proposed project. Under this alternative, no rezoning of the portion of the project area within former Fort Ord would occur, though these sites could still be developed with non-residential uses under the existing zoning. Construction and operational related noise impacts from future development under this alternative would be expected to be similar to noise impacts for future residential development under the proposed project, and the impacts under each would therefore be similar.

Alternative 1b, Population and Housing. The EIR identified a less than significant impact for population and housing under the proposed project. As with development under the proposed project, development under this alternative would occur in former Fort Ord area under existing planned uses, with no residential use allowed unless rezoned. The Housing Element would not be adopted and the goals and policies within the City's existing Housing Element would remain unchanged. This alternative's resulting population growth would be less. The City would continue to develop consistent with the City's current General Plan and zoning but with reduced housing opportunities. The land use and zoning designations currently in place would continue under the land use decisions and development parameters that currently exist in the City. However, this alternative would not provide housing to fulfill the requirements of State law or to meet the City's RHNA requirements, which would have a significant impact, as compared to the proposed project and other alternatives.

Alternative 1b, Public Service and Recreation. The EIR identified a less than significant impact for public services and recreation under the proposed project. Under this alternative, no rezoning of the portion of the project area within former Fort Ord would occur, though these sites could still be developed with non-residential uses under the existing zoning. Police and fire protection would be required for future

development under this alternative and impacts to these services would be expected to be similar to those under the proposed project. However, demand for libraries, schools, and recreational facilities would be less under this alternative than under the proposed project, as this alternative would not facilitate new residential uses whose occupants would place an increased demand on these services. Overall, impacts compared to the proposed project would be similar.

Alternative 1b, Transportation. The EIR identified a less than significant impact with mitigation incorporated for transportation under the proposed project. Under this alternative, no rezoning of the portion of the project area within former Fort Ord would occur, though the former Fort Ord area could still be developed with non-residential uses under the existing zoning as described above. The addition of residential uses to the commercial and visitor serving development allowed under the existing zoning would potentially decrease employee-based trips. This alternative would have reduced impacts related to VMT and similar impacts related to safety to the proposed project.

Alternative 1b, Utilities and Service Systems. The EIR identified a less than significant impact with mitigation incorporated for utilities and service systems. Under this alternative, no rezoning of the portion of the project area within former Fort Ord would occur, though these sites could still be developed with non-residential uses under the existing zoning. Non-residential development on these sites under this alternative would also require the extension of utilities and service systems, similar to the impacts to utilities and service systems for future residential development under the proposed project, and the impacts under each would therefore be similar[4].

Alternative 1b, Wildfire. The EIR identified a less than significant impact with mitigation under the proposed project. This alternative would not include residential planning areas that are in Very High Fire Severity Zones, and would therefore have less impact related to the potential for increased risk compared to the proposed project. Potential impacts related to emergency response and evacuation under the proposed project and each of the alternatives would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar. A portion of the project area within former Fort Ord is designated as a VHSHSZ in a local responsibility area. Under this alternative, the impact would be reduced for wildfire as there are no residential areas and housing with no rezoning. Thus, no housing could be located in a VHSHSZ. Similar to the proposed project, development would be required to comply with the City's development standards and requirements for wildfire, as well as other applicable federal and state regulations.

Ability to Meet Project Objectives -Alternative 1b

As stated in **Chapter 2, Project Description***,* the City has determined, based on the site inventory analysis and HCD review letters on the 5th Cycle Housing Element, that rezoning is needed to meet the RHNA. Under this alternative, there would be no rezoning and objectives to achieve 5th Cycle and 6th Cycle RHNA requirements would not be met. The No Project - No Rezoning Alternative would also not meet the other objectives of the proposed project, including implementation of policies in the Housing Element to achieve affordable housing for all income levels. The general plan amendment adopting the Housing Element Update 2023 would not be achieved and no residential development designation would be placed on Sites 1 and 1a in the former Fort Ord area.

[4] Additionally, water use would be limited to the allocation available to the City as discussed in the IS/ND adopted for the 2019 Housing Element under all alternatives. Adopted urban water management plans and environmental documents including EIRs approved by the City, FORA, and MCWD considered this area of the former Fort Ord as proposed future development, with a previous Water Supply Assessment approved for a large residential and commercial development on these sites.

5.5.3 Alternative 2: No Rezoning in Former Fort Ord

Description

The "No Rezoning in Former Fort Ord" Alternative focuses development of affordable housing to meet RHNA in developed areas of the City, and outside of the former Fort Ord area. One potential candidate site in the 6th Cycle Housing Element is the Monterey Peninsula Unified School District (MPUSD) site east of Highway 218/Canyon Del Rey Boulevard. The site is approximately 10 acres of land currently used by MPUSD as a vehicle storage, office and bus facility, parking and board meeting room by MPUSD. The parcel is bordered by vacant land and a City of Monterey vehicle maintenance facility to the north, Highway 218/Canyon Del Rey Boulevard to the west, undeveloped land to the east, and Monterey-Salinas Transit (MST) office to the south. All utilities exist onsite. The site is accessed via Del Rey Gardens Drive directly off Highway 218/Canyon Del Rey Boulevard. A portion of this site (approximately 2.5 acres) is within the Airport Influence Area (AIA) for the Monterey Peninsula Airport. The AIA designation is outside the ALUC airport safety zones restricting certain densities of residential use. The remainder of the site is within the Inner Turning Zone (ITZ) Airport Safety Zones per Exhibit 4C of the Monterey Regional Airport Land Use Compatibility Plan (Refer to **Appendix B-3** for mapping detailing the ALUC zones on this site). Restrictions on water use on this site would need to be lifted within the current 5th Cycle and 6th Cycle 2023-2031 planning period to allow future residential uses, or water would otherwise need to be made available through reduction of existing uses on site. Rezoning to allow residential uses would likely be required, however, as a non-vacant site owned by a school district, opportunities may be available for expediting permitting for affordable housing for MPUSD employees. Under this alternative, higher residential density would need to be achieved, due to limited size of the parcels.

Figure 5-1 identifies other potential areas for residential development in the area of Calle Del Oaks, accessed via Del Rey Gardens Drive on the west side of Highway 218/Canyon Del Rey Boulevard. Properties in this area include offices, storage facilities and parking. This area also includes meeting rooms, buildings, parking and recreational facilities associated with the Moose Lodge. Although there has been no interest shown by the property owners, this area is outside the restricted safety zones of the Airport and a portion of this area is designated for residential land uses within this site (See **Figure 2-4, Land Use Designation Map**). Under this alternative, higher residential density would need to be achieved, due to limited size of the properties.

This alternative assumes that the proposed project (implementation of the revised Program A.1 of the 5th Cycle Housing Element) would not occur and thus, there would be no rezoning of Sites 1 and 1a in the former Fort Ord area to facilitate development of affordable housing required under the 5th Cycle RHNA. Under this alternative, sites within the existing City on either side of Canyon Del Rey Boulevard described above would accommodate affordable housing. This alternative also assumes that there would be no rezoning in former Fort Ord under the City's Housing Element for 6th Cycle RHNA. The 6th Cycle Housing Element currently under HCD review, includes Sites 1 and 1a and additional candidate sites (K1 and K2) located in the former Fort Ord, as shown on **Figure 2-6**. Under this alternative, the existing land use designations and zoning applicable to former Fort Ord would be unchanged, with the potential for development without residential use, as discussed in Alternative 1b, above.

Impacts

Alternative 2, Aesthetics - The EIR identified a less than significant impact for aesthetics under the proposed project. Under Alternative 2, the impact would be similar or slightly decreased depending on the location and density of development. This alternative would concentrate development in the developed area of the City, on the MPUSD site and the area of the City developed with offices near the Moose Lodge on the east side of Canyon Del Rey Boulevard. The resulting densification could result in substantial changes to the area

through increased density, greater scale, and increased height as well as development of residential structures in a commercial and light industrial area. However, residential development could be mixed-use with these other uses and could be designed to reduce aesthetics impacts. Similar to the proposed project, future development would be required to comply with the City's development standards and policies under the City's General Plan that govern visual resources from public viewing areas. Depending on site design, development along Canyon Del Rey would be highly visible in comparison to the existing visual setting, an increase in impacts compared to the proposed project due to the limited area available for development of the combined 270 residential units under 5th and 6th RHNA. However, impacts from light and glare under this alternative would be reduced in comparison to the proposed project since development would occur in urban areas with existing buildings and lighting. Overall, this alternative would be considered to have similar to slightly greater impacts compared to the proposed project.

Alternative 2, Agricultural Resources. The EIR identified no impacts related to agricultural resources, as none exist within the project area. This alternative would also have no impact on agricultural resources.

Alternative 2, Air Quality. The EIR identified a less than significant impact with mitigation incorporated for air quality and exposure of sensitive receptors to particulate matter and TAC emissions were found to be less than significant with mitigation. This alternative would have similar overall air quality emissions under future development in accordance with existing plans compared to future development under the proposed project. Similar to the proposed project, development under this alternative would be required to comply with MBARD's BMPs for emission reduction during construction and operation and the City's development standards and requirements that govern air quality, as well as other federal, state, and regional air quality standards.

Alternative 2, Biological Resources. The EIR identified a less than significant impact with mitigation incorporated for biological resources under the proposed project. In comparison with development under the proposed project, residential development under this alternative would not occur in former Fort Ord area, and would be located within the existing developed area of the City. Development of future housing within urbanized areas and non-vacant land would have reduced impacts in comparison to the proposed project and other alternatives due to the urbanized areas proposed as potential residential housing under this alternative. However, as noted in Alternative 1b, development could still occur on the former Fort Ord area under the existing zoning and land use designations. Similar to the proposed project, future development under this alternative would be required to comply with the City's development standards and requirements under the City's General Plan that govern biological resources, mitigation developed specific to the site, as well as other applicable federal and state regulations. Overall, this alternative is assumed to have a similar to reduced level of impact compared to the proposed project due to development of urbanized areas.

Alternative 2, Cultural and Tribal Resources. The EIR identified a less than significant impact with mitigation incorporated for cultural and tribal resources under the proposed project. Under this alternative, the impact would be similar for cultural resources due to potential for grading and development unearthing cultural resources. Under this, development could still take place, and potential impacts to tribal cultural resources would be subject to the same mitigations, tribal consultation and regulatory requirements as the other alternatives. The impacts would therefore be similar to that of the proposed project and other alternatives. Future development projects would be required to comply with the City's development standards and requirements under the City's General Plan that govern cultural and tribal resources, as well as other applicable federal and state regulations, which would reduce the potential for discovery of unknown cultural and tribal resources and impacts.

Alternative 2, Energy. The EIR identified a less than significant impact for energy under the proposed project. Potential impacts related to energy under the proposed project and each of the alternatives would

be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar. Development would be required to comply with the City's development standards and requirements for energy, as well as other applicable federal and state regulations.

Alternative 2, Geology and Soils. The EIR identified a less than significant impact with mitigation incorporated for geology and soils under the proposed project. The development of the areas in this alternative identified above would require site specific geotechnical reports, similar to other areas of the proposed project. However, the sites are already developed and would not require as much grading or soil disturbance as the proposed project. Construction and operational related geology and soils impacts from future development under this alternative would be expected to be less than the proposed project. Development would be required to comply with the UBC code for construction and development standards and requirements for development, as well as other applicable federal and state regulations.

Alternative 2, Greenhouse Gas Emissions. Potential impacts related to greenhouse gas emissions under each of the alternatives would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar to the proposed project.

Alternative 2, Hazardous and Hazardous Materials. No residential development would occur on the former Fort Ord, and this alternative would not include residential planning areas that have potential for MEC, and would therefore have less impact related to the potential for increased risk compared to the proposed project. Potential impacts related to hazardous response, emergency response and evacuation under the proposed project would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar.

Alternative 2, Land Use and Planning. The EIR identified a less than significant impact for land use and planning under the proposed project. Future development under this alternative would only occur in areas outside former Fort Ord. Similar to the proposed project, land use amendment and rezoning would be required to designate lands for residential or mixed use in existing areas of the City. However, sites identified under this alternative may not be of adequate size to provide enough housing units to fulfill the requirements of State law or to meet the City's RHNA requirements, which would be an increased impact compared to the less-than-significant impacts associated proposed project. This alternative would also require increased densities and heights of buildings due to the limited land area available for development that is outside the ALUC safety zones. This alternative may also conflict with City General Plan policies regarding protecting views along Canyon Del Rey Boulevard, depending on siting, densities, and bulk and massing of future buildings. This alternative would not preclude additional development in the City under existing land use and zoning regulations for ADUs and any development allowed under SB 9, which could provide additional affordable housing within the City. Overall, this alternative is considered to have greater impacts under Land Use and Planning compared to the proposed project.

Alternative 2, Mineral Resources. The EIR identified no impacts related to mineral resources, as none exist within the project area. This alternative would also have no impact on mineral resources.

Alternative 2, Noise. The EIR identified a less than significant impact for noise under the proposed project. Under this alternative, no rezoning of the portion of the project area within former Fort Ord would occur and future residential development would be within the developed City. Construction and operational related noise impacts from future development under this alternative would be expected to be similar to noise impacts for future residential development under the proposed project, and the impacts under each would therefore be similar.

Alternative 2, Population and Housing. The EIR identified a less than significant impact for population and housing under the proposed project. No development under this alternative would occur in former Fort Ord area; instead, development of affordable housing would be located within the City of Del Rey Oaks,

located on either side of Canyon Del Rey Boulevard on the MPUSD site and in the Calle del Oaks area of Moose Lodge. As these sites may not have adequate land areas to be able to accommodate the full 270 units required under the 5th and 6th Cycle RHNA, impacts to population and housing would be greater under this alternative than the proposed project.

Alternative 2, Public Services and Recreation. The EIR identified a less than significant impact for public services and recreation. This Alternative would result in similar impacts to public services and recreation, the same as the proposed project and other alternatives. Potential impacts related to public services and recreation for each of the alternatives would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar.

Alternative 2, Transportation. The EIR identified a less than significant impact with mitigation incorporated for transportation under the proposed project. This alternative would propose housing on sites served by an existing major roadway, Highway 218/Canyon del Rey Boulevard intersection, with access to sites via Calle Del Oaks. This alternative would likely require intersection improvements for safety related to the additional vehicle trips but with such improvements, impacts would be similar. Under this alternative, no rezoning of the portion of the project area within former Fort Ord would occur, though the former Fort Ord area could still be developed with non-residential uses under the existing zoning as described above. The addition of residential uses to the commercially developed areas within the City could potentially decrease employee-based trips. The addition of residential uses to the commercial and visitor serving development allowed under the existing zoning would potentially decrease employee-based trips, similar to the proposed project. This alternative would have a similar impact related to VMT and a similar impact related to safety compared to the proposed project.

Alternative 2, Utilities and Service Systems. The EIR identified a less than significant impact with mitigation incorporated for utilities and service systems. Future residential development would occur on areas outside former Fort Ord, within the urbanized area of the City, where there is existing utility service. However, water supply would not be available for new residential development under the current conditions, as described previously, due to the CDO within the area served by Cal-Am and under MPWMD allocation system. Under this alternative, no rezoning of the portion of the project area within former Fort Ord would occur, and water would not be supplied by MCWD for affordable housing units within the former Fort Ord area. However, water service from MCWD would still be required for non-residential uses under the existing zoning on former Fort Ord. Residential development on the MPUSD and Calle de Oaks/Moose Lodge sites would be served by existing utilities but expansion of service would be required. Under this alternative for 5th Cycle, there is no water available under the MPWMD allocation system during this current planning cycle due to the moratorium on new hookups within the Cal-Am service area. If current water planning projects come online in the 6th Cycle planning period, 2023-2031, and the CDO is lifted, this alternative may be able to provide water from Cal-Am for the 184 RHNA units, assuming there is adequate allocation from MPWMD. This alternative would also require additional water use and extension of systems, which may have limitations related to water service. Other services are similar to the impacts to utilities and service systems for future residential development under the proposed project. Overall, the impacts under this alternative are considered to be similar to the proposed project.

Alternative 2, Wildfire. The EIR identified a less than significant impact with mitigation under the proposed project. Future residential development would occur on the MPUSD and Calle del Oaks/Moose Lodge sites, which are located outside of Very High Fire Hazard Severity Zones. This alternative would not include residential planning areas that are in Very High Fire Severity Zones, and would therefore have less impact related to the potential for increased risk compared to the proposed project. Potential impacts related to emergency response and evacuation under the proposed project and each of the alternatives would be subject to the same standards and regulatory requirements, and the impacts under each would therefore

be similar. A portion of the project area within former Fort Ord is designated as a VHSHSZ in a local responsibility area. Under this alternative, the impact would be reduced for wildfire as there are no residential areas and housing with no rezoning. Thus, no housing could be located in a VHSHSZ. Similar to the proposed project, development would be required to comply with the City's development standards and requirements for wildfire, as well as other applicable federal and state regulations.

Ability to Meet Project Objectives -Alternative 2

As stated in **Chapter 2, Project Description***,* the City has determined, based on the site inventory analysis and HCD review letters on the 5th Cycle Housing Element, that rezoning is needed to meet the RHNA. Under this alternative, there would be no rezoning and objectives to achieve 5th Cycle and the objective to achieve HCD compliance for 5th Cycle Housing Element in 2023 and meeting 5th Cycle RHNA requirements would not be met. This alternative may be able to partially achieve the City objective of identifying housing sites with a collective capacity to meet the City's combined 5th and 6th Cycle RHNA, through use of the sites in this alternative under 6th Cycle RHNA, however, this would require water availability from MPWMD during the 6th Cycle planning period. Thus, this alternative is found to partially achieve the objectives of the proposed project.

5.5.4 Alternative 3: Areas in Former Fort Ord and Within City (Combined)

Description

The "Areas in Former Fort Ord and Within City" (Combined) Alternative involves development within the former Fort Ord and also within the City to meet RHNA. This alternative assumes that K1 and K2 sites, within former Fort Ord, as presented in 6th Cycle, as well as land available within the developed City as presented in Alternative 2, would be used to meet RHNA. **Figure 2-6** identifies the former Fort Ord areas. **Figure 5-1** identifies potential areas of development within the City under Alternative 2.

Site K1 is approximately 20 acres of vacant, undeveloped land with gradual slopes dominated by chaparral and oak trees/oak woodland in the interior of the site. The site is currently owned by Monterey Peninsula Partners. This site is zoned Neighborhood Commercial with Visitor Overlay, and would require rezoning for residential/mixed use development on both sites K1 and K2. Site K1 is bordered by the City of Seaside to the north, Fort Ord National Monument to the east, and City of Monterey to the south along South Boundary Road. Water and sewer service would need to be extended; pipeline infrastructure is available adjacent to the site along General Jim Moore Boulevard, near the City limits of Del Rey Oaks.

Site K2 is approximately 53.81 acres of vacant, undeveloped land with gradual slopes dominated by chaparral and oak trees/oak woodland in the interior of the site. This site is currently owned by Monterey Peninsula Partners. In May 2016, the City Council adopted an Initiative Measure amending the City's General Plan and Zoning Ordinance Chapter 17.32, Visitor Commercial Overlay recreational uses, to include recreational vehicle (RV) parks, within the former Fort Ord, within the designated area of the Initiative Measure. Approval of the Initiative measure allows the construction of an RV park (Monument RV Resort) of up to 210 total guest sites, including accessory and auxiliary uses. Each site is on a 3,000 square foot "lot". The Initiative resulted in an amendment to the City's General Plan to specifically allow RVs. The City would need to complete a general plan amendment and rezoning to specifically allow residential development. The parcel is bordered by Fort Ord National Monument to the north and east, and the City of Monterey to the south along South Boundary Road. Similar to Sites 1 and 1a, water is planned to be extended on South Boundary Road to serve this site.

These sites are also in the City's Housing Element for 6th Cycle RHNA, which is currently under HCD review.

Impacts

Alternative 3, Aesthetics. The EIR identified a less than significant impact for aesthetics under the proposed project. The EIR identified a less than significant impact for aesthetics under the proposed project. Development under this alternative would concentrate some residential development in the Downtown area on either side of Canyon Del Rey Boulevard with some in former Fort Ord sites. The impact would be similar for aesthetics because the area available for development in both the developed City and former Fort Ord. Similar to the proposed project, development would be required to comply with the City's development standards and requirements under the City's General Plan that govern visual resources and aesthetic quality.

Alternative 3, Agricultural Resources. The EIR identified no impacts related to agricultural resources, as none exist within the project area. This alternative would also have no impact on agricultural resources.

Alternative 3, Air Quality. The EIR identified a less than significant impact with mitigation incorporated for air quality and exposure of sensitive receptors to particulate matter and TAC emissions were found to be less than significant with mitigation. Under this alternative, the impact would be similar for air quality due to potential for grading and development in the same area. Under this alternative, development could still take place and would be required to comply with the Air District's BMPs for emission reduction during construction and operation and the City's development standards and requirements that govern air quality, as well as other federal, state, and regional air quality standards.

Alternative 3, Biological Resources. The EIR identified a less than significant impact with mitigation incorporated for biological resources under the proposed project. Development under this alternative would concentrate some residential development in the developed area on either side of Canyon Del Rey Boulevard with some in former Fort Ord sites. As with development under the proposed project, development under this alternative would occur in portions of the vacant lands of former Fort Ord. In addition, a portion of the future housing is planned on non-vacant lands within the developed City. Similar to the proposed project, development would be required to comply with the City's development standards and requirements under the City's General Plan that govern biological resources, mitigation developed specific to the site and future plans, as well as other applicable federal and state regulations. Under this alternative, improvements and development would occur within the urbanized area of the City as well as former Fort Ord areas identified on **Figure 5-1**. Due to the additional areas under each of these sites that would be disturbed, this alternative would be similar to greater impacts to biological resources.

Alternative 3, Cultural and Tribal Resources. The EIR identified a less than significant impact with mitigation incorporated for cultural and tribal resources under the proposed project. Under this alternative, the impact would be similar to the proposed project for cultural resources due to potential for grading and earthmoving activities. Under this alternative, development could still take place and potential impacts to tribal cultural resources would be subject to the same tribal consultation and regulatory requirements as the other alternatives. Projects would be required to comply with the City's development standards and requirements under the City's General Plan that govern cultural and tribal resources, as well as other applicable federal and state regulations, which would reduce the potential for discovery of unknown cultural and tribal resources and impacts.

Alternative 3, Energy. The EIR identified a less than significant impact for energy under the proposed project. Potential impacts related to energy under the proposed project and this alternative would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar. Development would be required to comply with the City's development standards and requirements for energy, as well as other applicable federal and state regulations.

Alternative 3, Geology and Soils. The EIR identified a less than significant impact with mitigation incorporated for geology and soils under the proposed project. Development under this alternative would concentrate some residential development in the developed area on either side of Canyon Del Rey Boulevard with some in former Fort Ord sites. The development of the sites under this alternative as identified above would require site specific geotechnical reports, similar to other areas of the proposed project. However, the non-vacant sites within the City are already developed and would not require as much grading or soils disturbance as the proposed project. Construction and operational related geology and soils impacts from future development under this alternative would be expected to be less than the proposed project. Development would be required to comply with the UBC code for construction and development standards and requirements for development, as well as other applicable federal and state regulations.

Alternative 3, Greenhouse Gas Emissions. Potential impacts related to greenhouse gas emissions under each of the alternatives would be subject to the same standards and regulatory requirements, and the impacts under each alternative would therefore be similar to the proposed project.

Alternative3, Hazardous and Hazardous Materials. This alternative could include residential planning areas that have potential for MEC and would therefore have similar impact related to the potential for increased risk compared to the proposed project. Potential impacts related to hazardous response, emergency response and evacuation under the proposed project would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar.

Alternative 3, Hydrology and Water Quality. The EIR identified a less than significant impact with mitigation incorporated for hydrology and water quality under the proposed project. Development would be required to comply with the BMPs for reduced impacts to water quality during construction. Adherence to mitigation and development standards, as well as other applicable federal and state regulations would be required. Under this alternative, improvements and development would occur within the urbanized area of the City as well as former Fort Ord areas identified on **Figure 5-1**. Due to the additional areas under each of these sites that would be disturbed, this alternative would be similar to greater impacts to hydrology and water quality.

Alternative 3, Land Use and Planning. The EIR identified a less than significant impact for land use and planning under the proposed project.

Alternative 3, Mineral Resources. The EIR identified no impacts related to mineral resources, as none exist within the project area. This alternative would also have no impact on mineral resources.

Alternative 3, Noise. The EIR identified a less than significant impact for noise under the proposed project. Potential impacts under this alternative related to noise and vibration would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar to the proposed project.

Alternative 3, Population and Housing. The EIR identified a less than significant impact for population and housing under the proposed project. Under this alternative, the combination of the identified sites would have adequate land areas to accommodate the full 270 units required under the 5th and 6th Cycle RHNA. Therefore, impacts to population and housing are considered to be similar to the proposed project.

Alternative 3, Public Services and Recreation. The EIR identified a less than significant impact for public services and recreation. This Alternative would result in similar impacts to public services and recreation, the same as the proposed project and other alternatives. Potential impacts related to public services and recreation for each of the alternatives would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar to the proposed project.

Alternative 3, Transportation. The EIR identified a less than significant impact with mitigation incorporated for transportation under the proposed project. Under this alternative, rezoning of a portion of the project area within former Fort Ord would occur, though the remainder of the former Fort Ord area could still be developed with non-residential uses under the existing zoning as described above. The addition of residential uses to the commercial and visitor serving development allowed under the existing zoning would potentially decrease employee-based trips, similar to Alternative 2 and comparable to the proposed project.

Alternative 3, Utilities and Service Systems. The EIR identified a less than significant impact with mitigation incorporated for utilities and service systems. This impact is dependent upon the availability of water for areas within the MPWMD, similar to Alternative 2. Utility extension would still be required under this alternative to extend utility service to sites K1 and K2 in former Fort Ord. As a result, impacts to utilities and service systems under this alternative would be similar to the proposed project.

Alternative 3, Wildfire. The EIR identified a less than significant impact with mitigation under the proposed project. This alternative would include a portion of the residential planning areas that are in Very High Fire Severity Zones, and would therefore have the same impact related to the potential for increased risk compared to the proposed project. Potential impacts related to emergency response and evacuation under the proposed project and each of the alternatives would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar. A portion of the project area is outside the area of former Fort Ord designated as a VHSHSZ. Under this alternative, the impact would be less compared to the proposed project if residential is not located in the former Fort Ord area. Urban development areas would still be required to comply with the City's development standards and requirements for wildfire, as well as other applicable federal and state regulations.

Ability to Meet Project Objectives -Alternative 3

Under this alternative, the combination of the identified sites provides adequate land areas to accommodate the full 270 units required under the 5th and 6th Cycle RHNA. Assuming the City can utilize Sites 1 and 1a for 5th Cycle, per HCD requirements, can meet the City's objective to adopt the 5th Cycle Housing Element and complete rezoning actions necessary for an HCD compliant Housing Element by December 15, 2023. The second City objective may also be met under this alternative: Meet the State required RHNA allocation for the 5th Cycle and 6th Cycle Housing Element Updates by identifying housing sites with a collective capacity to meet the City's combined 5th and 6th Cycle RHNA. Therefore, this alternative can meet the project objectives.

5.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

A comparison of the impacts of each alternative relative to the proposed project is presented in **Table 5-1**.

CEQA requires that an environmentally superior alternative to the proposed project be specified. In general, the environmentally superior alternative is that which minimizes the adverse impacts of the project to the greatest extent, while achieving the basic objectives of the project.

The No Project – No Action alternative could be considered the environmentally superior alternative because any adverse impacts associated with project construction and operation would be avoided. However, the No Project – No Action alternative does not satisfy the primary project objective to:

- Adopt 5th Cycle Housing Element and complete rezoning actions necessary for an HCD compliant Housing Element by December 15, 2023.

- Meet the State required Regional Housing Needs Assessment (RHNA) allocation for the 5th Cycle and 6th Cycle Housing Element Updates by identifying housing sites with a collective capacity to meet the City's combined 5th and 6th Cycle RHNA.

In addition, CEQA Guidelines section 15126.6(e)(2) states: "If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Among the remaining alternatives, Alternatives 1b and 2 would either not meet or only partially meet the basic objectives of the proposed project. Alternative 2 would reduce some of the level of impacts as shown on **Table 5-1**, compared to the proposed project. However, under any alternative, development would still likely occur at former Fort Ord under existing land use designations, so this alternative is not considered to be environmentally superior to the proposed project. The only alternative that meets the project objectives is Alternative 3, however as shown on **Table 5-1**, some of the identified impacts are increased compared to the proposed project. Therefore, the proposed project is selected as the environmentally superior alternative that can also meet the project objectives.

CHAPTER 6 References/Persons Consulted

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6.2 PERSONS CONSULTED

City of Del Rey Oaks

City Management/Planning/Building

John Guertin, City Manager

Karen Minami, City Clerk

Denise Duffy and Associates, Inc.

Environmental Consultant

Denise Duffy, Principal

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Robyn Simpson, Associate Planner

Conor O'Toole, Associate Planner

Oliviya Wyse, Associate Planner

Troy Lawson, Assistant Planner

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Appendix A

Notice of Preparation and Public Comments

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CITY OF DEL REY OAKS
650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 FAX (831) 394-6421

NOTICE OF PREPARATION
of a Draft Program Environmental Impact Report (EIR)
for the City of Del Rey Oaks Housing Element Update

DATE:	April 25, 2023
TO:	State Clearinghouse, Responsible Agencies, Trustee Agencies, and other Interested Agencies, Parties, and Organizations
SUBJECT:	Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (EIR) for the City of Del Rey Oaks Housing Element Update
NOP COMMENT PERIOD:	April 26, 2023 to May 26, 2023 by 5:00 p.m.
LEAD AGENCY:	City of Del Rey Oaks 650 Canyon Del Rey Boulevard Del Rey Oaks, CA 93940 Phone: (831) 394-8511 Email: kminami@delreyoaks.org

NOTICE IS HEREBY GIVEN THAT The City of Del Rey Oaks (lead agency) will prepare a Draft Program Environmental Impact Report (EIR) for the proposed City of Del Rey Oaks Housing Element Update General Plan Amendment, and Associated Rezonings (collectively referred to as the "proposed project"). The Program EIR will address the environmental impacts associated with the adoption and implementation of the proposed project. This Notice of Preparation (NOP) is being distributed to applicable responsible agencies, trustee agencies, and interested parties as required by the California Environmental Quality Act (CEQA) and in accordance with the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15082).

30-DAY NOP COMMENT PERIOD: The City of Del Rey Oaks solicits comments regarding the scope and content of the Program EIR from all interested parties, responsible agencies, agencies with jurisdiction by law, trustee agencies, and involved agencies. In accordance with the time limits established by CEQA, the NOP public review period will begin on April 26, 2023 and end May 26, 2023 at 5:00 p.m. If no response is received by any Responsible or Trustee Agency by the end of the review period, the Lead Agency may presume that the Responsible Agency or Trustee Agency has no response to make [CEQA Guidelines Section 15082(b)(2)].

Please send your written comments (including name, affiliation, telephone number, and contact information) by 5:00 p.m. on May 26, 2023 to:

City of Del Rey Oaks Housing Element EIR,
650 Canyon Del Rey Boulevard, Del Rey Oaks, CA 93940
Email: kminami@delreyoaks.org

PROJECT BACKGROUND: Through the Housing Element update process, the City is required to demonstrate that it has the regulatory and land use policies to accommodate its assigned Regional Housing Needs Allocation (RHNA). State law requires the Housing Element to include an inventory of housing sites and requires the City to appropriately zone sites to meet RHNA, the City is not required to actually develop/construct housing on these sites. A Housing Element is required to identify potential sites where housing can be accommodated to meet all the income levels of a jurisdiction's RHNA. If there are insufficient sites and capacity to meet the RHNA allocation, the Housing Element is required to identify a rezoning program to accommodate the required capacity. Policies and programs are a key component of the Housing Element; these establish policies and programs to be carried out to fulfill the identified housing needs.

The 2023 Housing Element Update addresses revisions identified by the Department of Housing and Community Development (HCD) Division of Housing Policy and Development (HCD Letter March, 2020). The City Council adopted a 5th Cycle Housing Element and certified an Initial Study/Negative Declaration on December 17, 2019. HCD's review letter indicated the Housing Element was not in compliance and required specific revisions for compliance. These items include revising Program A.1 and committing to rezone Sites 1 and 1a to allow residential uses, and adoption of an emergency shelter ordinance.

The proposed project includes changes to the General Plan Land Use Element and the City's zoning code necessary to implement these revisions to the 2019 Housing Element.

PROJECT INFORMATION: Information regarding the project description, project location, and topics to be addressed in the Program EIR is provided below. Interested agencies are requested to comment on the scope and content of the descriptions of the significant environmental issues, mitigation measures (if needed), and reasonable alternatives to be explored in the EIR.

PROJECT LOCATION: The City of Del Rey Oaks is located in Monterey County, California. The City of Del Rey Oaks comprises approximately 1.05 square miles of land and is bordered by the city of Seaside to the north, the city of Monterey and Monterey Regional Airport to the south, former Fort Ord land to the east, and the city of Monterey to the west.

PROGRAM EIR ANALYSIS: The Program EIR will be prepared in accordance with CEQA, implementing the CEQA Guidelines, relevant case law, and City procedures. As policy documents, the proposed project provides guidance and sets standards for several areas of mandatory environmental review for later projects that would be undertaken by local government and the private sector, such as specific infrastructure or development projects. The Program EIR will evaluate potential environmental impacts associated with adoption and implementation of the proposed project. The Program EIR will disclose potential impacts of the proposed project, propose mitigation measures to avoid and/or reduce impacts deemed potentially significant, identify reasonable alternatives, and compare the environmental impacts of the alternatives to the proposed project's impacts.

At this time, it is anticipated that the Program EIR will evaluate the following issues/sections under CEQA and the CEQA Guidelines will be addressed in the EIR:

- Aesthetics Resources
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources/Tribal Consultation
- Energy
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Population and Housing
- Noise
- Public Services, Recreation, and Utilities
- Transportation
- Wildfire

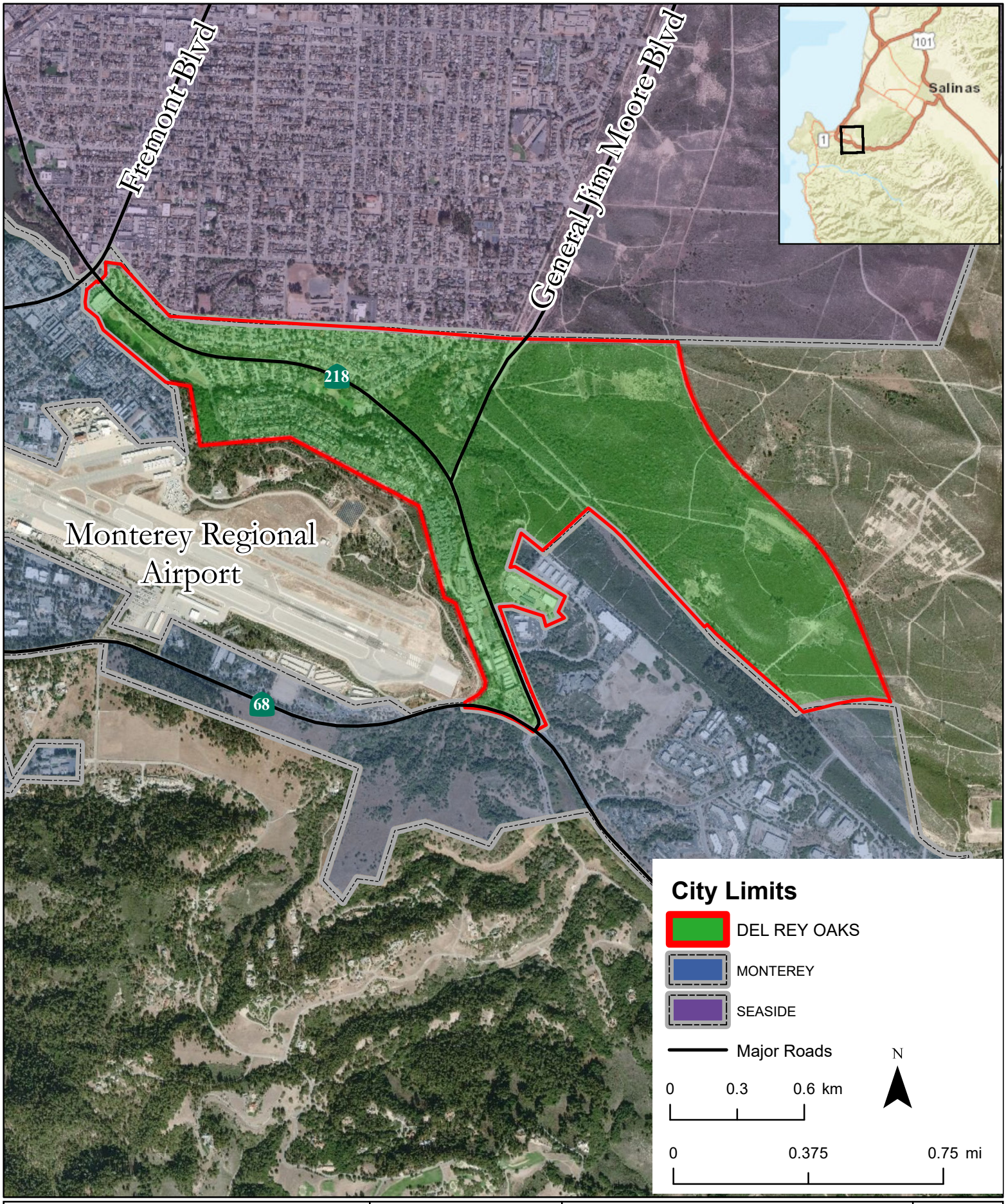
The Program EIR will discuss the cumulative impacts of the proposed project, including both the 5th and 6th cycle housing elements and RHNA requirements. The EIR will also examine alternatives to the project, including the required No Project Alternative.

ENVIRONMENTAL REVIEW PROCESS: Following completion of the 30-day NOP public review period, the City will incorporate relevant information into the Draft Program EIR and circulate for document for public review and comment. **The City requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b).**

A copy of the City's 2023 Housing Element can be found on the City website https://www.delreyoaks.org/cityhall/page/del-rey-oaks-housing-element and also available on file at the City of Del Rey Oaks City Hall at 650 Canyon Del Rey Boulevard, Del Rey Oaks, CA 93940 during regular office hours for the City.

Attachments:

Attachment 1, Project Area



Project Area: City of Del Rey Oaks

Date: 4/24/2023
Scale: 1 inch = 0.34 miles
Project: 9614

City of Del Rey Oaks
Housing Element NOP Attachment 1

California Department of Transportation

CALTRANS DISTRICT 5
50 HIGUERA STREET | SAN LUIS OBISPO, CA 93401-5415
(805) 549-3101 | FAX (805) 549-3329 TTY 711
www.dot.ca.gov

May 26, 2023

MON/Var
SCH#2023040680

Karen Minami, Deputy City Clerk
City of Del Rey Oaks
650 Canyon Del Rey Boulevard
Del Rey Oaks, CA 93940

COMMENTS FOR THE CITY OF DEL REY OAKS HOUSING ELEMENT UPDATE NOTICE OF PREPARATION (NOP) – DEL REY OAKS, CA

Dear Ms. Minami:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the public comment period for the City of Del Rey Oaks Housing Element Update. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Land Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans has the following comments:

Traffic Impact Studies

• New developments resulting from the City's Housing Element update should provide a Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS). Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.

• The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

• Any improvements within Caltrans' Right-of-Way (R/W) from future housing development projects will be required to comply with Caltrans Highway Design Manual guidelines and standards.

• Any pedestrian facility enhancements from future housing development projects that are within Caltrans' R/W will need to comply with Caltrans Design Information Bulletin (DIB) 82-06.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation system. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promote a complete and integrated transportation system. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Del Rey Oaks is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City of Del Rey Oaks to evaluate potential Complete Streets projects.

Bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local VMT and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation system integrated through applicable "smart growth" type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Right-of-Way

Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction. Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or email christopher.bjornstad@dot.ca.gov.

Sincerely,

Christopher Bjornstad

Chris Bjornstad
Associate Transportation Planner
District 5 Land Development Review

DocuSign Envelope ID: 78A3E169-91B0-4968-8D0F-4903E50058F9

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 24, 2023

Karen Minami
City of Del Rey Oaks
650 Canyon Del Rey Boulevard
Del Rey Oaks, California 93940
kminami@delreyoaks.org

Subject: City of Del Rey Oaks Housing Element Update (Project)
Notice of Preparation (NOP)
SCH No.: 2023040680

Dear Karen Minami:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Del Rey Oaks for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id*., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Del Rey Oaks

Objective: The Project addresses revisions identified by the Department of Housing and Community Development (HCD) Division of Housing Policy and Development. The City Council adopted a 5th Cycle Housing Element and certified an Initial Study/Negative Declaration on December 17, 2019. HCD's review letter indicated the Housing Element was not in compliance and required specific revisions for compliance. These items include revising Program A.1 and committing to rezone Sites 1 and 1a to allow uses, and adoption of an emergency shelter ordinance. The proposed Project includes changes to the General Plan Land Use Element and the City's zoning code necessary to implement these revisions to the 2019 Housing Element.

Location: The Project site is the City of Del Rey Oaks in Monterey County, California.

Timeframe: n/a

COMMENTS AND RECOMMENDATIONS

Special-Status Species Due to the Project's close proximity to the Fort Ord area, there is the potential for the Project to impact State-listed species. Records from the California Natural Diversity Database (CNDDB) show that the following special-status species,

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including CESA-listed species (CDFW 2023) could be impacted: the State threatened, federally endangered and California Rare Plant Ranked (CRPR) 1B.2 Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*), and the State endangered and CRPR 1B.1 Seaside bird's-beak (*Cordylanthus rigidus* ssp. *littoralis*). CDFW recommends that survey-level protocols be conducted for these species as part of the biological technical studies prepared in support of the draft Environmental Impact Report (DEIR), with conclusions of those studies summarized therein and repeated as necessary prior to Project ground-disturbing activities. CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" (CDFG 2018). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. If take could occur as a result of Project ground-disturbing activities, consultation with CDFW may be warranted. CDFW advises that the subsequent EIR include and address the above-mentioned species.

Given that the City of Del Rey Oaks is included in the Fort Ord Multi-Species Habitat Conservation Plan (HCP), it is important to note that only utilizing the avoidance and minimization measures and/or mitigation measures therein may not be adequate to avoid or reduce species impacts or comply with state laws. There is currently no Natural Communities Conservation Plan or CDFW-issued Incidental Take Permit for the HCP, therefore, any impacts to state-listed species will require a project 2081(b) Incidental Take Permit in compliance with the California Endangered Species Act.

Nesting birds

CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a general habitat assessment for nesting birds be conducted as part of the biological technical studies conducted in support of the CEQA document. Depending on the results of that assessment, CDFW further recommends that the CEQA document for this Project include that a qualified wildlife biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct

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impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified wildlife biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

CNDDB: Please note that the CNDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified wildlife biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present at or near the Project area.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the project's CEQA document be used to develop and modify the project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources may need to be mitigated to reduce impacts to a less than significant level, if feasible.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project,

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even if those impacts are relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Lake and Stream Alteration: The Project may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires the project proponent to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, SNRF, FYLF, and SNYLF. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground disturbing activities.

CDFW is available to meet with you ahead of DEIR preparation to discuss potential impacts and possible mitigation measures for some or all of the resources that may be analyzed in the EIR. If you have any questions, please contact Evelyn Barajas-Perez, Environmental Scientist, at the address provided on this letterhead, by telephone at (805) 503-5738, or by electronic mail at Evelyn.Barajas-Perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Krista Tomlinson
12950B95267A4F5...

Krista Tomlinson for Julie A. Vance
Regional Manager

DocuSign Envelope ID: 78A3E169-91B0-4968-8D0F-4903E50058F9

ec: State Clearinghouse, Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

United States Fish and Wildlife Service
Patricia Cole; patricia_cole@fws.gov

CDFW LSA/1600; R4LSA@wildlife.ca.gov

DocuSign Envelope ID: 78A3E169-91B0-4968-8D0F-4903E50058F9

LITERATURE CITED

California Department of Fish and Wildlife (CDFW), 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. California Department of Fish and Wildlife. March 20, 2018.

CDFW, 2023. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed May 19, 2023.

California Native Plant Society

Monterey Bay Chapter – Post Office Box 221303 – Carmel, CA 93922

May 23, 2023

John Guertin - City Manager, Del Rey Oaks
Via email jguertin@delreyoaks.org

SUBJECT: Del Rey Oaks Housing Element and General Plan Update

Dear Mr. Guertin:

Thank you for the opportunity to comment on the proposed Housing Element Update for the City of Del Rey Oaks.

The Monterey Bay Chapter of the California Native Plant Society (CNPS) has one comment:

Zoning for the California Native Plant Society Plant Reserve 1 North, also referred to as the Del Rey Oaks Habitat Reserve, should be amended to a zoning designation appropriate for Permanent Conservation, or Permanent Open Space.

As you know this habitat reserve parcel (APN 031-191-013, formerly known as Fort Ord EDC Parcel E29a.1), has been the subject of litigation and subsequent mediation between Monterey Bay CNPS and the City. The 4.6-acre parcel will be permanently conserved and protected pursuant to a Settlement Agreement signed by CNPS and the City. The Settlement Agreement will be recorded on the title of the parcel.

It is timely to amend the current Housing Element and General Plan zoning on the subject parcel to a Permanent Conservation or Permanent Open Space designation. The current commercial zoning designation is no longer appropriate.

Sincerely,

Ken McIntire
Chapter President

Cc: Karen Minami, City Clerk, for distribution to Mayor Donaldson and all City Council members, kminami@delreyoaks.org

Karen Minami

From: Nozaki, Chieko CTR (USA) <chieko.nozaki.ctr@army.mil>
Sent: Tuesday, May 23, 2023 1:34 PM
To: Karen Minami
Cc: Payton, R Curtis CIV USARMY HQDA DCS G-9 (USA); Kowalski, Bartholomew L CTR USARMY CESPK (USA); Jason No (outrech@fortordcleanup.com)
Subject: Notice of Preparation of a Draft EIR for the City of Del Rey Oaks Housing Element Update

CAUTION: This email is from outside the City of Del Rey Oaks. Do NOT click LINKS or open ATTACHMENTS unless you are sure it is safe.

Forwarding on behalf of Curtis Payton, Base Realignment and Closure (BRAC) Environmental Coordinator for Fort Ord.

This is in response to the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the City of Del Rey Oaks Housing Element Update, dated April 25, 2023. The U.S. Army BRAC Fort Ord Field Office reviewed the notice and associated "5th Cycle Housing Element Updated from December 17, 2019 Adopted Housing Element to address Housing and Community Development Department (HCD) Comments, HCD Review Draft, Submittal April 19, 2023."

The discussion of site inventory from page 3-4 to 3-18 identifies "Sites 1 and 1a" as meeting the site inventory requirements for the housing element purposes. Based on the figures, both sites appear to be part the former Fort Ord property that is included in the Record of Decision, Del Rey Oaks Munitions Response Area, Track 2 Munitions Response Site, Former Fort Ord, California (Fort Ord Administrative Record document number: OE-0670). The selected remedy is land use controls (LUCs). The LUCs are described in the ROD, and include a residential use restriction on most of the Track 2 Del Rey Oaks MRA. Please see the ROD for the portions of the property identified as requiring the residential use restriction.

The ROD describes that the restriction "would be modified to allow for residential use, as appropriate, once DTSC has verified that the Residential Protocol has been successfully implemented. Any proposal for residential development in the Del Rey Oaks MRA where this restriction applies will be subject to regulatory review. Residential use for these specified areas will be prohibited until: (1) the City of Del Rey Oaks (the current land owner) notifies the Army, EPA and DTSC in writing of its intent to change the designated site use from recreational/commercial to residential, in advance; and (2) DTSC concurs that residential use is appropriate based on successful implementation of the Residential Protocol or further site evaluation incorporating new information (e.g., geophysical mapping, site development)." (pages 27-28)

Additionally, the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California (BW-1787) identifies requirements that apply to "Borderland Development Areas Along Natural Resource Management Area (NRMA) Interface." Based on the figures, the eastern boundary of Site 1 appears to abut the NRMA. Please review the Habitat Management Plan for the borderland interface requirements.

The Fort Ord Administrative Record documents can be accessed at www.fortordcleanup.com.

Thank you & please let me know if you have any questions.

Chieko Nozaki, P.E., PMP
(Chenega Tri-Services)
Fort Ord BRAC Office
P.O. Box 5008, Monterey, CA 93944-5008

From: Denise Duffy
To: John Guertin; Erin Harwayne
Cc: Troy Lawson; Conor O"Toole
Subject: FW: Are contaminated former Fort Ord lands suitable for housing?
Date: Monday, May 1, 2023 3:25:41 PM

This is an NOP comment on the EIR for the Housing Element.

Denise Duffy
Principal
Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940

(831) 373-4341 office ext. 13
(831) 595-0267 mobile/direct
www.ddaplanning.com
dduffy@ddaplanning.com

From: Michael DeLapa <execdir@landwatch.org>
Sent: Monday, May 1, 2023 3:06 PM
Subject: Are contaminated former Fort Ord lands suitable for housing?

Dear former FORA jurisdiction:

Properties on the former Fort Ord face a variety of challenges with regard to their suitability for housing, including the health risks and costs of remediating soil and water contamination. Health risks should not be imposed on vulnerable populations in need of affordable housing. Furthermore, the cost of soil and water remediation may make development on contaminated sites more expensive than alternatives or may make low density housing development economically infeasible.

Here are some questions that should be addressed in developing site inventories and preparing EIRs for housing elements:

- Were the areas that are now being proposed for residential development in housing elements also designated for residential development in the Fort Ord Reuse Plan?
- Was the level of Army cleanup of Fort Ord soils guided by the then-intended uses for specific areas? For example, were areas intended for residential use cleaned up to a higher level than areas intended for industrial use?
- Has the soil on lands now being proposed for residential development in housing elements been contaminated?
- If the soils in areas now being proposed for residential use in housing elements were previously contaminated, were the soils cleaned up before the land was transferred to the City?
    - If it was cleaned up,
        - Was it cleaned up to a level suitable for residential use, or just for other uses (e.g., industrial or commercial use)? If not, on whom would the cost of

incremental cleanup to residential standards fall?
    - What restrictions remain on the use of the land, e.g.,
        - allowable use limitations
        - off-site transport of soils,
        - excavation protocols
        - additional testing and cleanup for excavated sites
        - construction worker protections,
        - capping soils
    - What costs will accommodating these restrictions impose on future development? For example, if excavated soils cannot be removed from sites, what cost would be imposed to retain this presumably contaminated soil on site? Would this restrict the amount of land that could be developed?
- Is additional cleanup required? If so, what entity would be responsible for the cleanup, e.g., the current landowner (e.g., the city) or the purchaser (e.g., the developer)?
- Is there a monitoring program in place for soils and waters under lands now being proposed for residential use? What is the purpose of the monitoring? For example, could the monitoring trigger additional cleanup? If so, what entity would be responsible?

If any of the land now being proposed for residential development on land has been contaminated and has not been fully cleaned up for residential uses without restrictions, or if there are additional costs associated with land use restrictions, then the EIR should evaluate alternatives to developing this land. Alternatives should include (1) siting development on uncontaminated sites and (2) where contaminated sites are used, minimizing the development footprint by using clustered, compact development instead of low density development.

Thank you for your attention to these important health concerns.

Regards,

Michael

Please subscribe to the LandWatch newsletter, "like" us on Facebook and follow us on Twitter.

Michael D. DeLapa
Executive Director
LandWatch Monterey County
execdir@landwatch.org
650.291.4991 m

Subscribe • Facebook • Twitter

Remember LandWatch in your will

From: Denise Duffy
To: Troy Lawson
Subject: Fwd: Emailing: Consistency Letter updated 12-5-19
Date: Wednesday, May 3, 2023 2:35:31 PM
Attachments: RESaluc_19-017_REF190043_121619.pdf
ALUC_APPLICATION_FORM_0112.pdf
FeeWaiverRequest.pdf

For later !
Denise Duffy
DD&A
Denise Duffy & Associates
831.595.0267
dduffy@ddaplanning.com

From: Jensen, Fionna <JensenF1@co.monterey.ca.us>
Sent: Wednesday, May 3, 2023 1:41:50 PM
To: Denise Duffy <Dduffy@ddaplanning.com>
Cc: Conor O'Toole <cotoole@ddaplanning.com>
Subject: RE: Emailing: Consistency Letter updated 12-5-19

Hi Denise,

I looked through our records and as you indicated, the 2019 Housing Element Update was found consistent with the 2019 MRY Airport Land Use Compatibility Plan (ALUCP), please see attached ALUC resolution.

To get the process started for the ALUCs review of the 2023 Housing Element/6th cycle, please submit the attached application form and requested materials (submittal via email is fine). The ALUC review fee is a fixed $2,007.55, this will be involved once the application is submitted and initialized. The City is welcome to also submit the Fee Waiver Request form, but I cannot guarantee that it will be approved.

Here is the MRY ALUCP link: https://www.co.monterey.ca.us/home/showpublisheddocument/75251/636875603145330000 and the County's Airport Land Use Compatibility GIS: https://maps.co.monterey.ca.us/portal/apps/webappviewer/index.html?id=30d633169a714530bc3e11aa7cd93890

The three main factors I look at when making a recommendation of consistency to the ALUC relate to Noise, Airspace Protection, and Safety. Table 4A (Noise) and Exhibit 4B (Noise Contours) are used to determine a project's location relative to the airport and how airport generated noise may impact the proposed development and its occupants. Table 4A details which uses are compatible within these noisier areas; generally, residential development is not compatible within CNELs 65-75. Exhibit 4C (Safety Zones) and Table 4B (Safety Criteria) are also used in tandem to determine which airport safety zone a project is in and whether it is prohibited use. For the purpose of the Housing Element, I would encourage you to compare housing inventory sites and their proposed density levels to Table 4B as it does establish maximum densities for different safety zones. If the inventory sites are the same as they were in 2019, the southern tip of Site 2 is in Safety Zone 3 which limits residential development to 1 DU/2Acres. Site 1 & 1A are in Safety Zone 7 which no residential restriction. Table 4D (Airspace; Part 77) depicts the criteria for limiting the height of structures, trees, and other objects in the vicinity of an airport. Because individual housing proposals will be submitted to the ALUC in the future, height will likely not play a huge role in my review of

the 6th cycle update.

Hope that helps! Happy to answer any questions that may arise.

Fionna Jensen
Senior Planner
Monterey County Housing and Community Development (HCD)
1441 Schilling Place, 2nd Floor, Salinas CA 93901
Main: (831) 755-5025 | Direct: (831) 796-6407 | Accela Citizens Access

-----Original Message-----
From: Denise Duffy <Dduffy@ddaplanning.com>
Sent: Tuesday, May 2, 2023 4:10 PM
To: Jensen, Fionna <JensenF1@co.monterey.ca.us>
Cc: Conor O'Toole <cotoole@ddaplanning.com>
Subject: Emailing: Consistency Letter updated 12-5-19

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Thanks, Fionna!

Denise Duffy
Principal
Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940

(831) 373-4341 office ext. 13
(831) 595-0267 mobile/direct
www.ddaplanning.com
dduffy@ddaplanning.com

May 24, 2023

City of Del Rey Oaks Housing Element EIR
650 Canyon Del Rey Boulevard
Del Rey Oaks, CA 93940

RE: Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (EIR) for the City of Del Rey Oaks Housing Element Update

Dear City of Del Rey Oaks:

Monterey-Salinas Transit (MST) provides public transportation in the City of Del Rey Oaks via Jazz A, Jazz B, and the Del Rey Oaks Shuttle. As requested by the City of Del Rey Oaks, MST has reviewed the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (EIR) for the City of Del Rey Oaks Housing Element Update and would like to make the following comments.

MST recommends adding a policy under Goal A that encourages the development of high-density housing near mass transit corridors and in areas with good pedestrian and bicycle infrastructure. This recommended policy can further the City's energy conservation goals by incentivizing public transit and active transportation and reducing dependence on vehicles. Upon the completion of future housing developments, developers can enroll in MST's Group Discount Program to offer residents substantially reduced cost bus passes.

MST also recommends creating a policy that encourages housing developers to install bus stop infrastructure on their development site. Bus stop layouts and designs are evaluated using MST's Designing for Transit Guidelines (2020) and all bus stops should closely adhere to these guidelines to ensure adequate access pertinent to the standards of the Americans with Disabilities Act (ADA).

As the City's Housing Element moves forward, we ask that the City of Del Rey Oaks coordinate with MST to ensure that adequate transit services are available to existing and future housing developments. If you have any questions about the above comments, please do not hesitate to contact me at movermeyer@mst.org or 831-264-5877.

Sincerely,

Michelle Overmeyer
Director of Planning an Innovation

NATIVE AMERICAN HERITAGE COMMISSION

RECEIVED
MAY 03 2023
CITY OF DEL REY OAKS
CITY CLERK

April 28, 2023

Karen Minami
City of Del Rey Oaks
650 Canyon Del Rey Blvd.
Del Rey Oaks, CA 93940

Re: 2023040680, City of Del Rey Oaks Housing Element Update, Monterey County

Dear Ms. Minami:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki, Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

a. A brief description of the project.

b. The lead agency contact information.

c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).

d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

a. Alternatives to the project.

b. Recommended mitigation measures.

c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

a. Type of environmental review necessary.

b. Significance of the tribal cultural resources.

c. Significance of the project's impacts on tribal cultural resources.

d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

Appendix B

Housing Element Programs, Site Inventory Maps, and Supplemental Mapping Alternatives

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Appendix B-1

Housing Element Programs

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5th Cycle Housing Element Program Revisions in the 2023 Update

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Housing Programs

Housing Opportunities

Program A.1 Accommodate the City's RHNA

According to the RHNA, the City has an affordable housing shortfall of 59 units for the 4th Planning Cycle and an allocation of 11 units for the 5th Planning Cycle for low and very low-income categories. The City has identified Sites 1 and 1a as being the preferred site for development to meet the City's RHNA (please see the Site Inventory in **Chapter 3.0 Housing Needs and Resources**) for the very low- and low-income categories and for development of moderate and above-moderate income categories. In order to develop the preferred Sites to meet the City's share of the RHNA, the Zoning Ordinance will be revised to allow affordable residential development on Sites 1 and 1a for low- and very low-income. The site will be rezoned in conformance with Government Code section 65583.2(h) and (i). The City will meet the 16 units of moderate and above-moderate RHNA on Sites 1 and 1a and will re-designate sufficient property in this portion of former Fort Ord within City limits to achieve this goal. The City will provide a range of types of housing units and prices to meet the total 86 units of regional housing allocation needs for Del Rey Oaks. The Housing Element Site Inventory finds that this density can feasibly be developed on these sites. Rezoning will meet the requirements of Government Code section 65583.2(h) and (i). The City must also accommodate its moderate and above moderate RHNA. The City has ~~described 5 sites under consideration~~ adequate area in Site 1 and Site 1a to meet the City's RHNA, see Chapter 3 and Appendix C. All sites must have access to dry utilities, sewer, and water.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Amend General Plan Land Use Map and Zoning Ordinance to allow residential uses as an allowed use for Site 1 and Site 1a by the third quarter of 2023. ~~The City shall accommodate the City's 5th Planning cycle RHNA and 4th cycle shortfall carryover by 4th quarter 2021.~~
Source of Funding	General Fund

*Substantive updates to 2019 Housing Element Programs shown only. Refer to full 5th Cycle Housing Element Update on City website: https://www.delreyoaks.org/sites/default/files/fileattachments/city_clerk/page/2692/dro_5th_cycle_housing_element_update_2023.pdf

Table 7-2
Regional Housing Need Allocation

Income Category	5th Cycle Allocation	4th Cycle Allocation*	Total
Very low- (31-50% of area of median income)	7	34	41
Low-income (51-80% of area median income)	4	25	29
Moderate-income (81-120% of area median income)	5		5
Above moderate (over 120% of area median income)	11		11
Total	**27**	**59**	**86**

Source: HCD, n.d.
*4th Planning Cycle carry over requirements

Program C.2 ~~Update~~ Encourage the construction of Accessory Dwelling Units ~~Ordinance to Existing Standards~~

A major constraint to housing in the City is affordability. ADUs help meet the City's needs for housing that is affordable by providing a housing resource for seniors and low- and moderate-income households. The City adopted an ADU ordinance consistent with applicable State law. ~~State ADU law has been updated since the passage of the City ADU ordinance.~~ The City will continue to review and update their ADU Ordinance ~~(also known as auxiliary housing)~~ to be compliant with updated State regulations that promote the development of ADUs.

The City will encourage the construction of ADUs by providing incentives such as waiver or reduction of development fees and expedited permit processing for ADU applications. Further, information to all eligible property owners concerning the City's amended ordinance will be provided at City Hall.

In addition, the City will explore the availability of prefabricated tiny homes and micro-units that may be suitable for ADUs, with the intent of providing additional information to interested homeowners.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	~~Adopt updated ADU Ordinance by the end of 2020.~~ City staff shall give an annual report to City Council on the number of new secondary units that are being built each year, starting at the end of 2021. If this number cannot meet the goal of two to three units per year, City Council will act to further amend the standards of the ADU Ordinance and height/setback requirements (for those units that have adequate water availability). Information detailing the requirements of the City's amended ADU Ordinance, and incentives for developing ADUs including permits waiver or reduction of development fees and expedited permit processing, shall be readily available at the City Hall and shall be included on the City's website and in the City newsletter by ~~first~~ third quarter 2023 ~~2021 (anticipated to follow the approval and adoption of the ADU Ordinance in the end of 2020~~).
Source of Funding	Staff time

Program C.3 Mitigating Constraints

Based upon this review of the City's standards, the following additional Zoning Ordinance amendments will be considered:

- Amend the Zoning Ordinance to eliminate limits on number of persons allowed to live in housing unit under definition of "Family".
- Amend the Zoning Ordinance to include language on density bonuses to comply with State requirements.

Program D.4 Support Programs to Reduce Homelessness

The City shall identify adequate sites for emergency shelters and then amend its Zoning Ordinance to make appropriate zone changes, if needed, to provide for the zoning for the site to allow for the emergency shelters in the City's zoning districts consistent with State law. ~~Zoning changes may not be necessary as certain zones may allow emergency shelters currently.~~ Adequate sites for these housing types are available throughout the City in C zones outside of the former Fort Ord that allow residential use with a permit (acreages and vacant sites in these zones are shown in **Figure 4**). Although the City has constraints due to lack of water and available land sites, the C zone outside could be developed into emergency shelters, most of the City is within a mile of transit stops and community services. Specifically, the City has adequate capacity on vacant and underutilized parcels (approximately 12 acres) within the C-1 zoning districts outside of former Fort Ord near Canyon Del Rey (see **Figure 4**), which are suitable for the development of emergency shelters due to their proximity to public transit lines, social services, and personal services.

To the extent that funds are available, the City will provide financial support to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low-cost loans, to operating agencies.

Responsible Agency	City Council and Planning Commission
Timeline and Objective	Amend the City Zoning Ordinance to include provisions for emergency shelters as needed ~~within one year of housing element adoption~~ by end of first quarter 2023.
Source of Funding	State and federal programs designated specifically for special needs groups

Program D.5 Develop written process for continued compliance with AB 101

The City shall continue to comply with the requirements of AB 101 and develop a written process to adhere to the statutory requirements in accordance with state law. AB 101 requires a Low Barrier Navigation Center (LBNC) be a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses if it meets specified requirements, including:

- Access to permanent housing.
- Use of a coordinated entry system (i.e., Homeless Management Information System).
- Use of Housing First according to Welfare and Institutions Code section 8255. (Gov. Code section 65662.)

A LBNC is defined as a Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy. (Gov. Code section 65660).

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Continue to comply with AB 101 (ongoing); develop written compliance process for AB 101 compliance by the end of third quarter 2023~~2~~.

6th Cycle Draft Housing Element Programs
From the July 2023 HCD Review Draft 6th Cycle Housing Element Update

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CHAPTER 7.0 HOUSING PLAN

Housing Goals, Policies and Programs

Under California law, the housing element must include the community's goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing. This Housing Element contains five goal statements the City has identified to address major housing related issues facing the community. The following goals, policies, and programs are identified to meet the City's unique and specific position in the regional housing market while meeting the community demands of a growing community and changing housing market.

The Housing Plan is organized into two sections: Goals and Policies, and Housing Programs. A goal is a higher-level statement that addresses the general nature and intent of the City's housing objectives. Under each goal statement, policies are also identified which provide guidance and expand upon the City's goals. The Housing Programs section describes specific actions, procedures, or strategies the City will take to carry out the identified goals and policies. This section also specifies the primary entity responsible for program implementation and the timeframe for accomplishment and monitoring for the actions.

Based on the goals, policies, and programs outlined in the Housing Element and findings from the Housing Needs Assessment, the following objectives represent a reasonable expectation of the number of new housing units that can be developed, rehabilitated, or conserved/preserved for the 6th Cycle Planning Period (**Table 7-1**).

Table 7-1
6th Cycle Quantified Objectives Summary

Income Category	Allocation by Cycle*		Totals by Income Category	New Construction	Rehabilitation	Conservation /Preservation	Total Units By Housing Type	
	4th/5th Cycle Shortfall	6th Cycle						
Very Low (0-50% of AMI)	41	60	101	101	0	0	101	Combined Low and Very Low = 168
Low (51-80% of AMI)	29	38	67	67	0	0	67	
Moderate (81-120% of AMI)	5	24	29	29	0	0	29	Combined Moderate/ Above Moderate = 92
Above Moderate (more than 120% of AMI)	11	62	73	73	0	0	73	
Total Units	86	184	**270**	**270*** **	0	0	**270**	

*4th Planning Cycle affordable housing shortfall requirement applies to very low- and low-income only.
** Total very low and low-income
*** Includes 20 ADUs
Source: HCD Projected Housing Needs – Regional Housing Needs Allocation (HCD, AMBAG 2022)

Goals and Policies

Housing Opportunities

GOAL A: THE CITY WILL PROVIDE ADEQUATE SITES TO BUILD NEW HOUSING UNITS FOR ALL INCOME LEVELS AND TO MEET THE CITY'S FAIR SHARE OF HOUSING NEEDS.

The City wants to facilitate a wide range of housing types to ensure there is adequate supply to meet the current and future needs of the City. By maintaining a balanced inventory of housing types including sizes, price and style, the City will ensure that adequate supply is available to meet existing and future housing needs. Persons and households of different ages, types, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. This goal will ensure the provision of adequate sites that will allow for development of a variety of affordable housing in a safe and sustainable environment for all residents of the City, consistent with the City's housing allocation adopted by the AMBAG.

Policies

A.1 Development of Underutilized Sites: The City shall ensure adequate vacant land and underutilized sites suitably zoned and prepared for residential development and/or redevelopment are available to meet the City's housing need as identified by AMBAG.

A.2 Diversity of Housing Types that Meet City and Regional Housing Needs: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, live-work units, and units in mixed-use developments.

A.3 Affordable Housing: The City shall promote the development of housing affordable to lower- and moderate-income households by pursuing State and federal funding sources for affordable housing projects. Where possible, the City shall partner with existing non-profit and for-profit corporations that are interested and able to construct and manage very low- and low-income households in the City.

A.4 New Sources of Infrastructure Financing: The City shall continue to seek new sources of financing for necessary infrastructure improvements for new development to facilitate new housing development.

Affordable Housing

GOAL B: THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE CITY.

The City is committed to providing adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. In order to do this, the City has identified a number of policies and programs ranging from seeking funding from varied sources, thereby increasing the opportunities for the development of affordable housing units, to working with non-profit and for-profit developers in the production of affordable for-sale and rental housing. Recognizing that homeownership plays a significant

role in establishing strong neighborhoods and a sense of community pride, the City also supports programs that make purchasing a home a realistic option for lower-income households.

Policies

B.1 Adoption of Inclusionary Housing Ordinance: The City shall safeguard availability of affordable housing to moderate-, low-, very low-, and extremely low-income households through the adoption of Inclusionary and Affordable Housing Requirements.

B.2 Homeownership Housing: The City shall encourage the development of ownership housing and assist tenants to become homeowners within the parameters of federal and state housing laws.

B.3 Provide Incentives for Affordable Housing: The City shall promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low-income households.

B.4 Affordable Rentals: The City shall identify and solicit redevelopment funds as well as federal and State financial assistance for the construction of rental housing units and for rent subsidies for very-low-income and low-income households.

Remove Constraints

GOAL C: THE CITY WILL WORK TO REMOVE GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS TO HOUSING DEVELOPMENT.

Pursuant to State law, the City is obligated to address, and where legally possible, remove governmental constraints affecting the maintenance, improvement, and development of housing. Removing constraints on housing development can help address housing needs in the City by expediting construction and lowering development costs.

Policies

C.1 Flexible Development Standards: The City shall continue to improve and streamline the project review process by periodically evaluating and ensuring that zoning provision, City site improvement standards, development review procedures, entitlements procedures, and development fees do not unreasonably constrain the development, conservation, and rehabilitation of housing. Should constraints be identified, actions such as amendments to policies and procedures may be implemented to reduce or eliminate those constraints.

C.2 Reduce or Eliminate Non-Governmental Constraints: The City shall monitor non-governmental constraints, such as interest rates, construction costs, water availability, and others, through consultation with developers, lenders and other entities directly involved in the provision of housing. Should constraints be identified, actions such as amendments to policies and procedures may be implemented to reduce or eliminate those constraints.

Equal Housing Opportunities

GOAL D: THE CITY WILL PROMOTE EQUAL HOUSING OPPORTUNITIES FOR ALL PERSONS.

The City recognizes the importance of extending equal housing opportunities for all persons, regardless of regardless of race, religion, sex, family status, marital status, ancestry, national origin, color, age, physical or mental disability, sexual orientation, source of income, or any other arbitrary factor.

The City has many residents who have special housing needs. State law requires the housing element to address the needs of specific "special needs" groups, including seniors, persons with disabilities, large families with children, female-headed households, and people who are homeless. Meeting the needs of these residents requires a broad range of strategies for housing and other services. This section also addresses student and faculty housing.

Policies

D.1 Fair Housing Services: The City shall support efforts to eliminate housing discrimination on the basis of race, gender, color, religion, age, marital status, offspring, or disability. The City shall ensure compliance with federal, State, and local Fair Housing and anti-discrimination laws and ordinances. Federal, State, and local Fair Housing laws make it illegal to discriminate against any person because of race, color, religion, gender, disability, familial status, national origin, ancestry, marital status, sexual orientation, source of income, or age in the rental or sale, financing, advertising, appraisal, provision of real estate brokerage services, etc., and land-use practices.

D.2 Reasonable Accommodation: The City shall encourage provision of an adequate supply of suitable housing to meet the needs of people with disabilities. The City will continue to implement a reasonable accommodation process for persons with disabilities to request exceptions or modifications of zoning, permit processing, and building regulations to ensure housing is accessible. The City will require incorporation of ADA and California Title 24 Disabled Access Regulations into new construction.

D.3 Housing for Seniors: The City shall support housing programs that increase the ability of senior households to remain in their homes or neighborhoods, and if necessary, to locate other suitable affordable housing to rent or purchase.

D.4 Family Housing: The City shall facilitate and encourage the development of larger rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.

D.5 Student and Single-Room Occupancy Housing: The City shall facilitate and encourage the development of rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.

D.6 Support Organizations Serving the Homeless Community: The City shall support the efforts of non-profit and community organizations that provide emergency shelter and other assistance for the homeless population, including alcohol and drug recovery programs.

Quality Housing Opportunities

GOAL E: THE CITY WILL CONTINUE TO CONSERVE AND IMPROVE THE CONDITION OF THE EXISTING HOUSING STOCK TO ENSURE THE SAFETY, WELFARE, AND AFFORDABILITY OF RESIDENTS.

Conserving and improving the housing stock helps maintain investment in the community and keeps existing housing affordable. Many factors can contribute to the deterioration of residential units including quality of workmanship, age, type of construction, and location. Preventing these problems from occurring and addressing them when they do occur protects the safety and welfare of residents and assists in meeting housing needs throughout the City. As a majority of the City's housing stock is over 30 years old, it is important to maintain residential units and keep them from deterioration. The City will focus its efforts on rehabilitation, code enforcement, preservation of quality of family home and will take a proactive approach to conserving the current housing stock.

Policies

E.1 Residential Rehabilitation: The City shall assist lower-income households whose housing units are in need of rehabilitation to ensure the safety and habitability of housing units and the quality of residential neighborhoods.

E.2 Code Enforcement: The City shall promote the continued maintenance of the City's existing housing stock and residential neighborhoods through enforcement of adopted code requirements that set forth the acceptable health and safety standards for the occupancy of housing units.

E.3 Preserve Quality Single Family Housing and Rental Stock: As single family and rental stocks deteriorate, the City shall preserve the existing single-family housing, especially those single-family and rental units occupied by lower-income households.

E.4 Sustainable Housing Design: The City shall improve affordability by promoting the incorporation of energy efficient practices into residential design.

Housing Programs

Housing Opportunities

Program A.1 Accommodate the City's RHNA

The City will provide a range of types of housing units and prices to meet the total 184 units of regional housing allocation needs (RHNA) for Del Rey Oaks.

RHNA 6th Cycle 2023-2031	Income Group				
	Very Low	Low	Moderate	Above Moderate	Total
Del Rey Oaks	60	38	24	62	184

The City will provide for an adequate number of units to meet the very low- and low-income categories and for development of moderate and above-moderate income categories within the RHNA and including the 4th and 5th cycle shortfall. The City will use Sites 1 and 1a owned by the City, and if needed, also Sites K1 and K2 (private property owners). The City will adopt an overlay zone to allow residential uses to meet RHNA as shown on **Table 7-1**. The City will ensure sufficient property is available in former Fort Ord to achieve this goal throughout the planning cycle. The Housing Element Site Inventory finds that this density can feasibly be developed on these sites. Rezoning will meet the requirements of Government Code section 65583.2(h) and (i).

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Present Zoning Overlay to Planning Commission and City Council by end of second quarter 2023 and rezone by end of third quarter 2023 for 6th Cycle. Report to City Council to confirm adequate area is available for meeting RHNA on a regular basis; report due by end of first quarter yearly.
Source of Funding	General Fund

Program A.2 Develop Mixed Use Zoning Designation

The City will seek to identify potential areas for mixed use, both in the former Fort Ord areas and in commercial sites defined by the City, where a mixed-use designation would be appropriate working with developers, property owners, the community and the Planning Commission and City Council. Sites will be selected based upon availability of land without resource constraints or limitations due to airport land use conflict, with available water service and utilities. Densities shall be a minimum 20-25 units per acre with at least 50% of the square footage of development dedicated to residential uses. Underlying land uses can be commercial or visitor serving areas; zoning will be amended to permit residential uses as well as mixed uses at higher intensities than currently allowed in commercial zones and to allow mixed use in visitor-serving designation zones. *Note: not needed to meet RHNA for 6th Cycle per the analysis in **Chapter 3**.*

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Submit report on available sites for mixed use designation by mid-2025.
Source of Funding	General Fund

Program A.3 Small Lot Residential in New Subdivisions

The City shall amend the General Plan and Zoning Ordinance to allow small lot Planned Unit Developments (PUD) consisting of individual lots that utilize Traditional Neighborhood Design (TND) techniques for development of cottage or small bungalow-type homes. Further, provide an overlay or PUD ordinance for projects if needed to allow for privately maintained common open space and mixed housing types.

Note: not needed to meet RHNA for 6th Cycle.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	End of 2025
Source of Funding	General Fund

Affordable Housing

Program B.1 Develop Inclusionary and Affordable Housing Requirements

The City will require new residential development or redevelopment in the City to provide affordable housing to meet the City's RHNA requirements as identified in the AMBAG RHNA. The City will continue to pursue development opportunities of the former Fort Ord properties and will include affordable housing requirements in a disposition & development agreement to achieve this objective. The City will also consider development of an inclusionary housing policy option to determine if this method will better facilitate the City objective to achieve a variety of housing types and opportunities for very low, low- and moderate-income households. The City will assess and analyze a variety of inclusionary housing programs, standards, requirements and regulations to determine the best course of action. Utilizing either or both options, the City will determine the appropriateness and application of inclusionary policies, and adopt policies, programs or regulations that will produce housing opportunities for affordable to very low, low and moderate-income households. Any regulations shall provide additional detail and address development of rental and for-sale housing affordable to very low, low- and moderate-income households, as well as the applicability of this requirement and its alternatives. to the City shall require affordable housing for new development at a minimum of 20% affordability.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	The City will assess and analyze a variety of inclusionary housing programs, standards, and requirements and provide a report to the City Council by end of 2024. To ensure adequate provision of affordable housing, the City will require development agreements or adopt an inclusionary housing policy to ensure development of affordable housing.
Source of Funding	General Fund

Program B.2 Facilitate Affordable Housing for All Income Levels

The City will support housing for low-income, extremely low-income, and moderate-income households and persons with disabilities (including developmental disabilities). The City will actively seek to participate in and promote housing assistance service provided by such agencies as the Monterey County Housing Authority and the U.S. Department of Housing and Urban Development.

As opportunities arise, new funding sources for lower-income housing will be sought from available non-profit, local, State, and federal programs. Planning and entitlements should consider how to position an affordable project to qualify for future grant applications.

The City will also work with developers to facilitate affordable housing development. Specifically, as funding permits, the City will provide gap financing to leverage State, federal, and other public affordable funding sources. Gap financing will focus on rental housing units affordable to lower-income households and households with special needs (such as seniors and disabled, including people with developmental disabilities). To the extent feasible, the City will also ensure a portion of the affordable housing units created will be available to extremely low-income households.

Responsible Agency	City Hall, City Manager's Office
Timeline and Objective	Actively seek funding opportunities to increase the supply of affordable housing for lower income households, analyze sites owned by the City to identify those that could be suitable to support affordable housing. Seek to leverage these funds with federal, state, and County HOME funds to increase the amount of affordable housing on housing strategy sites. Work with developers of housing strategy sites and non-profit developers to identify opportunities to increase the percentage of affordable housing by encouraging developers to apply for available funds and utilize other creative mechanisms. (Ongoing work with developers; report on funding biannually to City Council)
Source of Funding	General Fund

Program B.3 Utilize Housing Choice Vouchers

The Housing Authority of Monterey County (HAMC) which administers the Housing Choice Voucher (HCV) Program for Del Rey Oaks and throughout Monterey County provides rental subsidies to very low-income families and elderly households that spend more than 30 percent of their gross income on housing. To help overcome the reluctance of many landlords to sign HCV agreements, the City shall work with the Housing Authority to offer incentives to property owners that sign HCV agreements.

Responsible Agency	City Hall, City Manager's Office
Timeline and Objective	The City, working with the HAMC, shall provide information and incentives to property owners to encourage them to sign HCV agreements with the HAMC. Informational pamphlets will be available at City Hall in English and Spanish regarding the voucher program and a notice posted in the City's Acorn Newsletter. The number of applications received will depend upon how many property owners apply for HCV agreements with the HAMC and City. This program could provide rental assistance to at least two or three renters per year, with the first full active year being 2024.
Source of Funding	Staff time, HAMC, and private owners/developers

Program B.4 Preferential Housing for Del Rey Oaks Residents and Workers

To the extent that such policy can be legally implemented, the City shall consider adoption of a new ordinance in compliance with the Fair Housing Law, requiring that all newly constructed inclusionary

dwelling units for below-market-rate income, moderate-income, and lower-income households within the City, and all first-time homebuyer programs, be provided on a preferential basis to Del Rey Oaks residents and workers.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Confirm if policy can be legally implemented by end of 2024. Adopt a Preferential Housing Ordinance by fourth quarter of 2025.
Source of Funding	General Fund, Developer Fund

Program B.5 Develop a Density Bonus Ordinance Consistent with State law

Government Code section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. State Density Bonus Law requires a local jurisdiction to grant an increase in density, if requested by a developer, for providing affordable housing as part of a development project. Key provisions of the law include incremental density bonuses that correspond to the percentage of housing set aside as affordable units. The City shall develop and adopt a Density Bonus Ordinance consistent with the current Government Code and State Density Bonus Law. Once passed, the City will review any future amendments to State Density Bonus law to ensure that its local ordinance remains consistent with State law. Once passed the City shall commit to consider requests under State Density Bonus Law (including requests for incentives, concessions, waivers, and parking reductions) so that projects that qualify are not prevented from developing at the densities to which they are entitled.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Adopt a City Density Bonus Ordinance, consistent with Government Code and State Density Bonus Law, by fourth quarter 2025.
Source of Funding	Staff Time

Program B.6 Facilitate Affordable Rental Units

The City will apply for low interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, Farmers Home Administration, and the HCD. The City will apply for at least one funding opportunity every other year within the 6th Cycle Planning period. In addition, the City will provide funding through use of tax increment funding for a housing fund as such funds are available.

Responsible Agency	City Council
Timeline and Objective	Research available funds to assist in the construction of affordable units (and accessory dwelling units) to low-income and very low-income households (anticipated to start seeking funding opportunities beginning 2024). The City will file 4 funding applications during the 6th Cycle Planning period.
Source of Funding	Staff time; State, federal, and regional grants; and private property owners/developers

Program B.7 Preferential Housing for Teachers and Local Educational Employees

Government Code section 65914.7 (AB 2295) considers housing development projects on property owned by a local educational agency to be an allowable use of the property, provided certain criteria are met. AB 2295 allows a school district or county office of education that meets certain criteria to utilize its surplus property to provide affordable housing to its employees. This program seeks to provide needed housing

for teachers and other employees of the local educational agency. If qualifying parcels are identified within the city in accordance with AB 2295, the City shall adopt a streamlined ministerial permitting policy for workforce housing on sites owned by a local education agency to support housing opportunities for teachers and educational employees, consistent with AB 2295.

In order for a project to qualify for this program, the ordinance shall specify that the project shall meet all requirements of AB 2295, including but not limited to:

- The project is on an infill site as defined by AB 2295;
- The project qualifies as an allowable use under AB 2295;
- The project meets the density and height standards applicable under AB 2295; and
- The project meets other objective development standards applicable under AB 2995.

The project shall not be sited in an environmentally sensitive area, require demolition of deed-restricted affordable units or rent-controlled units, or historic structures, will not use a mobile home site, and does not require subdivision.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	If a local educational agency identifies a qualifying parcel within the City on which they intend to develop housing, City will adopt a Preferential Housing Ordinance consistent with AB 2295 by end of 2025.
Source of Funding	Staff time; local education agency property owners/developers

Remove Constraints

Program C.1 Support efforts of public and private groups providing housing for the elderly and disabled, including assistance with obtaining permits and permit streamlining consistent with SB 35, or where appropriate, waiving City fees or regulatory requirements.

The City will continue to find opportunities to streamline the permitting process to remove unnecessary barriers, without compromising public health, safety and community character. In order to do this, as part of the City's Zoning Ordinance update, site improvement standards and development procedures will be reviewed and, as needed, revised to ensure that such standards and procedures do not unnecessarily constrain the development, conservation, and rehabilitation of affordable housing. This Zoning Ordinance update will ensure compliance with SB 35 which allows streamlined approval processes in municipalities not meeting the RHNA.

Responsible Agency	City Planning and Building Departments
Timeline and Objective	Review, and as needed, revise the City Zoning Ordinance by the end of third quarter 2024.
Source of Funding	General Fund

Program C.2 Encourage the Construction of Accessory Dwelling Units

A major constraint to housing in the City is affordability. ADUs help meet the City's needs for housing that is affordable by providing a housing resource for seniors and low- and moderate-income households. The City will continue to review and update the ADU Ordinance to be compliant with updated State regulations

that promote the development of ADUs. The City will encourage the construction of ADUs by providing incentives such as waiver or reduction of development fees and expedited permit processing for ADU applications. Further, information to all eligible property owners concerning the City's ADU approval process will be provided at City Hall. In addition, the City will explore the availability of standardized plans for ADUs/JDUs that may be suitable for ADUs or JDUs, with the intent of providing additional information to interested homeowners.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	City staff shall give an annual report to City Council on the number of new ADUs that are being built each year by April 1st of each year, starting in 2024. Information detailing the requirements of the City's ADU Ordinance, and incentives for developing ADUs including permits waiver or reduction of development fees and expedited permit processing, shall be readily available at the City Hall and shall be included on the City's website and in the City newsletter by second quarter 2024. As part of annual review, the City will review their ADU and JADU development progress to evaluate if production estimates are being achieved. If ADUs are not being permitted as assumed in the Housing Element, the City will take action within 6 months of completion of the ADU review to ensure that adequate capacity at each income level is maintained to meet the City's RHNA needs.
Source of Funding	Staff time

Program C.3 Mitigating Constraints

Based upon this review of the City's standards, the following additional Zoning Ordinance amendments will be considered and zoning ordinance amended, as required to be consistent with state law in the following areas:

- Amend the Zoning Ordinance to include language on density bonuses to comply with State requirements.
- Amend Zoning Ordinance to ensure that transitional and supportive housing is allowed in the same way other residential uses are allowed in all zoning districts allowing residential uses.
- Amend the Zoning Ordinance to conditionally permit SRO housing in the C-1 (Commercial) zone.
- Consistent with the California Employee Housing Act, amend the Zoning Ordinance to update standard that requires that housing for six or fewer employees be treated as a regular residential use.

Responsible Agency	Planning Department, City Council, Planning Commission, and City Hall
Timeline and Objective	Adopt required amendments to the Zoning Ordinance by third quarter of 2025.
Source of Funding	General Fund

Program C.4 Ensure the Availability of an Adequate Water Supply to Serve the Long-Term Housing Needs of the City

A major constraint to development within the City is water supply. The City will continue to work with the MPWMD, MCWD, M1W and other appropriate agencies through meetings and consultation to seek securement of sufficient water resources to meet the expected needs of projected housing development. Continue to provide City representative on Board of M1W to promote water provision as a priority for affordable housing. Provide the Draft Housing Element to the local water and service providers for the City in accordance with State law.

Responsible Agency	City Council
Timeline and Objective	Participate in two annual meetings with MPWMD, MCWD, M1W and other appropriate agencies by the end of 2031 and throughout 5th Cycle. Request MPWMD and MCWD provide annual updates to the City Manager on completion of water projects and provision of water for affordable housing for the City.
Source of Funding	General Fund

Program C.5 Adopt Safety Element Update and Environmental Justice Element

SB 1035 requires that the City to revise and update the safety element to identify flood hazards and address the risk of fire in certain lands; and upon each revision of the housing element, to review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not previously available during the previous revision of the safety element. The City will revise and update the Safety Element and adopt the update within 12 months of adoption of the 6th Cycle Housing Element. SB 1000 (2018) requires that the City include an environmental justice component to the General Plan during the 6th Cycle update of the City's Housing Element. The City will adopt a separate Environmental Justice Element within 12 months of adoption of the 6th Cycle Housing Element.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	As funds are available, adopt a Safety Element Update and Environmental Justice Element, consistent with Government Code and State Law, by fourth quarter 2027.
Source of Funding	General Fund

Program C.6 Evaluate Fees for Development Projects

Planning permit and development impact fees are used to cover the costs and expenses incurred by or on behalf of the City in connection with planning applications and development of property. Fees help cover the public costs related to development projects, including time that staff spend on reviewing development proposals. To support the development of higher-density housing, the City will review the City of Del Rey Oaks Fee Schedule to reduce fees for affordable housing units. The City wishes to encourage additional creation of smaller residential units to serve their aging senior and single person households. To incentivize development of smaller units, the City will revise their fee program for affordable units and assess building and permit fees per square footage per unit, assuming such fees are reduced from normal fees and consistent with State law.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Evaluate and review the City of Del Rey Oaks Fee Schedule to ensure that the fees appropriately support feasible development of smaller housing units; revise affordable housing fees by amending fee ordinance for smaller units. Study and adopt revised fee update by fourth quarter 2025.
Source of Funding	General Fund

Equal Housing Opportunities

Program D.1 Promote Fair Housing by Providing Educational and Referral Materials

The City will continue to provide Fair Housing education and outreach, making information available in multiple languages, and refer persons with fair housing questions to the Housing Authority, Department of Equal Housing and Employment, and California Rural Legal Assistance on an as-needed basis. The City will make information about fair housing services available at City offices and on the City's website.

Responsible Agency	City Hall, Planning & Building Departments
Timeline and Objective	Provide Fair housing education materials at City Hall in English and Spanish, post information on the City website by first quarter 2024; and provide information in City newsletter annually.
Source of Funding	Staff time, General Fund

Program D.2 Provide Opportunity for and Encourage the Development of Adequate Housing for the City's Special Needs Groups.

The City shall facilitate the provision of housing for the elderly and disabled, including developmental disabilities, and other special needs housing by modifying the Zoning Ordinance to define licensed residential care facilities, to explicitly allow small residential care homes by right in all residential zone districts, allow group homes of six or fewer to be allowed in all zones allowing single-family uses (not limited to residential uses), and to permit larger residential care homes (seven or more) in the City's R-2 and C-1 districts consistent with the standards of these districts.

The City shall also support the efforts of public and private groups to provide housing for the elderly and disabled. Such support may include staff assistance in obtaining permits or financing, or, where appropriate, the waiver of City fees or regulatory requirements, some combination of these, or other tangible measures of support.

Responsible Agency	Planning Department, City Council, and Planning Commission
Timeline and Objective	The City will aim to update the Zoning Ordinance by the end of 2025. It will aim to identify at least one residential project by 2026 that is targeted for seniors and/or persons with mobility impairments. The City will monitor these programs through annual reports to the City Council, with the first annual report by the end of 2024.
Source of Funding	Staff Time, General Fund, and State and federal programs designated specifically for special needs groups

Program D.3 Special Needs Housing for Disabled Persons

The City shall amend the Zoning Ordinance to ensure that future projects incorporate accessible design. Specifically, the zoning ordinance will be amended to:

1) Require new multi-family development to be in compliance with Title 24 of the California Code of Regulations;

2) Eliminate restrictions on occupancy standards for group homes consistent with State law; and

3) Allow reduced parking standards for all transitional housing and homeless shelters, for age-restricted housing (regardless of affordability), and for persons with disabilities.

The zoning code will be further reviewed to identify and remove any additional constraints and ensure that reasonable accommodations are provided with regard to housing designed for persons with disabilities. This update will expressly allow exceptions to zoning and development standards including, but not limited to, ramps as a permitted encroachment into required front and rear yards in order to ensure accessibility for persons with disabilities.

Responsible Agency	Planning Department, City Council, and Planning Commission
Timeline and Objective	Review zoning code and report to City Council on needed updates to address State law by third quarter 2024. Amendments to Zoning Code specific to this program shall be adopted by end of 2025.
Source of Funding	Staff Time, General Fund

Program D.4 Support Programs to Reduce Homelessness

The City amended its Zoning Ordinance to allow for the emergency shelters in the City's C-1 zoning district consistent with State law. The City found that the C-1 district sites provided adequate opportunity (within a mile of transit stops and community services). The City will monitor the sites to continue to confirm there is adequate capacity and sites which are suitable for the development of emergency shelters. To the extent that funds are available, the City will provide financial support to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low-cost loans, to operating agencies.

Responsible Agency	City Council and Planning Commission
Timeline and Objective	Report annually on homeless count and provision of adequate area for homeless shelters in the City. Research available funding for facilities if applicable.
Source of Funding	State and federal programs designated specifically for special needs groups

Program D.5 Develop written process for continued compliance with AB 101

The City shall continue to comply with the requirements of AB 101 and develop a written process to adhere to the statutory requirements in accordance with state law. AB 101 requires a Low Barrier Navigation Center (LBNC) be a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses if it meets specified requirements, including:

- Access to permanent housing.
- Use of a coordinated entry system (i.e., Homeless Management Information System).
- Use of Housing First according to Welfare and Institutions Code section 8255. (Gov. Code section 65662.)

A LBNC is defined as a Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy. (Gov. Code section 65660).

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Continue to comply with AB 101 (ongoing); develop written compliance process for AB 101 compliance by the end of third quarter 2024.
Source of Funding	General Fund

Program D.6 Develop written process for continued compliance with AB 2162

The City shall continue to comply with the requirements of state law AB 2162 (Chapter 753, statutes of 2018) and will develop a written process to adhere to the statutory requirements in accordance with state law. AB 2162 streamlines and expedites the approval of supportive housing to better address the need of Californians experiencing homelessness. Specifically, AB 2162 requires supportive housing to be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. The legislation requires a local government to approve, within statutory timelines, a supportive housing development that complies with specified criteria.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Continue to comply with AB 2162 (ongoing); develop a written compliance process for AB 2162 by fourth quarter 2023.
Source of Funding	General Fund

Program D.7 Adopt Universal Design Element for New Development

Universal design is used to govern construction of homes by using design principles that allow individuals to remain in those homes as their physical needs and capabilities change. The City shall research principles of universal design for application for new development, particularly for senior housing or housing for those with disabilities. The City shall prepare a report for the Planning Commission and City Council identifying principles of universal design, successful application in other jurisdictions, the HCD model ordinance and the process for application of an ordinance. Upon endorsement of Planning Commission and City Council, the City shall develop a written process specific to the City of Del Rey Oaks and prepare guidelines and a model ordinance consistent with the principles of universal design.

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Research and provide written report by end of fourth quarter 2024. Develop written process for Universal Design and adopt Universal Design Element Guidelines and Ordinance by end of 2025.
Source of Funding	General Fund

Program D.8 Develop Objective Design and Development Standards

Housing Accountability Act SB 330 and SB 35, enacted to address the State-wide housing shortage, requires cities to review residential developments based on “objective” standards, such as specific and defined design requirements, rather than on subjective standards. This program commits the City to review the Zoning Code, and design guidelines to ensure that development standards and design

guidelines are clear and objective for multiple family and mixed-use residential development. The City shall also develop and adopt objective design standards for multiple family and mixed-use residential development.

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Develop Objective Design and Development Standards for multifamily and mixed-use residential development by December 2025.
Source of Funding	General Fund

Quality Housing Opportunities

Program E.1 Assist in Rehabilitating Housing

The City will investigate available low-interest loans, subsidies, and grants from federal and State agencies to provide rehabilitation funds. As funding becomes available, the City shall provide grants and/or low interest, deferred, and/or forgivable loans for building code violations, health and safety issues, essential repairs, upgrades of major component systems, and modifications to accommodate disabilities. Rehabilitation funds will be available to low-income homeowners and to owners of rental units that will rent to low-income households. Subject to federal or other available funding the City will look to assist an average of one to two households (ranging from single-family, multi-family, and mobile homes), dependent on need.

Responsible Agency	City Council and Manager
Timeline and Objective	Assist two households by the end of 2025.
Source of Funding	Loans, subsidies, and grants and tax increment funding

Program E.2 Continue Code Enforcement

The City will continue to perform code enforcement for areas or homes with building code violations posing life and/or safety risks to occupants and/or significant property maintenance concerns and ensure that such violations are adequately abated. When violations are cited, enforcement officers will provide a list of potential funding sources to homeowners.

Responsible Agency	Police Department
Timeline and Objective	Continue to implement code enforcement efforts in the targeted areas with concentrated issues of code violations; ongoing.
Source of Funding	General Fund

Program E.3 Energy Conservation and Energy Efficient Opportunities

The City will promote subsidy and incentive programs for energy conservation available to residents. Some of these programs include PG&E's rebates, Energy Watch Partnerships, and Energy Savings Assistance Program; CARE/FERA program, and the CaliforniaFIRST program. The City will promote these programs in their newsletter and on their website.

Responsible Agency	City Hall, Planning Department, and Building Department
Timeline and Objective	Information detailing energy conservation programs shall be provided at the City Hall and shall be included on the City's website and updated at least once per year. Energy conservation programs targeted to low-income households

	shall be promoted in the City newsletter at least once per year and available at the City Hall. Complete annually by December of each year.
Source of Funding	General Fund

Program E.4 Annual Report

Provide an Annual Report to the City Council and Planning Commission that describes (1) implementation of Housing Element programs to date, (2) the amount and type of housing activity as related to the Housing Element's goals, policies, and programs, and (3) an updated summary of the City's housing needs. The Annual Report will address the requirements of Government Code Section 65400. Submit this report to the California Department of Housing and Community Development within 30 days after review by the City Council.

Responsible Agency	City Hall, Planning Department, and Building Department
Timeline and Objective	Information detailing housing needs and progress shall be included on the City's website and updated at least once per year prior to submittal to HCD. Complete annually by April 1 of each year.
Source of Funding	General Fund

Program E.5 Affirmatively Further Fair Housing By Providing Equal Housing Opportunities For All Existing And Future Del Rey Oaks Residents

The City will affirmatively further fair housing by providing equal housing opportunities for all existing and future Del Rey Oaks residents through the following methods: Enhance housing mobility strategies. Protect existing residents from displacement. Encourage new housing choices and affordability in high and medium resource areas. Improve place-based strategies to encourage community conservation and revitalization including preservation of existing housing.

The population of Del Rey Oaks includes special needs groups, which require a variety of unit sizes to serve needs that are not currently addressed within the City. These issues include:

- Seniors. A growing cohort of seniors in the City indicates a potential need for specialized housing types and social services dedicated to seniors. According to the ACS (U.S. Census Bureau, 2020), the number of households with householders 65 years and over in Del Rey Oaks has grown from 167 in 2012 (25.3 percent) to 249 (39.3 percent) in 2020. Monterey County's households with householders 65 years and over in 2020 was 33,939 (26.5 percent).
- Persons with Disabilities. The population of Del Rey Oaks with a disability is 12.7 percent, similar or slightly higher than neighboring communities. As the population ages, the City may need to consider future care and services for the aging population and people with disabilities. It is generally understood that the need for housing for people with disabilities outweighs the availability of adequate housing units. Outreach, and the adoption and implementation of universal design methods can increase the number of units available to people with disabilities and aging populations, provide housing mobility and reduce displacement.
- Large Households. In 2020, 5.4 percent of owner-occupied households in Del Rey Oaks had five persons or more compared to 10.1 percent of renter-occupied households with five persons or more. This issue is not major at the moment, but with limited new housing development and

increasing pricing, large families will have to deal with overcrowding due to the lack of large family affordable housing. Rental unit sizes available for rent in Del Rey Oaks do not currently serve large families. In order to better serve this population, it is important to develop affordable housing that can accommodate large families with three (3) or more bedrooms and reduce barriers to affordable housing construction, and to consider incentives to encourage units suitable for larger households.

- Female-Headed Households. As of 2020, female-headed households represent approximately 6.7 percent of total households in Del Rey Oaks. As a goal of affirmatively furthering fair housing, methods to prioritize the inclusion of female-headed households and female-headed households with children to find adequate and affordable housing will be sought.
- Homelessness. Although Del Rey Oaks contains a small unhoused/homeless population compared to Monterey County, it is important to consider allowing types of facilities to provide shelter for homeless individuals and families including emergency shelter, transitional housing, and permanent supportive housing.

The City will affirmatively further fair housing by providing equal housing opportunities for all existing and future Del Rey Oaks residents through the following methods:

- Leverage City-owned land for the development of affordable housing projects and provide a mix of densities, affordability and housing types to encourage diversity within the community.
- Encourage new housing choices and affordability in high resource areas through reduced development fees, increased incentives for development of ADUs and other housing choices within the City.
- Encourage development and use of ADUs as a strategy to encourage affordable housing within the City. ADU's can serve the aging population of the City and reduce displacement.
    - Programs A.1, B.1, and B.2 ensure very low, low, moderate, above moderate income, and inclusionary housing opportunities are made available in the city and to accommodate the City's RHNA.
    - Program A.2 provides for a Mixed-Use Zoning Designation to increase opportunities for a wide variety of housing and increase housing mobility, which enables residents to locate housing outside of traditionally lower- and moderate-income neighborhoods.
    - Program A.3 reduces lot size constraints and promotes opportunities for smaller housing at higher densities.
    - Program B.3 expands use of housing vouchers in the City by providing information about local fair housing resources, entities, or assistance on the City website. Working with HACM as the fair housing services organization to explore ways to expand services and outreach in the City will reduce very low-income and elderly cost-burden households, reducing displacement.
    - Program B.4 incentivizes housing opportunities for Del Rey Oaks residents and workers.

- Program B.5 promotes opportunities for density bonus provisions.
- Program B.6 facilitates affordable rental units through funding opportunities. B.2 helps to provide gap financing to leverage public affordable funding sources, focusing rental housing units affordable to lower-income households and households with special needs (such as seniors and disabled, including people with developmental disabilities).
- Program B.7 promotes housing opportunities for teachers and local educational employees.
- Programs C.1 and C.3 reduce mitigating constraints, remove barriers, and streamline permitting processes on housing development in the Zoning Ordinance.
- Program C.2 encourages the construction of accessory dwelling units as a source of affordable housing.
- Program C.4 ensures the availability of adequate water supply to serve the long-term housing needs of the City.
- Program C.5 adopts a separate Environmental Justice Element of the General Plan to reduce disparities in environmental factors in the City.
- Program C.6 evaluates fees for development projects to reduce potential constraints on the development of higher-density housing.
- Program D.1 provides fair housing education and outreach information publicly.
- Programs D.2, D.3, D.4, and D.6 accommodate housing for special needs groups, including supportive housing, consideration of single room occupancy units, and to encourage or support emergency shelter facilities.
- Program D.7 develops a process for universal design in order to assist residents to age in their homes and reduce the risk of displacement.
- Program D.8 commits the City to evaluate the Zoning Code and to design guidelines to establish and adopt objective design standards for multifamily and mixed-use residential development.
- Program E.1 assists in rehabilitating housing for low-income homeowners and to owners of rental units that will rent to low-income households.
- Program E.4 provides annual reports to ensure the housing programs are achieving the City's goals.

Responsible Agency	City Hall, Planning Department, and Building Department
Timeline and Objective	Ongoing
Source of Funding	General Fund

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Appendix B-2

Site Inventory Maps

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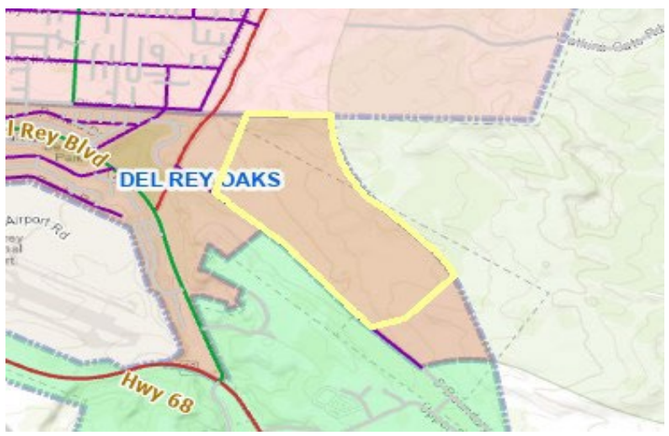
Land Inventory/Summary of Key Sites -SIte 1

Location	**1**
Map Designation	Figure 4, Site 1
APN	031-191-026-000
Acreage	232.03
Description of Existing Use	The site is currently undeveloped, and a part of former Fort Ord.
General Plan Designation	General Commercial – Neighborhood Commercial with Visitor overlay – (GC (C-1-V))
Zoning	Neighborhood Commercial with Visitor Overlay – (C-1-V)
Cited in HCD letter **Identified for 5th & 6 th Cycle**	Yes Yes
Rezoning Required?	This area requires rezoning to allow for residential to meet RHNA 5th and 6th Cycle, including shortfall from 5th Cycle.



Summary Description	The site is approximately 232 acres of vacant, undeveloped land with gradual slopes dominated by chaparral and oak trees/oak woodland in the interior of the site. Currently, the City's adopted Redevelopment Plan identifies up to 200 residential units onsite. The City would need to complete a general plan amendment or specific plan and rezoning to specifically allow residential development. The parcel is bordered by the City of Seaside to the north, Fort Ord National Monument to the east, and City of Monterey to the south along South Boundary Road. The site is partially level towards South Boundary Road. Through the Fort Ord Base Reuse Plan Capital Improvement Program, water and sewer is available adjacent to the site along General Jim Moore Blvd. Infrastructure for non-potable water is currently not available; proposed developments relying on the use of non-potable water would be responsible for obtaining delivery of the non-potable water to the development site. Supplemental water sources are considered unlikely in the foreseeable future.
Surrounding Land Uses	No developed land uses surround the site. The site is bound by South Boundary Road to the south. An approved RV Resort is planned for the area located directly east of the site. The site is bound on the west by vacant land, South Boundary Road to the southwest, and Fort Ord National Monument to the north and northeast.
Access/Circulation	The site has current access via a dirt road on the south side of the parcel on South Boundary Road, a two-lane road. Future site access could also be served by General Jim Moore Boulevard, an arterial two-lane road.
Infrastructure	Water/Sewer: The site is vacant and has no infrastructure onsite. Underground water, recycled water and wastewater pipeline improvements are located along General Jim Moore Boulevard and are planned to continue on South Boundary Road. Water service is provided by the Marina Coast Water District (MCWD). Sanitary sewer is to be provided by the Seaside Sanitation District with connection to regional system. Other Utilities: There are no visible above-ground power lines on site. Energy would be provided by Pacific Gas & Electric (PG&E). Cable, Internet & Phone would be provided by Comcast or AT&T.
Development constraints (environmental, floodplains, etc.)	The site was previously used by former Fort Ord Military Base and portions of the property were found to have Unexploded Ordnances (UXO). Removal of UXO was conducted by the Army. However, in accordance with regulatory restrictions, additional environmental insurance and clearance by Department of Toxic Substances Control (DTSC) regulatory agencies as well as restrictive covenants on use of the site are required consistent with the State requirements. The site is within the regional Airport Influence Area but not within a Airport Safety Zone in Exhibit 4C of the Monterey Regional Airport Land Use Compatibility Plan.
Development Restrictions (easements/covenants)	Covenants and restrictions required per DTSC requirements for residential use in portions of the site. Approximately 80-90 acres within the eastern portion of the site does not have a residential restriction and would not require DTSC lifting of covenants.
Monterey County GIS Data/Potential Concerns	Moderate to High Erosion Hazard, within the 660' buffer of Active/Potentially Active Faults, Moderate Archaeological Sensitivity, and Monterey Spineflower Critical Habitat.
Ownership	City of Del Rey Oaks
Surplus Land Act	Yes, the City noticed for Surplus Land Act in 2023 and received three responses for this property, one from a developer of affordable housing and two from public non-profit agencies related to open space conservation.

Land Inventory/Summary of Key Sites -Site 1a

Location	**1a**
Map Designation	Figure 4, Site 1a
APNs	031-191-027-000, 031-191-028-000
Acreage	Approximately 18 (6.03, 11.84)
Description of Existing Use	The site is currently undeveloped, and a part of former Fort Ord.
General Plan Designation	General Commercial – Neighborhood Commercial with Visitor overlay – (GC (C-1-V))
Zoning	Neighborhood Commercial with Visitor Overlay – (C-1-V)
Cited in HCD letter **Identified for 5th & 6th Cycle**	Yes Yes
Rezoning required for esidential	Yes



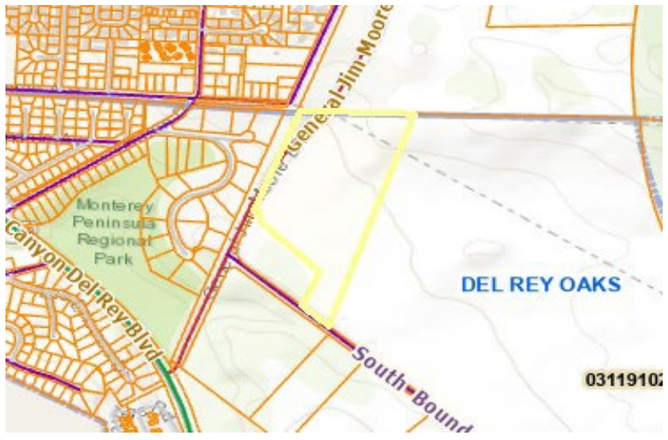


Summary Description	The entire site is approximately 18 acres of undeveloped land with rolling slopes dominated by chaparral and oaks near South Boundary Road. The site is steep along a trail near the City of Monterey storage yard to the south and slopes downward to South Boundary Road to the north. The City of Del Rey Oaks would need to rezone this site to allow residential use. There are no water or sewer lines serving the site. The site is partially level near South Boundary Road, sloping upward to the hillside visible from the roadway to the south. The southern portion of the site is extremely steep (the area visible from Highway 218). The site is near a former Fort Ord property owned by the City of Monterey and adjacent to the City of Monterey storage yard.
Surrounding Land Uses	An undeveloped open space/habitat is to the northwest between the site and General Jim Moore Boulevard. On the western boundary of General Jim Moore Boulevard is the Monterey Peninsula Regional Park District (MPRPD) Frog Pond Wetland Preserve. Development near the site includes a City of Monterey storage yard to the southeast on Ryan Ranch Road. There is undeveloped land to the north, west, and east of the site.
Access/Circulation	Existing access to the site is available via South Boundary Road on the northern side of the site. There is no direct access to the southern portion of the site from Highway 218.
Infrastructure	Water/Sewer: The site is vacant and has no infrastructure onsite. Underground water, recycled water and wastewater pipeline improvements are located along General Jim Moore Boulevard and are planned to continue on South Boundary Road. Water service is provided by the Marina Coast Water District (MCWD). Other Utilities: There are no visible above-ground power lines on site. Energy would be provided by Pacific Gas & Electric (PG&E). Cable, Internet & Phone would be provided by Comcast or AT&T.
Development constraints (environmental, floodplains, etc.)	The primary developmental constraint to the site is its steep grade on the southern portion of the site closest to Highway 218. Freshwater Emergent Wetland Habitat exists onsite according to the National Wetlands Inventory. The site is within the regional Airport Influence Area but not within a Airport Safety Zone in Exhibit 4C of the Monterey Regional Airport
Development Restrictions (easements/covenants)	Covenants and restrictions required per DTSC requirements for residential use.
Monterey County GIS Data/Potential Concerns	Moderate to High Erosion Hazard, within the 660' buffer of Active/Potentially Active Faults, possessing Slopes Greater Than 25%, Moderate Archaeological Sensitivity, and Monterey Spineflower Critical Habitat.
Ownership	City of Del Rey Oaks
Surplus Land Act	Yes, the City noticed for Surplus Land Act in 2023 and received three responses for this property, one from a developer of affordable housing and two from public non-profit agencies related to open space conservation.

Source: Denise Duffy & Associates, Inc., 2023

Land Inventory/Summary of Key Sites - Site K1

Location	**K1**
Map Designation	Figure 4, Site K1
APN	031-191-024-000
Acreage	20
Description of Existing Use	The site is currently undeveloped, and a part of former Fort Ord.
General Plan Designation	General Commercial – Neighborhood Commercial with Visitor overlay – (GC (C-1-V))
Zoning	Neighborhood Commercial – (C-1) and Neighborhood Commercial with Visitor Overlay – (C-1-V)
Cited in HCD letter **Identified for 5th & 6th Cycle**	No This area is a potential candidate site in 6th Cycle Draft Update
Rezoning Required?	If needed to meet RHNA, rezoning for mixed-use residential would be required. The City will meet RHNA with Sites 1 and 1a but this site provides additional capacity.



Summary Description	The site is approximately 20 acres of vacant, undeveloped land with gradual slopes dominated by chaparral and oak trees/oak woodland in the interior of the site. The site is currently owned by Monterey Peninsula Partners. The City would need to complete a general plan amendment or specific plan and rezoning to specifically allow residential development. The parcel is bordered by the City of Seaside to the north, Fort Ord National Monument to the east, and City of Monterey to the south along South Boundary Road.
Surrounding Land Uses	There are residential land uses to the west and northwest of the site on the west side of General Jim Moore Boulevard. The site is bound by General Jim Moore Boulevard to the west, South Boundary Road to the south, vacant property owned by the City of Del Rey Oaks to the east, and Fort Ord National Monument to the north.
Access/Circulation	The site has current access via a dirt road on the west side of the parcel on General Jim Moore Boulevard, an arterial two-lane road. South Boundary Road to the south can also provide future access to the site.
Infrastructure	Water/Sewer: The site is vacant and has no infrastructure onsite. Underground water, recycled water and wastewater pipeline improvements are located along General Jim Moore Boulevard and are planned to continue on South Boundary Road. Water service is provided by the Marina Coast Water District (MCWD). Sanitary sewer is to be provided by the Seaside Sanitation District with connection to regional system. Other Utilities: There are no visible above-ground power lines on site. Energy would be provided by Pacific Gas & Electric (PG&E). Cable, Internet & Phone would be provided by Comcast or AT&T.
Development constraints (environmental, floodplains, etc.)	The site was previously used by former Fort Ord Military Base and portions of the property were found to have Unexploded Ordnances (UXO). Removal of UXO was conducted by the Army. However, in accordance with regulatory restrictions, additional environmental insurance and clearance by Department of Toxic Substances Control (DTSC) regulatory agencies as well as restrictive covenants on use of the site are required consistent with the State requirements. The site is within the regional Airport Influence Area but not within a Airport Safety Zone in Exhibit 4C of the Monterey Regional Airport Land Use Compatibility Plan.
Development Restrictions (easements/covenants)	Covenants and restrictions required per DTSC requirements for residential use.
Monterey County GIS Data/Potential Concerns	Moderate Erosion Hazard, within the 660' buffer of Active/Potentially Active Faults, Moderate Archaeological Sensitivity.
Ownership	Private Ownership

Source: Denise Duffy & Associates, Inc.

Land Inventory/Summary of Key Sites -Site K2

Location	**K2**
Map Designation	Figure 4, Site K2
APN	031-191-025-000
Acreage	Approximately 54 acres (53.81)
Description of Existing Use	The site is currently undeveloped, and a part of former Fort Ord.
General Plan Designation	General Commercial – Neighborhood Commercial with Visitor overlay – (GC (C-1-V))
Zoning	Neighborhood Commercial with Visitor Overlay – (C-1-V)
Cited in HCD letter **Identified for 6th Cycle**	No Identified as additional site in 6th Cycle only
Proposed for Rezoning	If needed to meet RHNA, rezoning for residential would be required. The City will meet RHNA with Sites 1 and 1a but this site provides additional opportunity and capacity



Summary Description	The site is approximately 53.81 acres of vacant, undeveloped land with gradual slopes dominated by chaparral and oak trees/oak woodland in the interior of the site. The site is currently owned by Monterey Peninsula Partners. In May 2016, the City Council adopted an Initiative Measure amending the City's General Plan and Zoning Ordinance Chapter 17.32, Visitor Commercial Overlay recreational uses, to include recreational vehicle (RV) parks, within the former Fort Ord, within the designated area of the Initiative Measure. The Initiative Measure allows for the construction of an RV park (Monument RV Resort) of up to 210 total guest sites, including accessory and auxiliary uses, on 53.81 acres on the south side of the former Fort Ord lands. The Initiative included an amendment to the City's General Plan allowing RV development and the project is now fully entitled. The Draft Housing Element proposes this site as an additional site for meeting RHNA. If needed, rezoning to specifically allow residential development would be required for a portion of the approved development. Current development site plans indicate RV spaces at 3,000- 4,000 square feet. The parcel is bordered by Fort Ord National Monument to the north and east, and the City of Monterey to the south along South Boundary Road. Development of this site is subject to DTSC residential covenant removals, as described below and approval by the Army, DTSC, and property
Surrounding Land Uses	No developed land uses surround the site. The site is bound by vacant property owned by the City of Del Rey Oaks to the north and west, vacant property owned by the City of Monterey to the south, and Fort Ord National Monument to the east.
Access/Circulation	The site has current access via a dirt road on the south side of the parcel on South Boundary Road, a two-lane road.
Infrastructure	Water/Sewer: The site is vacant and has no infrastructure onsite. Underground water, recycled water and wastewater pipeline improvements are located along General Jim Moore Blvd and are planned to continue on South Boundary Road. The property is within the water service provider Marina Coast Water District (MCWD). Sanitary sewer is to be provided by the Seaside Sanitation District with connection to their regional system. Other Utilities: There are no visible above-ground power lines on site. Energy would be provided by Pacific Gas & Electric (PG&E). Cable, Internet & Phone would be provided by Comcast or AT&T.
Development constraints (environmental, floodplains, etc.)	The site was previously used by former Fort Ord Military Base and portions of the property were found to have Unexploded Ordnances (UXO). Removal of UXO was conducted by the Army. However, in accordance with regulatory restrictions, additional environmental insurance and clearance by DTSC regulatory agencies as well as restrictive covenants on use of the site required. The site is within the regional Airport Influence Area but not within a Airport Safety Zone in Exhibit 4C of the Monterey Regional Airport Land Use Compatibility Plan
Development Restrictions (easements/covenants)	Covenants and restrictions on this site currently and would need to be lifted by DTSC for residential use.
Monterey County GIS Data/Potential Concerns	Moderate to High Erosion Hazard, Moderate Archaeological Sensitivity, and Monterey Spineflower Critical Habitat.
Ownership	Private Ownership under Monterey Peninsula Partners

Source: Denise Duffy & Associates, Inc.

Appendix B-3

Supplemental Mapping Alternatives

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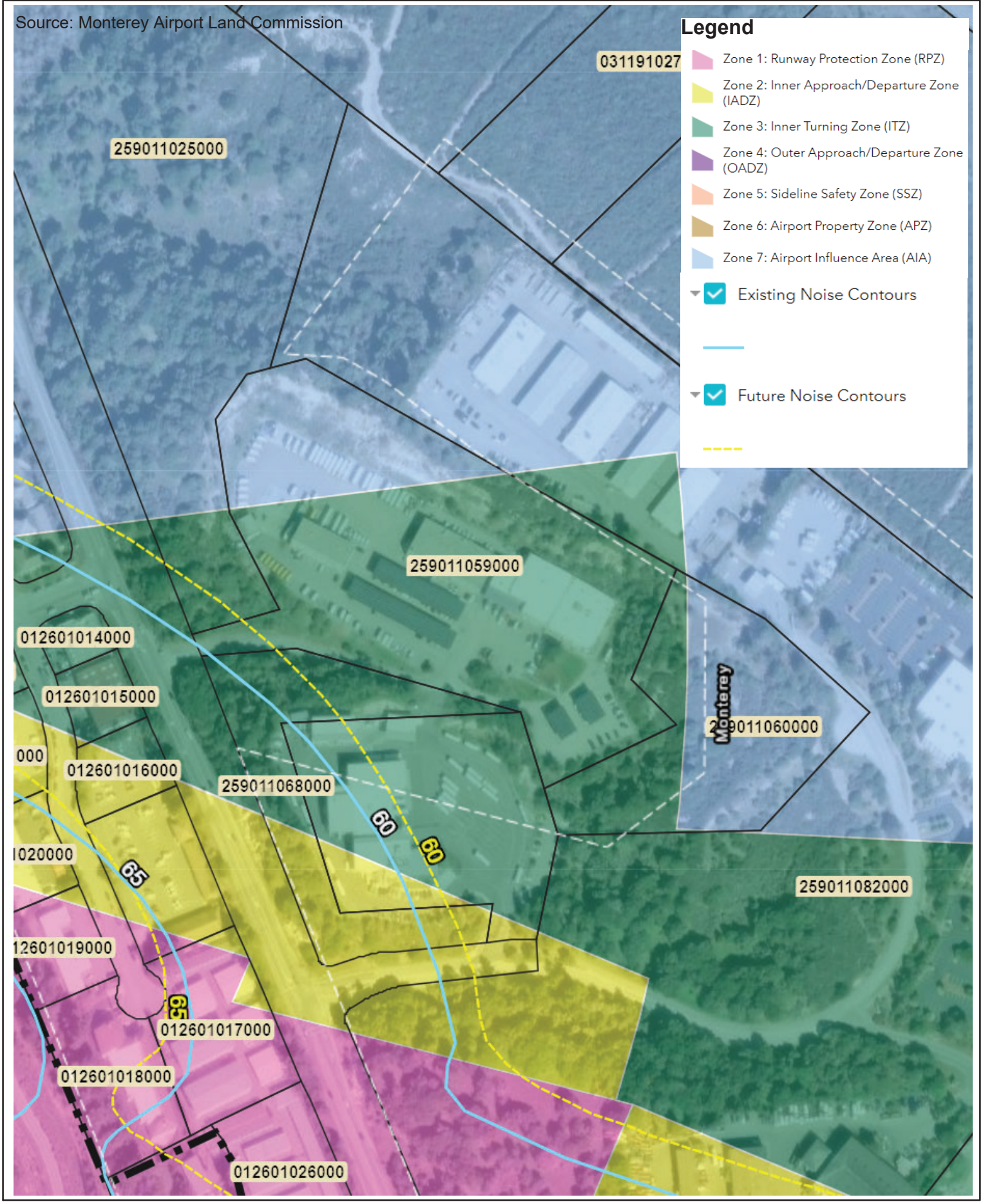
N



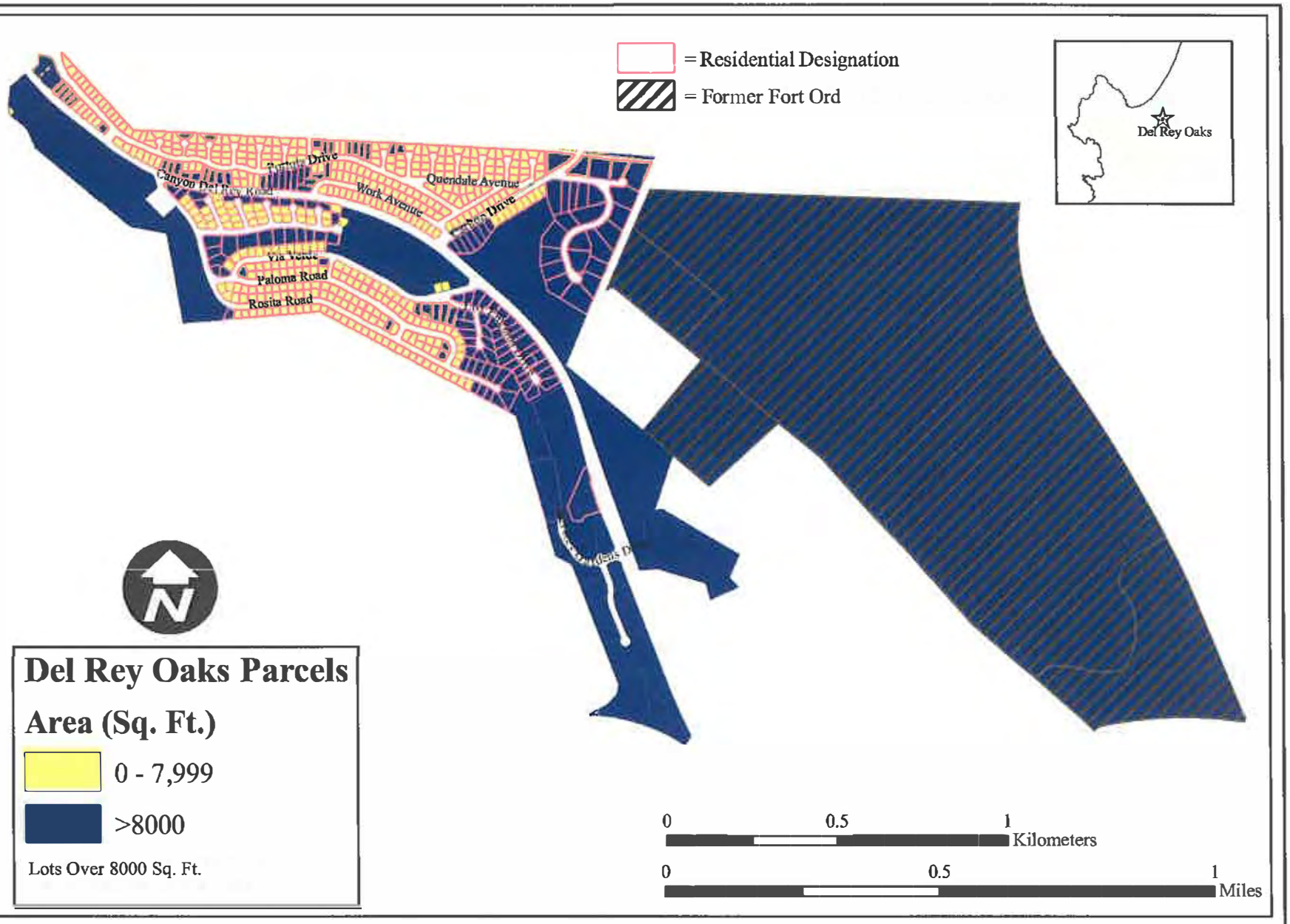


Source: County of Monterey, Google

Additional Areas for Candidate Sites Outside of Former Fort Ord	Date 7/142023	Denise Duffy & Associates, Inc. Planning and Environmental Consulting	
	Scale N/A		



Airport Safety Zones and MPUSD Site City of Del Rey Oaks	Date 7/31/2023 Scale N/A	Denise Duffy & Associates, Inc. Planning and Environmental Consulting	Figure



Del Rey Oaks Parcel Map
Land Use Inventory Parcels

DENISE DUFFY & ASSOCIATES, INC.

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Appendix C

Special-Status Species List

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Special-Status Species Table

Carmel Valley, Marina, Monterey, Mt. Carmel, Salinas, Seaside, Soberanes Point, and Spreckels Quadrangles

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
MAMMALS			
Corynorhinus townsendii Townsend's big-eared bat	— / CSC / —	Found primarily in rural settings from inland deserts to coastal redwoods, oak woodland of the inner Coast Ranges and Sierra foothills, and low to mid-elevation mixed coniferous-deciduous forests. Typically roost during the day in limestone caves, lava tubes, and mines, but can roost in buildings that offer suitable conditions. Night roosts are in more open settings and include bridges, rock crevices, and trees.	**Moderate** This species may use some of the trees within the project site for night roosts and may forage throughout the project site. However, no suitable day, colonial, or maternity roost habitat is present. The CNDDB reports an occurrence of this species approximately 6 miles from the project site in the northern portion of the former Fort Ord.
Neotoma macrotis luciana Monterey dusky-footed woodrat	— / CSC / —	Forest and oak woodland habitats of moderate canopy with moderate to dense understory. Also occurs in chaparral habitats.	**High** Suitable habitat is present within the project site. The CNDDB reports an occurrence of this species approximately 8 miles from the project site; however, this species is common throughout the former Fort Ord.
Sorex ornatus salarius Monterey shrew	— / CSC / —	Mostly moist or riparian woodland habitats, and within chaparral, grassland, and emergent wetland habitats where there is a thick duff or downed logs.	**Low** Marginal habitat is present within the project site. Figure B-18 in the Fort Ord HMP does not identify the project site as containing potential habitat for this species. The CNDDB reports occurrences of this species within one mile of the project.
Taxidea taxus American badger	— / CSC / —	Dry, open grasslands, fields, pastures savannas, and mountain meadows near timberline are preferred. The principal requirements seem to be sufficient food, friable soils, and relatively open, uncultivated grounds.	**Unlikely** No suitable habitat within the project site.
BIRDS			
Agelaius tricolor Tricolored blackbird (nesting colony)	— / ST / —	Nest in colonies in dense riparian vegetation, along rivers, lagoons, lakes, and ponds. Forages over grassland or aquatic habitats.	**Unlikely** No suitable habitat within the project site.
Athene cunicularia Burrowing owl (burrow sites and some wintering sites)	— / CSC / —	Year-round resident of open, dry grassland and desert habitats, and in grass, forb and open shrub stages of pinyon-juniper and ponderosa pine habitats. Frequent open grasslands and shrublands with perches and burrows. Use rodent burrows (often California ground squirrel) for roosting and nesting cover. Pipes, culverts, and nest boxes may be substituted for burrows in areas where burrows are not available.	**Unlikely** No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Brachyramphus marmoratus Marbled murrelet	FT / SE / —	Occur year-round in marine subtidal and pelagic habitats from the Oregon border to Point Sal. Partial to coastlines with stands of mature redwood and Douglas-fir. Requires dense mature forests of redwood and/or Douglas-fir for breeding and nesting.	**Unlikely** No suitable habitat within the project site.
Charadrius nivosus nivosus Western snowy plover	FT / CSC / —	Sandy beaches on marine and estuarine shores, also salt pond levees and the shores of large alkali lakes. Requires sandy, gravelly or friable soil substrate for nesting.	**Unlikely** No suitable habitat within the project site.
Coturnicops noveboracensis Yellow rail	— / CSC / —	Wet meadows and coastal tidal marshes. Occurs year round in California, but in two primary seasonal roles: as a very local breeder in the northeastern interior and as a winter visitor (early Oct to mid-Apr) on the coast and in the Suisun Marsh region	**Unlikely** No suitable habitat within the project site.
Cypseloides niger Black swift	— / CSC / —	Regularly nests in moist crevice or cave on sea cliffs above the surf, or on cliffs behind, or adjacent to, waterfalls in deep canyons. Forages widely over many habitats.	**Unlikely** No suitable habitat within the project site.
Empidonax traillii extimus Southwestern willow flycatcher	FE / SE / —	Breeds in riparian habitat in areas ranging in elevation from sea level to over 2,600 meters. Builds nest in trees in densely vegetated areas. Establishes nesting territories and builds and forages in mosaics of relatively dense and expansive areas of trees and shrubs, near or adjacent to surface water or underlain by saturated soils. Not typically found nesting in areas without willows (*Salix sp.*), tamarisk (*Tamarix ramosissima*), or both.	**Unlikely** No suitable habitat within the project site.
Gymnogyps californianus California condor	FE / SE / —	Roosting sites in isolated rocky cliffs, rugged chaparral, and pine covered mountains 2000-6000 feet above sea level. Foraging area removed from nesting/roosting site (includes rangeland and coastal area—up to 19-mile commute one way). Nest sites in cliffs, crevices, potholes.	**Unlikely** Marginal roosting habitat is present within the project site; however, no suitable nesting habitat is present.
Hydrobates homochroa Ashy storm-petrel (nesting)	— / CSC / —	Tied to land only to nest, otherwise remains over open sea. Nests in natural cavities, sea caves, or rock crevices on offshore islands and prominent peninsulas of the mainland.	**Unlikely** No suitable habitat within the project site.
Laterallus jamaicensis coturniculus California black rail	— / ST+CFP / —	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that does not fluctuate during the year and dense vegetation for nesting habitat.	**Unlikely** No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Pelecanus occidentalis californicus California brown pelican	— / CFP / —	Found in estuarine, marine subtidal, and marine pelagic waters along the California coast. Usually rests on water or inaccessible rocks, but also uses mudflats, sandy beaches, wharfs, and jetties.	**Unlikely** No suitable habitat within the project site.
Riparia riparia Bank swallow (nesting)	— / ST / —	Nest colonially in sand banks. Found near water; fields, marshes, streams, and lakes.	**Unlikely** No suitable habitat within the project site.
Sterna antillarum browni California least tern	FE / SE / —	Prefers undisturbed nest sites on open, sandy/gravelly shores near shallow-water feeding areas in estuaries. Sea beaches, bays, large rivers, bars.	**Unlikely** No suitable habitat within the project site.
Vireo bellii pusillus Least Bell's Vireo	FE / SE / —	Riparian areas and drainages. Breed in willow riparian forest supporting a dense, shrubby understory. Oak woodland with a willow riparian understory is also used in some areas, and individuals sometimes enter adjacent chaparral, coastal sage scrub, or desert scrub habitats to forage.	**Unlikely** No suitable habitat within the project site.
REPTILES AND AMPHIBIANS			
Ambystoma californiense California tiger salamander	FT / ST / —	Annual grassland and grassy understory of valley-foothill hardwood habitats in central and northern California. Need underground refuges and vernal pools or other seasonal water sources.	**Moderate** Extensive surveys have been conducted within the former Fort Ord to determine the aquatic resources that are known or have the potential to be occupied by CTS. Suitable upland habitat, including mammal burrows, is present throughout the project site. The nearest known CTS-occupied breeding resources are located approximately 0.9 mile (1.4 kilometers) east at Pond 71 and 1.1 miles (1.8 km) east at Pond 30, both within the known dispersal range (2.2 km) of the species. In addition, other potential CTS breeding ponds, including Pond 46 and Frog Pond, are less than one mile from the project site. Pond 32 (Quarry Pond) may provide suitable breeding habitat; however, this species has not been found to breed in this pond during protocol-level surveys.
Anniella pulchra Northern California legless lizard	— / CSC / —	Requires moist, warm habitats with loose soil for burrowing and prostrate plant cover, often forages in leaf litter at plant bases; may be found on beaches, sandy washes, and in woodland, chaparral, and riparian areas.	**High** Suitable habitat is present within the project site. The CNDDB reports several occurrences of this species approximately 2 miles from the project; however, this species is known to occur throughout the central maritime chaparral habitat on the former Fort Ord where suitable soil conditions occur.
Emys marmorata Western pond turtle	— / CSC / —	Associated with permanent or nearly permanent water in a wide variety of habitats including streams, lakes, ponds, irrigation ditches, etc. Require basking sites such as partially submerged logs, rocks, mats of vegetation, or open banks.	**Unlikely** No suitable habitat within the project site. Pond 32 (Quarry Pond) is ephemeral and does not have a sufficient inundation period to support this species.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Phrynosoma blainvillii Coast horned lizard	— / CSC / —	Associated with open patches of sandy soils in washes, chaparral, scrub, and grasslands.	**High** Suitable habitat is present within the project site. The CNDDB reports occurrences of this species approximately 5 miles from the project; however, this species is known to occur throughout the central maritime chaparral habitat on the former Fort Ord.
Rana boylii Foothill yellow-legged frog	FC / SE/ —	Partly shaded, shallow streams and riffles with a rocky substrate in a variety of habitats, including hardwood, pine, and riparian forests, scrub, chaparral, and wet meadows. Rarely encountered far from permanent water.	**Unlikely** No suitable habitat within the project site.
Rana draytonii California red-legged frog	FT / CSC / —	Lowlands and foothills in or near permanent or late-season sources of deep water with dense, shrubby, or emergent riparian vegetation. During late summer or fall adults are known to utilize a variety of upland habitats with leaf litter or mammal burrows.	**Low** Suitable upland habitat is present within the project site. In addition, Pond 32 (Quarry Pond) may provide suitable breeding habitat. This species has only been detected at one pond on the former Fort Ord, located over 5 miles from the project site. The CNDDB reports occurrences of this species approximately 2 miles from the project.
Spea hammondii Western spadefoot toad	— / CSC / —	Grasslands with shallow temporary pools are optimal habitats for the western spadefoot. Occur primarily in grassland habitats but can be found in valley and foothill woodlands. Vernal pools are essential for breeding and egg laying.	**Unlikely** No suitable habitat within the project site.
Taricha torosa Coast Range newt	— / CSC / —	Occurs mainly in valley-foothill hardwood, valley-foothill hardwood-conifer, coastal scrub, and mixed chaparral but is known to occur in grasslands and mixed conifer types. Seek cover under rocks and logs, in mammal burrows, rock fissures, or man-made structures such as wells. Breed in intermittent ponds, streams, lakes, and reservoirs.	**Low** Suitable upland habitat is present within the project site. In addition, Pond 32 (Quarry Pond) may provide suitable breeding habitat. This species is known to breed in some of the vernal ponds on the former Fort Ord. The CNDDB reports occurrences of this species approximately 6 miles from the project.
Thamnophis hammondii Two-striped garter snake	— / CSC / —	Associated with permanent or semi-permanent bodies of water bordered by dense vegetation in a variety of habitats from sea level to 2400m elevation.	**Unlikely** No suitable habitat within the project site. Pond 32 (Quarry Pond) is ephemeral and does not have a sufficient inundation period or associated vegetation to support this species.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
FISH			
Eucyclogobius newberryi Tidewater goby	FE / — / —	Brackish water habitats, found in shallow lagoons and lower stream reaches. Tidewater gobies appear to be naturally absent (now and historically) from three large stretches of coastline where lagoons or estuaries are absent and steep topography or swift currents may prevent tidewater gobies from dispersing between adjacent localities. The southernmost large, natural gap occurs between the Salinas River in Monterey County and Arroyo del Oso in San Luis Obispo County.	**Not Present** No suitable obligate habitat within the project site.
Lavinia exilicauda harengus Monterey hitch	— / CSC / —	Found only within the Pajaro and Salinas River systems. Can occupy a wide variety of habitats, however, they are most abundant in lowland areas with large pools or small reservoirs that mimic such conditions. May be found in brackish water conditions within the Salinas River lagoon during the early summer months when the sandbar forms at the mouth of the river.	**Not Present** No suitable obligate habitat within the project site.
Oncorhynchus mykiss irideus Steelhead (south-central California coast DPS)	FT / — / —	Cold headwaters, creeks, and small to large rivers and lakes; anadromous in coastal streams.	**Not Present** No suitable obligate habitat within the project site.
INVERTEBRATES			
Bombus crotchii Crotch bumble bee	-- / SC / --	Occurs in open grassland and scrub at relatively warm and dry sites. Requires plants that bloom and provide adequate nectar and pollen throughout the colony's life cycle, which is from early February to late October. Generally nests underground, often in abandoned mammal burrows. Within California this species is known to occur in the Mediterranean, Pacific Coast, Western Desert, as well as Great Valley and adjacent foothill regions.	**Low** Only marginal, very low-quality habitat is present in small, isolated areas of ruderal/disturbed habitat where the non-native grasses occur. The CNDDB does not report any occurrences of this species within the quadrangles reviewed; however, this species was observed in 2022 at the Hastings Reserve, located approximately 20 miles from the project site.
Bombus occidentalis Western bumble bee	— / SC / —	Found in a range of habitats, including mixed woodlands, farmlands, urban parks and gardens, montane meadows, and prairie grasslands. Requires plants that bloom and provide adequate nectar and pollen throughout the colony's life cycle, which is from early February to late November. Generally nests underground, often in abandoned mammal burrows. Populations are currently largely restricted to high elevation sites in the Sierra Nevada; however, the historic range includes the northern California coast.	**Low** Only marginal, very low-quality habitat is present in small, isolated areas of ruderal/disturbed habitat where the non-native grasses occur. The CNDDB reports an occurrence of this species approximately 3 miles from the project site; however, all occurrences of this species on the Monterey Peninsula are historic and this species may no longer occur within the vicinity of the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Branchinecta lynchi Vernal pool fairy shrimp	FT / — / —	Require ephemeral pools with no flow. Associated with vernal pool/grasslands from near Red Bluff (Shasta County), through the central valley, and into the South Coast Mountains Region.	**Unlikely** Suitable habitat for this species may be present within Pond 32 (Quarry Pond); however, the project site is likely outside of the known range for this species and this species has not been observed during invertebrate studies conducted in former Fort Ord ponds by the Army, BLM, or other scientists.
Danaus plexippus Monarch butterfly	FC / — / —	Overwinters in coastal California using colonial roosts generally found in Eucalyptus, pine, and acacia trees. Overwintering habitat for this species within the Coastal Zone represents ESHA. Local ordinances often protect this species as well.	**Unlikely** No suitable habitat within the project site.
Euphilotes enoptes smithi Smith's blue butterfly	FE / — / —	Most commonly associated with coastal dunes and coastal sage scrub plant communities in Monterey County. Plant hosts are *Eriogonum latifolium* and *E. parvifolium*.	**Low** The obligate host plants for this species have the potential to occur within the project site. If present, these host plants may support this species. The CNDDB reports an occurrence of this species approximately 2 miles from the project site.
Linderiella occidentalis California linderiella	— / — / —	Ephemeral ponds with no flow. Generally associated with hardpans.	**Low** Figure B-13 in the Fort Ord HMP identifies that suitable habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports an occurrence of this species approximately 3 miles from the project site.
PLANTS			
Agrostis lacuna-vernalis Vernal pool bent grass	— / — / 1B	Vernal pool Mima mounds at elevations of 115-145 meters. Annual herb in the Poaceae family; blooms April-May. Known only from Butterfly Valley and Machine Gun Flats of Ft. Ord National Monument.	**Low** Suitable habitat for this species may be present within Pond 32 (Quarry Pond). This species is known only to occur within vernal ponds on the former Fort Ord. The CNDDB reports an occurrence of this species approximately 4 miles from the project site.
Allium hickmanii Hickman's onion	— / — / 1B	Closed-cone coniferous forests, maritime chaparral, coastal prairie, coastal scrub, and valley and foothill grasslands at elevations of 5-200 meters. Bulbiferous perennial herb in the Alliaceae family; blooms March-May.	**Low** Suitable habitat is present within the project site, particularly within Pond 32 (Quarry Pond). This species is known to occur on the former Fort Ord. The CNDDB reports an occurrence of this species within 0.5 mile of the project site.
Arctostaphylos edmundsii Little Sur manzanita	— / — / 1B	Coastal bluff scrub and chaparral on sandy soils at elevations of 30-105 meters. Evergreen shrub in the Ericaceae family; blooms November-April.	**Unlikely** Suitable habitat is present within the project site; however, the project site is outside of the highly endemic range for this species.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Arctostaphylos hookeri* ssp. *hookeri Hooker's manzanita	— / — / 1B	Closed-cone coniferous forest, chaparral, cismontane woodland, and coastal scrub on sandy soils at elevations of 85-536 meters. Evergreen shrub in the Ericaceae family; blooms January-June.	**Moderate** Suitable habitat is present within the project site. This species is abundant on the former Fort Ord, sometimes occurring as a dominant species within the central maritime chaparral habitat. The CNDDB and Figure B-11 in the Fort Ord HMP identify that this species occurs within 0.5 mile of the project site.
Arctostaphylos montereyensis Toro manzanita	— / — / 1B	Maritime chaparral, cismontane woodland, and coastal scrub on sandy soils at elevations of 30-730 meters. Evergreen shrub in the Ericaceae family; blooms February-March.	**Moderate** Suitable habitat is present within the project site. This species is abundant on the former Fort Ord, sometimes occurring as a dominant species within the central maritime chaparral habitat. The CNDDB and Figure B-5 in the Fort Ord HMP identify that this species occurs immediately adjacent to the project site.
Arctostaphylos pajaroensis Pajaro manzanita	— / — / 1B	Chaparral on sandy soils at elevations of 30-760 meters. Evergreen shrub in the Ericaceae family; blooms December-March.	**Low** Suitable habitat is present within the project site. This species is known to occur in small populations on the former Fort Ord. The CNDDB identifies two occurrences of this species within one mile of the project site.
Arctostaphylos pumila Sandmat manzanita	— / — / 1B	Openings of closed-cone coniferous forests, maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub on sandy soils at elevations of 3-205 meters. Evergreen shrub in the Ericaceae family; blooms February-May.	**High** Suitable habitat is present within the project site. This species is abundant on the former Fort Ord, often occurring as a dominant species within the central maritime chaparral habitat. The CNDDB and Figure B-6 in the Fort Ord HMP identify that this species occurs within the project site.
Arenaria paludicola Marsh sandwort	FE / SE / 1B	Known from only two natural occurrences in Black Lake Canyon and at Oso Flaco Lake. Sandy openings of freshwater of brackish marshes and swamps at elevations of 3-170 meters. Stoloniferous perennial herb in the Caryophyllaceae family; blooms May-August.	**Unlikely** No suitable habitat within the project site. The project site is outside the known distribution range of this species.
Astragalus tener var. *tener* Alkali milk-vetch	— / — / 1B	Playas, valley and foothill grassland on adobe clay, and vernal pools on alkaline soils at elevations of 1-60 meters. Annual herb in the Fabaceae family; blooms March-June.	**Unlikely** No suitable habitat within the project site.
Astragalus tener var. *titi* Coastal dunes milk-vetch	FE / SE / 1B	Sandy soils in coastal bluff scrub, coastal dunes, coastal prairie (mesic); elevation 3-164 feet. Annual herb in the Fabaceae family; blooms March-May.	**Unlikely** No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Castilleja ambigua var. insalutata Pink Johnny-nip	— / — / 1B	Coastal prairie and coastal scrub at elevations of 0-100 meters. Annual herb in the Orobanchaceae family; blooms May-August.	**Low** Marginal habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project site.
Ceanothus rigidus Monterey ceanothus	— / — / 4	Closed cone coniferous forest, chaparral, and coastal scrub on sandy soils at elevations of 3-550 meters. Evergreen shrub in the Rhamnaceae family, blooms February-June.	**High** Suitable habitat is present within the project site. This species is abundant on the former Fort Ord, often occurring as a dominant species within the central maritime chaparral habitat. Figure B-7 in the Fort Ord HMP identifies that this species occurs within the project site.
Centromadia parryi ssp. *congdonii* Congdon's tarplant	— / — / 1B	Valley and foothill grassland on heavy clay, saline, or alkaline soils at elevations of 0-230 meters. Annual herb in the Asteraceae family; blooms May-November.	**Unlikely** No suitable habitat within the project site. Soils within the project site are unlikely to support this species.
Chorizanthe minutiflora Fort Ord spineflower	— / — / 1B	Sandy openings of maritime chaparral and coastal scrub at elevations of 55-150 meters. Only known occurrences on Fort Ord National Monument. Annual herb in the Polygonaceae family; blooms April-July.	**Moderate** The majority of the project site may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is known to occur only on the former Fort Ord. The CNDDB reports an occurrence of this species within 0.5 mile of the project site.
Chorizanthe pungens* var. *pungens Monterey spineflower	FT / — / 1B	Maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland on sandy soils at elevations of 3-450 meters. Annual herb in the Polygonaceae family; blooms April-July.	**High** The majority of the project site may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is abundant on the former Fort Ord. The CNDDB and Figure B-2 in the Fort Ord HMP identify that this species occurs within the project site.
Chorizanthe robusta* var. *robusta Robust spineflower	FE / — / 1B	Openings in cismontane woodland, coastal dunes, maritime chaparral, and coastal scrub on sandy or gravelly soils at elevations of 3-300 meters. Annual herb in the Polygonaceae family; blooms April-September.	**Unlikely** Suitable habitat is present within the project site; however, the project site is outside the known distribution range of this species. Figure B-3 in the Fort Ord HMP identifies that this species occurs within the Fort Ord Dunes State Park; however, this occurrence may have been a misidentification and this species has not been located on the former Fort Ord since.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Clarkia jolonensis Jolon clarkia	— / — / 1B	Cismontane woodland, chaparral, riparian woodland, and coastal scrub at elevations of 20-660 meters. Annual herb in the Onagraceae family; blooms April-June.	**Low** Suitable habitat is present within the project site. This species is not known to occur on the former Fort Ord. The CNDDB reports six occurrences of this species within the quadrangles reviewed; however, all reported occurrences are historical and have not been verified during subsequent field work. It is possible that these occurrences are misidentified *C. lewisii*, which is visually similar and known to occur in the area.
Collinsia multicolor San Francisco collinsia	— / — / 1B	Closed-cone coniferous forest and coastal scrub, sometimes on serpentinite soils, at elevations of 30-250 meters. Annual herb in the Plantaginaceae family; blooms March-May.	**Unlikely** No suitable habitat within the project site.
Cordylanthus rigidus* ssp. *littoralis Seaside bird's-beak	— / SE / 1B	Closed-cone coniferous forests, maritime chaparral, cismontane woodlands, coastal dunes, and coastal scrub on sandy soils, often on disturbed sites, at elevations of 0-425 meters. Annual hemi-parasitic herb in the Orobanchaceae family; blooms April-October.	**Moderate** The majority of the project site may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is known to occur on the former Fort Ord The CNDDB and Figure B-4 in the Fort Ord HMP identify that this species occurs immediately adjacent to the project site.
Delphinium californicum ssp. *interius* Hospital Canyon larkspur	— / — / 1B	Openings in chaparral, coastal scrub, and mesic areas of cismontane woodland at elevations of 230-1095 meters. Perennial herb in the Ranunculaceae family; blooms April-June.	**Unlikely** Suitable habitat is present within the project site; however, the project site is outside the known elevation range of this species.
Delphinium hutchinsoniae Hutchinson's larkspur	— / — / 1B	Broadleaved upland forest, chaparral, coastal scrub, and coastal prairie at elevations of 0-427 meters. Perennial herb in the Ranunculaceae family; blooms March-June.	**Low** Suitable habitat is present within the project site. This species is not currently known to occur on the former Fort Ord. The nearest CNDDB occurrence is approximately 5 miles from the project site.
Delphinium umbraculorum Umbrella larkspur	— / — / 1B	Cismontane woodland at elevations of 400-1600 meters. Perennial herb in the Ranunculaceae family; blooms April-June.	**Unlikely** No suitable habitat within the project site. The project site is outside the known elevation range of this species.
Ericameria fasciculata Eastwood's goldenbush	— / — / 1B	Openings in closed-cone coniferous forest, maritime chaparral, coastal dunes, and coastal scrub on sandy soils at elevations of 30-275 meters. Evergreen shrub in the Asteraceae family; blooms July-October.	**High** Suitable habitat is present within the project site. This species is known to occur on the former Fort Ord. The CNDDB and Figure B-8 in the Fort Ord HMP identify that this species occurs within the project site.
Eriogonum nortonii Pinnacles buckwheat	— / — / 1B	Chaparral and valley and foothill grassland on sandy soils, often on recent burns, at elevations of 300-975 meters. Annual herb in the Polygonaceae family; blooms May-September.	**Unlikely** Suitable habitat is present within the project site; however, the project site is outside the known elevation range of this species.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Erysimum ammophilum Coast wallflower	— / — / 1B	Openings in maritime chaparral, coastal dunes, and coastal scrub on sandy soils at elevations of 0-60 meters. Perennial herb in the Brassicaceae family; blooms February-June.	**High** Suitable habitat is present within the project site. This species is known to occur on the former Fort Ord. The CNDDB and Figure B-9 in the Fort Ord HMP identify that this species occurs within the project site.
Erysimum menziesii Menzies' wallflower	FE / SE / 1B	Coastal dunes at elevations of 0-35 meters. Perennial herb in the Brassicaceae family; blooms March-September.	**Unlikely** No suitable habitat within the project site.
Fritillaria liliacea Fragrant fritillary	— / — / 1B	Cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grassland, often serpentinite, at elevations of 3-410 meters. Bulbiferous perennial herb in the Liliaceae family; blooms February-April.	**Unlikely** No suitable habitat within the project site.
Gilia tenuiflora* ssp. *arenaria Monterey gilia	FE / ST / 1B	Openings in maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub on sandy soils at elevations of 0-45 meters. Annual herb in the Polemoniaceae family; blooms April-June.	**Moderate** The majority of the project site may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is known to occur on the former Fort Ord; however, Figure B-1 in the Fort Ord HMP does not identify that this species occurs within the project site. The CNDDB reports an occurrence of this species within one mile of the project site.
Hesperocyparis goveniana Gowen cypress	FT / — / 1B	Closed-cone coniferous forest and maritime chaparral at elevations of 30-300 meters. Evergreen tree in the Cupressaceae family. Natively occurring only at Point Lobos near Gibson Creek and the Huckleberry Hill Nature Preserve near Highway 68.	**Unlikely** No suitable habitat within the project site. The project site is outside of the known range for this species.
Hesperocyparis macrocarpa Monterey cypress	— / — / 1B	Closed-cone coniferous forest at elevations of 10-30 meters. Evergreen tree in the Cupressaceae family. Natively occurring only at Cypress Point in Pebble Beach and Point Lobos State Park; widely planted and naturalized elsewhere.	**Unlikely** No suitable habitat within the project site. The project site is outside of the known native range for this species.
Horkelia cuneata ssp. *sericea* Kellogg's horkelia	— / — / 1B	Openings of closed-cone coniferous forests, maritime chaparral, coastal dunes, and coastal scrub on sandy or gravelly soils at elevations of 10-200 meters. Perennial herb in the Rosaceae family; blooms April-September.	**Moderate** Suitable habitat is present within the project site. This species is known to occur on the former Fort Ord. The CNDDB identifies that this species occurs within 0.5 mile of the project site.
Horkelia marinensis Point Reyes horkelia	— / — / 1B	Coastal dunes, coastal prairie, and coastal scrub on sandy soils at elevations of 5-350 meters. Perennial herb in the Rosaceae family; blooms May-September.	**Unlikely** No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Lasthenia conjugens Contra Costa goldfields	FE / — / 1B	Mesic areas of valley and foothill grassland, alkaline playas, cismontane woodland, and vernal pools at elevations of 0-470 meters. Annual herb in the Asteraceae family; blooms March-June.	**Low** Marginal habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project site.
Layia carnosa Beach layia	FE / SE / 1B	Coastal dunes and coastal scrub on sandy soils at elevations of 0-60 meters. Annual herb in the Asteraceae family; blooms March-July.	**Unlikely** No suitable habitat within the project site.
Legenere limosa Legenere	— / — / 1B	Vernal pools and wetlands at elevations of 1-880 meters. Annual herb in the Campanulaceae family; blooms April- June.	**Unlikely** No suitable habitat within the project site.
Lupinus tidestromii Tidestrom's lupine	FE / SE / 1B	Coastal dunes at elevations of 0-100 meters. Perennial rhizomatous herb in the Fabaceae family; blooms April-June.	**Unlikely** No suitable habitat within the project site.
Malacothamnus palmeri var. *involucratus* Carmel Valley bush-mallow	— / — / 1B	Chaparral, cismontane woodland, and coastal scrub at elevations of 30-1100 meters. Perennial deciduous shrub in the Malvaceae family; blooms May-October.	**Low** Suitable habitat is present within the project site. This species is not known to occur on the former Fort Ord; however, the CNDDB reports an occurrence within 0.5 mile of the project site.
Malacothrix saxatilis var. *arachnoidea* Carmel Valley malacothrix	— / — / 1B	Chaparral and coastal scrub on rocky soils at elevations of 25-1036 meters. Perennial rhizomatous herb in the Asteraceae family; blooms June-December.	**Unlikely** Suitable habitat is present within the project site; however, this species is not known to occur on the former Fort Ord and the project site may be outside of the known range.
Meconella oregana Oregon meconella	— / — / 1B	Coastal prairie and coastal scrub at elevations of 250-620 meters. Annual herb in the Papaveraceae Family; blooms March-April.	**Unlikely** No suitable habitat within the project site. The project site is outside the known elevation range of this species.
Microseris paludosa Marsh microseris	— / — / 1B	Closed-cone coniferous forest, cismontane woodland, coastal scrub, and valley and foothill grassland at elevations of 5-300 meters. Perennial herb in the Asteraceae family; blooms April-July.	**Low** Suitable habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports four occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project site.
Monardella sinuata ssp. *nigrescens* Northern curly-leaved monardella	— / — / 1B	Chaparral, coastal dunes, coastal scrub, and lower montane coniferous forest (ponderosa pine sandhills) on sandy soils at elevations of 0-300 meters. Annual herb in the Lamiaceae family; blooms April-September.	**Moderate** Maritime chaparral areas within the site are likely too dense to support this species; however, this species may occur within ruderal areas and along the margins of the central maritime chaparral. This species is known to occur within the former Fort Ord. The CNDDB reports an occurrence of this species immediately adjacent to the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Monolopia gracilens Woodland woollythreads	— / — / 1B	Openings of broadleaved upland forest, chaparral, cismontane woodland, North Coast coniferous forest, and valley and foothill grassland on serpentinite soils at elevations of 100-1200 meters. Annual herb in the Asteraceae family; blooms February-July.	**Unlikely** Suitable habitat is present within the project site; however, the project site is outside the known elevation range of this species.
Pinus radiata Monterey pine	— / — / 1B	Closed-cone coniferous forest and cismontane woodland at elevations of 25-185 meters. Evergreen tree in the Pinaceae family. Only three native stands in CA at Ano Nuevo, Cambria, and the Monterey Peninsula; introduced in many areas.	**Low** Individuals of this species may occur within the project site; however, this species has been planted widely on the Monterey peninsula and former Fort Ord. If present, additional investigation would be necessary to determine if the individuals are naturally occurring and native.
Piperia yadonii Yadon's piperia	FE / — / 1B	Sandy soils in coastal bluff scrub, closed-cone coniferous forest, and maritime chaparral at elevations of 10-510 meters. Annual herb in the Orchidaceae family; blooms February-August.	**Moderate** Suitable habitat is present within the project site. This species is known to occur on the former Fort Ord. The CNDDB identifies that this species occurs within 0.5 mile of the project site. Figure B-10 in the Fort Ord HMP only identifies this species as occurring within the City of Marina; however, subsequent surveys conducted by the Army, BLM, and other scientists have identified several populations of this species throughout the former Fort Ord, including within the Impact Area.
Plagiobothrys chorisianus var. *chorisianus* Choris's popcorn-flower	— / — / 1B	Mesic areas of chaparral, coastal prairie, and coastal scrub at elevations of 15-160 meters. Annual herb in the Boraginaceae family; blooms March-June.	**Low** Suitable habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDB reports two occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project site.
Plagiobothrys uncinatus Hooked popcornflower	— / — / 1B	Chaparral, cismontane woodlands, and valley and foothill grasslands on sandy soils at elevations of 300-760 meters. Annual herb in the Boraginaceae family; blooms April-May.	**Unlikely** Suitable habitat is present within the project site; however, the project site is outside the known elevation range of this species.
Potentilla hickmanii Hickman's cinquefoil	FE / SE / 1B	Coastal bluff scrub, closed-cone coniferous forests, vernally mesic meadows and seeps, and freshwater marshes and swamps at elevations of 10-149 meters. Perennial herb in the Rosaceae family; blooms April-August.	**Unlikely** No suitable habitat within the project site.
Ramalina thrausta Angel's hair lichen	— / — / 2B	North coast coniferous forest on dead twigs and other lichens. Epiphytic fructose lichen in the Ramalinaceae family. In northern CA it is usually found on dead twigs, and has been found on *Alnus rubra*, *Calocedrus decurrens*, *Pseudotsuga menziesii*, *Quercus garryana*, and *Rubus spectabilis*. In Sonoma County it grows on and among dangling mats of *R. menziesii* and *Usnea* spp.	**Unlikely** No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
Rosa pinetorum Pine rose	— / — / 1B	Closed-cone coniferous forest at elevations of 2-300 meters. Perennial shrub in the Rosaceae family; blooms May-July. Possible hybrid of *R. spithamea*, *R. gymnocarpa*, or others; further study needed.	**Unlikely** No suitable habitat within the project site.
Stebbinsoseris decipiens Santa Cruz microseris	— / — / 1B	Broadleaved upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, and openings in valley and foothill grassland, sometimes on serpentinite, at elevations of 10-500 meters. Annual herb in the Asteraceae family; blooms April-May.	**Low** Suitable habitat is present within the project site. This species is not known to occur on the former Fort Ord; however, a historic CNDDB occurrence is within 0.5 mile of the project site.
Sulcaria spiralifera Twisted horsehair lichen	— / — / 1B	California North Coast coniferous forest at elevations of 0–30 meters. Often found on conifers, including *Picea sitchensis*, *Pinus contorta* var. *contorta*, *Pseudotsuga menziesii*, *Abies grandis*, and *Tsuga heterophylla*. Fruticose lichen in the Parmeliaceae family.	**Unlikely** No suitable habitat within the project site.
Tortula californica California screw moss	— / — / 1B	Valley and foothill grassland and chenopod scrub on sandy soils at elevations of 10-1460 meters. Moss in the Pottiaceae family.	**Unlikely** No suitable habitat within the project site.
Trifolium buckwestiorum Santa Cruz clover	— / — / 1B	Gravelly margins of broadleaved upland forest, cismontane woodland, and coastal prairie at elevations of 105-610 meters. Annual herb in the Fabaceae family; blooms April-October.	**Unlikely** No suitable habitat within the project site. The project site is outside the known elevation range of this species.
Trifolium hydrophilum Saline clover	— / — / 1B	Marshes and swamps, mesic and alkaline valley and foothill grassland, and vernal pools at elevations of 0-300 meters. Annual herb in the Fabaceae family; blooms April-June.	**Low** Suitable habitat for this species is present within Pond 32 (Quarry Pond). The nearest CNDDB occurrence is approximately 5 miles from the project site; however, this species is known to occur on the former Fort Ord.
Trifolium polyodon Pacific Grove clover	— / SR / 1B	Mesic areas of closed-cone coniferous forest, coastal prairie, meadows and seeps, and valley and foothill grassland at elevations of 5-120 meters. Annual herb in the Fabaceae family; blooms April-July.	**Unlikely** No suitable habitat within the project site.
Trifolium trichocalyx Monterey clover	FE / SE / 1B	Sandy openings and burned areas of closed-cone coniferous forest at elevations of 30-240 meters. Annual herb in the Fabaceae family; blooms April-June.	**Unlikely** No suitable habitat within the project site.

STATUS DEFINITIONS

Federal

FE = listed as endangered under the federal Endangered Species Act
FT = listed as threatened under the federal Endangered Species Act
FC = Candidate for listing under the federal Endangered Species Act
— = no listing

State

SE = listed as endangered under the California Endangered Species Act
ST = listed as threatened under the California Endangered Species Act
SC = Candidate for listing under California Endangered Species Act
SR = listed as rare under the California Native Plant Protection Act
CFP = California Fully Protected Species
CSC = CDFW Species of Concern
— = no listing

California Native Plant Society

1B = California Rare Plant Rank (CRPR) 1B species; plants rare, threatened, or endangered in California and elsewhere
2B = California Rare Plant Rank (CRPR) 1B species; plants rare, threatened, or endangered in California, but more common elsewhere
4 = California Rare Plant Rank (CRPR) 4 species; watch list: plants of limited distribution
— = no listing

Former Fort Ord Habitat Management Plan

Bold = species considered in the HMP

POTENTIAL OCCURRENCE

High = known occurrence of species in the vicinity from the CNDDB or other documentation; presence of suitable habitat conditions
Moderate = known occurrence of species in the vicinity from the CNDDB or other documentation; presence of marginal habitat conditions within the site
Low = species known to occur in the vicinity from the CNDDB or other documentation; lack of suitable habitat or poor quality
Unlikely = species not known to occur in the vicinity from the CNDDB or other documentation, no suitable habitat is present within the site

Appendix D

Tribal Consultation

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CITY OF DEL REY OAKS
650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 FAX (831) 394-6421

May 5, 2023

Tribal Group
Name, Title
Address
City, CA, ZIP Code

Subject: California Environmental Quality Act (CEQA) and State Bill (SB) 18 Consultation Request for the City of Del Rey Oaks 2023 Housing Element Update, Monterey County

Dear Tribal Leader,

The City of Del Rey Oaks (City) is the lead agency for the 2023 Draft Housing Element (proposed project). The City recently sent you a notification letter (letter dated February 24, 2023) for the City's *5th Planning Cycle* Housing Element update (a general plan update for the 2015-2023 planning period). This letter is a new notification for the same planning area for the City's upcoming *6th Planning Cycle* Housing Element update (for the 2023-2031 planning period).

The information from the previous letter is also applicable to this current notification for the upcoming 6th cycle general plan update, and is presented below:

> The City's adoption of a Housing Element is part of its General Plan and is prepared under the requirement of California State law. The Draft Housing Element updates the Housing Element of the City's General Plan and also proposes policies and programs to amend the General Plan Land Use Map and Zoning Ordinance to allow for residential uses on land currently designated as office/visitor serving and commercial.
>
> The proposed project is located in the City of Del Rey Oaks. The City is located within the Monterey Peninsula, bounded by the City of Seaside to the north, the former Fort Ord to the east, the Monterey Regional Airport to the south, and the Cities of Monterey and Seaside to the west (see attached **Figure 1 Project Area**). The City comprises 670 acres (or roughly one square mile).
>
> The Native American Heritage Commission (NAHC) has identified the Tribal Group in a consultation list of tribes that are traditionally and culturally affiliated within the geographic area of the above listed proposed project.

Please consider this letter and preliminary project information as the formal notification of the proposed project and an invitation to provide comments regarding the proposed project. The City is interested in obtaining information regarding the presence of cultural resources within or

adjacent to proposed project locations and in learning of any concerns you or other tribal members may have regarding this proposed project.

The point of contact for the City is:

John Guertin, City Manager

City of Del Rey Oaks, 650 Canyon Del Rey, Del Rey Oaks, CA 93940

Phone: (831) 394-8511
email: jguertin@delreyoaks.org

The Native American Heritage Commission (NAHC) was contacted on February 17, 2023 to perform a search of the Sacred Lands File. The NAHC responded on February 22, 2023 that the search was negative for Native American sacred sites and/or heritage resources located within the same USGS Quadrangle, Township, Range and Section as the Project Area.

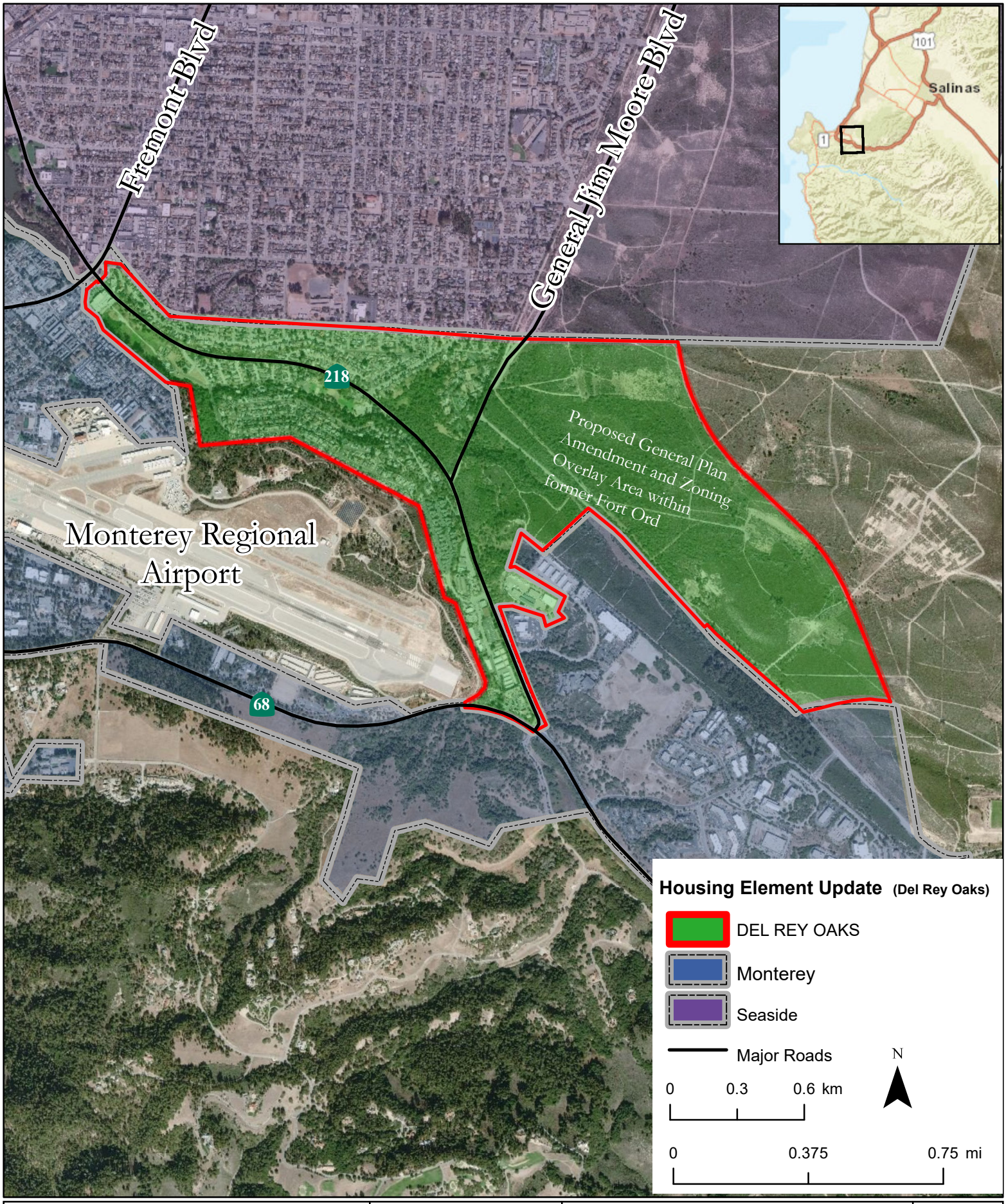
Please consider this letter and preliminary project information as the notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Codes (PRC) 65352.3, 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., SB 18 & AB 52). The City's Housing Element Update and proposed programs will become part of the City's General Plan. The City is therefore also requesting consultation under Senate Bill 18 (Chapter 905, Statutes of 2004) which requires local governments to consult with tribes prior to making certain planning decisions and requires consultation and notice for a general and specific plan adoption or amendment in order to preserve, or mitigate impacts to, cultural places that may be affected.

Please respond within 30 days if you would like to respond to this updated 6th Cycle Update, pursuant to PRC 21080.3.1(d), if you would like to consult on this Project. For consultation under SB 18, you **have 90 days to respond**. If you have any questions, please do not hesitant to contact John Guertin at the address and email above or you can contact me by phone (831) 394-8511, email (jguertin@delreyoaks.org). Thank you for your assistance.

Very Respectfully,



John Guertin, City Manager Del Rey Oaks



Title:

Project Location

Date: 2/23/2023

Scale: 1 inch = 0.34 miles

Project: 9614

Monterey | San Jose

Denise Duffy and Associates, Inc.

Environmental Consultants Resource Planners

947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

Figure 1

D:\GIS\GIS_Projects\9614\Final Products\Housing Element IS\Project Location.mxd

NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki, Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
[Vacant]

COMMISSIONER
[**Vacant**]

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

February 21, 2023

John Guertin
City of Del Rey Oaks

Via Email to: jguertin@delreyoaks.org

Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Del Rey Oaks 5th Cycle Housing Element Update Project, Monterey County

Dear Mr. Guertin:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1(d), is to do the following:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

    - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
    - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
    - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
    - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

    - Any report that may contain site forms, site significance, and suggested mitigation measures.

      All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission was negative.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and

5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand well help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address:

Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

Attachment

Native American Heritage Commission
Tribal Consultation List
Monterey County
2/21/2023

Amah Mutsun Tribal Band
Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA, 95632
Phone: (916) 743 - 5833
vlopez@amahmutsun.org
Costanoan
Northern Valley Yokut

Amah MutsunTribal Band of Mission San Juan Bautista
Irene Zwierlein, Chairperson
3030 Soda Bay Road
Lakeport, CA, 95453
Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com
Costanoan

Costanoan Rumsen Carmel Tribe
Tony Cerda, Chairperson
244 E. 1st Street
Pomona, CA, 91766
Phone: (909) 629 - 6081
Fax: (909) 524-8041
rumsen@aol.com
Costanoan

Esselen Tribe of Monterey County
Tom Little Bear Nason, Chairman
P. O. Box 95
Carmel Valley, CA, 93924
Phone: (831) 659 - 2153
Fax: (831) 659-0111
TribalChairman@EsselenTribe.org
Costanoan
Esselen

Indian Canyon Mutsun Band of Costanoan
Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024
Phone: (831) 637 - 4238
ams@indiancanyon.org
Costanoan

Indian Canyon Mutsun Band of Costanoan
Kanyon Sayers-Roods, MLD Contact
1615 Pearson Court
San Jose, CA, 95122
Phone: (408) 673 - 0626
kanyon@kanyonkonsulting.com
Costanoan

Ohlone/Costanoan-Esselen Nation
Louise Miranda-Ramirez, Chairperson
P.O. Box 1301
Monterey, CA, 93942
Phone: (408) 629 - 5189
ramirez.louise@yahoo.com
Costanoan
Esselen

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson
1179 Rock Haven Ct.
Salinas, CA, 93906
Phone: (831) 443 - 9702
kwood8934@aol.com
Foothill Yokut
Mono

Kakoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria
Isaac Bojorquez, Chairman
PO Box 8355
Woodland, CA, 95776
Phone: (916) 572 - 8036
chairman@kakoontaruk.org
Ohlone

Rumsen Am:a Tur:ataj Ohlone
Dee Dee Ybarra, Chairperson
14671 Farmington Street
Hesperia, CA, 92345
Phone: (760) 403 - 1756
rumsenama@gmail.com
Costanoan

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3, 65352.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Del Rey Oaks 5th Cycle Housing Element Update Project, Monterey County.

Appendix E

Resolution No. 19-017 - Airport Land Use Commission – Consistency Determination

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

Resolution No. 19 – 017
Finding the proposed amendment (update) to the Housing Element of the City of Del Rey Oaks General Plan consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport. REF190043, City of Del Rey Oaks (multiple Assessor's Parcel Numbers)

WHEREAS, on November 25, 2019, the City of Del Rey Oaks (City) submitted an ALUC application for a proposed amendment (update) to the Housing Element of the City's General Plan (ALUC File No. REF190043) to ALUC staff; 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 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 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 Regional Housing Need Allocation (RHNA), based on statewide and regional estimates determined by the California Department of Housing and Community Development (HCD); and

WHEREAS, the RHNA does not mandate that these units be constructed; yet, requires that the City demonstrate available vacant lands to meet this projected need. No specific housing or development projects within the City's current jurisdiction are proposed as part of the Draft Housing Element update; and

WHEREAS, the City has identified lands in the undeveloped former Fort Ord area that would meet the City's RHNA requirements, and these lands are located entirely within Safety Zone 7 (Airport Influence Area) as shown in ALUCP Exhibit 4C (Monterey Regional Airport Safety Zones); and

WHEREAS, any future proposal to develop these lands with residential housing would require applicable General Plan Land Use Designation and Zoning Map amendments, and would also require ALUC consistency determination review; and

WHEREAS, the ALUC previously reviewed the City of Del Rey Oaks General Plan, including the Housing Element, in 1997. On March 24, 1997, the ALUC found the City's General Plan consistent with the 1987 Comprehensive Land Use Plan for Monterey Peninsula Airport in effect at that time. Pursuant to ALUC recommendations, the City adopted several policies to help ensure the compatibility of new development with the noise and safety impacts created by the City's proximity to the airport, including

a requirement for avigation easements for each future development project located in the Airport Land Use Planning Area; and

WHEREAS, the proposed amendment was reviewed for consistency with the most up-to-date 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), proposed residential uses located outside of the 65 CNEL would be a compatible use with no restrictions. Additionally, the City's General Plan Policy L-5a requires an avigation easement for each future development project located in the Airport Land Use Planning Area (i.e., the Airport Influence Area or Safety Zone 7). Therefore, the proposed amendment is consistent with the ALUCP with regard to noise compatibility criteria, and no further conditions regarding noise are recommended; and

WHEREAS, the ALUC has reviewed the proposed amendment for noise compatibility, airspace protection, safety compatibility and other flight hazards and determined that no additional recommended conditions are necessary; 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 December 16, 2019 staff report to the ALUC; and

WHEREAS, on December 16, 2019, the ALUC conducted a duly noticed public meeting to consider the proposed amendment (update) 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 that the proposed City of Del Rey Oaks amendment (update) to the Housing Element of the City's General Plan consistent with the 2019 ALUCP for Monterey Regional Airport, incorporated herein by reference.

PASSED AND ADOPTED on this 16th day of December 2019, upon motion of Commissioner Carbone and seconded by Commissioner McGregor, by the following vote, to-wit:

AYES:	Commissioners Carbone, McGregor, Cohan, Cleveland, Sabo, and Healy
NOES:	None
ABSENT:	Commissioner Gunter
ABSTAIN:	None

ATTEST
Carl P. Holm, Secretary to the ALUC

By: J. Sidor
Joseph Sidor, Designee of Secretary to the ALUC
December 16, 2019

Appendix F

Findings for the Certification of Environmental Impact Report for the Del Rey Oaks General Plan Update Project, Mitigation Monitoring and Reporting Program, and Concurrent Resolution

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Appendix F-1

Findings for the Certification of Environmental Impact Report for the Del Rey Oaks General Plan Update Project

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EXHIBIT "A"

FINDINGS FOR THE CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT for the DEL REY OAKS GENERAL PLAN UPDATE PROJECT

1. Finding: In the fall of 1995, the City of Del Rey Oaks ("City") initiated proceedings to prepare and adopt an update to the City's General Plan.
   Evidence: City's General Plan Update file.

2. Finding: In order to determine the scope of the General Plan Update and the potential issues and impacts in connection therewith, to fulfill the suggestion of CEQA Section 15083 for early public consultation, and to stimulate public participation and comment on the General Plan Update, the City conducted a series of Public Participation Workshops.
   Evidence: City's General Plan Update file, including records of Public Participation Workshops held on September 12, 1995, February 6, 1996, and March 12, 1996.

3. Finding: Based upon information received from City Staff, as well as information and comments received from the Public Participation Workshops, the City, through its consultant Denise Duffy & Associates, prepared a Draft General Plan Update. The draft General Plan Update provides for the full development or buildout of the City, including parcels within the Fort Ord Reuse area which are proposed or will be requested for annexation to the City.
   Evidence: City's General Plan Update file, including initial draft of General Plan Update.

4. Finding: As a preliminary assessment of the potential environmental impacts of the General Plan Update, an environmental checklist was prepared, which disclosed that the General Plan Update might have one or more significant effects on the environment.

Evidence: Environmental checklist included in City's General Plan Update file, and as Appendix "A" in the Draft EIR for the General Plan Update.

5. Finding: Based upon the environmental checklist and other information, the City decided that an Environmental Impact Report ("EIR") should be prepared for the General Plan Update. In accordance with Section 15084 of the CEQA Guidelines, the City contracted with the firm of Denise Duffy & Associates to prepare the EIR on the General Plan Update.

Evidence: City's General Plan Update file.

6. Finding: A Notice of Preparation ("NOP") was prepared and issued on April 18, 1996, in accordance with the requirements of Sections 15082(a), 15103 and 15375 of the CEQA Guidelines, to inform interested agencies of the City's intention to prepare an EIR and to solicit the views of those agencies as to the scope and content of the EIR. The NOP was sent to the State CEQA Clearinghouse, to each responsible agency, to every federal agency involved in approving or funding the project, and to each trustee agency responsible for natural resources affected by the General Plan Update.

Evidence: Notice of Preparation in City's General Plan Update file.

7. Finding: Comments were received on the NOP. Each of the comments received in response to the NOP was reviewed by City staff and referred to the EIR Consultant for consideration in the preparation of the EIR for the General Plan Update. Each of the written comments received in response to the NOP is included in the EIR.

Evidence: City's General Plan Update file; Appendix "A" in

the Draft EIR for the General Plan Update.

8. Finding: Upon completion of the Draft EIR, to wit, on June 10, 1996, a Notice of Completion was filed by the City in accordance with Section 15085 of the CEQA Guidelines.
Evidence: City's General Plan Update file.

9. Finding: Upon completion of the Draft EIR, the City consulted with and requested comments on the Draft EIR from various agencies as required by Section 15086 of the CEQA Guidelines.
Evidence: City's General Plan Update file.

10. Finding: The Draft EIR on the General Plan Update was circulated for public review for a 45-day review period commencing June 12, 1996, and ending July 24, 1996. Written notice of the availability of the Draft EIR for review and comment was given by the City on or about June 7, 1996, including posting at three customary public notice sites within the City of Del Rey Oaks, mailed notice to the State Clearinghouse, the Local (AMBAG) Clearinghouse, and to the City's standard EIR/Negative Declaration mailing circulation list, and by posting in the office of the Monterey County Clerk.
Evidence: City's General Plan Update file, including declaration of publication by City Manager Steve Endsley.

11. Finding: Two written comment letters on the Draft EIR were received by the City during the established public comment period. Two additional letters were received shortly after the close of the public comment period, which the City directed the consultant to respond to.
Evidence: See letters contained in City's General Plan Update file from Monterey Bay Unified Air Pollution Control District (June 14, 1996), Monterey Peninsula Regional Parks District (July 9, 1996), Governor's Office of Planning and Research (July 25, 1996) and California Department of Transportation (July 29, 1996).

12. Finding: At the direction of the City, responses to all comments received during the established public review period were incorporated into the Final EIR dated December 23, 1996.

Evidence: Final EIR (December 23, 1996) in City's General Plan Update file.

13. Finding: The December 23, 1996, Final EIR was presented to the City's Planning Commission at a noticed public hearing held on January 13, 1997. The Planning Commission reviewed the Final EIR, considered public testimony on the Final EIR received at the public hearing, and recommended certification of the EIR to the City Council.

Evidence: City's General Plan Update file. Minutes of Planning Commission of January 13, 1997.

14. Finding: The December 23, 1996, Final EIR was presented to the City Council at a noticed public hearing held on February 7, 1997. The City Council reviewed the Final EIR and considered public testimony and comment on the Final EIR received at the public hearing. Because of concerns expressed by individuals at the public hearing that they had not been aware of the deadline for public comment on the Draft EIR and had not had adequate opportunity to comment on the Draft and Final EIRs, the City Council directed i) that further public workshops be held on February 25, 1997 and March 7, 1997, to receive additional public comment; ii) that the consultant be instructed to respond as part of a supplement to the December 23, 1996, Final EIR, to all public comments on the EIR received between July 25, 1996, and through March 7, 1997; and iii) that action on the Final EIR be deferred until after public workshops on the General Plan Update and EIR are held on February 25, 1997, and March 4, 1997.

Evidence: City's General Plan Update file. Minutes of City Council of February 7, 1997.

15. Finding: Written notice of the public workshops held on February 25, 1997, and on March 4, 1997,

were hand delivered to each residence in the City of Del Rey Oaks.

Evidence: City's General Plan Update file.

16. Finding: The City Council has now received a revised Final EIR consisting of the following components: i) complete text of all written comments received on the EIR through March 17, 1997; ii) responses from the consultant to public comments, including oral comments at public hearings; iii) revised Draft EIR, inclduing all documents incorporated therein by reference; iv) mitigation monitoring program and checklist; and v) Supplemental Information in Response to Additional Public Comments (April 29, 1997). These components collectively constitute and are referred to as "the Final EIR."

Evidence: City's General Plan Update file.

17. Finding: The City Council finds the responses contained in the Final EIR to comments received from agencies, groups and individuals to constitute good faith, reasoned analysis in response to such comments, including reasons why specific comments and suggestions were not accepted or adopted.

Evidence: Final EIR.

18. Finding: The Final EIR identifies potentially significant environmental impacts in the following areas: reduction in open space and natural resources; land use compatibility; traffic and circulation; geology and seismic safety; plant and animal resources; airport safety; noise; water supply; air quality; drainage/hydrology/water quality; cultural/historic resources; and viewshed.

Evidence: Final EIR.

19. Finding: Public notice of the City's intention to certify the Final EIR at a public hearing on May 27, 1997, was given by written notice which was mailed to all interested parties who had participated in the public hearings and workshops, posted in the three customary public notice sites

within the City of Del Rey Oaks, and published in the Monterey County Herald on May 16, 1997.

Evidence: Proof of publication and other materials contained in the City's General Plan Update file.

20. Finding: The notice of public hearing published in the Monterey County Herald contained an error as to the date of the hearing. The error was corrected i) by promptly publishing a corrected notice in the Monterey County Herald, and ii) by posting a City employee at the Del Rey Oaks City Hall at the date and time specified in the erroneous notice to direct any persons who appeared to return at the correct date and time. Because notice was mailed and posted as well as published, because the erroneous published notice was promptly followed by a corrected published notice, and because the City posted an employee to inform persons who showed up at the incorrect time for the hearing to return at the correct time, the City finds that notice of the hearing of May 27, 2997, was legally and factually adequate, and that no person was deprived by reason of the error in publication of an opportunity to participate meaningfully in the EIR process.

Evidence: Proof of publication and other materials contained in the City's General Plan Update file.

21. Finding: The Final EIR evaluated the following impacts of the General Plan Update which were found to be less than significant: sewage treatment; solid waste; police protection; fire protection; schools; parks and recreation.

Evidence: Final EIR, Section IV.

22. Finding: The Final EIR identified the following areas of controversy known to the City: effects of the General Plan Update on traffic and the need for an adequate roadway network to serve the potential level of development; need for an available and adequate water supply; need for and effects of economic development and local growth to provide increased revenues to support municipal activites and public services and/or to replace economic losses due to the military base closure;

preservation of natural resources and open space; controversy with the Monterey Peninsula Regional Park District over conveyance of Polygon 31b in the Ft. Ord Reuse Area; access through Del Rey Oaks to the airport northside industrial area; consistency of the General Plan Update with the Army's implementation of the Fort Ord Habitat Management Plan. Some, but not all, of these areas of controversy involve environmental consequences.

Evidence: Final EIR, Section 2.7.

23. Finding: The Final EIR identified the following significant or potentially significant impacts: reduction in open space and natural resources; land use compatibility; traffic and circulation; geology and seismic safety; plant and animal resources; airport safety; noise; water supply; air quality; drainage/hydrology/water quality; cultural/historic resources; and viewshed.

Evidence: Final EIR, Section 2.4, Table 1.

24. Finding: The Final EIR identified no significant unavoidable adverse project impacts of the General Plan Update.

Evidence: Final EIR, Section 2.3.

25. Finding: The Final EIR concluded that all significant and potentially significant project impacts of the General Plan Update, with the exception of cumulative impacts, can be avoided or reduced to less than significant levels.

Evidence: Final EIR, Section 2.4, Table 1.

26. Finding: The Final EIR acknowledged that although the contribution to cumulative impacts of development under the General Plan Update is relatively small compared to the impacts of total regional buildout, significant unavoidable cumulative impacts could occur in connection with the implementation of the General Plan Update in the following areas: regional traffic; air quality; water demand; public services; and biological resources.

Evidence: Final EIR, Sections 2.3 and 6.4.

27. Finding: It is the intention of the City Council that the General Plan Update be "self-mitigating," meaning that the implementation and enforcement of the policies and programs contained in the General Plan Update, together with the Mitigation Monitoring Program (Final EIR, Section M-1), will avoid or mitigate the potential significant impacts of presently unidentified but anticipated future development projects in the City.

Evidence: Final EIR, Sections 2.4, 3.5, and Chapter IV.

28. Finding: The potentially significant impacts related to land use compatibility will be avoided or reduced to less than significant levels by the following:

a) The potential for significant land use compatibility impacts resulting from development/reuse of the property adjacent to the intersection of Highway 218 and Highway 68 within the clear zone of the Monterey Peninsula Airport will be avoided or reduced to a less than significant level by i) adopting and implementing a General Plan Update policy requiring avigation easements for each future development project located in the airport land use planning area (Mit. 3); ii) incorporating development standards in the General Plan Update for development within the clear zone of the airport as required by Mitigation Measure 5.

Evidence: Final EIR, Section 4.2; Supplemental Information, Responses to Letter F.

b) The potential for significant land use compatibility impacts resulting from the development of a golf course, hotel and convenience retail in Polygon 29a and an office park in Polygon 31b adjacent to the expansion of the Frog Pond in Polygon 31a will be avoided or reduced to a less than significant level by i) adopting and implementing a General Plan Update policy requiring the City to encourage the conservation and preservation of irreplaceable natural resources and

open space; ii) adopting and implementing a General Plan Update policy requiring the City to review each development project within the former Ft. Ord annexation area with regard to open space buffers; or iii) adoption of the Reduced Density/Revised 31b Design Alternative.

Evidence: Final EIR, Section 4.2, Mitigations 1 and 2; and Chapter V, Alternative 2.

c) The potential for significant land use compatibility/visual/noise impacts resulting from the development of new commercial uses near existing neighborhoods will be avoided or reduced to less than significant levels by the adoption and implementation of General Plan Update policies C/OS-1a, C/OS-1b, L-8, L-9, N-1, N-3, N-4, N-5, N-6, and Programs 31-33.

Evidence: Final EIR, Sections 4.2, 4.10 and 4.11; Mitigation 3.

29. Finding: Water supply currently allocated to the City by the Monterey Peninsula Water Management District is sufficient for development of all new development proposed by the General Plan Update within the existing city limits with the exception of the Oak Meadows Inn and Conference Center on the east side of Highway 218. In addition, 75 acre feet of water has currently been assigned to the City by FORA for development in the Fort Ord land proposed for annexation to the City. Additional water supply is being pursued by the City through independent and cooperative efforts, including retrofitting, reclamation and re-use, importation and desalinization. The potentially significant project impacts related to water supply for future development will be avoided or reduced to less than significant levels by the adoption and implementation of General Plan Update policies and programs identified in Mitigation Measures 6 though 10 in the Final EIR, requiring, among other things, that the City pursue in cooperation with other agencies the development of additional water sources through retrofitting, reclamation, importation or desalinization, and that new development be conditioned upon the availability of adequate water supply which does not aggravate or accelerate existing salt-water intrusion.

Evidence: Final EIR, Section 4.3.1; Mitigations 6 - 12; Supplemental Information, Section 3c.

30. Finding: The potentially significant impacts related to parks and recreation will be avoided or reduced to less than significant levels by i) the adoption and implementation of Policies PS-1 and PS-2 and Programs 24 through 26 of the General Plan Update; and ii) the implementation of Mitigation Measures 2 and 3 contained in Section 4.2 of the Final EIR.

Evidence: Final EIR, Section 4.3.7.

31. Finding: Implementation of the General Plan Update could result in traffic volumes on Canyon Del Rey which could exceed existing capacity and thereby

result in an unacceptable level of service. This would be a direct significant adverse impact of the General Plan Update. The General Plan Update anticipates this significant impact, and includes policies (Policies C-2 and C-3) and programs (Programs 13 through 16) to avoid this impact or reduce it to a less than significant level. In addition, the City has committed to pay or require developers of future projects within the City to pay for up to $6 million in circulation infrastructure improvements having a nexus to the development anticipated by the General Plan Update. Adoption and implementation of these policies, programs and commitments, and the adoption and implementation of Mitigations 13 through 20 in the Final EIR, will avoid or reduce the direct traffic and circulation impacts of the General Plan Update to a less than significant level.

Evidence: Final EIR, Section 4.4.

32. Finding: Although the contribution of traffic from future development within the City is small, the cumulative traffic impacts on the regional roadway network of the buildout of the City under the General Plan Update, when considered with reasonably foreseeable future projects in the region, is considered to be significant. A system of regional roadway improvements has been planned as part of the adopted Fort Ord Reuse Plan, and if all affected jurisdictions contribute their assigned share of circulation improvements, the cumulative traffic impacts will be less than significant. However, because funding for all off-site circulation improvements cannot presently be assured, the cumulative impacts of demands on the regional roadway network is assumed to be both significant and unavoidable. As noted, the City has committed to fund its assigned share of the regional circulation improvements. This commitment, together with the adoption and implementation of Mitigation Measures 13 through 20 as recommended in the Final EIR, constitute the City's reasonable and fair-share contribution to reduction of the regional cumulative traffic

impacts. The balance of the planned circulation improvements are assigned or will be assigned to other jurisdictions pursuant to the provisions of the adopted Fort Ord Reuse Plan, and are therefore within the responsibility and jurisdiction of those other public agencies and not the City, and either have been or should be adopted and committed to by such other public agencies. This Finding is adopted pursuant to the provisions of Section 15091 of the CEQA Guidelines.

Evidence: Final EIR, Sections 4.4 and 6.4.8; Supplemental Information, Sections 5.0 and 8b.

33. Finding: The adoption and implementation of the General Plan Update will not have a significant direct adverse impact on air quality. Furthermore, if the Air Quality Management Plan is implemented by the Regional Air Pollution Control District, implementation of the General Plan Update will not contribute to cumulative air quality impacts. The adoption of the polices and programs of the General Plan Update (Policies C-11 through C-16, C/OS- 13, Programs 12, 13, 14 and 17) commit the City to implementation of those portions of the Air Quality Management Plan that are within its responsibility and jurisdiction. Potential exceedences of air quality standard thresholds (including carbon monoxide thresholds) will be addressed at the time an application for development is submitted to the City. Enforcement of the balance of the Air Quality Management Plan is within the responsibility and jurisdiction of the Regional Air Pollution Control District, and not within the City, and should be enforced by that agency. This Finding is adopted pursuant to the provisions of Section 15091 of the CEQA Guidelines.

Evidence: Final EIR, Sections 4.5 and 6.4.9; Supplemental Information, Sections 7.0, 8d and Responses to Letter A.

34. Finding: Direct and cumulative geologic and seismic safety impacts of the implementation of the General Plan Update are less than significant, considered in the light of the adopted Fort Ord

Reuse Plan EIR and local zoning ordinances regulating soil erosion and construction practices on hazardous soils. Nevertheless, the City voluntarily commits to adopt and implement a mitigation measure providing for the update of the Seismic Safety Element of the General Plan to incorporate the most recent geologic information provided by the State Department of Conservation Division of Mines and Geology.

Evidence: Final EIR, Sections 4.6 and 6.4.2.

35. Finding: Implementation of the General Plan Update could have significant project impacts on hydrology, drainage and water quality resulting from increased areas of impervious surfaces, erosion and the use of pesticides on the proposed golf course. Similar impacts, including impacts from possible hazardous materials spills during construction, could result on a cumulative basis from development of reasonably foreseeable probable future projects in the region. Direct project impacts will be reduced to a less than significant level by adoption and implementation of Mitigation Measure 22, 23 and 24 in the Final EIR, or by adoption of the Reduced Density/Revised 31b Design Alternative. Cumulative impacts will be minimized to a less than significant level by implementation of the hydrology and water quality polices and programs of local, regional and state agencies already in place.

Evidence: Final EIR, Section 4.7, 6.4.5; Supplemental Information, Sections 3.0, 8c (Hydrology) and Responses to Letter C.

36. Finding: Although no rare, endangered or threatened species have been identified within the existing city limits of Del Rey Oaks, a number of special status plant and animal species occur in areas adjacent to the City, specifically within lands within the former Fort Ord proposed for annexation to the City. The General Plan Update includes policies and programs which avoid potential impacts on special status species and their habitats (Policies C/OS-3 through C/)S-9

regarding creek corridors; C/OS-5a through C/OS-5g, C/OS-6 and C/OS-7 regarding greenbelts and open spaces; C/OS 5e, 5f and 5g regarding special status species); and the Fort Ord Reuse Authority has adopted a Habitat Management Plan ("HMP") for all listed plant and animal species and their habitats within the Fort Ord Reuse lands, including those proposed for annexation to the City. The HMP will be administered by the U.S. Fish and Wildlife Service irrespective of local jurisdictional boundaries. Implementation of these policies and the HMP, together with the enforcement of the regulatory authority of the California Department of Fish and Game and the Army Corps of Engineers, supplemented by the adoption and implementation of Mitigation Measures 25 through 28, will avoid significant impacts or assure the reduction of such impacts to a less than significant level on both a project and a cumulative level.

Evidence: Final EIR, Sections 4.8 and 6.4.6; Supplemental Information, Sections 4.0 and 8a; Testimony of City Community Development Director Joseph Cavanaugh at Public Workshop (February 25, 1997).

37. Finding: There is no substantial evidence indicating that implementation of the General Plan Update will have any significant adverse impact on cultural (archaeological or historic) resources, either on a project basis or on a cumulative basis. Although no mitigation is required, Policies C/OS-15 and -16 should be adopted and implemented to fulfill the direction of Appendix K of the CEQA Guidelines to provide for archaeological sites accidently discovered during construction.

Evidence: Final EIR, Section 4.9.

38. Finding: The General Plan Update as proposed contains specific policies to avoid significant aesthetic and visual impacts associated with new development (policies C/OS-1a, C/OS-1b, L-8 and L-9). As a result, no significant aesthetic or visual impacts are anticipated as a direct result of the General Plan Update project. However, the Final EIR is unable to feasibly assess the

significance of this impact on a cumulative basis without a detailed analysis of each jurisdiction's development guidelines and without specific project proposals and designs, which is beyond the scope of the EIR. Consequently, the Final EIR assumes that aesthetic and visual impacts of reasonably foreseeable probable future projects in the region will be cumulatively significant and unavoidable. The City nevertheless finds that if each other jurisdiction in the region were to adopt policies or procedures comparable to those contained in the City's General Plan Update to avoid significant aesthetic and visual impacts, that the cumulative impact would be reduced to a less than significant level. It is within the responsibility and jurisdiction of each such other agency to adopt and implement such policies and procedures, and they can and should do so. This Finding is adopted pursuant to the provisions of Section 15091 of the CEQA Guidelines.

Evidence: Final EIR, Sections 4.10 and 6.4.7.

39. Finding: Direct and cumulative noise impacts of the implementation of the General Plan Update are less than significant, considered in the light of the local zoning ordinances and General Plan Update Policies N-1 through N-6 and Programs 31 through 33 which will avoid potential noise impacts or regulate them to a less than significant level.

Evidence: Final EIR, Sections 4.11 and 6.4.10; Supplemental Information, Section 6.0.

40. Finding: Cumulative land use impacts focus primarily on the conversion and redevelopment of land and facilities at Fort Ord in accordance with the Fort Ord Reuse Plan. The final EIR for the Fort Ord Reuse Plan was certified, and the Fort Ord Reuse Plan was adopted, on June 13, 1997. The goals, policies, programs and land uses contained in the General Plan Update are consistent with the goals, policies, programs and land uses contained in the adopted Fort Ord Reuse Plan, and consequently significant land use conflicts are not foreseeable. Unforeseen land use conflicts that

might arise are ordinarily avoided or resolved through the FORA process, and significant cumulative impacts from land use conflicts are not anticipated.

Evidence: Final EIR, Section 6.4.1.

41. Finding: The cumulative buildout of the General Plan Update when considered in the light of reasonably foreseeable probable future projects in the region is considered to have significant and unavoidable impacts on water supply given the severe shortage of water supply in the region and the overdraft and seawater intrusion problems in the local aquifer. The City has existing water allocations for most of the new development proposed by the General Plan Update. Furthermore, the City has committed itself through the policies and programs of the General Plan Update, the mitigation measures adopted pursuant to the Final EIR, and the Mitigation and Monitoring Program, to avoid significant impacts on the regional water supply from new development within its jurisdiction. If each other jurisdiction in the region were to adopt and implement comparable policies and procedures to avoid significant water supply impacts, the cumulative impact would be reduced to a less than significant level. It is within the responsibility and jurisdiction of each such other agency to adopt and implement such policies and procedures, and they can and should do so. This Finding is adopted pursuant to the provisions of Section 15091 of the CEQA Guidelines.

Evidence: Final EIR, Sections 6.4.4; Supplemental Information, Section 8c.

42. Finding: This General Plan Update addresses all of the lands within the City limits of the City of Del Rey Oaks, as well as lands proposed for annexation to the City. It is not possible or feasible to move the City to a new location, and there is not sufficient vacant land within the City limits to relocate existing or proposed uses to other locations within the City. The proposed land uses for the Fort Ord land proposed for annexation to

the City are provided in the adopted Fort Ord Reuse Plan, and whether that land is annexed to the City or developed under the jurisdiction of some other agency, the land uses will have to be those consistent with the adopted Fort Ord Reuse Plan. Alternative locations for these uses were analyzed in the certified Fort Ord Reuse EIR, which has been consulted in connection with the preparation of the Final EIR for this General Plan Update to assess the feasibility of potential project alternatives. There is no alternative location within the jurisdiction of the City adequate to accommodate the uses proposed. There is no evidence that significant environmental effects of the General Plan Update would be avoided or significantly lessened by not annexing the Fort Ord land and thereby allowing it to be developed within some other jurisdiction for the uses provided in the adopted Fort Ord Reuse Plan. Consequently, the City concludes that an alternative location for the General Plan Update project is not feasible within the meaning of Section 15126(B) of the CEQA Guidelines.

Evidence: Final EIR, Chapter V, Alternative 5.

43. Finding: Alternative 1a, the "No Project Alternative Buildout Under the Existing General Plan" is the environmentally superior alternative because it would result in the least amount of development. However, that alternative is not capable of feasibly attaining the basic objectives of the General Plan Update, particularly the objectives of developing an economic/employment base for the City by attracting revenue-generating commercial retail and visitor serving uses to the additional economic development sites provided by the annexation of the Fort Ord property.

Evidence: Final EIR, Sections 3.5; Chapter 5, Alternative 1a; Supplemental Information, Responses to letter B.

44. Finding: Alternative 1b, the "Buildout Under the Draft Fort Ord Reuse Plan" alternative is not an environmentally superior alternative because all of the environmental impacts associated with the

development as proposed in the General Plan Update would still occur, but under another jurisdiction. Conceivably, the impacts could be even greater if the other jurisdiction did not have the regulatory polices proposed by the General Plan Update.

Evidence: Final EIR, Chapter V, Alternative 1b.

45. Finding: Alternative 3, the "Elimination of Development on Site 31b Alternative," is not an environmentally superior alternative because it would generate more dense development and associated impacts on the remainder of the Fort Ord annexation property.

Evidence: Final EIR, Chapter V, Alternative 3.

46. Finding: Alternative 4, the "6R Alternative," is not considered an environmentally superior alternative because it is not sufficiently defined in the Fort Ord Reuse Plan EIR to determine the comparable environmental effects.

Evidence: Final EIR, Chapter V, Alternative 4.

47. Finding: Next to Alternative 1a (the "No Project Alternative Buildout Under the Existing General Plan"), Alternative 2, the "Reduced Density/Revised 31b Design Alternative" is the environmentally superior alternative because it eliminates or lessens many of the environmental impacts associated with development in the Fort Ord annexation area. This alternative would increase the open space buffer between the Frog Pond annexation area and the proposed office park development as requested by MPRPD, and could result in development which is totally consistent with the City's existing approved water allocation for the Fort Ord annexation area. The reduction in office space would significantly reduce traffic trips, traffic noise and related air emissions. Visual impacts would also be reduced, as would geotechnical impacts and increased runoff. Although this alternative would impede to some degree the City's economic objectives, it appears to be the only alternative which could feasibly attain most of the basic objectives of the project.

Evidence: Final EIR, Chapter V, Alternative 2.

48. Finding: The General Plan Update is consistent with the goals, objectives, policies and land uses provided in the adopted Fort Ord Reuse Plan as adopted by the FORA Board of Directors on June 13, 1997.

Evidence: Testimony of City Manager Steven Endsley and City Community Development Director Joseph Cavanaugh at February 25, 1997 public workshop; Memorandum from Joe Cavanaugh dated June 16, 1997; Memorandum from Denise Duffy dated June 16, 1997

49. Finding: The City Council finds that the Final EIR has been completed in compliance with CEQA, and reflects the independent judgment of the City. The Final EIR was presented to and independently reviewed and analyzed by the City Council, and was used by the City Council to review and consider the proposed General Plan Update and its aspects as required by CEQA Sections 21082.1, and Sections 15090 and 15091 of the CEQA Guidelines.

Evidence: City's General Plan Update file; minutes of City Council meetings of May 27, 1997, and June 17, 1997.

50. Finding: After considering the final EIR and all of the written and oral evidence presented in the public hearings and workshops during the General Plan Update process, the City Council finds that all significant adverse environmental project impacts of the General Plan Update have been eliminated or substantially lessened to a less than significant level (Findings 24 and 25); that the only unavoidable significant adverse environmental impacts of the General Plan Update which have not been eliminated or lessened to a less than significant level are cumulative impacts, to wit, cumulative impacts in the following areas: regional traffic, air quality, water demand; public services; and biological resources Finding 26). The City Council has balanced the benefits of the proposed General Plan Update against its unavoidable environmental risks, and finds that the economic, social and other benefits of the General Plan Update outweigh its unavoidable adverse environmental effects for the following reasons:

a) The contribution of the General Plan Update to the unavoidable cumulative impacts is relatively small compared to the impacts of total regional buildout (Finding 26).

b) The City has done all the things within its jurisdictional authority as recommended by the EIR to reduce its contribution to the unavoidable cumulative impacts, including the adoption of additional or modified General Plan

Update policies and programs, the adoption of mitigation measures and the adoption of the environmentally superior Alternative 2.

c) The unavoidable cumulative impacts of anticipated regional development could be eliminated or substantially lessened if all of the other members and responsible agencies involved in the adopted Fort Ord Reuse Plan make their proportionate contributions to the provision of necessary infrastructure and/or adopt and carry out the responsibilities, policies and mitigations assigned to them under the provisions of the adopted Fort Ord Reuse Plan.

d) The unavoidable cumulative impacts are associated primarily with the development of the Fort Ord land proposed for annexation to the City for the land uses prescribed by the adopted Fort Ord Reuse Plan. Many of the speakers at the General Plan Update public hearings and workshops stated that the potential impacts of the development of these lands could best be controlled if the land is annexed to the City and those land uses controlled by the City of Del Rey Oaks under it General Plan Update policies and programs rather than by some other jurisdiction; and that it is essential for the City to assert its jurisdiction over those lands and the proposed development of them in order to preserve the character of the City.

e) Because the City of Del Rey Oaks is overwhelmingly a residential community with very limited commercial and retail land use, the City's revenues are limited primarily to residential property taxes. As a result, since the passage of Proposition 13, the City's ability to support its existence as a city and to provide essential municipal services has been severely curtailed by the failure of property tax revenues to increase in proportion to the costs of municipal services. On two occasions the voters of the City adopted special tax measures to provide additional revenues to support the City, but those measures have now expired and the City has for two years been operating at a deficit. Throughout the General Plan Update public hearings and public workshops it was emphasized that the City must expand its economic base, specifically to include retail and visitor accommodation uses which will provide sales tax and transient occupancy tax revenues to the City if the City is to survive as an entity. The City Council received extensive testimony from both its City Manager and from its Community Development Director that the land uses proposed for the Fort Ord land to be annexed to the City in accordance with the General Plan Update will potentially generate positive net revenues to the City to help offset the historical revenue shortfall.

Evidence: Re: Unavoidable cumulative impacts, measures taken to eliminate or lessen City's contribution to those impacts, and the effect of actions of other FORA-related agencies: Final EIR; Final draft of General Plan Update, including added and modified policies and programs; FORA Reuse Plan Final EIR; adopted Fort Ord Reuse Plan.

Evidence: Re: City control of development of Fort Ord land proposed for annexation: Testimony of George Jaksha, Tim Madden, Jim Clark and Frank Lichtanski at Regular Meeting of City Council (February 7, 1997); Testimony of City Manager Steven Endsley at Public Workshop (February 25, 1997).

Evidence: Re: City's fiscal condition and economic benefits of General Plan Update: Testimony of Steve Williams at Joint Special Meeting of City Council and Planning Commission (September 12, 1995); Testimony of City Community Development Director Joseph Cavanaugh, Mayor Jack Barlich, City Manager Steven Endsley, Barry Fahringer, Jerry Edelen, Tim Madden and Frank Lichtanski at City Council Meeting (February 7, 1997); "General Plan Summary Information Workshop Handout" (February 25, 1997; Testimony of City Manager Steven Endsley and City Community Development Director Joseph Cavanaugh at Public Workshop (February 25, 1997); "Projected Costs and Revenues for City of Del Rey Oaks Proposed Project at Fort Ord" (presented at Public Workshop, February 25, 1997).

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Appendix F-2

Mitigation Monitoring and Reporting Program
Del Rey Oaks General Plan Update

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MITIGATION MONITORING PROGRAM

A. Introduction

This mitigation monitoring program has been prepared in compliance with Public Resources Code (PRC) Section 21081.6 (AB 3180 of 1988). It describes the requirements and procedures to be followed by the project proponents and their contractors to ensure that all mitigation measures adopted by the City of Del Rey Oaks as part of this project will be implemented as described in the EIR for the General Plan Update.

A mitigation monitoring program should, at a minimum, identify the following:

- what entity, including department if applicable, is responsible for monitoring the mitigation;
- what action is being monitored and how;
- what schedule is required to provide adequate monitoring; and
- what mechanism identifies the monitoring is complete.

B. Organization of the Monitoring Program

This section contains an impact summary and detailed discussion of each mitigation measure presented in Chapter 2.0, *Summary of Environmental Impacts*, in the Revised Draft EIR. A conceptual approach to monitoring is presented for each mitigation measure. The monitoring procedures will enable the City of Del Rey Oaks to implement a monitoring program which complies with PRC 21081.6. The mitigation monitoring procedure is organized as follows:

- Mitigation Measure: Identifies the mitigation measure
- Responsibility: Identifies responsibility for implementing the mitigation measure. Generally, the responsibility for implementing mitigation measures rests with the City.
- Timing: Identifies when the mitigation measure should be in place and monitoring is completed. Typical milestones identified in the monitoring program for this project are upon incorporation into the Final General Plan.
- Verification: Identifies responsibility for ensuring that the mitigation measure was implemented.

C. Enforcement of Mitigation Measures

The mitigation monitoring program for the project will be adopted by resolution of the Del Rey Oaks City Council. The General Plan will incorporate pertinent mitigation measures and associated conditions to ensure that project impacts are maintained at a less-than-significant level. The mitigation measures are policies which the City is committed to enforce; and that part of policy enforcement will be in form of imposition of conditions on individual development projects proposed under the General Plan Update.

D. Mitigation Monitoring Plan

Land Use

Impact Summary: Implementation of the proposed land uses associated with the General Plan Update may result in incompatibility of proposed development adjacent to open space areas.

Mitigation

1. The City shall implement a General Plan Update policy which states that the City shall encourage the conservation and preservation of irreplaceable natural resources and open space at former Fort Ord consistent with the Fort Ord Reuse Plan and Habitat Management Plan.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

2. The City shall implement a General Plan Update policy which states that the City shall review each development project within the former Fort Ord annexation area with regard to the need for open space buffers between land uses.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

3. The City shall implement a General Plan Update policy which states that the City shall review each future development project for compatibility with adjacent open space land uses and require that suitable open space buffers and other avoidance mitigation measures are incorporated into the development plan of potentially incompatible land uses as a condition of project approval as necessary to mitigate identified significant adverse land use conflicts to a level of insignificance.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

4. The City shall implement a General Plan Update policy which states that the City shall require avigation easements for each future development project located in the Airport Land Use Planning area.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

5. City shall incorporate the following development standards in the General Plan Update for development within the clear zone of the airport:

    - Density standards to prevent large assemblages of people;
    - Prohibit uses whose primary occupants are persons of impaired mobility, (i.e. hospitals, schools, daycare centers, and nursing homes)
    - Prohibit the above ground storage of large quantities of flammable materials or hazardous materials.
    - Prohibit residential units and overnight sleeping accommodations.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

Public Services - Water Supply

Impact Summary: Buildout of the proposed project will result in impacts to the City's water supply by increasing demand.

6. Adopt and implement a program which states that the City shall work with appropriate agencies to determine the feasibility of developing additional water supply sources for Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable options.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

7. Adopt and implement a water conservation ordinance, which may include requirements for plumbing retrofits to reduce both water demand and effluent generation.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

8. Adopt and implement a policy which states that the City shall condition approval of development plans on verification of available water service for the projects which does not aggravate or accelerate existing salt water intrusion in the Salinas Valley.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

9. Adopt and implement a policy which states that the City shall consider water conservation, reclamation and stormwater detention in all new development to increase potential water supply for Fort Ord.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

10. Adopt and implement a policy which states that the City shall explore sewage treatment options to enhance non-potable water supply for golf course irrigation on the Fort Ord land proposed for annexation.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

11. Adopt and implement a policy which states that new development on former Fort Ord land will be serviced by the most cost-effective, water conservation and reuse oriented, sustainable approach feasible at the time of development, which does not aggravate or accelerate existing salt water intrusion in the Salinas Valley.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

12. Adopt and implement a policy which states that water conservation and reuse based on environmentally sound sustainable management practices will be encouraged for new development on Fort Ord land to be annexed in to the City.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

Traffic and Circulation

Impact Summary: Existing military roads on the former Fort Ord Reuse area need to be reopened to serve the new uses planned in the annexation area to avoid traffic impacts.

13. The following language should be added to the Circulation Element of the General Plan Update.

- *North-South Road from Canyon Del Rey to the Seaside City limits*. This road must be included in the General Plan Update, as an existing road that will be opened on its existing alignment for public use as a two-lane arterial road from Highway 218 to the City limits of Seaside. Improvements should be made to this road to accommodate the potential build out traffic of proposed General Plan uses on the Annexation Area. In addition, the intersection of this road with Canyon Del Rey (Highway 218) should be improved, including traffic signals and turn/ storage lanes on approaches to this intersection.

- *South Boundary Road from North-South Road to the City limits* should be opened on its existing alignment and improved for use as a two-lane collector road from North South Road to the City limits of the requested Fort Ord Annexation Area. Improvements should be made to this road to accommodate the potential build out traffic of proposed General Plan uses on the Annexation Area.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan Circulation Element
- **Verification:** City of Del Rey Oaks

14. Improvements to and/or opening of existing Fort Ord military roads in the vicinity could help serve some of the traffic generated by planned new uses in the annexation area. If improved, these roads would reduce the direct traffic impacts of the General Plan Update on Canyon Del Rey at North-South Road, by distributing traffic generated north on North-South Road, and east on South Boundary Road. Without these improvements, the amount of General Plan Update project traffic which would have to enter and exit the area though the intersection of North-South Road and Canyon Del Rey would increase.

As noted above, these improvements are within the jurisdiction and responsibility of FORA, the City of Del Rey Oaks, and the Transportation Agency of Monterey County. Since these improvements are included in the Reuse Plan and DEIR, they can and should be implemented by such agencies and were therefore assumed in place for the assessment of traffic impacts in this EIR.

- *North-South Road* should be opened and improved for public use as a two-lane arterial road from the limit of the requested Fort Ord Annexation Area north to Light Fighter Drive, as a minimum two-lane arterial with commensurate intersection improvements (signal controlled turn/ storage lanes as warranted) throughout this length.
- *South Boundary Road* should be opened and improved for public use as a two-lane collector road between the limits of the requested Fort Ord Annexation Area to a new intersection with York Road, extended. No connection exists between this road and the 68 Bypass.
- *York Road* should be extended and connected with South Boundary Road as a two-lane collector.

- **Responsibility:** FORA, TAMC, City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan Circulation Element
- **Verification:** City of Del Rey Oaks

15. The following intersection should be added to the list of intersections at which traffic volumes and operations will be monitored by the City of Del Rey Oaks as needed under Program 15 of the General Plan Update Circulation Element: North-South Road at South Boundary Road.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan Circulation Element
- **Verification:** City of Del Rey Oaks

16. The City shall adopt and implement a policy which states that the City will coordinate and assist with TAMC and AMBAG in providing funding for an efficient regional transportation network.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

17. The City shall adopt and implement a program to provide a funding mechanism to pay for its fair share of impact on the regional transportation system.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan Circulation Element
- **Verification:** City of Del Rey Oaks

18. The City shall adopt and implement a policy to support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation network.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

19. Replace Policy C-15 with the following language: Land use and circulation plans shall be integrated to create an environment that supports a multimodal transportation system. Development shall be directed to areas capable of being served by a confluence of transportation facilities (auto, bus, bicycle, pedestrian, etc.).

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

20. The City shall adopt and implement a program which states the following: Land use and circulation plans shall be integrated to create an environment that supports a multi-model transportation system. Development shall be directed to areas with a confluence of transportation facilities (auto, buses, bicycles, pedestrian, etc.).

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

Geology/Seismic Safety

Impact Summary: Implementation of the General Plan may expose more people and property to geologic and seismic hazards.

21. The City should adopt and implement a program in the Land Use Element that states that the City shall update the Seismic Safety Element of the General Plan to incorporate the most recent geological information provided by the State Department of Conservation Division of Mines and Geology.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

Drainage/Hydrology

Impact Summary: The proposed office park will have a significant effect on the plants and wildlife in the adjacent habitat management area (polygon 31a) and the existing Frog Pond.

22. The City shall adopt and implement a policy which states that the direct discharge of storm water or other drainage from new impervious surfaces created by development of the office park (OP) parcel into the ephemeral drainage in the natural area expansion (NAE) parcel will be prohibited. No increase in the rate of flow of storm water runoff beyond pre-development levels will be allowed. Storm water runoff from developed areas in excess of predevelopment quantities shall be managed on site through the use of basins, percolation wells, pits, infiltration galleries, or any other technical or engineering methods which are appropriate to accomplish these requirements. Indirect, sub-surface discharge is acceptable. These storm water management requirements will be utilized for development on polygon 31b.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

23. The golf course greens and tees shall be constructed with sub-drains to collect and disperse percolating water to vegetated buffer areas for additional filtering and absorption of any nitrate or pesticide residue.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

24. A Golf Course Environmental Management Plan shall be prepared for golf course application submittal and shall include an Integrated Pest Management (IPM) strategy to not only reduce the amount of pesticides, but to reduce environmental exposure and impacts. IPM strategy shall include the selection of the proper pesticide that has the least chance for environmental exposure and impacts.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

<u>Plants and Animals</u>

Impact Summary: Pollutants in the storm water runoff from the proposed golf course and office park, such as chemical fertilizers, pesticides, and oil could have a potentially significant impact on the biological resources located in polygon 31a and the existing Frog Pond. Development within the Fort Ord reuse area proposed for annexation could result in potential impacts upon special status species.

25. The City shall adopt and implement a policy which states that the City shall ensure that all habitat conservation and corridor areas identified in the Fort Ord Habitat Management Plan (HMP) are protected from degradation due to development within or adjacent to these areas. This shall be accomplished by assuring that all new development in the Fort Ord Reuse Area adhere to the management requirements of the HMP and the policies of the Fort Ord Reuse Area Plan.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

26. The City shall adopt and implement a policy which states that the City shall encourage the preservation of small pockets of habitat and populations of special status species within and around developed areas, in accordance with the recommendations of the HMP and Fort Ord Reuse Area Plan. This shall be accomplished by requiring project applicants to conduct surveys to verify sensitive species and/or habitats on the site and developing a plan for avoiding or salvaging these resources, where feasible.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

27. The City shall adopt and implement a policy which states that the City shall assure that development of or adjacent to wetlands shall provide for the mitigation of impacts to wetland areas consistent with the applicable state and Federal law.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

28. Development located at the corner of Highway 68 and Highway 218 shall be sited to minimize loss of wetlands and riparian vegetation consistent with applicable state and federal regulations.

- **Responsibility:** Project applicant
- **Timing:** Prior to approval of development at Highway 68 and Highway 218
- **Verification:** City of Del Rey Oaks

Appendix F-3

Concurrent Resolution:
Del Rey Oaks City Council Resolution No. 2003-15 &
Del Rey Oaks Redevelopment Agency Resolution No. 2003-03

Resolution No.2003-15

DEL REY OAKS CITY COUNCIL

Resolution No.2003-03

DEL REY OAKS REDEVELOPMENT AGENCY

CONCURRENT RESOLUTION CERTIFYING REVIEW AND CONSIDERATION OF THE INFORMATION IN THE FORT ORD REUSE PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT ("EIR") AND THE DEL REY OAKS GENERAL PLAN AMENDMENT EIR ADDENDUM ("EIR ADDENDUM") AND MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN THE APPROVAL AND ADOPTION OF THE REDEVELOPMENT PLAN FOR THE DEL REY OAKS FORT ORD REDEVELOPMENT PROJECT AREA

RESOLVED, by the City Council of the City of Del Rey Oaks (the "City Council") and the Redevelopment Agency of the City of Del Rey Oaks (the "Agency"), that:

WHEREAS, the Fort Ord Reuse Authority ("FORA") pursuant to the Fort Ord Reuse Authority Act (Government Code Section 67650 et seq.) prepared and adopted on June 13, 1997 the Fort Ord Reuse Plan (the "Reuse Plan") for the former Fort Ord Military Base; and

WHEREAS, in connection with approving the Reuse Plan, FORA certified the Final Program Environmental Impact Report ("EIR") prepared on the Reuse Plan; and

WHEREAS, on December 9, 1998 the City Council adopted Resolution No. 98-20 (the "General Plan Resolution"), which approved an amendment to the City's General Plan (the "General Plan Amendment") for the purpose of making the City's General Plan consistent with the Reuse Plan; and

WHEREAS, in connection with the approval of the General Plan Amendment, the City prepared an Program EIR; ("General Plan Update EIR") and the City Council made certain findings pursuant to the California Environmental Quality Act, as amended ("CEQA") and the CEQA Guidelines (as defined below), and adopted certain mitigation measures and the mitigating monitoring programs; and

WHEREAS, pursuant to Section 15153 of the CEQA Guidelines (14 California Code of Regulations, Section 15000 et seq., the "CEQA Guidelines"), and the City's and Agency Guidelines for implementing CEQA (the "Local Guidelines"), the City intends to rely on the EIR, the General Plan Update EIR, and the General Plan Resolution

(collectively, the "Prior Environmental Documents") in evaluating the environmental impacts of the Project; and

WHEREAS, the City prepared an Environmental Initial Study (the "Initial Study") on the Redevelopment Plan (the "Redevelopment Plan") for the Del Rey Oaks – Fort Ord Redevelopment Project (the "Project"), for the purpose of reviewing the adequacy of the Prior Environmental Documents for the proposed Redevelopment Plan; and

WHEREAS, on January 19, 2003, the City mailed the Notice of Intent to Use a Previously Certified EIR (the "Notice of Intent") to the State Clearinghouse for distribution to those agencies which have jurisdiction by law with respect to the Project, to all affected taxing agencies and to other interested persons and agencies, and sought the comment of such persons and agencies; and

WHEREAS, notice to all interested persons and agencies of the Initial Study was posted in authorized locations in the City on January 21, 2003; and

WHEREAS, eight written comments (the "Comments") were received on the Initial Study prior to the close of the 45-day review period for submitting comments in the Initial Study. The comments received and the City's response to such comments are attached to this Resolution as Exhibit A (the "Response to Comments"); and

WHEREAS, a joint public hearing was held by the City Council and the Agency on May 27, 2003 on the Redevelopment Plan and the Initial Study, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto were heard, and the Initial Study was considered; and

WHEREAS, by this concurrent resolution, the City Council, as the lead agency under CEQA for preparing the Initial Study and the entity responsible for adopting the Redevelopment Plan and approving the Project, and the Agency, as the agency responsible for preparing and carrying out the Redevelopment Plan under the California Community Redevelopment Law (Health and Safety Code Section 33000 et. seq.), jointly desire to comply with the requirements of CEQA, the CEQA Guidelines, and the Local Guidelines for consideration, reliance and use of the Initial Study and the Prior Environmental Documents by the lead and responsible agencies in connection with the approval and subsequent implementation of the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY OF THE CITY OF DEL REY OAKS, AS FOLLOWS:

1. The City Council and the Agency hereby find and determine that the above recitals are true and correct.

2. The City Council and the Agency hereby certify that the City Council and the Agency have reviewed and considered the information contained in the Prior Environmental Documents, the Notice of Intent, the Initial Study, the Comments and the Responses to the Comments.

3. Based both upon staff recommendation, the Initial Study, and their own review; the City Council and the Agency determine that the Prior Environmental Documents adequately address the environmental issues of the Project and the Redevelopment Plan, and were prepared in compliance with CEQA, the CEQA Guidelines and the Local Guidelines.

4. The City Council and the Agency hereby find and determine that the implementation of the proposed Redevelopment Plan may have significant effect on the environment in certain areas identified as in the Initial Study, and that the City Council and the Agency hereby adopt the mitigation measures and the mitigating monitoring programs set forth in the General Plan Resolution, attached hereto as Exhibit B incorporated herein, for the Redevelopment Plan and the Project.

5. The City Council and the Agency hereby find with respect to the significant effects detailed in the Prior Environmental Documents and the Initial Study:

a. That the significant environmental effects of the Redevelopment Plan, including those raised in the comments on the Prior Environmental Documents and the comments to the Initial Study, have been considered and recognized by the City and the Agency;

b. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on short-term Air Quality due to air pollutant emissions from construction to a less-than-significant level, and are identified on Pages 30-31 of the Initial Study, and incorporated herein by reference;

c. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on Biological Resources due to special status species and sensitive habitat areas to a less-than-significant level, and are identified on Pages 31-32 of the Initial Study, and incorporated herein by reference;

d. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such

comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on cultural and historical resources to a less-than significant level, and are identified on Pages 32-33 of the Initial Study, and incorporated herein by reference;

e. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts seismic and geological hazards and soil constraints and increased erosion/sedimentation to a less-than significant level, and are identified on Pages 33-34 of the Initial Study, and incorporated herein by reference;

f. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated into the General Plan Amendment which will mitigate direct and indirect impacts relating to reasonably foreseeable upset and accident conditions involving the release of hazardous materials to a less-than significant level, and are identified on Page 34 of the Initial Study, and incorporated herein by reference;

g. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on hydrology and water quality to a less-than significant level, and are identified on Page 34 of the Initial Study, and incorporated herein by reference;

h. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on land use and planning to a less-than significant level, and are identified on Pages 35-36 of the Initial Study, and incorporated herein by reference;

i. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on noise to a less-than significant level,

and are identified on Page 36 of the Initial Study, and incorporated herein by reference;

j. That based on the information set fort in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated into the General Plan Amendment which will mitigate direct and indirect impacts on Utilities and Service Systems due to wastewater treatment requirements and solid waste landfill capacity to a less-than-significant level, and are identified on Pages 39-41 of the Initial Study, and incorporated herein by reference;

k. That, based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated into the General Plan Amendment to mitigate impacts to Public Services in regard to fire and police protection, identified in Sections IV-2 &3 of the EIR, the General Plan Update EIR and on Pages 37-38 of the Initial Study. These mitigation measures cannot reduce the level of impacts to a less-than-significant level, however. There are no feasible mitigation measures of project alternatives that were not previously identified or considered which will reduce the impacts to a less-than-significant level;

l. That, based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated into the General Plan Amendment to mitigate impacts to Transportation and Traffic in regard to level of service standards, identified in Sections IV-2 & 3 of the EIR and General Plan Update EIR, and Pages 38-39 of the Initial Study. These mitigation measures cannot reduce the level of impacts to a less-than-significant level, however. There are no feasible mitigation measures or project alternatives which were not previously identified or considered which will reduce the impacts to a less-than-significant level; and

m. That no additional environmental effects other than those identified above in paragraphs 5b through 5l and those previously identified in the General Plan Update EIR will have a significant effect or result in a substantial or potentially substantial adverse change in the environment as a result of the proposed Redevelopment Plan.

6. The City and the Agency hereby find and determine that all significant environmental effects resulting from the Redevelopment Plan, as identified in the Prior Environmental Documents and the Initial Study are acceptable, and have been reduced to a less-than-significant level, except for the unavoidable significant impacts for which the City and the Agency have adopted a statement of overriding considerations in that:

a. The City and the Agency hereby adopt for the Project, the mitigating measures and mitigating monitor programs adopted by the General Plan Resolution;

b. Based upon the Prior Environmental Documents, the Initial Study, and other documents and information in the record with respect to the proposed Redevelopment Plan, all remaining, unavoidable significant effects of the Redevelopment Plan are overridden by the benefits as described in Section __ of the General Plan Resolution and Section 7 below.

7. The City Council and the Agency hereby find that in addition to the benefits identified in Section 6b. above, the Redevelopment Plan will achieve the following goals, which override the unavoidable significant adverse impacts of the adoption and implementation of the Project. The Project will:

a. Provide an effective legal and financial tools and programs that will enable the Agency to rebuild the former Fort Ord site into an integral part of the community;

b. Remove existing vacant, abandoned, obsolete, and/or deteriorated sites and buildings;

c. Mitigate the economic and social degradation caused by the closure of the For Ord site;

d. Eliminate physical and economic blighting conditions from the Project Area;

e. Encourage the orderly development of modern, commercial, and visitor-centered development and residential;

f. Provide upgraded circulation system and public infrastructure;

g. Provide increased supply of affordable housing for very low, low and moderate income households, and ameliorate the current housing-job imbalance;

h. Provide new employment opportunities;

i. Assist in the elimination of soil and ground water contamination; and

j. Protect certain endangered species.

8. The City Council and the Agency hereby certify that the Final Program Environmental Impact Report for the Fort Ord Base Reuse Plan, the Environmental Impact Report prepared on the City of Del Rey Oaks General Plan Amendment, the General Plan Resolution, the Notice of Intent to Use a Previously Certified EIR, the Environmental Initial Study for the Redevelopment Plan for the Fort Ord Redevelopment Project, and all actions necessary to use the Prior Environmental Documents for the proposed Redevelopment Plan, including the findings contained herein, reflect the City Council and the Agency's independent judgment and analysis.

9. The City Clerk or his or her designee, is hereby authorized and directed to cause the filing of a Notice of Determination with respect to the Redevelopment Plan.

10. The City Clerk and the Agency Secretary shall certify to the passage of this resolution and thereupon and thereafter the same shall be in full force and effect.

PASSED AND ADOPTED on this 24 day of June, 2003, upon motion of City Council Member _____, seconded by City Council Member _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

PASSED AND ADOPTED on this 24 day of June, 2003, upon motion of Agency Member _____, seconded by Agency Member _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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