

**EXHIBIT "A"**

**FINDINGS FOR THE CERTIFICATION OF  
ENVIRONMENTAL IMPACT REPORT  
for the  
DEL REY OAKS GENERAL PLAN UPDATE PROJECT**

1. Finding: In the fall of 1995, the City of Del Rey Oaks ("City") initiated proceedings to prepare and adopt an update to the City's General Plan.  
Evidence: City's General Plan Update file.
2. Finding: In order to determine the scope of the General Plan Update and the potential issues and impacts in connection therewith, to fulfill the suggestion of CEQA Section 15083 for early public consultation, and to stimulate public participation and comment on the General Plan Update, the City conducted a series of Public Participation Workshops.  
Evidence: City's General Plan Update file, including records of Public Participation Workshops held on September 12, 1995, February 6, 1996, and March 12, 1996.
3. Finding: Based upon information received from City Staff, as well as information and comments received from the Public Participation Workshops, the City, through its consultant Denise Duffy & Associates, prepared a Draft General Plan Update. The draft General Plan Update provides for the full development or buildout of the City, including parcels within the Fort Ord Reuse area which are proposed or will be requested for annexation to the City.  
Evidence: City's General Plan Update file, including initial draft of General Plan Update.

4. Finding: As a preliminary assessment of the potential environmental impacts of the General Plan Update, an environmental checklist was prepared, which disclosed that the General Plan Update might have one or more significant effects on the environment.

Evidence: Environmental checklist included in City's General Plan Update file, and as Appendix "A" in the Draft EIR for the General Plan Update.
5. Finding: Based upon the environmental checklist and other information, the City decided that an Environmental Impact Report ("EIR") should be prepared for the General Plan Update. In accordance with Section 15084 of the CEQA Guidelines, the City contracted with the firm of Denise Duffy & Associates to prepare the EIR on the General Plan Update.

Evidence: City's General Plan Update file.
6. Finding: A Notice of Preparation ("NOP") was prepared and issued on April 18, 1996, in accordance with the requirements of Sections 15082(a), 15103 and 15375 of the CEQA Guidelines, to inform interested agencies of the City's intention to prepare an EIR and to solicit the views of those agencies as to the scope and content of the EIR. The NOP was sent to the State CEQA Clearinghouse, to each responsible agency, to every federal agency involved in approving or funding the project, and to each trustee agency responsible for natural resources affected by the General Plan Update.

Evidence: Notice of Preparation in City's General Plan Update file.
7. Finding: Comments were received on the NOP. Each of the comments received in response to the NOP was reviewed by City staff and referred to the EIR Consultant for consideration in the preparation of the EIR for the General Plan Update. Each of the written comments received in response to the NOP is included in the EIR.

Evidence: City's General Plan Update file; Appendix "A" in

the Draft EIR for the General Plan Update.

8. Finding: Upon completion of the Draft EIR, to wit, on June 10, 1996, a Notice of Completion was filed by the City in accordance with Section 15085 of the CEQA Guidelines.  
Evidence: City's General Plan Update file.
9. Finding: Upon completion of the Draft EIR, the City consulted with and requested comments on the Draft EIR from various agencies as required by Section 15086 of the CEQA Guidelines.  
Evidence: City's General Plan Update file.
10. Finding: The Draft EIR on the General Plan Update was circulated for public review for a 45-day review period commencing June 12, 1996, and ending July 24, 1996. Written notice of the availability of the Draft EIR for review and comment was given by the City on or about June 7, 1996, including posting at three customary public notice sites within the City of Del Rey Oaks, mailed notice to the State Clearinghouse, the Local (AMBAG) Clearinghouse, and to the City's standard EIR/Negative Declaration mailing circulation list, and by posting in the office of the Monterey County Clerk.  
Evidence: City's General Plan Update file, including declaration of publication by City Manager Steve Endsley.
11. Finding: Two written comment letters on the Draft EIR were received by the City during the established public comment period. Two additional letters were received shortly after the close of the public comment period, which the City directed the consultant to respond to.  
Evidence: See letters contained in City's General Plan Update file from Monterey Bay Unified Air Pollution Control District (June 14, 1996), Monterey Peninsula Regional Parks District (July 9, 1996), Governor's Office of Planning and Research (July 25, 1996) and California Department of Transportation (July 29, 1996).

12. Finding: At the direction of the City, responses to all comments received during the established public review period were incorporated into the Final EIR dated December 23, 1996.  
Evidence: Final EIR (December 23, 1996) in City's General Plan Update file.
13. Finding: The December 23, 1996, Final EIR was presented to the City's Planning Commission at a noticed public hearing held on January 13, 1997. The Planning Commission reviewed the Final EIR, considered public testimony on the Final EIR received at the public hearing, and recommended certification of the EIR to the City Council.  
Evidence: City's General Plan Update file. Minutes of Planning Commission of January 13, 1997.
14. Finding: The December 23, 1996, Final EIR was presented to the City Council at a noticed public hearing held on February 7, 1997. The City Council reviewed the Final EIR and considered public testimony and comment on the Final EIR received at the public hearing. Because of concerns expressed by individuals at the public hearing that they had not been aware of the deadline for public comment on the Draft EIR and had not had adequate opportunity to comment on the Draft and Final EIRs, the City Council directed i) that further public workshops be held on February 25, 1997 and March 7, 1997, to receive additional public comment; ii) that the consultant be instructed to respond as part of a supplement to the December 23, 1996, Final EIR, to all public comments on the EIR received between July 25, 1996, and through March 7, 1997; and iii) that action on the Final EIR be deferred until after public workshops on the General Plan Update and EIR are held on February 25, 1997, and March 4, 1997.  
Evidence: City's General Plan Update file. Minutes of City Council of February 7, 1997.
15. Finding: Written notice of the public workshops held on February 25, 1997, and on March 4, 1997,

were hand delivered to each residence in the City of Del Rey Oaks.

Evidence: City's General Plan Update file.

16. Finding: The City Council has now received a revised Final EIR consisting of the following components: i) complete text of all written comments received on the EIR through March 17, 1997; ii) responses from the consultant to public comments, including oral comments at public hearings; iii) revised Draft EIR, including all documents incorporated therein by reference; iv) mitigation monitoring program and checklist; and v) Supplemental Information in Response to Additional Public Comments (April 29, 1997). These components collectively constitute and are referred to as "the Final EIR."

Evidence: City's General Plan Update file.

17. Finding: The City Council finds the responses contained in the Final EIR to comments received from agencies, groups and individuals to constitute good faith, reasoned analysis in response to such comments, including reasons why specific comments and suggestions were not accepted or adopted.

Evidence: Final EIR.

18. Finding: The Final EIR identifies potentially significant environmental impacts in the following areas: reduction in open space and natural resources; land use compatibility; traffic and circulation; geology and seismic safety; plant and animal resources; airport safety; noise; water supply; air quality; drainage/hydrology/water quality; cultural/historic resources; and viewshed.

Evidence: Final EIR.

19. Finding: Public notice of the City's intention to certify the Final EIR at a public hearing on May 27, 1997, was given by written notice which was mailed to all interested parties who had participated in the public hearings and workshops, posted in the three customary public notice sites

within the City of Del Rey Oaks, and published in the Monterey County Herald on May 16, 1997.

Evidence: Proof of publication and other materials contained in the City's General Plan Update file.

20. Finding: The notice of public hearing published in the Monterey County Herald contained an error as to the date of the hearing. The error was corrected i) by promptly publishing a corrected notice in the Monterey County Herald, and ii) by posting a City employee at the Del Rey Oaks City Hall at the date and time specified in the erroneous notice to direct any persons who appeared to return at the correct date and time. Because notice was mailed and posted as well as published, because the erroneous published notice was promptly followed by a corrected published notice, and because the City posted an employee to inform persons who showed up at the incorrect time for the hearing to return at the correct time, the City finds that notice of the hearing of May 27, 1997, was legally and factually adequate, and that no person was deprived by reason of the error in publication of an opportunity to participate meaningfully in the EIR process.

Evidence: Proof of publication and other materials contained in the City's General Plan Update file.

21. Finding: The Final EIR evaluated the following impacts of the General Plan Update which were found to be less than significant: sewage treatment; solid waste; police protection; fire protection; schools; parks and recreation.

Evidence: Final EIR, Section IV.

22. Finding: The Final EIR identified the following areas of controversy known to the City: effects of the General Plan Update on traffic and the need for an adequate roadway network to serve the potential level of development; need for an available and adequate water supply; need for and effects of economic development and local growth to provide increased revenues to support municipal activities and public services and/or to replace economic losses due to the military base closure;

preservation of natural resources and open space; controversy with the Monterey Peninsula Regional Park District over conveyance of Polygon 31b in the Ft. Ord Reuse Area; access through Del Rey Oaks to the airport northside industrial area; consistency of the General Plan Update with the Army's implementation of the Fort Ord Habitat Management Plan. Some, but not all, of these areas of controversy involve environmental consequences.

Evidence: Final EIR, Section 2.7.

23. Finding: The Final EIR identified the following significant or potentially significant impacts: reduction in open space and natural resources; land use compatibility; traffic and circulation; geology and seismic safety; plant and animal resources; airport safety; noise; water supply; air quality; drainage/hydrology/water quality; cultural/historic resources; and viewshed.

Evidence: Final EIR, Section 2.4, Table 1.

24. Finding: The Final EIR identified no significant unavoidable adverse project impacts of the General Plan Update.

Evidence: Final EIR, Section 2.3.

25. Finding: The Final EIR concluded that all significant and potentially significant project impacts of the General Plan Update, with the exception of cumulative impacts, can be avoided or reduced to less than significant levels.

Evidence: Final EIR, Section 2.4, Table 1.

26. Finding: The Final EIR acknowledged that although the contribution to cumulative impacts of development under the General Plan Update is relatively small compared to the impacts of total regional buildout, significant unavoidable cumulative impacts could occur in connection with the implementation of the General Plan Update in the following areas: regional traffic; air quality; water demand; public services; and biological resources.

Evidence: Final EIR, Sections 2.3 and 6.4.

27. Finding: It is the intention of the City Council that the General Plan Update be "self-mitigating," meaning that the implementation and enforcement of the policies and programs contained in the General Plan Update, together with the Mitigation Monitoring Program (Final EIR, Section M-1), will avoid or mitigate the potential significant impacts of presently unidentified but anticipated future development projects in the City.

Evidence: Final EIR, Sections 2.4, 3.5, and Chapter IV.

28. Finding: The potentially significant impacts related to land use compatibility will be avoided or reduced to less than significant levels by the following:

a) The potential for significant land use compatibility impacts resulting from development/reuse of the property adjacent to the intersection of Highway 218 and Highway 68 within the clear zone of the Monterey Peninsula Airport will be avoided or reduced to a less than significant level by i) adopting and implementing a General Plan Update policy requiring aviation easements for each future development project located in the airport land use planning area (Mit. 3); ii) incorporating development standards in the General Plan Update for development within the clear zone of the airport as required by Mitigation Measure 5.

Evidence: Final EIR, Section 4.2; Supplemental Information, Responses to Letter F.

b) The potential for significant land use compatibility impacts resulting from the development of a golf course, hotel and convenience retail in Polygon 29a and an office park in Polygon 31b adjacent to the expansion of the Frog Pond in Polygon 31a will be avoided or reduced to a less than significant level by i) adopting and implementing a General Plan Update policy requiring the City to encourage the conservation and preservation of irreplaceable natural resources and



open space; ii) adopting and implementing a General Plan Update policy requiring the City to review each development project within the former Ft. Ord annexation area with regard to open space buffers; or iii) adoption of the Reduced Density/Revised 31b Design Alternative.

Evidence: Final EIR, Section 4.2, Mitigations 1 and 2; and Chapter V, Alternative 2.

c) The potential for significant land use compatibility/visual/noise impacts resulting from the development of new commercial uses near existing neighborhoods will be avoided or reduced to less than significant levels by the adoption and implementation of General Plan Update policies C/OS-1a, C/OS-1b, L-8, L-9, N-1, N-3, N-4, N-5, N-6, and Programs 31-33.

Evidence: Final EIR, Sections 4.2, 4.10 and 4.11; Mitigation 3.

29. Finding: Water supply currently allocated to the City by the Monterey Peninsula Water Management District is sufficient for development of all new development proposed by the General Plan Update within the existing city limits with the exception of the Oak Meadows Inn and Conference Center on the east side of Highway 218. In addition, 75 acre feet of water has currently been assigned to the City by FORA for development in the Fort Ord land proposed for annexation to the City. Additional water supply is being pursued by the City through independent and cooperative efforts, including retrofitting, reclamation and re-use, importation and desalinization. The potentially significant project impacts related to water supply for future development will be avoided or reduced to less than significant levels by the adoption and implementation of General Plan Update policies and programs identified in Mitigation Measures 6 through 10 in the Final EIR, requiring, among other things, that the City pursue in cooperation with other agencies the development of additional water sources through retrofitting, reclamation, importation or desalinization, and that new development be conditioned upon the availability of adequate water supply which does not aggravate or accelerate existing salt-water intrusion.

Evidence: Final EIR, Section 4.3.1; Mitigations 6 - 12; Supplemental Information, Section 3c.

30. Finding: The potentially significant impacts related to parks and recreation will be avoided or reduced to less than significant levels by i) the adoption and implementation of Policies PS-1 and PS-2 and Programs 24 through 26 of the General Plan Update; and ii) the implementation of Mitigation Measures 2 and 3 contained in Section 4.2 of the Final EIR.

Evidence: Final EIR, Section 4.3.7.

31. Finding: Implementation of the General Plan Update could result in traffic volumes on Canyon Del Rey which could exceed existing capacity and thereby

result in an unacceptable level of service. This would be a direct significant adverse impact of the General Plan Update. The General Plan Update anticipates this significant impact, and includes policies (Policies C-2 and C-3) and programs (Programs 13 through 16) to avoid this impact or reduce it to a less than significant level. In addition, the City has committed to pay or require developers of future projects within the City to pay for up to \$6 million in circulation infrastructure improvements having a nexus to the development anticipated by the General Plan Update. Adoption and implementation of these policies, programs and commitments, and the adoption and implementation of Mitigations 13 through 20 in the Final EIR, will avoid or reduce the direct traffic and circulation impacts of the General Plan Update to a less than significant level.

Evidence: Final EIR, Section 4.4.

32. Finding: Although the contribution of traffic from future development within the City is small, the cumulative traffic impacts on the regional roadway network of the buildout of the City under the General Plan Update, when considered with reasonably foreseeable future projects in the region, is considered to be significant. A system of regional roadway improvements has been planned as part of the adopted Fort Ord Reuse Plan, and if all affected jurisdictions contribute their assigned share of circulation improvements, the cumulative traffic impacts will be less than significant. However, because funding for all off-site circulation improvements cannot presently be assured, the cumulative impacts of demands on the regional roadway network is assumed to be both significant and unavoidable. As noted, the City has committed to fund its assigned share of the regional circulation improvements. This commitment, together with the adoption and implementation of Mitigation Measures 13 through 20 as recommended in the Final EIR, constitute the City's reasonable and fair-share contribution to reduction of the regional cumulative traffic

impacts. The balance of the planned circulation improvements are assigned or will be assigned to other jurisdictions pursuant to the provisions of the adopted Fort Ord Reuse Plan, and are therefore within the responsibility and jurisdiction of those other public agencies and not the City, and either have been or should be adopted and committed to by such other public agencies. This Finding is adopted pursuant to the provisions of Section 15091 of the CEQA Guidelines.

Evidence: Final EIR, Sections 4.4 and 6.4.8; Supplemental Information, Sections 5.0 and 8b.

33. Finding: The adoption and implementation of the General Plan Update will not have a significant direct adverse impact on air quality. Furthermore, if the Air Quality Management Plan is implemented by the Regional Air Pollution Control District, implementation of the General Plan Update will not contribute to cumulative air quality impacts. The adoption of the polices and programs of the General Plan Update (Policies C-11 through C-16, C/OS- 13, Programs 12, 13, 14 and 17) commit the City to implementation of those portions of the Air Quality Management Plan that are within its responsibility and jurisdiction. Potential exceedences of air quality standard thresholds (including carbon monoxide thresholds) will be addressed at the time an application for development is submitted to the City. Enforcement of the balance of the Air Quality Management Plan is within the responsibility and jurisdiction of the Regional Air Pollution Control District, and not within the City, and should be enforced by that agency. This Finding is adopted pursuant to the provisions of Section 15091 of the CEQA Guidelines.

Evidence: Final EIR, Sections 4.5 and 6.4.9; Supplemental Information, Sections 7.0, 8d and Responses to Letter A.

34. Finding: Direct and cumulative geologic and seismic safety impacts of the implementation of the General Plan Update are less than significant, considered in the light of the adopted Fort Ord

Reuse Plan EIR and local zoning ordinances regulating soil erosion and construction practices on hazardous soils. Nevertheless, the City voluntarily commits to adopt and implement a mitigation measure providing for the update of the Seismic Safety Element of the General Plan to incorporate the most recent geologic information provided by the State Department of Conservation Division of Mines and Geology.

Evidence: Final EIR, Sections 4.6 and 6.4.2.

35. Finding: Implementation of the General Plan Update could have significant project impacts on hydrology, drainage and water quality resulting from increased areas of impervious surfaces, erosion and the use of pesticides on the proposed golf course. Similar impacts, including impacts from possible hazardous materials spills during construction, could result on a cumulative basis from development of reasonably foreseeable probable future projects in the region. Direct project impacts will be reduced to a less than significant level by adoption and implementation of Mitigation Measure 22, 23 and 24 in the Final EIR, or by adoption of the Reduced Density/Revised 31b Design Alternative. Cumulative impacts will be minimized to a less than significant level by implementation of the hydrology and water quality policies and programs of local, regional and state agencies already in place.

Evidence: Final EIR, Section 4.7, 6.4.5; Supplemental Information, Sections 3.0, 8c (Hydrology) and Responses to Letter C.

36. Finding: Although no rare, endangered or threatened species have been identified within the existing city limits of Del Rey Oaks, a number of special status plant and animal species occur in areas adjacent to the City, specifically within lands within the former Fort Ord proposed for annexation to the City. The General Plan Update includes policies and programs which avoid potential impacts on special status species and their habitats (Policies C/OS-3 through C/S-9

regarding creek corridors; C/OS-5a through C/OS-5g, C/OS-6 and C/OS-7 regarding greenbelts and open spaces; C/OS 5e, 5f and 5g regarding special status species); and the Fort Ord Reuse Authority has adopted a Habitat Management Plan ("HMP") for all listed plant and animal species and their habitats within the Fort Ord Reuse lands, including those proposed for annexation to the City. The HMP will be administered by the U.S. Fish and Wildlife Service irrespective of local jurisdictional boundaries. Implementation of these policies and the HMP, together with the enforcement of the regulatory authority of the California Department of Fish and Game and the Army Corps of Engineers, supplemented by the adoption and implementation of Mitigation Measures 25 through 28, will avoid significant impacts or assure the reduction of such impacts to a less than significant level on both a project and a cumulative level.

Evidence: Final EIR, Sections 4.8 and 6.4.6; Supplemental Information, Sections 4.0 and 8a; Testimony of City Community Development Director Joseph Cavanaugh at Public Workshop (February 25, 1997).

37. Finding: There is no substantial evidence indicating that implementation of the General Plan Update will have any significant adverse impact on cultural (archaeological or historic) resources, either on a project basis or on a cumulative basis. Although no mitigation is required, Policies C/OS-15 and -16 should be adopted and implemented to fulfill the direction of Appendix K of the CEQA Guidelines to provide for archaeological sites accidentally discovered during construction.

Evidence: Final EIR, Section 4.9.

38. Finding: The General Plan Update as proposed contains specific policies to avoid significant aesthetic and visual impacts associated with new development (policies C/OS-1a, C/OS-1b, L-8 and L-9). As a result, no significant aesthetic or visual impacts are anticipated as a direct result of the General Plan Update project. However, the Final EIR is unable to feasibly assess the

significance of this impact on a cumulative basis without a detailed analysis of each jurisdiction's development guidelines and without specific project proposals and designs, which is beyond the scope of the EIR. Consequently, the Final EIR assumes that aesthetic and visual impacts of reasonably foreseeable probable future projects in the region will be cumulatively significant and unavoidable. The City nevertheless finds that if each other jurisdiction in the region were to adopt policies or procedures comparable to those contained in the City's General Plan Update to avoid significant aesthetic and visual impacts, that the cumulative impact would be reduced to a less than significant level. It is within the responsibility and jurisdiction of each such other agency to adopt and implement such policies and procedures, and they can and should do so. This Finding is adopted pursuant to the provisions of Section 15091 of the CEQA Guidelines.

Evidence: Final EIR, Sections 4.10 and 6.4.7.

39. Finding: Direct and cumulative noise impacts of the implementation of the General Plan Update are less than significant, considered in the light of the local zoning ordinances and General Plan Update Policies N-1 through N-6 and Programs 31 through 33 which will avoid potential noise impacts or regulate them to a less than significant level.

Evidence: Final EIR, Sections 4.11 and 6.4.10; Supplemental Information, Section 6.0.

40. Finding: Cumulative land use impacts focus primarily on the conversion and redevelopment of land and facilities at Fort Ord in accordance with the Fort Ord Reuse Plan. The final EIR for the Fort Ord Reuse Plan was certified, and the Fort Ord Reuse Plan was adopted, on June 13, 1997. The goals, policies, programs and land uses contained in the General Plan Update are consistent with the goals, policies, programs and land uses contained in the adopted Fort Ord Reuse Plan, and consequently significant land use conflicts are not foreseeable. Unforeseen land use conflicts that

might arise are ordinarily avoided or resolved through the FORA process, and significant cumulative impacts from land use conflicts are not anticipated.

Evidence: Final EIR, Section 6.4.1.

41. Finding: The cumulative buildout of the General Plan Update when considered in the light of reasonably foreseeable probable future projects in the region is considered to have significant and unavoidable impacts on water supply given the severe shortage of water supply in the region and the overdraft and seawater intrusion problems in the local aquifer. The City has existing water allocations for most of the new development proposed by the General Plan Update. Furthermore, the City has committed itself through the policies and programs of the General Plan Update, the mitigation measures adopted pursuant to the Final EIR, and the Mitigation and Monitoring Program, to avoid significant impacts on the regional water supply from new development within its jurisdiction. If each other jurisdiction in the region were to adopt and implement comparable policies and procedures to avoid significant water supply impacts, the cumulative impact would be reduced to a less than significant level. It is within the responsibility and jurisdiction of each such other agency to adopt and implement such policies and procedures, and they can and should do so. This Finding is adopted pursuant to the provisions of Section 15091 of the CEQA Guidelines.

Evidence: Final EIR, Sections 6.4.4; Supplemental Information, Section 8c.

42. Finding: This General Plan Update addresses all of the lands within the City limits of the City of Del Rey Oaks, as well as lands proposed for annexation to the City. It is not possible or feasible to move the City to a new location, and there is not sufficient vacant land within the City limits to relocate existing or proposed uses to other locations within the City. The proposed land uses for the Fort Ord land proposed for annexation to



the City are provided in the adopted Fort Ord Reuse Plan, and whether that land is annexed to the City or developed under the jurisdiction of some other agency, the land uses will have to be those consistent with the adopted Fort Ord Reuse Plan. Alternative locations for these uses were analyzed in the certified Fort Ord Reuse EIR, which has been consulted in connection with the preparation of the Final EIR for this General Plan Update to assess the feasibility of potential project alternatives. There is no alternative location within the jurisdiction of the City adequate to accommodate the uses proposed. There is no evidence that significant environmental effects of the General Plan Update would be avoided or significantly lessened by not annexing the Fort Ord land and thereby allowing it to be developed within some other jurisdiction for the uses provided in the adopted Fort Ord Reuse Plan. Consequently, the City concludes that an alternative location for the General Plan Update project is not feasible within the meaning of Section 15126(B) of the CEQA Guidelines.

Evidence: Final EIR, Chapter V, Alternative 5.

43. Finding: Alternative 1a, the "No Project Alternative Buildout Under the Existing General Plan" is the environmentally superior alternative because it would result in the least amount of development. However, that alternative is not capable of feasibly attaining the basic objectives of the General Plan Update, particularly the objectives of developing an economic/employment base for the City by attracting revenue-generating commercial retail and visitor serving uses to the additional economic development sites provided by the annexation of the Fort Ord property.

Evidence: Final EIR, Sections 3.5; Chapter 5, Alternative 1a; Supplemental Information, Responses to letter B.

44. Finding: Alternative 1b, the "Buildout Under the Draft Fort Ord Reuse Plan" alternative is not an environmentally superior alternative because all of the environmental impacts associated with the

development as proposed in the General Plan Update would still occur, but under another jurisdiction. Conceivably, the impacts could be even greater if the other jurisdiction did not have the regulatory polices proposed by the General Plan Update.

Evidence: Final EIR, Chapter V, Alternative 1b.

45. Finding: Alternative 3, the "Elimination of Development on Site 31b Alternative," is not an environmentally superior alternative because it would generate more dense development and associated impacts on the remainder of the Fort Ord annexation property.

Evidence: Final EIR, Chapter V, Alternative 3.

46. Finding: Alternative 4, the "6R Alternative," is not considered an environmentally superior alternative because it is not sufficiently defined in the Fort Ord Reuse Plan EIR to determine the comparable environmental effects.  
Evidence: Final EIR, Chapter V, Alternative 4.
47. Finding: Next to Alternative 1a (the "No Project Alternative Buildout Under the Existing General Plan"), Alternative 2, the "Reduced Density/Revised 31b Design Alternative" is the environmentally superior alternative because it eliminates or lessens many of the environmental impacts associated with development in the Fort Ord annexation area. This alternative would increase the open space buffer between the Frog Pond annexation area and the proposed office park development as requested by MPRPD, and could result in development which is totally consistent with the City's existing approved water allocation for the Fort Ord annexation area. The reduction in office space would significantly reduce traffic trips, traffic noise and related air emissions. Visual impacts would also be reduced, as would geotechnical impacts and increased runoff. Although this alternative would impede to some degree the City's economic objectives, it appears to be the only alternative which could feasibly attain most of the basic objectives of the project.  
Evidence: Final EIR, Chapter V, Alternative 2.
48. Finding: The General Plan Update is consistent with the goals, objectives, policies and land uses provided in the adopted Fort Ord Reuse Plan as adopted by the FORA Board of Directors on June 13, 1997.  
Evidence: Testimony of City Manager Steven Endsley and City Community Development Director Joseph Cavanaugh at February 25, 1997 public workshop; Memorandum from Joe Cavanaugh dated June 16, 1997; Memorandum from Denise Duffy dated June 16, 1997

49. Finding: The City Council finds that the Final EIR has been completed in compliance with CEQA, and reflects the independent judgment of the City. The Final EIR was presented to and independently reviewed and analyzed by the City Council, and was used by the City Council to review and consider the proposed General Plan Update and its aspects as required by CEQA Sections 21082.1, and Sections 15090 and 15091 of the CEQA Guidelines.

Evidence: City's General Plan Update file; minutes of City Council meetings of May 27, 1997, and June 17, 1997.

50. Finding: After considering the final EIR and all of the written and oral evidence presented in the public hearings and workshops during the General Plan Update process, the City Council finds that all significant adverse environmental project impacts of the General Plan Update have been eliminated or substantially lessened to a less than significant level (Findings 24 and 25); that the only unavoidable significant adverse environmental impacts of the General Plan Update which have not been eliminated or lessened to a less than significant level are cumulative impacts, to wit, cumulative impacts in the following areas: regional traffic, air quality, water demand; public services; and biological resources Finding 26). The City Council has balanced the benefits of the proposed General Plan Update against its unavoidable environmental risks, and finds that the economic, social and other benefits of the General Plan Update outweigh its unavoidable adverse environmental effects for the following reasons:

a) The contribution of the General Plan Update to the unavoidable cumulative impacts is relatively small compared to the impacts of total regional buildout (Finding 26).

b) The City has done all the things within its jurisdictional authority as recommended by the EIR to reduce its contribution to the unavoidable cumulative impacts, including the adoption of additional or modified General Plan

Update policies and programs, the adoption of mitigation measures and the adoption of the environmentally superior Alternative 2.

c) The unavoidable cumulative impacts of anticipated regional development could be eliminated or substantially lessened if all of the other members and responsible agencies involved in the adopted Fort Ord Reuse Plan make their proportionate contributions to the provision of necessary infrastructure and/or adopt and carry out the responsibilities, policies and mitigations assigned to them under the provisions of the adopted Fort Ord Reuse Plan.

d) The unavoidable cumulative impacts are associated primarily with the development of the Fort Ord land proposed for annexation to the City for the land uses prescribed by the adopted Fort Ord Reuse Plan. Many of the speakers at the General Plan Update public hearings and workshops stated that the potential impacts of the development of these lands could best be controlled if the land is annexed to the City and those land uses controlled by the City of Del Rey Oaks under its General Plan Update policies and programs rather than by some other jurisdiction; and that it is essential for the City to assert its jurisdiction over those lands and the proposed development of them in order to preserve the character of the City.

e) Because the City of Del Rey Oaks is overwhelmingly a residential community with very limited commercial and retail land use, the City's revenues are limited primarily to residential property taxes. As a result, since the passage of Proposition 13, the City's ability to support its existence as a city and to provide essential municipal services has been severely curtailed by the failure of property tax revenues to increase in proportion to the costs of municipal services. On two occasions the voters of the City adopted special tax measures to provide additional revenues to support the City, but those measures have now expired and the City has for two years been operating at a deficit. Throughout the General Plan Update public hearings and public workshops it was emphasized that the City must expand its economic base, specifically to include retail and visitor accommodation uses which will provide sales tax and transient occupancy tax revenues to the City if the City is to survive as an entity. The City Council received extensive testimony from both its City Manager and from its Community Development Director that the land uses proposed for the Fort Ord land to be annexed to the City in accordance with the General Plan Update will potentially generate positive net revenues to the City to help offset the historical revenue shortfall.

Evidence: Re: Unavoidable cumulative impacts, measures taken to eliminate or lessen City's contribution to those impacts, and the effect of actions of other FORA-related agencies: Final EIR; Final draft of General Plan Update, including added and modified policies and programs; FORA Reuse Plan Final EIR; adopted Fort Ord Reuse Plan.

Evidence: Re: City control of development of Fort Ord land proposed for annexation: Testimony of George Jaksha, Tim Madden, Jim Clark and Frank Lichtanski at Regular Meeting of City Council (February 7, 1997); Testimony of City Manager Steven Endsley at Public Workshop (February 25, 1997).

Evidence: Re: City's fiscal condition and economic benefits of General Plan Update: Testimony of Steve Williams at Joint Special Meeting of City Council and Planning Commission (September 12, 1995); Testimony of City Community Development Director Joseph Cavanaugh, Mayor Jack Barlich, City Manager Steven Endsley, Barry Fahringer, Jerry Edelen, Tim Madden and Frank Lichtanski at City Council Meeting (February 7, 1997); "General Plan Summary Information Workshop Handout" (February 25, 1997); Testimony of City Manager Steven Endsley and City Community Development Director Joseph Cavanaugh at Public Workshop (February 25, 1997); "Projected Costs and Revenues for City of Del Rey Oaks Proposed Project at Fort Ord" (presented at Public Workshop, February 25, 1997).