



A G E N D A

CITY OF SEASIDE
CITY COUNCIL

SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Thursday, November 10, 2016
5:30 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

CALL TO ORDER

ROLL CALL – ESTABLISHMENT OF QUORUM

Ralph Rubio	Mayor
Ian N. Oglesby	Mayor Pro Tem
Dennis J. Alexander	Council Member
Jason Campbell	Council Member
David R. Pacheco	Council Member

PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

BUSINESS ITEMS

CONTINUATION OF A PUBLIC HEARING REGARDING THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN AND TO CONSIDER 1) CERTIFICATION OF THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR), 2) AMENDMENT OF THE SEASIDE GENERAL PLAN (GPA 12-01), 3) ADOPTION OF THE SPECIFIC PLAN (SPL 12-01), AND 4) AMENDMENT OF TITLE 17 OF THE SEASIDE MUNICIPAL CODE AND THE CITY'S OFFICIAL ZONING DISTRICT MAP (Z 12-02)

PURPOSE: The purpose of this meeting is to hold a duly noticed public hearing to consider 1) certification of the SEIR, 2) approval of a General Plan Amendment 3) adoption of the Specific Plan, and 4) approval of an amendment to Title 17 of the Seaside Municipal Code and the City's Official Zoning District Map (Zoning Ordinance). If the City Council decides to approve the Project, at this meeting, or a future meeting, it would also need to adopt a statement of overriding considerations setting forth the benefits of the Project that outweigh the significant unmitigable adverse impacts identified in the SEIR, and a mitigation monitoring and reporting program making the various mitigation measures identified in the SEIR binding on the Project.

RECOMMENDATION:

It is recommended that the City Council take the following actions regarding the subject applications:

1. Receive and consider the Consultant report and Staff report;
2. Receive public comment;
3. Receive any rebuttal testimony from the applicant team;
4. Close the public hearing, consider the information received, and deliberate;
5. Consider adopting a Resolution certifying the SEIR for the Project, making findings pursuant to CEQA, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations (Attachment 1);
6. Consider adopting a Resolution approving the General Plan Amendment (Attachment 2);
7. Consider conducting a first reading of an Ordinance adopting the Specific Plan (Attachment 3), with staff and Board of Architectural Review recommended modifications and any further modifications as the City Council may direct; and,
8. Consider conducting a first reading of an Ordinance amending Title 17 of the Seaside Municipal Code and the City's Official Zoning District Map (Attachment 4).

ADJOURNMENT

The City of Seaside is an ADA accessible facility and is committed to include the disabled in all of its services, programs and activities. Any person who requires accommodation to be able to participate in this meeting is asked to contact the office of the City Clerk at 899-6707, no fewer than two business days prior to the meeting to allow for reasonable arrangements. The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are also available.

Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at:

<http://cyp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300> Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



CITY OF SEASIDE STAFF REPORT

TO: City Council

FROM: Craig Malin, City Manager

BY: Teri Wissler Adam, City Contract Project Manager

DATE: November 10, 2016

SUBJECT: **CONTINUATION OF A PUBLIC HEARING REGARDING THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN AND TO CONSIDER 1) CERTIFICATION OF THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR), 2) AMENDMENT OF THE SEASIDE GENERAL PLAN (GPA 12-01), 3) ADOPTION OF THE SPECIFIC PLAN (SPL 12-01), AND 4) AMENDMENT OF TITLE 17 OF THE SEASIDE MUNICIPAL CODE AND THE CITY'S OFFICIAL ZONING DISTRICT MAP (Z 12-02)**

PURPOSE

The purpose of this meeting is to hold a duly noticed public hearing to consider 1) certification of the SEIR, 2) approval of a General Plan Amendment 3) adoption of the Specific Plan, and 4) approval of an amendment to Title 17 of the Seaside Municipal Code and the City's Official Zoning District Map (Zoning Ordinance). If the City Council decides to approve the Project, at this meeting, or a future meeting, it would also need to adopt a statement of overriding considerations setting forth the benefits of the Project that outweigh the significant unmitigable adverse impacts identified in the SEIR, and a mitigation monitoring and reporting program making the various mitigation measures identified in the SEIR binding on the Project.

RECOMMENDATION

It is recommended that the City Council take the following actions regarding the subject applications:

1. Receive and consider the Consultant report and Staff report;
2. Receive public comment;
3. Receive any rebuttal testimony from the applicant team;
4. Close the public hearing, consider the information received, and deliberate;
5. Consider adopting a Resolution certifying the SEIR for the Project, making findings

pursuant to CEQA, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations (Attachment 1);

6. Consider adopting a Resolution approving the General Plan Amendment (Attachment 2);
7. Consider conducting a first reading of an Ordinance adopting the Specific Plan (Attachment 3), with staff and Board of Architectural Review recommended modifications and any further modifications as the City Council may direct; and,
8. Consider conducting a first reading of an Ordinance amending Title 17 of the Seaside Municipal Code and the City's Official Zoning District Map (Attachment 4).

BACKGROUND

CITY COUNCIL PUBLIC HEARING OCTOBER 13, 2016:

After an extensive study session held on September 29 and October 5, 2016, the official hearing commenced on October 13, 2016. The Council received:

- Staff Presentation
- Applicant Presentation
- Public testimony

Council also received two lengthy letters that provided comments on the project and the Final SEIR. The Council continued the hearing to November 10th to allow the City's environmental consultant to review the information provided in the late comment letters.

This November 10th meeting is intended to pick up where the Council left off on October 13th.

MODIFICATIONS TO PREVIOUSLY DISTRIBUTED CITY COUNCIL PACKAGE

The following modifications have been made to the City Council package distributed prior to the October 13, 2016 hearing:

1. Resolution Certifying the Final Subsequent EIR
 - a. Changed the project name.
 - b. Added a recital stating that on the day of the October 13, 2016 meeting, the City Council received two lengthy, additional comment letters, and voted to continue the meeting to November 10, 2016 to allow for review of the letters.
 - c. Added a recital stating that the City Council held the duly noticed continued meeting on November 10, 2016, at which time the City Council heard and received additional information, including additional public testimony.

- d. Exhibit A, Appendix to the Final Subsequent EIR – No changes.
 - e. Exhibit B, Draft CEQA Findings – Changed the project name and noted that the name change does not alter any of the information, analysis, or conclusions in the EIR.
 - f. Exhibit C, Mitigation Monitoring and Reporting Program – Changed the project name and made modifications to the mitigation measures to be consistent with the changes previously made in Exhibit A, Appendix to the Final Subsequent EIR.
 - g. Exhibit D, Statement of Overriding Considerations – Changed the project name and noted that the name change does not alter any of the information, analysis, or conclusions in the EIR.
 - h. Exhibit D, Statement of Overriding Considerations – Changed “450” to “500” in number 13.
2. Resolution Amending the Seaside General Plan
- a. Changed the project name.
 - b. Modified a recital stating that City Council held a duly noticed public hearing on October 13, 2016 and November 10, 2016.
 - c. Exhibit A, General Plan Text Amendment – Changed the project name.
 - d. Exhibit B, General Plan Consistency Analysis – Changed the project name.
3. Ordinance Adopting the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan (formerly known as Monterey Downs and Monterey Horse Park and Central Coast Veterans Cemetery Specific Plan)
- a. Changed the project name.
 - b. In Section 1, Finding 2, modified the numbers associated with the jobs to housing balance to reflect the elimination of projected jobs associated with horse racing as an allowed use.
 - c. Discussion of consistency associated with General Plan Policy ED-5.1, modifying the number of jobs associated with elimination of horse racing as an allowed use.
 - d. Exhibit B, Revisions to the Specific Plan - Changed the project name and made various text modifications to several staff recommendations.
4. Ordinance Amending Title 17 of the Seaside Municipal Code and the Official Zoning Map (Zoning Ordinance)

- a. Changed the project name.
- b. Added reference to the November 10, 2016 City Council public hearing.

FISCAL IMPACT

ATTACHMENTS

- 1. Attachment 1: Resolution to Certify the Final SEIR
- 2. Exhibit A: Appendix to the Final SEIR
- 3. Exhibit B: CEQA Findings
- 4. Exhibit C: Mitigation Monitoring and Reporting Program
- 5. Exhibit D: Statement of Overriding Considerations
- 6. Attachment 2: Resolution to Amend the Seaside General Plan
- 7. Exhibit A: General Plan Map and Text Amendment
- 8. Exhibit B: General Plan Consistency Analysis
- 9. Attachment 3: Ordinance to Adopt the Specific Plan
- 10. Exhibit A: Specific Plan
- 11. Exhibit B: Revisions to the Specific Plan
- 12. Attachment 4: Ordinance to Amend Title 17 of the Seaside Municipal Code
- 13. Exhibit A: Title 17 Map Amendment
- 14. Link to the October 13, 2016 Special Meeting Agenda Packet:
<http://seasideca.boardsync.com/Web/UserControls/DocPreview.aspx?p=1&aoid=787>

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 2016-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL COAST VETERANS CEMETERY, MONUMENT VILLAGE, AND SEASIDE HORSE PARK SPECIFIC PLAN (FORMERLY KNOWN AS THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN); MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, formal applications (including a Specific Plan; General Plan Amendment; Zoning Amendment; Sphere of Influence Amendment; Rezoning and Annexation; Vesting Tentative Map; and Master Tentative Map) were submitted by Monterey Downs, LLC (the “Applicant”) in connection with the proposed Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan Project (the “Project”), which is proposed to be located on approximately 711.1 acres of the former Fort Ord, a former U.S. Army base; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. sections 15000, *et seq.*) (“CEQA Guidelines”), the City is the lead agency for the Project; and

WHEREAS, in 1997, pursuant to CEQA and the CEQA Guidelines, the Fort Ord Reuse Authority adopted the Fort Ord Base Reuse Plan (BRP) to provide a framework for reuse of the entire Fort Ord property (approximately 27,964 acres), and in connection with the BRP, certified the Fort Ord Reuse Plan [Program] Environmental Impact Report (BRP EIR) (SCH #96013022); and

WHEREAS, CEQA encourages “tiering” EIRs for a sequence of actions so that later EIRs build on information in previous EIRs (Public Resources Code sections 21068.5 and 21093; CEQA Guidelines section 15152(d)); and

WHEREAS, on September 22, 2012, pursuant to CEQA Guidelines section 15082(a), the City distributed to responsible and trustee agencies, the State Office of Planning and Research, and members of the public who had requested such noticing a Notice of Preparation (“NOP”) of a Subsequent Environmental Impact Report (“SEIR”) for the Project, which would tier off of the BRP EIR; and

WHEREAS, on October 9, 2012, the City conducted a public scoping meeting to provide information on the Project and to receive comments on issues to be addressed in the SEIR; and

WHEREAS, the City subsequently contracted for the independent preparation of a Draft Subsequent Environmental Impact Report (the “Draft SEIR”) (SCH #2012091056) for the Project, including all necessary technical studies and reports in support of the Draft SEIR; and

WHEREAS, in March 2015, the Draft SEIR for the Project was completed; and

WHEREAS, the City circulated the Draft SEIR and its appendices to the public, responsible and trustee agencies, and other interested parties for an 80-day comment period from March 31, 2015 to June 19, 2015, in excess of the 45-day public comment period required by CEQA Guidelines section 15105, and the City received 290 comment letters on the Draft SEIR; and

WHEREAS, on April 30, 2015 the City conducted a public workshop on the Draft SEIR and received 45 oral comments; and

WHEREAS, the City prepared written responses to all comments timely received on the Draft SEIR, and those responses to comments are incorporated into the Final Subsequent Environmental Impact Report (the "Final SEIR"), which is comprised of the Draft SEIR dated March 2015 and all appendices thereto, and the Final SEIR Volumes I and II (consisting of the public comments, responses to those comments, and revisions to the Draft SEIR); and

WHEREAS, the responses to comments were distributed to all public agencies and members of the public that submitted comments on the Draft SEIR in August 2016, at least 10 days prior to certification of the Final SEIR, and the written responses to comments also were made available for public review on the City's web site and at the City offices; and

WHEREAS, the Planning Commission of the City of Seaside reviewed and considered the Final SEIR in connection with the Project and on a 3 to 2 vote, recommended that the City Council certify the Final SEIR, make CEQA findings, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program; and

WHEREAS, on September 29, 2016 and October 5, 2016, the City Council conducted a study session at which time the City Council received presentations from staff, the SEIR consultant, and the applicant; asked questions and received answers and information; and heard and considered additional public testimony; and

WHEREAS, an Appendix to the Final SEIR (as set forth in Exhibit A, which is attached hereto and incorporated herein by reference) was prepared to correct certain minor scrivener's errors and to provide clarification on certain matters, but which did not reflect any significant new information as stated in CEQA Guidelines section 15088.5(a); and

WHEREAS, on October 13, 2016, at a duly noticed special meeting, the City Council held a public hearing on the Project and received presentations from staff, the SEIR consultant, and the applicant; asked questions and received answers and information; and heard and considered additional public testimony; and

WHEREAS, on the day of the October 13, 2016 meeting, the City Council received two lengthy, additional comment letters, and voted to continue the meeting to November 10, 2016 to allow for review of the letters; and

WHEREAS, the City Council held the duly noticed continued meeting on November 10, 2016, at which time the City Council heard and received additional information, including additional public testimony.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby finds as follows:

Section 1. The City Council hereby finds that the above recitals are true and correct, and hereby incorporates them herein as though set forth in full by this reference.

Section 2. The City Council hereby finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the Final SEIR and the Project.

Section 3. The findings made in this Resolution are based upon the information and evidence set forth in the Final SEIR and upon other substantial evidence which has been presented at the hearings before the Planning Commission and City Council, the study session before the City Council, and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at City Hall (Department of Community and Economic Development and/or City Clerk), 440 Harcourt Avenue, Seaside, CA 93955. Each of those documents is incorporated herein by reference.

Section 4. The City Council has independently reviewed and considered the contents of the Final SEIR prior to rendering a decision on the Project. The City Council hereby finds that the Final SEIR reflects the independent judgment of the City. The City Council further finds that the additional information provided in the staff reports, in comments on the Draft SEIR, the responses to comments on the Draft SEIR, the Appendix to the Final SEIR, and the evidence presented in written and oral testimony at the City Council and Planning Commission hearings, including the two comment letters submitted to the City on October 13, 2016, does not constitute new information requiring recirculation of the SEIR under CEQA. None of the information presented to the Planning Commission or City Council has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.

Section 5. The City Council finds that the comments regarding the Draft SEIR and the responses to those comments have been received by the City; that the Planning Commission and City Council received information and public testimony regarding the adequacy of the SEIR; and that the City Council has reviewed and considered all such documents and testimony and the Final SEIR and Appendix to the Final SEIR prior to making its determination on the Project. The City Council, pursuant to CEQA Guidelines section 15090, hereby certifies that the Final SEIR has been completed in compliance with CEQA.

Section 6. Section 15091 of the CEQA Guidelines requires that the City, before approving the Project, make one or more of the following written finding(s) for each significant

effect identified in the Final SEIR accompanied by a brief explanation of the rationale for each finding:

- (a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or,
- (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,
- (c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

These required findings are contained in the CEQA Findings set forth in Exhibit B to this Resolution, which is attached hereto and incorporated herein by this reference.

Section 7. Based upon the Final SEIR and the record before the Planning Commission and the City Council, the City Council finds that the Project will not cause any significant environmental impacts after mitigation except in the areas of Aesthetics – project-level and cumulative changes to visual character and quality; Air Quality – project-level and cumulative operational ROG, NOx, and CO emissions; Biological Resources – project-level and cumulative impacts from removal of 315 acres of Coast Live Oak Woodland, and project-level and cumulative impacts from removal of 53 Landmark Coast Live Oak trees; Greenhouse Gas Emissions – exceedance of annual per capita GHG emissions thresholds on a project-level and cumulative basis; Land Use and Planning – conflicts with BRP Hydrology/Water Quality Policies B-1 and B-2; Hydrology and Water Quality – project-level and cumulative potential to deplete groundwater supplies; Traffic and Transportation – impacts to Levels of Service and conflicts with Congestion Management Plan; Water Supplies – project-level and cumulative impacts to water supplies due to insufficient water for Project phases IV-VI and uncertain recycled and desalinated water supplies. Explanations for why the impacts other than the foregoing were found to be less than significant are contained in the CEQA Findings set forth in Exhibit B and more fully described in the Final SEIR.

Section 8. Based upon the Final SEIR and record before the City Council, the City Council finds that the Project will create significant unavoidable impacts to Aesthetics – project-level and cumulative changes to visual character and quality; Air Quality – project-level and cumulative operational ROG, NOx, and CO emissions; Biological Resources – project-level and cumulative impacts from removal of 315 acres of Coast Live Oak Woodland, and project-level and cumulative impacts from removal of 53 Landmark Coast Live Oak trees; Greenhouse Gas Emissions – exceedance of annual per capita GHG emissions thresholds on a project-level and cumulative basis; Land Use and Planning – conflicts with BRP Hydrology/Water Quality Policies B-1 and B-2; Hydrology and Water Quality – project-level and cumulative potential to deplete groundwater supplies; Traffic and Transportation – impacts to Levels of Service and

conflicts with Congestion Management Plan; Water Supplies – project-level and cumulative impacts to water supplies due to insufficient water for Project phases IV-VI and uncertain recycled and desalinated water supplies. These significant impacts are further described in the CEQA Findings set forth in Exhibit B, which is attached hereto and incorporated herein by this reference, and in the Final SEIR. The Findings in Exhibit B explain that all feasible mitigation has been incorporated to reduce the level of impact, but that even after mitigation certain impacts remain significant.

Section 9. The SEIR describes, and the City Council has fully considered, a reasonable range of alternatives to the Project. These alternatives include Alternative 6.1.1 – No Project/No Development Alternative; Alternative 6.1.2 – No Project/Existing Land Use Designations Development; Alternative 6.2 – Reduced Density Alternative; Alternative 6.3 – Modified Project Alternative; and Alternative 6.4 – Alternate Site Alternative. The City Council hereby rejects each of these Alternatives for the reasons set forth in the Findings in Exhibit B, which are based on substantial evidence in light of the whole of the record of proceedings. The City Council further finds that each reason for rejecting each Alternative is an independent ground for rejecting the Alternative and by itself, independent of any other reason, would justify rejection.

Section 10. Public Resources Code section 21081.6 requires the City to prepare and adopt a mitigation monitoring and reporting program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The City Council hereby adopts the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C and incorporated herein by this reference, and imposes each mitigation measure as a condition of Project approval.

Section 11. For all significant and unavoidable impacts identified in the Final SEIR as “significant and unavoidable,” the City Council hereby adopts the “Statement of Overriding Considerations” as set forth in Exhibit D, which is attached hereto and incorporated herein by reference. The City Council finds that each of the overriding benefits, by itself, would justify proceeding with the Project despite any significant unavoidable impacts identified in the Final SEIR or alleged to be significant in the record of proceedings.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Seaside duly held on the ____ day of _____, 2016, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Ralph Rubio, Mayor

ATTEST:

Lesley E. Milton-Rerig, City Clerk

Exhibit A – Draft Appendix to the Final SEIR

Exhibit B – Draft CEQA Findings

Exhibit C – Draft Mitigation Monitoring and Reporting Program

Exhibit D – Draft Statement of Overriding Considerations

11.6 APPENDIX TO THE FINAL SUBSEQUENT EIR

The Final Subsequent EIR (“Final SEIR”) for the Project was published in August 2016. In October 2016, after the Final SEIR had been made public, the City discovered certain minor scrivener’s errors and certain matters requiring clarification. This corrects those minor errors and provides the necessary clarification.

Based on the standards defined in Section 15088.5 of the CEQA Guidelines, recirculation of neither the Final SEIR is required based on the analysis contained in this Appendix to the Final EIR. This section of the CEQA Guidelines states that a lead agency is required to recirculate an EIR when significant new information is added to the EIR. This information can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. Significant new information requiring recirculation could include a new significant environmental impact or a substantial increase in the severity of an environmental impact. The changes that have been made as set forth below involve solely minor corrections to address scrivener’s errors and ensure consistency across the document from one section to the next (for example, carrying over the correct language in a mitigation measure and ensuring consistency in the phrasing of clauses common to more than one mitigation measure). Because no new significant impacts result from these changes, and no new significant information has been added to the Final SEIR, recirculation of the Final SEIR is not necessary.

Revisions to the Final SEIR are presented in a box, with added text indicated by underlining and deleted text indicated by strike through, as shown in the following example.

Deleted DEIR text <u>Added text</u>
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SECTION ES, EXECUTIVE SUMMARY

Page ES 18 - ES 19 (Final SEIR)

In the Final SEIR Summary only, “California tiger salamander” was inadvertently added to Impact Statement 10 for those special status animal species that do not require take authorization. As discussed on page 4.3.-43 of the Draft SEIR, California tiger salamander does require take authorization. The impacts to California tiger salamander are identified in Impact Statement 11. Therefore, “California tiger salamander” is removed from Impact Statement 10.

Impacts	Mitigation Measures	Level of Significance With Mitigation
9. Construction activities within the Central Coast Veterans Cemetery could result in direct impacts to one federally threatened Habitat Management Plan plant species, Monterey spineflower (approximately 9.0 AC). 10. Development of the Central Coast Veterans Cemetery could result in direct impacts to the following Habitat Management Plan special status species, which do not require take authorization: the Monterey ornate shrew, California tiger salamander, and California legless lizard. 11. Development of the Central Coast Veterans Cemetery could disturb potential upland habitat of the California tiger salamander, a federal and state listed threatened species, as a result of vegetation removal and other construction activities. 12. Development of the Central Coast Veterans Cemetery could result in direct impacts to the following Non-Habitat Management Plan Special Status Animal Species: pallid bat, Townsend's big-eared bat, Monterey duskey-footed woodrat, American badger, coast horned lizard, and protected avian species. 13. Development of the Central Coast Veterans Cemetery has the potential to indirectly affect Habitat Management Plan and non-Habitat Management Plan special-status plant and animal species within the adjacent habitat management areas. 14. Development of the Central Coast Veteran's Cemetery could result in construction noise, dust, and vibration within and adjacent to large trees and other potential roosting habitat causing indirect impacts to roost abandonment and death of young pallid bats and Townsend's big-eared bats. Seaside Corporation Yard 15. Development of the Seaside Corporation Yard could result in direct impacts to the following special status Habitat Management Plan plant species: Hooker's manzanita; Toro manzanita, sandmat manzanita, Monterey ceonothus, and Eastwood's goldenbrush.	moisture, overcast, etc.). The intensity of a continued search may then be adjusted, based on the first survey's results in the best habitat. A “three pass method” shall be used to locate and remove as many legless lizards as possible. A first pass shall locate as many legless lizards as possible, a second pass should locate fewer lizards than the first pass, and a third pass should locate fewer lizards than the second pass. All search passes shall be conducted in the early morning when legless lizards are easiest to capture. Vegetation may be removed by hand to facilitate hand raking and search efforts for legless lizards in the soil under brush. If lizards are found during the first pass, an overnight period of no soil disturbance must occur before the second pass, and the same requirement shall be implemented after the second pass. If no lizards are found during the second pass, a third pass is not required. Installation of a barrier, in accordance with the three pass method, may be required if legless lizards are found at the limits of construction (Project boundaries) and sufficient soft sand and vegetative cover are present to suspect additional lizards are in the immediate vicinity on the adjacent property. A barrier would prevent movement of legless lizards into the property. All lizards discovered shall be handled according to the salvage procedures outlined below. Construction Monitoring. Monitoring by a qualified biologist shall be ongoing during construction. The onsite monitor shall be present during all ground-disturbing construction activities. To facilitate the careful search for lizards during construction, vegetation may need to be removed. If removal by hand is impractical, equipment such as a chainsaw, string trimmer, or skid-steer may be used, if a monitor and crew are present. The equipment shall be used to remove plants under the monitor's direction, allowing the monitor to watch for legless lizards. After plants are removed, the monitor and crew shall search the exposed area for legless lizards. If legless lizards are found during construction monitoring, the protocols for salvage and relocation identified	

Impacts	Mitigation Measures	Level of Significance With Mitigation
16. Development of the Seaside Corporation Yard could result in direct impacts to a federal threatened Habitat Management Plan plant species, the Monterey spineflower (0.15 AC).	below shall be followed. • Salvage and Relocation. Only experienced persons may capture or handle legless lizards. The monitor shall demonstrate a basic	

Page ES 40 - ES 41 (Final SEIR)

In the Final SEIR Summary only, impacts to riparian habitat and coast live oak woodland were combined as one impact with significant and unavoidable impacts. As presented in the Draft SEIR, pages 4.3-67 to 4.3-68, impacts to riparian habitat would be reduced to a less than significant level with implementation of the identified mitigation measure. Therefore, the following changes are made to the summary impact statements for riparian habitat and coast live oak woodland.

Impacts	Mitigation Measures	Level of Significance With Mitigation
Impact 4.3-2: Riparian Habitat or Other Sensitive Natural Community		
The Project could impact 0.2 AC of riparian <u>habitat</u> . 315 AC of coast live oak woodland habitats.	BIO-15 Impacts to Riparian Habitat. The Monterey Downs REC-2 Planning Area shall be designed to avoid impacts to riparian habitat and jurisdictional waters (if any) to the greatest extent feasible, while taking into account site and engineering constraints, including incorporating site design revisions to relocate Project features and/or reduce water quality impacts. If riparian impacts to riparian habitat and jurisdictional waters cannot be avoided, then the following measures shall be implemented to reduce identified impacts to less than significant: - Prior to issuance of a grading permit for the Monterey Downs REC-2 Planning Area, the Project Proponent shall comply with all applicable local, state, and federal regulations related to impacting riparian habitat, including local tree removal ordinances, Clean Water Act (CWA) Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Specifically, the Project Proponent shall obtain a Section 401 permit under the federal CWA from the RWQCB and a Section 404 permit under the federal CWA from ACOE. All permit requirements shall be followed. - In support of the regulatory agency wetland permitting process described above, a wetland delineation shall be conducted for the Monterey Downs REC-2 Planning Area to determine the presence and extent of jurisdictional wetlands and other waters of the U.S. The wetland delineation shall be conducted according to the protocols set forth by the ACOE. - Impacted riparian habitat shall be mitigated at a 1:1 replacement-to-loss ratio; the final mitigation amounts shall be determined during	Significant and Unavoidable Impact. <u>Less than Significant with Mitigation Incorporated</u>

Impacts	Mitigation Measures	Level of Significance With Mitigation
	the regulatory agency permitting process through the preparation of a Habitat Mitigation and Monitoring Plan (HMMP) by a qualified biologist. It is expected that the riparian mitigation site can occur within the Monterey Downs REC-2 Planning Area or a different planning area within the Monterey Downs development area. The HMMP shall include but not limited to, a planting plan, success criteria, monitoring protocols to determine if success criteria have been met, adaptive management protocols in the event success criteria are not met, and funding assurances. BIO-16 — Impacts to Coast Live Oak Woodland Habitat. — The direct loss of coast live oak woodland habitat cannot be avoided with implementation of the Project; therefore, the following measures shall be implemented to reduce identified impacts. Direct loss of coast live oak woodland habitat shall be mitigated at 1:1 compensation ratio. A. — Coast Live Oak woodland habitat restoration shall account for a maximum of 50 percent of required mitigation. A Forest Management Plan/Oak Woodland Mitigation Plan shall be prepared by a qualified biologist. The oak woodland mitigation site(s) will occur within the Specific Plan area, the adjacent Monterey County Fort Ord Recreation Habitat Area (FORHA), or within other appropriate habitats on the former Fort Ord. If there are no areas within the former Fort Ord where the impacts can be feasibly and appropriately mitigated, the Project Proponent shall identify another acceptable location, preferably within Monterey County. The Forest Management Plan/Oak Woodland Mitigation Plan shall be consistent with the Fort Ord Habitat Management Plan (HMP), and will include but not be limited to, a planting plan, success criteria, monitoring protocols to determine if success criteria have been met, adaptive management protocols in the event that success criteria are not met, and funding assurances. The Forest Management Plan/Oak Woodland Mitigation Plan shall be submitted to the City of Seaside for review and approval prior to issuance of the first grading permit. The portion of the plan applicable to each development project shall be implemented prior to the issuance each grading permit. B. — In addition, the Project Proponent shall (1) create a conservation easement and/or (2) participate in a mitigation bank or fee program to conserve oak woodlands, which shall account for the remainder of the required mitigation: 1. — The Project Proponent shall establish an oak woodland permanent conservation easement in the project vicinity approved by the City of Seaside. The location of this conservation	

Impacts	Mitigation Measures	Level of Significance With Mitigation
	easement shall be sited to preserve regional native biological diversity, such as adjacent to protected habitat areas. 2. Project Proponent shall purchase oak woodland mitigation credits at County- and/or City-approved off-site mitigation bank(s) (if available) to compensate for the direct loss of oak woodland habitat based on a 1:1 compensation ratio. If this is not feasible, the Project Proponent shall contribute funds to the State of California Oak Woodlands Conservation Fund. This Fund has been established under Section 1363 of the California Fish and Game Code for the purpose of purchasing oak woodland conservation easements per the guidelines of the Wildlife Conservation Board. Evidence of creation of a conservation easement and/or participation in a mitigation bank or fee program shall be submitted to the City of Seaside for review and approval prior to issuance of a grading permit for development projects affecting oak woodland habitat. The Forest Management Plan/Oak Woodland Mitigation Plan shall also include the measures identified in BIO-17 presented later in this section.	
Impact 4.3-2: Riparian Habitat or Other Sensitive Natural Community The Project would impact 315 AC of coast live oak woodland habitats.		
	BIO-16 Impacts to Coast Live Oak Woodland Habitat. The direct loss of coast live oak woodland habitat cannot be avoided with implementation of the Project; therefore, the following measures shall be implemented to reduce identified impacts. Direct loss of coast live oak woodland habitat shall be mitigated at 1:1 compensation ratio. A. Coast Live Oak woodland habitat restoration shall account for a maximum of 50 percent of required mitigation. A Forest Management Plan/Oak Woodland Mitigation Plan shall be prepared by a qualified biologist. The oak woodland mitigation site(s) will occur within the Specific Plan area, the adjacent Monterey County Fort Ord Recreation Habitat Area (FORHA), or within other appropriate habitats on the former Fort Ord. If there are no areas within the former Fort Ord where the impacts can be feasibly and appropriately mitigated, the Project Proponent shall identify another acceptable location, preferably within Monterey County. The Forest Management Plan/Oak Woodland Mitigation Plan shall be consistent with the Fort Ord Habitat Management Plan (HMP), and will include but not be limited to, a planting plan, success criteria, monitoring protocols to determine if success criteria have been met, adaptive management protocols in the event that success criteria are not met, and funding assurances. The Forest Management Plan/Oak Woodland Mitigation Plan shall be submitted to the City of	Significant and Unavoidable

Impacts	Mitigation Measures	Level of Significance With Mitigation
	<u>Seaside for review and approval prior to issuance of the first grading permit. The portion of the plan applicable to each development project shall be implemented prior to the issuance each grading permit.</u> <u>B. In addition, the Project Proponent shall (1) create a conservation easement and/or (2) participate in a mitigation bank or fee program to conserve oak woodlands, which shall account for the remainder of the required mitigation:</u> <u>1. The Project Proponent shall establish an oak woodland permanent conservation easement in the project vicinity approved by the City of Seaside. The location of this conservation easement shall be sited to preserve regional native biological diversity, such as adjacent to protected habitat areas.</u> <u>2. Project Proponent shall purchase oak woodland mitigation credits at County- and/or City-approved off-site mitigation bank(s) (if available) to compensate for the direct loss of oak woodland habitat based on a 1:1 compensation ratio. If this is not feasible, the Project Proponent shall contribute funds to the State of California Oak Woodlands Conservation Fund. This Fund has been established under Section 1363 of the California Fish and Game Code for the purpose of purchasing oak woodland conservation easements per the guidelines of the Wildlife Conservation Board.</u> <u>Evidence of creation of a conservation easement and/or participation in a mitigation bank or fee program shall be submitted to the City of Seaside for review and approval prior to issuance of a grading permit for development projects affecting oak woodland habitat.</u> <u>The Forest Management Plan/Oak Woodland Mitigation Plan shall also include the measures identified in BIO-17 presented later in this section.</u>	

Draft SEIR Executive Summary and Final SEIR Executive Summary

The Draft SEIR Executive Summary and the Final SEIR Executive Summary inadvertently omitted certain provisions of and modifications to Mitigation Measures, HYD-2 and FP-1 from the Draft SEIR (FP-1) and Final SEIR (HYD-2 and FP-1). The mitigation measures are modified to include those omitted provisions and modifications.

HYD-2 Development applications for commercial equestrian facilities shall prepare an Equestrian Management Plan (EMP) for review and approval by the City Engineer and the RWQCB. ~~The EMP shall describe the proper installation and maintenance of the site design and source control and treatment control instilling BMP's that have proven to be successful. NPDES standards shall also be incorporated where appropriate. By incorporating the applicable performance standards listed in Mitigation Measure AQ-3 and Mitigation Measure BIO-5 (Borderland Requirements), the EMP shall address best management practices (BMPs), including proper installation/maintenance procedures, for odor control, manure/weed control, and runoff pollution site design/source control/treatment control in compliance with NPDES standards and EPA/RWQCB rules/regulations pertaining to water quality/CAFOs at time of design/construction.~~

FP-1 Fire Protection Services Plan. Prior to issuance of the first grading permit, Project Applicant or first developer of the Project site shall prepare a Fire Protection Services Plan, which shall be submitted for review and approval to the City of Seaside Fire Chief and Fire City Manager. Said Plan shall:

- Include, but not limited to, emergency response times to each Project component from all stations available to serve the site.
- Detail how much of the Project can be served by existing fire facilities, as well as through mutual and automatic aid agreements with other fire service providers (as discussed herein), and when, if necessary dedication of an onsite fire station site and construction of an onsite fire station (or other location) would be required.
- If the Fire Protection Services Plan determines that dedication of an onsite fire station site is required, the Applicant shall dedicate said fire station (i.e., 3.0 acres) to the City of Seaside at no cost to the City.

Pages 4.17-84, 4.17-93, 4.17-94, 4.17-95 (Draft SEIR) and as associated pages of the Executive Summary (Final SEIR)

In the Draft SEIR and Final SEIR, Mitigation Measures TRA-5, TRA-6, TRA-10, TRA-11, TRA-12, TRA-13, TRA-15, and TRA-16 were inadvertently written to require the applicant to pay both their fair share *and* to construct the entire improvement subject to a reimbursement agreement and to identify the need for trip generation studies at the appropriate times in the development application process. The mitigation measures are modified to clarify that the applicant shall pay its fair share or construct the improvements and enter into a reimbursement agreement, but not both.

TRA-5 Install a traffic signal and widen the SR-1 Southbound on-ramp to two lanes at Intersection #38: SR-1 Southbound Ramps and Imjin Parkway.

The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. ~~pay its fair share of the cost for this improvement at the time of the initial Building Permit application.~~ In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.

TRA-6 Install a traffic signal at Intersection #50: SR-1 Southbound Ramps and Reservation Road.

The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. ~~pay its fair share of the cost for this improvement at the time of the initial Building Permit application.~~ In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.

TRA-10 Construct a traffic signal or roundabout at Intersection #16: 7th Avenue and Inter-Garrison Road.

This improvement is not included in the City of Marina CIP and the Project Applicant would pay its fair share of mitigation costs or would implement the improvement after receiving approval from the City of Marina public works department and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. If the City of Marina does not accept fair share payment allow construction of the identified off-site improvement then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

TRA-11 Construct a traffic signal or roundabout at Intersection #29: Inter-Garrison Road and Abrams Drive.

This intersection improvement is not included in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the City of Marina public works department and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index). If the City of Marina does not accept fair share payment allow construction of the identified off-site improvement then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

TRA-12 Intersection #32: Reservation Road and Inter-Garrison Road. Widen and restripe the intersection to include one northbound left lane turn lane and two northbound right turn lanes, two westbound left turn lanes, and two westbound through lanes.

This intersection improvement is not included in the County of Monterey CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the County of Monterey and ~~The Project Applicant shall~~ enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index). If the County of Monterey does

not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

TRA-13 Intersection #45: Reservation Road and Davis Road. Add a through lane on the westbound Reservation Road approach. Add additional left turn lane on the eastbound Reservation Road approach. Add additional right turn lane and implement “free” right turns for vehicles turning right into westbound Reservation Road from southbound Davis Road.

This intersection improvement is not included in the County of Monterey CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the County of Monterey and ~~The Project Applicant shall~~ enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant’s fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record’s Construction Cost Index). If the County of Monterey does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

TRA-14 Intersection #48: Blanco Road and Davis Road. Add a left turn lane, through lane, and right turn lane on the southbound Davis Road approach. Add two through lanes on the northbound Davis Road approach, so that it has three through lanes and one right turn only lane (instead of one through lane and one shared through-right turn lane). Add two through lanes on the eastbound Blanco Road approach so that it has three through lanes and one right turn only lane (instead of one through lane and one shared through-right lane). Add a left turn lane, a through lane, and a right turn lane on the westbound Blanco Road approach, utilize “overlap” phasing for right turns from westbound Blanco Road approach and southbound Davis Road approach.

This intersection improvement is not included in the County of Monterey CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the County of Monterey and ~~The Project Applicant shall~~ enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant’s fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record’s Construction Cost Index). If the County of Monterey does

not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

TRA-15 (Intersection #49): Construct a traffic signal at Intersection #49: SR-1 NB Ramps and Reservation Road.

The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. pay its fair share of the cost for this improvement at the time of the initial Building Permit application. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.

TRA-16 Construct a traffic signal at Intersection #50: SR-1 Southbound Ramps and Reservation Road.

The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. pay its fair share of the cost for this improvement at the time of the initial Building Permit application. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.

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1 INTRODUCTION

These findings are made in connection with the Subsequent Environmental Impact Report for the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan (formerly known as the Monterey Downs and Monterey Horse Park and Central Coast Cemetery Specific Plan) (the “Project” or “Specific Plan”).

It is noted, the terms “Project Applicant(s),” “Applicant,” “Project Proponents,” and “Developers” are used interchangeably in Mitigation Measures (and throughout the SEIR and Findings). These terms are used to generally communicate the entity responsible for implementing a Mitigation Measure. These terms refer to the entity applying for the entitlement for various current and future development permits, at the milestone specified in the Mitigation Measure, and as authorized by and within the Specific Plan area. These terms are not intended to communicate that the entity responsible for implementing the Mitigation Measures is solely the current Specific Plan Applicant (meaning, Monterey Downs, LLC.), rather the entity applying for the particular entitlement, whether it be Monterey Downs, LLC, the Monterey Horse Park, the City of Seaside (corporation yard), or any other entity developing within the Specific Plan area. A future Project Applicant seeking a development permit within the Specific Plan area is subject to compliance with the conditions of approval and applicable Mitigation Measures.

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Guidelines) provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings:

- A. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.**
- B. Such changes or alterations are within the responsibility of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.**
- C. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.**

Pursuant to the requirements of CEQA, the City Council hereby makes the following environmental findings in connection with approval of the Specific Plan, as more fully described

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in the Monterey Downs and Monterey Horse Park and Central Coast Veterans Cemetery Specific Plan Subsequent EIR (hereinafter “EIR” or “SEIR”). (It should be noted that the Project name change noted above does not alter any of the information, analysis, or conclusions in the EIR.) These findings are based upon evidence presented in the record of these proceedings, both written and oral, the SEIR and all of its contents, the Comments and Responses to Comments on the Draft SEIR, and staff and consultants’ reports presented to the Planning Commission and the City Council.

II PROJECT OBJECTIVES

As set forth in the EIR, objectives that the Project Applicant seeks to achieve with this Specific Plan are as follows:

Project Applicant (Monterey Downs and Monterey Horse Park)

- Creating a walkable vibrant, mixed-use equestrian-themed village with jobs, housing, recreation, and a Veterans Cemetery.
- Building upon the Fort Ord Reuse Plan (also commonly referred to as the Base Reuse Plan or BRP) cornerstones of economics, education, and the environment, while honoring our veterans and the former Fort Ord military history.
- Producing thousands of permanent jobs, plus hundreds of construction jobs.
- Helping to rejuvenate Monterey Bay as a premier destination for recreational tourism generating millions of dollars in estimated annual tax revenue, and creating tens of millions of dollars in annual gross revenues from retail, hotel, and weekly events.
- Providing educational opportunities through access to state of the art equipment and labs.
- Providing a recreational gateway to the Fort Ord National Monument.
- Preserving, restoring, and incorporating native habitats adjacent to and within the Specific Plan.

City of Seaside

- To support a project that is consistent with and furthers the goals and objectives of the Fort Ord Base Reuse Plan to replace the jobs and housing lost with the closure of the former Fort Ord.

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- To support a project that meets the City's mission, vision, goals and objectives set by the City Council and the Seaside 2004 General Plan.
- To enable economic opportunities that bring higher paying jobs and generate increased revenues that will enable the City to provide quality services to its residents.
- To fulfill the City's obligation under the MOU by and between the City, the County of Monterey, and FORA for the long-term operation and maintenance of the Veterans Cemetery through sale of the "Endowment Parcel."
- To ensure that the Project provides sufficient mitigation and revenue to fund City services and infrastructure provided to the area.
- To ensure that the Project is consistent with the City's housing requirements (Chapter 17.32 of Title 17, Seaside Municipal Code).
- To ensure access to the Fort Ord Recreational Habitat Area and to the Fort Ord National Monument.
- To integrate the Project with existing and planned roadway improvements on Fort Ord and surrounding community.

County of Monterey (Central Coast Veterans Cemetery)

The Central Coast Veterans Cemetery Development Master Plan has identified the following goals and objectives for the Central Coast Veterans Cemetery.

Goal 1: Provide dignified, environmentally site-sensitive burial accommodations and infrastructure to support cemetery activities that honor and respect Veterans.

Objectives:

- 1a. Serve the interment needs of Veterans living within a 75-mile radius of the four target counties, including, Monterey, Santa Cruz, San Benito, and Santa Clara for the next 20 years with 13,838 interment sites.
- 1b. Provide a Master Plan for 100 years of future burials, desired for consideration in grant awards.
- 1c. Offer efficient and cost-effective designs.

Goal 2: Develop additional functions for the property, ancillary to burial, that honor and respect Veterans and Veterans' activities.

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Goal 3: Find a manner that is appropriate to the purpose and spirit of the Cemetery, in which to create and maintain an Endowment Fund.

Objective:

- 3a. Propose development that is consistent with the policies and work of participating jurisdictional governmental agencies and entities.

California Department of Veterans Affairs Central Coast Veterans Cemetery

The California Department of Veterans Affairs has identified the purpose and objectives for the Central Coast Veterans Cemetery issued in the Draft Initial Study/Environmental Assessment. The purpose and objective of Phase 1 of the Veterans Cemetery is to implement a key objective in CalVet's Strategic Plan: Provide for deceased veterans and their families through the development and administration of additional State Veterans Cemeteries. Project-specific objectives include:

- Provide burial space for Monterey County Region veterans for the next 10 years.
- Fulfill the vision of providing a veterans cemetery at the former largest military base on the west coast, where many veterans were likely to have served.
- Create a monument to commemorate the service and sacrifice of California State Veterans.
- Incorporate the visual qualities and characteristics of the local landscape and native vegetation, working with the existing site features as much as possible, while meeting the programmatic needs.

III BACKGROUND

Fort Ord

The Project site involves approximately 2.5 percent (approximately 711 acres in the north-central portion) of the former nearly 28,000-acre Fort Ord military base. From its founding in 1917 to its official closure in 1994, Fort Ord served primarily as a training and staging facility for infantry troops. In 1991, the base was selected for decommissioning, pursuant to the Base Realignment and Closure Act of 1990. As part of the Base Realignment and Closure Act, the Army prepared several documents relating to the disposal/reuse of the military base and establishment of the base's future land uses following its closure: Fort Ord Disposal and Reuse

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Final Environmental Impact Statement (FEIS) (June, 1993); Fort Ord Disposal and Reuse Draft Supplemental Environmental Impact Statement (DSEIS) (December, 1995); and the Installation-Wide Multi Species Habitat Management Plan (Habitat Management Plan) (1997).

Fort Ord Reuse Authority

The Fort Ord Reuse Authority (FORA) was created in 1994 to oversee the civilian reuse and redevelopment of the military base. FORA is responsible for the oversight of the Monterey Bay area economic recovery from the closure of and reuse planning of the former Fort Ord military base. The former Fort Ord was/is located on the California coastline near the Monterey Peninsula consisting of 45 square miles/28,000 acres.

FORA implements this legislatively mandated mission by overseeing replacement land use; assuring compliance with adopted measures; removing physical barriers to reuse; financing and constructing major components of the required infrastructure and basewide demands; and protecting identified environmental reserves. FORA exercises its planning, financing, and monitoring responsibilities under state law authority to meet these objectives in the best interest of the northern Monterey Bay community.

The Fort Ord closure announcement occurred in 1991, generating a mixture of disbelief, economic impacts and excitement about potential reuse. The Army base had been part of the history of Monterey County on the Monterey Peninsula since 1917. Within months, a series of meetings were initiated to discuss recovery from the significant closure impacts by creating a “vision” for reuse. The meetings included broad community participation including residents, businesses, government, special districts, and others. From those meetings, it was agreed that reuse should focus on Education, Environment, and Economic Development (“the three E’s of Fort Ord Reuse”).

Initial efforts to organize governance for reuse faltered. Senator Henry Mello (deceased) sponsored special legislation to establish a local agency charged with the task of planning, financing, and implementing reuse. That agency was entitled the “Fort Ord Reuse Authority”, formed in 1994. FORA has a governing body of 13 voting members and 11 non-voting members, and is comprised of representatives from cities, the county, special districts, public educational institutions, the military, and state and federal legislators.

Fort Ord Reuse Plan

In June 1997, Fort Ord Reuse Authority adopted the Fort Ord Reuse Plan (Base Reuse Plan) to guide the development of the former military reservation. The Base Reuse Plan is the guiding policy document for reuse and redevelopment of former Fort Ord. It provides the

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framework for development and redevelopment of the former military base and serves as the official local plan for base reuse.

The Base Reuse Plan envisions a long-range timeframe for redevelopment of former Fort Ord. According to the Base Reuse Plan, “the land supply is expected to accommodate growth for 40 to 60 years, depending on the land use type and future market conditions.” The Base Reuse Plan provides for a wide range of land uses - education; residential; visitor-serving; recreation; open space; habitat conservation; retail, office, commercial and light industrial; and community service facilities. It specifies the improvements that must occur and mitigation for the anticipated uses, such as replacement of old infrastructure including water and sewer systems, roads, utility and communication systems, and other infrastructure that is either antiquated, sub-standard, or both. Improvements to support regional transportation and transit systems are anticipated, as well as a reclaimed water distribution network. The Base Reuse Plan also requires that large areas for habitat conservation and management be set aside and removal of unexploded ordnance and munitions, as well as remediation of lands formerly used for military purposes.

The Base Reuse Plan broadly defines the type of uses that can occur on former Fort Ord and designates general areas where the different uses can occur. The Base Reuse Plan envisioned intensive development of the Parker Flats area. The Fort Ord Reuse Authority has the responsibility of assuring that all approved jurisdiction land use projects are consistent with the Base Reuse Plan through a “consistency determination” process.

East Garrison/Parker Flats Land Use Modification Memorandum of Understanding

This MOU applies to most, but not all, of the project site in unincorporated Monterey County. It does not apply to the project site currently in the city limits of Seaside. The parties to the December 2002 East Garrison/Parker Flats Land Use Modification Memorandum of Understanding (MOU) (also commonly referred to as the “land swap”) are the Fort Ord Reuse Authority, Monterey Peninsula College, the County of Monterey, the U.S. Bureau of Land Management, and the U.S. Army. This MOU amended the Fort Ord Reuse Plan and Fort Ord Habitat Management Plan. The terms of this MOU have been implemented in the East Garrison Specific Plan (adopted by the County of Monterey in 2006 and currently under construction) and the Central Coast Veterans Cemetery (Phase I is currently under construction), currently the only two projects subject to the MOU that have been approved since the MOU was executed. Additional planning efforts include the County of Monterey’s Fort Ord Recreational Habitat Area draft master plan, pursuant to the provisions of the Memorandum of Understanding that provided an increase in open space. The MOU documented several land use modifications, which primarily involved relocating various land uses (i.e., relocation of Monterey Peninsula College public safety officer training facilities from East Garrison to Parker

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Flats) and amendments to the Habitat Management Plan, which involved changing boundaries and habitat designations of parcels in the East Garrison and Parker Flats areas (which were approved by the United States Fish and Wildlife Service). The MOU was signed by the five parties between August 2004 and December 2005. In November 2002, Fort Ord Reuse Authority signed the related Agreement Regarding Public Safety Officer Training in which the Fort Ord Reuse Authority, Monterey Peninsula College, and the County of Monterey agreed in concept to relocation of the Monterey Peninsula College public safety officer training facilities. The proposed modifications are discussed in Assessment East Garrison Parker Flats Land Use Modification Fort Ord California (2002 Assessment), which was prepared to analyze Habitat Management Plan consistency and biological resource implications of the land use modifications. The following land uses were addressed in the MOU and in amending the Habitat Management Plan:

- Relocation of the Monterey Peninsula College Emergency Vehicle Operations Center and a Practice Firing Range to Parker Flats. A Public Benefit Conveyance for this use had been approved for the East Garrison area.
- Relocation of the Monterey Horse Park to Parker Flats. At the time, the Monterey Horse Park was envisioned as a potential venue for the 2012 Olympics.
- Relocation of Housing from Parker Flats to East Garrison. According to the 2002 Assessment, the housing that was planned for the Monterey Peninsula College and Fort Ord Recreational Habitat Area parcels was to be relocated due to munitions concerns.
- Provides a Location for the Veterans Cemetery consistent with the Base Reuse Plan.
- Plans by Esselen Nation and Akicita Luta Intertribal Society to Develop Cultural and Educational Facilities are Briefly Mentioned in the 2002 Assessment.
- Relinquishment of Public Benefit Conveyance for Parcel L.20.4 by Monterey County. Public benefit conveyance for Parcel L.20.4 was relinquished by Monterey County in favor of Bureau of Land Management for consideration of permitted use of the parcel by the Sports Car Racing Association of the Monterey Peninsula.

Land uses identified within the project site subject to this MOU are Monterey Horse Park, Veterans Cemetery, Oak Woodland Habitat Reserve, and County Development Reserve.

Fort Ord Reuse Plan Reassessment

The requirement for a reassessment of the Base Reuse Plan results from a lawsuit filed by the Sierra Club against Fort Ord Reuse Authority in 1997. The settlement agreement for this lawsuit is documented as Fort Ord Reuse Authority Master Resolution Chapter 8. The Master

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Resolution was originally adopted on March 14, 1997 and serves as the Fort Ord Reuse Authority's bylaws. Chapter 8 was added to the Master Resolution as part of the Sierra Club lawsuit settlement, and was adopted by the Fort Ord Reuse Authority Board on November 20, 1998. It requires that the Base Reuse Plan be "reviewed periodically at the discretion of the Authority Board. The Authority Board shall perform a full reassessment, review, and consideration of the Base Reuse Plan and all mandatory elements as specified in the Authority Act prior to the allocation of an augmented water supply, or prior to the issuance of a building permit for the 6001st new residential dwelling unit (providing a total population of 35,000 persons) on the Fort Ord territory or by January 1, 2013, whichever event occurs first."

The Fort Ord Reuse Authority performed a comprehensive reassessment of the 1997 Base Reuse Plan to evaluate progress toward implementing the Base Reuse Plan and explore options related to current and future needs. The Fort Ord Reuse Authority Board formally received the Reassessment Report in December 2012. The reassessment process through December 2012 proceeded in two steps: 1) an information gathering step that was completed with publication of the Scoping Report and Market Report; and 2) preparation of the Reassessment Report, which identifies a series of topics and related potential options for modifications to the Base Reuse Plan and to Fort Ord Reuse Authority Board procedures. Fort Ord Reuse Authority Board consideration of potential options for updating the BRP began in early 2013. The Fort Ord Reuse Authority Board appointed a Post Reassessment Advisory Committee that has been meeting, usually twice a month since April 2013. Meetings have not been as frequent in 2014. As of April 2014, the Fort Ord Reuse Authority Board had not taken any action regarding changes to the 1997 Base Reuse Plan. However, the Fort Ord Reuse Authority is in the process of working with the various jurisdictions to implement Base Reuse Plan policies and programs, including preparation of regional urban design guidelines. On May 13, 2016, the Fort Ord Reuse Authority Board of Directors agreed to update the Base Reuse Plan to make corrections and reflect approvals since the Base Reuse Plan was adopted in 1997 (also known as Categories I and II in the Reassessment Report).

Central Coast Veterans Cemetery and Endowment Parcel

The Central Coast Veterans Cemetery is among the land uses provided for in the Base Reuse Plan, which identified a 178-acre parcel for the Central Coast Veterans Cemetery site. As shown in Base Reuse Plan Figure 3.3-1, a Veterans Cemetery opportunity site is shown at the City of Seaside/County of Monterey boundary. The Seaside General Plan also identifies a Veterans Cemetery at this location. In September 2008, the County of Monterey prepared the Final Draft Development Master Plan.

California Central Coast Veterans Cemetery, Fort Ord (Cemetery Master Plan) identified an implementation strategy for construction of the Central Coast Veterans Cemetery,

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including an updated Cemetery Master Plan, methodologies to create an endowment fund, funding of construction, outline of required infrastructure, and considerations for biological resources. Key to the implementation strategy outlined in the Cemetery Master Plan was sale of a portion of the site to generate the required funds for the implementation plan. Analysis of the actual land area required to meet the needs of burial for the area's veterans for the next 100 years determined that the Central Coast Veterans Cemetery needed to be approximately 80 acres, freeing the remaining acres for other uses. In 2006, the State mandated (Assembly Bill (AB) 3035) that, prior to construction to cover facility costs for administration, operations, and maintenance for a period of ten years (after construction is completed). In 2010, AB 3035 was amended by AB 1757, allowing the State to proceed with pre-application for the Federal Grant, if funds sufficient for design documentation had been received. Local jurisdictions developed a strategy to meet AB 3035 requirements that involved selling a portion of the total 178-acre site that was not necessary to meet the projected burial needs. As a result, an approximately 32-acre portion of the property (Endowment Parcel) was identified. It is noted, the Endowment Parcel involves a portion of proposed Specific Plan Planning Area Residential-1 (R-1).

The Implementation Report California Central Coast Veterans Cemetery, Fort Ord (Implementation Report) was prepared in May 2011 to document the remaining issues needing resolution and build on previous planning efforts, including the Central Coast Veterans Cemetery Master Plan and Background Information Report California Central Coast Veterans Cemetery, Fort Ord.

Site Remediation

The former Fort Ord was placed on the United States Environmental Protection Agency's (U.S. EPA) National Priorities List in 1990, because of groundwater contamination associated with the former landfill. To oversee the base cleanup, the U.S. Army, the Department of Toxic Substances and Control, the Central Coast Regional Water Quality Control Board, and the U.S. EPA entered into a Federal Facility Agreement. The purpose of the Federal Facility Agreement is to ensure that the environmental impacts associated with past and present activities at former Fort Ord are thoroughly investigated and that appropriate remedial action is taken as necessary to protect public health and the environment. The Army conducted investigations and remedial actions in portions of the Project footprint. Those actions included investigations and removal of munitions and explosives of concern as well as investigation and remedial actions to address soil contamination as part of the hazardous and toxic waste program. The environmental response actions conducted by the Army prior to property transfer are summarized in finding of suitability to transfer (FOST) or finding of suitability for early transfer (FOSET) prepared for the transfer parcels. The Project's footprint includes properties that have been described in several FOSTs and FOSETs:

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- FOST6: Track 0 Parcels (May 27, 2003) (Parcel L32.4.2);
- FOST8: Track 0 and Track 0 Plug-In B Parcels (June 7, 2005) (Parcel E18.2.2);
- FOST11: Parker Flats Munitions Response Area Parcels L2.3 and L2.4.1 (July 7, 2010) (these parcels have not yet been transferred);
- FOSET2: Housing Areas and Former Garrison Parcels (December 3, 2001) (Parcel L2.4.2); and
- FOSET5: ESCA Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume) (November 15, 2007) (several parcels in the ESCA Parker Flats Munitions Response Area (MRA) Phases I and II, and in the ESCA County North MRA).

On March 31, 2007, the U.S. Army and Fort Ord Reuse Authority entered into an Army-funded Environmental Services Cooperative Agreement that involved cleanup/remediation of Munitions and Explosives of Concern on an approximately 3,340-acre (nine parcels) portion of former Fort Ord. In 2007, the Army awarded Fort Ord Reuse Authority funds for Munition and Explosives Cleanup to address remnant hazard safety issues resulting from previous munitions training operations conducted at the former Fort Ord. The U.S. Army retained responsibility over all other contamination issues, including groundwater, soil, and landfill concerns.

Cleanup zones within former Fort Ord have been divided into several Munitions Response Areas. The majority of the Project site is located within the Parker Flats Munitions Response Areas, while the northeast portion of the Project site is located in the County North Munitions Response Area.

On behalf of the Fort Ord Reuse Authority, the Environmental Services Cooperative Agreement Remediation Program Team prepared the Final Remedial Design/Remedial Action, Land Use Controls Implementation, and Operation and Maintenance Plan, Parker Flats Munitions Response Area Phase I that provides information on how the remedy selected in the June 24, 2008 Comprehensive Environmental Response, Compensation, and Liability Act Record of Decision for the Parker Flats Munitions Response Area Track 2 Munitions Response Site will be implemented and maintained.

The required remediation standards for the various portions of the Project site are summarized as follows:

- Northern and southern portions of the proposed Monterey Downs and Monterey Horse Park as described in the SEIR: “Non-Residential” development remediation standard required;

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- Proposed Central Coast Veterans Cemetery portion as described in the SEIR: “Non-Residential” development remediation standard required;
- Western portion of the proposed Monterey Downs and Monterey Horse Park as described in the SEIR: “Residential” development remediation standard required; and
- Central portion of the proposed Monterey Downs and Monterey Horse Park as described in the SEIR: “Mixed Use” development and “Habitat Reserve” remediation standards required.

These requirements are consistent with anticipated land uses identified in the East Garrison/Parker Flats Land Use Modification Memorandum of Understanding.

According to the most recent Environmental Services Cooperative Agreement Remediation Program Progress Map, the following portions of the Project site have been cleaned/remediated:

- Southern Portion of the Proposed Monterey Downs and Monterey Horse Park (known as Parker Flats I) as described in the SEIR: Portions cleaned to a “Residential” development remediation standard and portions include land use controls including a restriction against residential use.
- Central Coast Veterans Cemetery Site as described in the SEIR: Cleaned to a “Non-Residential” development remediation standard, which is sufficient for construction of a cemetery.
- Southern Portion of the Endowment Parcel (approximately 24 acres) (proposed Specific Plan Planning Area R-1): Documentation is in progress for most of the R-1 Planning Area. Portions include land use controls including a restriction against residential use.

Remedial investigation of the northern portion of the Endowment Parcel and the proposed habitat restoration area (48 acres) is pending, according to the Environmental Services Cooperative Agreement website; these areas are proposed to be cleaned to “Residential” and “Non-Residential” development remediation standards, respectively. Additionally, site remediation for all property located in the City of Seaside and the middle portion of the Monterey Downs and Monterey Horse Park as described in the SEIR is currently underway. A remedial investigation/feasibility study for the middle portion (ESCA Parker Flats MRA Phase II) has not been developed by the Fort Ord Reuse Authority. Thus, the remedy for the middle portion has not been selected. Once a remedy is selected for this portion, Fort Ord Reuse Authority will implement the selected remedy including developing a remedial design/remedial action work plan under the Environmental Services Cooperative Agreement and with the

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supervision of the U.S. Environmental Protection Agency (EPA), in consultation with the California Department of Toxic Substances Control.

It is noted, according to the Fort Ord Reuse Authority FY 2013-2014 Annual Report, the planned Environmental Services Cooperative Agreement Munitions and Explosives Cleanup remediation field activities are complete, with Environmental Services Cooperative Agreement field teams having recovered munitions items and debris, and removed residual Army cultural debris. A remedial investigation/feasibility study for the middle portion (ESCA Parker Flats MRA Phase II) has not been developed by the Fort Ord Reuse Authority. Thus, the remedy for the middle portion has not been selected. Once a remedy is selected for this portion, Fort Ord Reuse Authority will implement the selected remedy including developing a remedial design/remedial action work plan under the ESCA and with the supervision of the U.S. Environmental Protection Agency, in consultation with the California Department of Toxic Substances Control. Once the Environmental Services Cooperative Agreement documentation is complete, the Army will issue proposed remedy plans and, ultimately, Records of Decision.

Monterey Downs-City of Seaside Exclusive Negotiating Agreement

On September 16, 2010, the City of Seaside, the Redevelopment Agency of the City of Seaside, and Monterey Downs, LLC (Applicant) entered into an Exclusive Negotiating Agreement for the potential development of approximately 550 acres of land on former Fort Ord. A portion of the potential development (approximately 75 acres) is located within jurisdiction of the City of Seaside and the remaining portion (approximately 475 acres) is located within unincorporated County of Monterey. Therefore, in November 2011, the City of Seaside and the County of Monterey entered into a Memorandum of Understanding for processing both environmental review and economic review for the land use entitlements and regulatory approvals required for the proposed projects. Subsequently, because the applications request that the entire Project be developed within the City of Seaside, the Memorandum of Understanding was terminated, and the City of Seaside took on full responsibility for processing the applications.

IV NO IMPACT DETERMINATIONS IN THE EIR

The Project was determined to have no impact in the following areas. As such, detailed analyses of the following environmental resources and issues were not included in the EIR:

A. AGRICULTURAL RESOURCES

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1. The Project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
2. The Project will not conflict with existing zoning for agricultural use, or a Williamson Act Contract.
3. The Project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.
4. The Project will 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.

B. BIOLOGICAL RESOURCES

1. The Central Coast Veterans Cemetery portion of the proposed Project will not impact non-Habitat Management Plan special-status plant species, as rare plant surveys did not identify any additional non-HMP special-status plant species within the Central Coast Veterans Cemetery site.
2. The Seaside Corporation Yard portion of the proposed Project will not impact non-Habitat Management Plan special-status plant species, as rare plant surveys did not identify any additional non-HMP special-status plant species within the Seaside Corporation Yard Site.
3. The Seaside Corporation Yard portion of the proposed Project will not result in indirect impacts to Habitat Management Plan or non-Habitat Management Plan special status plant and animal species.

C. CULTURAL RESOURCES

1. The Project will not cause a substantial adverse change in the significance of a historical resource.
2. The Project will not destroy a unique paleontological resource or site or unique geological feature.

D. GEOLOGY AND SOILS

1. The Project will not have soils incapable of adequately supporting the use of septic tanks or alternatives wastewater disposal systems where sewers are not available for the disposal of wastewater.

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E. HAZARDS AND HAZARDOUS MATERIALS

1. The Project is not located within an airport land use plan, is not included in any airport hazard zones, and is not located within proximity to private air strips.
2. The Project will not have cumulatively considerable impacts related to airport hazards.

F. HYDROLOGY AND WATER QUALITY

1. The Project will not be susceptible to impacts related to inundation by dam failure, seiche, tsunami, or mudflow.

G. LAND USE PLANNING

1. The Project will not physically divide an established community.
2. The Project will not conflict with the Fort Ord Master Plan Greater Monterey Peninsula Area Plan's Land Use Plan, Policies, or Regulations adopted for the purpose of avoiding or mitigating an environmental effect.
3. The Project will not conflict with the Seaside General Plan's Land Use Plan, Policies, or Regulations Adopted for the purpose of avoiding or mitigating an environmental effect.
4. The Project will not conflict with the Seaside Municipal Code's Land Use Plan, Policies, or Regulations adopted for the purpose of avoiding or mitigating an environmental effect.

H. MINERAL RESOURCES

1. The Project will not result in the loss of availability of a known mineral resource that would be of value to the region or state.
2. The Project will not 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.

I. POPULATION AND HOUSING

1. The Project will not displace existing housing or people, necessitating the construction of replacement housing elsewhere.

J. TRAFFIC

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1. The Project will not increase hazards due to a design feature.
2. The Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

K. WASTEWATER

1. The wastewater treatment provider has the capacity to serve the Project and therefore, the Project will not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities.

L. SOLID WASTE

1. The Project will comply with federal, state, and local statutes and regulations for solid waste.

V EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE EIR

The EIR found that the Project will have a less than significant impact without the imposition of mitigation on a number of environmental topic areas, listed below. A less than significant environmental impact determination was made for each of the following topic areas, based on the more expansive discussions contained in the EIR.

A. AESTHETICS

1. The Project will not have a substantial adverse effect on a scenic vista.
2. The Project will result in less than significant impacts to views from State Route 1.

B. AIR QUALITY

1. The Project will result in less than significant impacts related to exposure of sensitive receptors to substantial pollutant concentrations of carbon monoxide (CO).
2. The Project will not result in significant impacts from construction-related and operational criteria pollutant emissions that will conflict with or obstruct implementation of the applicable air quality plan.

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C. BIOLOGICAL RESOURCES

1. The Seaside Corporation Yard portion of the Project will not result in significant direct impacts to Habitat Management Plan special status animal species.
2. The Project will not substantially interfere 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 wildlife nursery sites.

D. GEOLOGY AND SOILS

1. Development of the Project will not result in significant impacts related to exposure of people or structures to 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 issued by the State Geologist for the area or based on other substantial evidence of a known fault.
2. The Project will not result in significant impacts related to soil erosion, or the loss of topsoil existing visual character/quality of the site and its surroundings.
3. The Project, when combined with other cumulative development causing related impacts, will not result in significant cumulative geology and soils impacts.

E. GREENHOUSE GAS EMISSIONS

1. The Project will not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

F. HAZARDS AND HAZARDOUS MATERIALS

1. The Project operations will not create a significant hazard to the public or environment through the handling, storage, and/or use of hazardous materials, as well as accident conditions involving the release of hazardous materials.
2. The Project operations will not create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.
3. The Project will not result in significant hazards related to soil and groundwater contamination.
4. The Project will not result in cumulatively considerable significant impacts related to interference with an emergency response or emergency evacuation plan.

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G. HYDROLOGY AND WATER QUALITY

1. The Project's short term construction impacts to water quality standards or waste discharge requirements will be less than significant.
2. The Project's short term construction impacts to water quality will be less than significant.
3. The Project's impacts to groundwater recharge will be less than significant.

H. LAND USE PLANNING

1. The Project will result in less than significant impacts related to land use incompatibilities with existing or proposed land uses.

I. NOISE

1. The Project implementation will not result in significant vibration impacts to nearby sensitive receptors.
2. The Project will not generate traffic that could significantly contribute to existing traffic noise in the area or exceed the City's established standards.
3. The Project, when combined with other cumulative development causing related noise impacts, will not result in a significant impact.

J. POPULATION AND HOUSING

1. The Project will not induce substantial population growth outside of the Project site either directly or indirectly.
2. The Project, when combined with other cumulative development causing related impacts, will not result in significant cumulative population and housing impacts.

K. SCHOOL FACILITIES

1. The Project will increase the local student population, but the environmental impact will be less than significant with the payment of State-mandated developer fees pursuant to Government Code Section 65996.
2. The Project, when combined with other cumulative development causing related impacts, will not result in significant cumulative impacts involving school facilities.

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L. LIBRARIES AND PUBLIC HEALTH

1. The Project implementation will not result in substantial adverse physical impacts associated with construction of a library or public health facilities, or result in increased demands such that construction of new facilities would be warranted, which could cause significant environmental impacts.
2. The Project, when combined with other cumulative development causing related impacts, will not result in significant cumulative impacts involving libraries and health services and facilities.

M. PARKS AND RECREATION

1. The Project implementation will not include or create a demand for park facilities that could cause significant environmental impacts.
2. The Project, when combined with other cumulative development causing related impacts, will not result in significant cumulative impacts involving parks and recreational facilities.

N. TRAFFIC AND TRANSPORTATION

1. The Project will not result in a change in air traffic patterns that will result in substantial safety risks.

O. WASTEWATER

1. The Project will not result in significant impacts related to exceedance of wastewater treatment requirements of the applicable regional water quality control board.
2. The Project, when combined with cumulative projects, will not create an increased demand for wastewater facilities that could cause significant environmental impacts.

P. SOLID WASTE

1. The landfill has sufficient capacity to serve the Project and therefore, the Project will not result in significant impacts related to insufficient landfill capacity to accommodate the Project's solid waste disposal needs.
2. The Project implementation, when combined with cumulative projects, will not create increased demand for solid waste facilities that would cause significant environmental impacts.

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Q. DRY UTILITIES

1. Project implementation will not require or result in the construction of new dry utilities or expansion of existing utilities, the construction of which could cause significant environmental impacts.
2. Project implementation, when combined with cumulative projects, will not create increased demand for dry utility systems that could cause significant environmental impacts.

VI SIGNIFICANT ENVIRONMENTAL IMPACTS DETERMINED TO BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The EIR identified the potential for the Project to cause significant environmental impacts in the areas of aesthetics; air quality, biological resources, cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use planning; noise; fire protection; police protection; traffic and transportation; wastewater; and water. With the exception of the specific impacts as discussed in Article VII below, measures were identified that will mitigate all of these impacts to a less than significant level.

The City Council finds that the feasible Mitigation Measures for the Project identified in the Final EIR will reduce the Project's impacts to a less than significant level, with the exception of those unmitigable impacts discussed in Article VII below. The City Council adopts all of the feasible mitigation measures for the Project described in the Final EIR as conditions of approval of the Project and incorporates those into the Project.

A. AESTHETICS

The Project's impacts on visual resources that can be mitigated or are otherwise less than significant are discussed in Section 4.1, Aesthetics, of the Draft EIR. Identified impacts include short-term construction impacts to visual character and light and glare.

1. Visual Character, Short-Term Construction Impacts

The Project's construction-related activities will temporarily degrade the visual character and quality of the site and its surroundings. Graded surfaces, construction debris, construction equipment, roadway, utility, and lighting improvements, signage, and truck traffic during each construction phase will be visible from adjacent public lands. Similarly, early development phases within the Specific Plan area will experience views of graded surfaces, construction

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debris, construction equipment, and truck traffic during later construction phases. Therefore, the Project's construction-related activities will temporarily degrade the visual character and quality of the site and its surrounding which is a potentially significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

AES-1: Prior to issuance of any grading permit for each development phase, a Construction Management Plan shall be submitted for review and approval by the City Engineer/Public Works Services Manager. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and haul route(s). Staging areas shall be sited and/or screened in order to minimize public views to the maximum extent practicable. Construction haul routes shall minimize impacts to sensitive uses in the City.

(b) Facts in Support of Findings

Surrounding uses, from where people will or may have views to the site include California State University Monterey Bay open space, an army maintenance parcel, and the Department of the Defense office building to the north, vacant land designated for future use as the Monterey Peninsula College Emergency Vehicle Operations Center (MPC EVOC), County of Monterey Fort Ord Recreational Habitat Area (FORHA) open space, and the Fort Ord National Monument to the south, County of Monterey FORHA open space and Fort Ord National Monument to the east, and military housing to the west. The FORHA public open space includes a trail system that will be used by runners, walkers, equestrians, and mountain bikers once the property is cleaned and the County opens it to the public. The National Monument public open space also includes a trail system that is located northeast and northwest of the Gigling Road/Watkins Gate Road intersection. Due to topography and vegetation the identified land uses have intermittent to sporadic views of the Project site. The Project site is also visible to motorists traveling through and adjacent to the Project site. However, the temporary nature of construction related impacts limits visual degradation of the site as they will diminish and eventually be non-existent as the Project completes buildout. Mitigation Measure AES-1 reduces the limited, remaining potential short term impacts by requiring preparation of a Construction Management Plan for each development phase that will specify requirements for equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and haul route(s). Additionally, the Construction Management Plan will require all staging areas to be sited and screened in a manner that will minimize public views to the staging

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areas. Implementation of the measures required in the Construction Management Plan will reduce the Project's temporary construction-related impacts to the visual character or quality of the site and its surroundings to less than significant.

2. Light and Glare

Implementation of the Project will create new light and glare sources on the Project site from building interiors and exterior sources that have the potential to affect nighttime views. Lighting effects are associated with the use of artificial light during the evening and nighttime hours. There are two primary sources of light: light emanating from building interiors passing through windows and light from exterior sources (i.e., street lighting, building illumination, security lighting, parking lot lighting, event lighting, and landscape lighting). Light introduction can be a nuisance to adjacent residential areas, diminish the view of the clear night sky and, if uncontrolled, can cause disturbances. Land uses such as residences are considered light sensitive, because occupants have expectations of privacy during evening hours and may be subject to disturbance by bright light sources. Potentially significant impacts from obtrusive light include spill light, glare, and sky glow.

While a number of Project features are proposed to reduce the visibility of light sources from off-site, the potential still exists for unshielded or misdirected light sources to adversely affect nighttime views, which is a potentially significant impact.

(a) Findings

Changes or alterations been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of Mitigation Measure BIO-5, discussed in Section VI C., Biological Resources in conjunction with the following Mitigation Measure mitigates impacts to less than significant levels:

AES-3 Prior to issuance of any construction permit for the Monterey Horse Park (REC-1) and Monterey Downs equestrian training facility (REC-2) Planning Areas, the Applicant shall prepare a comprehensive Lighting Plan that shall be submitted to the Seaside Planning Department for review and approval by the Board of Architectural Review. The Lighting Plan shall:

- Be prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America (IESNA) using guidance and best practices endorsed by the International Dark Sky Association;

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- Be based on a Photometric Study prepared by a qualified engineer who is an active member of the IESNA and provided as an attachment to the Lighting Plan;
- Provide the specific technical data and performance criteria used as the basis for the Lighting Plan;
- Demonstrate that the illumination levels are the maximum allowed by Seaside Municipal Code Section 17.30.070, Outdoor Lighting.
- Direct views of all lighting sources downward.
- Demonstrate that lighting in the Monterey Horse Park (REC-1) and Monterey Downs equestrian training facility (REC-2) Planning Areas do not result in spill light onto the OS Planning Area.

The Applicant shall be responsible for implementation of the Lighting Plan.

(b) Facts in Support of Findings

Given the proximity between the proposed recreational uses in the REC-1 and REC-2 Planning Areas, nighttime lighting generated by the proposed Monterey Horse Park, equestrian training track, and sports arena could create glare and spill light onto the FORHA property to the east, and OS Planning Area, which is an approximately 73-acre native oak woodland habitat preserve (Oak Oval). Additionally, glare would be produced during evening and nighttime hours by automobile headlights, as they travel to/from these facilities. However, the potential glare and spill light impacts would occur only during events that involve illuminating an outdoor facility at night. Once the nighttime event is concluded and lighting is turned off, the impacts of obtrusive light would no longer be present. Nighttime lighting generated by the proposed Monterey Horse Park, equestrian training track, sports arena, and tennis/swim center could produce a visible light haze/glow that would be seen above each respective facility and reduce the ability to view the darkened nighttime sky. The potential sky glow impacts would occur only during events that involve illuminating an outdoor facility at night. To minimize potential impacts involving spill light and glare, all future development would be subject to compliance with Specific Plan Section 7.5, Lighting Standards, and SMC Section 17.03.070, Outdoor Lighting. Specific Plan Section 7.5 specifies the following lighting standards for exterior lighting throughout the Specific Plan area:

- Private and public light fixtures will be designed to prevent light-spillover onto adjacent properties and to prevent light pollution of the night-sky. For example, all exterior floodlights, pole lights, and carriage lights shall include shielding in a manner such that all

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the luminous flux falls upon either the surface of the structure to be illuminated or on the ground wholly on the property on which it is installed.

- Private and public light fixtures shall be architecturally compatible with the overall design of buildings, and used to reinforce community design and identity.
- All night lighting should have a warm, incandescent appearance, except where dictated otherwise by the utility company; “cool” light sources, such as mercury vapor and low or high-pressure sodium lights, shall not be visible from major streets and preferably should not be used. Illuminated areas shall be localized as much as possible. Light fixtures that broadcast light over large areas, or which are a source of glare, are not permitted.
- Outdoor lighting should be designed to minimize the impact of artificial lighting on night-time skies.

SMC Section 17.03.070 requires that lighting fixtures be properly directed, recessed, and/or shielded (e.g., downward and away from adjacent properties) to reduce light bleed and glare onto adjacent properties or right-of-way.

Additionally, Mitigation Measure BIO-5 requires implementation of Borderland Requirements including a landscaping and lighting plan which requires low intensity, focused, and directional light located as far from the urban/wildland interface as possible to preclude lighting impacts to adjacent habitat management areas. Mitigation Measure AES-3 requires the preparation of a comprehensive lighting plan in compliance with SMC Section 17.30.070, which specifies lighting requirements such as trajectory and illumination levels that will reduce the potential for off-site light spillover, glare, sky glow, and related light and glare impacts to less than significant.

B. AIR QUALITY

The Project’s potential impacts on air quality that can be mitigated or are otherwise less than significant are discussed in Section 4.2, Air Quality, of the Draft EIR. Potential impacts identified include short-term construction emissions and exposure of a substantial number of people to odorous emissions

1. Short-Term Construction Emissions

Implementation of the Project will result in short-term temporary air quality impacts from particulate (fugitive dust) emissions from grading and building construction and exhaust emissions from construction equipment and the construction crew’s motor vehicles. The unmitigated PM₁₀ concentrations will be 143.56 lbs/day for Year 1 (2015), 85.18 lbs/day for Year 6 (2020), and 148.65 lbs/day for Year 7 (2021) which exceeds Monterey Bay Unified Air Pollution Control District, recently renamed Monterey Air Resources District, (Air District) thresholds of 82 lbs/day. The violation of air quality standards or substantial contribution to

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existing or projected air quality violations is a potentially significant impact. Additionally, while thresholds are not available, construction emissions of ROG, NO_x, and PM_{2.5} could also result in potentially significant impacts.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

AQ-1 Implement Fugitive Dust Control Measures. The Project Applicant shall not exceed Air District screening thresholds by limiting areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth moving activities (grubbing, excavation, rough grading), or 8.1 acres per day for activities that involve minimal earth moving (e.g., finish grading) during all phases of construction activities. If the Project requires that grading and excavation exceed those acreages, the Project Applicant shall implement the following fugitive dust control measures:

- Water all active construction areas at least twice daily (alternatively chemical dust suppressants or windbreaks may be used);
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to 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 (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;

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- Install appropriate best management practices or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install wheel washers or track-out devices for all exiting trucks and equipment leaving the site;
- Limit the area subject to excavation, grading and other construction activity at any one time;
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints (the person shall respond to complaints and take corrective action within 48 hours); and
- Ensure that the phone number of the Air District is visible to the public for compliance with Rule 402 (Nuisance).

AQ-2 Vehicle Emission Reduction Measures. Prior to issuance of any Grading Permit, the Seaside Public Works Services Manager and Building Official shall confirm that the grading plan, building plans, and specifications stipulate that all off-road construction vehicles/equipment greater than 100 horsepower that will be used on site for more than one week shall: 1) be manufactured during or after 1996, and 2) shall meet the NOX emissions standard of 6.9 grams per brake-horsepower hour. Alternatively, the Project shall implement a combination of the following emission reduction measures on the above described vehicles and equipment:

- Require diesel particulate matter filters on equipment;
- Require diesel oxidation catalyst on equipment;
- Install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors);
- Enforce state required idle restrictions (e.g., post signs). Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks may keep their engines running continuously as long as they were onsite and staged away from residential areas;
- Properly tune and maintain equipment; and

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- Stage large diesel-powered equipment at least 100 feet from any active land uses (e.g., residences).

(b) Facts in Support of Findings

Mitigation Measure AQ-1, requires adherence to Monterey Bay Unified Air Pollution Control District grading limits, Rule 402, and other dust control techniques which will allow for a maximum mitigated particulate matter concentration of 81.14 pounds per day (lbs/day) for PM¹⁰ in 2021. This brings the particulate matter concentrations below Air District thresholds for PM¹⁰. Although the Air District does not have thresholds for PM^{2.5}, NOX, or ROG, adherence to best management practices and implementation of Mitigation Measure AQ-1, discussed above, and AQ-2, which requires implementation of vehicle emission reduction measures, will reduce impacts from PM^{2.5}, NOX, and ROG to a less than significant level.

2. Exposure to Odorous Emissions

The Monterey Horse Park (REC-1 Planning Area) and Monterey Downs equestrian training facility (REC-2 Planning Area) are considered potentially significant sources of odors from horse manure.

(a) Findings

Changes or alterations been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

AQ-3 Preparation of an Equestrian Management Plan. Prior to issuance of occupancy permits for any equestrian related facility, the Project Applicant shall consult with the Monterey Bay Unified Air Pollution Control District, as well as submit to, and receive approval from, the City of Seaside Planning Division for an Equestrian Management Plan that addresses and includes measures to control objectionable odors. The Equestrian Management Plan is required to include the following:

Erosion Control

- Pasture Management
- Site Drainage
- Slope Stabilization
- Horse Specific Best Management Practices

Water Quality/Runoff Mitigation

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- Roof Runoff
- Facility Runoff

General Housekeeping

- Manure Management
- Pest Management
- Wash Rack Design
- Trash/Debris Collection
- Hazardous Waste Disposal
- Dust Control
- Winterization

Emergency/Fire Safety

- Access
- Emergency Preparedness

The following are the minimum requirements that shall be included in the Equestrian Management Plan:

- Clean up manure and soiled beddings daily and place in properly designed manure storage area.
- Manure storage areas shall have a concrete (or similar) bottom and shall be covered during rain.
- Provide berm or other design solution to keep runoff away from manure storage areas.
- Manure from manure storage areas shall be disposed of weekly, preferable to a facility that will reuse for fertilizer or for mushroom farming.
- Direct run-off away from corrals, paddocks, arenas, waste storage facilities and other areas that are likely to contain horse waste or be void of vegetation.
- Provide grass filter strips, bio-swales or other LID facilities around and downstream of high-use areas.

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- During dry months, lightly water high use areas to minimize dust.

By incorporating the applicable performance standards listed above and outlined in Mitigation Measure HYD-2 and Mitigation Measure BIO-5 (Borderland Requirements), the Equestrian Management Plan shall address best management practices (BMPs), including proper installation/maintenance procedures, for odor control, manure/weed control, and runoff pollution site design/source control/treatment control in compliance with National Pollutant Discharge Elimination System standards and Environmental Protection Agency/Regional Water Quality Control Board rules/regulations pertaining to water quality/Concentrated Animal Feeding Operations at the time of design/construction.

(b) Facts in Support of Findings

Mitigation Measure AQ-3 requires consultation with the Monterey Bay Unified Air Pollution Control District and development and implementation of an approved Equestrian Management Plan that addresses and includes measures to control objectionable odors to the standards as described in Mitigation Measure AQ-3. Additionally, AQ-3 requires compliance with the Environmental Protection Agency and the Regional Water Quality Control Board rules and regulations pertaining to water quality and Concentrated Animal Feeding Operations at time of design and construction as well as incorporation of National Pollutant Discharge Elimination System standards where appropriate which will reduce potential impacts to a less than significant level.

C. BIOLOGICAL RESOURCES

The Project's impacts and potential impacts on biological resources that can be mitigated or are otherwise less than significant are discussed in Section 4.3, Biological Resources, of the Draft EIR. Potential impacts identified include direct and indirect impacts to Habitat Management Plan and non-Habitat Management Plan Special Status plant and animal species.

Monterey Downs and Monterey Horse Park

For purposes of this discussion, the term "Monterey Downs" refers to the following Planning Areas: R-1, R-2, R-3, RM, C-1, C-2 and REC-2. "Monterey Horse Park" refers to REC-1 Planning Area.

1. Direct Impacts to Habitat Management Plan Special Status Plant Species (Hooker's manzanita, Toro manzanita, sandmat manzanita, Monterey ceanothus, and Eastwood's golden fleece) (Monterey Downs and Monterey Horse Park).

Development of Monterey Downs and the Monterey Horse Park will result in direct impacts to the following Habitat Management Plan special status plant species: Hooker's manzanita (0.02

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AC); Toro manzanita (0.01 AC); Sandmat manzanita (122.43 SF); Monterey ceanothus (57.44 AC); and Eastwood's golden fleece (65.97 SF). Because no take authorization is required from the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife, the impacts to these species would be considered less than significant. However, the Habitat Management Plan and the Biological Opinion require identification of sensitive biological resources such as these special-status plants that may be salvaged for use in restoration activities in habitat management areas.

(a) Findings

Changes or alterations have been required in the Project to ensure this environmental effect as identified in the Draft EIR remains less than significant. Specifically, the following Biological Compliance Measure from the Habitat Management Plan is required to ensure impacts remain less than significant.

BIO/COMP-1 Habitat Management Plan Plant Species Salvage. For proposed impacts to the Fort Ord Habitat Management Plan plant species within the Project site that do not require take authorization from California Department of Fish & Wildlife or U.S. Fish & Wildlife Service, salvage efforts for these species shall be evaluated by a qualified biologist in coordination with Project Proponent, California Department of Fish & Wildlife, and U.S. Fish & Wildlife Service per the Habitat Management Plan requirements and Biological Opinion. Prior to commencement of vegetation removal and grading for the first development area within the Project site, an updated rare plant survey shall be performed and a salvage plan shall be prepared and implemented by a qualified biologist, in coordination with Project Proponent, California Department of Fish & Wildlife, and U.S. Fish & Wildlife Service, which shall include, but not be limited to: a description and evaluation of salvage opportunities and constraints for the entire site; the appropriate methods and protocols of salvage and relocation efforts; identification of relocation and restoration areas; and identification of qualified biologists approved to perform the salvage efforts, including the identification of any required collection permits from California Department of Fish & Wildlife and/or U.S. Fish & Wildlife Service. Seeds shall be collected during the appropriate time of year for each species by qualified biologists. The salvaged plants and collected seeds shall be used to revegetate temporarily disturbed construction areas as well as any other on or offsite reseeding and restoration efforts in habitat management areas, as determined appropriate in the salvage plan.

(b) Facts in Support of Findings

Habitat Management Plan BIO/COMP-1 requires identification of sensitive biological resources including Hooker's manzanita, Toro manzanita, sandmat manzanita, Monterey ceanothus, and

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Eastwood's golden fleece through the completion of an updated rare plant survey. Additionally, preparation and implementation of a salvage plan will be required that employs the use of salvaged plants to revegetate temporarily disturbed construction areas as well as any other on or offsite reseeding and restoration efforts in habitat management areas. This measure ensures there is not a significant loss of special status plant species individuals that would impact the population and that impacts to Hooker's manzanita, Toro manzanita, sandmat manzanita, Monterey ceanothus, and Eastwood's golden fleece are less than significant.

2. Direct Impacts to Habitat Management Plan Special Status Plant Species (Monterey Spineflower and Sand Gilia) (Monterey Downs and Monterey Horse Park)

Construction activities associated with Monterey Downs and Monterey Horse Park will result in direct impacts to threatened or federally endangered Habitat Management Plan plant species including the Monterey spineflower (41.33 AC) and sand gilia (1.86 AC). The Fort Ord Reuse Authority is currently in the process of obtaining an Incidental Take Permit which would allow the base-wide take of federal and state endangered or threatened species. If construction occurs prior to approval of the base-wide Incidental Take Permit any direct loss of the Monterey spineflower and sand gilia will be a significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measures imposed upon the Project mitigates impacts to less than significant levels:

BIO-1 Impacts to Monterey Spineflower and Sand Gilia. The Project Proponent shall implement the following measures during site design phase for each development:

- Monterey spineflower and sand gilia individuals and populations shall be avoided through Project design and modification, to the extent feasible while taking into consideration other site and engineering constraints; or
- If impacts to Monterey spineflower and sand gilia cannot be avoided, in compliance with the Federal Endangered Species Act and the California Endangered Species Act, and as required by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, incidental take permits for these species shall be obtained prior to issuance of grading permits for each development. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The mitigation plan would include, but is not limited to, identifying avoidance and minimization measures;

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a take assessment; compensatory mitigation lands and success criteria; and funding assurances.

- Alternatively, ground-disturbing activities for each development may be delayed until the Fort Ord Habitat Conservation Plan is approved and base-wide state incidental take permits are issued. If this alternative is chosen, Project-specific incidental take permits shall not be necessary; however, all applicable Habitat Conservation Plan requirements shall be implemented.

BIO-2 Construction Best Management Practices. The following best management practices shall be written into construction permit documentation and implemented during construction to reduce impacts to special-status plant and wildlife species:

- A qualified biologist shall conduct an Employee Education Program for the construction crew prior to any construction activities on the following items: 1) the appropriate access route(s) in and out of the construction area and review of Project boundaries; 2) how a biological monitor shall examine the area and agree upon a method which shall ensure monitor safety during such activities, 3) the special-status species that may be present; 4) the specific mitigation measures that shall be incorporated into the construction effort; 5) the general provisions and protections afforded by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service; and 6) the proper procedures if a special-status species is encountered within the Project site.
- Trees and vegetation not planned for removal or trimming, shall be protected prior to and during construction to the maximum extent feasible through the use of exclusionary fencing, such as hay bales for herbaceous and shrubby vegetation, and protective wood barriers for trees. Only certified weed-free straw shall be used to avoid the introduction of non-native, invasive species. A biological monitor shall supervise the installation of protective fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact.
- Grading, excavating, and other activities shall utilize standard erosion control techniques to minimize erosion and sedimentation.
- No firearms shall be allowed within areas under construction, except for law enforcement and authorized security personnel.
- All food-related and other trash shall be disposed of in closed containers and removed from the Project area at least once a week during the construction

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period, or more often if trash is attracting avian or mammalian predators. Construction personnel shall not feed or otherwise attract wildlife to the area.

- Following construction, disturbed areas shall be restored to pre-Project contours to the maximum extent feasible and revegetated using locally-occurring and salvaged native plants/seeds and native erosion control seed mix, per the recommendations of a qualified biologist.

BIO-3 Construction-Phase Monitoring. Prior to the start of construction activities, the Project Proponent shall retain a qualified biologist to monitor all ground disturbing activities (i.e., vegetation removal, grading, excavation, or similar activities) to protect any special-status species encountered. Any handling and relocation protocols of special-status wildlife species shall be determined in coordination with U.S. Fish and Wildlife Service prior to any ground disturbing activities, and conducted by a qualified biologist with appropriate scientific collection permit. After ground disturbing activities are complete, the qualified biologist shall train an individual from the construction crew to act as the onsite construction biological monitor. The construction biological monitor shall be the contact for any special-status wildlife species encounters, shall conduct daily inspections of equipment and materials stored onsite and any holes or trenches prior to the commencement of work, and shall ensure that all installed fencing stays in place throughout the construction period. The qualified biologist shall then conduct regular scheduled and unscheduled visits to ensure the construction biological monitor is satisfactorily implementing all appropriate mitigation protocols. Both the qualified biologist and the construction biological monitor shall have the authority to stop and/or redirect Project activities to ensure protection of resources and compliance with all environmental permits and Project conditions. The qualified biologist and the construction monitor shall complete a daily log summarizing activities and environmental compliance throughout the Project's construction phase. The log shall also include any special-status wildlife species observed and relocated.

BIO-4 Non-Native, Invasive Species Controls. The following measures shall be written into construction permit documentation and implemented during construction to reduce the introduction and spread of non-native, invasive species:

- Any landscaping or replanting required for the Project shall not use species listed as noxious by the California Department of Food and Agriculture. California Invasive Plant Council (<http://www.cal-ipc.org/ip/inventory/index.php>), and Fort Ord Weed Management Group (*Recommendations for Invasive Plant Species to Control on the Former Fort Ord, February 2013*).

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- Bare and disturbed soil shall be landscaped with California Department of Food and Agriculture recommended seed mix or locally-occurring and salvaged native plants/seeds and native erosion control seed mix, per the recommendations of a qualified biologist, to preclude the invasion on noxious weeds in the Project site. Examples of local sources of appropriate seed mixes include, but are not limited to, Return of the Native Nursery, Watershed Institute Nursery, California State University at Monterey Bay, and Bureau of Land Management/Fort Ord National Monument (BLM/FONM).
- Construction equipment shall be cleaned of mud or other debris that may contain invasive plants and/or seeds and inspected to reduce the potential of spreading noxious weeds, before mobilizing to arrive at the construction site and before leaving the construction site.
- All non-native, invasive plant species shall be removed from disturbed areas prior to replanting.

BIO-5 Implement Borderland Requirements. Borderland requirements shall be implemented prior to issuance of any grading permit within Army Parcel Number E19a.3, which consists of Planning Areas Monterey Horse Park (REC-1), Monterey Downs equestrian training facility (REC-2), commercial (C-2), multifamily residential (RM), and veterans cemetery (VC).

The Project Proponent shall prepare a Fire Protection/Management Plan for Planning Areas Monterey Horse Park (REC-1), Monterey Downs equestrian training facility (REC-2), commercial (C-2), multi-family residential (RM) and the veterans cemetery (VC) and submit to the City of Seaside Planning Division and Fire Department for approval prior to approval of final maps for Army Parcel Number E19a.3. The Fire Protection/Management Plan shall include the following measures:

- Establish and maintain fuelbreaks. Fuelbreaks shall be established within Borderlands and habitat management areas, which include the parcels adjacent to the Bureau of Land Management Natural Resource Management Area and adjoining habitat areas (within Army Parcel Number E19a.3, which consists of Planning Areas Monterey Horse Park (REC-1), Monterey Downs equestrian training facility (REC-2), commercial (C-2), multi-family residential (RM), and veterans cemetery (VC). Fuelbreaks shall be located at the urban/wildland interface (not necessarily at the parcel boundary), shall be installed on the Borderland parcel (not in the adjacent habitat management area), and shall be contiguous. The fuelbreak's size shall be determined by fire-wise planning. Fuelbreaks or fuel buffers (e.g., parking areas, irrigated lawns/fairways, or

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cleared land) must be incorporated into the boundary plans for Borderland parcels. The following measures shall be required as part of fuelbreak establishment and maintenance:

- Establish fuelbreaks within existing roads and trails to the extent possible.
 - Conduct maintenance of fuelbreaks during summer months to the maximum extent possible within potential California tiger salamander upland habitat to avoid impacts on this species.
 - Maintain fuelbreaks necessary to support a prescribed burn or to contain a potential wildfire to the habitat management areas, not for other uses.
 - Remove vegetation with hand tools, chainsaws, ASV equipment, or tractor operated mowers where possible.
 - Manage cut vegetation to avoid impacts on Habitat Management Plan species. Within potential California tiger salamander habitat, do not pile cut vegetation for longer than three months. Cut vegetation or burn or grind in place during the wet season.
 - Limit placement of chipped vegetation in areas cleared for fuelbreaks to allow for reestablishment of annual Habitat Management Plan plant species.
 - Avoid mowing or use of heavy equipment in maintaining fuelbreaks during the wet season.
 - Maintain fuelbreaks to ensure fuel loads are kept low enough to prevent the spread of fire.
- Establish and maintain fuel management buffer to protect habitat management areas and property. Borderland parcels shall establish a fuel management buffer between the development's edge and the habitat management area boundaries.
 - Invasive Species Control: The Project Proponent shall implement the following measures and incorporate these measures into final development plans within Army Parcel Number E19a.3, which consists of Planning Areas Monterey Horse Park (REC-1), Monterey Downs equestrian training facility (REC-2), commercial (C-2), multi-family residential (RM), and veterans cemetery (VC); and submit to the City of Seaside Planning Division for approval prior approval of final maps.

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- Conduct an access assessment to identify necessary access controls for Borderland parcels. In some cases, structures including fences or other appropriate barriers may be required within the new development parcel to control access into the habitat management areas. An assessment of access issues and necessary controls shall be completed as part of the planning process for Borderland parcels and submitted to the City of Seaside for review and approval, prior to development, and shall include review through the Coordinated Resource Management and Planning Program. Signs, interpretive displays, trailhead markers, or other information shall be installed and maintained at the urban/wildland interface that illustrate the adjacent habitat management area's importance and prohibit trespass, motor vehicle entry, dumping of trash or yard wastes, off-leash pets, capture or harassment of wildlife, the collection of Habitat Management Plan plant species, and other unauthorized activities.
- Incorporate non-native species control features into final site design. Detention ponds, ornamental lakes, and other water features associated with new development shall be sited as far from the urban/wildland interface as possible. Suitable barriers shall be located between these features and the habitat management area boundary to prevent these features from becoming "sinks" for Habitat Management Plan animal species, as well as sources for invasive non-natives that could then move into the adjacent habitat management area.
- If detention ponds, artificial ponds or other water bodies must be located at the urban/wildland interface, a specific management program addressing control of non-native animals (e.g., bullfrogs) shall be prepared and submitted to the governing jurisdiction for review and approval, including review through the Coordinated Resource Management and Planning Program prior to development. The governing jurisdiction shall require that the Project Proponent design detention basins to drain rapidly after a storm event so that these water features minimize attracting breeding of nonnative California tiger Salamander and other invasive species, such as bullfrogs. Design features shall be subject to review and approval by the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and City of Seaside. Stormwater system design shall be part of an approved stormwater pollution prevention program

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- All proposed permanent aquatic features shall be designed with the ability to be drained if necessary to control invasion by invasive aquatic species.
- Consistent with Base Reuse Plan Objective A, Biological Resources Policy A-1, Program A-1.2, a suitable barrier shall be constructed where vehicle access would occur along the urban/wildland interface where habitat in the Borderlands no longer exists and where this interface comes within 1 kilometer of a known California tiger salamander breeding pool, unless California tiger salamander absence has been demonstrated using the survey protocol approved by Fish and Wildlife Service and Department of Fish and Wildlife, or if Fish and Wildlife Service determines this barrier is unlikely to substantially minimize take of California tiger salamander.
- Landscaping and Lighting: The Project Proponent shall prepare a landscaping and lighting plan for approval by the City of Seaside Planning Division prior to approval of final maps. The landscaping and lighting plans shall incorporate the following measures into the final development plans within Army Parcel Number E19a.3, which consists of Planning Areas Monterey Horse Park (REC-1), Monterey Downs equestrian training facility (REC-2), commercial (C-2), multi-family residential (RM), and veterans cemetery (VC):
 - Landscaping within the Borderlands (within Army Parcel Number E19a.3, which consists of Planning Areas Monterey Horse Park (REC-1), Monterey Downs equestrian training facility (REC-2), commercial (C-2), multi-family residential (RM), and veterans cemetery (VC) shall consist of native or non-invasive non-native plant species. Any landscaping or replanting required for the Project shall not use species listed as noxious by the California Department of Food and Agriculture.
 - During construction activities, artificial lighting shall be limited at the urban/wildland interface.
 - Outdoor lighting associated with new development shall be low intensity, focused, and directional to preclude night illumination of the adjacent habitat management area. Outdoor lighting shall be placed as far from the urban/wildland interface as possible given safety constraints. Public facilities such as ball parks and fields that require high intensity night lighting (i.e., flood lights) shall be sited as far from the urban/wildland interface as possible. High-intensity lighting facing the habitat

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management areas shall be directional and as low to the ground as possible to minimize long distance glare.

The Project Proponent shall prepare a Water Quality Management Plan, or functional equivalent, prior to approval of final development plans. Storm water detention/retention features shall also be included in the Construction Drawings to mitigate impacts of changes in imperviousness, as identified in the site-specific hydrology study. The Water Quality Management Plan shall include Best Management Practices designed to collect, detain, treat, infiltrate/evapotranspire, and discharge runoff onsite before discharging into the City storm drain system. To the maximum extent practical, storm water quality treatment shall be provided with infiltration. The treatment methods shall include but are not limited to: infiltration wells, infiltration basins, high-efficiency planter boxes, and surface planting areas.

Additionally, stormwater detention basins or other water features created on the property shall be designed so that they do not attract breeding California Tiger Salamander, unless designed to function as a population source, which shall be determined through consultation with Fish and Wildlife Service and Department of Fish and Wildlife. Accordingly, the eventual number of adult California tiger salamander produced at the site must exceed mortality such that breeding effort is not wasted. If California tiger salamanders are found on the property, the owner shall work with the Coordinated Resource Management and Planning Program to implement monitoring and management actions as necessary.

The Project Proponent shall provide education materials. The following Borderland requirements shall be implemented for the Monterey Horse Park Planning Area (REC-1) and Monterey Downs equestrian training facility Planning Areas: (REC-2), commercial (C-1), commercial (C-2), multi-family residential (RM), (residential) R-1, residential (R-2), residential (R-3), open space (OS) and public facilities (PF):

- Prior to construction activities, the City shall provide educational materials to property owners in Borderland parcels.
- The City shall provide annual educational materials (e.g., newsletters) to all new property owners in Borderland parcels, to ensure compliance with design and management requirements.
- Prior to issuance of occupancy permit(s), the Project Proponent shall install interpretive signage at aquatic features accessible to the public regarding the environmental consequences of releasing non-native species into aquatic features.

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(b) Facts in Support of Findings

Mitigation Measure BIO-1 requires avoidance of the Monterey spineflower and sand gila during development when feasible. If impacts to Monterey spineflower and sand gila cannot be avoided, in compliance with the Federal Endangered Species Act and the California Endangered Species Act, and as required by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, incidental take permits for these species shall be obtained prior to issuance of grading permits for each development. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The preservation and protection of Monterey spineflower and sand gila through impact avoidance or providing the appropriate compensatory mitigation in consultation with the appropriate permitting agencies as required by BIO-1, serves to prevent a loss in the number of Monterey spineflower and sand gila individuals which will reduce impacts to less than significant.

Mitigation Measure BIO-2 requires implementation of best management practices during construction including an employee education program for the construction crew, protection of trees and vegetation not planned for removal, erosion control techniques, and restoration of disturbed areas using locally-occurring salvaged native plants/seeds to further ensure that the loss and/or disturbance of these species is limited. Mitigation Measure BIO-3 requires construction monitoring by a qualified biologist during all ground disturbance activities to protect any Monterey spineflower and sand gila encountered. Mitigation Measure BIO-4 requires implementation of non-native species controls including landscaping of disturbed soils with native species, requirements for cleaning construction equipment that may contain invasive species, and removal of non-native species from disturbed areas, which will preclude the introduction of invasive species that may damage the Monterey spineflower and sand gila. The combination of protective measures required by BIO-2 through BIO-4, including education, monitoring/avoidance, and invasive species controls minimize the potential for the loss or disturbance of these special status species thereby reducing potential impacts to less than significant

Additionally, implementation of Borderland requirements set forth in Mitigation Measure BIO-5, which require a combination of fuelbreak maintenance, access controls, non-native species controls, erosion and sedimentation control, and education will serve to prevent the disturbance or destruction of special status plant species to further reduce the potential impacts to these species.

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3. Direct Impacts to Non-Habitat Management Plan Special Status Plant Species (Kellogg's Horkelia) (Monterey Downs and Monterey Horse Park)

Development of Monterey Downs and the Monterey Horse Park could result in potentially significant direct impacts to the Kellogg's horkelia (0.01 AC), which is a non-Habitat Management Plan special-status plant species within the Monterey Downs residential and commercial areas.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

BIO-6 Avoidance of impacts to Kellogg's horkelia within the Monterey Downs residential (R-1, R-2, R-3, and RM) Planning Areas and commercial (C-1 and C-2) Planning Areas.

- Impacts to individuals shall be avoided through Project design and modification, to the extent feasible while taking into consideration other site and engineering constraints; or
- If avoidance is not feasible, the area of impacted species shall be replaced at a 1:1 ratio through preservation, restoration, or combination of both. A Rare Plant Restoration Plan, which outlines the success criteria for implementation, shall be prepared and implemented by a qualified biologist and submitted to the City of Seaside for approval prior to issuance of a grading permit. The plan shall include, but not be limited to, the following:
 - A detailed description of onsite and/or offsite mitigation areas, salvage of seed and/or soil bank, plant salvage, seeding, and planting specifications, including, if appropriate, increased planting ratio to ensure the applicable success ratio. Specifically, seed shall be collected from the onsite individuals that shall be impacted and grown in a local greenhouse, and then transplanted within the mitigation area. Plants shall be transplanted with a minimum five-gallon specimen tree and in a location approved by the board of architectural review in order to develop a good root system.
 - A description of a three-year monitoring program, including specific methods of vegetation monitoring, data collection and analysis, restoration goals and objectives, success criteria, adaptive management if

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the criteria are not met, reporting protocols, and a funding mechanism shall be prepared.

- The mitigation area shall be preserved in perpetuity through a conservation easement or other legally enforceable land preservation agreement. Exclusionary fencing shall be installed around the mitigation area to prevent disturbance until success criteria have been met.

(b) Facts in Support of Findings

Implementation of Mitigation Measure BIO-6 requires avoidance of impacts to Kellogg's horkelia individuals through Project design or modification to the extent feasible. Where avoidance is not feasible impacted areas must be replaced, preserved, or restored at a 1:1 ratio. Additionally a qualified biologist must prepare and implement a Rare Plant Restoration Plan that will include monitoring, success criteria, adaptive management, and identification of a funding mechanism. Successful avoidance or implementation of compensatory mitigation in conjunction with implementation of the Rare Plant Restoration Plan will ensure that destruction or loss of Kellogg's horkelia populations will be limited and that potential impacts are reduced to less than significant.

4. Direct Impacts to Habitat Management Plan Special Status Animal Species (Monterey Ornate Shrew, California Legless Lizard) (Monterey Downs and Monterey Horse Park)

Development of Monterey Downs and the Monterey Horse Park could result in significant direct impacts to the following Habitat Management Plan special-status animal species, which have the potential to occur within the Monterey Horse Park (REC-1) Planning Area, residential (R-1, R-2, R-3, and RM) Planning Areas, commercial (C-1 and C-2) Planning Areas: the Monterey ornate shrew and the California legless lizard. Take authorization from the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife is not required for take of the ornate shrew and California legless lizard. Therefore, impacts to these species will be less than significant. Nevertheless, the Habitat Management Plan and the Biological Opinion require identification of sensitive biological resources that may be salvaged for use in restoration activities in habitat management areas. It is unlikely that salvaging Monterey ornate shrews would be appropriate/successful due to their high metabolic rate and cryptic nature; therefore, impacts to this species remain less than significant given that a take permit from the resource agencies is not required. Salvage of California legless lizards has been proven effective and successful; therefore, Measure BIO/COMP-2 requires pre-construction surveys and salvage of any detected individuals before and during vegetation removal, grading, and construction activities.

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(a) Findings

Changes or alterations have been required in the Project to ensure this environmental effect as identified in the Draft EIR remains less than significant. Specifically, the following Biological Compliance Measure from the Habitat Management Plan is required to ensure impacts remain less than significant.

BIO/COMP-2 Salvage/Relocation Measures for California Legless Lizard. Prior to commencement of vegetation removal and grading for the first development area within the Project site, the Project Proponent shall retain a qualified biologist to prepare and implement a legless lizard salvage/relocation plan in coordination with DFW, which shall include, but not be limited to, the protocols for pre-construction surveys, construction monitoring, and salvage and relocation. The DFW must be notified at least 48 hours before any field activity begins. The plan shall include, but not be limited to, the following:

- Pre-Construction Surveys. Pre-construction surveys for legless lizards shall be conducted in all suitable habitat proposed for construction, ground disturbance, or staging. The qualified biologist shall hold or obtain a DFW scientific collection permit for this species. The preconstruction surveys shall use a method called “high-grading.” High grading samples the habitat where legless lizards are most likely to be found, and the survey must occur under the conditions when legless lizards are most likely to be seen and captured (early morning, high soil moisture, overcast, etc.). The intensity of a continued search may then be adjusted, based on the first survey’s results in the best habitat.

A “three pass method” shall be used to locate and remove as many legless lizards as possible. A first pass shall locate as many legless lizards as possible, a second pass should locate fewer lizards than the first pass, and a third pass should locate fewer lizards than the second pass. All search passes shall be conducted in the early morning when legless lizards are easiest to capture. Vegetation may be removed by hand to facilitate hand raking and search efforts for legless lizards in the soil under brush. If lizards are found during the first pass, an overnight period of no soil disturbance must occur before the second pass, and the same requirement shall be implemented after the second pass. If no lizards are found during the second pass, a third pass is not required. Installation of a barrier, in accordance with the three pass method, may be required if legless lizards are found at the limits of construction (Project boundaries) and sufficient soft sand and vegetative cover are present to suspect additional lizards are in the immediate vicinity on the adjacent property. A barrier would prevent movement

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of legless lizards into the property. All lizards discovered shall be handled according to the salvage procedures outlined below.

- Construction Monitoring. Monitoring by a qualified biologist shall be ongoing during construction. The onsite monitor shall be present during all ground-disturbing construction activities. To facilitate the careful search for lizards during construction, vegetation may need to be removed. If removal by hand is impractical, equipment such as a chainsaw, string trimmer, or skid-steer may be used, if a monitor and crew are present. The equipment shall be used to remove plants under the monitor's direction, allowing the monitor to watch for legless lizards. After plants are removed, the monitor and crew shall search the exposed area for legless lizards. If legless lizards are found during construction monitoring, the protocols for salvage and relocation identified below shall be followed.
- Salvage and Relocation. Only experienced persons may capture or handle legless lizards. The monitor shall demonstrate a basic understanding, knowledge, skill, and experience with this species and its habitat. Once captured, a lizard shall be placed in a lidded, vented box containing clean sand. Areas of moist and dry sand need to be present in the box. The boxes shall be kept out of direct sunlight and protected from temperatures over 72°F. The sand shall be kept at temperatures under 66°F. Ideal temperatures are closer to 60°F. On the same day as capture, the lizards shall be examined for injury and data recorded on location where found as well as length, color, age, and tail condition. Once data is recorded, lizards shall be relocated to appropriate habitat, as determined through coordination with the DFW, qualified biologist, and potential landowners.

Suitability of habitat for lizard release shall be evaluated and presented in the plan. The habitat shall contain habitat factors most important to the species' health and survival, such as appropriate habitat based on soils, vegetated cover, native plant species providing cover, plant litter layer and depth, soil and ambient temperature, quality and composition of invertebrate population and prey availability. Potential relocation sites that contain the necessary conditions may exist within the habitat reserves on the former Fort Ord, including the Fort Ord National Monument. Release for every lizard shall be recorded with GPS.

- Upon completion of pre-construction surveys, construction monitoring, and any resulting salvage and relocation actions, a report shall be submitted to the DFW. GPS locations shall be submitted, as part of the survey result report, to document the number and locations of lizards relocated.

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(b) Facts in Support of Findings

It is unlikely that salvaging Monterey ornate shrews would be appropriate/successful due to their high metabolic rate and cryptic nature; therefore, impacts to this species remain less than significant given that a take permit from the resource agencies is not required. Regarding the California legless lizard however, Habitat Management Plan BIO/COMP-2 requires that the Project proponent retain a qualified biologist to prepare and implement a legless lizard salvage/relocation plan in coordination with the California Department of Fish and Wildlife that will include protocol for pre-construction surveys, construction monitoring, and salvage and relocation. Pre-construction surveys will allow for the biologist to relocate as many legless lizards as possible before construction to prevent the loss of these individuals when construction activities commence. Construction monitoring will facilitate the salvage and relocation of any legless lizards that may be found after construction has commenced. Implementation of BIO/COMP-2 will reduce the loss of individuals and thereby reduce impacts to the legless lizard population to less than significant..

5. Direct Impacts to Habitat Management Plan Special Status Animal Species (California Tiger Salamander) (Monterey Downs and Monterey Horse Park)

Development of Monterey Downs and the Monterey Horse Park could result in significant direct impacts to the California tiger salamander, which is a Habitat Management Plan special-status animal species and has the potential the potential to occur within the REC-1 and REC-2 Planning Areas, If construction occurs prior to issuance of the base-wide Incidental Take Permit, any direct (or indirect) impacts to California tiger salamander, which is a federal and state listed threatened species, would be considered a significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, BIO-2 and BIO-5, previously discussed, and the following Mitigation Measure imposed upon the Project mitigate impacts to less than significant levels:

BIO-7 Avoidance and Minimization Measures for California Tiger Salamander. For construction activities proposed within potential California tiger salamander upland habitat in the Monterey Horse Park (REC-2), Monterey Downs Planning Areas (REC-2), commercial (C-1, C-2), multi-family residential (RM), residential (R-1, R-2, R-3), open space (OS) and public facilities (PF), excluding Seaside corporation yard site, and Oak Oval (see Figure 4.3-5, Upland CTS Habitat within Monterey Downs - DFW Analysis) and in the Central Coast Veterans Cemetery (see Figure 4.3-6, Upland CTS Habitat within CCVC - DFW Analysis), one of the following measures shall be implemented:

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1. In compliance with the Federal Endangered Species Act and California Endangered Species Act , and as required by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, incidental take permits for California tiger salamander shall be obtained prior to issuance of any grading permit for the Monterey Horse Park (REC-2), Monterey Downs Planning Areas (REC-2), commercial (C-1, C-2), multi-family residential (RM), residential (R-1, R-2, R-3), open space (OS) and public facilities (PF), excluding Seaside corporation yard site, Oak Oval, and Central Coast Veterans Cemetery. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The mitigation plan shall include, but is not limited to, identifying avoidance and minimization measures; a take assessment; compensatory mitigation lands and success criteria; and funding assurances; or,
2. Alternatively, ground-disturbing activities for each development may be delayed until the Fort Ord Habitat Conservation Plan is approved and base-wide federal and state incidental take permits are issued. If this alternative is chosen, Project-specific, individual incidental take permits shall not be required; however, all applicable Habitat Conservation Plan requirements shall be implemented.

(b) Facts in Support of Finding

Mitigation Measure BIO-2 requires implementation of best management practices during construction, including an employee education program for the construction crew on the proper procedures if a special-status species is encountered within the Project site, to reduce the potential for the loss and/or disturbance of the California tiger salamander. Additionally, implementation of Borderland requirements set forth in Mitigation Measure BIO-5 reduce California tiger salamander mortality rates by requiring the careful design of detention ponds and stormwater detention basins or other water features so that they do not attract breeding California tiger salamanders, unless the water feature is designed to function as a population source. Additionally, management programs to control non-native animals that may negatively impact salamander populations will be implemented. Mitigation Measure BIO-7 requires that the Project proponent obtain an incidental take permit prior to the issuance of grading permits in compliance with the Federal Endangered Species Act and the California Endangered Species Act. This permit requires implementation of a mitigation plan and the mitigation of impacted habitat at a 3:1 ratio to ensure that there is no overall loss of salamander habitat. Alternatively, the proponent may delay ground disturbing activities until the Fort Ord Habitat Conservation Plan is approved and base-wide incidental take permits are issued. If this alternative is chosen, all Habitat Conservation Plan requirements for the protection of the California tiger salamander must be implemented. Implementation of BIO-2, BIO-5, and BIO-7 will minimize the loss of

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California tiger salamander individuals and habitat through pre-construction surveys, education, construction monitoring, construction work limitations, and avoidance or appropriate compensatory mitigation, such that impacts to the California tiger salamander populations will be less than significant.

6. Direct Impacts to Non-Habitat Management Plan Special Status Animal Species (Pallid Bat, Townsend's Big-eared Bat, Hoary Bat, Monterey Dusky-footed Woodrat, Monterey Ornate Shrew, American Badger, Cooper's Hawk, Burrowing Owl, White-tailed Kite, California Horned Lark) (Monterey Downs, Monterey Horse Park, and Oak Oval Habitat Preservation Area)

Development of the Monterey Downs and Monterey Horse Park could disturb coast live oak woodland habitat and result in the removal of mature coast live oak trees that may provide roosting habitat for special-status bat species, which would be considered significant impacts. The site also contains suitable habitat for additional special status species including the Monterey dusky-footed woodrat (i.e., coast live oak woodland and central maritime chaparral), American badger (i.e., non-native grassland, central coastal scrub/non-native grassland mix, and ruderal habitat in close proximity to these habitats), and coast horned lizard (i.e., central coastal scrub and central maritime chaparral) which could be impacted by development. Additionally, the coast live oak woodland habitat provides suitable nesting habitat for tree-nesting raptors and migratory birds. Other ground-nesting birds may nest in non-native grassland, maritime chaparral, or central coastal scrub. Impacts to any of these special status animal species are potentially significant.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, BIO-2, BIO-3, and BIO-4, previously discussed, in addition to the following Mitigation Measures imposed upon the Project mitigates impacts to less than significant levels:

BIO-8 Pre-Construction Surveys for Special-Status Bats. To avoid and reduce impacts to hoary bat and other special-status bat species, the Project Proponent shall retain a qualified bat specialist or wildlife biologist to conduct a survey during the reproductive season (May 1 through September 15) to characterize bat utilization of the work site (and up to 100 feet of construction limits) and potential species present (techniques utilized shall be determined by the biologist) no more than 30 days prior to removal of any vegetation or building or any other suitable roosting habitat. Based on the results of this pre-construction survey, one or more of the following shall occur:

- If bats and/or bat signs are not present, no additional mitigation is required.

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- If bats and/or bat signs are observed, removal of trees, buildings, or other suitable habitat may proceed after the bats have been safely excluded from the roost. Exclusion techniques shall be determined by the biologist and depend on the roost type; the biologist shall prepare a mitigation plan for provision of alternative habitat to be approved by U.S. Department of Fish and Wildlife prior to commencement of bat exclusion activities.
- If bats and/or bat signs are observed that are associated with a maternity roost, an appropriate no-disturbance buffer shall be imposed within which no construction activities or disturbance shall take place (buffer width shall be determined by biologist) until the biologist monitoring the roost determines that the young have fledged and are no longer dependent on the roost. The monitor shall ensure that all bats have left the area of disturbance prior to initiation of limbing and/or removal of trees. If avoidance is not feasible and a maternity roost must be disrupted, written authorization from California Department of Fish and Wildlife would be required prior to “take” of the roost.

BIO-9 Pre-Construction Surveys for Monterey Dusky-Footed Woodrat. To avoid and reduce impacts to the Monterey dusky-footed woodrat, the Project Proponent shall retain a qualified biologist to conduct a survey in suitable habitat proposed for construction, ground disturbance, or staging within three days prior to these activities to search for woodrat nests within the Project area and in a buffer zone 100 feet out from the limit of disturbance. All woodrat nests observed within the work site (and up to 25 feet of construction limits) shall be flagged for avoidance of direct construction impacts, where feasible. Nests that cannot be avoided shall be manually deconstructed by a qualified biologist prior to land clearing activities to allow animals to escape harm. If a litter of young is found or suspected, nest material shall be replaced, and the nest left alone for two-three weeks before a re-check by a qualified biologist to verify that young are capable of independent survival before proceeding with nest dismantling.

BIO-10 Pre-Construction Surveys for American Badger. To avoid and reduce impacts to the American badger, the Project Proponent shall retain a qualified biologist to conduct a focused pre-construction survey for badger dens in all suitable habitat proposed for construction, ground disturbance, or staging no more than two weeks prior to construction. If no potential badger dens are present, no further mitigation is required. If potential dens are observed, the following measures shall be implemented to avoid potential significant impacts to the American badger:

- If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.

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- If the qualified biologist determines that potential dens may be active, the den entrances shall be blocked with soil, sticks, and debris for three to five days to discourage their use, prior to site disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the Project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.

BIO-11 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 shall be timed to avoid the breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after September 16 and before January 31. If construction occurs between February 1 and September 15, a qualified biologist shall be retained by the Project Proponent to conduct a pre-construction survey for nesting raptors and other protected avian species within 500 feet of proposed construction activities. The pre-construction survey shall 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). As determined necessary by a qualified biologist, surveys for nesting birds may be required to continue during construction to address new arrivals and unique species breeding seasons. The necessity and timing of these continued surveys shall be determined by the qualified biologist based on review of the final construction plans and in coordination with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, as needed.

If raptors or other protected avian nests are identified during the above surveys, the qualified biologist shall notify the Project Proponent and an appropriate no-disturbance buffer shall 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 have fledged and are no longer reliant upon the nest or parental care for survival, as determined by the biologist.

BIO-12 Avoidance and Minimization Measures for Burrowing Owl. In order to avoid impacts to active burrowing owl nests, a qualified biologist shall conduct pre-construction surveys in suitable habitat within the construction footprint and within 250 feet of the footprint no more than 30 days prior to the start of construction. If ground disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. The survey shall conform to the California Department of Fish and Wildlife 1995 Staff Report protocol. If no burrowing

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owls are found, no further mitigation is required. If it is determined that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that the owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed.

If after completion of the pre-construction passive relocation effort described above, new occupied burrows become established within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during construction activities within the breeding season (February 1 to August 31), a construction-free buffer of 250 feet shall be established around all active owl nests. The buffer area shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls may take place as described above.

(b) Facts in Support of Finding

The majority of the project site -that which contains oak woodland-contains suitable habitat for special status bat species. Mitigation Measure BIO-8 requires preconstruction surveys for potential roost sites of special status bats. If bats or signs of bats are found, removal of trees, buildings, or other suitable habitat will not be permitted until the bats have been safely excluded from the roost. If maternity roosts or signs thereof are observed, an appropriate no-disturbance buffer must be established, within which no construction activities can occur. Implementation of these measures will reduce the potential for special-status species bat and bat young mortality during construction by avoiding contacts with them or acts which disturb them such that potential impacts to the special status bat population would be less than significant. Mitigation Measures BIO-2 and BIO-3, previously discussed, require implementation of best management practices during construction and construction-phase monitoring during any ground disturbing activities to protect any special status species encountered. These measures further ensure that any potential impacts to pallid bats and Townsend's big-eared bats that may be detected during vegetation removal, grading, and construction activities are reduced to less than significant through a combination of protective measures during all construction phases, including education and monitoring/avoidance.

The majority of the project site -that which contains oak woodland- contains suitable habitat for the dusky-footed woodrat and American badger. Mitigation Measure BIO-9 requires a pre-construction survey for dusky-footed woodrat nests within three days prior to ground disturbance activities. All woodrat nests must be flagged for avoidance when feasible. Nests that

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cannot be avoided during construction must be manually deconstructed by a qualified biologist prior to land disturbing activities. If a litter is found, the nest material must be replaced and nest left alone until young are capable of independent survival. Implementation of this measure will allow for avoidance or preservation of the woodrat and woodrat young during construction activities and will limit woodrat mortality such that impacts to the dusky-footed woodrat will be less than significant.

Mitigation Measure BIO-10 requires a pre-construction survey for American badger dens and similar avoidance and exclusion measures to reduce the potential for badger mortality during construction thus reducing potential impacts to the American badger to less than significant. Additionally, implementation of Mitigation Measures BIO-2, BIO-3, and BIO-4, previously discussed, will further ensure that impacts to Monterey dusky-footed woodrats and American badgers that may be detected during vegetation removal, grading, and construction activities are less than significant through a combination of protective measures during all construction phases, including education and monitoring/avoidance and invasive species controls that protect these special status species and their habitat.

The entire Specific Plan area contains suitable habitat for the coast horned lizard. Mitigation Measures BIO-2, BIO-3, and BIO-4 require a combination of protective measures during all phases of construction, including education, monitoring/avoidance, and invasive species controls which will limit mortality of coast horned lizard individuals and destruction of habitat thereby reducing potential impacts to the coast horned lizard to less than significant.

The Migratory Bird Treaty Act protects the majority of migratory birds breeding in the U.S, including the burrowing owl, Cooper's hawk, White-tailed kite, California horned lark, and other raptor and migratory avian species, regardless of their official federal or state listing status. The law applies to the disturbance or removal of active nests occupied by migratory birds during their breeding season. The majority of the Specific Plan area provides nesting habitat for protected avian species. Mitigation Measures BIO-11 and BIO-12, require pre-construction nest surveys, non-disturbance buffers, nest monitoring during construction, and passive relocation (for burrowing owls only), if avoidance is not feasible, which will ensure that nesting birds are not disturbed during construction and that young are able to fledge. This will result in a reduction for the potential for nest abandonment and mortality of protected avian species thereby reducing the potential for impacts to protected avian species to less than significant. Implementation of Mitigation Measures BIO-2 and BIO-3 will further ensure that impacts to any protected avian species that may be detected during vegetation removal, grading, and construction activities are reduced to less than significant through a combination of protection measures during phases of construction, including education and monitoring/avoidance to limit exposure to construction activities.

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7. Indirect Impacts to Habitat Management Plan and Non-Habitat Management Plan Special Status Plant and Animal Species (Monterey Downs, Monterey Horse Park, and Oak Oval Habitat Preservation Area)

Development of the Monterey Horse Park, Monterey Downs, and Oak Oval Habitat Preservation Area has the potential to indirectly affect Habitat Management Plan and non-Habitat Management Plan special-status plant and animal species within the adjacent habitat management 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; unregulated movement of domestic animals; and a lack of barriers to special-status species entering developed areas, which may result in individual mortality; nighttime lighting and noise; and increased traffic on area roads leading to potential increases in roadkill. These post-construction indirect effects to special-status species are potentially significant impacts.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measure BIO-5, previously discussed, in addition to the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

BIO-13 Post-Construction Indirect Effects to Special-Status Species. The following Project design features shall be implemented prior to grading permit issuance within the Monterey Horse Park, Monterey Downs, the Central Coast Veterans Cemetery, and Oak Oval, to ensure compliance with relevant Base Reuse Plan Policies and Programs: Conservation Element (Policy A-5, Program B-2.1, Program C-2.5, Policy C-3, Program D-2.1, and Program D-2.3); Base Reuse Plan Land Use Element Program B-2.5 and Policy E-1; and Base Reuse Plan Recreation and Open Space Element Policy C-2.

- In accordance with Base Reuse Plan Conservation Element Biological Resources Policy A-5, the County shall ensure that habitat management areas as identified on Figure 4.3-4 are protected from degradation due to development in, or use of adjacent parcels within its jurisdiction. This could be accomplished, for example, through the use of signs and barriers prohibiting dumping of trash, mountain bike use, equestrian use, off-road vehicle use and off-trail activities within adjacent habitat management areas.

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- In accordance with Base Reuse Plan Conservation Element Biological Resources Program B-2.1, for lands that are components of the designated oak woodland conservation (Fort Ord BRP Figure 4.4-1) area, these areas must be managed to maintain or enhance suitable habitat for the range of sensitive species known or expected to use those oak woodland environments. Management measures shall include, but not be limited to, maintenance of a large, contiguous block of oak woodland habitat, access control, erosion control, and non-native species eradication. Specific management measures shall be coordinated through the Coordinated Resource Management and Planning Program.
- Appropriate barriers shall be installed along the development area boundaries adjacent to habitat management areas (see Fort Ord BRP Figure 4.3-4) to discourage unregulated movement of people and pets into habitat management areas not identified as recreational areas; and to discourage unregulated movement of special-status species into developed areas.
- In accordance with Base Reuse Plan Conservation Element Biological Resources Program C-2.5, paving shall be avoided within the dripline of preserved oak trees wherever possible. To minimize paving impacts, the surfaces around tree trunks shall be mulched, paving materials shall be used that are permeable to water, aeration vents shall be installed in impervious pavement, and root zone excavation shall be avoided.
- In accordance with Base Reuse Plan Conservation Element Biological Resources Policy C-3, lighting of outdoor areas shall be minimized and carefully controlled to maintain habitat quality for wildlife in undeveloped natural lands. Street lighting shall be as unobtrusive as practicable adjacent to undeveloped natural lands. See Borderland requirements (Mitigation Measure BIO-5) regarding artificial lighting.
- In accordance with Base Reuse Plan Conservation Element Biological Resources Program D-2.1, interpretive signs shall be placed in habitat management areas (see Fort Ord BRP Figure 4.3-4) to describe the resources that are present, how they are important to the former Fort Ord, and ways in which these resources are or can be protected.
- In accordance with Base Reuse Plan Conservation Element Biological Resources Program D-2.3, where development would be adjacent to habitat management areas, corridors, oak woodlands, or other reserved open space, Project Proponents shall prepare a Homeowner's Brochure, which describes the adjacent land areas' importance and provides recommendations for landscaping (use of

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natives) and wildfire protection, as well as measures for protecting wildlife and vegetation in the adjacent habitat management areas such as access and pet controls.

- Where feasible, buffers shall be established inside development area boundaries adjacent to habitat management areas to reduce noise levels associated with urban uses. Buffers may be landscaped (using local native plants) or paved (parking areas). According to Base Reuse Plan Land Use Element Program B-2.5, when buffers adjacent to habitat management areas are required as a condition of Project approval, the buffer shall be designed in a manner consistent with Habitat Management Plan guidelines. Roads shall not be allowed within buffer areas adjacent to habitat management areas except for restricted access maintenance or emergency access roads.
- In accordance with Base Reuse Plan Land Use Element Recreation/Open Space Land Use Policy E-1, recreation in environmentally sensitive areas (such as areas with rare, endangered, or threatened plant or animal communities) shall be limited to passive, low-intensity recreation dependent on the resource and compatible with its long-term protection.
- In accordance with Base Reuse Plan Recreation and Open Space Element Recreation Policy C-2, all proposed recreational uses shall be reviewed for compatibility with the adopted Habitat Management Plan to ensure long-term protection of sensitive resources. Recreational uses would be prohibited if the Fort Ord Reuse Authority Board finds that such uses could compromise the ability to maintain and preserve an environmentally sensitive resource.
- Speed limit signs shall be installed to reduce travel speeds for the increased number of vehicles using the area roadways, with the goal of reducing roadkills.

(b) Facts in Support of Finding

Mitigation Measure BIO-13 requires compliance with Base Reuse Plan Conservation Element Biological Resources Policies A-5, B-2.1, C-2.5, C-3, and D-2 and the implementation of project design features such as barriers adjacent to habitat management areas, controlled outdoor lighting buffers, etc. These design features would prevent potentially damaging activities within habitat management areas that could degrade sensitive habitat areas and indirectly impact special status plant and animal species. Implementation of this measure would reduce potential impacts to less than significant. Additionally, implementation of the Borderland requirements set forth in Mitigation Measure BIO-5, previously discussed, will further reduce the Project's indirect impacts to sensitive biological resources such as special-status animal species in the

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adjacent habitat management areas to less than significant by preventing disturbance to such species and their habitat through a combination of fuelbreak maintenance, access controls, non-native species controls, lighting controls, erosion and sedimentation reduction, and education.

Central Coast Veterans Cemetery

For purposes of this discussion, the term “Central Coast Veterans Cemetery” refers to the VC Planning Area.

8. Direct Impacts to Habitat Management Plan Special Status Plant Species (Hooker’s manzanita, sandmat manzanita, Monterey ceanothus) (Central Coast Veterans Cemetery)

Development of the Central Coast Veterans Cemetery could result in direct impacts to the following Habitat Management Plan special status species, which have the potential to occur within the Central Coast Veterans Cemetery VC Planning Area: Hooker’s manzanita (approximately 25 SF), sandmat manzanita (75 SF), and Monterey ceanothus (13 SF). Take authorization from the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife is not required for take of Hooker’s manzanita, sandmat manzanita, or Monterey ceanothus. Therefore, impacts to these species will be less than significant. Nevertheless, the Habitat Management Plan and the Biological Opinion require identification of sensitive biological resources that may be salvaged for use in restoration activities in habitat management areas.

(a) Findings

Changes or alterations have been required in the Project to ensure this environmental effect as identified in the Draft EIR remains less than significant. Specifically, the following Biological Compliance Measure from the Habitat Management Plan is required to ensure impacts remain less than significant.

BIO/COMP-1 HMP Plant Species Salvage. For proposed impacts to the Fort Ord Habitat Management Plan (HMP) plant species within the Project site that do not require take authorization from California Department of Fish & Wildlife (DFW) or U.S. Fish & Wildlife Service (FWS), salvage efforts for these species shall be evaluated by a qualified biologist in coordination with Project Proponent, DFW, and FWS per the HMP requirements and Biological Opinion (BO). Prior to commencement of vegetation removal and grading for the first development area within the Project site, an updated rare plant survey shall be performed and a salvage plan shall be prepared and implemented by a qualified biologist, in coordination with Project Proponent, DFW, and FWS, which shall include, but not be limited to: a description and evaluation of salvage opportunities and constraints for the entire site; the appropriate methods and

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protocols of salvage and relocation efforts; identification of relocation and restoration areas; and identification of qualified biologists approved to perform the salvage efforts, including the identification of any required collection permits from DFW and/or FWS. Seeds shall be collected during the appropriate time of year for each species by qualified biologists. The salvaged plants and collected seeds shall be used to revegetate temporarily disturbed construction areas as well as any other on or offsite reseeded and restoration efforts in habitat management areas, as determined appropriate in the salvage plan.

(b) Facts in Support of Findings

Habitat Management Plan BIO/COMP-1 requires identification of sensitive biological resources including Hooker's manzanita, sandmat manzanita, and Monterey ceanothus through the completion of an updated rare plant survey. Additionally, preparation and implementation of a salvage plan is required that will use salvaged plants to revegetate temporarily disturbed construction areas as well as any other on or offsite reseeded and restoration efforts in habitat management areas which serves to ensure there is not a significant loss of individuals that would impact the population. BIO/COMP-1 ensures impacts to Hooker's manzanita, sandmat manzanita, and Monterey ceanothus are less than significant.

9. Direct Impacts to Habitat Management Plan Special Status Plant Species (Monterey spineflower) (Central Coast Veterans Cemetery)

Construction activities within the VC Planning Area could result in direct impacts to one federally threatened Habitat Management Plan plant species, Monterey spineflower (approximately 9.0 AC). If Project approval and construction occurs prior to issuance of the base-wide Incidental Take Permits, any direct loss of Monterey spineflowers would be considered a significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of BIO-1, BIO-2, BIO-3 and BIO-4, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Finding

Mitigation Measure BIO-1 requires avoidance of the Monterey spineflower during development when feasible. If impacts to Monterey spineflower cannot be avoided, in compliance with the Federal Endangered Species Act and the California Endangered Species Act, and as required by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, incidental

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take permits for these species shall be obtained prior to issuance of grading permits for each development. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. Mitigation Measure BIO-1 provides for the preservation and protection of Monterey spineflower by avoiding the impact or providing the appropriate compensatory mitigation in consultation with the appropriate permitting agencies which will reduce the potential for the loss of Monterey spineflower individuals thereby reducing this impact to less than significant. Implementation of Mitigation Measures BIO-2, BIO-3, and BIO-4 will further ensure that any potential impacts to Monterey spineflowers that may be detected during vegetation removal, grading, and construction activities are reduced to less than significant through a combination of protective measures during all phases of construction, including education, monitoring/avoidance, and invasive species controls.

10. Direct Impacts to Habitat Management Special Status Animal Species (Monterey ornate shrew, California legless lizard) (Central Coast Veterans Cemetery)

Development of the Central Coast Veterans Cemetery could result in direct impacts to the following Habitat Management Plan special status species, which have the potential to occur within the Central Coast Veterans Cemetery VC Planning Area due to presence of suitable habitat: the Monterey ornate shrew (within non-native grassland, coast live oak woodland, central coastal scrub, and central maritime chaparral habitats) and California legless lizard (within central coastal scrub, central coastal scrub/non-native grassland mix, non-native grassland, central maritime chaparral, and coast live oak woodland habitats). Take authorization from the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife is not required for take of the Monterey ornate shrew or California legless lizard. Therefore, impacts to these species would be less than significant. Nevertheless, the Habitat Management Plan and the Biological Opinion require identification of sensitive biological resources that may be salvaged for use in restoration activities in habitat management areas. It is unlikely that salvage of the Monterey ornate shrew would be appropriate or successful due to their high metabolic rate and cryptic nature; therefore impacts to these species remain less than significant given that a take permit is not required. However, salvage of California legless lizards have been proven effective and successful and thus mitigation must be imposed for this species.

(a) Findings

Changes or alterations have been required in the Project to ensure this environmental effect as identified in the Draft EIR remains less than significant. Specifically, BIO/COMP-2, previously discussed, is required to ensure impacts remain less than significant.

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(b) Facts in Support of Findings

Habitat Management Plan BIO/COMP-2 requires that the Project proponent retain a qualified biologist to prepare and implement a legless lizard salvage/relocation plan in coordination with the California Department of Fish and Wildlife that will include protocol for pre-construction surveys, construction monitoring, and salvage and relocation. Pre-construction surveys will allow for the biologist to relocate as many legless lizards as possible before construction to prevent the loss of these individuals when construction activities commence. Construction monitoring will facilitate the salvage and relocation of any legless lizards that may be found after construction has commenced. Implementation of BIO/COMP-2 will reduce the potential for the loss of legless lizard individuals and thus reduce impacts to the legless lizard population to less than significant.

11. Direct Impacts to Habitat Management Special Status Animal Species (California tiger salamander) (Central Coast Veterans Cemetery)

Development of the Central Coast Veterans Cemetery could disturb potential upland habitat of the California tiger salamander, a federal and state listed threatened species, as a result of vegetation removal and other construction activities. If Project approval and construction occurs prior to issuance of the base-wide Incidental Take Permit, any direct impact to California tiger salamander would be considered a significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of BIO-2, BIO-5, and BIO-7, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Finding

Mitigation Measure BIO-2 requires implementation of best management practices during construction, including an employee education program for the construction crew on the proper procedures if a special-status species is encountered within the Project site, to reduce the potential for the loss and/or disturbance of the California tiger salamander. Additionally, implementation of Borderland requirements set forth in Mitigation Measure BIO-5 reduce California tiger salamander mortality rates by requiring the careful design of detention ponds and stormwater detention basins or other water features so that they do not attract breeding California tiger salamanders, unless the water feature is designed to function as a population source. Additionally, management programs to control non-native animals that may negatively impact salamander populations will be implemented. Mitigation Measure BIO-7 requires that the Project proponent obtain an incidental take permit prior to the issuance of grading permits in

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compliance with the Federal Endangered Species Act and the California Endangered Species Act. This permit requires implementation of a mitigation plan and the mitigation of impacted habitat at a 3:1 ratio to ensure that there is no overall loss of salamander habitat. Alternatively, the proponent may delay ground disturbing activities until the Fort Ord Habitat Conservation Plan is approved and base-wide incidental take permits are issued. If this alternative is chosen, all Habitat Conservation Plan requirements for the protection of the California tiger salamander must be implemented. Implementation of BIO-2, BIO-5, and BIO-7 will minimize the loss of California tiger salamander individuals and habitat through pre-construction surveys, education, construction monitoring, construction work limitations, and avoidance or appropriate compensatory mitigation, such that impacts to the California tiger salamander populations will be less than significant.

12. Direct Impacts to Non-Habitat Management Plan Special Status Animal Species (pallid bat, Townsend's big-eared bat, Monterey dusky-footed woodrat, American badger, coast horned lizard, protected avian species)(Central Coast Veterans Cemetery)

Development of the Central Coast Veterans Cemetery could disturb coast live oak woodland habitat and possibly result in the removal of mature coast live oak trees that may provide roosting habitat for special-status bat species, such as the pallid bat and Townsend's big-eared bat, which would be considered significant impacts. Additionally, the Central Coast Veterans Cemetery site contains suitable habitat for the Monterey dusky-footed woodrat (i.e., coast live oak woodland and central maritime chaparral), American badger (i.e., non-native grassland, central coastal scrub/non-native grassland mix, and ruderal habitat in close proximity to these habitats), the coast horned lizard (i.e., central coastal scrub and central maritime chaparral), and nesting protected avian species (coast live oak woodland habitat, non-native grassland, maritime chaparral, or central coast scrub). Central Coast Veterans Cemetery development could disturb potential habitat for these species as a result of vegetation removal, destruction or disturbance of nests, introduction and spread of non-native, invasive species during construction activities, equipment noise, vibration, and lighting. Impacts to the above species are potentially significant impacts.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of BIO-2, BIO, 3, BIO-4, BIO-8, BIO-9, BIO-10, BIO-11, and BIO-12, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

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(b) Facts in Support of Finding

The Central Coast Veterans Cemetery Planning Area contains suitable habitat for special status bat species. Mitigation Measure BIO-8 requires preconstruction surveys for potential roost sites of special status bats. If bats or signs of bats are found, removal of trees, buildings, or other suitable habitat will not be permitted until the bats have been safely excluded from the roost. If maternity roosts or signs thereof are observed, an appropriate no-disturbance buffer must be established, within which no construction activities can occur. Implementation of these measures will reduce the potential for special-status species bat and bat young mortality during construction such that potential impacts to the special status bat population would be less than significant. Mitigation Measures BIO-2 and BIO-3, previously discussed, require implementation of best management practices during construction and construction-phase monitoring during any ground disturbing activities to protect any special status species encountered. These measures further ensure that any potential impacts to pallid bats and Townsend's big-eared bats that may be detected during vegetation removal, grading, and construction activities are reduced to less than significant through a combination of protective measures during all construction phases, including education and monitoring/avoidance.

The Central Coast Veterans Cemetery Planning Area contains suitable habitat for the dusky-footed woodrat and American badger. Mitigation Measure BIO-9 requires a pre-construction survey for dusky-footed woodrat nests within three days prior to ground disturbance activities. All woodrat nests must be flagged for avoidance when feasible. Nests that cannot be avoided during construction must be manually deconstructed by a qualified biologist prior to land disturbing activities. If a litter is found, the nest material must be replaced and nest left alone until young are capable of independent survival. Implementation of this measure will allow for avoidance or preservation of the woodrat and woodrat young during construction activities and will limit woodrat mortality such that impacts to the dusky-footed woodrat will be less than significant.

Mitigation Measure BIO-10 requires a pre-construction survey for American badger dens and similar avoidance and exclusion measures to reduce the potential for badger mortality during construction such that impacts to the American badger will be less than significant. Additionally, implementation of Mitigation Measures BIO-2, BIO-3, and BIO-4, previously discussed, will further ensure that impacts to Monterey dusky-footed woodrats and American badgers that may be detected during vegetation removal, grading, and construction activities are reduced to less than significant through a combination of protective measures during all construction phases, including education and monitoring/avoidance and invasive species controls that protect these special status species and their habitat.

The Central Coast Veterans Cemetery Planning Area contains suitable habitat for the coast horned lizard. Mitigation Measures BIO-2, BIO-3, and BIO-4 require a combination of

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protective measures during all phases of construction, including education, monitoring/avoidance, and invasive species controls which will limit mortality of coast horned lizard individuals and habitat thereby reducing potential impacts to the coast horned lizard to less than significant.

The Migratory Bird Treaty Act protects the majority of migratory birds breeding in the U.S, including the burrowing owl, Cooper's hawk, White-tailed kite, California horned lark, and other raptor and migratory avian species, regardless of their official federal or state listing status. The law applies to the disturbance or removal of active nests occupied by migratory birds during their breeding season. The Central Coast Veterans Cemetery Planning Area provides nesting habitat for protected avian species. Mitigation Measures BIO-11 and BIO-12, require pre-construction nest surveys, non-disturbance buffers, nest monitoring during construction, and passive relocation (for burrowing owls only), if avoidance is not feasible, which will ensure that nesting birds are not disturbed during construction and that young are able to fledge. This will result in a reduction for the potential for nest abandonment and mortality of protected species thereby reducing the potential for impacts to protected avian species to less than significant. Implementation of Mitigation Measures BIO-2 and BIO-3 will further ensure that impacts to any protected avian species that may be detected during vegetation removal, grading, and construction activities are reduced to less than significant through a combination of protection measures during phases of construction, including education and monitoring/avoidance to limit exposure to construction activities.

13. Indirect Impacts to Habitat Management Plan and Non-Habitat Management Plan Special Status Plant and Animal Species (Central Coast Veterans Cemetery)

Development of the Central Coast Veterans Cemetery has the potential to indirectly affect Habitat Management Plan and non-Habitat Management Plan special-status plant and animal species within the adjacent habitat management 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; unregulated movement of domestic animals; and a lack of barriers to special-status species entering developed areas, which may result in individual mortality; nighttime lighting and noise; and increased traffic on area roads leading to potential increases in roadkill. These potential post-construction indirect effects to special-status species are potentially significant impacts.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of

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BIO-5 and BIO-13, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Finding

Mitigation Measure BIO-13 requires compliance with Base Reuse Plan Conservation Element Biological Resources Policies A-5, B-2.1, C-2.5, C-3, and D-2 and the implementation of Project design features such as barriers adjacent to habitat management areas, controlled outdoor lighting buffers, etc. These design features would prevent potentially damaging activities within habitat management areas that could degrade sensitive habitat areas and indirectly impact special status plant and animal species. Implementation of this measure would reduce potential impacts to less than significant. Additionally, implementation of the Borderland requirements set forth in Mitigation Measure BIO-5, previously discussed, will further reduce the Project's indirect impacts to sensitive biological resources in the adjacent habitat management areas to less than significant through a combination of fuelbreak maintenance, access controls, non-native species controls, lighting controls, erosion and sedimentation reduction, and education. These controls will serve to prevent the disturbance of special status plant and animal species and critical habitat and will ensure that potential indirect impacts to these species are reduced to less than significant.

14. Indirect Impacts to Additional Non-Habitat Management Plan Special Status Animal Species (pallid bats, Townsend's big-eared bats) (Central Coast Veterans Cemetery)

Development of the Central Coast Veteran's Cemetery will result in construction noise, dust, and vibration within and adjacent to large trees and other potential roosting habitat causing roost abandonment and death of young pallid bats and Townsend's big-eared bats which would be considered significant impacts.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of BIO-2 and BIO-3, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Finding

Mitigation Measures BIO-2 and BIO-3, previously discussed, require implementation of best management practices during construction and construction-phase monitoring during any ground disturbing activities to protect any special status species encountered. These measures further ensure that if any pallid bats and Townsend's big-eared bats are detected during

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vegetation removal, grading, and construction activities a combination of protective measures during all construction phases are implemented, including education and monitoring/avoidance that will reduce the potential for bat and bat young mortality, thereby reducing potential indirect impacts to less than significant.

Seaside Corporation Yard

For purposes of this discussion, the term “Seaside Corporation Yard” refers to the Public Facilities (PF) Planning Area.

15. Direct Impacts to Habitat Management Plan Special Status Plant Species (Hooker’s manzanita, Toro manzanita, sandmat manzanita, Monterey ceonothus, Eastwood’s goldenbush)(Seaside Corporation Yard)

Development of the Seaside Corporation Yard could result in significant direct impacts to the following special status Habitat Management Plan plant species: Hooker’s manzanita, Toro manzanita, sandmat manzanita, Monterey ceonothus, Eastwood’s goldenbush (aka Eastwood’s golden fleece). Take authorization from the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife is not required for take of Hooker’s manzanita, Toro manzanita, sandmat manzanita, Monterey ceonothus, or Eastwood’s goldenbush. Therefore, impacts to these species would be less than significant. Nevertheless, the Habitat Management Plan and the Biological Opinion require identification of sensitive biological resources that may be salvaged for use in restoration activities in habitat management areas.

(a) Findings

Changes or alterations have been required in the Project to ensure this environmental effect as identified in the Draft EIR remains less than significant. Specifically, BIO/COMP-1, previously discussed, is required to ensure impacts remain less than significant.

(b) Facts in Support of Findings

Habitat Management Plan BIO/COMP-1 requires identification of sensitive biological resources including Hooker’s manzanita, Toro manzanita, sandmat manzanita, Monterey ceonothus, and Eastwood’s golden fleece through the completion of an updated rare plant survey. Additionally, preparation and implementation of a salvage plan will be required that employs the use of salvaged plants to revegetate temporarily disturbed construction areas as well as any other on or offsite reseeded and restoration efforts in habitat management areas. This measure serves to ensure there is not a significant loss of individuals that would impact the population and that impacts to Hooker’s manzanita, Toro manzanita, sandmat manzanita, Monterey ceonothus, and Eastwood’s golden fleece remain less than significant.

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16. Direct Impacts to Habitat Management Plan Special Status Plant Species (Monterey spineflower)(Seaside Corporation Yard)

Development of the Seaside Corporation Yard could result in direct impacts to a federal threatened Habitat Management Plan plant species, the Monterey spineflower (0.15 AC). If Project approval and construction occurs prior to issuance of the base-wide Incidental Take Permits, Project impacts to Monterey spineflower would be potentially significant.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of BIO-1, BIO-2, BIO-3, and BIO-4, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Finding

Mitigation Measure BIO-1 requires avoidance of the Monterey spineflower during development when feasible. If impacts to Monterey spineflower cannot be avoided, in compliance with the Federal Endangered Species Act and the California Endangered Species Act, and as required by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, incidental take permits for these species shall be obtained prior to issuance of grading permits for each development. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The preservation and protection of Monterey spineflower by avoiding the impact or providing the appropriate compensatory mitigation in consultation with the appropriate permitting agencies as required by BIO-1, serves to prevent a loss in the number of species individuals which will reduce impacts to the Monterey spineflower. Mitigation Measure BIO-2 requires implementation of best management practices during construction including an employee education program for the construction crew, protection of trees and vegetation not planned for removal, erosion control techniques, and restoration of disturbed areas using locally-occurring salvaged native plants/seeds to further ensure that the loss and/or disturbance of these species is limited. Mitigation Measure BIO-3 requires construction monitoring by a qualified biologist during all ground disturbance activities to protect any Monterey spineflower encountered. Mitigation Measure BIO-4 requires implementation of non-native species controls including landscaping of disturbed soils with native species, requirements for cleaning construction equipment that may contain invasive species, and removal of non-native species from disturbed areas, which will preclude the introduction of invasive species that may result in the loss of Monterey spineflower individuals. The combination of protective measures required by BIO-2 through BIO-4, including education, monitoring/avoidance, and invasive species controls further aid in loss prevention or disturbance of this special status species.

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17. Direct Impacts to Habitat Management Plan Special Status Animal Species (Californian legless lizard and Monterey ornate shrew) (Seaside Corporation Yard)

Development of the Seaside Corporation Yard could result in direct impacts to the following Habitat Management Plan special status species, which have the potential to occur within the PF Planning Area: California legless lizard and Monterey ornate shrew. Take authorization from the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife is not required for take of the California legless lizard and Monterey ornate shrew. Therefore, impacts to these species would be less than significant. Nevertheless, the Habitat Management Plan and the Biological Opinion require identification of sensitive biological resources that may be salvaged for use in restoration activities in habitat management areas. It is unlikely that salvaging Monterey ornate shrews would be appropriate/successful due to their high metabolic rate and cryptic nature; therefore, impacts to this species remain less than significant given that a take permit from the resource agencies is not required. Salvage of California legless lizards has been proven effective and successful; therefore, Measure BIO/COMP-2 requires pre-construction surveys and salvage of any detected individuals before and during vegetation removal, grading, and construction activities.

(a) Findings

Changes or alterations have been required in the Project to ensure this environmental effect as identified in the Draft EIR remains less than significant. Specifically, BIO/COMP-2 is required to ensure impacts remain less than significant.

(b) Facts in Support of Findings

Habitat Management Plan BIO/COMP-2 requires that the Project proponent retain a qualified biologist to prepare and implement a legless lizard salvage/relocation plan in coordination with the California Department of Fish and Wildlife that will include protocol for pre-construction surveys, construction monitoring, and salvage and relocation. Pre-construction surveys will allow for the biologist to relocate as many legless lizards as possible before construction to prevent the loss of these individuals when construction activities commence. Construction monitoring will facilitate the salvage and relocation of any legless lizards that may be found after construction has commenced. Implementation of BIO/COMP-2 will reduce the potential for the loss of legless lizard individuals and thus reduce impacts to the legless lizard population to less than significant.

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18. Direct Impacts to Non-Habitat Management Plan Special Status Animal Species (coast horned lizard, Cooper's Hawk)(Seaside Corporation Yard)

Development of the Seaside Corporation Yard has the potential to impact the habitat of the following special status animal species: coast horned lizard (coastal scrub) and Cooper's hawk (nesting habitat in large mature trees) which are potentially significant impacts.

(a) Findings

Changes or alterations been required in, the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of BIO-2, BIO-3, BIO-4, BIO-11, and BIO-12, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Finding

Mitigation Measure BIO-2 requires implementation of best management practices during construction including an employee education program for the construction crew, protection of trees and vegetation not planned for removal, erosion control techniques, and appropriate protocol to be followed if special status species are found to ensure that the loss and/or disturbance of these species is limited. Mitigation Measure BIO-3 requires construction monitoring by a qualified biologist during all ground disturbance activities to protect the coast horned lizard or Cooper's hawk from indirect construction impacts and to prevent the loss or disturbance of these species. Mitigation Measure BIO-4 requires implementation of non-native species controls including landscaping of disturbed soils with native species, requirements for cleaning construction equipment that may contain invasive species, and removal of non-native species from disturbed areas, which will preclude the introduction of invasive species that may damage the critical habitat for these species. The combination of protective measures required by BIO-2 through BIO-4, including education, monitoring/avoidance, and invasive species controls further aid in loss prevention and minimize disturbance of the coast horned lizard and Cooper's hawk. Mitigation Measures BIO-11 and BIO-12 require avoidance measures for protected avian species. Where avoidance is not feasible, pre-construction nest surveys, non-disturbance buffers, and nest monitoring during construction are required. These avoidance or control measures will prevent the disturbance of nests during breeding season that may cause nest abandonment and subsequent loss of young of protected avian species. Thus, implementation of BIO-11 and BIO-12 will reduce potential impacts to Cooper's hawk to less than significant.

Oak Oval Habitat Preservation Area

For purposes of this discussion, the term "Oak Oval Habitat Preservation Area" refers to the Open Space (OS) Planning Area.

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19. Direct Impacts to Habitat Management Special Status Plant Species (Oak Oval Habitat Preservation Area)

Focused rare plant surveys were not conducted within the OS Planning Area as it was not analyzed at a programmatic level in this EIR. However, several federal- and state-listed and Habitat Management Plan plant species have the potential to occur within the Oak Oval Habitat Preservation Area. Implementation of Habitat Management Plan requirements is intended to avoid potential impacts to federal- and state-listed and Habitat Management Plan special-status plant species that may be detected within the OS Planning Area. However, there is a potential that not all such impacts may be avoided by these Habitat Management Plan requirements, which is a potentially significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of Mitigation Measures BIO-2, BIO-3, BIO-4 and BIO-5, and BIO/COMP-1, previously discussed, in addition to the following Mitigation Measure, mitigates impacts to less than significant levels:

BIO-14 The future trail system in the Oak Oval Habitat Preservation Area shall be designed to avoid or reduce impacts to special-status species. The following measures shall be implemented to minimize the effects of constructing the future trail system on special-status species:

The Project Proponent shall retain a qualified biologist to conduct a biological assessment to support the design and planning process for a future trail system through the Oak Oval Habitat Preservation Area to avoid potential impacts to special-status species. The assessment shall include conducting focused rare plant and reconnaissance-level wildlife surveys to determine occupied or potential special-status species habitats prior to trail development. The assessment shall include, but not be limited to, a description of the baseline habitat conditions, known or potential sensitive biological resources that may be impacted by the trail, potential impacts that may result, and any avoidance and minimization measures necessary. The assessment shall be provided to the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, governing jurisdiction, and Coordinated Resource Management and Planning Program members.

If impacts to listed species requiring take authorization cannot be avoided, in compliance with the Federal Endangered Species Act and California Endangered Species Act, and as required by the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service, one of two measures shall be required:

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1. Incidental take permits shall be obtained prior to issuance of a grading permit for the future trail system in the Oak Oval Habitat Preservation Area. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The mitigation plan shall include, but is not limited to, identifying avoidance and minimization measures; a take assessment; compensatory mitigation lands and success criteria; and funding assurances; or,
2. Alternatively, if the listed species is a proposed Habitat Conservation Plan species ground-disturbing activities may be delayed until the Fort Ord Habitat Conservation Plan is approved and base-wide federal and state incidental take permits are issued. If this alternative is chosen, Project-specific, individual incidental take permits shall not be necessary; however, all applicable Habitat Conservation Plan requirements shall be implemented.

The Project Proponent shall site and design the future cross-country equestrian course through the Oak Oval Habitat Preservation Area's eastern end to minimize vegetation removal and maintain wildlife movement corridors between habitat reserves. No buildings, grandstands, corrals, or parking areas shall be allowed in the Oak Oval Habitat Preservation Area.

Install and maintain signage at trailheads, along designated trails, and trailheads of closed trails to clearly define where these activities to limit riding and equestrian activities to designated trails and courses in the Oak Oval Habitat Preservation Area.

Implement an annual trail maintenance program to reduce the potential effects of hiker and equestrian use of the area on special-status species and natural communities. The program shall emphasize controlling erosion and the potential spread of non-native invasive plants. Trails may be closed and/or rerouted based on the monitoring program.

(b) Facts in Support of Finding

Mitigation Measure BIO-2 requires implementation of best management practices during construction including an employee education program for the construction crew, protection of trees and vegetation not planned for removal, erosion control techniques, and restoration of disturbed areas using locally-occurring salvaged native plants/seeds to ensure that the loss and/or disturbance of special status plant species is limited. Mitigation Measure BIO-3 requires construction monitoring by a qualified biologist during all ground disturbance activities to protect any listed species encountered. Mitigation Measure BIO-4 requires implementation of non-native species controls including landscaping of disturbed soils with native species, requirements for cleaning construction equipment that may contain invasive species, and removal of non-native species from disturbed areas, which will preclude the introduction of

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invasive species that may damage special status species. The combination of protective measures required by BIO-2 through BIO-4, including education, monitoring/avoidance, and invasive species controls minimize the potential for loss or disturbance of special status plant species thereby reducing the potential impacts to less than significant. Additionally, implementation of Borderland requirements set forth in Mitigation Measure BIO-5 which require a combination of fuelbreak maintenance, access controls, non-native species controls, erosion and sedimentation control, and education will further prevent the disturbance or destruction of special status plant species further reducing potential impacts to these species.

Habitat Management Plan BIO/COMP-1 requires identification of sensitive biological resources through the completion of an updated rare plant survey. Additionally, preparation and implementation of a salvage plan will be required that employs the use of salvaged plants to revegetate temporarily disturbed construction areas as well as any other on or offsite reseeded and restoration efforts in habitat management areas. This measure ensures there is not a significant loss of individuals that would impact the population which ensures impacts remain less than significant.

Mitigation Measure BIO-14 requires the Project proponent to retain a qualified biologist to conduct a biological assessment to support the design and planning process for a future trail system through the Oak Oval Habitat Preservation Area. This biological assessment requires focused rare plant pre-construction surveys and implementation of avoidance measures to reduce potential impacts to federal- and state-listed and Habitat Management Plan special-status plant species. If impacts to federally or state protected species cannot be avoided, in compliance with the Federal Endangered Species Act and the California Endangered Species Act, and as required by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, incidental take permits for these species shall be obtained prior to issuance of grading permits for each development. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The proponent may delay ground disturbing activities until the Fort Ord Habitat Conservation Plan is approved and base-wide incidental take permits are issued. If this alternative is chosen, all Habitat Conservation Plan requirements for the protection protected species must be implemented. Implementation of BIO-14 in conjunction with BIO-2 through BIO-5, require control measures to be imposed on the Project that will reduce the potential for the loss or disturbance of special status plant species to a level of insignificance.

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20. Direct Impacts to Non-Habitat Management Plan Special Status Plant Species (Hickman's onion, Hutchinson's larkspur, Kellogg's horkelia)(Oak Oval Habitat Preservation Area)

Development within the Oak Oval Habitat Preservation Area has the potential to impact the habitat of the following special status plant species: Hickman's onion, Hutchinson's larkspur, and Kellogg's horkelia. Implementation of Habitat Management Plan requirements is intended to avoid potential impacts to non-Habitat Management Plan special-status plant species that may be detected within future development areas of Oak Oval. However, there is a potential that not all such impacts may be avoided by the Habitat Management Plan requirements, which would be considered significant impacts.

(a) Findings

Changes or alterations been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of BIO-2, BIO-3, BIO-4, BIO-5, BIO-14, and BIO/COMP-1, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Finding

Mitigation Measure BIO-2 requires implementation of best management practices during construction including an employee education program for the construction crew, protection of trees and vegetation not planned for removal, erosion control techniques, and restoration of disturbed areas using locally-occurring salvaged native plants/seeds to ensure that the loss and/or disturbance of special status plant species is limited. Mitigation Measure BIO-3 requires construction monitoring by a qualified biologist during all ground disturbance activities to protect any listed species encountered. Mitigation Measure BIO-4 requires implementation of non-native species controls including landscaping of disturbed soils with native species, requirements for cleaning construction equipment that may contain invasive species, and removal of non-native species from disturbed areas, which will preclude the introduction of invasive species that may damage special status species. The combination of protective measures required by BIO-2 through BIO-4, including education, monitoring/avoidance, and invasive species controls minimize the potential for loss or disturbance of Hickman's onion, Hutchinson's larkspur, and Kellogg's horkelia thereby reducing the potential impacts to less than significant. Additionally, implementation of Borderland requirements set forth in Mitigation Measure BIO-5 which require a combination of fuelbreak maintenance, access controls, non-native species controls, erosion and sedimentation control, and education will further prevent the disturbance or destruction of special status plant species further reducing potential impacts to these species.

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Habitat Management Plan BIO/COMP-1 requires identification of sensitive biological resources through the completion of an updated rare plant survey. Additionally, preparation and implementation of a salvage plan will be required that employs the use of salvaged plants to revegetate temporarily disturbed construction areas as well as any other on or offsite reseeding and restoration efforts in habitat management areas. This measure ensures there is not a significant loss of individuals that would impact the population which ensures impacts remain less than significant.

Mitigation Measure BIO-14 requires the Project proponent to retain a qualified biologist to conduct a biological assessment to support the design and planning process for a future trail system through the Oak Oval Habitat Preservation Area. This biological assessment requires focused rare plant pre-construction surveys and implementation of avoidance measures to reduce potential impacts to federal- and state-listed and Habitat Management Plan special-status plant species. If impacts to federally or state protected species cannot be avoided, in compliance with the Federal Endangered Species Act and the California Endangered Species Act, and as required by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, incidental take permits for these species shall be obtained prior to issuance of grading permits for each development. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The proponent may delay ground disturbing activities until the Fort Ord Habitat Conservation Plan is approved and base-wide incidental take permits are issued. If this alternative is chosen, all Habitat Conservation Plan requirements for the protection protected species must be implemented. Implementation of BIO-14 in conjunction with BIO-2 through BIO-5, require control measures to be imposed on the Project that will reduce the potential for the loss or disturbance of Hickman's onion, Hutchinson's larkspur, and Kellogg's horkelia to a level of insignificance.

21. Direct Impacts to Habitat Management Plan Special Status Animal Species (Monterey ornate shrew, California legless lizard)(Oak Oval Habitat Preservation Area)

Development within the Oak Oval Habitat Preservation Area could result in significant direct impacts to the following Habitat Management Plan special-status animal species, which have the potential to occur within the OS Planning Area: the Monterey ornate shrew and the California legless lizard. Take authorization from the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife is not required for take of the ornate shrew and California legless lizard. Therefore, impacts to these species would be less than significant. Nevertheless, the Habitat Management Plan and the Biological Opinion require identification of sensitive biological resources that may be salvaged for use in restoration activities in habitat management areas. It is unlikely that salvaging Monterey ornate shrews would be appropriate/successful due

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to their high metabolic rate and cryptic nature; therefore, impacts to this species remain less than significant given that a take permit from the resource agencies is not required. Salvage of California legless lizards has been proven effective and successful; therefore, Measure BIO/COMP-2 requires pre-construction surveys and salvage of any detected individuals before and during vegetation removal, grading, and construction activities.

(a) Findings

Changes or alterations have been required in the Project to ensure this environmental effect as identified in the Draft EIR remains less than significant. Specifically, BIO/COMP-2, previously discussed, is required to ensure impacts remain less than significant.

(b) Facts in Support of Findings

Habitat Management Plan BIO/COMP-2 requires that the Project proponent retain a qualified biologist to prepare and implement a legless lizard salvage/relocation plan in coordination with the California Department of Fish and Wildlife that will include protocol for pre-construction surveys, construction monitoring, and salvage and relocation. Pre-construction surveys will allow for the biologist to relocate as many legless lizards as possible before construction to prevent the loss of these individuals when construction activities commence. Construction monitoring will facilitate the salvage and relocation of any legless lizards that may be found after construction has commenced. Implementation of BIO/COMP-2 will reduce the loss of individuals and thus reduce impacts to the legless lizard population to less than significant.

22. Direct Impacts to Habitat Management Plan Special Status Animal Species (California tiger salamander) (Oak Oval Habitat Preservation Area)

Construction within the OS Planning Area could result in direct impacts to the federal and state listed threatened California tiger salamander upland habitat as a result of vegetation removal and other construction activities. If Project approval and construction occurs prior to issuance of the base-wide Incidental Take Permit, any direct or indirect impacts to the California tiger salamander would be considered a significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of BIO-2, BIO-5 and BIO-7, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

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(b) Facts in Support of Finding

Mitigation Measure BIO-2 requires implementation of best management practices during construction including an employee education program for the construction crew on the proper procedures if a special-status species is encountered within the Project site, to reduce the potential for the loss and/or disturbance of the California tiger salamander. Additionally, implementation of Borderland requirements set forth in Mitigation Measure BIO-5 reduce California tiger salamander mortality rates by requiring the careful design of detention ponds and stormwater detention basins or other water features so that they do not attract breeding California tiger salamanders, unless the water feature is designed to function as a population source. Additionally, management programs to control non-native animals that may negatively impact salamander populations will be implemented. Mitigation Measure BIO-7 requires that the Project proponent obtain an incidental take permit prior to the issuance of grading permits in compliance with the Federal Endangered Species Act and the California Endangered Species Act. This permit requires implementation of a mitigation plan and the mitigation of impacted habitat at a 3:1 ratio to ensure that there is no overall loss of salamander habitat. Alternatively, the proponent may delay ground disturbing activities until the Fort Ord Habitat Conservation Plan is approved and base-wide incidental take permits are issued. If this alternative is chosen, all Habitat Conservation Plan requirements for the protection of the California tiger salamander must be implemented. Implementation of BIO-2, BIO-5, and BIO-7 will minimize the loss of California tiger salamander individuals and habitat through pre-construction surveys, education, construction monitoring, construction work limitations, and avoidance or appropriate compensatory mitigation, such that impacts to the California tiger salamander populations will be less than significant.

Riparian Habitat

23. Impacts to Riparian Habitat (0.2 AC of Riparian Habitat)

Development of the Project could impact 0.2 AC of riparian habitat within the Monterey Downs REC-2 Planning Area. This “infield” portion of the REC-2 Planning Area equestrian training track, which has the potential to support jurisdictional wetlands, may be designed to serve as a reclaimed water reservoir or an athletic field, if it is determined that a reclaimed water reservoir is not needed.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

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BIO-15 Impacts to Riparian Habitat. The Monterey Downs REC-2 Planning Area shall be designed to avoid impacts to riparian habitat and jurisdiction waters (if any) to the greatest extent feasible, while taking into account site and engineering constraints, including incorporating site design revisions to relocate Project features and/or reduce water quality impacts. If impacts to riparian habitat and jurisdictional waters cannot be avoided, then the following measures shall be implemented to reduce identified impacts to less than significant:

- Prior to issuance of a grading permit for the Monterey Downs REC-2 Planning Area, the Project Proponent shall comply with all applicable local, state, and federal regulations related to impacting riparian habitat, including local tree removal ordinances, Clean Water Act Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Specifically, the Project Proponent shall obtain a Section 401 permit under the federal Clean Water Act from the Regional Water Quality Control Board and a Section 404 permit under the federal Clean Water Act from the U.S. Army Corps of Engineers. All permit requirements shall be followed.
- In support of the regulatory agency wetland permitting process described above, a wetland delineation shall be conducted for the Monterey Downs REC-2 Planning Area to determine the presence and extent of jurisdictional wetlands and other waters of the U.S. The wetland delineation shall be conducted according to the protocols set forth by the U.S. Army Corps of Engineers.
- Impacted riparian habitat shall be mitigated at a 1:1 replacement-to-loss ratio; the final mitigation amounts shall be determined during the regulatory agency permitting process through the preparation of a Habitat Mitigation and Monitoring Plan by a qualified biologist. It is expected that the riparian mitigation site can occur within the Monterey Downs REC-2 Planning Area or a different planning area within the Monterey Downs development area. The Habitat Mitigation Monitoring Plan shall include but not limited to, a planting plan, success criteria, monitoring protocols to determine if success criteria have been met, adaptive management protocols in the event success criteria are not met, and funding assurances.

(b) Facts in Support of Finding

Mitigation Measure BIO-15 requires that the Project Proponent comply with all applicable local, state, and federal regulations related to impacting riparian habitat, including local tree removal ordinances, Clean Water Act Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Mitigation Measure BIO-15 requires that the Project Proponent obtain a Section

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401 permit under the federal Clean Water Act from the Regional Water Quality Control Board and a Section 404 permit under the federal Clean Water Act from the Army Corps of Engineers. Further, in support of this regulatory agency wetland permitting process, a wetland delineation is required for the Monterey Downs REC-2 Planning Area to determine the presence and extent of jurisdictional wetlands and other waters of the U.S. BIO-15 requires that the wetland delineation be conducted in accordance with Army Corps of Engineers' protocol. Implementation of Mitigation Measure BIO-15 would reduce this impact to less than significant through restoration and preservation of this habitat as delineated in a Habitat Mitigation Monitoring Program to be approved by the permitting agencies and compliance with all applicable local, state, and federal regulations related to impacting riparian habitat, including local tree removal ordinances, Clean Water Act Sections 401 and 404, and/or Department of Fish Wildlife Code Section 1602.

Wetlands and Jurisdictional Waters

24. Impacts to potential 0.2 AC of Federally Protected Wetlands as Defined by the Clean Water Act

Based on the field surveys, it was determined that the potential exists for the 0.2 AC of riparian habitat that exists within the Monterey Downs REC-2 Planning Area to support jurisdictional wetlands. This "infield" portion of the REC-2 Planning Area equestrian training track, which has the potential to support jurisdictional wetlands, may be designed to serve as a reclaimed water reservoir or an athletic field, if it is determined that a reclaimed water reservoir is not needed. Therefore, Project implementation will have a substantial adverse effect on federally protected wetlands within Monterey Downs Planning Area REC-2,

(a) Findings

Changes or alterations have been required in the Project to ensure this environmental effect as identified in the Draft EIR remains less than significant. Specifically, implementation of BIO-15, previously discussed, ensures impacts remain less than significant.

(b) Facts in Support of Finding

Implementation of Mitigation Measure BIO-15 will reduce this impact to less than significant through restoration and preservation of this habitat as delineated in a Habitat Mitigation and Monitoring Plan to be approved by the permitting agencies. Mitigation Measure BIO-15 also requires compliance with all applicable local, state, and federal regulations related to impacting riparian habitat, including local tree removal ordinances, Clean Water Act Sections 401 and 404, and/or Department of Fish and Wildlife Code Section 1602.

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Consistency with Local Policies/Ordinances

25. Potential Conflicts with Local Policies or Ordinances Protecting Biological Resources

Development within the Specific Plan area, as is any development within the City of Seaside, is required to comply with the City of Seaside's Tree Ordinance, which requires identification of certain trees on the final map, and mitigation for removal of certain trees.

Regarding the Fort Ord Habitat Management Plan, parcels designated as "development" (including the project site) have no habitat management restrictions. However, the U.S. Fish and Wildlife Biological Opinion and Habitat Management Plan require the identification of sensitive biological resources within the designated development parcels that may be salvaged for use in restoration activities in habitat management areas.

The Habitat Management Plan also designates parcels as "Borderland Development Areas Along Natural Resource Management Area (NRMA) Interface." Borderlands are designated development parcels or habitat management areas at the urban/wildland interface where specific design considerations and management activities are required to minimize effects of development on Habitat Management Plan species and natural communities.

The Borderland designations, requirements, and management entities have been drafted and outlined in the Administrative Draft Fort Ord Habitat Conservation Plan. The result was an expansion of the Habitat Management Plan Borderland definition to identify management responsibilities for additional boundary situations, and four categories were created. Category 1 follows the Borderlands designation included in the Habitat Management Plan, as revised through the East Garrison-Parker Flats land use modifications. As presented in the currently drafted Habitat Conservation Plan, the following Monterey Downs Planning Areas are located within a proposed Category 1 Borderland parcel (Army Parcel Number E19a.3): Monterey Horse Park (Planning Area REC-1); and Monterey Downs Equestrian Training Track and Sports Arena (Planning Area REC-2), commercial area (Planning Area C-2), and residential area (Planning Area RM). Although the borderland designations are identified in the adopted Habitat Management Plan, the detailed requirements and management entities will not be finalized until the draft Habitat Conservation Plan is adopted. Therefore, mitigation is required to ensure project development is consistent with the designations, requirements, and management entities in the draft Habitat Conservation Plan.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of

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BIO-5, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Finding

Development within the Specific Plan area is required to comply with the City of Seaside's Tree Ordinance, which requires identification of certain trees on the final map, and mitigation for removal of certain trees. In addition, Mitigation Measure BIO-5 which requires a combination of fuelbreak maintenance, access controls, non-native species controls, erosion and sedimentation control, and education is consistent with the requirements in the Habitat Conservation Plan that has not yet been approved. The control measures required by BIO-5 ensure project development is consistent with the designations, requirements, and management entities in the draft Habitat Conservation Plan. Therefore, the proposed project would not conflict with local policies or ordinances protecting biological resources.

Conflict with Adopted Habitat Conservation Plans

26. Conflict with Provisions of Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other Approved Local, Regional, or State Habitat Conservation Plan.

Although the Project site is not currently within jurisdiction of any Natural Community Conservation Plan or Habitat Conservation Plan, a Habitat Conservation Plan is being prepared as an implementation measure of the Base Reuse Plan. However, until the Habitat Conservation Plan is finalized, impacts to federal- and state-listed endangered or threatened species are addressed separately and the Habitat Management Plan is the governing document for habitat management within the former Fort Ord.

The Department of the U.S. Army developed the Fort Ord Habitat Management Plan in compliance with Section 7 of the federal Endangered Species Act to provide for the incidental take of federally-listed species as will occur with implementation of the Fort Ord Reuse Plan. According to the Habitat Management Plan Map for the former Fort Ord, the majority of the Project area is located within an area designated "Development with no habitat Restrictions" (U.S. Army Corps of Engineers 2005, Revised Attachment A) with the exception of the "Oak Oval Habitat Area," which is designated as "Habitat Reserve" and only the allowed uses described in the Habitat Management Plan are proposed.

Impacts to biological resources associated with development of these areas are mitigated in the Habitat Management Plan through the set-aside of habitat reserve areas within the boundaries of the former Fort Ord. While the proposed Project will not conflict with the Habitat Management Plan, the Project has the potential to impact federally-listed species including the Monterey spineflower, sand gila, and California tiger salamander, which is a significant impact.

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(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, implementation of BIO-1 and BIO-7, previously discussed, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Finding

Mitigation Measure BIO-1 requires avoidance of the Monterey spineflower during development when feasible. If impacts to Monterey spineflower cannot be avoided, in compliance with the Federal Endangered Species Act and the California Endangered Species Act, and as required by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, incidental take permits for these species shall be obtained prior to issuance of grading permits for each development. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The preservation and protection of Monterey spineflower by avoiding the impact or providing the appropriate compensatory mitigation in consultation with the appropriate permitting agencies as required by BIO-1, serves to prevent a loss in the number of species individuals which will reduce impacts to the Monterey spineflower consistent with provisions of Adopted Habitat Conservation Plan, Natural Community Conservation Plan, and Draft Habitat Conservation Plan. Additionally, Mitigation Measure BIO-7 requires that the Project proponent obtain an incidental take permit prior to the issuance of grading permits in compliance with the Federal Endangered Species Act and the California Endangered Species Act. This permit requires implementation of a mitigation plan and the mitigation of impacted habitat at a 3:1 ratio to ensure that there is no overall loss of salamander habitat. Alternatively, the proponent may delay ground disturbing activities until the Fort Ord Habitat Conservation Plan is approved and base-wide incidental take permits are issued. If this alternative is chosen, all Habitat Conservation Plan requirements for the protection of the California tiger salamander must be implemented. Implementation of BIO-2, BIO-5, and BIO-7 will minimize the loss of California tiger salamander individuals and habitat through pre-construction surveys, education, construction monitoring, construction work limitations, and avoidance or appropriate compensatory mitigation consistent with provisions of Adopted Habitat Conservation Plan, Natural Community Conservation Plan, and Draft Habitat Conservation Plan.

D. CULTURAL RESOURCES

The Project's potential impacts on cultural resources that can be mitigated or are otherwise less than significant are discussed in Section 4.4, Cultural Resources, of the Draft EIR. Identified potential impacts include archeological resources and possible disturbance of unknown human remains.

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1. Potential for Archaeological Resources and Human Remains (Project and Cumulative)

The Project site is not located in an area of high archaeological sensitivity and no archaeological resources or human remains are known to be located on the Project site. However, excavation of the Project site has the potential to disturb unknown resources, including archaeological and human remains, resulting in potentially significant impacts, at the Project level and cumulatively.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measures imposed upon the Project mitigates the potential for cultural resources impacts to less than significant levels:

CR-1 Archaeological Resources. In order to ensure that Project-impacts to potentially unknown resources are avoided, developers shall be responsible for on-going monitoring of Project construction. Prior to issuance of any grading permit, the Project proponent shall provide the City of Seaside with documentation identifying construction personnel that will be responsible for on-site monitoring. If during the course of Project construction, archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 165 feet of the find until a qualified professional archaeologist can evaluate it. Work shall not recommence until the Project archaeologist has submitted documentation to the City indicating that discovered resources have been adequately salvaged and no further resources have been identified within the area of disturbance.

CR-2 Human Remains. In order to ensure that the proposed Project does not impact buried human remains during Project construction, developers shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, developers shall provide the City of Seaside with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, work in that area must halt and the archaeologist and the coroner immediately notified. If the remains are determined to be Native American, then the Native American Heritage Commission must be notified within 24 hours as required by Public Resources Code 5097. The Native American Heritage Commission will notify designated Most Likely Descendants who will provide recommendations for the treatment of the remains within 24 hours. The Native American Heritage Commission will mediate any disputes regarding treatment of remains. Work shall not recommence until the Project archaeologist, coroner, and Native American Heritage

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Commission, submit documentation to the City indicating that buried human remains have been adequately salvaged and no further remains have been identified within the area of disturbance.

(b) Facts in Support of Findings

Mitigation measures CR-1 and CR-2 require contractor work specification and training which will reduce potential impacts that could be significant to a less than significant level in the event that archaeological resources and/or human remains are discovered during construction.

E. GEOLOGY AND SOILS

The Project's potential impacts on geology and soils that can be mitigated or are otherwise less than significant are discussed in Section 4.5, Geology and Soil, of the Draft EIR. Identified impacts include seismic groundshaking, ground failure, unstable geologic unit or soil, and expansive soils.

1. Seismic Groundshaking

Several active faults are located within 15 miles of the Project site which may subject the Project to strong ground shaking in the event of an earthquake. Therefore, people and structures may be exposed to potential adverse effects from seismic groundshaking with is a potentially significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

GEO-1 Preparation of Design-Level Geotechnical Investigations. Applicants of development associated with the Monterey Downs, Monterey Horse Park, and Seaside Corporation Yard shall prepare design-level geotechnical investigations in accordance with the California Building Code and Seaside Municipal Code Chapter 15.04, and recommendations contained in the Phase I Geotechnical Report and Geologic Hazards Assessment (Pacific Crest Engineering, March 18, 2014). The geotechnical investigations shall identify design requirements associated with, but not limited to, earthwork, structure foundations, seismic considerations, slabs-on-grade, retaining walls, pavement recommendations, etc. The geotechnical investigations shall be subject to review and approval by the City Engineer, prior to approval of final improvement plans for the Monterey Downs subdivision, and prior to issuance of use permits for the Monterey

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Horse Park and Seaside Corporation Yard. Prior to final inspection, developers shall provide certification from a qualified professional that development has been constructed in accordance with design-level geotechnical reports.

GEO-2 Preparation of a Design-Level Geotechnical Investigation – Central Coast Veterans Cemetery. Applicants of development associated with the Central Coast Veterans Cemetery shall prepare a design-level geotechnical investigation prepared in accordance with the California Building Code and Monterey County Code, and recommendations contained in the Geotechnical Investigation and Percolation Testing, Proposed California Central Coast Veterans Cemetery Site, Monterey County, California (Kleinfelder, September 17, 2010). The geotechnical investigation shall identify design requirements associated with, but not limited to, earthwork, structure foundations, seismic considerations, slabs-on-grade, and pavement recommendations.

(b) Facts in Support of Findings

Mitigation Measures GEO-1 and GEO-2 require preparation of a design-level geotechnical investigation as well as compliance with all City Building and Safety standards and requirements that will guide the design and construction of the Project, and are intended to mitigate seismic impacts. In addition, the Project will be required to conform to the latest edition of the California Building Code, which includes design measures to mitigate against seismic hazards which will be enforced through review of plans and inspection of structures during construction. Through incorporation of the geotechnical investigation recommendations as required through implementation of Mitigation Measure GEO-1, and compliance with the California Building Code and City of Seaside standards, Project impacts related to ground shaking would be less than significant.

2. Ground Failure

While the Project site is not located within a designated Liquefaction Hazard Zone, Pacific Crest Engineering determined that dynamic compaction is one of the primary geologic hazards that could affect the site which is a potentially significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measure GEO-1 and GEO-2, discussed above, imposed upon the Project mitigates impacts to less than significant levels.

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(b) Facts in Support of Findings

Numerous controls will be imposed on the Project through the permitting process. Additionally, the Phase I Geotechnical Report and Geologic Hazards Assessment prepared for the Project concludes that the Project site is feasible for development from a geotechnical and geologic perspective. Implementation of Mitigation Measures GEO-1 and GEO-2 will ensure that development of the Project is designed and built to ensure minimal risk from ground failure (i.e., dynamic compaction), through determination of detailed geotechnical design criteria and preparation of design-level geotechnical reports. Implementation of the recommended mitigation will ensure the Project will not expose people or structures to potential substantial adverse impacts, including the risk of loss, injury, or death involving ground failure (i.e., dynamic compaction). The Project will result in a less than significant impact with the incorporation of mitigation.

2. Unstable Geologic Unit or Soil

Development activities within the Project site will be located on soils that could become unstable if a concentrated flow of water to sandy soils within the Project site results in piping and probable collapse of the ground surface. Development within the Project site will include grading activities, fills of different thickness and fills adjacent to cut areas that could result in differential settlement. Construction on un-compacted and loose fill, if present, will be subject to varying rates of settlement and structural damage could occur which is a potentially significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measures GEO-1 and GEO-2, discussed above, imposed upon the Project mitigate impacts to less than significant levels.

(b) Facts in Support of the Findings

Implementation of Mitigation Measures GEO-1 and GEO-2, which require preparation of design-level geotechnical reports that will identify and mitigate potential geologic and soil-related constraints to development within the Project site, will reduce potential impacts associated with unstable soils to less than significant.

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3. Expansive Soils

While soils within the Project site have a low shrink swell potential, the Project implementation could result in development on expansive soils subject to shrinking and swelling in response to changes in moisture content.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measures GEO-1 and GEO-2, discussed above, imposed upon the Project mitigate impacts to less than significant levels.

(b) Facts in Support of the Findings

Mitigation Measures GEO-1 and GEO-2 require preparation of design-level geotechnical reports, which will ensure that the Project will not create substantial risks to life or property involving expansive soils. Therefore, impacts as a result of expansive soils will be reduced to less than significant with mitigation incorporated.

F. HAZARDS AND HAZARDOUS MATERIALS

The Project's potential impacts on hazards and hazardous materials that can be mitigated or are otherwise less than significant is discussed in Section 4.7, Hazards and Hazardous Materials, of the Draft EIR. Identified potential impacts include construction-related impacts, emission or handling of hazardous materials within the vicinity of a school, wildland fires, and cumulative impacts.

1. Construction-Related Impacts

The Project area is located within the former Fort Ord where ordnance and explosives could be present. Site disturbance activities that will occur with implementation of the Project could result in an increased safety risk to workers during construction which is a potentially significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental impact as identified in the Draft EIR. Specifically, compliance with Section 15.34.050 of the Seaside Municipal Code and implementation of the following Mitigation Measures mitigates impacts to less than significant levels:

HAZ-1 Hazards and Hazardous Materials Contingency Plan for Construction Activities.
Prior to issuance of a grading permit, the City of Seaside Resource Management Services

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Department shall review and approve a contingency plan (prepared by the contractor) that addresses the potential to encounter on-site unknown hazards or hazardous materials during construction activities. The plan shall indicate that in the event of discovery of any suspect munitions and explosives of concern (including unexploded ordnance) in transferred properties, local law enforcement shall be contacted immediately. If munitions and explosives of concern are suspected, local law enforcement shall request response by qualified personnel, such as the Department of Defense Explosive Ordnance Detachment unit. The Fort Ord Base Realignment and Closure Office shall be contacted. In the event of discovery of any suspect munitions and explosives of concern (including unexploded ordnances) in properties subject to Environmental Services Cooperative Agreement, the notification shall be provided to the Fort Ord Reuse Authority.

HAZ-2 Munitions and Explosives Safety Briefing. Construction supervisors and crews shall attend a Fort Ord Reuse Authority sponsored munitions and explosives safety briefing prior to commencement of construction. This briefing shall identify the variety of munitions and explosives that are known to exist on the former Fort Ord and the actions to be taken if a suspicious item is discovered. This requirement for briefing shall be included in construction documents, approved by the City of Seaside Engineer.

HAZ-3 Remediation Activities. With submittal of a grading permit application, developers shall submit evidence that the development area has been cleaned up pursuant to the measures outlined below. The City shall not issue a grading permit until such evidence is submitted.

- For portions of the Project area located within the Parker Flats and County North MRAs - pursuant to the Environmental Services Cooperative Agreement (ESCA).
- For the middle portion within the ESCA Parker Flats MRA Phase II – pursuant to the FORA’s pending remedial investigation/feasibility study for the middle portion (ESCA Parker Flats MRA Phase II), which will select a remedy for this portion. Once a remedy is selected for this portion, FORA will implement the selected remedy including developing a remedial design/remedial action work plan under the ESCA and with the supervision of the U.S. Environmental Protection Agency (EPA), in consultation with the California Department of Toxic Substances Control (DTSC).

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(b) Facts in Support of the Findings

Per Section 15.34.050, Excavation and Digging Restrictions, of Seaside Municipal Code, it is unlawful for any person, including utilities, to engage in excavation, digging, development or ground disturbance, unless a permit approval is obtained from the City. Per the requirements of the permit, should any suspected unexploded ordnance be discovered, appropriate response actions with Fort Ord Reuse Authority (formerly the U.S. Army) and Department of Toxic Substances Control will be conducted. Concerning unexploded ordnance construction support, coordination with the Fort Ord Reuse Authority or the Army may be required. For parcels subject to the Environmental Services Cooperation Agreement, construction support shall be coordinated with the Fort Ord Reuse Authority under the Environmental Services Cooperative Agreement. For other parcels, if construction support requirement is included in the property's deed, it shall be coordinated with the Army, as determined by the Fort Ord Base Realignment and Closure Office.

By complying with Section 15.34.050 of the Seaside Municipal Code and, thereby obtaining permits before moving soil, the Project will comply with the soil Land Use Controls. The City will also require the following conditions to be placed upon the Project:

- Indemnification statement as follows:
 - “The permittee agrees that as a condition of issuance of a permit to defend at its sole expense, indemnify and hold harmless from any liability the city, and reimburse the city for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding.”
- Applicants must have unexploded ordnance and explosives construction support as part of the Project. Concerning UXO construction support, coordination with FORA or the Army may be required. For parcels subject to ESCA, construction support shall be coordinated with FORA under the ESCA. For other parcels, if construction support requirement is included in the property's deed, it shall be coordinated with the Army, as determined by the Fort Ord Base Realignment and Closure (BRAC) Office.
- Coordinate with Fort Ord Reuse Authority and/or the Environmental Services Cooperative Agreement staff (City can provide contact information).
- Applicants must cease all soil disturbance activity in the event of discovery of any suspect munitions and explosives of concern (including unexploded ordnance) in transferred properties, local law enforcement shall be contacted immediately. If munitions and explosives of concern are suspected, local law enforcement shall request response by qualified personnel, such as the Department of Defense (DOD) Explosive Ordnance Detachment (EOD) unit. The current Army contact is the Fort Ord BRAC Office. In the

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event of discovery of any suspect MEC (including UXO) in properties subject to ESCA, the notification shall be provided to FORA.

- Within 30 days of completion of the soil disturbing activities, Permittee shall prepare and submit a report to City of Seaside, the Army, and Department of Toxic Substances Control that shall state whether or not any ordnance or explosives were detected.

Additionally, compliance with Mitigation Measure HAZ-1 requires the preparation of a contingency plan for construction activities identifying procedures for construction workers who may encounter ordnance or explosive materials during construction activities will reduce potential impacts related to these hazards. Compliance with Mitigation Measure HAZ-2 and HAZ-3 will ensure that Fort Ord Reuse Authority, through consultation with the Army and involved agencies, completes all required clean-up activities consistent with all revised land uses proposed in the Fort Ord Base Reuse Plan. Implementation of Mitigation Measures HAZ-1 through HAZ-3 in conjunction with the policies discussed above will ensure worker safety during site disturbance activities which will reduce hazard related impacts to a less than significant level.

2. Emit/Handle Hazardous Materials in the Vicinity of a School

Chartwell School is located west of the Central Coast Veterans Cemetery parcel and the “East Campus Open Space” parcel at California State University Monterey Bay is located north of the proposed training/race track and sports arena. Construction activities could result in the handling/transport of hazardous waste (ordnance and explosives) in the vicinity of these schools which could present a potentially significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the existing federal, state, and local laws and regulations, including Section 15.34.050 of the Seaside Municipal Code and CUPA regulations, as well as Mitigation measures HAZ-1 through HAZ-3, discussed above, mitigate impacts to less than significant levels.

(b) Facts in Support of the Findings

Mitigation Measure HAZ-1 requires the preparation of a contingency plan identifying procedures for construction workers who may encounter ordnance or explosive materials during construction activities. Mitigation Measure HAZ-2 and HAZ-3 require the Fort Ord Reuse Authority, through consultation with the Army and involved agencies, to complete all required clean-up activities consistent with all revised land uses proposed in the Fort Ord Base Reuse Plan and that grading permits are not issued until evidence of adequate cleanup is submitted by

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developers. Implementation of Mitigation Measures HAZ-1 through HAZ-3 will ensure that proper cleanup procedures are followed on the project site and, in the event ordnance or explosives are found, they are properly handled according to procedures mandated by the County of Monterey Environmental Health Department so as to minimize public safety risks at nearby schools. Thus, Mitigation Measures HAZ-1 through HAZ-3 will reduce the potential hazards impacts associated with handling of hazardous materials near schools to less than significant.

3. Risk from Wildland Fire

The Project includes a 60-acre “Firewise Overlay (FW-O),” as the Project area is adjacent to wildlands (i.e., oak woodland and/or chaparral) to the northeast, south and east. Additionally, the Project will retain approximately 93 acres of the coast live oak woodland that are present within the Project boundaries. Therefore, in the event of a wildland fire, Project development will result in a potentially significant impact associated with the increased risk for people or structures at the Project site, from wildland fires.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

HAZ-4 Prior to issuance of grading permits for any property within the Firewise Overlay (FW-O), Applicants shall prepare a Firewise Plan for review and approval by the Seaside Planning Division and Seaside Fire Department. The Firewise Plan shall prohibit flammable structures within the FW-O (i.e., 200 feet of wildlands) and address the location of structures, construction materials, fuel breaks, and emergency ingress and egress.

(b) Facts in Support of the Findings

Project construction will be subject to compliance with the California Building Code, Title 24, Part 9, Fire Code, which provides minimum standards to increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in conflagration losses through the use of performance and prescriptive requirements. The Project will also be served by the City of Seaside Fire Department or through an agreement with the Monterey County Regional Fire District or the Presidio of Monterey. Mitigation Measure HAZ-4 prohibits flammable structures within the FW-O (i.e., within 200 feet of wildlands) and requires preparation of a Firewise Plan that addresses location of structures, construction materials, fuel breaks, and emergency ingress and egress. Compliance with the California Fire Code and Mitigation Measure HAZ-4 will ensure that the Project does

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not expose people or structures to significant risk of loss, injury, or death involving wildland fires. Therefore, the impact will be reduced to less than significant.

4. Cumulative Impacts – Hazardous Materials

Based on Fort Ord Base Reuse Plan buildout capacities, the proposed Project when considered with other related projects and possible development in the area with the potential to produce or handle certain hazardous materials. Specifically, there is the potential for existing unexploded ordnance and explosives to be present on former Fort Ord lands. Implementation of the Project could result in new sensitive land uses in the Project area that will be exposed to these conditions. The Project could cumulatively contribute to Base Reuse Plan exposure of the public to risks from hazardous and toxic materials.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels: Mitigation Measures HAZ-1 through HAZ-4, and the following Base Reuse Plan Policies and Programs:

Hazardous and Toxic Materials Safety Policy A-1,-Program A-1.1, Program A-1.3, Program A-1.4, Hazardous and Toxic Materials Safety Policy B-1, Program B-1.3, Program B-1.4, Hazardous and Toxic Materials Safety Policy B-2, Hazardous and Toxic Materials Safety Policy C-1, Program C-1.1..

(b) Facts in Support of the Findings

Implementation of the Mitigation Measures HAZ-1 through HAZ-3 will ensure worker safety during site disturbance activities as well as cleanup activities to the appropriate regulatory levels on the Project site. Compliance with these measures and Base Reuse Plan Policies and Programs for unexploded ordnances will reduce the Project's potential for a cumulative contribution to impacts associated with hazardous materials to less than significant levels.

G. HYDROLOGY AND WATER QUALITY

The Project's potential impacts on hydrology and water quality that can be mitigated or are otherwise less than significant are discussed in Section 4.8, Hydrology and Water Quality, of the Draft EIR. Identified potential impacts include long-term operational impacts to water quality and drainage.

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1. Long-Term Operational Impacts on Water Quality

The Project involves development of new residential, commercial, recreational, and other uses, as well as infrastructure and hardscapes, which will result in a reduction of permeable surfaces to the currently undeveloped Project site. The Project may result in significant water quality impacts from stormwater and urban runoff associated with the proposed land uses.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

HYD-1 Applicants for development within the Project area (e.g., subdivisions and use permits) shall prepare and submit a Stormwater Control Plan in compliance with the Central Coast Regional Water Quality Control Board Order R3-2013-0032 with their permit application. The Stormwater Control Plan shall demonstrate that the development incorporates site design characteristics, landscape features, and engineered facilities, in order to accomplish the following: minimize imperviousness; detain and treat, and/or retain, the specified amounts of runoff; slow runoff rates; and reduce pollutants in post-development runoff. Detailed requirements for the plan are included in the Stormwater Technical Guide for Low Impact Development – Compliance with Stormwater Post-Construction Requirements for the Monterey Regional Stormwater Management Program, which may be obtained by contacting the City of Seaside Engineer. The Stormwater Control Plan shall be subject to review and approval by the City Engineer, prior to approval of the development permit.

As described in Order R3-2013-0032, Attachment 1, Section E, Operation and Maintenance for Structural SCMs, the Applicant shall prepare and submit a Stormwater Operations and Maintenance (O&M) Plan and Maintenance Agreements for all proposed structural stormwater control measures (SCM). The O&M Plan and Maintenance Agreements shall clearly establish responsibility for all structural water quality treatment, runoff retention, and/or peak management controls, to the satisfaction of the City of Seaside prior to occupancy.

On or before October 15 of every year, the Applicant shall submit to the City of Seaside City Engineer an annual report outlining the operations and maintenance of structural stormwater control measures (SCMs). At a minimum, the annual report shall include the following:

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- a) SCM identification number and location/address
- b) Type of SCM
- c) Completion date of the following Project stages, where applicable:
 - i) Construction
 - ii) Field verification of SCM
 - iii) Final Project approval/occupancy
 - iv) Operations & Management plan approval by City of Seaside
- d) Location (physical and/or electronic) where the Operations & Management Plan is available to view
- e) Party responsible for Operations & Management
- f) Source of funding for Operations & Management
- g) Verification that responsible party has maintained the SCM as outlined in the Operations & Management Plan, or, indication that a self-inspection program is in place to verify that the SCM continues to function as designed and to repair and/or replace the SCM if it is not functioning as designed
- h) Any problems identified during inspections including any vector or nuisance problems.
- i) Signed certification that the Applicant has performed, or has caused to perform, the operational and maintenance requirements as outlined in the Stormwater Operations & Management Plan and/or Maintenance Agreements.

HYD-2 Development applications for commercial equestrian facilities shall prepare an Equestrian Management Plan for review and approval by the City Engineer and the Regional Water Quality Control Board. By incorporating the applicable performance standards listed in Mitigation Measure AQ-3 and Mitigation Measure BIO-5 (Borderland Requirements), the Equestrian Management Plan shall address best management practices (BMPs), including proper installation/maintenance procedures, for odor control, manure/weed control, and runoff pollution site design/source control/treatment control in compliance with National Pollution Discharge Elimination System standards

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and Environmental Protection Agency/Regional Water Quality Control Board rules/regulations pertaining to water quality/Concentrated Animal Feeding Operations at time of design/construction.

(b) Facts in Support of the Findings

The parcel-specific development proposals will be subject to compliance with National Pollution Discharge Elimination System requirements, which include implementation of post-construction controls in order to mitigate stormwater pollution. The Specific Plan development will be required to control pollutants, pollutant loads, and runoff volume from each site by minimizing the impervious surface area and controlling runoff from impervious surfaces through infiltration, bioretention, and/or rainfall harvest and use. The National Pollutant Discharge Elimination System permit requires Best Management Practices to capture and treat the first 0.75-inch rain event before the runoff is discharged offsite. Best Management Practices will need to achieve applicable water quality-based effluent limitations and/or receiving water limitations established pursuant to Total Maximum Daily Loads. In the event Total Maximum Daily Loads are identified for this watershed prior to permit approval, watershed control measures will be required. These may include structural and/or non-structural controls, and operation and maintenance procedures, such as establishing parking area maintenance practices and stormwater system maintenance practices. Each parcel will be required to comply with current stormwater regulations at the time plan check commences and therefore some parcels may be subject to higher requirements than others, based on development timing and phasing.

A Water Quality Management Plan, or functional equivalent, must be prepared, including Best Management Practices, in accordance with the Seaside Municipal Code. Additionally, stormwater detention/retention features, as necessary, must be included in the Construction Drawings to mitigate impacts of changes in imperviousness, as identified in the site-specific hydrology study. Best Management Practices will be required to be implemented in each drainage subarea based on Low Impact Development and Water Quality Management Plan (or functional equivalent) design principles. The Best Management Practices will be designed to collect, detain, treat, infiltrate/evapotranspire, and discharge runoff onsite before discharging into the City storm drain system. To the maximum extent practical, stormwater quality treatment will be provided with infiltration. The treatment methods are expected to include infiltration wells, infiltration basins, high-efficiency planter boxes, and surface planting areas. As discussed below, it is anticipated that treatment will occur on a parcel by parcel basis; however, a common treatment facility may be created to treat stormwater from multiple lots.

The Specific Plan development will also be subject to compliance with Seaside Municipal Code Chapter 8.46, Urban Storm Water Quality Management and Discharge Control, which is intended to protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Clean Water Act by reducing pollutants in stormwater

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discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the storm drain system. Specifically, the development Applicants will be subject to Seaside Municipal Code Section 8.46.130.B which addresses the City's Best Management Practices Guidance Series and includes appropriate Best Management Practices to control the volume, rate, and potential pollutant load of stormwater runoff from new development projects, as may be appropriate to minimize the generation, transport, and discharge of pollutants. The City will incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development. The owner and developer will be required to comply with the terms, provisions, and conditions of such land use entitlements and building permits as required by Seaside Municipal Code Chapter 8.46.

The policies discussed above in conjunction with HAZ-1 which requires preparation and submittal of a Stormwater Control Plan in compliance with the Central Coast Regional Water Quality Control Board Order R3-2013-0032 with their permit application and HAZ-2 which requires the preparation of an Equestrian Management Plan, will reduce potential long term operational water quality impacts to less than significant.

2. Drainage

Project implementation will develop undeveloped pervious land, which will substantially increase the amount of impervious surfaces, thereby altering the existing drainage pattern and amount of surface runoff resulting in a potential increase in peak stormwater flows (i.e., 100-year storm events).

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

HYD-3 Prior to Grading Permit issuance for any development draining into basin 17E (R-1 Planning Area), additional design details to add freeboard shall be determined to the satisfaction of the City Engineer. Options to be considered include, but are not limited, to the following: directing more flow to 15A; increasing the underground storage; or directing flow to basins along Parker Flats. A minimum of one-foot of freeboard shall be incorporated into the final design of basin 17E. During final design and prior to grading permit issuance for any development draining into Basin 174 (R-1 Planning Area), additional design details to add freeboard shall be determined to the satisfaction of the City Engineer.

HYD-4 During final design and prior to Grading Permit issuance, site specific geotechnical testing shall be conducted to confirm that the infiltration rates assumed in

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the Monterey Downs Preliminary Hydrology Study (Diamond West Incorporated, June 18, 2014) remain applicable to each area. The final infiltration rates shall be calculated using appropriate standard engineering practices to adjust from the measured rate and the design rate.

The infiltration rates shall comply with the guidelines and standards specified in the FORA Storm Water Master Plan (Creegan and D'Angelo, March 2005), including the infiltration rate of 12 inches per hour, in order to ensure long-term performance, to the satisfaction of the City of Seaside Public Works Director.

HYD-5 Future maintenance programs and Covenants Codes & Restrictions (CC&R) documents shall include sections regarding maintenance of the basins. Removal of silt and debris shall be conducted at a frequency to be determined by the City Engineer, in order to retain the level of infiltration expected.

(b) Facts in Support of the Findings

Pursuant to SMC Section 15.32.090, each application for a permit must be accompanied by a civil engineering report that will include: hydrological calculations of runoff for 10-year and 100 year storm frequencies; conclusions and recommendations for adequate erosion control and grading procedures; comparison of runoff without and with the Project; design criteria for corrective measures, including the existing and/or required safe storm drainage capacity outlet of channels both on-site and off-site; and opinions and recommendations covering adequacy of the site to be developed by the proposed grading. All of the proposed basins other than the 17E park basin are designed to have excess capacity, thus, will have freeboard, as required by the Fort Ord Reuse Authority Storm Water Management Plan. For 17E, additional design details to add freeboard will be determined as required by Mitigation Measure HYD-3. Mitigation Measure HYD-4 is proposed to confirm infiltration rates and Mitigation Measure HYD-5 is proposed to ensure basin maintenance. Compliance with the Seaside Municipal Code and Mitigation Measures HYD-3 through HYD-5 will ensure the Project will not increase the rate/amount of surface run-off such that flooding will occur. Therefore, the Project will result in a less than significant impact involving drainage.

H. LAND USE PLANNING

The Project's potential land use planning impacts that can be mitigated or are otherwise less than significant are discussed in Section 4.9, Land Use Planning, of the Draft EIR. Identified impacts include cumulative impacts.

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1. Cumulative Impacts

Project incompatibility with Base Reuse Plan policies and programs will result in cumulative land use/planning impacts associated with the Project's incremental effects and those of the cumulative projects, which include land use compatibility and consistency with land use plans/policies/regulations.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, compliance with Mitigation Measure W-1 and the following Base Reuse Plan policies imposed upon the Project mitigates impacts to less than significant levels:

Residential Land Use Policy D-1, Residential Land Use Policy B-1, Residential Land Use Policy E-1, Residential Land Use Policy E-2, Residential Land Use Policy I-1, Residential Land Use Policy I-2, Commercial Land Use Policy B-3, Commercial Land Use Policy D-1, Commercial Land Use Policy E-1, Commercial Land Use Policy F-1, Commercial Land Use Policy F-2, Recreation/Open Space Policy D-1, Recreation/Open Space Policy D-2, Recreation/Open Space Policy G-3, Soils and Geology Policy A-2, Soils and Geology Policy A-5, Hydrology and Water Quality Policy B-1, Hydrology and Water Quality Policy B-2, Hydrology and Water Quality Policy C-7, Biological Resources Policy A-1, Biological Resources Policy B-1, Biological Resources Policy C-1, Biological Resources Policy C-2, Biological Resources Policy C-3, Biological Resources Policy D-1, Cultural Resources Policy A-1, Cultural Resources Policy A-2, Cultural Resources Policy B-1, Noise Policy B-1, Noise Policy B-2, Noise Policy B-3, Noise Policy B-4, Noise Policy B-5, Noise Policy B-6, Noise Policy B-7, Noise Policy B-8, Noise Policy B-9, Seismic and Geologic Hazards Policy A-2, Fire, Flood, and Emergency Management Policy A-1, Fire, Flood, and Emergency Management Policy A-4.

(b) Facts in Support of the Findings

Cumulative projects will be evaluated on a project-by-project basis, as they are implemented within Seaside and the other jurisdictions. Each cumulative project will undergo a similar development review process as the proposed Project, to determine potential land use plan, policy, or regulation conflicts. Each cumulative project will be analyzed independently and within the context of their respective land use and regulatory settings. As part of their review process, each project will be required to demonstrate compliance with the provisions of the applicable land use designation(s) and zoning district(s). It is assumed that cumulative development will progress in accordance with the Base Reuse Plan. Each cumulative project

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will be analyzed to ensure that the goals and policies of the Base Reuse Plan and respective General Plans, and regulations and guidelines of the respective Municipal Codes are consistently upheld. Base Reuse Plan Hydrology and Water Quality policies B-1 and B-2 require that the City ensure additional water to critically deficient areas and condition approval of development plans on verification of an assured long-term water supply for the projects.. The Project will comply with all above Base Reuse Plan policies which will ensure land use compatibility and consistency with land use plans/policies/regulations.

I. NOISE

The Project's potential impacts on noise that can be mitigated or are otherwise less than significant are discussed in Section 4.10, Noise, of the Draft EIR. Identified impacts include construction noise impacts and stationary noise impacts.

1. Construction Noise Impacts

Construction-related noise, including the transport of workers and equipment to construction sites, as well as the noise related to active construction equipment, could have an adverse effect on sensitive receptors. This would be a significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

NOI-1 Construction Noise Reduction Measures. Prior to the issuance of demolition permits or ground disturbing activities (whichever occurs first), the Contractor shall demonstrate to the satisfaction of the City of Seaside Planning Division that the Project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
- Property occupants located in a three hundred foot radius from the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the Project's construction schedule. A sign, legible at a distance of 50 feet, shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Seaside Planning Division prior to mailing or posting and shall indicate

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the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.

- The Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Planning Division. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
- Construction activities shall occur between the hours of 7:00 AM and 7:00 PM daily (except Saturday, Sunday, and holidays when the construction hours are between 9:00 AM and 5:00 PM) pursuant to SMC Section 9.12.030 and Section 17.30.060.

(b) Facts in Support of the Findings

The closest sensitive receptors to the Project site are the residential uses, which are 2,600 feet to the north and 200 feet to the west, and Chartwell School, which is 650 feet to the west. Mitigation Measure NOI-1 will reduce construction noise associated with future development through the use of site-specific noise reduction features. Specifically, Mitigation Measure NOI-1 will require the use of the best available noise control techniques, as well as requiring alternatives to pneumatic power tools. Mitigation Measure NOI-1 also includes measures to respond to and track complaints related to construction noise. With implementation of Mitigation Measure NOI-1, short-term construction noise impacts to sensitive receptors will be reduced to less than significant.

2. Stationary Noise Impacts

The Project will result in an increase in stationary noise impacts associated with the equestrian track, sports arena, and the swim center, which are potentially significant noise sources.

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(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

NOI-2 Sports Arena Noise Management Program. Prior to issuance of building permits for the Monterey Downs Equestrian Training Track and Sports Arena (REC-2 Planning Area), a Noise Management Program shall be prepared to provide sufficient noise attenuation measures to meet the 65 dBA standard in the Fort Ord Reuse Plan, and Seaside Municipal Code Sections 9.12 (Noise Regulations) and 17.30.060 (Noise Standards). The Noise Management Program shall include, but is not limited to, specifications for a monitoring system and sound wall barrier or berm, and noise-level limits on the use of a public address/announcement systems. The Noise Management Program shall be submitted for review and approval to the City of Seaside Building and Safety and Planning Divisions of the Resource Management Services Department.

NOI-3 Swim Center. Prior to issuance of building permits for the proposed C-1 Planning Area swim center, the following multi-part mitigation program shall be specified in applicable Project plans and specifications:

- All swim events occurring at the pool shall be restricted to 7:00 AM to 10:00 PM, Monday through Sunday and the sound levels shall be reduced in compliance with the Fort Ord Reuse Plan and City of Seaside Noise Ordinance regulations.
- Pool mechanical equipment, such as pool pumps and filters, shall be fully enclosed.
- To ensure no additional impacts to nearby residential uses, the permissible hours of operation of the PA system shall be restricted to 7:00 AM to 10:00 PM.
- The PA system speakers shall be located and shielded to directionally focus the emitted sound away from the R-2 Planning Area residential uses located southwest of the Project site (i.e., they should be directionally focused to the north and/or downward to the center of the pool).
- Noise complaints shall be addressed within 30 minutes of receipt. Swim center staff shall be responsible for responding to any complaints about the center's noise levels. Additionally, when a complaint is received, the swim center staff shall notify the City within 24 hours of the complaint. The swim center staff shall determine the cause of the noise complaint and implement reasonable measures to resolve the complaint, as deemed acceptable by the Seaside Planning

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Division. A written record shall be kept on file at the swim center for 12-month period.

(b) Facts in Support of the Findings

Mitigation Measure NOI-2 requires a Noise Management Program to provide sufficient noise attenuation measures including specific details of the monitoring system and sound wall barrier or berm, and public address/announcement systems. Mitigation Measure NOI-3 requires that the proposed swimming pool facility provide control measures, if necessary, to ensure compliance with the Base Reuse Plan noise standards and the City's Noise Ordinance to reduce specific noise impacts of the swim center on nearby sensitive receptors. With implementation of Mitigation Measure NOI-3, impacts will be less than significant.

J. FIRE PROTECTION

The Project's potential impacts related to fire protection that can be mitigated or are otherwise less than significant are discussed in Section 4.12, Fire Protection, of the Draft EIR. Identified potential impacts include fire protection services at both the Project level and cumulatively.

1. Fire Protection Services

Fire protection services could be adequately provided to the Project by the City of Seaside Fire Department (1635 Broadway Avenue in Seaside), which will include mutual aid and/or automatic aid with the Monterey Regional Fire Protection District (future East Garrison Fire Station in unincorporated Monterey County) and/or the POM (4400 General Jim Moore Boulevard in Seaside). However, the potential exists that the East Garrison Fire Station will not be constructed/operational and/or the POM terminates its lease. If the East Garrison Fire Station is not constructed and/or the POM terminates its lease, the City will require development of the new fire station, the environmental impacts of which, are evaluated in the EIR.

(a) Findings

Changes or alterations have been required in the Project that ensure the necessary adequate fire protection facilities as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project ensure adequate fire protection will be available:

FP-1 Prior to issuance of the first grading permit, the Project Applicant or first developer of the Project site shall prepare a Fire Protection Services Plan, which shall be submitted for review and approval to the City of Seaside Fire Chief and City Manager. Said Plan shall:

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- Include, but not be limited to, emergency response times to each Project component from all stations available to serve the site.
- Detail how much of the Project can be served by the existing fire facilities, as well as through mutual and automatic aid agreements with other fire service providers (as discussed herein), and when, if necessary, dedication of an onsite fire station site and construction of an onsite fire station (or other location) will be required.
- If the Fire Protection Services Plan determines that dedication of an onsite fire station site is required, the Applicant shall dedicate said fire station site (i.e., 3.0-acres) to the City of Seaside at no cost to the City.

FP-2 Prior to issuance of the first grading permit, the Project Applicant shall enter into a Disposition and Development Agreement with the City that will address the fees necessary to cover costs associated with the provision of fire protection services and the necessary staffing, equipment, and facilities.

(b) Facts in Support of the Findings

Mitigation Measure FP-1 requires preparation of a Fire Protection Services Plan detailing how much of the Project can be served by existing fire facilities, as well as through mutual and automatic aid agreements with other fire service providers, and when, if necessary, dedication of an onsite fire station site and construction of an onsite fire station (or other location) will be required. The Project proposes to dedicate, at no cost to the City, a 3.0-acre parcel for construction of a fire station in the public facilities (PF) Planning Area. Given that the City does not have an adopted development impact fee program and to further ensure that adequate fire protection services are provided, Mitigation Measure FP-2 requires that the Project Applicant enter into a Disposition and Development Agreement with the City. The fees to cover costs associated with the provision of public services for each Project phase, including fire protection services will be negotiated through the Disposition and Development Agreement. Costs will be proportional for each phase of the development. Potential impacts associated with fire protection services will be reduced to a less than significant following compliance with Mitigation Measures FP-1 and FP-2.

2. Cumulative Impacts

Implementation of the Base Reuse Plan will result in an increased demand for new fire protection and emergency response services resulting from development and associated population growth. The Project will generate an increased demand for fire protection services, including for additional equipment and facilities. Although the three fire stations will provide adequate fire protection services to the Project, the potential exists that the East Garrison Fire

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Station is never constructed/operational and/or the POM terminates its lease which could result in cumulatively considerable impacts when considered with the impacts of other projects.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the implementation of Mitigation Measures FP-1 and FP-2, discussed above, and the following Base Reuse Plan policies mitigate the impacts to less than significant levels:

Fire, Flood, and Emergency Management Policy A-1, Program A-1.1; Fire, Flood, and Emergency Management Policy A-2; Fire, Flood, and Emergency Management Policy A-3, Program A-3.1, Program A-3.2; Fire, Flood, and Emergency Management Policy A-4; Fire, Flood, and Emergency Management Policy C-1, Program C-1.1, Program C-1.2, Program C-1.3.

(b) Facts in Support of the Findings

The Base Reuse Plan Policies and Programs provide guidelines, agreements and planning measures to facilitate increased demand, but they fail to ensure an adequate funding mechanism for these services. However, the Project proposes to dedicate a 3.0-acre parcel for construction of a fire station in the public services (PF) Planning Area. Additionally, Mitigation Measure FP-1 requires preparation of a Fire Protection Services Plan that will determine if dedication of an onsite fire station site and construction of an onsite fire station are necessary, and Mitigation Measure FP-2 requires that the Project Applicant enter into a Disposition and Development Agreement with the City that addresses the fees necessary to cover costs. Therefore, the Project's impacts to fire protection services will not be cumulative considerable.

K. POLICE PROTECTION

The Project's potential impacts on police protection that can be mitigated or are otherwise less than significant is discussed in Section 4.13, Police Protection, of the Draft EIR. Identified potential impacts include inadequate police protection services at the Project level and cumulatively.

1. Police Protection Services

The Project will generate an increased demand for police protection services, including for additional officers, equipment (e.g., patrol cars), and facilities which is a potentially significant impact.

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(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

PP-1 Prior to issuance of the first grading permit, the Project Applicant or first developer of the Project site shall prepare a Police Protection Services Plan, which shall be submitted for review and approval to the City of Seaside Police Chief and City Manager. Said Plan shall:

- Include, but not be limited to, emergency response times to each Project component.
- Detail how much of the Project can be served by the existing police facilities and when dedication of an onsite police sub-station site and construction of an onsite police sub-station would be required.
- If the Police Protection Services Plan determines that dedication of an onsite police sub-station site is required, the Applicant shall dedicate said police sub-station site to the City of Seaside at no cost to the City.

PP-2 Prior to issuance of the first grading permit, the Project Applicant shall to enter into a Disposition and Development Agreement with the City that will address the fees necessary to cover costs associated with the provision of police protection services and the necessary staffing, equipment, and facilities.

(b) Facts in Support of the Findings

Mitigation Measure PP-1 requires preparation of a Police Protection Services Plan which details how much of the Project can be served by existing police facilities, and when dedication of an onsite police sub-station site and construction of an onsite police sub-station (or other location) will be required. Given that the City does not have an adopted development impact fee program, and to further ensure that adequate are provided, Mitigation Measure PP-2 requires that the Project Applicant enter into a Disposition and Development Agreement with the City. The fees to cover costs associated with the provision of public services for each Project phase, including police protection services, will be negotiated through the Disposition and Development Agreement. Costs will be proportional for each phase of the development. In compliance with Implementation Plan LU-10.1.1, Adequate Law Enforcement, the City will review the level of services, facilities, and funding levels at budget time, adjusting when necessary to ensure that adequate levels of service and facilities are provided and maintained. Impacts to police

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protection services will be reduced to a less than significant through compliance with Implementation Plan LU-10.1.1, and Mitigation Measures PP-1 and PP-2.

2. Cumulative Impacts

Implementation of the Base Reuse Plan will result in increased demand for new police protection resulting from development and associated population growth. The Project will generate an increased demand for police protection services, including for additional officers, equipment (e.g., patrol cars), and facilities. Development of the proposed Project, when considered Base Reuse Plan buildout and other related projects, could result in cumulatively considerable impacts.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the implementation of Mitigation Measures PP-1 and PP-2, discussed above, and Base Reuse Plan Policy Fire, Flood, and Emergency Management Policy C-1 mitigate the impacts to less than significant levels.

(b) Facts in Support of the Findings

The Base Reuse Plan Policies and Programs provide guidelines, agreements and planning measures related to the increased demand, however, they fail to ensure an adequate funding mechanism to fund these services. Mitigation Measure PP-1 requires preparation of a Police Protection Services Plan and Mitigation Measure PP-2 requires that the Project Applicant enter into a Disposition and Development Agreement with the City that addresses the fees necessary to cover costs associated with the provision of police protection services and the necessary staffing, equipment, and facilities which will reduce impacts to less than significant.

L. **TRAFFIC AND TRANSPORTATION**

The Project's impacts on traffic and transportation that can be mitigated or are otherwise less than significant are discussed in Section 4.17, Traffic and Transportation, of the Draft EIR. Identified potential impacts that can and will be mitigated to a less than significant level are Project construction traffic, level of service impact at Colonel Durham Street and 7th Avenue, and short term special events traffic..

1. Project Construction Traffic

The construction phase will increase the number of daily truck trips in the Project vicinity while the site is graded and materials are delivered. All truck movements to and from the site during construction will likely occur via Gigling Road, or Eastside Parkway if it is constructed, with

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secondary construction access via Normandy Road and Parker Flats Road. Large numbers of heavy vehicles trips on the area road network during Project construction could significantly impact the level of service on the surrounding roadway network.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

TRA-1 Construction Traffic Mitigation Plan(s). Prior to the issuance of any grading permit or any permit that authorizes construction activities within the Specific Plan area or at offsite locations for improvements associated with the Specific Plan, the Project Applicant(s) shall prepare a Construction Traffic Mitigation Plan(s) for review and approval by the City of Seaside as part of the permit application. The Construction Traffic Mitigation Plan(s) shall include measures to minimize the construction traffic volumes entering the roadway system (including local roads) during AM and PM peak hours. The Construction Traffic Mitigation Plan(s) shall prohibit construction traffic from traversing California State University Monterey Bay. The Construction Traffic Mitigation Plan(s) shall also include measures to minimize the number of truck trips on Normandy Road and route heavy vehicle traffic to driveways on Gigling Road and at Monterey Downs Road to access the site during the Project's construction phase to the extent feasible. At a minimum, the Construction Traffic Mitigation Plan(s) shall include the following implementation measures:

- Construction truck routes shall be prepared to designate principal haul routes for trucks delivering materials to and from the construction site.
- Should a temporary road and/or lane closure be necessary during construction, the Project Applicant shall provide traffic control activities and personnel, as necessary, to minimize traffic impacts. This may include detour signage, cones, construction area signage, flagmen, and other measures as required for safe traffic handling in the construction zone.
- The Project Applicant shall keep a minimum of one lane in each direction free from encumbrances at all times on perimeter roads accessing the Project site. In the event a full road closure is required, the contractor shall coordinate with the City of Seaside and other affected jurisdictions (i.e., City of Marina, California State University Monterey Bay, Fort Ord Reuse Authority, Caltrans, Monterey-Salinas Transit, and/or County of Monterey) to designate proper detour routes and signage to appropriate proper access routes.

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(b) Facts in Support of the Findings

Mitigation Measure TRA-1 requires the preparation and implementation of a Construction Traffic Mitigation Plan. This plan includes measures to minimize the number of truck trips on Normandy Road and route heavy vehicle traffic to driveways on Gigling Road and at Monterey Downs Road to access the site during the Project's construction phase to the extent feasible. This will reduce potential construction related traffic impacts to a less than significant level.

2. Existing with Project Conditions - Intersection #8 (Colonel Durham and 7th Avenue) Falls from acceptable level of service B in the AM and PM peak hours, to unacceptable level of service E in the AM peak hour and F in the PM peak hour (without Eastside Parkway)

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to cause a significant impact at this intersection for Existing with Project conditions.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

TRA-3 Construct a traffic signal or roundabout at Intersection #8: Colonel Durham Street and 7th Avenue. Construct a traffic signal or roundabout at Intersection #8: Colonel Durham Street and 7th Avenue. The Project Applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits.

In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the Applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the Applicant), in determining when specific improvements need to be constructed.

When the Project's development application is projected to generate 2,487 or more PM peak hour trips (97 percent of total Project trips) cumulatively at Intersection #8, which shall be verified by the Seaside City Engineer at the time of Building Permit application, this improvement shall be constructed. All improvements to this intersection shall be subject to review and approval by CSUMB.

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(b) Facts in Support of the Findings

Implementation of Mitigation Measure TRA-3 requires construction of a traffic signal or roundabout at the Colonel Durham Street and 7th Avenue intersection when 2,487 or more PM peak hour trips are projected to be generated by the Project's development will ensure that this intersection operates at an acceptable level of service and that the Applicant(s) fund their fair share of this improvement which will mitigate impacts to a less than significant level.

3. Short Term-Operational Impacts-Special Events Level of Service

While temporary in nature, events related to the operation of the proposed Project will attract a potentially significant number of vehicles and, depending on the timing, could temporarily cause traffic congestion local and regional roadways. This is considered a significant short-term impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

TRA-8 Preparation of an Annual Special Events Traffic and Emergency Services Management Plan. Prior to the issuance of a special use permit, the permit Applicant shall prepare a special events traffic and emergency services management plan (Events Management Plan) for review and approval by the City of Seaside. The Events Management Plan shall identify the proposed dates for the special events, an event routing plan in ingress and egress, an off-site parking management plan (if necessary), and plans for the coordinated support for emergency services including police, fire, and emergency services.

The traffic management plan shall require traffic control measures to address potential congestion. These measures may include, but are not limited to, lane control features such as cones, temporary signage, remote park and ride parking lots, use of flagmen to direct traffic, involvement on the Sheriff's Department to direct traffic, management through event timing restrictions, or other measures including but not limited to, signs and/or monitors to prohibit special event parking in the trailhead parking lots. These measures must be deemed feasible and adequate by the City of Seaside Public Works and Emergency Services Departments.

The Events Management Plan shall be prepared in coordination with other relevant state and local agencies including the California Highway Patrol, the Monterey County Office

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of Emergency Services, the Bureau of Land Management, California State University Monterey Bay, Monterey-Salinas Transit, and the City of Marina.

(b) Facts in Support of the Findings

Seaside Municipal Code Chapter 5.52 requires a permit from the special license and permit board (Board) as provided in Seaside Municipal Code Chapter 2.34 before special events can be held. The Board may approve a license or permit subject to reasonable conditions necessary to protect the health, safety, peace, morals, and general welfare of the public. Each of the special events held at the Project site will be required to apply for a permit from the Board. Additionally, Mitigation Measure TRA-8 requires that the equestrian training track and sports arena operator prepare an annual special events traffic and emergency services management plan to address the broader issues associated with traffic management and emergency incident management not covered by the permit. Implementation of the Seaside Municipal Code and Mitigation Measure TRA-8 will reduce impacts to a less than significant level.

4. Existing With Project Conditions Intersection # 36 (Coe Avenue and General Jim Moore Boulevard) Operates with a significant increase in delay at unacceptable level of service F in the AM peak hour, and falls from unacceptable level of service D to E in the PM peak hour (With Eastside Parkway)

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to cause a significant impact at this study intersection for Interim Year 2018 with Eastside Parkway with Project conditions.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure, in addition to Mitigation Measure 2, discussed later in these findings, imposed upon the Project mitigates impacts to less than significant levels:

TRA-9 Intersection #36: Coe Avenue and General Jim Moore Boulevard. Widen and restripe the intersection to include one northbound left turn lane, two northbound through lanes, one eastbound left turn lane, one eastbound shared through-right right lane, one eastbound right turn lane, two westbound left turn lanes, and one westbound shared through-right turn lane.

Prior to issuance of building permits, the Project Applicant shall install or fund the improvements at the intersection. The Project Applicant shall enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index).

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(b) Facts in Support of the Findings

Implementation of Mitigation Measure TRA-9 improves the level of service at this intersection under this scenario from unacceptable level of service F in the AM peak hour and unacceptable level of service E in the PM peak hour, to acceptable level of service C in both the AM and PM peak hours. Therefore, implementation of this Mitigation Measure would reduce the impact to a less than significant level.

5. Cumulative With Project Conditions Intersection # 36 (Coe Avenue and General Jim Moore Boulevard) Operates at unacceptable level of service F in the AM and PM peak hours (With Eastside Parkway)

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to cause a significant impact at Intersection # 36 (Coe Avenue and General Jim Moore Boulevard intersection for Cumulative With Project Impacts.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, TRA-9 previously discussed, and TRA-2 discussed later in these findings, mitigates the impact to a less than significant levels:

(b) Facts in Support of the Findings

Mitigation measure TRA-2 and TRA-9 require improvements at Coe Avenue and General Jim Moore Boulevard which will ensure that these intersections are able to operate at an acceptable level of service C in the AM peak hour and level of service B in the PM peak hour with Project implementation. These measures also require either implementation or a fair share contribution to the construction of the improvement by the Applicant(s) prior to the issuance of building permits. Implementation of TRA-2 and TRA-9 will reduce impacts related to unacceptable levels of service at this intersection to a less than significant level.

6. Cumulative With Project Conditions Intersection #39 LOS (Broadway Avenue and General Jim Moore Boulevard) Operates with a significant increase in delay at unacceptable level of service E in the AM peak hour.

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to cause a significant impact at this intersection for Cumulative with Project Impacts:

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(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates the impact to a less than significant level:

TRA-18 Prior to issuance of building permits, the Project Applicant shall install or fund the improvements at the City of Seaside intersection indicated below. The Project Applicant shall enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index).

Intersection #39: Broadway Avenue and General Jim Moore Boulevard. Widen and restripe the intersection to include one southbound through lane, one southbound shared through-right lane, and one southbound right turn lane.

(b) Facts in Support of the Findings

Mitigation measure TRA-18 requires the widening and restriping of the intersection at Broadway Avenue and General Jim Moore Boulevard, which will ensure that these intersections are able to operate acceptable level of service C in the AM peak hour and level of service B in the PM peak hour with Project implementation under cumulative conditions. This measure also requires either implementation or a fair share contribution to the construction of the improvement by the Applicant(s) prior to the issuance of building permits. Implementation of TRA-18 will reduce impacts related to unacceptable levels of service at intersections 39 to a less than significant level.

M. WASTEWATER

The Project's potential impacts on wastewater that can be mitigated or are otherwise less than significant is discussed in Section 4.18, Wastewater, of the Draft EIR. Identified potential impacts include wastewater infrastructure.

1. Wastewater Infrastructure

Due to the depth of the existing sewer and the elevation of the proposed improvements, gravity sewer service to the system will not be possible. Therefore, a sewer lift station is proposed between the proposed veterans cemetery administration and maintenance buildings. From the lift station, a two-inch force main will be constructed within the utility corridor along the western boundary of the Project site to the northwest corner of the property. From this point, the two-inch force main will be extended northwest along the road to the existing 12-inch sanitary

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sewer main and will connect at an existing Marina Coast Water District manhole. The construction of new wastewater infrastructure could result in potentially significant impacts.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

WW-1 Obtain Wastewater Improvement Plans and Permits. To ensure that wastewater infrastructure is adequate to serve the proposed Project, the Project Applicant shall submit design-level infrastructure plans to the sewer collection agency for review and approval. Infrastructure plans shall be prepared and certified by a registered professional engineer and completed to the satisfaction of the District Engineer during each Project phase, prior to the issuance of any grading and/or building permit.

All applicable fees and assessments, as determined by the sewer collection agency and the sewer treatment agency shall be paid to the sewer collection agency and the sewer treatment agency prior to the issuance of any grading and/or building permit. The Project Applicant shall submit a sewer permit and proof of payment to the City of Seaside, as evidence documenting compliance with this measure.

(b) Facts in Support of the Findings

Mitigation Measure WW-1 requires review/approval of infrastructure plans by the Marine Coast Water District, as well as payment of applicable Fort Ord Reuse Authority fees for improvements associated with the Fort Ord Reuse Authority Capital Improvement Plan. As previously noted, the Water and Wastewater Oversight Committee addresses funding for wastewater improvements and expansions, and provides a tracking mechanism to ensure that improvements to, and expansion of, the systems are in sequence with development needs. The Project's necessary improvements will be funded by the collected customer rates, fees, and charges. Thus, implementation of Mitigation Measure WW-1 reduces impacts related to wastewater infrastructure to a less than significant level.

N. WATER

The Project's potential impacts on water that can be mitigated or are otherwise less than significant are discussed in Section 4.19, Water, of the Draft EIR. Identified potential impacts include water infrastructure and reclaimed water impacts.

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1. Water Infrastructure

The Project will require construction of new water infrastructure in order to address existing infrastructure deficiencies identified by the Marina Coast Water District which is a potentially significant impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

W-2 Obtain Marina Coast Water District Water Permits. To ensure that water infrastructure is adequate to serve each future development that implements the Specific Plan, the Applicants of said development(s) shall submit design-level infrastructure plans, pursuant to the Marina Coast Water District's Procedures, Guidelines, and Design Requirements (PGDR), to the satisfaction of the Marina Coast Water District prior to the issuance of any grading and/or building permit. Project plans shall be designed by a registered engineer and shall be in conformance with Marina Coast Water District engineering specifications. The Applicant(s) shall obtain a water permit from Marina Coast Water District prior to issuance of any grading and/or building permit. All applicable fees, as determined by Marina Coast Water District at the time of application submittal, shall be paid to Marina Coast Water District prior to the issuance of any grading and/or building permit by the City of Seaside. The Applicant(s) shall submit an approved water system permit to the City of Seaside City Engineer/Public Works Services Manager as evidence documenting compliance with this Mitigation Measure.

W-3 Water Supply Augmentation Improvements. To ensure planned recycled infrastructure improvements are constructed to serve each future development that implements the Specific Plan, the Applicant(s) of said developments shall comply with one of the following measures:

- Paying their fair share of the appropriate Fort Ord Reuse Authority fees, a portion of which is allocated for water supply augmentation improvements as identified in the most recent version of the Fort Ord Reuse Authority Capital Improvement Plan prior to the issuance of any building permits. The Applicant(s) shall submit evidence to the City of Seaside demonstrating that Fort Ord Reuse Authority impact fees have been paid, prior to the issuance of any certificate of occupancy; or,

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- Construct the improvements subject to the provisions of a reimbursement agreement which would establish mechanisms for compensation as other developments tie into the system.

(b) Facts in Support of the Findings

Future development within the Specific Plan area will be required to obtain appropriate permits with the Marina Coast Water District, as well as pay applicable Fort Ord Reuse Authority fees for improvements associated with the Fort Ord Reuse Authority Capital Improvement Plan. Additionally, Mitigation Measures W-2 and W-3 will ensure water infrastructure is adequate to serve the proposed Project, which will reduce potential impacts to a less than significant level with regard to water infrastructure.

2. Reclaimed Water

The Project will construct reclaimed water service infrastructure as part of its water service infrastructure development program to prepare for the availability of recycled water within the Project area which is a potentially significant environmental impact.

(a) Findings

Changes or alterations have been required in the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the Project mitigates impacts to less than significant levels:

W-4 Obtain Recycled Water Improvement Plans and Permits. To ensure that the planned recycled water infrastructure per Mitigation Measure W-3 will be adequate to serve each implementing development of the Specific Plan, the Applicant(s) of said development(s) shall submit design-level infrastructure plans pursuant to the Marina Coast Water District's Procedures, Guidelines, and Design Requirements (PGDR), to the satisfaction of the Marina Coast Water District prior to the issuance of any grading and/or building permit.

Such plans shall be designed by a registered engineer in conformance with Marina Coast Water District's engineering specifications. Applicant(s) shall obtain applicable permit(s) from Marina Coast Water District prior to issuance of any grading and/or building permit. All applicable fees, as determined by the Marina Coast Water District at the time of application submittal, shall be paid to Marina Coast Water District prior to the issuance of any grading and/or building permit by the City of Seaside. Applicant(s) shall submit approved permit(s), as applicable, to the City of Seaside City Engineer/Public Works Services Manager as evidence documenting compliance with this measure.

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(b) Facts in Support of the Findings

Mitigation Measure W-4 requires that future development within the Specific Plan area obtain applicable permits from the Marina Coast Water District prior to issuance of any grading and/or building permit, at which time applicable fees will be paid toward recycled water infrastructure, if applicable. With implementation of Mitigation Measure W-4, impacts in this regard will be less than significant.

1. Cumulative Impacts-Reclaimed Water

The construction of reclaimed water infrastructure, when considered with other Base Reuse Plan developments, may be a cumulatively considerable impact.

(a) Findings

Changes or alterations have been required in the Project that substantially lessen the Project's environmental effect as identified in the Draft EIR. Specifically, Mitigation Measure W-4, previously discussed, lessens the impact to less than significant.

(b) Facts in Support of the Findings

The proposed Project will construct water infrastructure necessary to support the proposed Project development. With implementation of Mitigation Measure W-4, future development within the proposed Project area will be required to obtain applicable permits from the Marina Coast Water District prior to issuance of any grading and/or building permit, at which time applicable fees will be paid toward recycled water infrastructure, if applicable. With implementation of Mitigation Measure W-4, impacts in this regard will be reduced to less than significant. Cumulative projects will be required to consider their demand for reclaimed water and any need for new facilities will be considered on a project-by-project basis. Compliance with Mitigation Measure W-4 will ensure that project impacts pertaining to reclaimed water will not be cumulatively-considerable.

VII ENVIRONMENTAL EFFECTS THAT REMAIN SIGNIFICANT AND POTENTIALLY UNAVOIDABLE AFTER MITIGATION BECAUSE MITIGATION IMPLEMENTATION IS THE RESPONSIBILITY OF ANOTHER AGENCY

For the following impacts, changes or alterations in the project in the form of mitigation has been imposed to the extent feasible. However, as discussed below, these changes or alterations

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are within the responsibility and jurisdiction of another public agency and not within the jurisdiction of the City of Seaside. Accordingly, while the City finds that such mitigation as discussed below can or should be adopted by the other agencies specified below, the City cannot compel that and, there the City finds that the environmental effects discussed below will remain significant unavoidable.

A. Traffic

1. Existing with Project Conditions-Intersections #1, 2, 5, 15, 36 Unacceptable Level of Service Impacts (Without Eastside Parkway)

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to result in an unacceptable level of service at each of the following intersections for Existing with Project conditions:

- Intersection #1: Gigling Road and 8th Avenue (falls from acceptable level of service A in both the AM and PM peak hours to unacceptable level of service F in both peak hours);
- Intersection #2: Gigling Road and 7th Avenue (falls from acceptable level of service A in both the AM and PM peak hours to unacceptable level of service F in the AM peak hour and level of service D in the PM peak hour, with level of service F at the worst approach);
- Intersection #5: Gigling Road and Malmedy Road (falls from acceptable level of service A in both peak hours to level of service F at the worst approach in the AM peak hour);
- Intersection #15: Inter-Garrison Road and 8th Avenue (falls from acceptable level of service A in both the AM and PM peak hours to level of service F in both peak hours); and
- Intersection #36: General Jim Moore Boulevard and Coe Avenue (falls from acceptable level of service A in the AM peak hour and B in the PM peak hour to unacceptable level of service E in the AM peak hour and acceptable level of service C in the PM peak hour).

(a) Findings

Implementation of the improvements identified in the following Mitigation Measures could significantly reduce Project impacts; however, such changes or alterations are within the responsibility of the Fort Ord Reuse Authority and not the City of Seaside. These intersections are identified for improvements in the Fort Ord Reuse Authority Capital Improvement Program.

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Those specific improvements that may not be covered in the Capital Improvement Program shall be funded by the developer.

TRA-2 Payment of Fort Ord Reuse Authority Impact Fees. Prior to issuance of any Building Permit, the Project Applicant shall pay the appropriate Fort Ord Reuse Authority impact fees, in order to fund their proportionate fair share of the intersection improvements described below. To the extent specific improvements are not covered in the applicable CIP program, the developer shall fund the improvement, and the improvement shall be implemented prior to issuance of an occupancy permit, or earlier as may be determined necessary by the City Engineer, based upon traffic conditions at that time.

- a. Intersection #1: 8th Avenue and Gigling Road. Install traffic signal or roundabout. Widen and restripe eastbound approach and westbound approaches. Eastbound approach would include an exclusive left-turn lane and a through lane. Westbound approach would include a through lane and an exclusive right-turn lane. All improvements to this intersection shall be conducted in consultation with CSUMB.
- b. Intersection #2: 7th Avenue and Gigling Road. Install traffic signal or roundabout. All improvements to this intersection shall be conducted in consultation with CSUMB.
- c. Intersection #5: Malmedy Road and Gigling Road. Install traffic signal.
- d. Intersection #15: 8th Avenue and Inter-Garrison Road. Install traffic signal or roundabout. All improvements to this intersection shall be subject to review and approval by CSUMB.
- e. Intersection #36: General Jim Moore Boulevard and Coe Avenue. Install traffic signal.

(b) Facts in Support of the Findings

Mitigation Measures TRA-2 requires the Applicant to pay the appropriate Fort Ord Reuse Authority impact fees and fair share contributions to fund their proportionate costs of the above intersection improvements that would ensure continued operation at an acceptable level of service. Further, to the extent specific improvements are not covered in the applicable Capital Improvement Plan program, TRA-2 requires the developer to fund the improvement, and the improvement must be implemented prior to issuance of an occupancy permit. With implementation of the mitigation measures, each intersection would operate at acceptable levels of service as described below:

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- Intersection #1: Gigling Road and 8th Avenue (will operate at acceptable level of service B in the AM peak hour and C in the PM peak hour);
- Intersection #2: Gigling Road and 7th Avenue (will operate at acceptable level of service C in both the AM and PM peak hours);
- Intersection #5: Gigling Road and Malmedy Road (will operate at acceptable level of service C in both the AM and PM peak hours);
- Intersection #15: Inter-Garrison Road and 8th Avenue (will operate at acceptable level of service B in both the AM and PM peak hours); and
- Intersection #36: General Jim Moore Boulevard and Coe Avenue (will operate at acceptable level of service B in the AM peak hour and A in the PM peak hour).

However, while these improvements are physically and financially feasible, even with the developer's payment of impact fees, implementation of these improvements is outside of the City's jurisdiction and thus cannot be guaranteed. Therefore, impacts remain potentially significant and unavoidable.

2. Existing with Project Conditions-Intersections #22, 38, 50 Unacceptable Level of Service Impacts (Without Eastside Parkway Project)

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to either result in unacceptable levels of service at each of the following study intersections, or result in the continuation of unacceptable levels of service, for Existing with Project conditions:

- Intersection #22: Imjin Road and 8th Street (falls from acceptable level of service C in the AM peak hour to unacceptable level of service F in the AM peak hour);
- Intersection #38: SR-1 SB Ramps and Imjin Parkway (increases the delay during both peak hours-operating at unacceptable level of service F);
- Intersection #50: SR-1 SB Ramps and Reservation Road (increases the delay during the AM peak hour-operating at unacceptable level of service F);

(a) Findings

Implementation of the improvements identified in the following Mitigation Measures would significantly reduce Project impacts; however, such changes or alterations are within the responsibility of the City of Marina and not the City of Seaside. Such changes have been adopted in Marina's Capital Improvement Plan. The City of Seaside will remain responsible for ensuring applicants pay their fair share impact fees and determining whether relevant trip

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generation thresholds have been reached that inform timing for construction of the improvements.

TRA-4 Construct a traffic signal or roundabout at Intersection #22: Imjin Road and 8th Street. The Project Applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits.

In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the Applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the Applicant), in determining when specific improvements need to be constructed.

When the Project's development application is projected to generate 1,552 or more PM peak hour trips (55 percent of total Project trips) at Intersection #22, this improvement shall be constructed. All improvements to this intersection shall be subject to the review and approval by CSUMB.

This intersection improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay their fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the Mitigation Measures to reduce the impact.

TRA-5 Install a traffic signal and widen the SR-1 Southbound on-ramp to two lanes at Intersection #38: SR-1 Southbound Ramps and Imjin Parkway.

The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation

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costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.

TRA-6 Install a traffic signal at Intersection #50: SR-1 Southbound Ramps and Reservation Road.

The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.

(b) Facts in Support of the Findings

Implementation of improvements identified in Mitigation Measures TRA-4 (Intersection #22), TRA-5 (Intersection #38), and TRA-6 (Intersection #50) are physically and financially feasible and would reduce impacts to these intersections to less than significant. With implementation of these Mitigation Measures, each intersection would operate at acceptable levels of service as described below:

- Intersection #22: Imjin Road and 8th Street (will operate at acceptable level of service A in both the AM and PM peak hours);
- Intersection #38: SR-1 SB Ramps and Imjin Parkway (will operate at acceptable level of service D in the AM peak hour and level of service A in the PM peak hour);
- Intersection #50: SR-1 SB Ramps and Reservation Road (will operate at acceptable level of service B in both the AM and PM peak hours);

However, implementation of these Mitigation Measures is outside the jurisdiction of the City of Seaside and their implementation cannot be guaranteed. Therefore, because implementation

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cannot be guaranteed, impacts on Intersections #22, #38 and #50 are considered potentially significant and unavoidable.

3. Existing with Project Conditions Roadway Segments on Gigling Road from 7th Avenue to future Monterey Downs Road Unacceptable Level of Service Impacts (Without Eastside Parkway)

The study evaluated conditions for roadway segments in the Project area that could be impacted by the Project. With the addition of Project-generated trips, the following study roadway segments are forecast to operate at unacceptable level of service according to agency performance criteria for Existing With Project conditions:

- Gigling Road between 7th Avenue and 8th Avenue (falls from acceptable level of service A to unacceptable level of service E); and
- Gigling Road between the future Monterey Downs Road and 8th Avenue-new roadway segment (would operate at unacceptable level of service F).

(a) Findings

Implementation of the improvements identified in the following Mitigation Measure could significantly reduce Project impacts; however, such changes or alterations are within the responsibility of the Fort Ord Reuse Authority and not the City of Seaside. Such changes have been adopted by the Fort Ord Reuse Authority in its Capital Improvement Program.

TRA-7 Payment of FORA Impact Fee to Widen Gigling Road to a 4-Lane Arterial between General Jim Moore and Monterey Downs Road. The impact is projected to occur when the Project generates 10,500 daily trips (36 percent of total Project trips) along Gigling Road between General Jim Moore and Monterey Downs Road. However, Fort Ord Reuse Authority impact fees are required to be paid prior to issuance of all building permits. Therefore, the Project Applicant shall pay the appropriate Fort Ord Reuse Authority impact fee, in order to fund their proportionate fair share of this improvement.

(b) Facts in Support of the Findings

Implementation of Mitigation Measure TRA-7 requires payment of Fort Ord Reuse Authority impact fees to widen Gigling Road between General Jim Moore and Monterey Downs Road, which includes the segment between 7th Avenue and Monterey Downs Road. With implementation of these improvements these roadway segments will operate at acceptable level of service A. However, implementation of these Mitigation Measures is outside the jurisdiction of the City of Seaside and its implementation cannot be guaranteed. Therefore, because

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implementation of these improvements cannot be guaranteed, impacts on these roadway segments must be considered potentially significant and unavoidable.

4. Existing With Project Conditions Intersection # 16, 29, 49, and 50 Unacceptable Levels of Service (With Eastside Parkway)

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to cause a significant impact at each of these study intersections for Interim Year 2018 with Eastside Parkway with Project conditions.

- Intersection #16: 7th Avenue and Inter-Garrison Road (falls from acceptable level of service D in the AM peak hour and level of service C in the PM peak hour to unacceptable level of service F in the AM and PM peak hours);
- Intersection #29: Inter-Garrison Road and Abrams Drive (falls from acceptable level of service D in the PM peak hour to unacceptable level of service F in the PM peak hour);
- Intersection #49: SR-1 NB Ramps and Reservation Road (operates with a significant increase in delay at unacceptable level of service F in the PM peak hour); and
- Intersection #50: SR-1 SB Ramps and Reservation Road (operates with a significant increase in delay at unacceptable level of service F in both the AM and PM peak hours).

(a) Findings

Implementation of the improvements identified in the following Mitigation Measures could significantly reduce Project impacts; however, such changes or alterations are within the responsibility of the City of Marina and not the City of Seaside. Such changes have been adopted in Marina's Capital Improvement Plan or can and should be adopted by Marina.

TRA-10 Construct a traffic signal or roundabout at Intersection #16: 7th Avenue and Inter-Garrison Road. This improvement is not included in the City of Marina CIP and the Project Applicant would pay its fair share of mitigation costs or would implement the improvement after receiving approval from the City of Marina public works department and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine

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whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

TRA-11 Construct a traffic signal or roundabout at Intersection #29: Inter-Garrison Road and Abrams Drive. This intersection improvement is not included in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the City of Marina public works department and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index). If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

TRA-15 (Intersection #49): Construct a traffic signal at Intersection #49: SR-1 NB Ramps and Reservation Road. The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement

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is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.

TRA-16 Construct a traffic signal at Intersection #50: SR-1 Southbound Ramps and Reservation Road. The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.

(b) Facts in Support of the Findings

Improvements identified in Mitigation Measures TRA-10, TRA-11, TRA- 15, and TRA-16 would allow for continued acceptable levels of service at the intersections identified above. With implementation of these Mitigation Measures, each intersection would operate at acceptable levels of service as described below:

- Intersection #16: 7th Avenue and Inter-Garrison Road (improves the intersection to acceptable level of service B in the AM peak hour and level of service A in the PM peak hour);
- Intersection #29: Inter-Garrison Road and Abrams Drive (improves the intersection to acceptable level of service B in both the AM and PM peak hours);
- Intersection #49: SR-1 NB Ramps and Reservation Road (improves the intersection to acceptable level of service B in the AM peak hour and level of service C in the PM peak hour); and

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- Intersection #50: SR-1 SB Ramps and Reservation Road (improves the intersection to acceptable level of service C in both the AM and PM peak hours).

However, implementation of these Mitigation Measures is outside the jurisdiction of the City of Seaside and their implementation cannot be guaranteed. Therefore, because implementation of these improvements cannot be guaranteed, impacts on these intersections must be considered potentially significant and unavoidable.

5. Existing With Project Conditions Intersection # 32, 45, 48 Unacceptable Levels of Service (With Eastside Parkway)

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to cause each of these study intersections to operate at an unacceptable level of service for Interim Year 2018 with Eastside Parkway with Project conditions.

- Intersection #32: Reservation Road and East Garrison Road (continues to operate at unacceptable level of service F in the AM and PM peak hours);
- Intersection #45: Reservation Road and Davis Road (falls from acceptable level of service D in the AM peak hour to unacceptable level of service F); and
- Intersection #48: Blanco Road and Davis Road (continues to operate at unacceptable level of service F in the AM peak hour with a significant increase in delay, and falls from acceptable level of service D in the PM peak hour to unacceptable level of service E).

(a) Findings

Implementation of the improvements identified in the following Mitigation Measures would significantly reduce Project impacts; however, such changes or alterations are within the responsibility of the County of Monterey and not the City of Seaside. Such changes have not been adopted by the County of Monterey, but these improvements can and should be adopted by the County of Monterey.

TRA-12 Intersection #32: Reservation Road and Inter-Garrison Road. Widen and restripe the intersection to include one northbound left lane turn lane and two northbound right turn lanes, two westbound left turn lanes, and two westbound through lanes. This intersection improvement is not included in the County of Monterey CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the County of Monterey and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index). If the County of Monterey does not

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accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

TRA-13 Intersection #45: Reservation Road and Davis Road. Add a through lane on the westbound Reservation Road approach. Add additional left turn lane on the eastbound Reservation Road approach. Add additional right turn lane and implement “free” right turns for vehicles turning right into westbound Reservation Road from southbound Davis Road. This intersection improvement is not included in the County of Monterey CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the County of Monterey and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant’s fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record’s Construction Cost Index). If the County of Monterey does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

TRA-14 Intersection #48: Blanco Road and Davis Road. Add a left turn lane, through lane, and right turn lane on the southbound David Road approach. Add two through lanes on the northbound Davis Road approach, so that it has three through lanes and one right turn only lane (instead of one through lane and one shared through-right turn lane). Add two through lanes on the eastbound Blanco Road approach so that it has three through lanes and one right turn only lane (instead of one through lane and one shared through-right lane). Add a left turn lane, a through lane, and a right turn lane

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on the westbound Blanco Road approach, utilize “overlap” phasing for right turns from westbound Blanco Road approach and southbound Davis Road approach. This intersection improvement is not included in the County of Monterey CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the County of Monterey and shall enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant’s fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record’s Construction Cost Index). If the County of Monterey does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.

(b) Facts in Support of the Findings

Mitigation Measures TRA-12, TRA-13, and TRA- 14 would require the Applicant(s) to pay their fair share to fund improvements that allow for continued acceptable levels of service at the intersections identified above. With implementation of these Mitigation Measures, each intersection would operate at acceptable levels of service as described below:

- Intersection #32: Reservation Road and Inter-garrison (improves the intersection from unacceptable level of service F in both peak hours to acceptable level of service B in the AM peak hour and level of service A in the PM peak hour);
- Intersection #45: Reservation Road and Davis Road (improves the intersection from unacceptable level of service F to acceptable level of service C in the AM peak hour); and
- Intersection #48: Blanco Road and Davis Road (improves the intersection from unacceptable level of service F in the AM peak hour and unacceptable level of service E in the PM peak hour, to acceptable level of service C in both the AM and PM peak hours).

However, implementation of the improvements identified in these Mitigation Measures is outside the jurisdiction of the City of Seaside and their implementation cannot be guaranteed.

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Therefore, because implementation of these improvements cannot be guaranteed, impacts on these intersections must be considered potentially significant and unavoidable.

6. Cumulative With Project Conditions Intersection # 21 Unacceptable Level of Service F in both AM and PM Peak Hour at 2nd Avenue and Inter-Garrison Road

The Project will generate additional trips that will contribute to the decline in the level of service at the Intersection #21 2nd Avenue and Inter-Garrison Road for Cumulative with Project Impacts.

(a) Findings

Implementation of the improvements identified in the following Mitigation Measures could significantly reduce Project impacts; however, such changes or alterations are within the responsibility of the County of Monterey and not the City of Seaside. Such changes have not been adopted by the County of Monterey in its Capital Improvement Plan, but the improvements can and should be adopted by the County of Monterey.

TRA-17 Payment of FORA Impact Fees. Prior to issuance of any Building Permit, the Project Applicant shall pay the appropriate Fort Ord Reuse Authority (FORA) impact fees, in order to fund their proportionate fair share of the improvement of installing a traffic signal at Intersection #21: Inter-Garrison Road and 2nd Avenue. To the extent specific improvements are not covered in the applicable CIP program, the developer shall fund the improvement, and the improvement shall be implemented prior to issuance of an occupancy permit, or earlier as may be determined necessary by the City Engineer, based upon traffic conditions at that time.

(b) Facts in Support of the Findings

Mitigation Measure TRA-17 would require the Applicant(s) to pay their fair share to fund improvements that would allow for continued acceptable levels of service at the intersection identified above. With implementation of this Mitigation Measure, Intersection #21, Inter-Garrison Road and 2nd Avenue, would be improved from unacceptable level of service F to acceptable level of service A in both the AM and PM peak hours.

However, implementation of the improvements identified in this Mitigation Measure is outside the jurisdiction of the City of Seaside and their implementation cannot be guaranteed. Therefore, because implementation of these improvements cannot be guaranteed, impacts on these intersections must be considered potentially significant and unavoidable.

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7. Cumulative With Project Conditions Intersection # 32, 45, 48 Unacceptable Levels of Service

The Project will have a cumulatively considerable contribution to a decline in the level of service at the following intersections. Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to cause a significant impact the following study intersection for Cumulative with Project Impacts:

- Intersection #32: Reservation Road and Inter-Garrison Road (continues to operate at unacceptable level of service F in both the AM and PM peak hours);
- Intersection #45: Reservation Road and Davis Road (continues to operate at unacceptable level of service F in the AM peak hour and falls from level of service D to F in the PM peak hour); and
- Intersection #48: Blanco Road and Davis Road (continues to operate at unacceptable level of service F in the AM peak hour and falls from level of service E to F in the PM peak hour).

(a) Findings

Implementation of the improvements identified in the Mitigation Measures TRA-12, TRA-13 and TRA-14, presented earlier, would significantly reduce Project impacts; however, such changes or alterations are within the responsibility of the County of Monterey and not the City of Seaside. Such changes have not been adopted by the County of Monterey, but these improvements can and should be adopted by the County of Monterey.

(b) Facts in Support of the Findings

Implementation of Mitigation Measures TRA-12 (Intersection #32), TRA-13 (Intersection #45), and TRA-14 (Intersection #48) are physically and financially feasible and would reduce impacts to these intersections to less than significant. With implementation of these Mitigation Measures, each intersection would operate at acceptable levels of service as described below:

- Intersection #32: Reservation Road and Inter-Garrison Road (improves the intersection from unacceptable level of service F in the AM and PM peak hours, to acceptable level of service B in the AM and PM peak hours);
- Intersection #45: Reservation Road and Davis Road (improves the intersection from unacceptable level of service F in the AM peak hour and unacceptable level of service E in the PM peak hour, to acceptable level of service C in both the AM and PM peak hours); and

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- Intersection #48: Blanco Road and Davis Road (improves the intersection from unacceptable level of service F in the AM and PM peak hours, to acceptable level of service C in the AM and PM peak hours).

However, these improvements are outside the jurisdiction of the City of Seaside and cannot be guaranteed. Therefore, since these improvements cannot be guaranteed, the Project's contribution of trips could be cumulatively considerable for Intersections #32, #45 and #48 which is a significant and unavoidable cumulative impact.

8. Existing with Project Conditions-Adds to State Route 1 Mainline Segment Existing Unacceptable Levels of Service

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to add to the existing unacceptable levels of service:

- SR-1 Southbound-Fremont Boulevard in Seaside to Fremont Street in Monterey (continues to operate at unacceptable levels of service ranging from E to F in the AM Peak Hour);
- SR-1 Northbound between Fremont Boulevard in Seaside and Del Monte Boulevard in Monterey (continues to operate at unacceptable levels of service ranging from E to F in the PM Peak Hour); and
- SR-1 Northbound through Monterey between Fremont Street and SR-68 East Ramps (continues to operate at unacceptable level of service F in the PM Peak Hour).

(a) Findings

To achieve acceptable operations, SR-1 will need to be widened from four to five lanes within these areas. The feasibility of widening SR-1 to more than four lanes in any one direction is uncertain, as the ability to obtain the necessary right-of-way is limited. Therefore, although payment of Fort Ord Reuse Authority fees will lessen the Project's cumulative impacts on SR-1's freeway mainline segments, given the infeasibility of widening SR-1, this impact will remain significant and unavoidable.

(b) Facts in Support of the Findings

Improvements to the above freeway mainline segments will not be feasible given they are not within the jurisdictional authority or purview of the City of Seaside or Project Applicant to adopt, implement, or enforce mitigation measures requiring the construction of improvements by Caltrans, or upon facilities within Caltrans jurisdiction. Caltrans has not adopted a program that will ensure that locally-contributed impact fees will be tied to improvements to freeway mainline segments and only Caltrans has jurisdiction over these improvements. Because

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Caltrans has exclusive control over state highway improvements, ensuring that developer fair share contributions to freeway improvements are actually part of a program tied to implementation of mitigation is within the jurisdiction of Caltrans. As such, there is no feasible mitigation that will reduce Project impacts to State Route 1 mainline segments to a less than significant level. Therefore, this impact will remain significant and unavoidable.

9. Cumulative with Project Conditions State Route 1 Mainline Segment Unacceptable Levels of Service

The Project will contribute to unacceptable levels of service at 15 State Route 1 mainline segments. Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to either result in unacceptable levels of service at each of the following mainline segments, or result in the continuation of unacceptable levels of service.

- SR-1 Southbound through unincorporated Monterey County between 156th and Molera Road/Nashua Road (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project;
- SR-1 Southbound through unincorporated Monterey County between Molera Road/Nashua Road and Del Monte Boulevard North (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project;
- SR-1 Southbound through Marina between Reservation Road and Del Monte Boulevard (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which deteriorates from acceptable level of service D to unacceptable level of service E;
- SR-1 Southbound through Marina between Imjin Parkway and Lightfighter Drive (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project;
- SR-1 Southbound through Marina and Seaside between Lightfighter Drive and Monterey Road (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project;
- SR-1 Northbound through Seaside between Monterey Road and Fremont Boulevard (PM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project;
- SR-1 Southbound through Seaside between Monterey Road and Fremont Boulevard (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project;

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- SR-1 Northbound through Seaside between State Route 218 to Del Monte Boulevard South (PM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project;
- SR-1 Southbound through Seaside and Monterey between State Route 218 to Del Monte Boulevard South (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service F with and without the project;
- SR-1 Northbound through Monterey between Del Monte Boulevard South and Casa Verde Way (PM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project;
- SR-1 Southbound through Monterey between Del Monte Boulevard South and Casa Verde Way (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which deteriorates from acceptable level of service D to unacceptable level of service E;
- SR-1 Northbound through Monterey between State Route 68 East and Fremont Street (PM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service F with and without the project;
- SR-1 Southbound through Monterey between State Route 68 East and Fremont Street (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service F with and without the project);
- SR-1 Southbound through Monterey between Fremont Street and Munras Avenue/Soledad Drive (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project; and
- SR-1 Southbound through Monterey between Munras Avenue/Soledad Drive and State Route 68 West (AM Peak Hour)-The Project adds vehicle trips to this freeway segment, which operates at unacceptable level of service E with and without the project.

(a) Findings

To achieve acceptable operations, SR-1 will need to be widened from four to five lanes in the southbound direction between Molera Road/Nashua Road and SR-68 West and in the northbound direction between SR-68 East and Monterey Road. The feasibility of widening SR-1 to more than four lanes in any one direction is uncertain, as the ability to obtain the necessary right-of-way is limited. Therefore, although payment of Fort Ord Reuse Authority fees will lessen the Project's cumulative impacts on SR-1's freeway mainline segments, given the infeasibility of widening SR-1, this impact will remain significant and unavoidable.

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(b) Facts in Support of the Findings

Improvements to the above freeway mainline segments will not be feasible given they are not within the jurisdictional authority or purview of the City of Seaside or Project Applicant to adopt, implement, or enforce mitigation measures requiring the construction of improvements by Caltrans, or upon facilities within Caltrans jurisdiction. Caltrans has not adopted a program that will ensure that locally-contributed impact fees will be tied to improvements to freeway mainline segments and only Caltrans has jurisdiction over these improvements. Because Caltrans has exclusive control over state highway improvements, ensuring that developer fair share contributions to freeway improvements are actually part of a program tied to implementation of mitigation is within the jurisdiction of Caltrans. As such, there is no feasible mitigation that will reduce Project impacts to State Route 1 mainline segments to a less than significant level. Therefore, this impact will remain significant and unavoidable.

10. Existing with Project Conditions Freeway On-Ramp Contribution to Unacceptable Level of Service

Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to either result in unacceptable levels of service at each of the following freeway on-ramps, or result in the continuation of unacceptable levels of service:

- SR-1 and Imjin Parkway Southbound On-Ramp in Marina (AM Peak Hour)-Level of service falls from acceptable D to unacceptable E);
- SR-1 and Lightfighter Drive Southbound On-Ramp in Marina (AM Peak Hour)-Level of service falls from acceptable D to unacceptable E);
- SR-1 and Fremont Boulevard Southbound On-Ramp in Seaside (AM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and SR-218 (Canyon Del Rey Boulevard) Southbound On-Ramp in Seaside (AM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and SR-218 (Canyon Del Rey Boulevard) Northbound On-Ramp in Seaside (PM Peak Hour)-Level of service continues to operate at unacceptable level of service F;
- SR-1 and Del Monte Boulevard Southbound (Hannon Avenue) On-Ramp in Monterey (AM Peak Hour)-Level of service continues to operate at unacceptable E;

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- SR-1 and Del Monte Boulevard Northbound (English Avenue) On-Ramp in Monterey (PM Peak Hour)-Level of service falls from acceptable D to unacceptable F;
- SR-1 and Casa Verde Way Northbound On-Ramp in Monterey (PM Peak Hour)-Level of service falls from acceptable D to unacceptable E);
- SR-1 and SR-68 East Southbound On-Ramp in Monterey (AM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and Fremont Street Southbound On-Ramp in Monterey (AM Peak Hour)-Level of service continues to operate at unacceptable E;
- SR-1 and Fremont Street Northbound On-Ramp in Monterey (PM Peak Hour)-Level of service continues to operate at unacceptable F; and
- SR-1 and SR-68 West Northbound On-Ramp (PM Peak Hour)-Level of service continues to operate at unacceptable E.

(a) Findings

There are no existing feasible mitigation measures that will reduce the environmental impacts to less than significant.

(b) Facts in Support of the Findings

Installation of ramp metering systems would manage traffic flow at the identified on ramps. These on ramps are in the jurisdiction of Caltrans and, at present, there are no documented plans for ramp metering improvements on SR-1 in the Project's vicinity. Thus improvements to these freeway on-ramps will not be feasible given they are not within the jurisdictional authority or purview of the City of Seaside or Project Applicant to adopt, implement, or enforce mitigation measures requiring the construction of improvements by Caltrans, or upon facilities within Caltrans' jurisdiction. Additionally, Caltrans has not adopted a program that will ensure that locally-contributed impact fees will be tied to improvements to freeway mainline segments and only Caltrans has jurisdiction over these improvements. Because Caltrans has exclusive control over state highway improvements, ensuring that developer fair share contributions to freeway improvements are actually part of a program tied to implementation of mitigation is within the jurisdiction of Caltrans. As such, there is no feasible mitigation that will reduce Project impacts to freeway on-ramps to below significance thresholds. Therefore, this impact will remain significant and unavoidable.

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11. Cumulative with Project Conditions Freeway On-Ramp Contribution to Unacceptable Level of Service

The Project will contribute to a decline in existing unacceptable levels of service at these freeway on-ramps. Based on agency-established thresholds of significance, the addition of Project-generated trips is forecast to contribute to an unacceptable level of service at each of these freeway on-ramps for Cumulative with Project conditions.

- SR-1 and Molera Road/Nashua Road Northbound On-Ramp in unincorporated Monterey County (AM and PM Peak Hours)-Level of service continues to operate at unacceptable E;
- SR-1 and Molera Road/Nashua Road Southbound On-Ramp in unincorporated Monterey County (AM Peak Hour)-Level of service continues to operate at unacceptable E;
- SR-1 and Del Monte Boulevard North Southbound On-Ramp in Marina (AM Peak Hour)-Level of service continues to operate at unacceptable E;
- SR-1 and Reservation Road Southbound On-Ramp in Marina (AM Peak Hour)-Level of service continues to operate at unacceptable E;
- SR-1 and Del Monte Boulevard Southbound On-Ramp in Marina (AM Peak Hour)- Level of service continues to operate at unacceptable F;
- SR-1 and Imjin Parkway Southbound On-Ramp in Marina (AM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and Lightfighter Drive Northbound On-Ramp in Seaside (PM Peak Hour)-Level of service continues to operate at unacceptable E;
- SR-1 and Lightfighter Drive Southbound On-Ramp in Seaside (AM Peak Hour)-Level of service falls from unacceptable E to unacceptable F;
- SR-1 and New Interchange Northbound On-Ramp in Seaside (PM Peak Hour)-Level of service continues to operate at unacceptable E;
- SR-1 and New Interchange Southbound On-Ramp in Seaside (AM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and Fremont Boulevard Northbound On-Ramp in Seaside (PM Peak Hour)-Level of service continues to operate at unacceptable F;

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- SR-1 and Fremont Boulevard Southbound On-Ramp in Seaside (AM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and SR-218 (Canyon Del Rey Boulevard) Northbound On-Ramp in Seaside (PM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and SR-218 (Canyon Del Rey Boulevard) Southbound On-Ramp in Seaside (AM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and Del Monte Boulevard South Southbound On-Ramp in Monterey (AM Peak Hour)-Level of service continues to operate at unacceptable E;
- SR-1 and Casa Verde Way Northbound On-Ramp in Monterey (PM Peak Hour)-Level of service continues to operate at unacceptable E;
- SR-1 and State Route 68 East Southbound On-Ramp in Monterey (AM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and Fremont Street Northbound On-Ramp in Monterey (PM Peak Hour)-Level of service continues to operate at unacceptable F;
- SR-1 and Fremont Street Southbound On-Ramp in Monterey (AM Peak Hour)-Level of service continues to operate at unacceptable E;
- SR-1 and Munras Avenue/Soledad Drive Northbound On-Ramp in Monterey (PM Peak Hour)-Level of service continues to operate at unacceptable E; and
- SR-1 and State Route 68 West Northbound On-Ramp in Monterey (PM Peak Hour)-Level of service continues to operate at unacceptable E.

(a) Findings

The degradation of SR-1 freeway on-ramp LOS indicates the need for on-ramp widening. The feasibility of widening SR-1 on-ramps is uncertain, as the ability to obtain the necessary right-of-way is limited. Therefore, although payment of Fort Ord Reuse Authority fees will lessen the Project's cumulative impacts on SR-1's freeway on-ramps, given the infeasibility of widening SR-1 on-ramps, this impact will remain significant and unavoidable.

(b) Facts in Support of the Findings

Widening these on ramps is in the jurisdiction of Caltrans. Thus improvements to these freeway on-ramps will not be feasible given they are not within the jurisdictional authority or purview of the City of Seaside or Project Applicant to adopt, implement, or enforce mitigation measures requiring the construction of improvements by Caltrans, or upon facilities within Caltrans'

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jurisdiction. Additionally, Caltrans has not adopted a program that will ensure that locally-contributed impact fees will be tied to improvements to freeway mainline segments and only Caltrans has jurisdiction over these improvements. Because Caltrans has exclusive control over state highway improvements, ensuring that developer fair share contributions to freeway improvements are actually part of a program tied to implementation of mitigation is within the jurisdiction of Caltrans. As such, there is no feasible mitigation that will reduce Project impacts to freeway on-ramps to below significance thresholds. Therefore, this impact will remain significant and unavoidable.

VIII ENVIRONMENTAL EFFECTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION

In the environmental areas of aesthetics, air quality, biological resources, greenhouse gases, hydrology and water quality, land use and planning, traffic and transportation, and water, there are instances where environmental impacts will remain significant and unavoidable after mitigation. These areas are discussed below.

A. AESTHETICS

1. Visual Character, Long-Term Impacts

Project implementation will permanently modify the site's visual character and result in alteration of the site's natural topography. Specifically, Project implementation will result in removal of approximately 315 AC (approximately 77 percent) of the coast live oak woodland habitat on the Project site. The removal of vegetation and trees will permanently change the visual character from a wooded to an urbanized character, which is a significant visual impact.

(a) Findings

Changes or alterations have been required in the Project that reduced the Project's environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measures lessen the significant visual impact:

BIO-16 Impacts to Coast Live Oak Woodland Habitat. The direct loss of coast live oak woodland habitat cannot be avoided with implementation of the Project; therefore, the following measures shall be implemented to reduce identified impacts. Direct loss of coast live oak woodland habitat shall be mitigated at 1:1 compensation ratio.

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- A. Coast Live Oak woodland habitat restoration shall account for a maximum of 50 percent of required mitigation. A Forest Management Plan/Oak Woodland Mitigation Plan shall be prepared by a qualified biologist. The oak woodland mitigation site(s) will occur within the Specific Plan area, the adjacent Monterey County Fort Ord Recreation Habitat Area, or within other appropriate habitats on the former Fort Ord. If there are no areas within the former Fort Ord where the impacts can be feasibly and appropriately mitigated, the Project Proponent shall identify another acceptable location, preferably within Monterey County.

The Forest Management Plan/Oak Woodland Mitigation Plan shall be consistent with the Fort Ord Habitat Management Plan, and will include but not be limited to, a planting plan, success criteria, monitoring protocols to determine if success criteria have been met, adaptive management protocols in the event that success criteria are not met, and funding assurances. The Forest Management Plan/Oak Woodland Mitigation Plan shall be submitted to the City of Seaside for review and approval prior to issuance of the first grading permit. The portion of the plan applicable to each development project shall be implemented prior to the issuance each grading permit.

- B. In addition, the Project Proponent shall (1) create a conservation easement and/or (2) participate in a mitigation bank or fee program to conserve oak woodlands, which shall account for the remainder of the required mitigation:
1. The Project Proponent shall establish an oak woodland permanent conservation easement in the Project vicinity approved by the City of Seaside. The location of this conservation easement shall be sited to preserve regional native biological diversity, such as adjacent to protected habitat areas.
 2. Project Proponent shall purchase oak woodland mitigation credits at County- and/or City-approved off-site mitigation bank(s) (if available) to compensate for the direct loss of oak woodland

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habitat based on a 1:1 compensation ratio. If this is not feasible, the Project Proponent shall contribute funds to the State of California Oak Woodlands Conservation Fund. This Fund has been established under Section 1363 of the California Fish and Game Code for the purpose of purchasing oak woodland conservation easements per the guidelines of the Wildlife Conservation Board.

Evidence of creation of a conservation easement and/or participation in a mitigation bank or fee program shall be submitted to the City of Seaside for review and approval prior to issuance of a grading permit for development Projects affecting oak woodland habitat.

The Forest Management Plan/Oak Woodland Mitigation Plan shall also include the measures identified in BIO-17 presented later in this section.

BIO-17 Implementation of a Forest Management Plan. To minimize impacts to landmark oaks and in the spirit of compliance with Public Resources Code 21083.4, the Project Proponent shall submit a Forest Management Plan, to be prepared by a qualified forester/arborist, to the City of Seaside's Board of Architectural Review, prior to the issuance of any grading permit for Monterey Downs and Central Coast Veterans Cemetery. The Forest Management Plan shall demonstrate that tree protection measures are incorporated, to the extent feasible, for both the pre-construction and construction phases of Monterey Downs and Central Coast Veterans Cemetery. The Forest Management Plan shall be consistent with the City of Seaside's Tree Ordinance, and shall include measures to avoid tree removal and/or transplant trees whenever possible based on suitable mitigation ratios and planting areas. In addition, a program shall be established within the Forest Management Plan for the Proponent to submit a special fee to the Fort Ord Reuse Authority to fund tree replacement elsewhere within Fort Ord. The Forest Management Plan, at a minimum, shall include the following features:

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Tree Protection Measures

- To maximize tree retention and protection, a forester, arborist or other tree care professional shall be involved in review and development of final grading and construction plans wherever trees occur either at Project or grading margins.
- Prior to commencement of any grading within 50 feet of retained trees, the contractor shall install protective fencing at the driplines of retained trees to create a Tree Protection Zone that shall not be entered for any reason unless approved by the Project forester. The Tree Protection Zone may extend within the driplines of retained trees where approved by the Project forester in order to retain more trees. Grading may not commence until the Project forester has inspected and approved the protective fencing installed by the contractor.
- Prior to commencement of any grading within 50 feet of retained trees, the Project forester shall identify retained trees needing significant pruning to protect them during grading operations. This protective pruning work shall be completed by a qualified tree contractor, in accordance with current arboricultural standards and practices prior to commencement of operations to balance canopy, provide necessary clearances, remove dead wood, and promote the tree's health. All pruning shall be completed or supervised by a certified arborist and adhere to the Best Management Practices for Pruning established by the International Society of Arboriculture.
- No grading, construction, demolition, or other work shall occur within the Tree Protection Zone. Any modifications must be approved and monitored by the consulting arborist.
- No soil shall be removed or added within the dripline of a retained tree unless it is part of approved construction and approved by the Project forester or arborist.
- Under no circumstances shall fill be placed in contact with the base of a retained tree. Permanent wells shall be constructed as appropriate whenever necessary to prevent fill/trunk contact, never at a distance less than a foot from the trunk, and without causing significant root damage.
- To avoid soil compaction from damaging the roots, heavy equipment shall not be allowed to drive over the root area. If deemed necessary and

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approved by the forester, equipment may drive across one side of the tree. To reduce soil compaction, wood chips shall be spread 6-12 inches deep to disperse the weight of equipment and plywood sheets shall be placed over the wood chips for added protection. Wood chips used during construction and elsewhere in the Project area shall be certified to be free of Sudden Oak Death fungus in compliance with California Department of Food and Agriculture regulations.

- Roots exposed by excavation must be pruned and recovered as quickly as possible to promote callusing, closure and healthy re-growth.
- Retained trees shall be watered periodically in accordance with species needs to promote tree health. Transplanted trees and their intended planting areas shall be pre-watered. Post planting watering shall be done as needed to assure establishment.
- Supplemental irrigation shall be applied as determined by the consulting arborist.
- If injury should occur to any tree during construction, it shall be evaluated as soon as feasible by the consulting arborist so that appropriate treatments can be applied.
- No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the Tree Protection Zone.
- Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

Replacement and Planting Measures

- When the Project design is completed, an estimate of the appropriate number of replacement trees shall be made based on available planting space. These replacement trees (minimum five-gallon specimens) shall be planted along boundaries and within landscape areas. Planting density for replacement trees shall be accurately detailed to allow for some unavoidable mortality over time.

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- Transplants are encouraged and shall be credited on a 3:1 basis. Final replanting numbers may be modified by additional tree retention and should be made part of the final landscaping plan.
- The Forest Management Plan shall include measures for establishing the required soil conditions prior to replanting. Tree replacement requirements shall be met promptly after the close of construction and based on a final tally of trees actually removed in the Project area rather than on the estimates contained in the Forest Management Plan.
- Final landscape planting shall require a post planting watering plan based on the time of planting and size of selected stock.
- Two, five, and eight years following mitigation plantings, the Project Proponent shall arrange for a qualified arborist to inspect replacement tree plantings following Project completion. Any trees that have died or are in poor condition in the arborist's judgment shall be replaced and inspected on a two-, five- and eight-year schedule beginning with the next inspection on the original schedule, and with the same replacement location requirements.

AES-2 As part of the Site Plan review for development within the Monterey Horse Park (REC-1) and Monterey Downs equestrian training facility (REC-2) Planning Areas, the Applicant shall prepare plans to relocate the City's eastern Gateway to the Specific Plan area's northeastern boundary at Eastside Parkway, in order to establish an entrance to the City. Such plans shall be submitted to the City Planning Department for review and shall include landscaping, design themes, landmark features, and signage in accordance with the Seaside General Plan Urban Design Element's Urban Design Plan UD-1.1.1.

(b) Facts in Support of Findings

The Project proposes the following features that provide visual relief and minimize the Project's impacts on the visual character/quality of the Project site and its surroundings:

- A development concept that provides a transition between the urban/suburban core and surrounding Fort Ord Regional Habitat Area and Fort Ord National Monument open spaces.
- Retains approximately 15 percent of the non-cemetery portion of the specific plan as open space, or as much as 33 percent when considering the Central Coast Veterans Cemetery.

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- Includes Architectural Design Guidelines, Development Standards, and Landscaping and Grading Design Standards that address visual character.

However, the Project will result in the elimination of Coast live oak woodland, which typifies much of the Project site's existing visual character and there is no mitigation that will reduce the loss of approximately 315 acres of contiguous coast live oak woodland to a less than significant level. Thus, despite compliance with the City's Tree and Subdivision Ordinances and required mitigation, given the overall removal of coast live oak woodland that will occur on the Project site, as well as the site's permanent transformation from a wooded to an urbanized character, visual impacts will remain significant and unavoidable.

2. Cumulative Impacts

For purposes of cumulative aesthetics analyses, cumulative impacts are considered for the Base Reuse Plan development capacities, as analyzed in the Base Reuse Plan PEIR. The Project will contribute to the permanent alteration of the visual character of the former Base Reuse Plan area, thereby, contributing to the cumulative impact in conjunction with related projects. This is a cumulatively considerable aesthetic impact.

(a) Findings

Changes or alterations have been required in the Project that reduced the Project's environmental effect as identified in the Draft EIR. Specifically, Mitigation Measures BIO-16, BIO-17, AES-2, the City of Seaside's Tree and Subdivision Ordinances, and the following Base Reuse Plan policies lessen the significant environmental impacts:

Residential Land Use Policy I-1; Program I-1.1; Program I-1.2; Residential Land Use Policy I-2; Commercial Land Use Policy B-3; Commercial Land Use Policy F-2; Institutional Land Use Policy D-2; Recreation Policy B-2; and Recreation Policy G-3.

(b) Facts in Support of Findings

While adherence to Base Reuse Plan policies, Mitigation Measures BIO-16, BIO-17, AES-2, and City Tree and Subdivision Ordinances will reduce visual impacts through tree replacement and protection measures, because the Project will contribute to the permanent alteration of the visual character of the former Base Reuse Plan area and permanent removal of oak woodlands, it contributes to the cumulative impact and remains a significant and unavoidable cumulative impact.

B. AIR QUALITY

1. Long-Term Operational Increase in Air Pollutants above Thresholds (ROG, NO_x, and CO)

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Operational emissions generated by both stationary and mobile sources will result from normal daily activities on the Project site after occupation. Stationary area source emissions will be generated by the consumption of natural gas for space and water heating devices, the operation of landscape maintenance equipment, and the use of consumer products. Stationary energy emissions will result from energy consumption associated with the Project. Mobile emissions will be generated by the motor vehicles traveling to and from the Project site. The project would generate ROG, NOx, and CO in excess of established thresholds. These pollutant levels are considered significant adverse impacts.

(a) Findings

Changes or alterations have been required in the Project that reduced the Project's environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure lessens the significant air quality impact:

GHG-1 The proposed Project shall include, but not be limited to, the following list of Project design features, which shall be incorporated into the Project to ensure consistency with adopted statewide plans and programs. The developers shall demonstrate compliance with the following measures as noted in each bullet point, prior to the issuance of building or occupancy permits, as applicable.

Transportation

- The Project shall provide a pedestrian access network (e.g., sidewalks, pathways, pedestrian amenities, etc.) that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the Project site. The Project shall minimize barriers to pedestrian access and interconnectivity (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits).
- Bicycle lanes and walking paths shall be incorporated into the street system to provide alternative circulation routes to reach logical points of destinations such as schools, parks, and retail areas. The Project shall include at least one (1) mile of bicycle lanes per square mile of development (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits).
- Proposed commercial uses shall implement a voluntary trip reduction program, for which all employees shall be eligible to participate. The

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voluntary trip reduction program may include carpooling encouragement, ride-matching assistance, preferential carpooling parking, flexible work schedules for carpoolers, vanpool assistance, bicycle end-trip facilities (parking, showers and lockers) (prior to issuance of occupancy permit). Under a voluntary trip reduction program, monitoring and reporting is not required, and at least a one (1) percent reduction in trips shall be achieved. This measure is not applicable to residential uses.

- Proposed commercial uses shall provide a voluntary ride sharing program, for which all employees shall be eligible to participate (prior to issuance of occupancy permit). The voluntary ride sharing program could be achieved through a multi-faceted approach, such as designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, and/or providing a web site or message board for coordinating rides. The ride sharing program shall achieve at least a three (3) percent reduction in trips. This measure is not applicable to residential uses.
- The Project includes a transit stop in the center of the project on Monterey Downs Road south of Eastside Parkway. If Monterey-Salinas Transit is unable to fund a transit line at this location, the City, the Applicant, and Monterey Salinas Transit shall enter into an agreement for the Applicant to partially fund a three year pilot transit line, to be operated by Monterey Salinas Transit, to service the Project area. The agreement shall be a requirement of the DD&A between the City and the Applicant. Funding and timing will be determined in the DD&A.

Energy Efficiency

- Install Energy Star rated appliances (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits).
- Install windows with dual pane low emissivity glass (to be included in final plans and specifications, and reviewed and approved by the City Planning Director prior to issuance of building permits).
- Install light-emitting diode (LED) external lighting to reduce the site's electricity construction, where appropriate (to be included in final plans

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and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits).

Water Conservation and Efficiency

- Install low-flow faucets and toilets that reduce water consumption by an average of at least 14 percent (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits).

Solid Waste

- Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas (prior to issuance of occupancy permit).

(b) Facts in Support of Findings

Mitigation Measure GHG-1 requires that the Project provide pedestrian connections to the off-site circulation network, implement a trip reduction program, and provide a ride sharing program in order to reduce mobile source emissions. Further, Mitigation Measure GHG-1 requires that the Project implement various energy efficiency measures that would reduce stationary source emissions. However, the operational mitigated emissions will remain above the Air District thresholds for ROG, NO_x, and CO. There is no additional, feasible mitigation that would reduce impacts to less than significant levels. Therefore, the Project's long-term operational ROG, NO_x, and CO emissions will be a significant and unavoidable impact.

3. Cumulative Long-Term Operational Increase in Air Pollutants

While the Project proposes less intense land uses within the Project area than the uses permitted by the Base Reuse Plan and will not induce population growth that will exceed Association of Monterey Bay Area Government's projections, emissions from Project development will exceed the Air District thresholds for ROG, NO_x, and CO. Therefore, the Project's contribution to cumulative air quality impacts would be considerable.

(a) Findings

Changes or alterations have been required in the Project that reduced the Project's environmental effect as identified in the Draft EIR. Specifically, the Mitigation Measures GHG-1, previously discussed, lessens the significant air quality impact.

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(b) Facts in Support of Findings

Mitigation Measure GHG-1 requires that the Project provide pedestrian connections to the off-site circulation network, implement a trip reduction program, and provide a ride sharing program in order to reduce mobile source emissions. However, despite implementation of this Mitigation Measure the Project's mitigated operational emissions will remain above Air District thresholds for ROG, NO_x, and CO. Because the Air Basin is at nonattainment for ozone, construction of the Project will generate a cumulatively considerable contribution to air quality impacts in the Basin. No feasible alternative will reduce the Project's contributions to cumulative impacts to a level of insignificance.

C. BIOLOGICAL RESOURCES

1. Impacts to Sensitive Natural Community (315 AC of Coast Live Oak Woodland)

Development of the Project would result in direct loss of 315 AC of Coast Live Oak Woodland including the following: 58.5 acres (approximately 14 percent) within the CCVC; 153 acres (37 Percent) within the Monterey Downs residential and commercial areas (R-1, R-2, R-3, RM, C-1, and C-2 Planning Areas); and 103.5 acres (25 percent) within the Monterey Horse Park and Monterey Downs Training Track and Sports Arena.

(a) Findings

Changes or alterations have been required in the Project that reduced the Project's environmental effect as identified in the Draft EIR. Specifically, the Mitigation Measures BIO-16 and BIO-17, previously discussed, lessens the significant impact.

(b) Facts in Support of Finding

Implementation of BIO-16 and BIO-17 will reduce impacts to coast live oak woodland habitat through mitigation banking, implementation of a Forest Management Plan, and offsite creation, restoration, and preservation of this habitat type. However, there is no mitigation that will reduce the loss of approximately 315 acres of contiguous coast live oak woodland to a less than significant level. Impacts to coast live oak woodland will remain significant and unavoidable despite the recommended mitigation, given the overall removal of coast live oak woodland that will occur on the Project site.

3. Loss of Landmark Coast Live Oak Trees

There are an estimated 39,182 coast live oak trees (of which 9,245 are estimated to be located within the onsite habitat management areas). It is estimated that fewer than 100 trees are considered landmark oaks, given the site tends toward higher densities and lower soil fertility. Of the approximately 100 landmark trees, 47 will be located within Monterey Down's habitat

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management areas. Most of the remaining 53 landmark trees identified are in fair to poor conditions due to the presence of rot, disease, fungi, foliar, dieback and poor foliar color. However, the larger trees in the far western portion of the project site, south of the Department of Defense complex, are in reasonably good condition. Within the Central Coast Veteran's Cemetery site tending toward higher oak densities and lower soil fertility, seven oaks qualifying as landmark trees were identified. Of the seven landmark trees, six were in good condition and one was rated as fair. Any removal or root damage to landmark trees during Project implementation will be considered significant impacts.

(a) Findings

Changes or alterations have been required in the Project that reduced the Project's environmental effect as identified in the Draft EIR. Specifically, compliance with the City's Tree and Subdivision Ordinances and Mitigation Measures BIO-17, previously discussed, lessen the significant impact.

(b) Facts in Support of Finding

Any oak tree removal on the Project site must comply with the City of Seaside's Tree Ordinance which calls for a qualified forester/arborist to provide design recommendations intended to preserve the existing onsite trees into future site development, where feasible, as well as the City's Subdivision Ordinance, which requires that the locations, sizes and types of existing trees that have circumference greater than 19 inches and/or wooded areas be identified. In addition, Mitigation Measure BIO-17 requires implementation of a Forest Management Plan to reduce impacts to landmark trees. Compliance with the City of Seaside's Tree and Subdivision Ordinances and specified mitigation will be verified through the permitting process, which will apply to the current tentative map application, as well as all future development permits. Unless implementation of the Project, including both Monterey Downs and the Central Coast Veteran's Cemetery, results in the preservation of all health landmark trees, the Project impacts to landmark trees will be significant and unavoidable.

4. Cumulative Impacts – Coast Live Oak and Landmark Trees

Implementation of the Base Reuse Plan and existing developments will result in losses of coast live oak woodlands and landmark coast live oak trees. Project implementation will result in a loss of onsite coast live oak woodlands and the potential removal of landmark coast live oak trees that will incrementally contribute to cumulative impacts related to these biological resources.

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(a) Findings

Changes or alterations have been required in the Project that reduced the Project's environmental effect as identified in the Draft EIR. Specifically, compliance with the following Base Reuse Plan policies and programs lessen the significant impact:

Biological Resources Policy A-1, Program A-1.1, Program A-1.2, Program A-1.3; Biological Resources Policy A-4, Program A-4.1, Program A-4.2, Program A-4.3; Biological Resources Policy B-1, Program B-1.1, Program B-1.2; Biological Resources, Policy C-1, Program C-1.1; Biological Resources Policy C-2, Program C-2.1, Program C-2.2, Program C-2.3, Program C-2.4, Program C-2.5, Program C-2.6; Biological Resources Policy C-3, Program C-3.1; Biological Resources Policy D-1, Program D-1.2; Biological Resources Policy D-2, Program D-2.1, Program D-2.3; Biological Resources Policy E-1

(b) Facts in Support of Finding

The Base Reuse Plan PEIR concluded that since the Base Reuse Plan Policies and Programs will minimize the loss of oak trees through careful site design in development areas and effectively require a 1:1 replacement for all trees removed (per Monterey County Ordinance), effects on oak woodlands will be considered a less than significant impact. However, based on more site-specific analysis of potential impacts to coast live oak woodlands associated with cumulative development that has occurred since completion of the Base Reuse Plan PEIR, Base Reuse Plan impacts on approximately 1,580 AC of coast live oak woodlands represents a cumulative impact on this habitat type and remains an issue at the regional and state-wide level. Although the Base Reuse Plan policies and programs will preserve or replace the coast live oak woodland and landmark coast live oak trees affected by cumulative development, all incremental losses will add to the cumulative impacts. Because Project implementation will contribute an incremental loss of these biological resources, the Project will result in significant and unavoidable cumulative impacts to coast live oak woodlands and landmark coast live oak trees.

D. GREENHOUSE GAS EMISSIONS

1. Greenhouse Gas Emissions

The Project will result in GHG emissions of 7.24 MTCO₂eq per capita per year, which will exceed the 4.9 MTCO₂eq per capita per year Project level GHG threshold.

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(a) Findings

Changes or alterations have been required in the Project that lessen the Project's contribution to cumulative greenhouse gas impacts. Specifically, Mitigation Measures GHG-1, previously discussed, imposed upon the Project lessens the significant impact.

(b) Facts to Support Findings

The Project will implement Mitigation Measure GHG-1, which will reduce GHG emissions associated with the transportation, water, energy, solid waste, and land use sectors. Implementation of these measures will reduce GHG emissions to from 7.24 MTCO₂eq to 6.38 MTCO₂eq per capita per year. After the completion of emissions modeling, GHG-1 was amended to require installation of light-emitting diode (LED) external lighting to reduce the site's electricity use which will further reduce the annual GHG emissions. However, the Project will still exceed the 4.9 MTCO₂eq per capita per year Project level GHG threshold; therefore, a significant and unavoidable impact will result.

2. Cumulative Impacts

The Project would result in GHG emissions of 7.24 MTCO₂eq per year which exceeds the 4.9 MTCO₂eq per capita per year Project level GHG threshold.

(a) Findings

Changes or alterations have been required in the Project that lessen the Project's contribution to cumulative greenhouse gas impacts. Specifically, Mitigation Measures GHG-1, previously discussed, and the following Base Reuse Plan policies and programs imposed upon the Project lessens the significant impact:

Residential Land Use Policy E-1, Residential Land Use Policy E-3, Program E-3.2, Transit Policy A-1, Transportation Demand Management Policy A-1, Program A-1.4.

(b) Facts to Support Findings

The Project will implement Mitigation Measure GHG-1, which will reduce GHG emissions associated with the transportation, water, energy, solid waste, and land use sectors. Implementation of these measures will reduce GHG emissions to 6.38 MTCO₂eq per capita per year. However, the Project will exceed the 4.9 MTCO₂eq per capita per year Project level GHG threshold which is considered a substantial contribution to a cumulative impact and therefore, the Project's cumulative GHG emissions would be considered significant and unavoidable.

REVISED DRAFT CEQA FINDINGS

E. HYDROLOGY AND WATER QUALITY

1. Groundwater Supplies

The Project will result in a total estimated water demand of 852.5 AFY, including 550 AFY of groundwater. Additional water supplies of 137.1 AFY of groundwater will be needed (as well as 145.5 AFY of recycled water) to meet the remainder of the Project's groundwater demand for Phases IV through VI.

(a) Findings

Changes or alterations have been required in the Project that lessen the Project's environmental impacts. Specifically, the following Mitigation Measure imposed upon the Project lessens the significant impact:

W-1 Water Service Agreement. Prior to the approval of any discretionary permits or entitlements (tentative map, use permits, etc.) for each future development that implements the Specific Plan, the Applicant(s) of said development(s) shall provide proof of an adequate water supply, including evidence of a water service agreement from the water provider to the City of Seaside City Engineer/Public Works Services Manager ensuring that there is sufficient amount of available water from the unused water supply allocation to serve said development(s) at the time of application of required discretionary permits or entitlements. This includes any non-potable water from the unused recycled water supply allocation, if available at the time of said development(s) that may, with the City's written approval, be used to offset the needed potable water supply to serve said development(s).

(b) Facts to Support Findings

Mitigation Measure W-1 requires that each future Specific Plan Applicant provide proof of adequate water supply to the City Engineer/Public Works Services Manager, prior to approval of any discretionary permit or entitlement for each development. Despite compliance with Mitigation Measure W-1, given the uncertainties involving the water supply options, sufficient water supplies will not be ensured to Phases IV through VI. Therefore, impacts in this regard will remain significant and unavoidable.

3. Cumulative Groundwater Supply Impacts

Implementation of the Base Reuse Plan will result in an increased demand for new water supplies. The proposed project will incrementally contribute to the need for new water supplies.

REVISED DRAFT CEQA FINDINGS

(a) Findings

Changes or alterations have been required in the Project that lessen the Project's environmental impacts. Specifically, the following Base Reuse Plan policies and programs imposed upon the Project lessen the significant impact:

Hydrology and Water Quality Policy A-1, Program A-1.1, Program A-1.2; Hydrology and Water Quality Policy B-1, Program B-1.2, Program B-1.3, Program B-1.4, Program B-1.5, Program B-1.6, Program B-1.7; Hydrology and Water Quality Policy B-2; Hydrology and Water Quality Policy C-1, Program C-1.1, Program C-1.2, Program C-1.3, Program C-1.4, Program C-1.5, Program C-1.6; Hydrology and Water Quality Policy C-2, Program C-2.1; Hydrology and Water Quality Policy C-3, Program C-3.1, Program C-3.2; and Hydrology and Water Quality Policy C-4.

(b) Facts in Support of the Findings

The Base Reuse Plan PEIR identified four potential water sources, including importing water from outside Monterey County, importing water from Salinas Valley, desalinization, and on-site storage. These reasonable long-term water supply options and adherence to Base Reuse Plan policies and programs and additional recommended Mitigation Measures will lessen potential impacts. However, given that uncertainty exists concerning the previously-identified long-term water supply options, and since sufficient water supplies will not be ensured to Project Phases IV through VI, cumulatively considerable unavoidable impacts to water supply will occur, despite compliance with Mitigation Measure W-1 and the Base Reuse Plan Policies and Programs.

F. LAND USE PLANNING

1. Compliance with Fort Ord Reuse Plan

The Project may conflict with two policies that were developed for the purpose of avoiding or mitigating environmental impacts, as there is currently not sufficient water to serve buildout of the Specific Plan: Hydrology and Water Quality Policy B-1; and Hydrology and Water Quality Policy B-2. As such, the Project will conflict with the Base Reuse Plan.

(a) Findings

Changes or alterations have been required in the Project that lessen the Project's environmental impacts. Specifically, Mitigation Measure W-1, previously discussed, imposed upon the Project lessens the significant impact.

REVISED DRAFT CEQA FINDINGS

(b) Facts in Support of the Findings

Mitigation Measure W-1 requires that prior to the approval of any discretionary permits or entitlements (tentative map, use permits, etc.) for each future development that implements the Specific Plan, the Applicant(s) of the development(s) must provide proof of an adequate water supply. However, sufficient water supplies cannot be ensured at this time for Project Phases IV through VI. The Marina Coast Water District, in associated with the Fort Ord Reuse Authority and the Monterey Regional Water Pollution Control Agency, are in the process of developing supplemental water supply. Because CEQA requires that the EIR consider the whole of the Project (all phases), the EIR conservatively concludes that despite the imposition of Mitigation Measure W-1, the Project will conflict with these Hydrology and Water Quality Policy B-1 and Hydrology and Water Quality Policy B-2., resulting in a significant and unavoidable impact.

G. WATER

1. Water Supply

Of the 1,722 AFY of groundwater Fort Ord Reuse Authority allocated to the City and County combined, the City/County have sub-allocated 1,309.1 AFY, with a remaining 412.9 AFY unallocated. Of the 587 AFY of future recycled water Fort Ord Reuse Authority allocated to the City and County combined from the Phase 1 Recycled Water Project the City had previously committed to supply recycled water to golf courses when it became available, and that annual demand was estimated to be 430 AFY (for the Bayonet/Blackhorse Golf Courses), with a remaining 157 AFY. However, the City is no longer using this water to irrigate golf courses and therefore, that water is available to be allocated to other uses. Overall, the remaining unallocated water supply totals 569.9 AFY, including 412.9 AFY of groundwater and 157 AFY of recycled water. Therefore, there is not sufficient supply to meet the Project's total projected water demand of 852.5 AFY which is a potentially significant impact.

(a) Findings

Changes or alterations have been required in the Project that lessen the Project's environmental impacts. Specifically, Mitigation Measure W-1, previously discussed, imposed upon the Project lessens the significant impact.

(b) Facts in Support of the Findings

Mitigation Measure W-1 requires that prior to the approval of any discretionary permits or entitlements (tentative map, use permits, etc.) for each future development that implements the Specific Plan, the Applicant(s) of the development(s) must provide proof of an adequate water supply. Despite compliance with Mitigation Measure W-1, given the uncertainties involving the water supply options, sufficient water supplies will not be ensured to Phases IV through VI.

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Because CEQA requires that the EIR consider the whole of the Project (all phases), the EIR conservatively concludes that despite the imposition of Mitigation Measure W-1, impacts concerning water supply availability will remain significant and unavoidable.

2. Cumulative Impacts-Water Supply

Implementation of the Base Reuse Plan will result in an increased demand for new water supplies. The proposed Project will contribute to the need for new water supplies which is a potentially cumulatively significant impact.

(a) Findings

Changes or alterations have been required in the Project that lessen the Project's environmental impacts. Specifically, Mitigation Measure W-1, previously discussed, and the following Base Reuse Plan policies and programs imposed upon the Project lessen the significant impact:

Hydrology and Water Quality Policy B-1, Program B-1.2, Program B-1.3, Program B-1.4, Program B-1.5, Program B-1.6, Program B-1.7; Hydrology and Water Quality Policy B-2; Hydrology and Water Quality Policy C-3, Program C-3.2, Program C-3.1

(b) Facts in Support of the Finding

Mitigation Measure W-1 requires that prior to the approval of any discretionary permits or entitlements (tentative map, use permits, etc.) for each future development that implements the Specific Plan, the Applicant(s) of the development(s) must provide proof of an adequate water supply. Despite compliance with Mitigation Measure W-1, given the uncertainties involving the water supply options sufficient water supplies will not be ensured to Phases IV through VI. Because CEQA requires that the EIR consider the whole of the Project (all phases), the EIR conservatively concludes that despite the imposition of Mitigation Measure W-1, significant and unavoidable cumulatively-considerable impacts to water supply will occur.

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X. PROJECT ALTERNATIVES

The Draft SEIR fully analyzed five alternatives, Alternatives 6.1.1, 6.1.2, 6.2, 6.3, and 6.4. Below is an analysis detailing the City Council's reasons for rejecting Alternatives that would reduce significant and unavoidable impacts resulting from the Project.

A. ALTERNATIVE 6.1.1: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

1. Summary of Alternative

The No Project/No Development Alternative would retain the Project site in its current condition. With this Alternative, the site's existing improvements associated with the site's former use as a military base would remain. Under the No Project/No Development Alternative, the Specific Plan would not be adopted and new development would not occur. A master-planned, equestrian-themed, mixed use village, as proposed by the Project, would not be developed. None of the requested entitlements (SPL-12-01, PZ-12-01, ANX-12-01, GPA-12-01, SOI-12-01, and ZA-12-02) would be implemented. Additionally, none of the subdivisions or improvements proposed as part of TM-12-01 would be implemented.

2. Reason for Rejecting Alternative

Implementation of the No Project/No Development Alternative would result in the elimination of all significant and unavoidable impacts associated with the Project identified in the EIR including impacts to aesthetics, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, land use and planning, transportation and traffic, and utilities. However, the No Project/No Development Alternative fails to meet any of the Project objectives.

3. Conclusion Regarding Alternative 6.1.1

The City Council hereby finds that failure to meet any of the Project objectives is an independent ground for rejecting Alternative 6.1.1 as socially infeasible and by itself, independent of any other reason, justifies rejection of Alternative 6.1.1.

B. ALTERNATIVE 6.1.2 NO PROJECT/EXISTING LAND USE DESIGNATIONS

1. Summary of Alternative

The "No Project/Existing Land Use Designations" Alternative assumes development of the Project site with the land use designations on the 1997 Base Reuse Plan Land Use Concept and Ultimate Development map. This alternative would result in more intensive development than would the proposed Project, including 1,559 residences, 2.8 million square feet of business

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park/light industrial/office/research and development uses, 100 acres of military enclave, and 20 acres of public facility/institutional uses. This alternative would result in the same level of impacts for biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, and population and housing, but greater impacts for aesthetics, air quality, geology and soils, greenhouse gas emissions, noise, public services and recreation, transportation and traffic, and utilities and service systems.

2. Reason for Rejecting Alternative

This alternative would result in greater impacts and therefore, CEQA does not require the Lead Agency to make findings regarding this alternative.

C. **ALTERNATIVE 6.2- “REDUCED DENSITY” ALTERNATIVE**

1. Summary of Alternative

The “Reduced Density” Alternative assumes development of the entire Project site similar to the proposed Project; however, it reduces the residential uses by approximately 50 percent, the non-residential uses square footage by 61 percent, and includes an increase in 100 acres of open space/recreation uses.

2. Reason for Rejecting Alternative

Implementation of the Reduced Density Alternative would result in the reduction of some significant and unavoidable impacts associated with the Project, but not to a less than significant level including aesthetic impacts, air quality impacts, biological resources (loss of 215 acres of oak woodlands), water demand impacts (hydrology/water quality, land use and planning, and water demand), and some traffic impacts.

Significant impacts associated with greenhouse gas emissions and some traffic impacts could be mitigated to a less than significant level.

3. Conclusion Regarding Alternative 6.2

Although Alternative 6.2, the Reduced Density Alternative, would reduce some significant and unavoidable impacts associated with the Project, the City Council hereby finds that failure to meet the Project objectives regarding housing to the same extent as the Project makes this Alternative socially infeasible and undesirable and by itself, independent of any other reason, justifies rejection of Alternative 6.2. In addition, the Applicant has submitted information and substantial evidence demonstrating that this Alternative is financially infeasible, and the City Council hereby finds that the financial infeasibility of this Alternative by itself, independent of any other reason, justifies rejection of Alternative 6.2.

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D. ALTERNATIVE 6.3- “MODIFIED PROJECT” ALTERNATIVE

1. Summary of Alternative

The “Modified Project” Alternative assumes land use modifications, including additional residential and open space uses in place of the Project’s proposed commercial uses and Monterey Downs Equestrian Training Track and sports arena. This Alternative involves similar land uses as the Project, including residential, the Central Coast Veterans Cemetery, Oak Oval, and Monterey Horse Park. The Modified Project Alternative involves 138 percent more dwelling units and 91 percent less non-residential square footage.

2. Reason for Rejecting Alternative

This Alternative would not eliminate or substantially reduce the significant unavoidable impacts associated with aesthetics, biological resources, air quality, greenhouse gas emissions, and water demand and in fact, would result in greater impacts to some of these resources. Further, implementation of the Modified Project Alternative would result in increased impacts related to air quality, geology and soils, greenhouse gases, population and housing, public services and water when compared to the project.

Additionally, the Modified Project Alternative would not meet the following Project objectives:

- Creating a walkable vibrant, mixed-use equestrian-themed village with jobs, housing, recreation, and a Veterans Cemetery.
- Producing thousands of permanent jobs.
- To support a project that is consistent with and furthers the goals and objectives of the Fort Ord Base Reuse Plan (BRP) to replace the jobs lost with the closure of the former Fort Ord.
- To enable economic opportunities that bring higher paying jobs and generate increased revenues that will enable the City to provide quality services to its residents.

It is unknown whether this Alternative would meet the following objectives:

- To ensure that the Project provides sufficient mitigation and revenue to fund City services and infrastructure provided to the area.
- To ensure access to the Fort Ord Recreational Habitat Area (FORA) and to the Fort Ord National Monument.

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- To integrate the Project with existing and planned roadway improvements on Fort Ord and surrounding community.

3. Conclusion Regarding Alternative 6.3

The City Council hereby finds that Alternative 6.3 would not substantially reduce or eliminate the significant and unavoidable environmental impacts of the project, and that this failure to reduce or eliminate these impacts justifies rejecting the Alternative. In addition, the City Council hereby finds that failure to meet the Project objectives stated above is an independent ground for rejecting Alternative 6.3 and by itself, independent of any other reason, justifies rejection of Alternative 6.3.

E. **ALTERNATIVE 6.4- “ALTERNATE SITE” ALTERNATIVE**

1. Summary of Alternative

The “Alternate Site” Alternative would utilize an area known as Seaside East, a 495-acre property that is located entirely within the City of Seaside and that was formerly part of the Fort Ord Army base. The Alternate Site, which is located north and south of Eucalyptus Road, east of General Jim Moore Boulevard, and west of the Fort Ord National Monument, encompasses an area that is approximately 30 percent (216 acres) smaller than the Project site. This Alternative excludes the open space acreage associated with the Oak Oval and places the Project’s proposed land uses at the Alternate Site, excluding the Monterey Downs Equestrian Training Track. Despite the property’s smaller size, with the exclusion of the Training Track, all of the Project’s proposed land uses would be accommodated at the Alternate Site. This Alternate Site alternative does not preclude a project from being developed in the future on the Project site, consistent with the Fort Ord Base Reuse Plan.

2. Reason for Rejecting Alternative

Implementation of the Alternate Site Alternative would lessen some significant and unavoidable impacts associated with the Project. However, this Alternative would not reduce any of these impacts to a less than significant level. Alternative 6.4 would result in greater environmental impacts related to cultural resources and noise.

The Modified Project Alternative would not meet the following Project objectives:

- Preserving, restoring, and incorporating native habitats adjacent to and within the Specific Plan.
- To support a project that is consistent with and furthers the goals and objectives of the Fort Ord Base Reuse Plan (BRP)

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- To fulfill the City's obligation under the MOU by and between the City, the County of Monterey, and FORA for the long-term operation and maintenance of the Veterans' Cemetery through sale of the "Endowment Parcel."
- To enable economic opportunities that bring higher paying jobs and generate increased revenues that will enable the City to provide quality services to its residents.

Further, it is unknown whether this Alternative would meet the following objectives:

- To ensure that the Project provides sufficient mitigation and revenue to fund City services and infrastructure provided to the area.
- To integrate the Project with existing and planned roadway improvements on Fort Ord and surrounding community.

3. Conclusion Regarding Alternative 6.4

The City Council hereby finds that failure to meet the Project objectives stated above is an independent ground for rejecting Alternative 6.4 and by itself, independent of any other reason, justifies rejection of Alternative 6.4. The City Council hereby further finds that Alternative 6.4 would result in greater impacts to cultural resources and noise while not reducing any of the Project's significant and unavoidable impacts to less than significant levels, and that this is an independent ground by itself, independent of any other reason, justifying rejection of Alternative 6.4.

***City of Seaside
Mitigation Monitoring and Reporting Program***

Project Name: **Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan (formerly known as Monterey Downs and Monterey Horse Park and Central Coast Veterans Cemetery Specific Plan)**

File No: **SPL 12-01**

Approval by: _____ **Date:** _____

Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
AES-1 <u>Construction Management Plan</u> . Prior to issuance of any grading permits for each development phase, a Construction Management Plan shall be submitted for review and approval by the City Engineer/Public Works Services Manager. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and haul route(s). Staging areas shall be sited and/or screened in order to minimize public views to the maximum extent practicable. Construction haul routes shall minimize impacts to sensitive uses in the City.	Prior to the issuance of any grading permits for each development phase: 1. Submit Construction Management Plan to City Engineer/Public Works Service Manager for review for conformance with the criteria of the mitigation measure.	Applicant(s)	City of Seaside	
AES-2 <u>City's Eastern Gateway</u> . As part of the Site Plan review for development within the REC-1 and REC-2 Planning Areas, the Applicant shall prepare plans to relocate the City's eastern Gateway to the Specific Plan area's northeastern boundary at Eastside Parkway, in order to establish an entrance to the City. Such plans shall be submitted to the City Planning Department for review and shall include landscaping, design themes, landmark features, and signage in accordance with the Seaside General Plan Urban Design Element's Urban Design Plan UD-1.1.1.1.	Prior to approval of use permits for the REC-1 and REC-2 Planning Areas: 1. Submit plans to relocate the City's eastern Gateway to the Specific Plan area's northeastern boundary at Eastside Parkway to the City Planning Department for review for conformance with the criteria of the mitigation measure	Applicant(s) for REC-1 and REC-2 Planning Areas	City of Seaside	
AES-3 <u>Lighting Plan</u> . Prior to issuance of any construction permit for the REC-1 and REC-2 Planning Areas, the Applicant shall prepare a comprehensive Lighting Plan that shall be submitted to the Seaside	Prior to the issuance of any building permit for the REC-1 and REC-2	Applicant(s) for REC-1 and REC-2 Planning	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
Planning Department for review and approval by the Board of Architectural Review. The Lighting Plan shall: • Be prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America (IESNA) using guidance and best practices endorsed by the International Dark Sky Association; • Be based on a Photometric Study prepared by a qualified engineer who is an active member of the IESNA and provided as an attachment to the Lighting Plan; • Provide the specific technical data and performance criteria used as the basis for the Lighting Plan; • Demonstrate that the illumination levels are the maximum allowed by Seaside Municipal Code Section 17.30.070, Outdoor Lighting. • Direct views of all lighting sources downward. • Demonstrate that lighting in the REC-1 and REC-2 Planning Areas do not result in spill light onto the OS Planning Area. The Applicant shall be responsible for implementation of the Lighting Plan.	Planning Areas: 1. Submit a Lighting Plan to the Planning Department for review for conformance with the criteria of the mitigation measure	Areas		
AQ-1 <u>Implement Fugitive Dust Control Measures.</u> The Project Applicant shall not exceed MBUAPCD screening thresholds by limiting areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth moving activities (grubbing, excavation, rough grading), or 8.1 acres per day for activities that involve minimal earth moving (e.g., finish grading) during all phases of construction activities. If the Project requires that grading and excavation exceed those acreages, the Project Applicant shall implement the following fugitive dust control measures: • Water all active construction areas at least twice daily (alternatively chemical dust suppressants or windbreaks may be used); • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to 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 (with water sweepers) all paved access roads, parking areas and staging areas at construction sites; • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); • Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); • Limit traffic speeds on unpaved roads to 15 mph; • Install appropriate best management practices or other erosion control measures to prevent silt runoff to public roadways; • Replant vegetation in disturbed areas as quickly as possible;	Prior to the issuance of grading permits: 1. Submit construction plans that demonstrate that active areas of disturbance will be limited to no more than 2.2 acres a day for initial site preparation activities or; Daily during construction: 1. If the Project requires grading and excavation that exceed MBUAPCD screening thresholds for active disturbance per day for site preparation, maintain a log of daily construction activities, noting implementation of fugitive dust control measures identified in the mitigation measure.	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
• Install wheel washers or track-out devices for all exiting trucks and equipment leaving the site; • Limit the area subject to excavation, grading and other construction activity at any one time; • Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints (the person shall respond to complaints and take corrective action within 48 hours); and • Ensure that the phone number of MBUAPCD is visible to the public for compliance with Rule 402 (Nuisance).				
AQ-2 <u>Vehicle Emission Reduction Measures.</u> Prior to issuance of any Grading Permit, the Seaside Director of Public Works Services Manager and Building Official shall confirm that the grading plan, building plans, and specifications stipulate that all off-road construction vehicles/equipment greater than 100 horsepower that will be used on site for more than one week shall: 1) be manufactured during or after 1996, and 2) shall meet the NOX emissions standard of 6.9 grams per brake-horsepower hour. Alternatively, the Project shall implement a combination of the following emission reduction measures on the above described vehicles and equipment: • Require diesel particulate matter filters on equipment; • Require diesel oxidation catalyst on equipment; • Install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors); • Enforce state required idle restrictions (e.g., post signs). Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks may keep their engines running continuously as long as they were onsite and staged away from residential areas; • Properly tune and maintain equipment; and • Stage large diesel-powered equipment at least 100 feet from any active land uses (e.g., residences)	Prior to the issuance of any grading permit: 1. Submit grading plan, building plans, and specifications to Director of Public Works Services Manager and Building Official to review for conformance with the criteria of the mitigation measure for off-road construction vehicles.	Applicant(s)	City of Seaside	
AQ-3 <u>Preparation of an Equestrian Management Plan.</u> Prior to issuance of occupancy permits for any equestrian related facility, the Project Applicant shall consult with the MBUAPCD, as well as submit and receive approval for an Equestrian Management Plan (EMP) to the City of Seaside Planning Division that addresses and includes measures to control objectionable odors. The EMP is required to include the following: Erosion Control • Pasture Management • Site Drainage • Slope Stabilization • Horse Specific BMP's Water Quality/Runoff Mitigation • Roof Runoff • Facility Runoff General Housekeeping • Manure Management • Pest Management (IPM) • Wash Rack Design	Prior to the issuance of occupancy permits for any equestrian related facility: 1. Submit proof of MBUAPCD consultation regarding the Equestrian Management Plan in meeting MBUAPCD standards 2. Submit an Equestrian Management Plan to the Planning Department for review for conformance with the criteria of the mitigation measure	Applicant(s) for any Equestrian Related Facility	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
• Trash/Debris Collection • Hazardous Waste Disposal • Dust Control • Winterization Emergency/Fire Safety • Access • Emergency Preparedness The following are the minimum requirements that shall be included in the EMP: • Clean up manure and soiled beddings daily and place in properly designed manure storage area. • Manure storage areas shall have a concrete (or similar) bottom and shall be covered during rain. • Provide berm or other design solution to keep runoff away from manure storage areas. • Manure from manure storage areas shall be disposed of weekly, preferable to a facility that will reuse for fertilizer or for mushroom farming. • Direct run-off away from corrals, paddocks, arenas, waste storage facilities and other areas that are likely to contain horse waste or be void of vegetation. • Provide grass filter strips, bio-swales or other LID facilities around and downstream of high-use areas. • During dry months, lightly water high use areas to minimize dust. By incorporating the applicable performance standards listed above and outlined in Mitigation Measure HYD-2 and Mitigation Measure BIO-5 (Borderland Requirements), the EMP shall address best management practices (BMPs), including proper installation/maintenance procedures, for odor control, manure/weed control, and runoff pollution site design/source control/treatment control in compliance with NPDES standards and EPA/RWQCB rules/regulations pertaining to water quality/CAFOs at the time of design/construction.				
BIO/COMP-1 <u>HMP Plant Species Salvage</u>. For proposed impacts to the Fort Ord Habitat Management Plan (HMP) plant species within the Project site that do not require take authorization from California Department of Fish & Wildlife (DFW) or U.S. Fish & Wildlife Service (FWS), salvage efforts for these species shall be evaluated by a qualified biologist in coordination with Project Proponent, DFW, and FWS per the HMP requirements and Biological Opinion (BO). Prior to commencement of vegetation removal and grading for the first development area within the Project site, an updated rare plant survey shall be performed and a salvage plan shall be prepared and implemented by a qualified biologist, in coordination with Project Proponent, DFW, and FWS, which shall include, but not be limited to: a description and evaluation of salvage opportunities and constraints for the entire site; the appropriate methods and protocols of salvage and relocation efforts; identification of relocation and restoration areas; and identification of qualified biologists approved to perform the salvage efforts, including the identification of any required collection permits from DFW and/or FWS. Seeds shall be collected during the appropriate time of year for each species by qualified biologists. The salvaged plants and collected seeds shall be used to revegetate temporarily disturbed construction areas as well as any other on or offsite reseeded and restoration efforts in habitat management areas, as determined appropriate in the salvage plan.	Prior to issuance of a grading permit for the first development area: 1. Submit a written report by a qualified biologist, including photographs, to the Community Development Department, describing the results of the rare plant survey. 2. Submit a letter from the Department of Fish and Wildlife or U.S. Fish and Wildlife Service certifying adequacy of the salvage plan for the protection of HMP plant species. 3. Submit a salvage plan prepared by a qualified biologist for review for conformance with the criteria of the mitigation measure.	Applicant(s), Qualified Biologist	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
BIO/COMP-2 <u>Salvage/Relocation Measures for California Legless Lizard</u>. Prior to commencement of vegetation removal and grading for the first development area within the Project site, the Project Proponent shall retain a qualified biologist to prepare and implement a legless lizard salvage/relocation plan in coordination with DFW, which shall include, but not be limited to, the protocols for pre-construction surveys, construction monitoring, and salvage and relocation. The DFW must be notified at least 48 hours before any field activity begins. The plan shall include, but not be limited to, the following: • Pre-Construction Surveys. Pre-construction surveys for legless lizards shall be conducted in all suitable habitat proposed for construction, ground disturbance, or staging. The qualified biologist shall hold or obtain a DFW scientific collection permit for this species. The preconstruction surveys shall use a method called “high-grading.” High grading samples the habitat where legless lizards are most likely to be found, and the survey must occur under the conditions when legless lizards are most likely to be seen and captured (early morning, high soil moisture, overcast, etc.). The intensity of a continued search may then be adjusted, based on the first survey’s results in the best habitat. A “three pass method” shall be used to locate and remove as many legless lizards as possible. A first pass shall locate as many legless lizards as possible, a second pass should locate fewer lizards than the first pass, and a third pass should locate fewer lizards than the second pass. All search passes shall be conducted in the early morning when legless lizards are easiest to capture. Vegetation may be removed by hand to facilitate hand raking and search efforts for legless lizards in the soil under brush. If lizards are found during the first pass, an overnight period of no soil disturbance must occur before the second pass, and the same requirement shall be implemented after the second pass. If no lizards are found during the second pass, a third pass is not required. Installation of a barrier, in accordance with the three pass method, may be required if legless lizards are found at the limits of construction (Project boundaries) and sufficient soft sand and vegetative cover are present to suspect additional lizards are in the immediate vicinity on the adjacent property. A barrier would prevent movement of legless lizards into the property. All lizards discovered shall be handled according to the salvage procedures outlined below. • Construction Monitoring. Monitoring by a qualified biologist shall be ongoing during construction. The onsite monitor shall be present during all ground-disturbing construction activities. To facilitate the careful search for lizards during construction, vegetation may need to be removed. If removal by hand is impractical, equipment such as a chainsaw, string trimmer, or skid-steer may be used, if a monitor and crew are present. The equipment shall be used to remove plants under the monitor’s direction, allowing the monitor to watch for legless lizards. After plants are removed, the monitor and crew shall search the exposed area for legless lizards. If legless lizards are found during construction monitoring, the protocols for salvage and relocation identified below shall be followed. • Salvage and Relocation. Only experienced persons may capture or handle legless lizards. The monitor shall demonstrate a basic understanding, knowledge, skill, and experience with this species and its habitat. Once captured, a lizard shall be placed in a lidded, vented box containing clean sand. Areas of moist and dry sand need to be present in the box. The boxes shall be kept out of direct sunlight and protected from temperatures over 72°F. The sand shall be kept at temperatures under 66°F. Ideal temperatures are closer to 60°F. On the same day as capture, the lizards shall be examined for injury and data recorded on location where found as well as length, color, age, and tail condition. Once data is recorded, lizards shall be relocated to appropriate habitat, as determined through coordination with the DFW, qualified biologist, and potential landowners. Suitability of habitat for lizard release shall be evaluated and presented in the plan. The habitat shall contain habitat factors most important to the species’ health and survival, such as appropriate habitat based on soils, vegetated cover, native plant species providing cover, plant litter layer and depth, soil and ambient temperature, quality and composition of invertebrate population and prey availability. Potential relocation sites that contain the necessary conditions may exist within the habitat reserves on the former Fort Ord,	Prior to issuance of a grading permit for the first development area within the Project site: 1. Submit a legless lizard salvage/relocation plan prepared by a qualified biologist to the City of Seaside for review for conformance with the criteria of the mitigation measure. 2. Submit a letter from the Department of Fish and Wildlife certifying adequacy of the legless lizard salvage/relocation plan. 3. Submit a written report by a qualified biologist, including photographs, to the Community Development Department, describing the results of the legless lizard pre-construction survey. During construction 1. Submit a written report by a qualified biologist to the Community Development Department certifying construction monitoring and implementation of the salvage and relocation plan according to the criteria in the mitigation measure.	Applicant(s), Qualified Biologist	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
including the Fort Ord National Monument. Release for every lizard shall be recorded with GPS. • Upon completion of pre-construction surveys, construction monitoring, and any resulting salvage and relocation actions, a report shall be submitted to the DFW. GPS locations shall be submitted, as part of the survey result report, to document the number and locations of lizards relocated.				
BIO-1 <u>Impacts to Monterey Spineflower and Sand Gilia</u>. The Project Proponent shall implement the following measures during site design phase for each development: • Monterey spineflower and sand gilia individuals and populations shall be avoided through Project design and modification, to the extent feasible while taking into consideration other site and engineering constraints; or • If impacts to Monterey spineflower and sand gilia cannot be avoided, in compliance with the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA), and as required by the California Department of Fish and Wildlife (DFW) and U.S. Fish and Wildlife Service (FWS), incidental take permits for these species shall be obtained prior to issuance of grading permits for each development. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The mitigation plan would include, but is not limited to, identifying avoidance and minimization measures; a take assessment; compensatory mitigation lands and success criteria; and funding assurances. • Alternatively, ground-disturbing activities for each development may be delayed until the Fort Ord Habitat Conservation Plan (HCP) is approved and base-wide state incidental take permits are issued. If this alternative is chosen, project-specific incidental take permits shall not be necessary; however, all applicable HCP requirements shall be implemented.	Prior to approval of final site plans for each development: 1. Submit site plans that incorporate design features or modifications to avoid the spineflower and sand gilia individuals and populations. Prior to issuance of grading permits for each development: 1. If the spineflower and sand gilia cannot be avoided through Project design, submit proof that incidental take permits have been obtained as required by the California Department of Fish and Wildlife, U.S Fish and Wildlife Service, and this mitigation measure, or; 2. Delay ground disturbing activities until the Fort Ord Habitat Conservation Plan is approved and upon approval submit proof that development complies with all applicable HCP requirements.	Applicant(s)	City of Seaside	
BIO-2 <u>Construction Best Management Practices</u>. The following best management practices shall be written into construction permit documentation and implemented during construction to reduce impacts to special-status plant and wildlife species: • A qualified biologist shall conduct an Employee Education Program for the construction crew prior to any construction activities on the following items: 1) the appropriate access route(s) in and out of the construction area and review of Project boundaries; 2) how a biological monitor shall examine the area and agree upon a method which shall ensure monitor safety during such activities, 3) the special-status species that may be present; 4) the specific mitigation measures that shall be incorporated into the construction effort; 5) the general provisions and protections afforded by the California Department of Fish and Wildlife (DFW) and U.S. Fish and Wildlife Service (FWS); and 6) the proper procedures if a special-status species is encountered within the Project site. • Trees and vegetation not planned for removal or trimming, shall be protected prior to and during construction to the maximum extent feasible through the use of exclusionary fencing, such as hay bales for herbaceous and shrubby vegetation, and protective wood barriers for trees. Only certified weed-free straw shall be used to avoid the introduction of non-native, invasive species. A biological monitor shall supervise the installation of protective fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact.	Prior to issuance of any construction permits: 1. Submit construction plans that include best management practices identified in the mitigation measure Prior to commencement of development activities: 1. Submit a letter from a qualified biologist verifying that the educational program has been completed, noting date(s) subject(s) covered, material(s) distributed, and attendees and affiliation with the Project.	Applicant(s), Qualified Biologist, Responsible Contractor	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
• Grading, excavating, and other activities shall utilize standard erosion control techniques to minimize erosion and sedimentation. • No firearms shall be allowed within areas under construction, except for law enforcement and authorized security personnel. • All food-related and other trash shall be disposed of in closed containers and removed from the Project area at least once a week during the construction period, or more often if trash is attracting avian or mammalian predators. Construction personnel shall not feed or otherwise attract wildlife to the area. • Following construction, disturbed areas shall be restored to pre-Project contours to the maximum extent feasible and revegetated using locally-occurring and salvaged native plants/seeds and native erosion control seed mix, per the recommendations of a qualified biologist.	Monthly during construction: 1. Submit report, including photographs, by a qualified biologist or the responsible contractor to the Community Development Department certifying that the protection measures have been satisfactorily implemented.			
BIO-3 <u>Construction-Phase Monitoring.</u> Prior to the start of construction activities, the Project Proponent shall retain a qualified biologist to monitor all ground disturbing activities (i.e., vegetation removal, grading, excavation, or similar activities) to protect any special-status species encountered. Any handling and relocation protocols of special-status wildlife species shall be determined in coordination with U.S. Fish and Wildlife Service (FWS) prior to any ground disturbing activities, and conducted by a qualified biologist with appropriate scientific collection permit. After ground disturbing activities are complete, the qualified biologist shall train an individual from the construction crew to act as the onsite construction biological monitor. The construction biological monitor shall be the contact for any special-status wildlife species encounters, shall conduct daily inspections of equipment and materials stored onsite and any holes or trenches prior to the commencement of work, and shall ensure that all installed fencing stays in place throughout the construction period. The qualified biologist shall then conduct regular scheduled and unscheduled visits to ensure the construction biological monitor is satisfactorily implementing all appropriate mitigation protocols. Both the qualified biologist and the construction biological monitor shall have the authority to stop and/or redirect Project activities to ensure protection of resources and compliance with all environmental permits and Project conditions. The qualified biologist and the construction monitor shall complete a daily log summarizing activities and environmental compliance throughout the Project's construction phase. The log shall also include any special-status wildlife species observed and relocated.	Prior to issuance of grading permits: 1. Submit proof that a qualified biologist has been retained to monitor all ground disturbing activities 2. Submit a letter from the U.S. Fish and Wildlife Service that protocols for handling and relocation of special-status species have been established Prior to issuance of construction permits: 1. Submit proof that any handling or relocation of special-status wildlife was conducted by a qualified biologist with an appropriate scientific collection permit 2. Submit proof that the qualified biologist trained an individual from the construction crew to act as the onsite construction biological monitor During construction: The qualified biologist and construction monitor shall complete daily logs summarizing activities and environmental compliance through the construction phase and identifying any special-status wildlife species observed and relocated Submit monthly reports from the	Applicant(s); Qualified Biologist, Trained Construction Monitor	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
	qualified biologist that certify that regular scheduled and unscheduled visits were conducted to ensure that the construction monitor is satisfactorily implementing all appropriate mitigation protocols			
BIO-4 <u>Non-Native, Invasive Species Controls</u>. The following measures shall be written into construction permit documentation and implemented during construction to reduce the introduction and spread of non-native, invasive species: - Any landscaping or replanting required for the Project shall not use species listed as noxious by the California Department of Food and Agriculture (CDFA). California Invasive Plant Council (http://www.cal-ipc.org/ip/inventory/index.php), and Fort Ord Weed Management Group (Recommendations for Invasive Plant Species to Control on the Former Fort Ord, February 2013). - Bare and disturbed soil shall be landscaped with CDFA recommended seed mix or locally-occurring and salvaged native plants/seeds and native erosion control seed mix, per the recommendations of a qualified biologist, to preclude the invasion on noxious weeds in the Project site. Examples of local sources of appropriate seed mixes include, but are not limited to, Return of the Native Nursery, Watershed Institute Nursery, California State University at Monterey Bay, and Bureau of Land Management/Fort Ord National Monument (BLM/FONM). - Construction equipment shall be cleaned of mud or other debris that may contain invasive plants and/or seeds and inspected to reduce the potential of spreading noxious weeds, before mobilizing to arrive at the construction site and before leaving the construction site. - All non-native, invasive plant species shall be removed from disturbed areas prior to replanting.	Prior to issuance of grading permits: 1. Include measures for invasive species controls identified in the mitigation measure in the construction permit. Monthly during construction: 1. Submit a report by a qualified biologist to the Community Development Department certifying that the protection measures identified in the mitigation measure have been satisfactorily implemented.	Applicant(s), Qualified Biologist	City of Seaside	
BIO-5 <u>Implement Borderland Requirements</u>. Borderland requirements shall be implemented prior to issuance of any grading permit within Army Parcel Number E19a.3, which consists of Planning Areas REC-1, REC-2, C-2, RM, and VC. The Project Proponent shall prepare a Fire Protection/Management Plan for Planning Areas REC-1, REC-2, C-2, RM and VC and submit to the City of Seaside Planning Division and Fire Department for approval prior to approval of final maps for Army Parcel Number E19a.3. The Fire Protection/Management Plan shall include the following measures: - Establish and maintain fuelbreaks. Fuelbreaks shall be established within Borderlands and habitat management areas, which include the parcels adjacent to the BLM Natural Resource Management Area (NRMA) and adjoining habitat areas (within Army Parcel Number E19a.3, which consists of Planning Areas REC-1, REC-2, C-2, RM, and VC). Fuelbreaks shall be located at the urban/wildland interface (not necessarily at the parcel boundary), shall be installed on the Borderland parcel (not in the adjacent habitat management area), and shall be contiguous. The fuelbreak's size shall be determined by fire-wise planning. Fuelbreaks or fuel buffers (e.g., parking areas, irrigated lawns/fairways, or cleared land) must be incorporated into the boundary plans for Borderland parcels. The following measures shall be required as part of fuelbreak establishment and maintenance: - Establish fuelbreaks within existing roads and trails to the extent possible. - Conduct maintenance of fuelbreaks during summer months to the maximum extent possible within potential California tiger salamander (CTS) upland habitat to avoid impacts on this species. - Maintain fuelbreaks necessary to support a prescribed burn or to contain a potential wildfire to	Prior to approval of final site plans for REC-1, REC-2, C-2, RM, and VC: 1. Submit a Water Quality Management Plan, or functional equivalent, to the City for review for conformance with the criteria in the mitigation measure. 2. Include storm water detention/retention features in the construction plans according to the criteria in the mitigation measure. Prior to issuance of a grading permit for REC-1, REC-2, C-2, RM, and VC: 1. Submit proof that borderland requirements were implemented. 2. Submit a Fire Protection/ Management Plan to the Seaside Planning Division and Fire Department for review for	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
the habitat management areas, not for other uses. - Remove vegetation with hand tools, chainsaws, ASV equipment, or tractor operated mowers where possible. - Manage cut vegetation to avoid impacts on HMP species. Within potential CTS habitat, do not pile cut vegetation for longer than 3 months. Cut vegetation or burn or grind in place during the wet season. - Limit placement of chipped vegetation in areas cleared for fuelbreaks to allow for reestablishment of annual HMP plant species. - Avoid mowing or use of heavy equipment in maintaining fuelbreaks during the wet season. - Maintain fuelbreaks to ensure fuel loads are kept low enough to prevent the spread of fire. • Establish and maintain fuel management buffer to protect habitat management areas and property. Borderland parcels shall establish a fuel management buffer between the development's edge and the habitat management area boundaries. • Invasive Species Control: The Project Proponent shall implement the following measures and incorporate these measures into final development plans within Army Parcel Number E19a.3, which consists of Planning Areas REC-1, REC-2, C-2, RM, and VC; and submit to the City of Seaside Planning Division for approval prior approval of final maps. - Conduct an access assessment to identify necessary access controls for Borderland parcels. In some cases, structures including fences or other appropriate barriers may be required within the new development parcel to control access into the habitat management areas. An assessment of access issues and necessary controls shall be completed as part of the planning process for Borderland parcels and submitted to the City of Seaside for review and approval, prior to development, and shall include review through the Coordinated Resource Management and Planning Program (CRMP). Signs, interpretive displays, trailhead markers, or other information shall be installed and maintained at the urban/wildland interface that illustrate the adjacent habitat management area's importance and prohibit trespass, motor vehicle entry, dumping of trash or yard wastes, off-leash pets, capture or harassment of wildlife, the collection of HMP plant species, and other unauthorized activities. - Incorporate non-native species control features into final site design. Detention ponds, ornamental lakes, and other water features associated with new development shall be sited as far from the urban/wildland interface as possible. Suitable barriers shall be located between these features and the habitat management area boundary to prevent these features from becoming "sinks" for HMP animal species, as well as sources for invasive non-natives that could then move into the adjacent habitat management area. - If detention ponds, artificial ponds or other water bodies must be located at the urban/wildland interface, a specific management program addressing control of non-native animals (e.g., bullfrogs) shall be prepared and submitted to the governing jurisdiction for review and approval, including review through the CRMP program, prior to development. The governing jurisdiction shall require that the Project Proponent design detention basins to drain rapidly after a storm event so that these water features minimize attracting breeding of nonnative CTS and other invasive species, such as bullfrogs. Design features shall be subject to review and approval by the U.S. Fish & Wildlife Service (FWS), California Department of Fish & Wildlife (DFW), and City of Seaside. Stormwater system design shall be part of an approved stormwater pollution prevention program (SWPPP). - All proposed permanent aquatic features shall be designed with the ability to be drained if necessary to control invasion by invasive aquatic species.	conformance with the criteria in the mitigation measure.			

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
• Consistent with BRP Objective A, Biological Resources Policy A-1, Program A-1.2, a suitable barrier shall be constructed where vehicle access would occur along the urban/wildland interface where habitat in the Borderlands no longer exists and where this interface comes within 1 2 kilometers of a known CTS breeding pool, unless CTS absence has been demonstrated using the survey protocol approved by FWS and DFW, or if FWS determines this barrier is unlikely to substantially minimize take of CTS. • Landscaping and Lighting: The Project Proponent shall prepare a landscaping and lighting plan for approval by the City of Seaside Planning Division prior to approval of final maps. The landscaping and lighting plans shall incorporate the following measures into the final development plans within Army Parcel Number E19a.3, which consists of Planning Areas REC-1, REC-2, C-2, RM, and VC: - Landscaping within the Borderlands (within Army Parcel Number E19a.3, which consists of Planning Areas REC-1, REC-2, C-2, RM, and VC) shall consist of native or non-invasive non-native plant species. Any landscaping or replanting required for the Project shall not use species listed as noxious by the California Department of Food and Agriculture (CDFA). - During construction activities, artificial lighting shall be limited at the urban/wildland interface. - Outdoor lighting associated with new development shall be low intensity, focused, and directional to preclude night illumination of the adjacent habitat management area. Outdoor lighting shall be placed as far from the urban/wildland interface as possible given safety constraints. Public facilities such as ball parks and fields that require high intensity night lighting (i.e., flood lights) shall be sited as far from the urban/wildland interface as possible. High-intensity lighting facing the habitat management areas shall be directional and as low to the ground as possible to minimize long distance glare. The Project Proponent shall prepare a Water Quality Management Plan, or functional equivalent, prior to approval of final development plans. Storm water detention/retention features shall also be included in the Construction Drawings to mitigate impacts of changes in imperviousness, as identified in the site-specific hydrology study. The Water Quality Management Plan shall include BMPs designed to collect, detain, treat, infiltrate/evapotranspire, and discharge runoff onsite before discharging into the City storm drain system. To the maximum extent practical, storm water quality treatment shall be provided with infiltration. The treatment methods shall include but are not limited to: infiltration wells, infiltration basins, high-efficiency planter boxes, and surface planting areas. Additionally, stormwater detention basins or other water features created on the property shall be designed so that they do not attract breeding CTS, unless designed to function as a population source, which shall be determined through consultation with FWS and DFW. Accordingly, the eventual number of adult CTS produced at the site must exceed mortality such that breeding effort is not wasted. If CTS are found on the property, the owner shall work with the CRMP to implement monitoring and management actions as necessary. The Project Proponent shall provide education materials. The following Borderland requirements shall be implemented for the Monterey Horse Park (REC-1 Planning Area) and Monterey Downs Planning Areas REC-2, C-1, C-2, RM, R-1, R-2, R-3, OS and PF: • Prior to construction activities, the City shall provide educational materials to property owners in Borderland parcels. • The City shall provide educational materials (e.g., newsletters), annually, to all new property owners in Borderland parcels, to ensure compliance with design and management requirements. • Prior to issuance of occupancy permit(s), the Project Proponent shall install interpretive signage at aquatic features accessible to the public regarding the environmental consequences of releasing non-native species into aquatic features.				

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
BIO-6 <u>Avoidance of impacts to Kellogg's horkelia</u> within the Monterey Downs residential areas (R-1, R-2, R-3, and RM Planning Areas) and commercial areas (C-1 and C-2 Planning Areas). - Impacts to individuals shall be avoided through Project design and modification, to the extent feasible while taking into consideration other site and engineering constraints; or - If avoidance is not feasible, the area of impacted species shall be replaced at a 1:1 ratio through preservation, restoration, or combination of both. A Rare Plant Restoration Plan, which outlines the success criteria for implementation, shall be prepared and implemented by a qualified biologist and submitted to the City of Seaside for approval prior to issuance of a grading permit. The plan shall include, but not be limited to, the following: - A detailed description of onsite and/or offsite mitigation areas, salvage of seed and/or soil bank, plant salvage, seeding, and planting specifications, including, if appropriate, increased planting ratio to ensure the applicable success ratio. Specifically, seed shall be collected from the onsite individuals that shall be impacted and grown in a local greenhouse, and then transplanted within the mitigation area. Plants shall be transplanted with a minimum five-gallon specimen tree and in a location approved by the board of architectural review in order to develop a good root system. - A description of a three-year monitoring program, including specific methods of vegetation monitoring, data collection and analysis, restoration goals and objectives, success criteria, adaptive management if the criteria are not met, reporting protocols, and a funding mechanism shall be prepared. - The mitigation area shall be preserved in perpetuity through a conservation easement or other legally enforceable land preservation agreement. Exclusionary fencing shall be installed around the mitigation area to prevent disturbance until success criteria have been met.	Prior to approval of final improvement plans or R-1, R-2, R-3, RM, C-1, and C-2 Planning Areas: 1. Incorporate design features or modifications to avoid the Kellogg's horkelia individuals and populations. Prior to issuance of grading permits for each development: 1. If the Kellogg's Horkelia cannot be avoided through Project design, a Rare Plant Restoration Plan shall be prepared by a qualified biologist and submitted to the City for review for conformance with the criteria of the mitigation measure. 2. A report shall be submitted by a qualified biologist certifying implementation of the Rare Plant Restoration Plan according to the mitigation measure criteria. Upon completion of the three year monitoring program: 1. Submit a report to the City detailing the three-year monitoring program, including specific methods of vegetation monitoring, data collection and analysis, restoration goals and objectives, success criteria, adaptive management if the criteria are not met, reporting protocols, and a funding mechanism.	Applicant(s), Qualified Biologist	City of Seaside	
BIO-7 <u>Avoidance and Minimization Measures for California Tiger Salamander</u>. For construction activities proposed within potential California tiger salamander upland habitat in the Monterey Horse Park (REC-2), Monterey Downs Planning Areas REC-2, C-1, C-2, RM, R-1, R-2, R-3, OS and PF, excluding Seaside corporation yard site, and Oak Oval (see Figure 4.3-5, Upland CTS Habitat within Monterey Downs - DFW Analysis) and in the CCVC (see Figure 4.3-6, Upland CTS Habitat within CCVC - DFW Analysis), one of the following measures shall be implemented: 1. In compliance with the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA), and as required by the California Department of Fish and Wildlife (DFW) and U.S. Fish and Wildlife Service (FWS), incidental take permits for California tiger salamander shall be obtained prior to issuance of any grading permit for the Monterey Horse Park REC-2), Monterey Downs Planning Areas REC-2, C-1, C-2, RM, R-1, R-2, R-3, OS and PF, excluding Seaside corporation yard site, Oak Oval, and	Prior to the issuance of any grading permits for the Monterey Horse Park (REC-2), Monterey Downs Planning Areas REC-2, C-1, C-2, RM, R-1, R-2, R-3, OS and PF, excluding Seaside corporation yard site, and Oak Oval (see Figure 4.3-5, Upland CTS Habitat within Monterey Downs - DFW Analysis) and in the CCVC: 1. Submit proof that incidental take permits for California tiger salamander	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
CCVC. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The mitigation plan shall include, but is not limited to, identifying avoidance and minimization measures; a take assessment; compensatory mitigation lands and success criteria; and funding assurances; or, 2. Alternatively, ground-disturbing activities for each development may be delayed until the Fort Ord Habitat Conservation Plan (HCP) is approved and base-wide federal and state incidental take permits are issued. If this alternative is chosen, project-specific, individual incidental take permits shall not be required; however, all applicable HCP requirements shall be implemented.	have been obtained as required by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and this mitigation measure; or, 2. Delay ground disturbing activities until the Fort Ord Habitat Conservation Plan is approved and upon approval submit proof that development complies with all applicable HCP requirements.			
BIO-8 <u>Pre-Construction Surveys for Special-Status Bats</u>. To avoid and reduce impacts to hoary bat and other special-status bat species, the Project Proponent shall retain a qualified bat specialist or wildlife biologist to conduct a survey during the reproductive season (May 1 through September 15) to characterize bat utilization of the work site (and up to 100 feet of construction limits) and potential species present (techniques utilized shall be determined by the biologist) no more than 30 days prior to removal of any vegetation or building or any other suitable roosting habitat. Based on the results of this pre-construction survey, one or more of the following shall occur: • If bats and/or bat signs are not present, no additional mitigation is required. • If bats and/or bat signs are observed, removal of trees, buildings, or other suitable habitat may proceed after the bats have been safely excluded from the roost. Exclusion techniques shall be determined by the biologist and depend on the roost type; the biologist shall prepare a mitigation plan for provision of alternative habitat to be approved by U.S. Department of Fish and Wildlife (FWS) prior to commencement of bat exclusion activities. • If bats and/or bat signs are observed that are associated with a maternity roost, an appropriate no-disturbance buffer shall be imposed within which no construction activities or disturbance shall take place (buffer width shall be determined by biologist) until the biologist monitoring the roost determines that the young have fledged and are no longer dependent on the roost. The monitor shall ensure that all bats have left the area of disturbance prior to initiation of limbing and/or removal of trees. If avoidance is not feasible and a maternity roost must be disrupted by a qualified biologist, a written authorization from CDFW permit would be required prior to “take” of the roost.	Prior to issuance of grading permits, and no more than 30 days prior to removal of any vegetation, building, or any other suitable roosting habitat, during construction: 1. Submit a written report by a qualified biologist, including photographs, to the Community Development Department, describing the results of the special status bat pre-construction survey. 2. If bats and/or signs of bats are observed, submit a report by a qualified biologist that bats have been safely excluded from the roost. 3. Submit a mitigation plan according to the mitigation measure criteria for provisions of alternative habitat with proof of approval of the plan by the U.S. Department of Fish and Wildlife. 3. If bats and/or signs associated with maternity roost are observed, submit a report from a qualified biologist that appropriate no-disturbance measures were imposed according to the criteria contained in the mitigation measure.	Applicant(s), Qualified Biologist	City of Seaside	
BIO-9 <u>Pre-Construction Surveys for Monterey Dusky-Footed Woodrat</u>. To avoid and reduce impacts to the Monterey dusky-footed woodrat, the Project Proponent shall retain a qualified biologist to conduct a survey in suitable habitat proposed for construction, ground disturbance, or staging within three days prior to these activities to search for woodrat nests within the Project area and in a buffer zone 100 feet out from the limit of disturbance. All woodrat nests observed within the work site (and up to 25 feet of construction limits) shall be flagged for avoidance of direct construction impacts, where feasible. Nests that cannot be avoided shall be manually deconstructed by a qualified biologist prior to land clearing activities to allow animals to escape harm. If a litter of young is found or suspected, nest material shall be replaced, and the	Prior to issuance of grading permits, and within three days prior to construction, ground disturbance, or staging activities: 1. Submit a written report by a qualified biologist, including photographs, to the Community Development Department,	Applicant(s), Qualified Biologist	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
nest left alone for 2-3 weeks before a re-check by a qualified biologist to verify that young are capable of independent survival before proceeding with nest dismantling.	describing the results of the Monterey dusky-footed woodrat pre-construction survey. 2. If evidence of woodrats or nests are found, submit written verification by a qualified biologist that protection measures according to the criteria in the mitigation measure were implemented.			
BIO-10 <u>Pre-Construction Surveys for American Badger.</u> To avoid and reduce impacts to the American badger, the Project Proponent shall retain a qualified biologist to conduct a focused pre-construction survey for badger dens in all suitable habitat proposed for construction, ground disturbance, or staging no more than two weeks prior to construction. If no potential badger dens are present, no further mitigation is required. If potential dens are observed, the following measures shall be implemented to avoid potential significant impacts to the American badger: • If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction. • If the qualified biologist determines that potential dens may be active, the den entrances shall be blocked with soil, sticks, and debris for three to five days to discourage their use, prior to site disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the Project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.	Prior to issuance of grading permits, and no more than two weeks prior to construction, ground disturbance, or staging activities: 1. Submit a written report by a qualified biologist, including photographs, to the Community Development Department, describing the results of the American Badger focused pre-construction survey 2. If evidence of badgers or dens are found, submit written verification by a qualified biologist that protection measures according to the criteria in the mitigation measure were implemented	Applicant(s), Qualified Biologist	City of Seaside	
BIO-11 <u>Pre-Construction Surveys for Protected Avian Species.</u> Construction activities that may directly (e.g., vegetation removal) or indirectly (e.g., noise/ground disturbance) affect protected nesting avian species shall be timed to avoid the breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after September 16 and before January 31. If construction occurs between February 1 and September 15, a qualified biologist shall be retained by the Project Proponent to conduct a pre-construction survey for nesting raptors and other protected avian species within 500 feet of proposed construction activities. The pre-construction survey shall 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). As determined necessary by a qualified biologist, surveys for nesting birds may be required to continue during construction to address new arrivals and unique species breeding seasons. The necessity and timing of these continued surveys shall be determined by the qualified biologist based on review of the final construction plans and in coordination with the California Department of Fish & Wildlife (DFW) and U.S. Fish & Wildlife Service (FWS), as needed. If raptors or other protected avian nests are identified during the above surveys, the qualified biologist shall notify the Project Proponent and an appropriate no-disturbance buffer shall 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 have fledged and are no longer reliant upon the nest or parental care for survival, as determined by the biologist.	Prior to approval of final improvement plans: 1. Construction plans must include a provision that vegetation and or tree removal will be scheduled after September 16 and before January 31; or, Prior to issuance of grading permits, and no more two weeks prior to construction, ground disturbance, or staging activities and during construction: 1. If construction occurs between February 1 and September 15, submit a written report by a qualified biologist, including photographs, to the Community Development Department, describing the results of the American Badger focused pre-construction survey.	Applicant(s), Responsible Contractor	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
	2. If evidence of badgers or dens are found, submit written verification by a qualified biologist that protection measures according to the criteria in the mitigation measure were implemented.			
BIO-12 <u>Avoidance and Minimization Measures for Burrowing Owl.</u> In order to avoid impacts to active burrowing owl nests, a qualified biologist shall conduct pre-construction surveys in suitable habitat within the construction footprint and within 250 feet of the footprint no more than 30 days prior to the start of construction. If ground disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. The survey shall conform to the California Department of Fish and Wildlife (DFW) 1995 Staff Report protocol. If no burrowing owls are found, no further mitigation is required. If it is determined that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that the owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed. If after completion of the pre-construction passive relocation effort described above, new occupied burrows become established within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during construction activities within the breeding season (February 1 to August 31), a construction-free buffer of 250 feet shall be established around all active owl nests. The buffer area shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls may take place as described above.	Prior to issuance of grading permits, and no more thirty days prior to construction, ground disturbance, or staging activities and during construction: 1. Submit a written report by a qualified biologist, including photographs, to the Community Development Department, describing the results of the burrowing owl pre-construction survey conducted in conformance with the criteria of the mitigation measure. 2. Submit proof from the California Department of Fish and Wildlife that the pre-construction survey conforms to the 1995 Staff Report protocol. 3. If burrowing owls are found to occupy the site during non-breeding season then demonstrate proof of a passive relocation effort in conformance with the criteria in the mitigation measure. 4. If after the relocation effort, new occupied burrows become established within the construction footprint or immediately adjacent lands during breeding season, submit proof that a construction-free buffer is established around all active owl nests in conformance with the criteria in the mitigation measure.	Applicant(s), Qualified Biologist, Responsible Contractor	City of Seaside	
BIO-13 <u>Post-Construction Indirect Effects to Special-Status Species.</u> The following Project design features shall be implemented prior to grading permit issuance within the Monterey Horse Park, Monterey Downs, the CCVC, and Oak Oval, to ensure compliance with relevant BRP Policies and Programs: Conservation Element (Policy A-5, Program B-2.1, Program C-2.5, Policy C-3, Program D-2.1, and Program D-2.3); BRP Land Use Element Program B-2.5 and Policy E-1; and BRP Recreation and Open Space Element Policy C-2. • In accordance with BRP Conservation Element Biological Resources Policy A-5, the City shall ensure that habitat management areas as identified on Figure 4.3-4 are protected from degradation due to	Prior to issuance of grading permits: 1. Submit site plans to the City of Seaside that incorporate the design features identified in the mitigation measure.	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
development in, or use of adjacent parcels within its jurisdiction. This could be accomplished, for example, through the use of signs and barriers prohibiting dumping of trash, mountain bike use, equestrian use, off-road vehicle use and off-trail activities within adjacent habitat management areas. • In accordance with BRP Conservation Element Biological Resources Program B-2.1, for lands that are components of the designated oak woodland conservation (Fort Ord BRP Figure 4.4-1) area, these areas must be managed to maintain or enhance suitable habitat for the range of sensitive species known or expected to use those oak woodland environments. Management measures shall include, but not be limited to, maintenance of a large, contiguous block of oak woodland habitat, access control, erosion control, and non-native species eradication. Specific management measures shall be coordinated through the CRMP. • Appropriate barriers shall be installed along the development area boundaries adjacent to habitat management areas (see Figure 4.3-4) to discourage unregulated movement of people and pets into habitat management areas not identified as recreational areas; and to discourage unregulated movement of special-status species into developed areas. • In accordance with BRP Conservation Element Biological Resources Program C-2.5, paving shall be avoided within the dripline of preserved oak trees wherever possible. To minimize paving impacts, the surfaces around tree trunks shall be mulched, paving materials shall be used that are permeable to water, aeration vents shall be installed in impervious pavement, and root zone excavation shall be avoided. • In accordance with BRP Conservation Element Biological Resources Policy C-3, lighting of outdoor areas shall be minimized and carefully controlled to maintain habitat quality for wildlife in undeveloped natural lands. Street lighting shall be as unobtrusive as practicable adjacent to undeveloped natural lands. See Borderland requirements (Mitigation Measure BIO-5) regarding artificial lighting. • In accordance with BRP Conservation Element Biological Resources Program D-2.1, interpretive signs shall be placed in habitat management areas (see Figure 4.3-4) to describe the resources that are present, how they are important to the former Fort Ord, and ways in which these resources are or can be protected. • In accordance with BRP Conservation Element Biological Resources Program D-2.3, where development would be adjacent to habitat management areas, corridors, oak woodlands, or other reserved open space, Project Proponents shall prepare a Homeowner's Brochure, which describes the adjacent land areas' importance and provides recommendations for landscaping (use of natives) and wildfire protection, as well as measures for protecting wildlife and vegetation in the adjacent habitat management areas such as access and pet controls. • Where feasible, buffers shall be established inside development area boundaries adjacent to habitat management areas to reduce noise levels associated with urban uses. Buffers may be landscaped (using local native plants) or paved (parking areas). According to BRP Land Use Element Program B-2.5, when buffers adjacent to habitat management areas are required as a condition of Project approval, the buffer shall be designed in a manner consistent with HMP guidelines. Roads shall not be allowed within buffer areas adjacent to habitat management areas except for restricted access maintenance or emergency access roads. • In accordance with BRP Land Use Element Recreation/Open Space Land Use Policy E-1, recreation in environmentally sensitive areas (such as areas with rare, endangered, or threatened plant or animal communities) shall be limited to passive, low-intensity recreation dependent on the resource and compatible with its long-term protection. • In accordance with BRP Recreation and Open Space Element Recreation Policy C-2, all proposed recreational uses shall be reviewed for compatibility with the adopted HMP to ensure long-term protection of sensitive resources. Recreational uses would be prohibited if the FORA Board finds that such uses could compromise the ability to maintain and preserve an environmentally sensitive resource.				

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
Speed limit signs shall be installed to reduce travel speeds for the increased number of vehicles using the area roadways, with the goal of reducing roadkills.				
BIO-14 <u>Oak Oval Biological Assessment</u>. The future trail system in the Oak Oval Habitat Preservation Area shall be designed to avoid or reduce impacts to special-status species. The following measures shall be implemented to minimize the effects of constructing the future trail system on special-status species: The Project Proponent shall retain a qualified biologist to conduct a biological assessment to support the design and planning process for a future trail system through the Oak Oval Habitat Preservation Area to avoid potential impacts to special-status species. The assessment shall include conducting focused rare plant and reconnaissance-level wildlife surveys to determine occupied or potential special-status species habitats prior to trail development. The assessment shall include, but not be limited to, a description of the baseline habitat conditions, known or potential sensitive biological resources that may be impacted by the trail, potential impacts that may result, and any avoidance and minimization measures necessary. The assessment shall be provided to the California Department of Fish and Wildlife (DFW), U.S. Fish and Wildlife Service (FWS), governing jurisdiction, and Coordinated Resource Management and Planning Program (CRMP) members. If impacts to listed species requiring take authorization cannot be avoided, in compliance with the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA), and as required by the California Department of Fish and Wildlife (DFW) and/or U.S. Fish and Wildlife Service (FWS), one of two measures shall be required: - Incidental take permits shall be obtained prior to issuance of a grading permit for the future trail system in the Oak Oval Habitat Preservation Area. Permit requirements typically involve preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The mitigation plan shall include, but is not limited to, identifying avoidance and minimization measures; a take assessment; compensatory mitigation lands and success criteria; and funding assurances; or, - Alternatively, if the listed species is a proposed Habitat Conservation Plan (HCP) species ground-disturbing activities may be delayed until the Fort Ord HCP is approved and base-wide federal and state incidental take permits are issued. If this alternative is chosen, project-specific, individual incidental take permits shall not be necessary; however, all applicable HCP requirements shall be implemented. The Project Proponent shall site and design the future cross-country equestrian course through the Oak Oval Habitat Preservation Area's eastern end to minimize vegetation removal and maintain wildlife movement corridors between habitat reserves. No buildings, grandstands, corrals, or parking areas shall be allowed in the Oak Oval Habitat Preservation Area. Install and maintain signage at trailheads, along designated trails, and trailheads of closed trails to clearly define where these activities to limit riding and equestrian activities to designated trails and courses in the Oak Oval Habitat Preservation Area. Implement an annual trail maintenance program to reduce the potential effects of hiker and equestrian use of the area on special-status species and natural communities. The program shall emphasize controlling erosion and the potential spread of non-native invasive plants. Trails may be closed and/or rerouted based on the monitoring program.	Prior to issuance of a grading permit within the Oak Oval Habitat Preservation Area: - Submit results of a biological assessment conducted by a qualified biologist to the permitting agency to support the design and planning process for the future trail system for review for conformance with the criteria contained in the mitigation measure. - Submit written verification that the biological assessment was provided to the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, governing jurisdiction, and Coordinated Resource Management and Planning Program (CRMP) members. - Submit trail system plans to the permitting agency for review for design conformance with the criteria contained in the mitigation measure Prior to issuance of grading permits for the future trail system in the Oak Oval Habitat Preservation Area: - Submit proof that incidental take permits for listed species have been obtained as required by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and this mitigation measure; or, - Delay ground disturbing activities until the Fort Ord Habitat Conservation Plan is approved and upon approval submit proof that development complies with all applicable HCP requirements. After construction: - Submit an annual trail maintenance	Applicant(s), Qualified Biologist	City of Seaside or County of Monterey (permitting agency)	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
	program to the permitting agency for review for conformance with the criteria contained in the mitigation measure.			
BIO-15 <u>Impacts to Riparian Habitat.</u> The Monterey Downs REC-2 Planning Area shall be designed to avoid impacts to riparian habitat and jurisdictional waters (if any) to the greatest extent feasible, while taking into account site and engineering constraints, including incorporating site design revisions to relocate Project features and/or reduce water quality impacts. If riparian impacts to riparian habitat and jurisdictional waters cannot be avoided, then the following measures shall be implemented to reduce identified impacts to less than significant: • Prior to issuance of a grading permit for the Monterey Downs REC-2 Planning Area, the Project Proponent shall comply with all applicable local, state, and federal regulations related to impacting riparian habitat, including local tree removal ordinances, Clean Water Act (CWA) Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Specifically, the Project Proponent shall obtain a Section 401 permit under the federal CWA from the RWQCB and a Section 404 permit under the federal CWA from ACOE. All permit requirements shall be followed. • In support of the regulatory agency wetland permitting process described above, wetland delineation shall be conducted for the Monterey Downs REC-2 Planning Area to determine the presence and extent of jurisdictional wetlands and other waters of the U.S. The wetland delineation shall be conducted according to the protocols set forth by the ACOE. • Impacted riparian habitat shall be mitigated at a 1:1 replacement-to-loss ratio; the final mitigation amounts shall be determined during the regulatory agency permitting process through the preparation of a Habitat Mitigation and Monitoring Plan (HMMP) by a qualified biologist. It is expected that the riparian mitigation site can occur within the Monterey Downs REC-2 Planning Area or a different planning area within the Monterey Downs development area. The HMMP shall include but not limited to, a planting plan, success criteria, monitoring protocols to determine if success criteria have been met, adaptive management protocols in the event success criteria are not met, and funding assurances.	Prior to approval of final site plans for the REC-2 Planning Area: 1. Incorporate design features to avoid impacts to riparian habitat and jurisdictional waters in conformance with the criteria contained in the mitigation measure. Prior to the issuance of a grading permit for the REC-2 Planning Area: 1. Submit proof of compliance with applicable local, state, and federal regulations related to impacting riparian habitat to the City of Seaside including any required permits. 2. Submit results of a wetland delineation conducted according to the protocols set forth by the ACOE for the REC-2 Planning Area to the City of Seaside. 3. Submit a Habitat Mitigation and Monitoring Plan prepared by a qualified biologist to the City of Seaside for review for conformance with the criteria contained in the mitigation measure.	Applicant(s), Qualified Biologist	City of Seaside	
BIO-16 <u>Impacts to Coast Live Oak Woodland Habitat.</u> The direct loss of coast live oak woodland habitat cannot be avoided with implementation of the Project; therefore, the following measures shall be implemented to reduce identified impacts. Direct loss of coast live oak woodland habitat shall be mitigated at 1:1 compensation ratio. A. Coast Live Oak woodland habitat restoration shall account for a maximum of 50 percent of required mitigation. A Forest Management Plan/Oak Woodland Mitigation Plan shall be prepared by a qualified biologist. The oak woodland mitigation site(s) will occur within the Specific Plan area, the adjacent Monterey County Fort Ord Recreation Habitat Area (FORHA), or within other appropriate habitats on the former Fort Ord. If there are no areas within the former Fort Ord where the impacts can be feasibly and appropriately mitigated, the Project Proponent shall identify another acceptable location, preferably within Monterey County. The Forest Management Plan/Oak Woodland Mitigation Plan shall be consistent with the Fort Ord Habitat Management Plan (HMP), and will include but not be limited to, a planting plan, success criteria, monitoring protocols to determine if success criteria have been met, adaptive management protocols in the	Prior to issuance of grading permits for development projects affecting the oak woodland: 1. Submit a Forest Management Plan/Oak Woodland Mitigation Plan prepared by a qualified biologist to the City of Seaside for review for conformance with the criteria contained in the mitigation measure. 2. Submit evidence of creation of a conservation easement and/or participation in a mitigation bank or fee program to the City of Seaside for review	Applicant(s), Qualified Biologist/ Forester	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
event that success criteria are not met, and funding assurances. The Forest Management Plan/Oak Woodland Mitigation Plan shall be submitted to the City of Seaside for review and approval prior to issuance of the first grading permit. The portion of the plan applicable to each development project shall be implemented prior to the issuance each grading permit. B. In addition, the Project Proponent shall (1) create a conservation easement and/or (2) participate in a mitigation bank or fee program to conserve oak woodlands, which shall account for the remainder of the required mitigation: 1. The Project Proponent shall establish an oak woodland permanent conservation easement in the project vicinity approved by the City of Seaside. The location of this conservation easement shall be sited to preserve regional native biological diversity, such as adjacent to protected habitat areas. 2. Project Proponent shall purchase oak woodland mitigation credits at County- and/or City-approved off-site mitigation bank(s) (if available) to compensate for the direct loss of oak woodland habitat based on a 1:1 compensation ratio. If this is not feasible, the Project Proponent shall contribute funds to the State of California Oak Woodlands Conservation Fund. This Fund has been established under Section 1363 of the California Fish and Game Code for the purpose of purchasing oak woodland conservation easements per the guidelines of the Wildlife Conservation Board. Evidence of creation of a conservation easement and/or participation in a mitigation bank or fee program shall be submitted to the City of Seaside for review and approval prior to issuance of a grading permit for development projects affecting oak woodland habitat. The Forest Management Plan/Oak Woodland Mitigation Plan shall also include the measures identified in BIO-17 presented later in this section.	and approval for development projects affecting oak woodland habitat.			
BIO-17 <u>Implementation of a Forest Management Plan</u>. To minimize impacts to landmark oaks and in the spirit of compliance with PRC 21083.4, the Project Proponent shall submit a Forest Management Plan (FMP), to be prepared by a qualified forester/arborist, to the City of Seaside's Board of Architectural Review, prior to the issuance of any grading permit for Monterey Downs and CCVC. The FMP shall demonstrate that tree protection measures are incorporated, to the extent feasible, for both the pre-construction and construction phases of Monterey Downs and CCVC. The FMP shall be consistent with the City of Seaside's Tree and Subdivision Ordinances, and shall include measures to avoid tree removal and/or transplant trees whenever possible based on suitable mitigation ratios and planting areas. In addition, a program shall be established within the FMP for the Proponent to submit a special fee to FORA to fund tree replacement elsewhere within Fort Ord. The FMP, at a minimum, shall include the following features: Tree Protection Measures • To maximize tree retention and protection, a forester, arborist or other tree care professional shall be involved in review and development of final grading and construction plans wherever trees occur either at Project or grading margins. • Prior to commencement of any grading within 50 feet of retained trees, the contractor shall install protective fencing at the driplines of retained trees to create a Tree Protection Zone (TPZ) that shall not be entered for any reason unless approved by the project forester. The TPZ may extend within the driplines of retained trees where approved by the project forester in order to retain more trees. Grading may not commence until the project forester has inspected and approved the protective fencing installed by the contractor. • Prior to commencement of any grading within 50 feet of retained trees, the project forester shall identify retained trees needing significant pruning to protect them during grading operations. This protective	Prior to the issuance of grading permits: 1. Submit a Forest Management Plan prepared by a qualified forester/arborist to the City of Seaside's Board of Architectural Review for review for conformance with the criteria contained in the mitigation measure Prior to the issuance of occupancy permits: 2. Submit proof to the City of Seaside that the tree protection measures contained within the mitigation measure that are required before grading were implemented Following Project completion; 1. Two, five, and eight years following mitigation plantings, submit proof that a qualified arborist inspected replacement tree plantings. Any trees that have died	Applicant(s) and Qualified Forester/Arborist	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
pruning work shall be completed by a qualified tree contractor, in accordance with current arboricultural standards and practices prior to commencement of operations to balance canopy, provide necessary clearances, remove dead wood, and promote the tree's health. All pruning shall be completed or supervised by a certified arborist and adhere to the Best Management Practices for Pruning established by the International Society of Arboriculture. • No grading, construction, demolition, or other work shall occur within the TPZ. Any modifications must be approved and monitored by the consulting arborist. • No soil shall be removed or added within the dripline of a retained tree unless it is part of approved construction and approved by the project forester or arborist. • Under no circumstances shall fill be placed in contact with the base of a retained tree. Permanent wells shall be constructed as appropriate whenever necessary to prevent fill/trunk contact, never at a distance less than a foot from the trunk, and without causing significant root damage. • To avoid soil compaction from damaging the roots, heavy equipment shall not be allowed to drive over the root area. If deemed necessary and approved by the forester, equipment may drive across one side of the tree. To reduce soil compaction, wood chips shall be spread 6-12 inches deep to disperse the weight of equipment and plywood sheets shall be placed over the wood chips for added protection. Wood chips used during construction and elsewhere in the Project area shall be certified to be free of Sudden Oak Death fungus in compliance with California Department of Food and Agriculture regulations. • Roots exposed by excavation must be pruned and recovered as quickly as possible to promote callusing, closure and healthy re-growth. • Retained trees shall be watered periodically in accordance with species needs to promote tree health. Transplanted trees and their intended planting areas shall be pre-watered. Post planting watering shall be done as needed to assure establishment. • Supplemental irrigation shall be applied as determined by the consulting arborist. • If injury should occur to any tree during construction, it shall be evaluated as soon as feasible by the consulting arborist so that appropriate treatments can be applied. • No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the TPZ. • Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel. • As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement. Replacement and Planting Measures • When the Project design is completed, an estimate of the appropriate number of replacement trees shall be made based on available planting space. These replacement trees (minimum five-gallon specimens) shall be planted along boundaries and within landscape areas. Planting density for replacement trees shall be accurately detailed to allow for some unavoidable mortality over time. • Transplants are encouraged and shall be credited on a 3:1 basis. Final replanting numbers may be modified by additional tree retention and should be made part of the final landscaping plan. • The Forest Management Plan shall include measures for establishing the required soil conditions prior to	or are in poor condition in the arborist's judgment shall be replaced and inspected on a two-, five- and eight-year schedule beginning with the next inspection on the original schedule, and with the same replacement location requirements.			

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
replanting. Tree replacement requirements shall be met promptly after the close of construction and based on a final tally of trees actually removed in the Project area rather than on the estimates contained in the FMP. • Final landscape planting shall require a post planting watering plan based on the time of planting and size of selected stock. • Two, five, and eight years following mitigation plantings, the Project Proponent shall arrange for a qualified arborist to inspect replacement tree plantings following Project completion. Any trees that have died or are in poor condition in the arborist's judgment shall be replaced and inspected on a two-, five- and eight-year schedule beginning with the next inspection on the original schedule, and with the same replacement location requirements.				
CR-1 <u>Archaeological Resources</u>. In order to ensure that Project-impacts to potentially unknown resources are avoided, developers shall be responsible for on-going monitoring of Project construction. Prior to issuance of any grading permit, the Project proponent shall provide the City of Seaside with documentation identifying construction personnel that will be responsible for on-site monitoring. If during the course of Project construction, archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 165 feet of the find until a qualified professional archaeologist can evaluate it. Work shall not recommence until the Project archaeologist has submitted documentation to the City indicating that discovered resources have been adequately salvaged and no further resources have been identified within the area of disturbance.	Prior to the issuance of any grading permit: 1. Provide the City with documentation identifying construction personnel that will be responsible for on-site monitoring. During construction: 2. Maintain a log of daily construction activities, noting observances of suspected cultural resources discoveries and results of contact with qualified archeologist that demonstrates compliance with the criteria contained in the mitigation measure.	Applicant(s) and Responsible Contractor	City of Seaside	
CR-2 <u>Human Remains</u>. In order to ensure that the proposed Project does not impact buried human remains during Project construction, developers shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, developers shall provide the City of Seaside with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, work in that area must halt and the archaeologist and the coroner immediately notified. If the remains are determined to be Native American, then the Native American Heritage Commission must be notified within 24 hours as required by Public Resources Code 5097. The Native American Heritage Commission will notify designated Most Likely Descendants who will provide recommendations for the treatment of the remains within 24 hours. The Native American Heritage Commission will mediate any disputes regarding treatment of remains. Work shall not recommence until the Project archaeologist, coroner, and Native American Heritage Commission, submit documentation to the City indicating that buried human remains have been adequately salvaged and no further remains have been identified within the area of disturbance.	Prior to the issuance of any grading permit: 1. Provide the City with documentation identifying construction personnel that will be responsible for on-site monitoring. During construction: 2. Maintain a log of daily construction activities, noting observances of suspected human remains discoveries and results of contact with the coroner or Native American Heritage Commission that demonstrates compliance with the criteria contained in the mitigation measure.	Applicant(s) and Responsible Contractor	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
GEO-1 <u>Preparation of Design-Level Geotechnical Investigations</u>. Applicants of development associated with the Monterey Downs, Monterey Horse Park, and Seaside Corporation Yard shall prepare design-level geotechnical investigations in accordance with the California Building Code and Seaside Municipal Code Chapter 15.04, and recommendations contained in the Phase I Geotechnical Report and Geologic Hazards Assessment (Pacific Crest Engineering, March 18, 2014). The geotechnical investigations shall identify design requirements associated with, but not limited to, earthwork, structure foundations, seismic considerations, slabs-on-grade, retaining walls, pavement recommendations, etc. The geotechnical investigations shall be subject to review and approval by the City Engineer, prior to approval of final improvement plans for the Monterey Downs subdivision, and prior to issuance of use permits for the Monterey Horse Park and Seaside Corporation Yard. Prior to final inspection, developers shall provide certification from a qualified professional that development has been constructed in accordance with design-level geotechnical reports.	Prior to approval of final improvement plans for all projects. 1. Submit a design-level geotechnical investigation to the City engineer for review for conformance with the criteria contained in the mitigation measure. Prior issuance of occupancy permits: 1. Submit certification from a qualified professional that development has been constructed in accordance with design-level geotechnical reports.	Applicant(s)	City of Seaside	
GEO-2 <u>Preparation of a Design-Level Geotechnical Investigation - CCVC</u>. Applicants of development associated with the Central Coast Veterans Cemetery shall prepare a design-level geotechnical report investigation prepared in accordance with the CBC California Building Code and Monterey County Code, and recommendations contained in the Geotechnical Investigation and Percolation Testing, Proposed California Central Coast Veterans Cemetery Site, Monterey County, California (Kleinfelder, September 17, 2010). The geotechnical investigation shall identify design requirements associated with, but not limited to, earthwork, structure foundations, seismic considerations, slabs-on-grade, and pavement recommendations. Prior to final approval, the County of Monterey Department of Veterans Affairs shall provide certification from a qualified professional that all development has been constructed in accordance with design-level geotechnical reports.	Prior to approval of final improvement plans for the Central Coast Veterans Cemetery: 1. Submit a design-level geotechnical investigation to the City engineer for review for conformance with the criteria contained in the mitigation measure. Prior issuance of occupancy permits: 1. Submit certification from a qualified professional that development has been constructed in accordance with design-level geotechnical reports	Applicants of development associated with the Central Coast Veterans Cemetery, County of Monterey Department of Veterans Affairs	Permitting Agency (State or City of Seaside)	
GHG-1 <u>Project Design Features to Reduce GHG Emissions</u>. The proposed Project shall include, but not be limited to, the following list of Project design features, which shall be incorporated into the Project to ensure consistency with adopted statewide plans and programs. The developers shall demonstrate compliance with the following measures as noted in each bullet point, prior to the issuance of building or occupancy permits, as applicable. Transportation • The Project shall provide a pedestrian access network (e.g., sidewalks, pathways, pedestrian amenities, etc.) that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the Project site. The Project shall minimize barriers to pedestrian access and interconnectivity (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits). • Bicycle lanes and walking paths shall be incorporated into the street system to provide alternative circulation routes to reach logical points of destinations such as schools, parks, and retail areas. The Project shall include at least one (1) mile of bicycle lanes per square mile of development (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to	Prior to issuance of use permits and/or final improvement plans: 1. Demonstrate incorporation of design features contained in the mitigation measure to site plans to ensure consistency with adopted statewide plans and programs.	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
issuance of building permits). - Proposed commercial uses shall implement a voluntary trip reduction program, for which all employees shall be eligible to participate. The voluntary trip reduction program may include carpooling encouragement, ride-matching assistance, preferential carpooling parking, flexible work schedules for carpoolers, vanpool assistance, bicycle end-trip facilities (parking, showers and lockers) (prior to issuance of occupancy permit). Under a voluntary trip reduction program, monitoring and reporting is not required, and at least a one (1) percent reduction in trips shall be achieved. This measure is not applicable to residential uses. - Proposed commercial uses shall provide a voluntary ride sharing program, for which all employees shall be eligible to participate (prior to issuance of occupancy permit). The voluntary ride sharing program could be achieved through a multi-faceted approach, such as designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, and/or providing a web site or message board for coordinating rides. The ride sharing program shall achieve at least a three (3) percent reduction in trips. This measure is not applicable to residential uses. - The Project includes a transit stop in the center of the project on Monterey Downs Road south of Eastside Parkway. If Monterey-Salinas Transit is unable to fund a transit line at this location, the City, the applicant, and MST shall enter into an agreement for the applicant to partially fund a three year pilot transit line, to be operated by MST, to service the Project area. The agreement shall be a requirement of the DD&A between the City and the applicant. Funding and timing will be determined in the DD&A. Energy Efficiency - Install Energy Star rated appliances (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits). - Install windows with dual pane low emissivity glass (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits). - Install light-emitting diode (LED) external lighting to reduce the site's electricity construction, where appropriate (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits). Water Conservation and Efficiency - Install low-flow faucets and toilets that reduce water consumption by an average of at least 14 percent (to be included in final plans and specifications, and reviewed and approved by the City Planning Department prior to issuance of building permits). Solid Waste - Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas (prior to issuance of occupancy permit).				
HAZ-1 <u>Hazards and Hazardous Materials Contingency Plan for Construction Activities</u>. Prior to issuance of a grading permit, the City of Seaside Resource Management Services Department shall review and approve a contingency plan (prepared by the contractor) that addresses the potential to encounter on-site unknown hazards or hazardous materials during construction activities. The plan shall indicate that in the event of discovery of any suspect munitions and explosives of concern (MEC) (including unexploded ordnance (UXO)) in transferred properties, local law enforcement shall be contacted immediately. If MEC is suspected, local law enforcement shall request response by qualified personnel, such as the Department of Defense (DoD) Explosive Ordnance Detachment (EOD) unit. The Fort Ord Base Realignment and	Prior to issuance of any grading permits: Submit a Hazards and Hazardous Materials Contingency Plan for Construction Activities prepared by the contractor to the City of Seaside Resources Management Agency for review for conformance with the criteria	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
Closure (BRAC) Office shall be contacted. In the event of discovery of any suspect MEC (including UXO) in properties subject to ESCA, the notification shall be provided to FORA.	contained in the mitigation measure.			
HAZ-2 <u>Munitions and Explosives Safety Briefing</u> . Construction supervisors and crews shall attend a Fort Ord Reuse Authority sponsored munitions and explosives safety briefing prior to commencement of construction. This briefing shall identify the variety of munitions and explosives that are known to exist on the former Fort Ord and the actions to be taken if a suspicious item is discovered. This requirement for briefing shall be included in construction documents, approved by the City of Seaside Engineer.	Prior to issuance of grading permits: 1. Include in construction documents the requirement that all construction supervisors and crews attended a Fort Ord Reuse Authority sponsored munitions and explosive safety briefing. 2. Provide documentation to the City Engineer that the safety briefings have been completed to the satisfaction of FORA.	Applicant(s)	City of Seaside	
HAZ-3 <u>Remediation Activities</u> . With submittal of a grading permit application, developers shall submit evidence that the development area has been cleaned up pursuant to the measures outlined below. The City shall not issue a grading permit until such evidence is submitted. • For portions of the Project area located within the Parker Flats and County North MRAs - pursuant to the Environmental Services Cooperative Agreement (ESCA). • For the middle portion within the ESCA Parker Flats MRA Phase II – pursuant to the FORA’s pending remedial investigation/ feasibility study for the middle portion (ESCA Parker Flats MRA Phase II), which will select a remedy for this portion. Once a remedy is selected for this portion, FORA will implement the selected remedy including developing a remedial design/remedial action work plan under the ESCA and with the supervision of the U.S. Environmental Protection Agency (EPA), in consultation with the California Department of Toxic Substances Control (DTSC).	Prior to issuance of any grading permit: 1. Provide evidence that the development area had been cleaned up pursuant to the criteria contained in the mitigation measure.	Applicant(s)	City of Seaside	
HAZ-4 <u>Firewise Plan</u> . Prior to issuance of grading permits for any property within the Firewise Overlay (FW-O), applicants shall prepare a Firewise Plan for review and approval by the Seaside Planning Division and Seaside Fire Department. The Firewise Plan shall prohibit flammable structures within the FW-O (i.e., 200 feet of wildlands) and address the location of structures, construction materials, fuel breaks, and emergency ingress and egress.	Prior to issuance of any grading permit for any property within the Firewise Overlay (FW-O): 1. Submit a Firewise Plan to the Seaside Planning Division and Seaside Fire Department for review for conformance with the criteria contained within the mitigation measure.	Applicant(s)	City of Seaside	
HYD-1 <u>Storm Water Control Plan</u> . Applicants for development within the Project area (e.g. subdivisions and use permits) shall prepare and submit a Stormwater Control Plan in compliance with the Central Coast Regional Water Quality Control Board Order R3-2013-0032 with their permit application. The Stormwater Control Plan shall demonstrate that the development incorporates site design characteristics, landscape features, and engineered facilities, in order to accomplish the following: minimize imperviousness; detain and treat, and/or retain, the specified amounts of runoff; slow runoff rates; and reduce pollutants in post-development runoff. Detailed requirements for the plan are included in the Stormwater Technical Guide for Low Impact Development – Compliance with Stormwater Post-Construction Requirements for the Monterey Regional Stormwater Management Program, which may be obtained by contacting the City of Seaside Engineer. The Stormwater Control Plan shall be subject to	Prior to issuance of building permit 1. Submit a Stormwater Control Plan to the City of Seaside Engineer for review for conformance with the criteria contained in the mitigation measure Prior to issuance of occupancy permits: 2. Submit a Stormwater Operations and	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
review and approval by the City Engineer, prior to approval of the development permit. As described in Order R3-2013-0032, Attachment 1, Section E, Operation and Maintenance for Structural SCMs, the Applicant shall prepare and submit a Stormwater Operations and Maintenance (O&M) Plan and Maintenance Agreements for all proposed structural stormwater control measures (SCM). The O&M Plan and Maintenance Agreements shall clearly establish responsibility for all structural water quality treatment, runoff retention, and/or peak management controls, to the satisfaction of the City of Seaside prior to occupancy. On or before October 15 of every year, the Applicant shall submit to the City of Seaside City Engineer an annual report outlining the operations and maintenance of structural SCMs. At a minimum, the annual report shall include the following: a) SCM identification number and location/address b) Type of SCM c) Completion date of the following Project stages, where applicable: i) Construction ii) Field verification of SCM iii) Final Project approval/occupancy iv) O&M plan approval by City of Seaside d) Location (physical and/or electronic) where the O&M Plan is available to view e) Party responsible for O&M f) Source of funding for O&M g) Verification that responsible party has maintained the SCM as outlined in the O&M Plan, or, indication that a self-inspection program is in place to verify that the SCM continues to function as designed and to repair and/or replace the SCM if it is not functioning as designed h) Any problems identified during inspections including any vector or nuisance problems. i) Signed certification that the Applicant has performed, or has caused to perform, the operational and maintenance requirements as outlined in the Stormwater O&M Plan and/or Maintenance Agreements.	Maintenance (O&M) Plan and Maintenance Agreements to the City of Seaside Engineer for all proposed structural stormwater control measures (SCM) that clearly establish responsibility for all structural water quality treatment, runoff retention, and/or peak management controls After occupancy: 1. Submit annual report outlining the operations and maintenance of structural SCMs to the City of Seaside Engineer on or before October 15 of each year for review for conformance with the criteria contained in the mitigation measure			
HYD-2 <u>Equestrian Management Plan(s)</u>. Development applications for commercial equestrian facilities shall prepare an Equestrian Management Plan for review and approval by the City Engineer and the Regional Water Quality Control Board. By incorporating the applicable performance standards listed in Mitigation Measure AQ-3 and Mitigation Measure BIO-5 (Borderland Requirements), the Equestrian Management Plan shall address best management practices (BMPs), including proper installation/maintenance procedures, for odor control, manure/weed control, and runoff pollution site design/source control/treatment control in compliance with National Pollution Discharge Elimination System standards and Environmental Protection Agency/Regional Water Quality Control Board rules/regulations pertaining to water quality/Concentrated Animal Feeding Operations at time of design/construction.	Prior to issuance of a use permit for equestrian facilities: 1. Submit an Equestrian Management Plan to the City of Seaside Engineer for review for conformance with the criteria contained in the mitigation measure. 2. Submit written certification of approval of the Equestrian Management Plan from the Regional Water Quality Control Board.	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
	3. Demonstrate incorporation of design features contained within the approved Equestrian Management Plan.			
HYD-3 <u>Drainage Basins</u> . Prior to Grading Permit issuance for any development draining into basin 17E (R-1 Planning Area), additional design details to add freeboard shall be determined to the satisfaction of the City Engineer. Options to be considered include, but are not limited, to the following: directing more flow to 15A; increasing the underground storage; or directing flow to basins along Parker Flats. A minimum of one-foot of freeboard shall be incorporated into the final design of basin 17E. During final design and prior to grading permit issuance for any development draining into Basin 174 (R-1 Planning Area), additional design details to add freeboard shall be determined to the satisfaction of the City Engineer.	Prior to approval of final improvement plans for development within the R-1 Planning Area: 1. Demonstrate that site plans contain additional design details to add freeboard to the satisfaction of the City Engineer.	Applicant(s) for R-1 Planning Area	City of Seaside	
HYD-4 <u>Site Specific Geotechnical Testing</u> . During final design and prior to Grading Permit issuance, site specific geotechnical testing shall be conducted to confirm that the infiltration rates assumed in the Monterey Downs Preliminary Hydrology Study (Diamond West Incorporated, June 18, 2014) remain applicable to each area. The final infiltration rates shall be calculated using appropriate standard engineering practices to adjust from the measured rate and the design rate. The infiltration rates shall comply with the guidelines and standards specified in the FORA Storm Water Master Plan (Creegan and D'Angelo, March 2005), including the infiltration rate of 12 inches per hour, in order to ensure long-term performance, to the satisfaction of the City of Seaside Public Works Director.	Prior to approval of final improvement plans: 1. Submit verification to the City of Seaside Public Works Department that site specific geotechnical testing has been conducted and that infiltration rates comply with the standards contained within the mitigation measure.	Applicant(s)	Seaside	
HYD-5 <u>Stormwater Basin Maintenance</u> . Future maintenance programs and CC&R documents shall include sections regarding maintenance of the basins. Removal of silt and debris shall be conducted at a frequency to be determined by the City Engineer, in order to retain the level of infiltration expected.	Prior to approval of final maps for residential subdivisions: 1. Ensure CC&R documents comply with this mitigation measure. After occupancy: 1. Submit maintenance program and CC&R documents to the City Engineer that demonstrate maintenance of infiltration levels in conformance with the mitigation measure	Applicant(s)	City of Seaside	
NOI-1 <u>Construction Noise Reduction Measures</u> . Prior to the issuance of demolition permits or ground disturbing activities (whichever occurs first), the Contractor shall demonstrate to the satisfaction of the City of Seaside Planning Division that the Project complies with the following: • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices. • Property occupants located in a three hundred foot radius from the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the Project's construction schedule. A sign, legible at a distance of 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Seaside Planning Division prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact	Prior to the issuance of demolitions and grading permits: 1. Include construction noise reduction measures in plans for review by the City of Seaside Planning Division for conformance with the criteria contained in the mitigation measure.	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
name and a telephone number where residents can inquire about the construction process and register complaints. • The Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Planning Division. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. • Construction activities shall occur between the hours of 7:00 AM and 7:00 PM daily (except Saturday, Sunday, and holidays when the construction hours are between 9:00 AM and 5:00 PM) pursuant to SMC Section 9.12.030 and Section 17.30.060.				
NOI-2 <u>Sports Arena Noise Management Program</u>. Prior to issuance of building permits for the Monterey Downs Equestrian Training Track and Sports Arena (REC-2 Planning Area), a Noise Management Program shall be prepared to provide sufficient noise attenuation measures to meet the 65 dBA standard in the Fort Ord Reuse Plan, and Seaside Municipal Code Sections 9.12 (Noise Regulations) and 17.30.060 (Noise Standards). The Noise Management Program shall include, but is not limited to, specifications for a monitoring system and sound wall barrier or berm, and noise-level limits on the use of a public address/announcement systems. The Noise Management Program shall be submitted for review and approval to the City of Seaside Building and Safety and Planning Divisions of the Resource Management Services Department.	Prior to issuance of building permits for the Monterey Downs Equestrian Training Track and Sports Arena (REC-2 Planning Area): 1. Submit a Noise Management Program to the City of Seaside Building and Safety Planning Divisions of the Resource Management Services Department for review for conformance with the criteria contained in the mitigation measure	Applicant(s) for REC-2 Planning Area	City of Seaside	
NOI-3: <u>Swim Center Noise Management</u>. Prior to issuance of building permits for the C-1 Planning Area swim center, the following multi-part mitigation program shall be specified in applicable Project plans and specifications: • All swim events occurring at the pool shall be restricted to 7:00 AM to 10:00 PM, Monday through Sunday and the sound levels shall be reduced in compliance with the Fort Ord Reuse Plan and City of Seaside Noise Ordinance regulations. • Pool mechanical equipment, such as pool pumps and filters, shall be fully enclosed. • To ensure no additional impacts to nearby residential uses, the permissible hours of operation of the PA system shall be restricted to 7:00 AM to 10:00 PM. • The PA system speakers shall be located and shielded to directionally focus the emitted sound away from the R-2 Planning Area residential uses located southwest of the Project site (i.e., they should be directionally focused to the north and/or downward to the center of the pool). • Noise complaints shall be addressed within 30 minutes of receipt. Swim center staff shall be responsible for responding to any complaints about the center's noise levels. Additionally, when a complaint is received, the swim center staff shall notify the City within 24 hours of the complaint. The swim center	Prior to the issuance of building permits for the swim center: 1. Submit final plans that reflect the multi-part mitigation program contained in the mitigation measure to the City of Seaside for review and approval.	Applicant for Swim Center	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
staff shall determine the cause of the noise complaint and implement reasonable measures to resolve the complaint, as deemed acceptable by the Seaside Planning Division. A written record shall be kept on file at the swim center for 12-month period.				
FP-1 <u>Fire Protection Services Plan</u>. Prior to issuance of the first grading permit, Project Applicant or first developer of the Project site shall prepare a Fire Protection Services Plan, which shall be submitted for review and approval to the City of Seaside Fire Chief and City Manager. Said Plan shall: • Include, but not limited to, emergency response times to each Project component from all stations available to serve the site. • Detail how much of the Project can be served by existing fire facilities, as well as through mutual and automatic aid agreements with other fire service providers (as discussed herein), and when, if necessary dedication of an onsite fire station site and construction of an onsite fire station (or other location) would be required. • If the Fire Protection Services Plan determines that dedication of an onsite fire station site is required, the Applicant shall dedicate said fire station site (i.e., 3.0 acres) to the City of Seaside at no cost to the City.	Prior to issuance of the first grading permit: 1. Submit a Fire Protection Services Plan to the City of Seaside for review for conformance with the criteria contained in the mitigation measure. 2. If determined necessary by the City of Seaside, applicant shall dedicate the fire station site.	Applicant	City of Seaside	
FP-2 <u>Disposition and Development Agreement</u>. Prior to issuance of the first grading permit, the City of Seaside and Project Applicant shall enter into a Disposition and Development Agreement (DDA) with the City that will address the fees necessary to cover costs associated with the provision of fire protection services and the necessary staffing, equipment, and facilities.	Prior to the issuance of the first grading permit: 1. Enter into a Disposition and Development Agreement with the City of Seaside that will address necessary fees for costs associated with fire protection services.	Applicant	City of Seaside	
PP-1 <u>Police Protection Services Plan</u>. Prior to issuance of the first grading permit, the Project Applicant or first developer of the Project site shall prepare a Police Protection Services Plan, which shall be submitted for review and approval to the City of Seaside Police Chief and City Manager. Said Plan shall: • Include, but not be limited to, emergency response times to each Project component. • Detail how much of the Project can be served by the existing police facilities and when dedication of an onsite police sub-station site and construction on an onsite police sub-station would be required. • If the Police Protection Services Plan determines that dedication on an onsite police sub-station site is required, the Applicant shall dedicate said police sub-station site to the City of Seaside at no cost to the City.	Prior to the issuance of the first grading permit: 1. Submit a Police Protection Services Plan to the City of Seaside Police Chief and City Manager for review for conformance with the criteria contained within the mitigation measure.	Applicant	City of Seaside	
PP-2 <u>Disposition and Development Agreement</u>. Prior to issuance of the first grading permit, the Project Applicant shall to enter into a Disposition and Development Agreement with the City that will address the fees necessary to cover costs associated with the provision of police protection services and the necessary staffing, equipment, and facilities.	Prior to the issuance of the first grading permit: 1. Enter into a Disposition and Development Agreement with the City of Seaside that will address necessary fees for costs associated with police protection services	Applicant	City of Seaside	
TRA-1 <u>Construction Traffic Mitigation Plan(s)</u>. Prior to the issuance of any grading permit or any	Prior to the issuance of the first grading	Applicant	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
permit that authorizes construction activities within the Specific Plan area or at offsite locations for improvements associated with the Specific Plan, the Project Applicant(s) shall prepare a Construction Traffic Mitigation Plan(s) for review and approval by the City of Seaside as part of the permit application. The Construction Traffic Mitigation Plan(s) shall include measures to minimize the construction traffic volumes entering the roadway system (including local roads) during AM and PM peak hours. The Construction Traffic Mitigation Plan(s) shall prohibit construction traffic from traversing CSUMB. The Construction Traffic Mitigation Plan(s) shall also include measures to minimize the number of truck trips on Normandy Road and route heavy vehicle traffic to driveways on Gigling Road and at Monterey Downs Road to access the site during the Project's construction phase to the extent feasible. At a minimum, the Construction Traffic Mitigation Plan(s) shall include the following implementation measures: • Construction truck routes shall be prepared to designate principal haul routes for trucks delivering materials to and from the construction site. • Should a temporary road and/or lane closure be necessary during construction, the Project Applicant shall provide traffic control activities and personnel, as necessary, to minimize traffic impacts. This may include detour signage, cones, construction area signage, flagmen, and other measures as required for safe traffic handling in the construction zone. • The Project Applicant shall keep a minimum of one lane in each direction free from encumbrances at all times on perimeter roads accessing the Project site. In the event a full road closure is required, the contractor shall coordinate with the City of Seaside and other affected jurisdictions (i.e., City of Marina, CSUMB, FORA, Caltrans, Monterey-Salinas Transit, and/or County of Monterey) to designate proper detour routes and signage to appropriate proper access routes.	permit: 1. Submit a Construction Traffic Mitigation Plan for review by the City of Seaside for conformance with the criteria contained in this mitigation measure			
TRA-2 <u>Payment of FORA Impact Fees.</u> Prior to issuance of any Building Permit, the Project Applicant shall pay the appropriate Fort Ord Reuse Authority (FORA) impact fees, in order to fund their proportionate fair share of the intersection improvements described below. To the extent specific improvements are not covered in the applicable CIP program, the developer shall fund the improvement, and the improvement shall be implemented prior to issuance of an occupancy permit, or earlier as may be determined necessary by the City Engineer, based upon traffic conditions at that time. a. Intersection #1: 8th Avenue and Gigling Road. Install traffic signal or roundabout. Widen and restripe eastbound approach and westbound approaches. Eastbound approach would include an exclusive left-turn lane and a through lane. Westbound approach would include a through lane and an exclusive right-turn lane. All improvements to this intersection shall be conducted in consultation with CSUMB. b. Intersection #2: 7th Avenue and Gigling Road. Install traffic signal or roundabout. All improvements to this intersection shall be conducted in consultation with CSUMB. c. Intersection #5: Malmedy Road and Gigling Road. Install traffic signal. All improvements to this intersection shall be conducted in consultation with CSUMB. d. Intersection #15: 8th Avenue and Inter-Garrison Road. Install traffic signal or roundabout. e. Intersection #36: General Jim Moore Boulevard and Coe Avenue. Install traffic signal.	Prior to issuance of all building permits: 1. Submit proof of payment of the appropriate Fort Ord Reuse Authority impact fees. Prior to issuance of an occupancy permit: 1. To the extent specific improvements are not covered in the applicable CIP program, the developer shall fund the improvement, and the improvement shall be implemented.	Applicant(s)	City of Seaside	
TRA-3 <u>Construct a traffic signal or roundabout at Intersection #8:</u> Colonel Durham Street and 7th Avenue. The Project Applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take	Prior to approval of final improvement plans for each development: 1. Submit a Trip Generation Study Prior to the issuance of building permits:	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. When the Project's development application is projected to generate 2,487 or more PM peak hour trips (97 percent of total project trips) cumulatively at Intersection #8, which shall be verified by the Seaside City Engineer at the time of Building Permit application, this improvement shall be constructed. All improvements to this intersection shall be subject to review and approval by CSUMB.	1. Enter into a development fee and reimbursement agreement with the City of Seaside to provide the Project share of funding for the improvement.			
TRA-4 <u>Construct a traffic signal or roundabout at Intersection #22: Imjin Road and 8th Street.</u> The Project Applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. When the Project's development application is projected to generate 1,552 or more PM peak hour trips (55 percent of total project trips) at Intersection #22, this improvement shall be constructed. All improvements to this intersection shall be subject to the review and approval by CSUMB. This intersection improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay their fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.	Prior to approval of final improvement plans for each development: 1. Submit a Trip Generation Study. Prior to the issuance of building permits: 1. Enter into a development fee and reimbursement agreement to provide the Project share of funding for the improvement. 2. If the City of Marina will not accept the fair share of funding, the applicant is relieved from paying fair share.	Applicant(s)	City of Seaside	
TRA-5 <u>Install a traffic signal and widen the SR-1 Southbound on-ramp to two lanes at Intersection #38: SR-1 Southbound Ramps and Imjin Parkway.</u> The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.	Prior to issuance of building permits,: 1. Submit a Trip Generation Study. 2. Pay fair share of improvement. 3. If the City of Marina will not accept the fair share of funding, the applicant is relieved from paying fair share.	Applicant	City of Seaside	
TRA-6 <u>Install a traffic signal at Intersection #50: SR-1 Southbound Ramps and Reservation Road.</u> The Project applicant shall pay its fair share of the cost for this improvement at the time of the initial Building Permit application. The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into	Prior to issuance of building permits,: 1. Submit a Trip Generation Study. 2. Pay fair share of improvement. 3. If the City of Marina will not accept the fair share of funding, the applicant is	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.	relieved from paying fair share.			
TRA-7 <u>Payment of FORA Impact Fee to Widen Gigling Road to a 4-Lane Arterial between General Jim Moore and Monterey Downs Road.</u> The impact is projected to occur when the Project generates 10,500 daily trips (36 percent of total Project trips) along Gigling Road between General Jim Moore and Monterey Downs Road. However, FORA impact fees are required to be paid prior to issuance of all building permits. Therefore, the Project Applicant shall pay the appropriate FORA impact fee, in order to fund their proportionate fair share of this improvement.	Prior to the issuance of building permits: 1. Submit proof of payment of Fort Ord Reuse Authority Impact Fee to fund the fair share of this improvement.	Applicant(s)	City of Seaside	
TRA-8 <u>Preparation of an Annual Special Events Traffic and Emergency Services Management Plan.</u> Prior to the issuance of a special use permit, the permit applicant shall prepare a special events traffic and emergency services management plan (Events Management Plan) for review and approval by the City of Seaside. The Events Management Plan shall identify the proposed dates for the special events, an event routing plan in ingress and egress, an off-site parking management plan (if necessary), and plans for the coordinated support for emergency services including police, fire, and emergency services. The traffic management plan shall require traffic control measures to address potential congestion. These measures may include, but are not limited to, lane control features such as cones, temporary signage, remote park and ride parking lots, use of flagmen to direct traffic, involvement on the Sheriff's Department to direct traffic, management through event timing restrictions, or other measures including but not limited to, signs and/or monitors to prohibit special event parking in the trailhead parking lots. These measures must be deemed feasible and adequate by the City of Seaside Public Works and Emergency Services Departments. The Events Management Plan shall be prepared in coordination with other relevant state and local agencies including the California Highway Patrol, the Monterey County Office of Emergency Services, the Bureau of Land Management, CSUMB, Monterey-Salinas Transit, and the City of Marina.	Prior to the issuance of a special use permit: 1. Submit a special events traffic and emergency services management plan to the City of Seaside for review for conformance with the criteria contained in the mitigation measure.	Applicant(s)	City of Seaside	
TRA-9 <u>Intersection #36: Coe Avenue and General Jim Moore Boulevard.</u> Widen and restripe the intersection to include one northbound left turn lane, two northbound through lanes, one eastbound left turn lane, one eastbound shared through-right right lane, one eastbound right turn lane, two westbound left turn lanes, and one westbound shared through-right turn lane. Prior to issuance of building permits, the Project Applicant shall install or fund the improvements at the intersection. The Project Applicant shall enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index).	Prior to the issuance of building permits: 1. Install improvement or enter into a development fee and reimbursement agreement with the City of Seaside to provide the Project share of funding for the improvement	Applicant(s)	City of Seaside	
TRA-10 Construct a traffic signal or roundabout at Intersection #16: 7th Avenue and Inter-Garrison Road. This improvement is not included in the City of Marina CIP and the Project Applicant would pay its fair share of mitigation costs or would implement the improvement after receiving approval from the City of Marina public works department and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are	Prior to issuance of building permits,: 1. Submit a Trip Generation Study. 2. Pay fair share of improvement. 3. If the City of Marina will not accept the fair share of funding, the applicant is	Applicant	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.	relieved from paying fair share.			
TRA-11 <u>Construct a traffic signal or roundabout at Intersection #29: Inter-Garrison Road and Abrams Drive.</u> This intersection improvement is not included in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the City of Marina public works department and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index). If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.	Prior to issuance of building permits,; 1. Submit a Trip Generation Study. 2. Pay fair share of improvement. 3. If the City of Marina will not accept the fair share of funding, the applicant is relieved from paying fair share.	Applicant(s)	City of Seaside	
TRA-12 <u>Intersection #32: Reservation Road and Inter-Garrison Road.</u> Widen and restripe the intersection to include one northbound left lane turn lane and two northbound right turn lanes, two westbound left turn lanes, and two westbound through lanes. This intersection improvement is not included in the County of Monterey CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the County of Monterey and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index). If the County of Monterey does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.	Prior to the issuance of building permits: 1. Submit a Trip Generation Study. 2. Pay fair share of improvements. 3. If the County of Monterey will not accept the fair share of funding, the applicant is relieved from paying fair share	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
TRA-13 <u>Intersection #45: Reservation Road and Davis Road.</u> Add a through lane on the westbound Reservation Road approach. Add additional left turn lane on the eastbound Reservation Road approach. Add additional right turn lane and implement “free” right turns for vehicles turning right into westbound Reservation Road from southbound Davis Road. This intersection improvement is not included in the County of Monterey CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the County of Monterey and enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant’s fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record’s Construction Cost Index). If the County of Monterey does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.	Prior to the issuance of building permits: 1. Submit a Trip Generation Study. 2. Pay fair share of improvements. 3. If the County of Monterey will not accept the fair share of funding, the applicant is relieved from paying fair share	Applicant(s)	City of Seaside	
TRA-14 <u>Intersection #48: Blanco Road and Davis Road.</u> Add a left turn lane, through lane, and right turn lane on the southbound David Road approach. Add two through lanes on the northbound Davis Road approach, so that it has three through lanes and one right turn only lane (instead of one through lane and one shared through-right turn lane). Add two through lanes on the eastbound Blanco Road approach so that it has three through lanes and one right turn only lane (instead of one through lane and one shared through-right lane). Add a left turn lane, a through lane, and a right turn lane on the westbound Blanco Road approach, utilize “overlap” phasing for right turns from westbound Blanco Road approach and southbound Davis Road approach. This intersection improvement is not included in the County of Monterey CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs or shall implement the improvement after receiving approval from the County of Monterey and shall enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant’s fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record’s Construction Cost Index). If the County of Monterey does not accept fair share payment then the Project Applicant shall be relieved from having to implement the improvement due to infeasibility of the mitigation measures to reduce the impact. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed.	Prior to the issuance of building permits: 1. Submit a Trip Generation Study. 2. Pay fair share of improvements. 3. If the County of Monterey will not accept the fair share of funding, the applicant is relieved from paying fair share	Applicant(s)	City of Seaside	
TRA-15 <u>(Intersection #49): Construct a traffic signal at Intersection #49: SR-1 NB Ramps and Reservation Road.</u> The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp	Prior to the issuance of building permits: 1. Submit a Trip Generation Study. 2. Pay fair share of improvement costs. 3. If the City of Marina will not accept the fair share of funding, the applicant is	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.	relieved from paying fair share.			
TRA-16 <u>Construct a traffic signal at Intersection #50: SR-1 Southbound Ramps and Reservation Road.</u> The Project applicant shall submit payment of a fair share of the improvements described below prior to issuance of building permits. In terms of when the improvements would need to be constructed, as part of the application process for the site-specific development under the Specific Plan, the applicants for each development pursuant to the Specific Plan shall submit a Trip Generation Study. This information shall be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. This intersection and ramp improvement is contained in the City of Marina CIP. As stated above, the Project Applicant shall pay its fair share of mitigation costs. If the City of Marina does not accept fair share payment then the Project Applicant shall be relieved from having to pay the fair share fee due to infeasibility of the mitigation measures to reduce the impact.	Prior to the issuance of building permits: 1. Submit a Trip Generation Study. 2. Pay fair share of improvement costs. 3. If the City of Marina will not accept the fair share of funding, the applicant is relieved from paying fair share.	Applicant(s)	City of Seaside	
TRA-17 <u>Payment of FORA Impact Fees.</u> Prior to issuance of any Building Permit, the Project Applicant shall pay the appropriate Fort Ord Reuse Authority (FORA) impact fees, in order to fund their proportionate fair share of the improvement of installing a traffic signal at Intersection #21: Inter-Garrison Road and 2nd Avenue. To the extent specific improvements are not covered in the applicable CIP program, the developer shall fund the improvement, and the improvement shall be implemented prior to issuance of an occupancy permit, or earlier as may be determined necessary by the City Engineer, based upon traffic conditions at that time.	Prior to issuance of building permits: 1. Submit evidence to the City of Seaside that Fort Ord Reuse Authority Impact fees were paid. Prior to issuance of occupancy permits: 1. Where improvements are not covered in the applicable CIP Program, enter into an agreement to fund construction of the improvement and 2. Install improvements identified in the mitigation measure.	Applicant(s)	City of Seaside	
TRA-18 <u>Intersection #39: Broadway Avenue and General Jim Moore Boulevard.</u> Prior to issuance of building permits, the Project Applicant shall install or fund the improvements at the City of Seaside intersection indicated below. The Project Applicant shall enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the Project Applicant's fair share. (Fair share costs for cumulative impacts based on estimated 2013 Project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index). • Intersection #39: Broadway Avenue and General Jim Moore Boulevard. Widen and restripe the intersection to include one southbound through lane, one southbound shared through-right lane, and one southbound right turn lane.	Prior to the issuance of building permits: 1. Install improvements identified in the mitigation measure or enter into a development fee and reimbursement agreement to provide the Project share of funding for the improvement.	Applicant(s)	City of Seaside	
WW-1 <u>Obtain Wastewater Improvement Plans and Permits.</u> To ensure that wastewater infrastructure is adequate to serve the proposed Project, the Project Applicant shall submit design-level infrastructure plans to the sewer collection agency for review and approval. Infrastructure plans shall be prepared and certified by a registered professional engineer and completed to the satisfaction of the District Engineer during each	Prior to issuance of any grading permit: 1. Submit sewer permit and proof of payment to the City of Seaside to	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
Project phase, prior to the issuance of any grading and/or building permit. All applicable fees and assessments, as determined by the sewer collection agency and the sewer treatment agency shall be paid to the sewer collection agency and the sewer treatment agency prior to the issuance of any grading and/or building permit. The Project Applicant shall submit a sewer permit and proof of payment to the City of Seaside, as evidence documenting compliance with this measure.	evidence compliance with the criteria contained in the mitigation measure.			
W-1 <u>Water Service Agreement.</u> Prior to the approval of any discretionary permits or entitlements (tentative map, use permits, etc.) for each future development that implements the Specific Plan, the applicant(s) of said development(s) shall provide proof of an adequate water supply, including evidence of a water service agreement from the water provider to the City of Seaside City Engineer/Public Works Services Manager, ensuring that there is sufficient amount of available water from the unused water supply is allocated to serve said development(s) at the time of application of required discretionary permits or entitlements. This includes any non- potable water from the unused recycled water supply allocation, if available at the time of said development(s) that may, with the City's written approval, be used to offset the needed potable water supply to serve said developments(s).	Prior to approval of any use permits: 1. Submit proof of adequate water supply and a water service agreement from the water provider to the City of Seaside City Engineer/Public Works Services Manager.	Applicant(s)	City of Seaside	
W-2 <u>Obtain MCWD Water Permits.</u> To ensure that water infrastructure is adequate to serve each future development that implements the Specific Plan, the applicant(s) of said development(s) shall submit design-level infrastructure plans, pursuant to the Marina Coast Water District's Procedures, Guidelines, and Design Requirements (PGDR), to the satisfaction of the Marina Coast Water District prior to the issuance of any grading and/or building permit. Project plans shall be designed by a registered engineer and shall be in conformance with Marina Coast Water District engineering specifications. The applicant(s) shall obtain a water permit from Marina Coast Water District prior to issuance of any grading and/or building permit. All applicable fees, as determined by Marina Coast Water District at the time of application submittal, shall be paid to Marina Coast Water District prior to the issuance of any grading and/or building permit by the City of Seaside. The applicant(s) shall submit an approved water system permit to the City of Seaside City Engineer/Public Works Services Manager as evidence documenting compliance with this mitigation measure.	Prior to approval of final improvement plans: 1. Submit design-level infrastructure plans that have been approved by the Marina Coast Water District to the City of Seaside Engineer for review for compliance with the criteria contained in the mitigation measure. Prior to the issuance of a grading permit: 1. Submit proof of a water permit from Marina Coast Water District to the City of Seaside.	Applicant(s)	City of Seaside	
W-3 <u>Water Supply Augmentation Improvements.</u> To ensure planned recycled water infrastructure improvements are constructed to serve each future development that implements the Specific Plan, the applicant(s) of said development(s) shall comply with one of the following measures: • Paying their fair share of the appropriate FORA fees, a portion of which is allocated for water supply augmentation improvements, as identified in the most recent version of the FORA Capital Improvement Plan prior to the issuance of any building permits. The applicant(s) shall submit evidence to the City of Seaside demonstrating that FORA impact fees have been paid, prior to the issuance of any certificate of occupancy; or, • Construct the improvements subject to the provisions of a reimbursement agreement which would establish mechanisms for compensation as other developments tie into the system.	Prior to issuance of occupancy permits: 1. Submit evidence to the City of Seaside demonstrating that Fort Ord Reuse Authority Impact Fees have been paid in conformance with the mitigation measure; or, 2. Construct the improvements subject to a reimbursement agreement.	Applicant(s)	City of Seaside	
W-4 <u>Obtain Recycled Water Improvement Plans and Permits.</u> To ensure that the planned recycled water infrastructure per Mitigation Measure W-3 will be adequate to serve each implementing development of the Specific Plan, the applicant(s) of said development(s) shall submit design-level infrastructure plans, pursuant to the Marina Coast Water District's Procedures, Guidelines, and Design Requirements (PGDR), to the satisfaction of the Marina Coast Water District prior to the issuance of any grading and/or building	Prior to approval of final improvement plans: 1. Submit design-level infrastructure plans that have proof of approval by the	Applicant(s)	City of Seaside	

Mitigation Measures	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Staff Initials and Date
permit. Such plans shall be designed by a registered engineer and shall be in conformance with MCWD's engineering specifications. Applicant(s) shall obtain applicable permit(s) from Marina Coast Water District prior to issuance of any grading and/or building permit. All applicable fees, as determined by the MCWD at the time of application submittal, shall be paid to MCWD prior to the issuance of any grading and/or building permit by the City of Seaside. Applicant(s) shall submit approved permit(s), as applicable, to the City of Seaside City Engineer/Public Works Services Manager as evidence documenting compliance with this measure.	Marina Coast Water District to the City of Seaside Engineer for review for compliance with the criteria contained in the mitigation measure.			

EXHIBIT D

STATEMENT OF OVERRIDING CONSIDERATIONS

I. INTRODUCTION

The following Statement of Overriding Considerations is made in connection with the *Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan*, formerly known as the Monterey Downs and Monterey Horse Park and Central Coast Veterans Cemetery Specific Plan (the “Project”).

Pursuant to State CEQA Guidelines Section 15093, the City Council of the City of Seaside finds that the economic, social, environmental, and other benefits of the Project outweigh the significant and unavoidable environmental effects identified in the *Monterey Downs and Monterey Horse Park and Central Coast Veterans Cemetery Specific Plan Final Subsequent EIR (Final SEIR)*¹ and in the record, some of which have been reduced in severity to the degree feasible through mitigation measures. In making this finding, the City Council has balanced the benefits of the Project against its unavoidable impacts (Aesthetics – project-level and cumulative changes to visual character and quality; Air Quality – project-level and cumulative operational ROG, NOx, and CO emissions; Biological Resources – project-level and cumulative impacts from removal of 315 acres of Coast Live Oak Woodland, and project-level and cumulative impacts from removal of 53 Landmark Coast Live Oak trees; Greenhouse Gas Emissions – exceedance of annual per capita GHG emissions thresholds on a project-level and cumulative basis; Land Use and Planning – conflicts with BRP Hydrology/Water Quality Policies B-1 and B-2; Hydrology and Water Quality – project-level and cumulative potential to deplete groundwater supplies; Traffic and Transportation – impacts to Levels of Service and conflicts with Congestion Management Plan; Water Supplies – project-level and cumulative impacts to water supplies due to insufficient water for Project phases IV-VI and uncertain recycled and desalinated water supplies) and has indicated its willingness to accept those adverse impacts. The City Council finds that each one of the following benefits of the Project as set forth below, independent of each of the other

¹ (It should be noted that the Project name change noted above does not alter any of the information, analysis, or conclusions in the Final SEIR.)

benefits, warrants approval of the Project notwithstanding the unavoidable environmental impacts of the Project.

II. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council finds that the Project will have the following economic, social, and environmental benefits:

1. The Project will fully and efficiently re-use vacant and underutilized parcels, thereby further implementing the Fort Ord Base Reuse Plan.
2. The Project will provide trails, parks, and staging areas to the Fort Ord Recreational Habitat Area, which leads to the Fort Ord National Monument. Together with property to be designated for a Fort Ord National Monument Interpretive Center, these trails and staging areas will increase opportunities for Seaside residents and visitors to enjoy recreational (including biking, hiking, and walking) and open space features of the area.
3. The Project will provide a substantial amount of housing for local and area residents, and will create a significant number of jobs, thereby considerably improving the City's jobs/housing ratio and helping to replace the substantial number of jobs that were lost upon the closing of the former Fort Ord.
4. The Project will introduce regionally significant equine training, competition and show facilities, thereby broadening and strengthening the region's tourism economy, and positioning the City to more fully participate in the region's tourism economy.
5. The Project will provide a variety of housing types, sizes, and prices to increase housing choice and to help ensure that households of all types and income levels have the opportunity to find suitable ownership or rental housing.
6. The Project will provide housing affordable to very low, low, and moderate income households, and will help meet market demand and the City's and the County's Regional Housing Needs Allocation from the State of California.
7. The Project will create a walkable, mixed-use community (residential, commercial, recreational, institutional and open space) that incorporates principles of long-term environmental sustainability and resource conservation.
8. The Project will provide large-scale recreational facilities, including the equestrian park, an outdoor equestrian training track with active recreation fields within its infield, an indoor sports arena, and community-scale recreation facilities that are not otherwise available in the

local area and which will increase recreational opportunities for Seaside residents and visitors.

9. The Project will ensure the preservation of the 73-acre Oak Oval.
10. The Project will provide for additional mixed uses (including residential [such as student apartments], retail, hospitality and recreational uses) close to CSU Monterey Bay, thereby better serving this growing population base within the community, and facilitating CSUMB to host larger athletic and cultural events.
11. The Project will provide opportunities to highlight cultural events and attractions in Seaside to help reinforce a high quality of life in Seaside to potential visitors and business prospects.
12. The Project will provide FORA impact fees, which would otherwise not be available if the project site is not developed, and will mitigate Base Reuse Plan impacts and provide for habitat management through collection of Mello-Roos Community Facilities District (CFD)/Base-wide Development fees and Land Sales proceeds. FORA fees pay for the following improvements: Transportation/Transit, Water Augmentation, Storm Drainage, Habitat Management, Fire Fighting Enhancement, and Water/Wastewater Collection Systems. The Project will fulfill the City's obligation under the MOU by and between the City, the County of Monterey, and FORA for financing the long-term operation and maintenance of the Veterans' Cemetery through sale of the 31.5-acre Endowment Parcel.
13. The Project will provide land sale revenue to the City for approximately 500 acres of land, allowing the City to undertake significant community improvements.
14. The Project will provide revenue to the City associated with increased population and retail and other tax generating uses, allowing the City to improve service delivery to residents.

III. FINDINGS

The City Council finds that the foregoing benefits provided through approval of the Project outweigh the identified significant adverse environmental impacts. The City Council further finds that each of the individual benefits discussed above outweighs the unavoidable adverse environmental effects identified in the Final Subsequent EIR and, therefore, finds those impacts to be acceptable. The City Council further finds that each of the benefits listed above, standing alone, is sufficient justification for the City Council to override these unavoidable environmental impacts.

RESOLUTION NO. 2016-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE AMENDING OF THE SEASIDE GENERAL PLAN TO INCORPORATE THE CENTRAL COAST VETERANS CEMETERY, MONUMENT VILLAGE, AND SEASIDE HORSE PARK SPECIFIC PLAN (FORMERLY KNOWN AS THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN)

WHEREAS, on June 13, 1997, the Fort Ord Reuse Authority adopted the Fort Ord Base Reuse Plan, which identified the approximate 711-acre area now proposed as the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan (hereafter referred to as the “Specific Plan Area” and the “Specific Plan”, respectively) as a development parcel and identified various land use designations including Business Park/Light Industrial Office/R&D, Low Density Residential, Military Enclave (Veterans Cemetery), Public Facility/Institutional, and Open Space Recreation; and,

WHEREAS, on August 5, 2004, the City of Seaside adopted a new General Plan that sets the course for land use and development for the City; and,

WHEREAS, the 2004 Seaside General Plan Land Use Policy Map (Figure LU-2) designates the portion of the project site currently within the city limits as High Density Residential and Park and Open Space (Veteran’s Cemetery); and,

WHEREAS, on December 10, 2004, the Fort Ord Reuse Authority made a consistency determination that the 2004 City of Seaside General Plan was consistent with the Fort Ord Reuse Plan, as required by FORA Master Resolution, Chapter 8; and,

WHEREAS, in December 2005, the Fort Ord Reuse Authority, the U.S. Department of the Army, the County of Monterey, Monterey Peninsula College, the U.S. Bureau of Land Management approved the East Garrison – Parker Flats Land Use Modification Memorandum of Understanding, which changed the land use designations within much of the Specific Plan Area located in unincorporated Monterey County to Monterey Horse Park, County Development Reserve, Veterans Cemetery, and Oak Woodland Habitat Reserve; and,

WHEREAS, on May 13, 2016, the Fort Ord Reuse Authority Board of Directors reaffirmed the land use designations identified in the Seaside General Plan and the East Garrison – Parker Flats Land Use Modification Memorandum of Understanding, some of which apply to the Specific Plan Area; and,

WHEREAS, the 2004 Seaside General Plan specifies that during redevelopment and revitalization activities, the City shall include zoning, development, and design standards that address signage, building facades, lighting, landscaping, and building color (Implementation Plan LU-2.4.1); and,

WHEREAS, the Specific Plan provides for the development and implementation of up to 400 multi-family homes including student apartments on approximately 19 acres; up to 880 single-

family homes including 26 detached courtyard homes on approximately 130 acres; up to 535,000 square feet of retail and commercial uses including two 200-room hotels on approximately 51 acres; an equestrian park on approximately 111 acres, an outdoor equestrian training track, indoor sports arena, and 256 worker lodging units on approximately 139 acres; the Veterans Cemetery with ancillary parcels on approximately 135 acres; approximately 20 acres reserved for public facilities including a proposed City corporation yard and fire station and a Marina Coast Water District existing water storage tank parcel; approximately 34 acres of internal streets; and the 73-acre Oak Oval open space/habitat reserve; and,

WHEREAS, the Specific Plan includes land use designations and maps that are specific to the planning area and will enable implementation of the Specific Plan consistent with the direction provided in the General Plan; and,

WHEREAS, a Final Subsequent Environmental Impact Report (Final SEIR) has been prepared for the proposed project; and,

WHEREAS, the Final SEIR analyzes the environmental impacts of the Project including, project; cumulative, growth-inducing and irreversible environmental impacts, identifies and analyzes mitigation measures intended to reduce environmental impacts, and considers alternatives to the project; and,

WHEREAS, on September 7, 2016, the City's Planning Commission held a duly noticed public hearing where they took testimony, and thereafter deliberated on September 21, 2016 and acted to recommend that the City Council adopt the proposed General Plan Amendment, the Specific Plan, the related zoning map and zoning ordinance text amendments to the Seaside Municipal Code, and certify the related Subsequent Environmental Impact Report (SEIR) as prepared in compliance with the California Environmental Quality Act (CEQA), adopt findings pursuant to CEQA, adopt a Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations; and,

WHEREAS, the City Council held a duly noticed public hearing on October 13, 2016 and November 10, 2016, to receive public testimony and consider certification of the Final SEIR, and adoption of the Specific Plan and concurrent amendments to the Seaside General Plan and Title 17 of the Seaside Municipal Code and the Zoning Map; and,

WHEREAS, it is necessary to amend the General Plan to include the portion of the Specific Plan area currently outside of the Seaside City limits (Exhibit A), contingent upon future annexation of that portion of the project into the City of Seaside; and,

WHEREAS, prior to development within the portion of the Specific Plan Area currently outside of Seaside's City boundary and sphere of influence it is necessary to amend the Seaside boundary and sphere of influence to include the entire Specific Plan Area, which requires a pre-sphere of influence agreement with the County of Monterey and approvals by the Monterey County Local Agency Formation Commission; and,

WHEREAS, it is necessary to prezone and annex to the City of Seaside the Specific Plan Area currently outside of its city boundary, which requires a tax sharing agreement with the County of Monterey and approval by the Monterey County Local Agency Formation Commission; and,

WHEREAS, the City prepared a Subsequent Environmental Impact Report (SEIR) for the Project in accordance with California Public Resources Code § 21000 et. seq., the California Environmental Quality Act, and the State CEQA Guidelines, 14 Cal. Code Regs. 15000 et seq. (collectively “CEQA”). The Final SEIR is comprised of (1) the Draft SEIR dated March 2015 and all appendices thereto, (2) the Final SEIR Volumes I and II which consist of the public comments, responses to those comments, and revisions to the Draft SEIR, and (3) the Appendix to the Final SEIR. The City Council, by Resolution No. (Insert EIR Resolution No. ___), certified the Final SEIR on (add date) as adequately prepared in compliance with CEQA, adopted required CEQA findings, adopted the mitigation monitoring and reporting program, and adopted a statement of overriding considerations finding that the economic, social, and environmental benefits outweigh the significant and adverse environmental effects of the Project. The City Council hereby incorporates the findings and determinations made in Resolution No. (Insert EIR Resolution No. ___), by reference, and relies on those findings for the adoption of this Ordinance, which is part of the project analyzed in the Final SEIR, and hereby imposes the mitigation measures as conditions on the Project approvals.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SEASIDE HEREBY FINDS AND DETERMINES AS FOLLOWS:

Section 1. The City Council amends the Seaside General Plan as set forth in Exhibit A attached hereto, to accommodate development of the Specific Plan Area consistent with the proposed Specific Plan.

Section 2. The City Council finds that the Specific Plan is consistent with the land use designations for the portion of the Specific Plan Area currently within the City limits, as well as the goals and policies of the Seaside General Plan as proposed to be amended, for the reasons set forth in the General Plan Consistency Analysis attached hereto as Exhibit B, and incorporated by reference.

Section 3. The General Plan Amendment adopted by this Resolution No. [] shall become effective upon the effective date of this Resolution for those properties currently within the City's jurisdiction, and shall become effective as to that part of the Specific Plan Area that is currently outside of the City's boundaries only upon annexation of that area to the City of Seaside.

Section 4. Indemnification Agreement Required. The applicant for the Specific Plan, Monterey Downs, LLC (“Applicant”), shall enter into an Indemnification Agreement with the City of Seaside agreeing to, at its own expense and with counsel selected by the City, fully defend, indemnify and hold harmless City, its officials, officers, employees, consultants, contractors, legal counsel, and agents (“Indemnified Parties”), from and against any and all claims, suits, causes of action, fines, penalties, proceedings, damages, injuries or losses of any name, kind or description, specifically including attorney’s fees, (“Liabilities”), arising in any way out of the City’s approval of this Resolution or any other action of the City related to the Specific Plan. Applicant’s

indemnification obligation shall include, but not be limited to, actions to attack, set aside, void, or annul the City's approval of the Specific Plan and related actions, and Liabilities premised on, related to, or invoking Planning and Zoning Law or the California Environmental Quality Act (CEQA), including those arising out of the City's decisions related to the Project's CEQA documents. Applicant's indemnification obligations shall not be limited to the amount of insurance coverage that may be available to Applicant, and shall not otherwise be restricted or confined by the presence or absence of any policy of insurance held by the City or Applicant. Applicant's indemnification obligations as required herein, and as memorialized in the indemnification agreement, shall survive the completion or abandonment of the Project, including the situation where the approvals of other permitting agencies are not granted. The provisions of the indemnification agreement shall be drafted, interpreted, and construed to provide the fullest protection possible under law to the City. Further, all obligations and Liabilities under the indemnification agreement shall be paid by the Applicant as they are incurred. The indemnification agreement shall be in a form and substance as approved by the City Attorney, and shall be executed within forty-five (45) days of the date on which this Resolution is adopted. The City Council hereby authorizes the City Manager to execute the indemnification agreement meeting the minimum requirements set forth herein.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Seaside duly held on the ____ day of _____, 2016, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Ralph Rubio, Mayor

ATTEST:

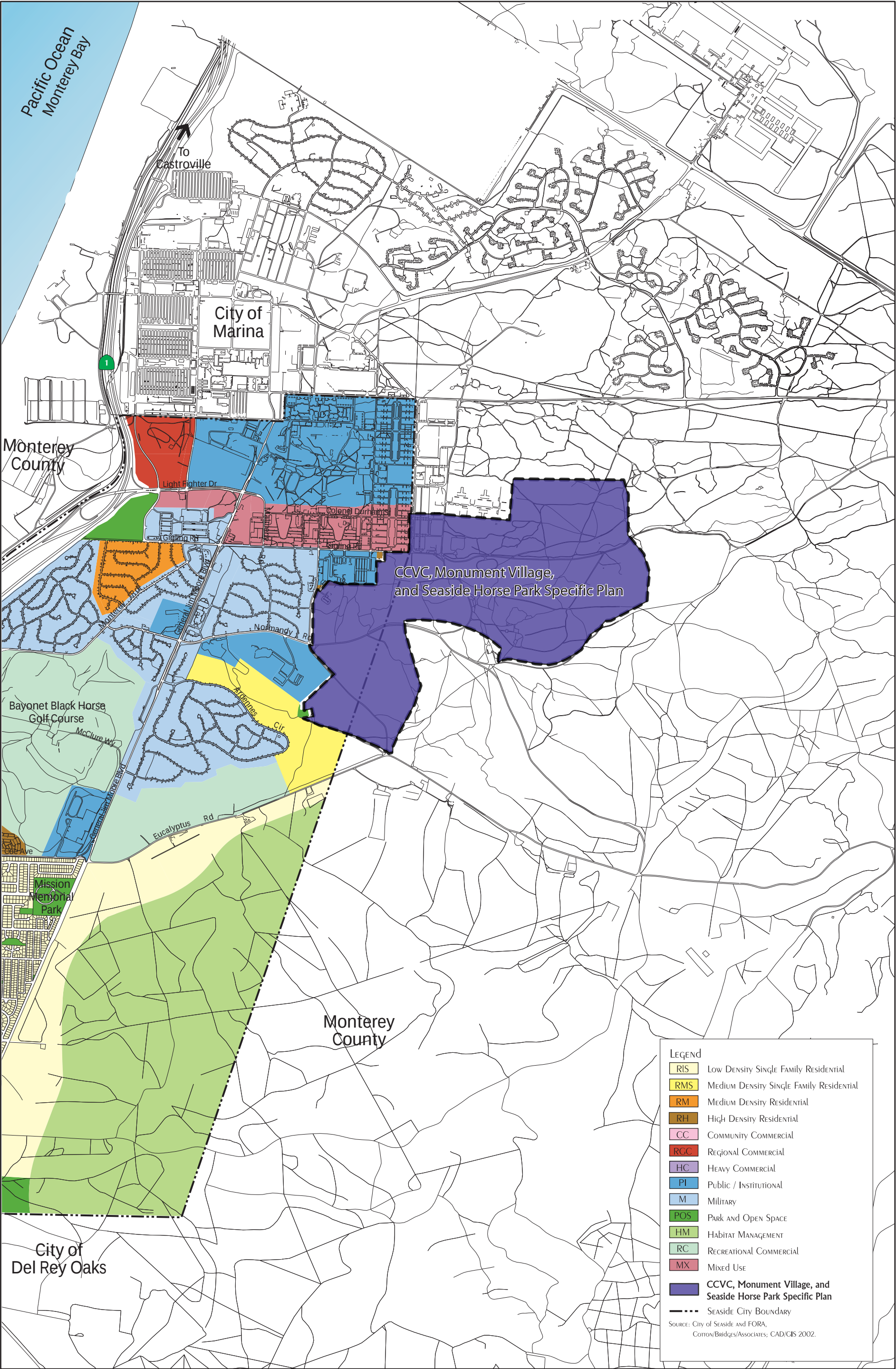
Lesley E. Milton-Rerig, City Clerk

Exhibit A - Amendment to the General Plan
Exhibit B - General Plan Consistency Analysis

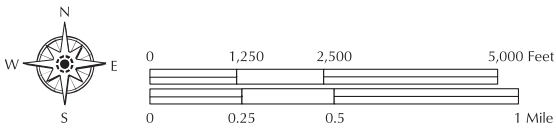
City of Seaside General Plan Text Amendment

The following changes shall be made to the General Plan:

1. Figure LU-2, Land Use Policy Map. Add the portion of the Specific Plan that is not currently included on the map. Identify the entire project site with a new color. In the Legend, identify the entire project site as CCVC, Monument Village, and Seaside Horse Park_Specific Plan. [See attached draft map.](#)
2. Page LU-14, add “Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan” at the end of the list under Specific Plan (SP) Overlay.
3. Figure LU-3, Specific Plan Areas. Add the portion of the project site currently not included on the map.
4. Figure LU-4, Neighborhoods. Add the portion of the project site currently not included on the map.
5. Figure LU-5, Water Districts. Add the portion of the project site currently not included on the map, and within the Marina Coast Water District Boundary.
6. Figure LU-6, Schools. Add the portion of the project site currently not included on the map.
7. Urban Design Element. Add a discussion about the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan within the section subtitled “Specific Plan Areas”. “The 711.1-acre Specific Plan allows for up to 400 multi-family homes including student apartments on approximately 19 acres; up to 880 single-family homes including 26 detached courtyard homes on approximately 130 acres; up to 535,000 square feet of retail and commercial uses including two 200-room hotels on approximately 51 acres; an equestrian park on approximately 111 acres; an outdoor equestrian training track, indoor sports arena, and up to 256 worker lodging units on approximately 139 acres; the Veterans Cemetery with ancillary parcels on approximately 135 acres; public facilities including a City corporation yard, a Marina Coast Water District water storage tank parcel, and fire station on approximately 20 acres; approximately 34 acres of internal streets; and the 73-acre Oak Oval open space/habitat reserve. The Specific Plan includes a land use plan, circulation plan, public facilities and services plan, architectural design guidelines, development standards, landscaping and grading design standards, and an implementation plan to guide the development of the Project site.”
8. Figure UD-1, Urban Design Plan. Add the portion of the project site currently outside of the city limits. Identify the entire project area as the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan.
9. Figure C-4, Planned Circulation System. Add the portion of the project site currently not included on the map.
10. Figure S-3, Fire Hazards. Add the portion of the project site currently not included on the map.
11. Figure S-4, Hazardous and Toxic Waste Sites. Add the portion of the project site currently not included on the map.
12. Figure S-5, Expected Locations of Unexploded Ordnance. Add the portion of the project site currently not included on the map.
13. Figure S-6, Evacuation Routes. Add the portion of the project site currently not included on the map.



Source: City of Seaside General Plan



CONSISTENCY WITH APPLICABLE SEASIDE GENERAL PLAN POLICIES

The Seaside General Plan was reviewed for policies that are applicable to the Specific Plan and a discussion of the Specific Plan's consistency with those policies is presented below.

Land Use Element

GOAL LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work, shop, and play.

Policy LU-1.2: Encourage development that helps the City achieve a jobs/housing ratio of 1.5:1.

Consistency. According to AMBAG, in 2010, Seaside had 11,335 housing units and 7,790 jobs for a jobs/housing balance of 0.69:1. The project would add up to 1,280 housing units and approximately 2,758 jobs for a jobs/housing balance of 0.84:1. The project would assist in achieving a more favorable job/housing balance and therefore, is consistent with this policy.

Policy LU-1.3: Encourage regional commercial and visitor-serving commercial development that will enhance the identity of Seaside and attract visitors to the community.

Consistency. The Specific Plan allows for up to 775,000 square feet of commercial/retail uses and about 250 acres of equestrian-related visitor-serving uses (horse park and the equestrian training track). Therefore, the project is consistent with this policy.

Policy LU-1.4: Provide for a variety of housing that complements the employment opportunities in the community.

Consistency. The Specific Plan would allow for up to 1,280 residential units, with an additional 256 units identified as "qualified worker lodging in a hotel format". The 1,280 units would consist of the following: up to 880 single-family lots (including 26 detached courtyard homes), and up to 400 apartments (including student apartments). The 880 single-family lots range from about 2,500 square feet to about 7,000 square feet. The project includes a variety of housing types, sizes, and prices, including both ownership and rental opportunities and is therefore, consistent with this policy.

Policy LU-1.5: Provide for a large-scale commercial recreational facility.

Consistency. The project includes two, large-scale commercial visitor-serving recreational facilities: the horse park, and the equestrian training track (outdoor) and sports arena (indoor) complex. The horse park would be a non-profit equestrian facility that will host regional, state, national, and international events such as dressage, eventing, jumping, driving, vaulting, etc., the types of events one would see in the Summer Olympics. The equestrian training track would be a world-class thoroughbred training facility.

The sports arena is a 6,500 seat venue for a wide variety of sporting and special events, such as ice hockey, basketball, semi-pro sports, trade shows, car shows, veteran's events, and graduation ceremonies. Therefore, the project is consistent with this policy.

GOAL LU-4: Ensure that new development complements existing land uses and enhances the character of the community and its neighborhoods.

Policy LU-4.1: Require that all new development: 1) funds its share of community services and facilities (e.g., parks, roads, trails, and utilities); 2) uses quality design and materials; and 3) is compatible with surrounding uses, the site, and available infrastructure.

Consistency. The Specific Plan requires that development pursuant to the plan funds its share of community services and facilities. Additionally, the City will be negotiating a Disposition and Development Agreement that also solidifies the requirements for the development to fund its share of community services and facilities.

The Specific Plan includes a set of architectural design guidelines, development standards, and landscape and grading standards to ensure development uses quality design and materials. The EIR evaluated the project's compatibility (noise, safety, and other environmental issues) with surrounding land uses and concluded that there were no incompatibility impacts that could not be mitigated. Development within the Specific Plan area will be required to connect to existing infrastructure and extend such infrastructure where necessary.

GOAL LU-5: Collaborate with local and regional water suppliers to continue to provide quality water supply and treatment capacity to meet community needs.

Policy LU-5.1: Review development proposals to ensure that adequate water supply, treatment, and distribution capacity is available to meet the needs of the proposed development without negatively impacting the existing community.

Consistency. Water for development within the Specific Plan area will be supplied by the Marina Coast Water District. While there is currently only sufficient water supplies allocated to the City of Seaside and County of Monterey to serve approximately Phases I through III of the project, the water district is in the process of studying supplemental water supply options through a MOU with the Fort Ord Reuse Authority (FORA) and the Monterey Regional Water Pollution Control Agency.

The Specific Plan EIR includes a mitigation measure that requires sufficient water supply be available prior to issuance of building permits. This mitigation measure will not allow development to proceed without assurance that water supply is available. The provision of water to the project by the Marina Coast Water District will not affect water supply availability to the existing community. Therefore, the project is consistent with this policy.

Policy LU-5.3: Actively promote water conservation by City residents and businesses.

Consistency. The project will be required to comply with water conservation measures promulgated by the Marina Coast Water District.

Policy LU-5.4: Promote the use of recycled water for irrigation of parks, golf courses, and public landscaped areas in the community.

Consistency. The Marina Coast Water District is in the process of studying and planning for the use of recycled water for development on the former Fort Ord. The project will be designed to receive recycled water when it is available. The Marina Coast Water District estimates that the project could utilize 302.5 acre feet of recycled water per year. Therefore, the project is consistent with this policy.

GOAL LU-6: Ensure that sewer service and facilities are provided and maintained to adequately meet the community's current and future need for sewer collection and treatment.

Policy LU-6.2: Ensure new development and redevelopment projects provide adequate sewage collection infrastructure.

Consistency. The Specific Plan includes a sewer collection infrastructure plan. The City will condition all development pursuant to the Specific Plan to provide the necessary sewer collection infrastructure. Therefore, the project is consistent with this policy.

GOAL LU-8: Provide a level of flood control and protection that meets the needs of the community.

Policy LU-8.2: Ensure that developers provide stormwater retention/detention facilities and institute Best Management Practices that regulate runoff and siltation that meets local, State, and federal standards.

Consistency. The Specific Plan includes a drainage plan that is consistent with the requirement of the Fort Ord Base Reuse Plan by retaining all storm water on site. City will condition all development pursuant to the Specific Plan to retain all storm water on site. Therefore, the project is consistent with this policy.

GOAL LU-9: Provide a sufficient level of fire protection, public education, and emergency response service (with a response time of five minutes) for all portions of the community.

Policy LU-9.1: Adopt and maintain level of service (e.g., response times, call handling) and staffing standards for the Fire Department.

Consistency. The project would be served by the Seaside Fire Department, with assistance from the Presidio of Monterey station on General Jim Moore Boulevard and the new fire station planned for construction at East Garrison. If necessary to maintain acceptable levels of service, the project includes a site for a new Seaside fire station. Therefore, the project is consistent with this policy.

GOAL LU-11: Cooperate with local school districts and other educational organizations to ensure that a level of public education is provided that meets the community's educational needs.

Policy LU-11.1: Consider impacts of proposed projects on school enrollment and facilities.

Consistency. City staff contacted the Monterey Peninsula Unified School District in July 2015 pursuant to and the City's subdivision ordinance and California Government Code § 66455.7 soliciting information regarding the ability of the school district to adequately serve school children living within the residential portion of the project. Additionally, the school district was consulted regarding the project's anticipated student enrollment and was invited to comment on the Draft EIR. The EIR addresses the impacts of the project on school enrollment and facilities and therefore, is consistent with this policy.

Urban Design Element

GOAL UD-1 Create and maintain a positive image that also provides a clear identity for the community within the region.

Policy UD-1.1: Enhance the City's image and identity within the region's natural setting.

Consistency. The project is an approximate 576-acre mixed-use upscale equestrian-themed village with commercial/retail, a variety of new housing, quality recreational facilities, and Veterans Cemetery ancillary facilities. The project would provide a variety of jobs and provide two staging areas for improved access to the Fort Ord Habitat Recreation Area lands and beyond to the Fort Ord National Monument. The project would enhance the City's image and identity within the region's natural setting and therefore, is consistent with this policy.

GOAL UD-2 Create and preserve distinct neighborhoods and business districts.

Policy UD-2.2: Minimize potential light and sound impacts of new development and redevelopment on surrounding areas.

Consistency. The Specific Plan EIR addressed the issues of light and noise impacts of the project on the surrounding areas. The EIR concluded that all light and noise impacts can be mitigated. These mitigation measures (AES-3, NOI-1, NOI-2, NOI-3) will be included as conditions of approval for applicable projects within the Specific Plan. Therefore, the project is consistent with this policy.

Policy UD-2.3: Ensure projects use design and site planning facilities that reduce potential criminal activities.

Consistency. The Seaside Police Chief will be consulted with each development application pursuant to the Specific Plan to ensure project design and site planning does not facilitate criminal activities. Therefore, the project is consistent with this policy.

GOAL UD-4: Provide civic art and community design that instills pride and creates a sense of place.

Policy UD-4.1: Encourage the provision of civic art into public and private development and redevelopment projects.

Consistency. The Specific Plan does not address civic art. Therefore, staff is recommending adding a landscape design principle and a landscape design standard that requires providing civic art in both public and private development projects pursuant to the Specific Plan. With the addition of this language in the Specific Plan, the project will be consistent with this policy.

Policy UD-4.3: Provide attractive community gathering places that meet the social, civic, cultural, and recreational needs of the community.

Consistency. The Specific Plan provides for development of community gathering places that meet the social, civic, cultural, and/or recreational needs of the community. Planning Area C-2, “Country Walk” includes up to 330,000 square feet of outdoor shopping, entertainment, and hotel uses. The vision is for an open-air plaza designed be walkable and without automobiles. Facilities for hikers, bikers, equestrians, and dog-owners would connect Country Walk with the adjacent open space and trails network. A staging area will be located in the southern portion of Country Walk and will include a bike center, dog barn, horse tie up, barn/livery, and restrooms. Allowed uses include, but would not limited to restaurants, outdoor cafes, local proprietors, museums, small office spaces, a movie theatre, hotel, and a farmer’s market. Planning Area C-2 “Country Walk” is located immediately adjacent to Planning Area R-3, planned for multi-family residential projects.

A tennis and swim center and a community park are planned for the Planning Area C-1 and smaller parks are located throughout the residential development. Other recreational opportunities within the Specific Plan include two staging areas to the onsite and offsite trail system, an equestrian park, and a sports arena.

Associated with the Veterans Cemetery, the Specific Plan includes two separate parcels, totaling 5 acres, designated for cemetery ancillary uses. Permitted uses include cultural and nondenominational facilities, assembly facilities, and trails.

Finally, the Specific Plan allows for development of a new City corporation yard, as well as a fire station, if determined to be necessary. Therefore, the project is consistent with this policy.

Economic Development Element

GOAL ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.

Policy ED-1.1: Encourage the full and efficient use of vacant and underutilized parcels in appropriately designated areas to support the development and expansion of targeted industrial and commercial facilities.

Consistency. The project site is vacant and underutilized and is designated as development parcels in the Fort Ord Base Reuse Plan, as well as in the City of Seaside and County of Monterey general plans. The Specific Plan allows for up to 330,000 square feet of outdoor shopping, entertainment, and hotel uses (C-1 Planning Area) and up to 205,000 square feet (26.9 acres) for commercial, office, and business traveler hotel uses (C-2 Planning Area). The

Specific Plan also includes provisions for a sports arena, equestrian training track, and an equestrian park. Therefore, the project is consistent with this policy.

GOAL ED-3: Provide the necessary public facilities and infrastructure to support new commercial and industrial development.

Policy ED-3.1: Seek innovative ways of financing infrastructure provision without unduly transferring the cost burden to the residential sector.

Consistency. The Specific Plan includes a discussion of infrastructure improvement responsibilities, including possible methods of financing necessary infrastructure. Infrastructure necessary for the development in the Specific Plan area would be provided in a variety of ways including, but not limited to, improvements in the FORA capital improvement plan (funded by developer impact fees); funding by the developer paying fees to the City of Seaside in compliance with the provision of the Disposition and Development Agreement, as well as various assessment and/or financing districts that would be the responsibility of the developers and/or property owners. The cost of the project's infrastructure needs will be borne by all phases of the project and would not be unduly transferred to the residential portion of the project. Therefore, the project would be consistent with this policy.

GOAL ED-5: Attract new regional- and visitor-serving businesses.

Policy ED-5.1: Attract and support commercial and employment generating development that is consistent with the General Plan and City ordinances.

Consistency. The Specific Plan provides for land to develop regional- and visitor-serving businesses: 50.9 acres for retail/commercial uses (up to 535,000 square feet); a 110.7-acre equestrian park, and a 138.7-acre equestrian training track and sports arena, as well as two staging areas encouraging local and visitor use of the trail system in the adjacent habitat reserve (Fort Ord Recreational Habitat Area) and further to the Fort Ord National Monument. The fiscal and economic impact analysis prepared for the Specific Plan projects that development within the Specific Plan area will employ approximately 2,758 persons on site, with approximately 1,743 non-equestrian jobs and approximately 1,015 equestrian jobs. These numbers do not include short-term construction jobs. Therefore, the project is consistent with this policy.

Policy ED-5.2: Highlight cultural events and attractions in Seaside to help project a high quality of life image to potential visitors and business prospects.

Consistency. The Specific Plan provides for the development of a 110.7-acre equestrian park, and a 138.7-acre equestrian training track and sports arena (to be used for a variety of community and cultural events), as well as two staging areas encouraging local and visitor use of the trail system in the adjacent habitat reserve (Fort Ord Recreational Habitat Area) and further to the Fort Ord National Monument. The project also includes 5 acres of uses ancillary to the Veterans Cemetery. Permitted uses include cultural and nondenominational facilities, assembly facilities, and trails. Therefore, the project is consistent with this policy.

GOAL ED-7: Use Seaside's labor force as an economic development and business attraction tool and increase the number of new jobs filled by Seaside residents by coordinating economic development efforts with employment placement.

Policy ED-7.1: Support job training for skilled labor through City- and employer-sponsored training or continuing educational programs.

Consistency. The Specific Plan provides for opportunities for job training for skilled labor. Specific Plan educational policy ED-1 states, "Assist local colleges in developing new educational opportunities in the animal sciences fields. The horse park (Planning Area Rec-1) will be available to a variety of educational groups such as high school Future Farmers of America (FFA), at risk youth programs and college students pursuing careers in the equine field. Facilities will also be available for sporting events run by local schools and youth organizations. The equestrian training track (Planning Area Rec-2) will provide internship and job opportunities for students in the animal science fields." Therefore, the project is consistent with this policy.

GOAL ED-8: Actively promote a balance between the numbers and types of workers residing in Seaside and the opportunities for employment in the city.

Policy ED-8.1: Encourage development that helps the City achieve a jobs/housing ratio of 1.5:1.

Consistency. According to AMBAG in 2010, Seaside had 11,335 housing units and 7,790 jobs for a jobs/housing balance of 0.69:1. The project would add up to 1,280 housing units and up to 2,758 jobs for a jobs/housing balance of 0.84:1. The project would assist in achieving a more favorable job/housing balance and therefore, is consistent with this policy.

Circulation Element

GOAL C-1: Provide and maintain a City circulation system that promotes safety and satisfies the demand created by new development and redevelopment in Seaside.

Policy C-1.1: Design roadway capacities and ensure transportation facilities that adequately serve planned land uses.

Consistency. The City of Seaside's standards for the area of the City within the former Fort Ord are the same as the FORA standards. The project roadways will be constructed to these standards and are planned to adequately serve the Specific Plan's land uses. Therefore, the project is consistent with this policy.

Policy C-1.2: Improve the Seaside circulation system in concert with public and private land development and redevelopment projects to maintain the City standard of Level of Service "C".

Consistency. A traffic impact analysis was conducted as part of the project EIR. The report concluded that all study intersections in the City of Seaside will operate at acceptable level of service C or better with implementation of required mitigation measures. Therefore, the project is consistent with this policy.

Policy C-1.4: Provide adequate access to the University, golf courses, and other uses in North Seaside.

Consistency. The project site is located in North Seaside and the unincorporated County immediately adjacent to North Seaside. Access to the project would be provided by General Jim Moore Boulevard and Eucalyptus Road, Gigling Road, Normandy Road and Parker Flats Road, and the Eastside Parkway, when constructed by FORA. Therefore, the project is consistent with this policy.

Policy C-1.5: Use traffic calming methods within residential and mixed use areas where necessary to create a pedestrian-friendly circulation system.

Consistency. Traffic calming mechanisms are integrated into the Specific Plan's overall circulation design. These features also provide for additional landscaping, which help to soften the streetscape. The Specific Plan preferred traffic calming mechanisms are traffic circles with compatible landscaping and signage in their centers. In addition, bulb-outs with enhanced intersection and mid-block paving will delineate pedestrian cross-walks, reduce the time needed to cross the street, and further define the pedestrian space. Figure 7.4 of the Specific Plan provides conceptual illustrations of the proposed raised traffic circle. The Specific Plan includes traffic calming methods and therefore, the project is consistent with this policy.

GOAL C-2: Provide a local circulation system that is integrated with the larger regional transportation system to ensure the economic well-being of the community.

Policy C-2.1: Coordinate planning, construction and maintenance of development projects and circulation improvements with adjacent jurisdictions and transportation agencies.

Consistency. The Specific Plan is bisected by the FORA-planned Eastside Parkway, which would be accessed by General Jim Moore Boulevard via Eucalyptus Road and Gigling Road. The City will continue to work with FORA and TAMC, where appropriate, to make the necessary improvements, which are included in the FORA capital improvement program. Therefore, the project is consistent with this policy.

Policy C-2.2: Support programs that help reduce congestion and encourage alternative modes of transportation.

Consistency. The Specific Plan is a mixed-use project adjacent to existing residential, planned commercial/retail (Surplus II) and in proximity to CSUMB. The Specific Plan includes the following alternative modes of transportation: approximately 4 miles of internal trails, and two staging areas for increased access to the adjacent habitat reserve (Fort Ord Habitat Recreational Area) and beyond to the Fort Ord National Monument; and provides for at least one transit stop, which would be located in the center of the project. Therefore, because the project is a mixed-use project and encourages alternative modes of transportation, it is consistent with this policy.

GOAL C-3: Promote the increased use of multi-modal transportation.

Policy C-3.3: Promote mixed use, higher density residential, and employment-generating development in areas where public transit is convenient and desirable.

Consistency. The Specific Plan is a mix of a variety of medium and high residential densities, as well as employment-generating and recreational development, and provides for at least one transit stop in the center of the project. The project is a mixed use, higher density residential and employment-generating project and therefore, is consistent with this policy.

Policy C-3.4: Support alternative modes of transportation that encourage physical activity, such as biking and walking.

Consistency. The Specific Plan includes approximately 4 miles of internal trails (pedestrian, biking, and equestrian), and two staging areas for increased access to the adjacent habitat reserve (Fort Ord Habitat Recreational Area) and beyond to the Fort Ord National Monument. Therefore, the project is consistent with this policy.

GOAL C-4: Ensure adequate parking is provided throughout Seaside.

Policy C-4.1: Require off-street parking in new development and redevelopment projects.

Consistency. The Specific Plan includes the requirement of adequate off-street parking in all land uses, as detailed in the Specific Plan, Chapter 6, Development Standards. Therefore, the project is consistent with this policy.

Policy C-4.2: Support the development of well-designed and aesthetically pleasing parking facilities in areas where current parking deficiencies exist or where substantial traffic generating uses are planned.

Consistency. The Specific Plan allows for uses (equestrian training track and sports arena, equestrian park, and the County Walk retail/commercial area) which are expected to generate substantial traffic when special events occur, and therefore, parking structures associated with these facilities would likely be proposed and are an allowed use in the Specific Plan. The Specific Plan includes architectural guidelines that address form, height and massing; façade, features and details; materials and colors; roofs; utilities and mechanical equipment; and service, loading and storage areas. Parking facilities proposed within the Specific Plan area will be required to comply with the architectural guidelines and as with all development design, will be subject to review and approval by the City. Therefore, the project is consistent with this policy.

Policy C-4.3: Ensure well-landscaped parking lots that facilitate pedestrian movement and screen unattractive structures.

Consistency. In addition to the architectural design guidelines discussed above, the Specific Plan also includes landscape design standards. Parking lots proposed within the Specific Plan area will be required to comply with the landscape standards and will be subject to review and approval by the City. Therefore, the project is consistent with this policy.

Open Space and Conservation Element

GOAL COS-1: Provide and maintain a high quality parks and recreation system that meets the varying recreational needs of the community.

Policy COS-1.1: Provide a variety of well-maintained public parks and recreational facilities for Seaside residents.

Consistency. The project includes 12.7 acres of parks (mini, neighborhood, and community), 91 acres of open space (Oak Oval) and linear park preserve, approximately 4 miles of trails, two staging areas for increased access to the adjacent habitat reserve (Fort Ord Habitat Recreational Area) and beyond to the Fort Ord National Monument, an equestrian park, and an equestrian training track and sports arena. Therefore, the project is consistent with this policy.

Policy COS-1.3: Maximize pedestrian, transit, and bicycle access to parks and other local and regional activity centers as an alternative to automobile access.

Consistency. The Specific Plan's retail/commercial and equestrian recreational opportunities would be regional activity centers. The project includes 12.7 acres of parks (mini, neighborhood, and community), 91 acres of open space (Oak Oval) and linear park preserve, approximately 4 miles of trails, two staging areas for increased access to the adjacent habitat reserve (Fort Ord Habitat Recreational Area) and beyond to the Fort Ord National Monument, an equestrian park, and an equestrian training track and sports arena. The Specific Plan also provides for at least one transit stop, centrally located within the Specific Plan area. Therefore, the project is consistent with this policy.

GOAL COS-2: Provide a safe and adequate water supply to meet the needs of the community.

Policy COS-2.1: Work with regional and local water providers to ensure that adequate supplies of water are available to meet existing development and future growth.

Consistency. The EIR concluded that because sufficient water is not currently available for build-out of the Specific Plan, a significant and unavoidable impact would occur. The Marina Coast Water District has indicated that, until supplemental water supplies are developed and available, water is currently available for Phases I through III only. The water district, in cooperation with FORA and the Monterey Regional Water Pollution Control Agency, is in the process of studying and developing supplemental water supplies to provide sufficient water to projects on the former Fort Ord, including but not limited to development of the project site. Supplemental water supplies are also planned in an effort to reduce impacts to the Salinas Valley Groundwater Basin. The City of Seaside is a member agency of both FORA and the Monterey Regional Water Pollution Control Agency and therefore, supports the agencies in the quest to develop supplemental water supplies.

Policy COS-2.2: Encourage the production, distribution, and use of recycled water.

Consistency. The Marina Coast Water District, FORA, and the Monterey Regional Water Pollution Control Agency are in the process of studying supplemental water supplies. One of these supplies is recycled water. The Monterey Regional Water Pollution Control Agency currently treats wastewater to a tertiary level and is providing recycled water. The agency plans to provide recycled water to the Marina Coast Water District when the water district constructs the delivery infrastructure. The City of Seaside is a member agency of both FORA and the Monterey Regional Water Pollution Control Agency and therefore, supports the

agencies in the quest to produce and distribute recycled water current and future projects in Seaside. Development within the Specific Plan will be required to install the purple piping required for recycled water for use when recycled water supplies are available. Therefore, the project is consistent with this policy.

Policy COS-2.3: Participate in and implement local and regional programs that promote water conservation as a means of improving water supply and water.

Consistency. The Specific Plan includes sustainability requirements in the development standards that address, among other things, water conservation efforts including water efficiency plumbing fixtures and appliances, and landscaping that minimizes the need for irrigation (Specific Plan Chapter 6 and Chapter 7). Therefore, the project is consistent with this policy.

GOAL COS-3: Protect and enhance local and regional ground and surface water resources.

Policy COS-3.1: Eliminate long-term groundwater overdrafting as soon as feasible.

Consistency. The Marina Coast Water District, in cooperation with FORA and the Monterey Regional Water Pollution Control Agency, is in the process of studying and developing supplemental water supplies to provide sufficient water to projects on the former Fort Ord, including but not limited to development of the project site. Supplemental water supplies are also planned in an effort to reduce impacts to groundwater supplies in the Salinas Valley Groundwater Basin, as well as to provide sufficient water for full implementation of the Fort Ord Base Reuse Plan. The City of Seaside is a member agency of both FORA and the Monterey Regional Water Pollution Control Agency and therefore, supports the agencies in the quest to develop supplemental water supplies and reduce groundwater overdrafting. Development within the Specific Plan will be required to install the purple piping required for recycled water for use when recycled water supplies are available. Therefore, the project is consistent with this policy.

GOAL COS-4: Preserve and protect the sensitive habitats and species within the community.

Policy COS-4.1: Preserve ecological and biological resources by maintaining these resources as open space.

Consistency. The Specific Plan parcels are identified as development parcels in the Fort Ord Reuse Plan and the Fort Ord Habitat Management Plan (HMP). The HMP identifies and protects the most sensitive biological resources; i.e. those plant and wildlife species that are considered rare, threatened, or endangered. Fort Ord developers pay a FORA impact fee that, among other things, provides funding to maintain the sensitive resources protected by

the HMP. Additionally, the Specific Plan land use plan includes a Firewise Overlay, which consists of a 200-foot buffer, along all of the internal (Oak Oval) and adjacent property identified as Fort Ord Recreational Habitat Area, which is protected by the HMP. Therefore, the project is consistent with this policy.

Policy COS-4.3: Encourage the preservation and enhancement of oak woodland elements in the natural and built environments.

Consistency. The EIR concluded that the loss of oak woodland would result in both visual and biological significant and unavoidable impacts. Development of the Specific Plan area would result in the elimination of approximately 315 acres (approximately 77 percent) of the Project site's coast live oak woodland habitat. The EIR contains a mitigation measure (BIO-16) that requires habitat restoration efforts and creation of a conservation easement and/or participation in a mitigation bank or fee program to conserve oak woodlands. Therefore, as the project site is a development parcel in the Fort Ord Base Reuse Plan, substantial mitigation is required, and the project is consistent with the Fort Ord Habitat Management Plan, the project is consistent with this policy.

GOAL COS-5: Protect high sensitivity archaeological resources, architecturally significant buildings, and historic places.

Policy COS-5.1: Identify and conserve archeological, architectural, and historic resources within Seaside.

Consistency. According to the findings in the Base Reuse Plan EIR, supplemented by additional record searches and tribal consultation associated with preparation of the Specific Plan EIR, there are no known archaeological, architectural, or historic resources at the project site. However, the EIR does include standard mitigation measures (CR-1 and CR-2) to protect such resources if they are accidentally discovered during site grading and construction activities. Therefore, the project is consistent with this policy.

GOAL COS-6: Protect and improve local and regional air quality.

Policy COS-6.1: Integrate air quality planning with land use, economic development, and transportation planning.

Consistency. The EIR concluded that the Project would result in significant and unavoidable impacts on air quality, greenhouse gas emissions, and transportation infrastructure. The project provides for a mix of land uses (residential, retail, commercial, recreational, institutional) and therefore, could reduce vehicle trips and therefore, improve air quality. Other project components that work to reduce air quality impacts include provision for transit services and miles of trails. Therefore, the project is consistent with this policy.

GOAL COS-7: Encourage energy conservation.

Policy COS-7.1: Participate in local, regional, and State programs that promote energy conservation.

Consistency. All development within the Specific Plan shall incorporate the current Title 24, Part 6, California Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 11, California Green Building Standards Code (CALGreen) requirements for low-rise residential apartments and dwellings. Additionally, the Specific Plan includes sustainability requirements in the development standards that address site design, construction sites, water conservation, equipment/appliances, indoor energy conservation, use of rapidly renewable construction resources, and water efficiency plumbing fixtures and appliances (Specific Plan Chapter 6). Therefore, the project is consistent with this policy.

GOAL COS-8: Encourage exterior lighting that preserves night skies.

Policy COS 8.1: Participate in local and regional efforts to reduce light pollution of night skies.

Consistency. Development of the Specific Plan area would result in exterior lighting. The Specific Plan lighting standards include requiring light fixtures that prevent light spillover onto adjacent properties and prevent light pollution of the night-sky. For example, all exterior floodlights, pole lights, and carriage lights shall include shielding in a manner such that all of the luminous flux falls upon either the surface of the structure to be illuminated or on the ground wholly on the property on which it is installed. The Specific Plan EIR addresses lighting impacts and includes a mitigation measure (AES-3) to further minimize exterior lighting and sky glow impacts. Therefore, the project is consistent with this policy.

Safety Element

GOAL S-1: Reduce the risks to people and property from hazards related to seismic activity, flooding, geologic conditions, and wildfires.

Policy S-1.1: Reduce the risk of impacts from seismic and geologic hazards.

Consistency. A geotechnical investigation and percolation testing was conducted on the Veterans Cemetery site, and a phase one geotechnical report and geologic hazards assessment was conducted for the remainder of the Specific Plan area. The reports concluded that the project site is not underlain by an active fault, but that the project site would be subject to ground shaking and possible ground failure during a strong earthquake. The EIR includes mitigation measures (GEO-1 and GEO-2) that require preparation of further design-level geotechnical investigations to identify design recommendations associated with, but not limited to earthwork, structure foundations, seismic considerations, slabs-on-grade,

retaining water, pavement recommendations, etc. Utilizing industry standards for site preparation and construction would minimize damage to buildings and infrastructure and injury to people. Therefore, the project is consistent with this policy.

Policy S-1.2: Protect the community from flooding hazards.

Consistency. According to the Specific Plan EIR, the project site is not in a flood hazard area. The project site soils are sandy, and storm water runoff of these soils is slow to moderate. Additionally, the Specific Plan includes a storm water plan that ensures all storm water is retained in appropriately-sized basins on site. Therefore, the project is consistent with this policy.

Policy S-1.3: Reduce the risk of wildfire hazards in the community.

Consistency. The Specific Plan land use plan includes a Firewise Overlay, which consists of a 200-foot buffer along all of the internal (Oak Oval) and adjacent property identified as Fort Ord Recreational Habitat Area (habitat reserve). This buffer is designed to assist in reducing the potential for project activities to result in fires in the adjacent habitat areas, and to minimize the potential for fire that may occur in the adjacent habitat areas to affect the development. Additionally, if the project cannot be adequately served by existing/planned fire stations (e.g. the City station on Broadway Avenue, the Presidio station on General Jim Moore, of the planned County fire station in the East Garrison community), a site has been reserved in the Specific Plan area for a new fire station. Therefore, the project is consistent with this policy.

Policy S-2.2: Minimize the risk to the community associated with hazardous materials.

Consistency. Specific Plan land uses consist of residential, retail/commercial, and recreational. None of these land uses are expected to result in a risk to the community associated with hazardous materials. The City does plan to move its corporation yard to the project site in the future. A variety of hazardous materials may be used and/or stored at this location; however, the City stores and uses these materials in accordance with local, state, and federal laws.

Additionally, past use of the project site included military training and the use of munitions and explosives of concern, and although the property has undergone clearance of these materials, the potential remains for some of the materials to remain hidden in the soil. The Specific Plan EIR, as well as requirements of FORA, require measures (HAZ-1, HAZ-2, HAZ-3) that include preparation and implementation of a hazards and hazardous materials contingency plan for construction activities, a munitions and explosives safety briefing, and

when necessary, remediation activities. Therefore, the project would be consistent with this policy.

Noise Element

GOAL N-1: Provide consistent and effective noise control through proper land use planning.

Policy N-1.1 Ensure that new development and reuse/revitalization projects can be made compatible with the noise environment and existing development.

Consistency. The Specific Plan EIR evaluate noise associated with development of the Specific Plan area and concluded that construction noise would be less than significant with implementation of a mitigation measure (NOI-1) that requires construction noise reduction measures to be implemented during construction activities. The EIR also concluded that noise associated with the equestrian training track, sports arena, and swim and tennis center would be mitigated to a less than significant level with implementation of measures (NOI-2 and NOI-3) that reduce noise associated with these activities. Therefore, the project is consistent with this policy.

GOAL N-2: Minimize transportation-related noise impacts.

Policy N-2.1: Reduce noise impacts associated with motorized vehicles, aircraft, and trains.

Consistency. The Specific Plan EIR evaluated the project's vehicle noise impact on area roadways and adjacent land uses and concluded that the increase in vehicle noise would not be significant. Therefore, the project is consistent with this policy.

GOAL N-3: Minimize non transportation-related noise impacts.

Policy N-3.1: Reduce the impacts of noise-producing land uses, activities, and businesses on noise-sensitive land uses.

Consistency. The Specific Plan EIR evaluated noise associated with development of the Specific Plan area and concluded that construction noise would be less than significant with implementation of a mitigation measure (NOI-1) that requires construction noise reduction measures to be implemented during construction activities. The EIR also concluded that noise associated with the equestrian training track, sports arena, and swim and tennis center would be mitigated to a less than significant level with implementation of measures (NOI-2 and NOI-3) that reduce noise associated with these activities. Therefore, the project is consistent with this policy.

Housing Element

GOAL H-2: Maintain a range of housing opportunities to address the existing and projected needs of the community.

Policy H-2.1: Maintain a variety of housing types, sizes, and prices throughout the City to increase housing choice and ensure that households of all types and income levels have the opportunity to find suitable ownership or rental housing.

Consistency. The Specific Plan would allow for up to 1,280 residential units, with an additional 256 units identified as “qualified worker lodging in a hotel format”. The 1,280 units would consist of the following: up to 880 single-family lots (including 26 detached courtyard homes), and up to 400 apartments (including student apartments). The 880 single-family lots range from about 2,500 square feet to about 7,000 square feet.

Residential projects within the Specific Plan are required to comply with Chapter 17.32 of the Seaside Municipal Code addressing affordable housing requirements. Residential projects shall provide at least 20 percent of the total units as inclusionary units restricted for occupancy by moderate-, low- or very low-income households. Twenty percent of the 880 single-family lots equal 176 units. One-third (59 units) would be for very-low income, one-third (59 units) would be for low income, and one-third (58) would be for moderate income.

The project includes a variety of housing types, sizes, and prices, including both ownership and rental opportunities and is therefore, consistent with this policy.

Policy H-2.2: Identify adequate sites with appropriate zoning and development standards to facilitate and encourage housing production commensurate with the projected housing needs of the City.

Consistency. The most recent Regional Housing Needs Allocation Plan was adopted by the Association of Monterey Bay Area Governments (AMBAG) Board of Directors on June 11, 2014. The allocation plan identifies the following allocation for the City of Seaside from 2014-2023:

Income Category	Seaside Housing Allocation
Very Low	95
Low	62
Moderate	72
Above Moderate	<u>164</u>
Total	393

As presented in the discussion regarding Policy H-2.1 above, the project would include 59 units in the very low income category, 59 units in the low income category, 58 units in the moderate income category and the balance (704) as market rate units.

As the project includes annexation of a large portion of the project site from unincorporated Monterey County into the city limits, the allocation plan for unincorporated Monterey County is also relevant. The allocation plan identifies the following allocation for unincorporated Monterey County from 2014-2023:

Income Category	Unincorporated Monterey County Housing Allocation
Very Low	374
Low	244
Moderate	282
Above Moderate	<u>651</u>
Total	1,551

The project would assist the City of Seaside and the County of Monterey with facilitating housing production commensurate with the projected housing needs of the City, as well as of the County. Therefore, the project would be consistent with this policy.

Policy H-2.3: Encourage the construction of high-density, well designed housing and residential- commercial mixed use projects.

Consistency. The project provides for the construction of up to 400 apartment units, including student housing and is a residential, commercial, and recreational mixed-use project. The Specific Plan includes architectural design guidelines, as well as development standards and landscape and grading standards to ensure development within the Specific Plan area is well designed. Therefore, the project is consistent with this policy.

Policy H-2.4: Maintain a geographic dispersal of units affordable to extremely low, very low, low, and moderate income households throughout the City.

Consistency. Residential projects within the Specific Plan are required to comply with Chapter 17.32 of the Seaside Municipal Code addressing affordable housing requirements. Residential projects shall provide at least 20 percent of the total units as inclusionary units restricted for occupancy by moderate-, low- or very low-income households. Twenty percent of the 880 single-family lots equal 176 units. One-third (59 units) would be for very-low income, one-third (59 units) would be for low income, and one-third (58) would be for moderate income. The locations of these units must meet the requirements of the ordinance and will be determined in the Disposition and Development Agreement. The project is consistent with this policy.

Policy H-2.6: Support the concept of “aging in place” by maintaining a range of housing types that allows people to remain in the community as their housing needs change.

Consistency. The project includes a variety of housing types including apartments, detached courtyard homes, and a variety of single-family lots sizes to accommodate a range of housing sizes. Therefore, the project is consistent with this policy.

Policy H-2.7: Ensure that new residential developments are adequately served by infrastructure, including water and sewer, park and recreation areas, libraries, transportation, public safety and other necessary community services.

Consistency. The City requires that adequate water and sewer service and the associated infrastructure be available for new development. While the Marina Coast Water District has indicated that there is currently not sufficient groundwater to serve the entire Specific Plan project, there is sufficient water available for approximately the first three phases. The City will require that sufficient water supplies be available prior to issuing building permits. The project includes sufficient park and recreation areas, as well as the necessary transportation infrastructure. Police service would be provided by the Seaside Police Department and fire services would be provided by either the Seaside Fire Department or the Monterey County Regional Fire District.

Policy H-2.8: Promote the use of green building techniques and materials for new residential development.

Consistency. Residential projects within the Specific Plan shall incorporate the current Title 24, Part 6, California Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 11, California Green Building Standards Code (CALGreen) requirements for low-rise residential apartments and dwellings. Additionally, the Specific Plan includes sustainability requirements in the development standards that address site design, construction sites, water conservation, equipment/appliances, indoor energy conservation, use of rapidly renewable construction resources, and water efficiency plumbing fixtures and appliances (Specific Plan Chapter 6). Therefore, the project is consistent with this policy.

Policy H-2.9: Encourage the use of universal design principles to facilitate the development of housing to accommodate residents of all abilities.

Consistency. The Specific Plan does not include any language or development standard that encourages universal design principles. Therefore, staff is recommending addition of a development standard encouraging universal design principles. With this modification, the project would be consistent with this policy.

Policy H-2.11: Encourage the use of master plan or specific plan as tools to facilitate development on Fort Ord.

Consistency. The project is on the former Fort Ord and a draft Specific Plan has been prepared as a tool to facility development consistent with the Fort Ord Base Reuse Plan and the Seaside General Plan. Therefore, the project is consistent with this policy.

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE ADOPTING THE CENTRAL COAST VETERANS CEMETERY, MONUMENT VILLAGE, AND SEASIDE HORSE PARK SPECIFIC PLAN (FORMERLY KNOWN AS THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN)

WHEREAS, on June 13, 1997, the Fort Ord Reuse Authority adopted the Fort Ord Base Reuse Plan, which identified the approximate 711-acre area now proposed as the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan (formerly known as the “Monterey Downs and Monterey Horse Park and Central Coast Veterans Cemetery Specific Plan”, and hereafter referred to as “Specific Plan”) as a development parcel and identified various land use designations including Business Park/Light Industrial Office/R&D, Low Density Residential, Military Enclave (Veterans Cemetery), Public Facility/Institutional, and Open Space Recreation; and,

WHEREAS, on August 5, 2004, the City of Seaside adopted a new General Plan that sets the course for land use and development for the City; and,

WHEREAS, the 2004 Seaside General Plan Land Use Policy Map (Figure LU-2) designates the portion of the project site currently within the city limits as High Density Residential and Park and Open Space (Veteran’s Cemetery); and,

WHEREAS, on December 10, 2004, the Fort Ord Reuse Authority made a consistency determination that the 2004 City of Seaside General Plan was consistent with the Fort Ord Reuse Plan, as required by FORA Master Resolution, Chapter 8; and,

WHEREAS, in December 2005, the Fort Ord Reuse Authority, the U.S. Department of the Army, the County of Monterey, Monterey Peninsula College, the U.S. Bureau of Land Management approved the East Garrison – Parker Flats Land Use Modification Memorandum of Understanding, which changed the land use designations within much of the Specific Plan Area located in unincorporated Monterey County to Monterey Horse Park, County Development Reserve, Veterans Cemetery, and Oak Woodland Habitat Reserve; and,

WHEREAS, on May 13, 2016, the Fort Ord Reuse Authority Board of Directors reaffirmed the land use designations identified in the Seaside General Plan and the East Garrison – Parker Flats Land Use Modification Memorandum of Understanding, some of which apply to the Specific Plan Area; and,

WHEREAS, the 2004 Seaside General Plan specifies that during redevelopment and revitalization activities, the City shall include zoning, development, and design standards that address signage, building facades, lighting, landscaping, and building color (Implementation Plan LU-2.4.1); and,

WHEREAS, the Specific Plan, which is attached hereto as Exhibit A, and incorporated herein by reference, provides for up to 400 multi-family homes including student apartments

on approximately 19 acres; up to 880 single-family homes including 26 detached courtyard homes on approximately 130 acres; up to 535,000 square feet of retail and commercial uses including two 200-room hotels on approximately 51 acres; an equestrian park on approximately 111 acres, an outdoor equestrian training track, indoor sports arena, and 256 worker lodging units on approximately 139 acres; the Veterans Cemetery with ancillary parcels on approximately 135 acres; approximately 20 acres reserved for public facilities including a proposed City corporation yard and fire station and a Marina Coast Water District existing water storage tank parcel; approximately 34 acres of internal streets; and the 73-acre Oak Oval open space/habitat reserve; and,

WHEREAS, the Specific Plan includes development criteria specific to the Plan area which implement and are consistent with the policies of the General Plan; and,

WHEREAS, the Specific Plan includes zoning district designations and maps that are specific to the planning area and will enable implementation of the Specific Plan consistent with the direction provided in the General Plan; and,

WHEREAS, a Final Subsequent Environmental Impact Report (Final SEIR) has been prepared for the proposed project; and,

WHEREAS, the Final SEIR analyzes the environmental impacts of the Project including, project; cumulative, growth-inducing and irreversible environmental impacts, identifies and analyzes mitigation measures intended to reduce environmental impacts, and considers alternatives to the project; and,

WHEREAS, on September 7, 2016, the City's Planning Commission held a duly public hearing where they took testimony, and thereafter deliberated on September 21, 2016 and acted to recommend that the City Council adopt the proposed General Plan Amendment, the Specific Plan, the related zoning map and zoning ordinance text amendments to the Seaside Municipal Code, and certify the related Subsequent Environmental Impact Report (SEIR) as prepared in compliance with the California Environmental Quality Act (CEQA), adopt findings pursuant to CEQA, adopt a Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations; and,

WHEREAS, the City Council held a duly noticed public hearing on October 13, 2016 to receive public testimony and consider certification of the Final SEIR, and adoption of the Specific Plan and concurrent amendments to the Seaside General Plan, and Title 17 of the Seaside Municipal Code and the Zoning Map; and,

WHEREAS, the City prepared the Subsequent Environmental Impact Report (SEIR) in accordance with California Public Resources Code § 21000 et. seq., the California Environmental Quality Act, and the State CEQA Guidelines, 14 Cal. Code Regs. 15000 et seq. (collectively "CEQA"). The Final SEIR is comprised of (1) the Draft SEIR dated March 2015 and all appendices thereto, (2) the Final SEIR Volumes I and II which consist of the public comments, responses to those comments, and revisions to the Draft SEIR, and (3) the Appendix

to the Final SEIR. The City Council, by Resolution No. (Insert EIR Resolution No.), certified the Final SEIR on (add date) as adequately prepared in compliance with CEQA, adopted required CEQA findings, adopted the mitigation monitoring and reporting program, and adopted a statement of overriding considerations finding that the economic, social, and environmental benefits outweigh the significant and adverse environmental effects of the Project. The City Council hereby incorporates the findings and determinations made in Resolution No. [] by reference, and relies on those findings for the adoption of this Ordinance, which is part of the project analyzed in the Final SEIR, and hereby imposes the mitigation measures as conditions on the Project approvals.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby adopts the Specific Plan, as set forth in Exhibit A attached hereto, subject to the specific revisions set forth in Exhibit B, based on the following findings:

1. The Specific Plan complies with the requirements of California Government Code Section 65451.

Evidence: The Specific Plan contains diagrams and text that illustrate the distribution and extent of land uses, including open space, within the specific plan area;

Evidence: The Specific Plan contains component plans and textual references for the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.;

Evidence: The Specific Plan contains standards and criteria by which development will proceed including provisions establishing building heights, locations and lot coverage, setbacks, screen and perimeter walls and landscaping, parking, vehicle ingress and egress, land uses and limitations, signage, and utilities;

Evidence: The Specific Plan contains implementation measures that will enable the City of Seaside to ensure that the development will proceed in accordance with the Specific Plan; and

2. The proposed adoption of the Specific Plan is consistent with applicable Goals, Policies, and Implementation Plans of the General Plan.

Evidence: The Specific Plan is consistent with Policy LU-1.2, which states “Encourage development that helps the City achieve a jobs/housing ratio of 1.5:1” in that it will encourage development that helps the City improve their job/housing balance and move toward achieving a jobs/housing ratio of 1.5:1. According to AMBAG, in 2010, Seaside had 11,335 housing units and 7,790 jobs for a jobs/housing balance of 0.69:1.

The project, without horse racing as an allowed use, would add up to 1,280 housing units and approximately 2,508 jobs for a jobs/housing balance of 0.82:1;

Evidence: The Specific Plan is consistent with Policy LU-1.3, which states, “Encourage regional commercial and visitor-serving commercial development that will enhance the identity of Seaside and attract visitors to the community” as it allows for up to 775,000 square feet of commercial/retail uses and about 250 acres of equestrian-related and other recreational visitor-serving uses and therefore, will encourage regional commercial and visitor-serving commercial development that will enhance the identity of the City of Seaside and attract visitors;

Evidence: The Specific Plan is consistent with Policy LU-1.4, which states, “Provide for a variety of housing that complements the employment opportunities in the community”, as it would allow for up to 1,280 residential units. The 1,280 units would consist of the following: up to 880 single-family lots (including 26 detached courtyard homes), and up to 400 apartments (including student apartments). The 880 single-family lots range from about 2,500 square feet to about 7,000 square feet. The Specific Plan includes a variety of housing types and sizes, and therefore, various prices, and both ownership and rental opportunities;

Evidence. The Specific Plan is consistent with Policy LU-1.5, which states, “Provide for a large-scale commercial recreational facility” as it will provide for large-scale commercial recreational facilities: the horse park, and the equestrian training track (outdoor) and sports arena (indoor) complex. The horse park would be a non-profit equestrian facility that will host regional, state, national, and international events such as dressage, eventing, jumping, driving, vaulting, etc., the types of events one would see in the Summer Olympics. The equestrian training track would be a world-class thoroughbred training facility. The sports arena is a 6,500 seat venue for a wide variety of sporting and special events, such as ice hockey, basketball, semi-pro sports, trade shows, car shows, veteran’s events, and graduation ceremonies;

Evidence. The Specific Plan is consistent with Policy LU-4.1, which states, “Require that all new development: 1) funds its share of community services and facilities (e.g., parks, roads, trails, and utilities); 2) uses quality design and materials; and 3) is compatible with surrounding uses, the site, and available infrastructure” as the Specific Plan requires that development pursuant to the plan funds its share of community services and facilities. Additionally, the City will be negotiating a Disposition and Development Agreement for transfer of the property that also solidifies the requirements for the development to fund its share of community services and facilities. The Specific Plan includes a set of architectural design guidelines, development standards, and landscape and grading standards to ensure development uses quality design and materials. The SEIR evaluated the project’s compatibility (noise, safety, and other environmental issues) with surrounding land uses and concluded that there were no incompatibility impacts that could not be mitigated. Development within the Specific Plan area will be required to connect to existing infrastructure and extend such infrastructure where necessary;

Evidence: The Specific Plan is consistent with Policy LU-5.1, which states “Review development proposals to ensure that adequate water supply, treatment, and distribution capacity is available to meet the needs of the proposed development without negatively impacting the existing community” in that water for development within the Specific Plan area will be supplied by the Marina Coast Water District. While there is currently only sufficient water supplies allocated to the City of Seaside and County of Monterey to serve approximately Phases I through III of the project, the water district is in the process of studying supplemental water supply options through a MOU with the FORA and the Monterey Regional Water Pollution Control Agency. The Specific Plan SEIR includes a mitigation measure that requires sufficient water supply be available prior to issuance of building permits. This mitigation measure will not allow development to proceed without assurance that water supply is available. The provision of water to the project by the water district will not affect water supply availability to the existing community;

Evidence. The Specific Plan is consistent with Policy LU-5.4, which states “Promote the use of recycled water for irrigation of parks, golf courses, and public landscaped areas in the community”, as it requires dual plumbing to accommodate recycled water delivery and use when it can be delivered to the Specific Plan area. The Marina Coast Water District is in the process of studying and planning for the use of recycled water for development on the former Fort Ord. The project will be designed to receive recycled water when it is available. The Marina Coast Water District estimates that the project could utilize 302.5 acre feet of recycled water per year;

Evidence. The Specific Plan is consistent with Policy UD-1.1, which states, “Enhance the City’s image and identity within the region’s natural setting” as it is an approximate 576-acre mixed-use upscale equestrian-themed village with commercial/retail, a variety of new housing, quality recreational facilities, and Veterans Cemetery ancillary facilities. The project would provide a variety of jobs and provide two staging areas for improved access to the Fort Ord Habitat Recreation Area lands and beyond to the Fort Ord National Monument. The project would enhance the City’s image and identity within the region’s natural setting;

Evidence. The Specific Plan is consistent with Policy UD-4.1, which states, “Encourage the provision of civic art into public and private development and redevelopment projects.” The draft Specific Plan does not address civic art; however, staff is recommending adding a landscape design principle and a landscape design standard that requires providing civic art in both public and private development projects pursuant to the Specific Plan. With the addition of this language in the Specific Plan, the project would encourage the provision of civic art into public and private development and redevelopment projects;

Evidence. The Specific Plan is consistent with Policy UD-4.3, which states, “Provide attractive community gathering places that meet the social, civic, cultural, and recreational needs of the community” as it provides for development of attractive community gathering places that meet the social, civic, cultural, and/or recreational needs of the community. Planning Area C 2, “Country Walk” includes up to 330,000

square feet of outdoor shopping, entertainment, and hotel uses. The vision is for an open-air plaza designed be walkable and without automobiles. Facilities for hikers, bikers, equestrians, and dog-owners would connect Country Walk with the adjacent open space and trails network. A staging area will be located in the southern portion of Country Walk and will include a bike center, dog barn, horse tie up, barn/livery, and restrooms. Allowed uses include, but would not limited to restaurants, outdoor cafes, local proprietors, museums, small office spaces, a movie theatre, hotel, and a farmer's market. Planning Area C-2 "Country Walk" is located immediately adjacent to Planning Area R-3, planned for multi-family residential projects. A tennis and swim center and a community park are planned for the Planning Area C-1 and smaller parks are located throughout the residential development. Other recreational opportunities within the Specific Plan include two staging areas to the onsite and offsite trail system, an equestrian park, and a sports arena. Associated with the Veterans Cemetery, the Specific Plan includes two separate parcels, totaling 5 acres, designated for cemetery ancillary uses. Permitted uses include cultural and nondenominational facilities, assembly facilities, and trails. Sports fields are planned for the in-field of the equestrian training track. Finally, the Specific Plan allows for development of a new City corporation yard, as well as a fire station, if determined to be necessary;

Evidence. The Specific Plan is consistent with Policy ED-1.1, which states, "Encourage the full and efficient use of vacant and underutilized parcels in appropriately designated areas to support the development and expansion of targeted industrial and commercial facilities" as the project site is vacant and underutilized and is designated as development parcels in the Fort Ord Base Reuse Plan, as well as in the City of Seaside and County of Monterey general plans. The Specific Plan provides for a diverse mix of businesses that will generate a stream of revenue to fund city services. The Specific Plan allows for up to 330,000 square feet of outdoor shopping, entertainment, and hotel uses (C-1 Planning Area) and up to 205,000 square feet (26.9 acres) for commercial, office, and business traveler hotel uses (C-2 Planning Area). The Specific Plan also includes provisions for a sports arena, equestrian training track, and an equestrian park. Therefore, the Specific Plan supports the development of commercial facilities;

Evidence. The Specific Plan is consistent with Policy ED-5.1, as it provides for land to develop regional- and visitor-serving businesses: 50.9 acres for retail/commercial uses (up to 535,000 square feet); a 110.7-acre equestrian park, and a 138.7-acre equestrian training track and sports arena, as well as two staging areas encouraging local and visitor use of the trail system in the adjacent habitat reserve (Fort Ord Recreational Habitat Area) and further to the Fort Ord National Monument. The fiscal and economic impact analysis prepared for the Specific Plan projects that development within the Specific Plan area will employ approximately 2,758 persons on site, with approximately 1,743 non-equestrian jobs and approximately 1,015 equestrian jobs. With the elimination of horse racing as an allowed use, the equestrian related job would be reduced by 250 resulting in a total of 2,508. These numbers do not include short-term construction jobs;

Evidence. The Specific Plan is consistent with Policy ED-5.2, which states, "Highlight

cultural events and attractions in Seaside to help project a high quality of life image to potential visitors and business prospects,” as it provides for the development of facilities that would accommodate cultural events and attractions to help project a high quality of life image to potential visitors and business prospects. They include a 110.7-acre equestrian park, and a 138.7-acre equestrian training track and sports arena (to be used for a variety of community and cultural events), as well as two staging areas encouraging local and visitor use of the trail system in the adjacent habitat reserve (Fort Ord Recreational Habitat Area) and further to the Fort Ord National Monument. The project also includes 5 acres of uses ancillary to the Veterans Cemetery. Permitted uses include cultural and nondenominational facilities, assembly facilities, and trails;

Evidence. The Specific Plan is consistent with Policy ED-7.1, which states “Support job training for skilled labor through City- and employer-sponsored training or continuing educational programs,” as it provides for opportunities for job training for skilled labor. Specific Plan educational policy ED-1 states, “Assist local colleges in developing new educational opportunities in the animal sciences fields. The ~~Monterey~~ horse park (Planning Area Rec-1) will be available to a variety of educational groups such as high school Future Farmers of America (FFA), at risk youth programs and college students pursuing careers in the equine field. Facilities will also be available for sporting events run by local schools and youth organizations. The equestrian training track (Planning Area Rec-2) will provide internship and job opportunities for students in the animal science fields”;

Evidence. The Specific Plan is consistent with Policy C-1.5, which states, “Use traffic calming methods within residential and mixed use areas where necessary to create a pedestrian-friendly circulation system,” as traffic calming mechanisms are integrated into the Specific Plan’s overall circulation design. These features also provide for additional landscaping, which help to soften the streetscape. The Specific Plan preferred traffic calming mechanisms are traffic circles with compatible landscaping and signage in their centers. In addition, bulb-outs with enhanced intersection and mid-block paving will delineate pedestrian cross-walks, reduce the time needed to cross the street, and further define the pedestrian space;

Evidence. The Specific Plan is consistent with Policy C-3.3, which states, “Promote mixed use, higher density residential, and employment-generating development in areas where public transit is convenient and desirable,” as it provides for a mix of a variety of medium and high residential densities, as well as employment-generating and recreational development, and provides for at least one transit stop in the center of the project. The project is a mixed use, higher density residential and employment-generating project;

Evidence. The Specific Plan is consistent with Policy C-3.4, which states, “Support alternative modes of transportation that encourage physical activity, such as biking and walking,” as it includes approximately 4 miles of internal trails (pedestrian, biking, and equestrian), and two staging areas for increased access to the adjacent habitat reserve (Fort Ord Habitat Recreational Area) and beyond to the Fort Ord

National Monument and therefore, support alternative modes of transportation that encourage physical activity, such as biking and walking;

Evidence. The Specific Plan is consistent with Policy C-4.2, which states, “Support the development of well-designed and aesthetically pleasing parking facilities in areas where current parking deficiencies exist or where substantial traffic generating uses are planned,” as it allows for uses (equestrian training track and sports arena, equestrian park, and the County Walk retail/commercial area) that are expected to generate substantial traffic when special events occur, and therefore, parking structures associated with these facilities would likely be proposed and are an allowed use in the Specific Plan. The Specific Plan includes architectural guidelines that address form, height and massing; façade, features and details; materials and colors; roofs; utilities and mechanical equipment; and service, loading and storage areas. Parking facilities proposed within the Specific Plan area will be required to comply with the architectural guidelines and as with all development design, will be subject to review and approval by the City;

Evidence. The Specific Plan is consistent with Policy COS-1.1, which states, “Provide a variety of well-maintained public parks and recreational facilities for Seaside residents,” provides for a variety of public parks and recreational facilities for Seaside residents. They include 12.7 acres of parks (mini, neighborhood, and community), 91 acres of open space (Oak Oval) and linear park preserve, approximately 4 miles of trails, two staging areas for increased access to the adjacent habitat reserve (Fort Ord Habitat Recreational Area) and beyond to the Fort Ord National Monument, an equestrian park, an equestrian training track and sports arena, and a swim and tennis center;

Evidence. The Specific Plan is consistent with Policy COS-1.3, which states, “Maximize pedestrian, transit, and bicycle access to parks and other local and regional activity centers as an alternative to automobile access,” as it provides for retail/commercial and equestrian recreational opportunities would be regional activity centers. The Specific Plan provides for 12.7 acres of parks (mini, neighborhood, and community), 91 acres of open space (Oak Oval) and linear park preserve, approximately 4 miles of trails, two staging areas for increased access to the adjacent habitat reserve (Fort Ord Habitat Recreational Area) and beyond to the Fort Ord National Monument, an equestrian park, and an equestrian training track and sports arena. The Specific Plan also provides for at least one transit stop, centrally located within the Specific Plan area;

Evidence. The Specific Plan is consistent with Policy COS-2.3, which states, “Participate in and implement local and regional programs that promote water conservation as a means of improving water supply and water,” as it promotes water conservation by including sustainability requirements in the development standards that address, among other things, water conservation efforts including water efficiency plumbing fixtures and appliances, and landscaping that minimizes the need for irrigation;

Evidence. The Specific Plan is consistent with Policy COS-3.1, which states, "Eliminate long-term groundwater overdrafting as soon as feasible," as development within the Specific Plan will be required to install the purple piping required for recycled water for use when recycled water supplies are available. The Marina Coast Water District, in cooperation with FORA and the Monterey Regional Water Pollution Control Agency, is in the process of studying and developing supplemental water supplies to provide sufficient water to projects on the former Fort Ord, including but not limited to development of the project site. Supplemental water supplies are also planned in an effort to reduce impacts to groundwater supplies in the Salinas Valley Groundwater Basin, as well as to provide sufficient water for full implementation of the Fort Ord Base Reuse Plan. The City of Seaside is a member agency of both FORA and the Monterey Regional Water Pollution Control Agency and therefore, supports the agencies in the quest to develop supplemental water supplies and reduce groundwater overdrafting;

Evidence. The Specific Plan is consistent with Policy COS-4.1, which states, "Preserve ecological and biological resources by maintaining these resources as open space," as the Specific Plan parcels, with the exception of the Oak Oval, are identified as development parcels in the Fort Ord Reuse Plan and the Fort Ord Habitat Management Plan (HMP). The HMP identifies and protects the most sensitive biological resources; i.e. those plant and wildlife species that are considered rare, threatened, or endangered. Fort Ord developers pay a FORA impact fee that, among other things, provides funding to maintain the sensitive resources protected by the HMP. Additionally, the Specific Plan land use plan includes a Firewise Overlay, which consists of a 200-foot buffer, along all of the internal (Oak Oval) and adjacent property identified as Fort Ord Recreational Habitat Area, which is protected by the HMP. Therefore, the Specific Plan preserves these ecological and biological resources by maintaining these resources as open space;

Evidence. The Specific Plan is consistent with Policy COS-4.3, which states, "Encourage the preservation and enhancement of oak woodland elements in the natural and built environments," as the Specific Plan preserves the 73-acre on-site oak woodland (Oak Oval), consistent with the Base Reuse Plan and the Fort Ord Habitat Management Plan. The SEIR concluded that the loss of oak woodland would result in both visual and biological significant and unavoidable impacts. Development of the Specific Plan area would result in the elimination of approximately 315 acres (approximately 77 percent) of the Project site's coast live oak woodland habitat. The SEIR contains a mitigation measure (BIO-16) that requires habitat restoration efforts and creation of a conservation easement and/or participation in a mitigation bank or fee program to conserve oak woodlands. Therefore, the project site is a development parcel in the Fort Ord Base Reuse Plan, substantial mitigation is required, and the project is consistent with the Fort Ord Habitat Management Plan, and is consistent with this policy;

Evidence. The Specific Plan is consistent with Policy COS-7.1, which states, "Participate in local, regional, and State programs that promote energy conservation," as all development within the Specific Plan is required to incorporate

the current Title 24, Part 6, California Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 11, California Green Building Standards Code (CALGreen) requirements for low-rise residential apartments and dwellings. Additionally, the Specific Plan includes sustainability requirements in the development standards that address site design, construction sites, water conservation, equipment/appliances, indoor energy conservation, use of rapidly renewable construction resources, and water efficiency plumbing fixtures and appliances;

Evidence. The Specific Plan is consistent with Policy H-2.1, which states, “Maintain a variety of housing types, sizes, and prices throughout the City to increase housing choice and ensure that households of all types and income levels have the opportunity to find suitable ownership or rental housing”, as it would provide for a variety of housing types, sizes, and prices to increase housing choice and ensure that households of all types and income levels have the opportunity to find suitable ownership or rental housing. The Specific Plan allows for up to 1,280 residential units, with an additional 256 units identified as “qualified worker lodging in a hotel format”. The 1,280 units would consist of the following: up to 880 single-family lots (including 26 detached courtyard homes), and up to 400 apartments (including student apartments). The 880 single-family lots range from about 2,500 square feet to about 7,000 square feet. Residential projects within the Specific Plan are required to comply with Chapter 17.32 of the Seaside Municipal Code addressing affordable housing requirements. Residential projects shall provide at least 20 percent of the total units as inclusionary units restricted for occupancy by moderate-, low- or very low-income households. Twenty percent of the 880 single-family lots equal 176 units. One-third (59 units) would be for very-low income, one-third (59 units) would be for low income, and one-third (58) would be for moderate income;

Evidence. The Specific Plan is consistent with Policy H-2.2, which states, “Identify adequate sites with appropriate zoning and development standards to facilitate and encourage housing production commensurate with the projected housing needs of the City,” as it provides for planning areas with appropriate zoning and development standards to facilitate and encourage housing production commensurate with the projected housing needs of the City. The most recent Regional Housing Needs Allocation Plan was adopted by the Association of Monterey Bay Area Governments (AMBAG) Board of Directors on June 11, 2014. The allocation plan identifies the following allocation for the City of Seaside from 2014-2023:

<i>Income Category</i>	<i>Seaside Housing Allocation</i>
<i>Very Low</i>	<i>95</i>
<i>Low</i>	<i>62</i>
<i>Moderate</i>	<i>72</i>
<i>Above Moderate</i>	<i>164</i>
<i>Total</i>	<i>393</i>

As presented in the discussion regarding Policy H-2.1 above, the project would include 59 units in the very low income category, 59 units in the low income category, 58 units in the moderate income category and the balance (704) as market rate units. As the

project includes annexation of a large portion of the project site from unincorporated Monterey County into the city limits, the allocation plan for unincorporated Monterey County is also relevant. The allocation plan identifies the following allocation for unincorporated Monterey County from 2014-2023:

<i>Income Category</i>	<i>Unincorporated Monterey County Housing Allocation</i>
<i>Very Low</i>	<i>374</i>
<i>Low</i>	<i>244</i>
<i>Moderate</i>	<i>282</i>
<i>Above Moderate</i>	<i>651</i>
<i>Total</i>	<i>1,551</i>

The project would assist the City of Seaside and the County of Monterey with facilitating housing production commensurate with the projected housing needs of the City, as well as of the County;

Evidence. The Specific Plan is consistent with Policy H-2.3, which states, “Encourage the construction of high-density, well designed housing and residential- commercial mixed use projects,” as it provides for the construction of high-density, well designed housing and residential-commercial mixed use projects. The Specific Plan provides for the construction of up to 400 apartment units, including student housing and is a residential, commercial, and recreational mixed-use project. The Specific Plan includes architectural design guidelines, as well as development standards and landscape and grading standards to ensure development within the Specific Plan area is well designed;

Evidence. The Specific Plan is consistent with Policy H-2.4, which states, “Maintain a geographic dispersal of units affordable to extremely low, very low, low, and moderate income households throughout the City,” as it provides for units affordable to very low, low, and moderate income households. Residential projects within the Specific Plan are required to comply with Chapter 17.32 of the Seaside Municipal Code addressing affordable housing requirements. Residential projects shall provide at least 20 percent of the total units as inclusionary units restricted for occupancy by moderate-, low- or very low-income households. Twenty percent of the 880 single-family lots equal 176 units. One-third (59 units) would be for very-low income, one-third (59 units) would be for low income, and one-third (58) would be for moderate income. The locations of these units must meet the requirements of the ordinance and will be determined in the Disposition and Development Agreement;

Evidence. The Specific Plan is consistent with Policy H-2.6, which states, “Support the concept of “aging in place” by maintaining a range of housing types that allows people to remain in the community as their housing needs change,” supports the concept of “aging in place” by providing for a range of housing types that allow people to remain in the community as their housing needs change. The Specific Plan includes a variety of housing types including apartments, detached courtyard homes, and a variety of single-family lots sizes to accommodate a range of housing sizes;

Evidence. The Specific Plan is consistent with Policy H-2.11, which states, "Encourage the use of master plan or specific plan as tools to facilitate development on Fort Ord," as it is a Specific Plan to facilitate development on Fort Ord. The Specific Plan area is on the former Fort Ord and a draft Specific Plan has been prepared as a tool to facility development consistent with the Fort Ord Base Reuse Plan and the Seaside General Plan;

Section 2. The Specific Plan adopted by this Ordinance No. ____ shall become effective upon the effective date of this Ordinance for those properties currently within the City's jurisdiction, and shall become effective as to that part of the Specific Plan Area that is currently outside of the City's boundaries only upon annexation of that area to the City of Seaside.

Section 3. Indemnification Agreement Required. The applicant for the Specific Plan, Monterey Downs, LLC ("Applicant"), shall enter into an Indemnification Agreement with the City of Seaside agreeing to, at its own expense and with counsel selected by the City, fully defend, indemnify and hold harmless City, its officials, officers, employees, consultants, contractors, legal counsel, and agents ("Indemnified Parties"), from and against any and all claims, suits, causes of action, fines, penalties, proceedings, damages, injuries or losses of any name, kind or description, specifically including attorney's fees, ("Liabilities"), arising in any way out of the City's approval of this Ordinance or any other action of the City related to the Specific Plan. Applicant's indemnification obligation shall include, but not be limited to, actions to attack, set aside, void, or annul the City's approval of the Specific Plan and related actions, and Liabilities premised on, related to, or invoking Planning and Zoning Law or the California Environmental Quality Act (CEQA), including those arising out of the City's decisions related to the Project's CEQA documents. Applicant's indemnification obligations shall not be limited to the amount of insurance coverage that may be available to Applicant, and shall not otherwise be restricted or confined by the presence or absence of any policy of insurance held by the City or Applicant. Applicant's indemnification obligations as required herein, and as memorialized in the indemnification agreement, shall survive the completion or abandonment of the Project, including the situation where the approvals of other permitting agencies are not granted. The provisions of the indemnification agreement shall be drafted, interpreted, and construed to provide the fullest protection possible under law to the City. Further, all obligations and Liabilities under the indemnification agreement shall be paid by the Applicant as they are incurred. The indemnification agreement shall be in a form and substance as approved by the City Attorney, and shall be executed prior to the Effective Date of this Ordinance. The City Council hereby authorizes the City Manager to execute the indemnification agreement meeting the minimum requirements set forth herein.

Section 4. The City Clerk shall certify to the adoption of this Ordinance and shall, within fifteen (15) days after passage, publish a summary of this Ordinance in accordance with Section 36933 of the Government Code of State of California with the names of City Council members voting for and against it.

INTRODUCED at a special meeting of the City Council of the City of Seaside on the ____ day of ____, 2016, and

PASSED AND ADOPTED by the City Council of the City of Seaside at a regular meeting of the City Council on the ____ day of ____, 2016, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

APPROVED:

Ralph Rubio, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

Exhibit A – Specific Plan

Exhibit B – Revisions to Specific Plan

STAFF AND BAR RECOMMENDED MODIFICATIONS TO THE DRAFT SPECIFIC PLAN (SUMMARY)

Staff recommends the following changes, clarifications, and corrections to the draft Specific Plan.

1. Specific Plan name shall be “Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan.” (Modification)
2. Chapter 1, Section 1.2, Specific Plan Policies and Implementation, Page 1-2, Policy EC-2, 4th bullet. Revise as follows “Equestrian facilities in Planning Area-2-REC-1 will provide for world-class equestrian events.” (typo)
3. Chapter 2, Figure 2-2, Land Use Map. Use a different color for the RES-2 Planning Area to clearly differentiate between the RES-1 and RES-2 areas. (Clarification)
4. Chapter 2, Table 2.2, Permitted Uses. Eliminate horse racing as an allowed use within the Specific Plan and modify language throughout the Specific Plan where horse racing is referenced (modification).
5. Chapter 3, Page 3-15, 3.4.6, Neighborhood Streets. The Specific Plan includes a 34 foot curb-to-curb design for neighborhood streets, with two 17-foot travel lanes with shared parking on both sides. If feasible and possible without creating any additional or burdensome neighborhood parking or traffic impacts, the neighborhood street design may be revised to a maximum curb-to-curb width of 28 feet, with not greater than 12-foot travel lanes, with parking on both sides (Modification).
6. Chapter 3, Page 3-16, 3.4.7, Neighborhood Lanes. The Specific Plan includes a 34 foot curb-to-curb design for neighborhood lanes, with two 17-foot travel lanes with shared parking on both sides. If feasible and possible without creating any additional or burdensome neighborhood parking or traffic impacts, the neighborhood lane design shall be revised to a maximum curb-to-curb width of 24 feet, with not greater than 12-foot travel lanes, and parking on one side (Modification).
7. Chapter 3, Page 3-22, Add the following language, “Final development plans shall include a trail or pedestrian connection designed as a trail, from 8th and Gigling to the trails connecting to the Fort Ord Habitat Recreational Area lands, which connect to the Fort Ord National Monument, with a minimum of two acres of land provided for a Fort Ord National Monument Interpretive Center at a location of mutual agreement.” (Addition)
8. Chapter 5, Pages 5-23 and 5-24, Table 5.2, Change “Cluster” to “Courtyard”. (Consistency)
9. Chapter 6, Page 6-6, Table 6.1 title. Add “Res-3”. (typo)
10. Chapter 6, Development Standards. Add a standard that encourages the use of universal design principles to facilitate the development of housing to accommodate residents of all abilities (Consistency with General Plan Policy H-2.9). (Addition)

11. Chapter 7, Landscape and Grading Design Standards. Add a landscape design principal that encourages civic art into both public and private development projects (Consistency with General Plan Policy UD-4.1). (Addition)
12. Chapter 7, Landscape and Grading Design Standards. Add section 7.4.7, Civic Art and include a standard that encourages providing civic art into both public and private development projects (Consistency with General Plan Policy UD-4.1). (Addition)
13. Chapter 8, Section 8.3.1, Tentative Map Review. The following shall be added after the 1st paragraph. “The process for identification of wooded areas and individual trees for development pursuant to the Specific Plan is as follows:
 - a. Tentative Maps shall identify the location of all wooded areas; and
 - b. Final Maps shall identify the locations, sizes, and types of existing trees that have circumference greater than 19 inches, and clearly identify which trees are proposed to be removed. Trees with a circumference greater than 19 inches shall be replaced at a 1:1.1 ratio.” (Clarification/Addition)
14. Chapter 8, Page 8-1, Section 8.1 Introduction, 4th paragraph. Change Section 8.2.2 to Section 8.3.2. (typo)
15. Chapter 8, Page 8-2, Section 8.3.1, Tentative Map Review, add the following language as a second paragraph, “As required by the Subdivision Improvement Agreement for the Vesting Tentative Map, the subdivider shall establish a Home Owner’s Association and one or more funding mechanisms to insure on-going maintenance of all landscape features, trails, passive and active open space and related facilities.” (Addition)
16. Chapter 8, Page 8-19, Table 8.1, Implementation Matrix. Add “including landscaping and lighting” to “Internal Private Streets”. (Addition)
17. Chapter 8, Page 8-20, Table 8.1, Implementation Matrix. Revise the first note under the Table Legend at the bottom of the table to “MD - Where appropriate and approved by the City, the developer may transfer maintenance responsibility and maintenance funding to the Ownership Association and use funding mechanisms referenced in sections 8.5.2 – 8.5.6 including Special Assessment Districts, CFDs, IFDs, and CSDs.”

The Board of Architectural Review recommends the following changes, clarifications, and corrections to the draft specific plan:

18. On Table 6.1 of the Development Standards, modify the side setback standard for the construction of detached single family dwellings on lots less than 3,750 square feet to increase the minimum side setback from 3.5 feet to 4 feet.
19. On Table 6.1 of the Development Standards, modify the minimum building separation between buildings to increase the minimum separation from 7 feet to 8 feet and 10 feet on alternating lots.
20. On Table 6.1 of the Development Standards, insert the following language, "To ensure privacy is maintained between adjoining two-story dwellings on lots less than 3,750 square feet, off-set the second story windows to avoid having second story windows directly face each other."
21. On Table 6.1, Development Standards, SFD Courtyard Residential Building Height should not exceed two stories when located adjacent to a detached single family neighborhood.
22. Section 8.3.3.2, Development Review and Application Procedures, include requirements for the submittal of cross-sections as a design detail to provide perspective of the street contours and grading patterns between adjoining blocks.
23. Section 6.3.1, Development Standards, All Developments, include a new bullet stating, "Opportunities for the placement of solar energy products and installation of wind protection barriers should be considered in the Urban Design process for each development Phase."

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19. On Table 6.1 of the Development Standards, modify the minimum building separation between buildings to increase the minimum separation from 7 feet to 8 feet and 10 feet on alternating lots.
20. On Table 6.1 of the Development Standards, insert the following language, "To ensure privacy is maintained between adjoining two-story dwellings on lots less than 3,750 square feet, off-set the second story windows to avoid having second story windows directly face each other."
21. On Table 6.1, Development Standards, SFD Courtyard Residential Building Height should not exceed two stories when located adjacent to a detached single family neighborhood.
22. Section 8.3.3.2, Development Review and Application Procedures, include requirements for the submittal of cross-sections as a design detail to provide perspective of the street contours and grading patterns between adjoining blocks.
23. Section 6.3.1, Development Standards, All Developments, include a new bullet stating, "Opportunities for the placement of solar energy products and installation of wind protection barriers should be considered in the Urban Design process for each development Phase."

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE AMENDING TITLE 17 OF THE SEASIDE MUNICIPAL CODE AND THE OFFICIAL ZONING MAP TO INCLUDE THE CENTRAL COAST VETERANS CEMETERY, MONUMENT VILLAGE, AND SEASIDE HORSE PARK SPECIFIC PLAN (FORMERLY KNOWN AS THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN)

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to Section 65800 and 65850 of the Government Code, the City of Seaside has adopted a Zoning Ordinance, which regulates the use of buildings, structures, and land uses as between industry, business, residences, open space and other purposes; regulates signs and billboards; regulates the location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; and the intensity of land use; establishes requirements for off-street parking and loading; establishes building setback lines, as authorized by state law; and other matters.

Section 2. Pursuant to Section 65853 of the government Code, Seaside Municipal Code Amendment 12-02, amendment of the text and map of the Seaside Zoning Ordinance (Title 17 of the City of Seaside Municipal Code) is proposed for the purpose of adding the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan ((formerly known as the “Monterey Downs and Monterey Horse Park and Central Coast Veterans Cemetery Specific Plan”, and hereinafter referred to as “Specific Plan”), adopted by the City Council on (add date).

Section 3. In accordance with Section 17.74.040 of the Seaside Municipal Code, City's Planning Commission held a public hearing on September 7, 2016 where they took testimony, and thereafter deliberated on September 21, 2016 and acted to recommend that the City Council adopt the proposed zoning map and zoning ordinance text amendments to the Seaside Municipal Code.

Section 4. On September 29, 2016, a public notice describing the City's consideration to adopt proposed text and map amendments to be incorporated into Title 17 of the Seaside Municipal Code was published in the Monterey Weekly and posted at designated locations within the City of Seaside on September 29, 2016, a minimum of 10 days in advance of the scheduled public hearing on October 13, 2016; and

Section 5. In accordance with Section 17.74.050 of the Seaside Municipal Code, the City Council held a public hearing on October 13, 2016, and November 10, 2016 to receive public input, and to consider and weigh the merits of proposed text and map amendments to the Seaside Municipal Code in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code, and to determine whether public necessity, convenience, and general welfare warrant the amendment; and

Section 6. The Seaside City Council considered oral comments and written information

concerning the proposed text and map amendments as described in Sections 7 and 8 below and on the basis of the record finds the following facts to be true.

Findings:

1. The purpose of this Ordinance is to adopt text and map amendments incorporating the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan.

Evidence: The City Council adopted the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan on (add date) and adoption of the Specific Plan requires amending Title 17 of the Seaside Municipal Code.

2. The proposed map and text amendments are consistent and in compliance with the 2004 Seaside General Plan.

Evidence: When adopting the Specific Plan, the City Council considered the Specific Plan's consistency with the relevant 2004 Seaside General Plan policies and concluded that the Specific Plan is consistent with the General Plan and with the related General Plan Amendment (GPA 12-01) also adopted on (add date) to incorporate the Specific Plan.

3. The City prepared the Monterey Downs and Monterey Horse Park and Central Coast Veterans Cemetery Specific Plan Subsequent Environmental Impact Report (SEIR) in compliance with the California Environmental Quality Act and certified said SEIR on (add date).

Evidence: In accordance with California Public Resources Code § 21000 et seq., the California Environmental Quality Act, and the State CEQA Guidelines, 14 Cal. Code Regs. 15000 et seq. (collectively "CEQA"), the City issued a Notice of Preparation of a Draft SEIR on September 22, 2012 for a 30-day review period by responsible and trustee agencies and other interested parties. The City circulated the Draft SEIR and its appendices to responsible and trustee agencies and other interested parties for an 80-day comment period from March 31, 2015 to June 19, 2015, in excess of the 45-day public comment period required by State CEQA Guidelines Section 15105. The City received 290 comment letters on the Draft SEIR. On April 30, 2015 the City conducted a study session on the Draft SEIR and received 45 comments. The City prepared written responses to all comments timely received on the Draft SEIR, and those responses to comments are incorporated into the Final SEIR. The Responses to Comments were distributed to all public agencies that submitted comments on the Draft SEIR in August 2016, at least 10 days prior to certification of the Final SEIR. In addition, the written responses to comments were made available for public review on the City's web site and at the City offices. On October 12, 2016, the City prepared an Appendix to the Final SEIR to correct minor errors in the text of the Draft SEIR and the Final SEIR discovered by City

staff after publication of the Final SEIR. The Final SEIR is comprised of (1) the Draft SEIR dated March 2015 and all appendices thereto, (2) the Final SEIR Volumes I and II which consist of the public comments, responses to those comments, and revisions to the Draft SEIR, and (3) the Errata to the Final SEIR. The City Council, by Resolution No. (add EIR Resolution #), certified the Final SEIR on (add date) as adequately prepared in compliance with CEQA, adopted required CEQA findings, adopted the mitigation monitoring and reporting program, and adopted a statement of overriding considerations finding that the economic, social, and environmental benefits outweigh the significant and adverse environmental effects of the project. The City Council hereby incorporates the findings and determinations made in Resolution No. ____ by reference, and relies on those findings for the adoption of this Ordinance, which is part of the project analyzed in the Final SEIR, and hereby imposes the mitigation measures as conditions on the Project approvals.

4. The Council finds and determines that public necessity, convenience, and general welfare warrant amendment of the Zoning Map and Zoning Text Amendments.

Evidence. This amendment implements the Fort Ord Reuse Plan for the subject property and assists the City in improving their job/housing balance to reach their goal of 1.5:1 by providing for up to 1,280 new homes and up to 775,000 square feet of commercial/retail, equestrian-related and other recreational visitor-serving uses generating both construction jobs and long-term permanent jobs.

Section 7. Chapter 17.20 (Specific Plans) of Article 2 (Zones, Permitted Land Uses, and Zoning Standards) of Title 17 (Zoning Ordinance Code) of the Seaside Municipal Code is hereby amended to add a new Section 17.20.050 to read as follows:

“17.20.050 –Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan

A. Purpose and Intent. The Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan was adopted by the City on (add date), to reuse a key portion of the former Fort Ord for a mixed-use village including residential, commercial, recreational, and public facility uses, consistent with the General Plan and Base Reuse Plan. As adopted, the specific plan allows for up to 400 multi-family homes including student apartments on approximately 19 acres; up to 880 single-family homes including 26 detached courtyard homes on approximately 130 acres; up to 535,000 square feet of retail and commercial uses including two 200-room hotels on approximately 51 acres; an equestrian park on approximately 111 acres; an outdoor equestrian training track, indoor sports arena, and up to 256 worker lodging units on approximately 139 acres; the Veterans Cemetery with ancillary parcels on approximately 135 acres; public facilities including a City corporation yard, a Marina Coast Water District water storage tank parcel, and fire station on approximately 20 acres; approximately 34 acres of

internal streets; and the 73-acre Oak Oval open space/habitat reserve.

B. Applicability. All land use policies, development standards and design guidelines, and infrastructure improvements applicable to proposed land uses and development projects within the Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan area may be found in the adopted Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan, available at the City of Seaside City Hall, on the City's website, or by contacting Planning Division staff directly.

C. Specific Plan Area. The Central Coast Veterans Cemetery, Monument Village, and Seaside Horse Park Specific Plan Area is located north of Monterey Peninsula College property, Fort Ord Recreational Habitat Area; south of the Department of Defense building (former Silas B. Hayes Hospital); the planned mixed-use area known as Surplus II, an Army parcel on Joe Lloyd Way, and CSUMB open space; east of Parker Flats Cutoff and Army housing; and west of the Fort Ord Recreational Habitat Area. Figure (Insert Figure Number) shows the boundaries of the Specific Plan Area.

D. The provisions of this Section 17.20.050 and the related zoning map amendments adopted by Ordinance No. (add Ordinance No here) shall become effective upon the effective date of this Ordinance for those properties currently within the City's jurisdiction, and shall become effective as to that part of the Specific Plan Area that is currently outside of the City's boundaries only upon annexation of that area to the City of Seaside."

Section 8. The Zoning District Map shall be revised as presented in Exhibit A of this Ordinance.

Section 9. Severability.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentences, clauses or phrases even if certain parts are held to be unconstitutional, invalid or unenforceable.

Section 10. Legal Construction. The provisions of this Ordinance shall be construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of public health, safety, and welfare.

Section 11. Indemnification Agreement Required. The applicant for the Specific Plan, Monterey Downs, LLC (“Applicant”), shall enter into an Indemnification Agreement with the City of Seaside agreeing to, at its own expense and with counsel selected by the City, fully defend, indemnify and hold harmless City, its officials, officers, employees, consultants, contractors, legal counsel, and agents (“Indemnified Parties”), from and against any and all claims, suits, causes of action, fines, penalties, proceedings, damages, injuries or losses of any name, kind or description, specifically including attorney’s fees, (“Liabilities”), arising in any way out of the City’s approval of this Ordinance or any other action of the City related to the Specific Plan. Applicant’s indemnification obligation shall include, but not be limited to, actions to attack, set aside, void, or annul the City’s approval of the Specific Plan and related actions, and Liabilities premised on, related to, or invoking Planning and Zoning Law or the California Environmental Quality Act (CEQA), including those arising out of the City’s decisions related to the Project’s CEQA documents. Applicant’s indemnification obligations shall not be limited to the amount of insurance coverage that may be available to Applicant, and shall not otherwise be restricted or confined by the presence or absence of any policy of insurance held by the City or Applicant. Applicant’s indemnification obligations as required herein, and as memorialized in the indemnification agreement, shall survive the completion or abandonment of the Project, including the situation where the approvals of other permitting agencies are not granted. The provisions of the indemnification agreement shall be drafted, interpreted, and construed to provide the fullest protection possible under law to the City. Further, all obligations and Liabilities under the indemnification agreement shall be paid by the Applicant as they are incurred. The indemnification agreement shall be in a form and substance as approved by the City Attorney, and shall be executed prior to the Effective Date of this Ordinance. The City Council hereby authorizes the City Manager to execute the indemnification agreement meeting the minimum requirements set forth herein.

Section 12. Effective Date. This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text and map amendments.
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Section 13. The City Clerk shall certify to the adoption of this Ordinance and shall, within fifteen (15) days after passage, publish a summary of this Ordinance in accordance with Section 36933 of the Government Code of State of California with the names of City Council members voting for and against it.

INTRODUCED at a special meeting of the City Council of the City of Seaside on the ____ day of ____, 2016, and

PASSED AND ADOPTED by the City Council of the City of Seaside at a regular meeting of the City Council on the ____ day of ____, 2016, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

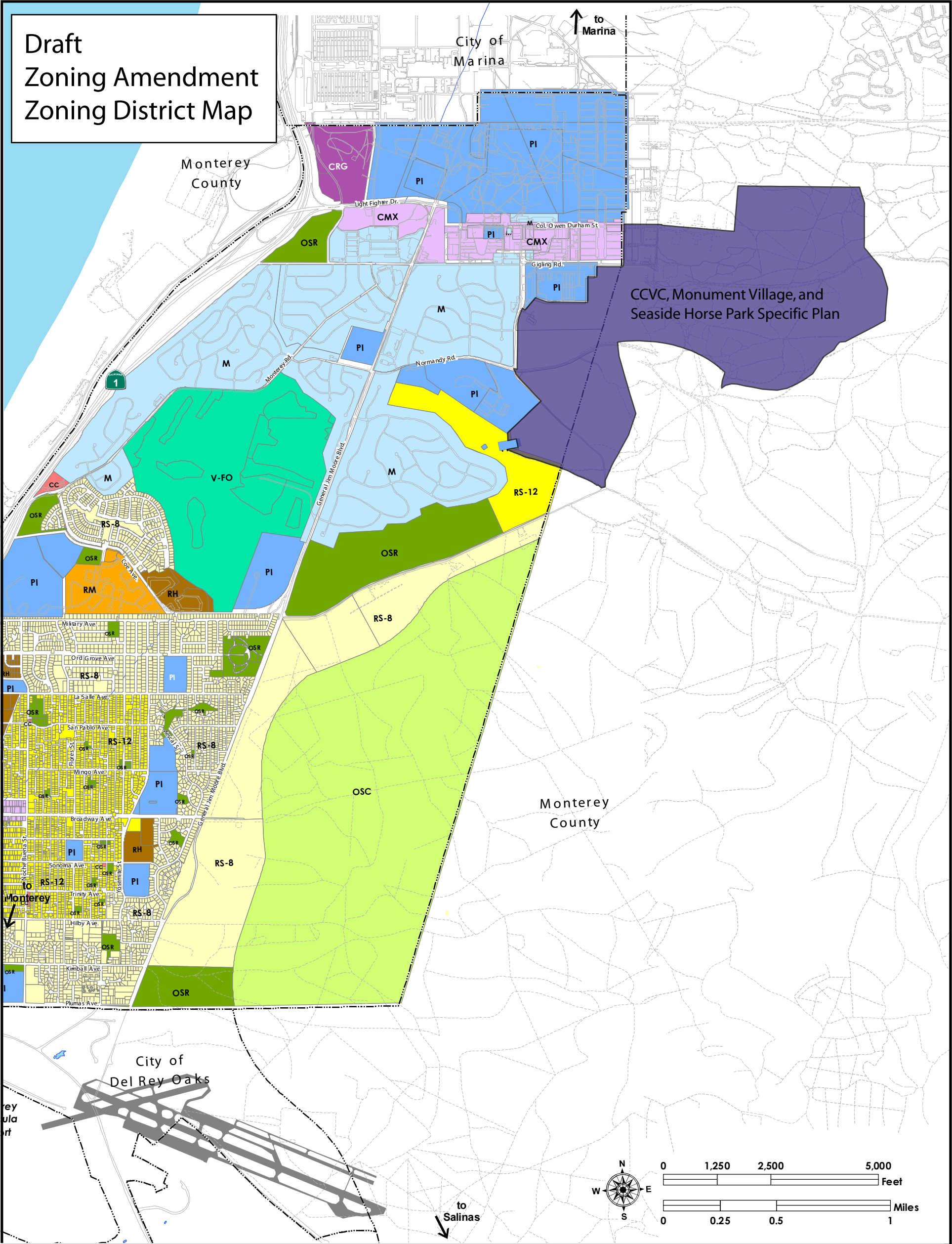
APPROVED:

Ralph Rubio, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

Exhibit A – Zoning District Map



Seaside Zoning Districts

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> RS-8 - Single-family Residential RS-12 - Single-family Residential RM - Medium Density Residential RM - Medium Density Residential (W BUV) RH - High Density Residential RH/ MX - High Density Residential/ Mixed Use (W BUV) | <ul style="list-style-type: none"> CCVC, Monument Village, and Seaside Horse Park Specific Plan CA - Automotive Commercial CC - Community Commercial CH - Heavy Commercial CMX - Commercial Mixed Use MX - Mixed Use (W BUV) CRG - Regional Commercial | <ul style="list-style-type: none"> PI - Public / Institutional M - Military V-FO - Visitor-Serving Commercial OSR - Open Space - Recreation OSC - Open Space - Conservation POS - Parks and Open Space (W BUV) |
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