

**Final  
INITIAL STUDY/  
NEGATIVE DECLARATION  
for the**

**DEL REY OAKS HOUSING ELEMENT**

**SCH #2019109070**



**December 2019**



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# Chapter 1. Introduction

## 1.1 BACKGROUND

This document, together with the Draft Initial Study/Negative Declaration (Draft IS/ND), constitutes the Final Initial Study/Negative Declaration (Final IS/ND) for the City of Del Rey Oaks Housing Element (proposed project or project). The City of Del Rey Oaks (City) is the lead agency for the project and the State of California Housing and Community Development Department (HCD) is the Responsible Agency under the California Environmental Quality Act (CEQA). The Final IS/ND consists of an introduction, comment letters received during the 30-day public review period, responses to comments, and revisions to the Draft IS/ND, if deemed applicable.

The Draft IS/ND was prepared to inform the public of the potential environmental effects of the proposed project and identify possible ways to minimize potential project-related impacts.

## 1.2 PUBLIC PARTICIPATION

Pursuant to the CEQA Guidelines Section 15073(a), the Draft IS/ND was circulated for a 30-day review period during which comments could be submitted. On October 24, 2019, the Draft IS/ND was distributed for the public review period to responsible and trustee agencies, interested groups, and individuals. The review period ended on November 22, 2019. In addition, the City Council considered this project at a City Council meeting held on November 6, 2019. No persons provided comments on the proposed project or the Draft IS/ND at this hearing. A City Planning Commission meeting was held on November 25, 2019, at which time the Planning Commission recommended to the City Council adoption of the Final IS/ND and approval of the Housing Element. A meeting is scheduled for December 17, 2019 at the City Council to consider adoption of the Final IS/ND and approval of the Housing Element and submittal for final review to HCD.

# Chapter 2. Response to Comments

## 2.1 INTRODUCTION

This chapter provides responses to comments on the Draft IS/ND. This section contains required information available in the public record related to the Draft IS/ND including all written comments received from the public and public agencies during the circulation of the Draft IS/ND. This section contains all information available in the public record related to the Draft IS/ND as of December 19, 2019. **Section 2.3** below responds to comments received during and after the review period.

## 2.2 LIST OF COMMENT LETTERS

The following is a list of comment letters/email comments received on the Draft IS/ND and the dates these letters were received:

- |    |  |                   |
|----|--|-------------------|
| A. | State Clearinghouse, Office of Planning and Research     | November 22, 2019 |
| B. | Sean Kranyak ( <i>Note- Comment on Housing Element</i> ) | November 19, 2019 |
| C. | Monterey County Airport Land Use Commission              | November 22, 2019 |
| D. | John Farrow, Attorney for LandWatch Monterey County      | November 15, 2019 |

## 2.3 CONSIDERATION OF COMMENTS

While responses to comments on a proposed negative declaration are not required by CEQA (Pub. Resources Code, § 21000 et seq.), this document is provided to demonstrate the City's careful consideration of the comments in compliance with CEQA. Letters received on the Draft IS/ND are identified in this chapter. Letters and attachments have been made available on the City's website and available at City Hall: (<https://www.delreyoaks.org/community/page/update-housing-element> located at 650 Canyon Del Rey Boulevard, Del Rey Oaks, California, 93940 (during regular business hours). To aid in the organization and responses, the individual comments in each letter are numbered (attached) and numbered responses to such comments are provided in the following discussion where appropriate.

Additional text or revisions to the Draft IS/ND are presented in **Chapter 3, Revisions to the Draft IS/ND**.

The comments received on the Draft IS/ND did not result in a "substantial revision" of the negative declaration, as defined by CEQA Guidelines §15073.5, and the written responses and any new information presented in Chapter 3 serve to clarify, amplify or make minor modifications to the IS/ND to aid the reader or to consider requests from the commenters. No new significant effects were identified since the commencement of the public review period that would require mitigation measures or project revisions to be added in order to reduce the effects to less than significant.

### **Letter A: State Clearinghouse, Office of Planning and Research**

**A-1:** The letter states that the State Clearinghouse submitted the Draft IS/ND to selected state agencies for review and identified that no state agencies submitted comments to the State Clearinghouse during the public review period. The letter further notes that the proposed project has complied with OPR review requirements for draft environmental documents. No further response is required.

### **Letter B: Sean Kranyak**

**B-1:** The comment letter is on the Housing Element draft content and is not a comment on the IS/ND. The letter, from a neighboring property owner, identifies a correction on a map included in both the Housing Element and the Draft IS/ND. This map has been corrected and replaced in this Final IS/ND. This information can be reviewed in **Chapter 3, Revisions to the Draft IS/ND**.

### **Letter C: Monterey County Airport Land Use Commission**

**C-1:** The commenter references the Airport Land Use Compatibility Plan (ALUCP) for the Monterey Regional Airport (Policy 4.1.10.1) and notes the proposed update to the Housing Element must be referred to the Airport Land Use Commission (ALUC) for a consistency determination. The ALUC staff recommended that the Housing Element is considered consistent with the ALUCP; the ALUC approved this consistency determination on the Del Rey Oaks Housing Element at their meeting on December 15, 2016. Refer to additional information in **Chapter 3, Revisions to the Draft IS/ND**.

### **Letter D: John Farrow, Attorney for LandWatch Monterey County**

#### **Introductory Overview:**

The comment letter is from counsel for LandWatch and states LandWatch supports the efforts by Del Rey Oaks to comply with the requirement to update its Housing Element and to accommodate

its share of the Regional Housing Needs Allocation (RHNA). However, the letter states LandWatch opposes locating any housing in the former Fort Ord. The commenter also asserts an Environmental Impact Report (EIR) is required if the adoption of the Housing Element will require use of groundwater from the Salinas Valley Groundwater Basin (SVBG) related to pumping in the former Fort Ord area. The commenter states the Housing Element should be revised to delete any potential for lands within former Fort Ord within the Housing Element and states there are suitable sites within the jurisdiction of California American Water (CalAm) and Monterey Peninsula Water Management District (MPWMD) where water will be available.

The project is the adoption of a Housing Element of the General Plan, which is subject to detailed statutory requirements and mandatory review by the State of California Department of Housing and Community Development (HCD). State housing law establishes detailed content requirements for the Housing Elements and establishes a regional “fair share” approach to distributing housing needs throughout all communities in the Monterey Bay Area. The law recognizes that in order for the private sector and non-profit housing sponsors to address housing needs and demand, local governments must adopt land use plans and implementing regulations that provide opportunities for, and do not unduly constrain, housing development. The Housing Element must provide clear policies that relate to housing needs. The housing action programs are intended to: (1) identify adequate residential sites available for a variety of housing types for all income levels; (2) focus on the provision of adequate housing to meet the needs of lower and moderate income households; (3) address potential governmental constraints to the maintenance, improvement and development of housing; (4) conserve and improve the condition of the existing affordable housing stock; and, (5) promote housing opportunities for all persons.

The proposed project as documented in the IS/ND does not meet the requirements for preparation of an EIR. This Initial Study meets the requirements for a ND; as such the ND is a written statement describing the reasons why a proposed project will not have a significant environmental impact and why the project does not require the preparation of an EIR (Public Resources Code §21064). The IS/ND addresses a planning and policy document; as such, the project does not require an EIR because as shown in the IS/ND there are no significant and unavoidable physical impacts on the environment resulting from the adoption of the Housing Element, directly or indirectly.

The Housing Element identified suitable sites to meet the RHNA within former Fort Ord and notes there are suitable sites within other areas of the City as well. The request by LandWatch to delete references from the Housing Element for use of Sites 1 and 1a is referred to decision makers. The request to consider other areas outside of former Fort Ord is addressed in the current Land Use Inventory of the Housing Element. In addition, in consideration of the request of LandWatch, the Housing Element Land Inventory Analysis as well as several programs identified in Chapter 7.0 of the Housing Element have been revised (See Staff Report for December 17, 2019 City Council Report, Staff Recommendations and Revisions to the Housing Element). The Draft IS/ND has appropriately assessed the environmental impacts of the proposed project. As a result, the proposed project is not anticipated to have a significant impact on the environment due to the project activities. More detailed responses to comments are located below and additional discussion has been added per the commenter’s requests in certain areas. These edits can be viewed in **Chapter 3, Revisions to the Draft IS/ND**.

Housing Element programs and revisions identify where the City would meet the RHNA. The Housing Element Land Use Inventory describes these sites and their constraints. A major revision within the Housing Element draft programs removes the rezoning or general plan action or program as part of this Housing Element Update. Further, revision include additional review of the Land

Inventory Analysis to address comments and includes further discussion of environmental constraints and water availability for the properties within the Land Use Inventory, as well as amplifying discussion of water planning efforts on the Peninsula.

## Major Responses

Within the letter provided by John Farrow, LandWatch, there are some common topics raised. This section contains a list of major responses as well as individual responses to comments. The intent of a major response is to provide a comprehensive response to an issue so that multiple aspects of the issue can be addressed in a coordinated, organized manner in one location that clarifies and elaborates on the analysis in the Draft IS/ND. This ensures that each topic is thoroughly addressed and reduces repetition of responses. Response to individual comments cross-reference the appropriate major response when the comment is pertinent.

The major responses address comments related to topics that are repeatedly referenced in the LandWatch comment letter. The following major responses are included below:

### Major Response #1: Adequacy of Initial Study, Substantial Evidence, and Fair Argument

*This major response provides general information regarding adequacy of the Draft IS/ND, and the definition of substantial evidence and fair argument to aid the reader.*

CEQA Guidelines Section 15151 says that “[a]n evaluation of the environmental effects of a proposed project need not be exhaustive, but [rather] the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.” Further, CEQA Guidelines Section 15204 (a) states “...reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.”

Further, CEQA Guidelines Section 15384 states: “(a) ‘Substantial evidence’ as used in these guidelines means enough *relevant information and reasonable inferences* from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. .... (b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence.”

While the CEQA lead agency’s decisions regarding the significance of environmental effects addressed in an EIR must be based on substantial evidence, the CEQA Guidelines recognize that other evidence suggesting a different conclusion may exist. The Draft IS/ND and this Final IS/ND present substantial evidence to support the conclusions drawn within these documents regarding the significance of the project’s environmental effects. When a point of evidence is provided by a commenter to support a disagreement with the IS/ND’s conclusion, the evidence is summarized and considered in reaching the IS/ND’s conclusion. This Final IS/ND including the major responses, individual responses, and revisions to the Draft IS/ND, are also provided to substantiate the conclusions reached in the Draft IS/ND regarding significance of impacts. The City, as lead agency, will ultimately determine which conclusion is appropriate, based on the substantial evidence presented in the IS/ND and other documents in the whole of the record. The lead agency

will review and consider comments and testimony in the whole of the record in making its decisions about the project and its environmental effects.

## **Major Response #2: Salinas Valley Groundwater Basin Impacts**

*This major response addresses comments related to the impacts from groundwater in the former Fort Ord, including the following: D-3, D-4, and D-5.*

Throughout the comment letter LandWatch claims that the project would increase groundwater pumping and thereby contribute to a cumulatively considerable groundwater impact, requiring an EIR. However, the comment that an EIR is warranted is not supported by substantial evidence. This comment confuses the issues and misconstrues the purpose of the project. The project would not directly or indirectly increase groundwater pumping from the SVGB. The Housing Element updates programs and does not in itself require or propose that development would occur (first tier) and as a result will not cause an increase in pumping to the SVGB. If rezoning is considered in the future, there would be no physical impact from the action of the land use amendment or from the rezoning (second tier impact). Rezoning or amending a land use designation provides a designation under which future development may occur, subject to many requirements and actions prior to any such physical development. Such a rezoning or amendment to a land use designation may allow for an application to be made to allow potential future development (third tier) that could, in the future if developed, result in an increase groundwater pumping once a project is located, permitted, constructed and implemented. However, the effects of those projects would be evaluated on a project-by-project basis. Further, under the City General Plan, City Redevelopment Plan and FORA Reuse Plan, development is already planned for and some services extended to provide for the future development. Thus, under baseline conditions with or without a Housing Element Update, development and future water use can occur under the existing approved and adopted plans and EIRs. The development contemplated would be amended to allow for affordable housing uses to meet the RHNA, up to 86 affordable residential units. However, the current land use planning and zoning allow for a much larger and greater development area and density of development than that which could be considered under the RHNA. Further, the previous EIRs adopted for the General Plan, FORA Reuse Plan and Redevelopment Plan considered the environmental impacts of development. A future project level document would tier off the program level environmental documents to address development of affordable housing units up to 86 units within the City. The incremental effects of those projects would be evaluated in accordance with the requirements of CEQA once the location, density, and other specifics of these projects are known.

Further, per the recent changes to the Housing Element programs, specifically please see Section 3.0, **Revisions to the Draft IS/ND** pertaining to revisions to Program A.1 in Appendix A, there is no substantial evidence that groundwater pumping would occur as there are no areas actually proposed for rezoning or residential development. The project would not cause, or allow for, any increase in groundwater pumping or any other change in the physical environment, either directly or indirectly. Thus, the project will not cause or contribute to any project-specific or cumulative impacts. As a result, there is no substantial evidence that the project would increase groundwater pumping or result in a potential impact that would be individually insignificant but cumulative considerable. Potentially impacts associated with individual development projects would be evaluated at that time a specific proposal is made consistent with the requirements of CEQA.

The project consists of a housing element update with various program amendments. No increased pumping is proposed in connection with this project. Moreover, future rezoning would only occur subject to specific CEQA analysis and documentation. Additionally, the proposed programs in Housing Element update the current programs and policies of the current Housing Element and



adopted Redevelopment Plan. Both of these documents contemplated residential development in the redevelopment area of former Fort Ord at densities greater than contemplated in the Housing Element Update. Further, the General Plan EIR and FORA Reuse EIR considered major development of the former Fort Ord property albeit considered for commercial, visitor serving and golf course. These documents fully address environmental impacts of development. The physical impact and factors of development of a small number of affordable housing units in comparison to these other major uses is not materially different in terms of impacts.

**Major Response #3: Adequacy of Range of Alternatives for Meeting the RHNA**

*This master response provides general information regarding the requirements for an alternatives analysis under CEQA.*

CEQA Guidelines Section 15126.6 requires an EIR to consider a range of reasonable alternatives to the proposed project. The Draft IS/ND is not required to have an alternatives analysis per the Guidelines. However, the City considered a range of alternatives for locations where affordable housing could be considered to meet the RHNA in the Draft Housing Element’s Land Use Inventory Analysis (please see Section 3.0 and Appendix C of the Housing Element). The City considered 5 locations, all of which have some constraints in the form of available infrastructure, water availability, environmental resources and land use consistency.<sup>1</sup>

**Master Response #4: Indirect Impacts**

This IS/ND evaluates the potential impacts associated with adoption of the proposed project, which provides the policy and regulatory framework for meeting the RHNA in the City. Currently no housing could be permitted under the proposed General Plan, zoning and land use map. Specific housing and residential development projects that may be proposed in the future are unknown at this time. Because the proposed project is a high-level planning tool, as described above it would be speculative to determine the future details of housing projects, affordable or otherwise.

As discussed in Population and Housing section of the Draft IS/ND, the proposed project would only result in a significant impact related to population growth only if it would lead to substantial unplanned growth either directly or indirectly. According to CEQA Guidelines Section 15064(d)(2), an indirect environmental impact is a change to the physical environment that is not immediately related to the project, but which is caused indirectly by the project. Per CEQA Guidelines Section 15358(a)(2), indirect effects are changes to the physical environment that occur later in time or farther removed in distance than the direct impacts of the proposed project, but are still reasonable foreseeable. According to CEQA Guidelines Section 15064(d)(3), an indirect impact should be considered only if it is a reasonably foreseeable impact caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

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<sup>1</sup> Per CEQA Guidelines Section 15126.6(a), an EIR alternative analysis should describe a range of reasonable alternative projects that could feasibly attain most of the objectives of the proposed project and to evaluate the comparative merits of the alternatives. The Guidelines further require that discussion focus on alternatives capable of eliminating significant adverse impacts of the project or reducing them to a less-than-significant level, even if the alternative would not fully attain the project objectives or would be more costly. An EIR need not consider alternatives that have effects that cannot be reasonably ascertained and/or are remote and speculative. Alternatives considered must include those that offer substantial environmental advantages over the proposed project and may be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors. These factors are not required in an IS/ND.

The Draft IS/ND adequately addresses growth and housing because it includes data on employment and housing projections and the RHNA requirements. While there are no specific locations identified in context with any housing development, the sites inventory identified general areas where vacant or underutilized land is available to meet the RHNA. All of these are only approximate location and no specific determination of new land uses are included as part of the Housing Element. The Draft IS/ND discloses the reasonably foreseeable growth- inducing impacts and satisfies the standards set forth in CEQA Guidelines 15126.2(d) in reference to growth and housing impacts. The discussion provided is adequate with respect to satisfying CEQA requirements, while stopping short of providing misleading speculation.

## Individual Responses

D-1. The comment states: “If the City permits residential development within the former Fort Ord using groundwater, it must prepare an Environmental Impact Report.” The commenter identifies that an EIR is required, citing that the project will have a significant effect on the environment. However, the commenter does not provide any evidence or rationale specifically pertaining to this substantial evidence or why an EIR is required. Please refer to Major Response #1, under CEQA Guidelines Section 15151, the adequacy of an EIR, or Initial Study for that matter, is determined in terms of what is reasonably foreseeable. As stated in the Draft IS/ND the Housing Element is not a proposal for development, no homes will be directly or indirectly constructed, and water use is not proposed. The project is a Housing Element update and as required by State law, the Element identifies suitable land area where the City can provide enough land area to meet its RHNA. The Housing Element does not specify that affordable housing or any development will be implemented or constructed. However, per State Housing Law, it is a policy document that outlines policies and programs moving forward to reach RHNA and allow the City to provide affordable housing. Further the Draft IS/ND repeatedly states that these specific development project for housing will require their own separate environmental review at the time these projects are proposed.

In addition, as noted in the changes contained in Section 3.0, **Revisions to the Housing Element & Draft IS/ND**, the City does not propose any rezoning or any construction of housing units. Therefore, the assumption that housing will be constructed in the former Fort Ord and draw water which would create significant impacts to groundwater, is speculative. Because the precise location of affordable housing has not been determined at this time, and the future water source or location of water source is not known, the City, nor LandWatch, cannot speculate as to the potential site-specific effects.

Further, adopted urban water management plans and environmental documents including EIRs approved by the City, the Fort Ord Reuse Authority (FORA), and by other agencies including the Marina Coast Water District (MCWD), have identified the area of the former Fort Ord as proposed future development. As such, the plans and environmental documents already consider the future use of water to be supplied by the MCWD (through groundwater withdrawal or other sources) on the former Fort Ord property.

The Draft IS/ND has been prepared with sufficient analysis to provide decision makers with information to enable them to make a decision on project approval that takes into account environmental consequences. The Draft IS/ND adequately addresses growth and housing because it includes data on employment and housing projections and the RHNA requirements. While there are no specific locations identified in context with any housing development, the sites inventory identified general areas where vacant or underutilized land is available to meet the RHNA. All of these are only approximate location and no specific determination of new land uses are included as part of the Housing Element. The Draft IS/ND discloses the reasonably foreseeable growth-

inducing impacts and satisfies the standards set forth in CEQA Guidelines 15126.2(d) in reference to growth and housing impacts. The discussion provided is adequate with respect to satisfying CEQA requirements, while stopping short of providing misleading speculation.

- D-2. The commenter provides background on substantial evidence and the “fair argument” standard but does not provide the rationale for substantial evidence or a fair argument. Please see Major Response #1, CEQA relies upon “substantial evidence” in determining the severity of an impact and the commenter does not provide this evidence.
- D.3 The comment letter states that the analysis of impacts caused by permitting potential future residential development in the former Fort Ord is inadequate; specifically, the comment letter is referring to potential impacts on groundwater. Please also see Major Response #2. Also, to assume the Housing Element permits a residential development project is incorrect. No such permit is part of the project and the adoption of the Housing Element policy document will not impact groundwater. There is no specific project or location for development, and analysis of project level impacts would be purely speculative at this stage. The claim that groundwater will be impacted is not based on substantial evidence and further to assess these impacts in the Draft IS/ND would be misleading. Additional information has been added to the Draft IS/ND pertaining to current and future water supply and groundwater in the former Fort Ord (please see **Section 3.0 Revisions to the Draft IS/ND**).
- D.4 The comment letter claims that the proposed project is deferring consideration of the environmental impacts, specifically those related to water use, please see Major Response #2 and #5. The letter states that a full analysis at this first tier of environmental review must be completed, regardless of future tiers of review. However, to complete a full environmental review for a future potential project that does not include any location, density, design or engineering plan would be completely speculative. Also, with the edits to Section 3.0, **Revisions to the Draft IS/ND**, as stated above, there are no specific areas proposed for rezone or development at this time. Rather, the Land Inventory Analysis focuses its effort on identifying potential sites to meet the Cities RHNA and identify constraints at these sites. The City is considering up to five options which all have constraints due to infrastructure, water, and land use and which would need to be considered before proposing any housing projects. As stated throughout the IS/ND subsequent environmental review will be required for any future development projects. To complete an environmental review on a potential residential development in the former Fort Ord, when there are no proposals for development and further the City has not even identified this area as the area that will be developed, misconstrues the intent of the City and further is speculative.

Further, the comment letter ascertains that the project should be considering water supplies that are planned to be available in the MPWMD/CalAm service area. See Responses to D-11.

- D.5 The commenter states that the City must prepare an EIR because there is substantial evidence, provided by Mr. Parker, that placing residential development within the former Fort Ord would cause a significant cumulative impact to groundwater resources.

CEQA requires an EIR “to discuss cumulative impacts when they are significant and the project’s incremental contribution is cumulatively considerable” (CEQA Guidelines, § 15130, subd. (a); *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 909 (*City of Long Beach*) [the analysis of cumulative impacts “is only necessary if the impact is significant and the project’s incremental effect is cumulatively considerable”]). The CEQA Guidelines define “cumulative impacts” as “two or more individual effects, which, when considered together, are considerable ... or compound or ... compound or increase other environmental impacts.” (CEQA

Guidelines, § 15355). The ultimate goal of the analysis is to determine whether the proposed project's incremental contribution is "cumulatively considerable" and thus significant. (See CEQA Guidelines, § 15130, subd. (a)). "'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past project, the effects of current projects, and the effects of probable future projects." (Id., § 15065, subd. (a)(3)).

The comment incorrectly assumes that the project would result in increased pumping of the SVGB. As explained in Major Response #2, the proposed project would not cause, or allow for, any increase in groundwater pumping or any other change in the physical environment, either directly or indirectly. Additionally, as identified in Section 3.0, **Revisions to the Draft IS/ND** pertaining to revisions to Program A.1, no proposed rezoning or land use designation amendments to allow a change in land use to residential would occur. Thus, no future groundwater pumping would result from revised land uses, land uses are already allowed that would include future development and there are no additional areas actually proposed for redevelopment other than under baseline conditions. Thus, the project will not cause or contribute to any project-specific or cumulative impacts. There is no substantial evidence that the project would increase groundwater pumping or result in a potential impact that would be individually insignificant but cumulative considerable.

It should be noted the analysis of cumulative impacts is only necessary if the impact is significant and the project's incremental effect is cumulatively considerable. The statement above supports a step-one finding that there is no significant cumulative impact from cumulative groundwater pumping (as there is no development proposed) in connection with the Housing Element. Therefore, to address the comment that CEQA requires an EIR to reach an express significance conclusion at the "first step" of a cumulative impact analysis, the IS/ND satisfies this requirement by concluding that implementation of the Housing Element would not have any significant cumulative impact from groundwater pumping. "The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable" (CEQA Guidelines section 15064(h)(4)). "Just as zero when added to any other sum result in no change to the final amount, so, too, when no environmental impacts cognizable under CEQA are added to the alleged environmental impacts of past projects, there is no cumulative increased impact" (Santa Monica Chamber of Commerce v. City of Santa Monica (2002) 101 Cal.App.4th 786, 799). Additionally, the City does not control any land use decision that is made outside the boundary of the City limits. Instead, the cities and County of Monterey and FORA represent the local land use authorities responsible for land use decisions in their boundaries.

To clarify, the Final IS/ND document includes additional discussion in Section 3.0, **Revisions to the Draft IS/ND**, under Cumulative (b), on Page 57.

- D.6 The commenter states that the City may not rely on the 6,600 acre-feet/year FORA allocation as there is no permanent right to pump groundwater to support Fort Ord development. The comments states that the Monterey County Water Resources Agency (MCWRA) agreement with the Army to pump up to 6,600 afy was a "short-term" agreement and that no pumping would be permitted if seawater intrusion continued. The commenter goes on to state that a replacement water supply for the 6,600 afy allocation was required as part of this agreement to support reuse of the Fort Ord.

Water availability has been identified in the Land Inventory Analysis as a constraint to development within the former Fort Ord and throughout the City. However, the City disagrees with the statement that there is no water available to serve future development in the former Fort Ord through MCWD. Additional discussion of future water supply efforts and existing and planned efforts to address

seawater intrusion have been added to the Draft IS/ND, please see Section 3.0, **Revisions to the Draft IS/ND**, under Hydrology and Water Quality as well as Cumulative.

- D-7 The commenter claims that uncertainty concerning the City’s water allocation in the former Fort Ord after FORA sunset in 2020 could inhibit the City’s construction and operation of residential projects in this area, and possibly even make the project infeasible in the end. Please see Section 3.0, **Revisions to the Draft IS/ND**, the City does not propose a specific location for the construction of housing units; therefore, the assumption that there would be no water allocation to support housing is mere conjecture, at this point the development of affordable housing is not predicated on the fact that it will be developed in Fort Ord. As we understand MCWD is working with all the jurisdictions to have signed, individual agreements with each jurisdiction for water service and availability within the context of the former 6,600 acre feet of water from FORA. There is no reason to believe that this will not occur prior to 2020, FORA's sunset.

Further, if development were proposed in the former Fort Ord, it is nothing but speculative to assume that the MCWD will revoke the City’s water allocation after FORA sunsets. Further, it would, at this juncture, be speculative for the City to forecast whether such a challenge would be filed, when it would occur, whether an injunction would be issued to halt project progress, how long resolution of it would take, and what the outcome may be of such an action. Any development project, and certainly any complex project, is subject to a myriad of legal hurdles on the permitting and judicial fronts. The fact that MCWD could challenge the City’s water allocation does not in and of itself make the project infeasible.

- D-8 The commenter states the Housing Element proposes a policy to consider residential use in Sites 1 and 1a, as well as Sites 2, 3 and 4. Sites 1 and 1a and are currently designated for commercial use in the General Plan’s Land Use Element. All sites would require a change in land use designation to allow residential. The commenter takes issue with a statement that the Housing Element is consistent with the General Plan. The writer intended to relay the policies in the Housing Element update are considered consistent with those in the General Plan. The commenter is correct that the Del Rey Oaks General Plan designates both Site 1 and 1a as GC (C-1-V), “General Commercial-Visitor.” (General Plan, Figure 2, Land Use Map.) The General Plan identifies the land uses for these two parcels as Conference Center, Golf Course, Retail (Specialty Shops), Fitness Center, Office Park, and Corporate Office Center. (General Plan, Figure 2A and Table 1.) Government Code section 65300.5 requires a General Plan to be integrated and internally consistent and compatible state of policies. However, in *Friends of Aviara v. City of Carlsbad*, (2012) 210 Cal. App. 4th 1103 the court found that Housing Element Law's requirement that a municipality set forth the means by which it will “achieve consistency” with other elements of its general plan demonstrates a clear legislative preference that municipalities promptly adopt housing plans which meet their numerical housing obligations even when creating temporary inconsistency in general plans.<sup>[1]</sup> In this case, the City contemplates an update to the Housing Element in 2020 which would include future rezoning and general plan amendment to address the Housing Element land use consistency. This future update, would therefore, achieve consistency with the City General Plan.

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<sup>[1]</sup> In this case, the City contemplates a future rezoning and general plan amendment to address the Housing Element land use consistency.

- D-9 The commenter claims that the Housing Element is inconsistent with the Fort Ord Reuse Plan. Please see **response D-8** above related to consistency. Sites 1 and 1a are located within the boundaries of the FORA. FORA adopted the *Fort Ord Reuse Plan* in June 1997. Each land use jurisdiction within FORA's boundaries is required to prepare and adopt appropriate amendments to their general plans to ensure consistency with the adopted Reuse Plan. Each land use agency must submit all land use decisions affecting lands within FORA's boundaries to FORA for a determination of consistency with the Reuse Plan.

Pursuant to FORA's enabling legislation and adoption of the Reuse Plan, Del Rey Oaks prepared and adopted an amendment to its General Plan to be consistent with the adopted Reuse Plan. The City of Del Rey Oaks amended its' General Plan and Zoning Ordinance in June of 1997 for the purpose of providing land use designations and development standards and policies for the City's lands within the former Fort Ord in conformance with the land use designations and development standards and policies of the Reuse Plan. On December 9, 1998, the City Council of the City of Del Rey Oaks passed and adopted Resolution No. 98-20 which declared the City's intent to carry out the General Plan Update in conformity with the Fort Ord Reuse Plan and Authority Act. In December 1998 FORA determined that the amendments to the City's General Plan and Zoning Ordinance were consistent with the Reuse Plan. The proposed Redevelopment Plan incorporates policies contained in the City General Plan that was amended to be consistent with the Reuse Plan, and the Redevelopment Plan indicates that future development must be consistent with the General Plan. The redevelopment plan also received a consistency determination from FORA.

Del Rey Oaks submitted the documentation to FORA and received a determination of consistency that the City's General Plan Update is consistent with the Reuse Plan. Prior to any redesignation of properties within the former Fort Ord, the City will provide the amendments to FORA for a consistency determination.

- D-10 The commentator recommends the City consider sites 2, 3, and 4 in the Land Inventory Analysis, stating that considering these options would "obviate the need for an EIR." Please see Major Response #3, although the IS/ND is not required to evaluate a range of alternatives, the Housing Element did consider sites 2, 3, and 4 in the Land Use Inventory Analysis and found potential constraints to development related to infrastructure, water availability, and land use conflicts for all these sites. There are several milestones that need be reached before water can become available at sites 2, 3, and 4, including completion of either the Monterey Peninsula Water Supply Project (MPWSP) Desalination Plant or the Expansion of the Pure Water Monterey Groundwater Replenishment Project. The Pure Water Monterey Groundwater Replenishment Project as currently approved and scheduled for completion in early 2020, would not provide any water for future housing or growth, as this water is to be used to reduce the Carmel River pumping. However, if approved, the proposed Expansion Project for the PWM/GWR would supply an additional 2,250 acre feet per year of expansion water. The PWM/GWR Expansion project is identified as a back-up plan to the MPWSP. This expanded PWM/GWR would require completion of a Final EIR, as well as approval of permits and construction. The MPWSP also requires completion of permitting and construction of the project prior to water delivery to the Monterey Peninsula. Although it is not certain that water will be provided to the City, these planned water sources may come available under the MPWMD allocation program or the MPWMD provide another water allocation source. The City would welcome water allocation for affordable housing from the MPWMD. The City has revised their Program A.1 (see Section 3.0, **Revisions to the Draft IS/ND**) to include consideration of all sites to meet the City's RHNA.

- D-11 The commenter states that Sites 2, 3, and 4 are suitable to develop the necessary 86 units required by RHNA, therefore eliminating the need to develop housing on Sites 1 and 1a within former Fort Ord. Please reference Master Response #4, a Land Use Inventory Analysis conducted of these sites is included in the Housing Element and assesses the opportunities and constraints for development of these sites to fully meet the RHNA (full RHNA of 86 units).

The commenter notes that Sites 2 and 3 of the Site Inventory Analysis would provide 40.5 acres of development space, which they consider more than enough land to develop 86 RHNA units. The commenter stated that the RHNA units could be developed on as little as 8.6 acres, with a density of 10 units per acre. However, the Land Use Inventory Analysis summary conducted of both sites determined that these sites would not have realistic capacity for 86 units.

Due to environmental constraints and water availability, Site 2 has the capacity of up to 8-12 units, and the affordability within this site is assumed to be low- to moderate-income level housing. A portion of Site 3 is in a floodplain due to close proximity to Canyon del Rey Creek, therefore, has the capacity for up to four units, assuming that an on-site well or future water project is complete to provide water to these sites. As an alternative to development of Sites 1 and 1a, both sites combined could potentially only fulfill the 11 RHNA requirements for above moderate-income households.

The commentator further restates that Site 4 would accommodate 185 Accessory Dwelling Units (ADU), according to the Draft Housing Element, which would be more than enough to accommodate the 70 low and very low-income unit portion of the RHNA. Also, the commenter adds the assumption that since the Housing Element acknowledging only 185 sites accommodating ADU's, the City does not currently support ADU's on lots less than 8,000 square feet. The commentator further suggests the City should amend zoning requirements to allow ADU's on lots less than 8,000 square feet, which could then accommodate over 185 ADU's, and the City could solely rely on ADU's to meet RHNA requirements. See Program C.2 in the City's Housing Element, this program identifies that the "City will update their ADU Ordinance to be compliant with State regulations and promote the development of ADUs." To state that the City is not committed to supporting the development of ADUs is false, as there is as Program C.2 in the Housing Element that clearly states that the City is committed to developing ordinances to support the development of ADUs.

The commenter states that the City could avoid Sites 1 and 1a within former Fort Ord through use of Site 4 which could potentially fulfill the need for the remaining 70 low- and very low- income units and 5 moderate-income units required by RHNA, assuming that the City is provided additional water under the MPWMD allocation program and an additional water source is approved. The City does not currently have any remaining water allocated for ADUs within the City limits to provide water to these units. These sites are all within the MPWMD where there is a current Cease and Desist Order (CDO) prohibiting new hookups for water from the State Board; this CDO will not be lifted unless a new water source becomes available. Further, the commenter also assumes that these units would be in the price range to meet the low and very low-income affordable unit requirements, however, given housing costs, ADU units could qualify as moderate income units.

During the HCD 60-day review period of the Draft Housing Element, HCD directed the City to the former Fort Ord area as the most suitable site for future development required to meet the City's RHNA goals. HCD staff noted the area within the MPWMD has water availability issues and is familiar with all of the Peninsula Housing Elements. The cities and areas of the County within the MPWMD have prepared Housing Elements. Each of the elements submitted over the last two

decades, as well as current submittals, identify water as a major constraint to development of affordable housing in this area. Water is the main constraint to meeting 86 RHNA units on Sites 2, 3, and 4. However, as stated in response D.11 above, in response to these comments the City has revised their Program A.1 (see Section 3.0, **Revisions to the Draft IS/ND**) to include consideration of all of the sites in the Land Use Inventory to meet the City's RHNA.

- D.12 The comment opines that water will be available by 2021 for sites 2, 3, and 4 and provides various recent local projects that may provide this source of water. Assuming that the City is provided additional water under the MPWMD allocation program and an additional water source is built and/or approved (see response D.10 on status of these projects), there are still various constraints outlined in the Land Inventory Analysis to develop affordable housing at these sites 2, 3, and 4 including available infrastructure and land use compatibility. However, the City is interested in obtaining water for affordable housing from the MPWMD in any case. See response D.11. If planned water sources become available during the current planning period under the MPWMD allocation program, the City would welcome this. Program A.1 (see Section 3.0, **Revisions to the Draft IS/ND**) includes consideration of all sites to meet the City's RHNA.

#### **Attachments to LandWatch Letter.**

The LandWatch comment letter submits numerous and lengthy attachments, including comments on another jurisdiction's EIR for a development project which has since been disapproved and then, suggests that these comments should be considered as comments on this IS/ND document. The comments on the MCWD annexation project area specific to the IS/MND for the annexation and SOI project proposed by the MCWD and not specific to the Housing Element. Additionally, the area of Monterey Downs EIR, referenced in the letter, is within the City of Seaside and not a part of the City's Housing Element. The comment letter attempts to join the now defunct Monterey Downs project as a part of this IS/ND.

Notwithstanding the above, MCWD specifically addressed LandWatch's hydrologist Timothy Parker's comments groundwater impacts in a response letter which is part of the record for the MCWD Annexation and SOI project, as located online at:

[https://www.mcwd.org/docs/ocsiaa/PUBLIC%20FINAL%20IS%20ND%20MCWD%20Fort%20Ord%20Annexation%202018-16-2\\_FINAL.pdf](https://www.mcwd.org/docs/ocsiaa/PUBLIC%20FINAL%20IS%20ND%20MCWD%20Fort%20Ord%20Annexation%202018-16-2_FINAL.pdf)

MCWD also specifically addressed LandWatch's hydrologist Timothy Parker's comments on the Seaside Monterey Downs project in a November 8, 2016 letter to Seaside City Manager Craig Malin (re: Response to Timothy Parker Technical Memorandum Dated October 8, 2016). This document is also included in the MCWD Final IS/MND for the Annexation and SOI project (link above). As noted in Paragraph 1.4 of MCWD's Response, the California Department of Water Resources (DWR) had then approved a groundwater basin boundary modification, which carved out the Adjudicated Seaside Subbasin from the then Seaside Subbasin and merged the remaining of the Seaside Subbasin with the remainder of the Corral De Tierra Subbasin into a new Monterey Subbasin. The comment letter claims that the entire SVGB is "is critically overdrafted and has been so identified by the Department of Water Resources" [Emphasis in original]. DWR has designated eight subbasins within the SVGB. Of the eight subbasins, only the northern most, the 180/400 Foot Aquifer Subbasin, and the southernmost, the Paso Robles Area Subbasin within both Monterey and San Luis Obispo Counties, have been designated as being Critically Overdrafted. MCWD's production wells are located along the northern boundary of the Monterey Subbasin and pump groundwater from the Monterey Subbasin.



As LandWatch has provided their comment letter on the MCWD IS/MND for the annexation and SOI project, please refer to Paragraphs 3 and 4 of MCWD's November 8, 2016 Response. MCWD's hydrogeological consultant Curtis J. Hopkins has determined that portions of the 180/400 Foot Aquifer Subbasin situated south of the Salinas River, also referred to as the "North Marina Area," has protective groundwater levels that in some areas are sufficiently above sea level to prevent seawater intrusion into the inland portion of the Dune Sand and upper 180-Foot Aquifers and retard the rate flow of seawater into the lower 180-Foot Aquifer located south of the Salinas River.

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## Chapter 3 Revisions to the Draft IS/ND

The following section includes revisions to the text of the Draft IS/ND, in amendment form. The revisions are listed numerically by page number. All additions to the text are shown underlined and all deletions from the text are shown ~~stricken~~.

### Chapter 4. Initial Study Environmental Checklist

Page 11, Section 2.5 Project Description has been amended as follows:

Further the site analysis identified 5 sites within portions of the City-owned property on the former Fort Ord area (Sites 1 and 1a s shown in **Appendix B**) as suitable to meet the need; however, all these sites have constraints such as available infrastructure, water availability, and consistency with local general plans or planning documents.

Further, policies and programs are identified to meet the City's unique and specific position in the regional housing market while meeting the demands of a growing community and changing housing market. The Draft Housing Element includes a number of policies and programs to provide a range of additional housing for the City's residents and reach the RHNA. Policies and programs promote future mixed-uses that would include both residential and commercial uses as well as amend the City General Plan and Zoning Ordinance to provide adequate housing to meet the RHNA need of 86 units, ~~specifically in City-owned property in the former Fort Ord area (as identified in the Housing Element)~~. In addition, policies and programs are identified to meet State law requirements, including housing assistance, housing rehabilitation, equal housing opportunities, and residential energy conservation (refer to **Appendix A**).

State law requires that a housing element contain a statement of "the means by which consistency will be achieved with other General Plan elements and community goals" (California Government Code, section 65583 [c][7]). There are two aspects of this analysis: 1) an identification of other General Plan goals, policies and programs that could affect implementation of the Draft Housing Element; and 2) an identification of actions to ensure consistency between the Draft Housing Element and affected parts of other General Plan elements. The Draft Housing Element includes goals, policies, programs, and objectives that are generally consistent with the City's General Plan, potential location of sites would require.

The City's current General Plan contains several elements with policies related to housing, including Land Use and Circulation Elements. The goals and policies of the Draft Housing Element support the broad vision statements contained in the City's General Plan, as well as land use classifications for residential, commercial and open space. Many sites identified in the Land Inventory Analysis of the Housing Element as potentially suitable to meet the City's RHNA, including sites identified in the former Fort Ord, would need to undergo a rezone and general plan amendment for designating the sites for residential prior to allowing residential development. These amendments would make the sites consistent with the General Plan, if determined by the City that they are feasible for residential development given the potential constraints (see **Section 5.11 Land Use and Planning** for more information). Finally, the goals, policies, programs, and objectives established in the Draft Housing Element are primarily consistent with, and attempt to implement,

those set forth in the Land Use Element for residential development. Other planning documents applicable to the Draft Housing Element, including those that guide development in the former Fort Ord, are further discussed in **Section 5.11 Land Use and Planning**.

As General Plan elements are amended over time, the City would review the Draft Housing Element to ensure internal consistency. Adoption of the Draft Housing Element may also result in future changes to the Land Use and/or the Circulation Elements, as well as the potential for new implementing ordinances.<sup>2</sup> As the City's Housing Element is required to be regularly revised pursuant to a statutory schedule, the update process would provide housing and land-use strategies that closely reflect changing local needs, resources, and conditions.<sup>3</sup>

**Page 11, Section 2.6 General Plan Consistency** has been amended as follows:

State law requires that a housing element contain a statement of “the means by which consistency will be achieved with other General Plan elements and community goals” (California Government Code, section 65583 [c][7]). There are two aspects of this analysis: 1) an identification of other General Plan goals, policies and programs that could affect implementation of the Draft Housing Element; and 2) an identification of actions to ensure consistency between the Draft Housing Element and affected parts of other General Plan elements. The Draft Housing Element ~~includes goals, policies, programs, and objectives that~~ are generally consistent with the City's General Plan.

The City's current General Plan contains several elements with policies related to housing, including Land Use and Circulation Elements. The goals and policies of the Draft Housing Element support the broad vision statements contained in the City's General Plan, as well as land use classifications for residential, commercial and open space. Sites in the Land Inventory Analysis, including those located in the former Fort Ord, identified in the Housing Element as potentially suitable to meet the City's RHNA would need to undergo a general plan amendment to specifically allow for residential land use designations as well as a rezone for residential development. The former Fort Ord area sites would also need a FORA consistency determination. All sites, with the exception of Site 4, also need a residential designation and thus also would need a general plan amendment and rezoning. Locations for Site 4, ADUs, would need to be determined feasible for residential development (see **Section 5.11 Land Use and Planning** for more information). Finally, the goals, policies, programs, and objectives established in the Draft Housing Element are primarily consistent with, and attempt to implement, those set forth in the Land Use Element for residential development. It is also noteworthy that previous programs for the current Housing Element (Programs 8 and 9) identify residential uses and specify densities for redevelopment areas within the City (referencing the former Fort Ord) (please see **Appendix B** 1992 Policy and Program Comparison to Currently Proposed Policies Table). Other planning documents applicable to the

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<sup>2</sup> The City has reviewed policies in the other elements of the General Plan and has concluded that none of the policies will impede the City's achievements of, or be inconsistent with, the policies of the proposed project. Furthermore, it has been found that policies contained in the proposed project will help contribute to the achievement of General Plan policies.

<sup>3</sup> Certain other elements of the General Plan must be updated on or before the next adoption of the housing element. The Safety and Conservation Elements of the General Plan must include analysis and policies regarding fire and flood hazard management Government Code section 65302[g]).

Draft Housing Element, including those that guide development in the former Fort Ord, are further discussed in **Section 5.11 Land Use and Planning**.

**Page 37, Section 5.9 Hazards and Hazardous Materials** has been amended as follows:

As part of the transfer, the Army entered into a State Covenant to Restrict Use of Property with DTSC, with which the City agreed. This Covenant prevented the following types of use for the entire Del Rey Oaks MRA: residential use, day care facilities that do not have measures to prevent contact with soil, schools for persons under 21 years of age, and hospitals (other than veterinary hospitals). During the development of the 2006 Draft Housing Element, DTSC and the City discussed removing the restriction on residential use and how this may be accomplished. ~~Future implementation of program(s) in the 2019 Draft Housing Element provide for rezoning of Site 1 and 1a in former Fort Ord to allow for up to 86 units of residential units to meet the RHNA.~~ DTSC covenant restrictions will either need to be amended or lifted to construct the units under the RHNA.

**Page 14, Figure 4 Land Use Designation Map** has been replaced with a corrected figure. See new Figure 4, attached:

**Page 29, Section 5.4 Biological Resources** has been amended as follows:

The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5<sup>th</sup> Planning Cycle and a carryover of 59 housing units from the 4<sup>th</sup> Planning Cycle. Programs identified within the Draft Housing Element include amendment to the Zoning Ordinance to meet the City's RHNA. The Draft Housing Element also provides a Land Use Inventory of potential sites for development and establishes policies and programs to meet the RHNA, ~~specifically for the area of the two of five of the sites identified in~~ Land Use Inventory are located in the former Fort Ord owned by the City. The Draft Housing Element, however, does not grant entitlements for new projects, nor does it include site-specific proposals, nor would the Draft Housing Element otherwise result in new development within the City. Further, the precise nature and extent of future housing in the area cannot be determined at this time. As indicated in the Land Use Inventory the location and nature of development would be guided by the City's General Plan and Zoning Ordinance. Prior to approval of any housing projects or Zoning Ordinance amendments, the City would be responsible for CEQA compliance and permitting to address any subsequent project-level activities relating biological resources.

**Page 37, Section 5.9 Hazards and Hazardous Materials** has been amended as follows:

As part of the transfer, the Army entered into a State Covenant to Restrict Use of Property with DTSC, with which the City agreed. This Covenant prevented the following types of use for the entire Del Rey Oaks MRA: residential use, day care facilities that do not have measures to prevent contact with soil, schools for persons under 21 years of age, and hospitals (other than veterinary hospitals). During the development of the 2006 Draft Housing Element, DTSC and the City discussed removing the restriction on residential use and how this may be accomplished. ~~Future implementation of program(s) in the 2019 Draft Housing Element provide for rezoning of Site 1 and 1a in former Fort Ord to allow for up to 86 units of residential units to meet the RHNA.~~ Two of five of the sites identified in Land Use Inventory are located in the former Fort Ord owned by

the City, DTSC covenant restrictions will either need to be amended or lifted to construct the units under the RHNA.

**Page 39, Section 5.10 Hydrology and Water Quality** has been amended as follows:

Water Availability, Groundwater and Seawater Intrusion

Two regional water management agencies have jurisdiction over groundwater production in the vicinity of the proposed project area. A majority of the City is served by the Seaside Groundwater Basin, which is managed by MPWMD in cooperation with California American Water (CalAm). The Seaside Groundwater Basin is not designated as a critically over-drafted basin. The Monterey County Water Resources Agency (MCWRA) is responsible for regulation and supply of water from the Salinas Valley Groundwater Basin (SVGB). The SVGB is located within the former Fort Ord, which has been designated as critically overdrafted by the Sustainable Groundwater Management Act of 2014 (SGMA). SGMA is a California State law that requires groundwater basins are made sustainable by maintaining balance of pumping and recharge and assuring water quality. In 1997 under SGMA, the Salinas Valley Basin Groundwater Sustainability Agency was tasked with the developing a comprehensive groundwater sustainability plan by 2020 and implementing the plan to achieve basin sustainability by 2040.

It is estimated that the SVGB has an average annual non-drought overdraft of approximately 50,000 AFY (Cal Water, 2010). As a result of this consistent overdraft, groundwater levels in the SVGB have dropped below sea level, allowing seawater to intrude from Monterey Bay into aquifers located 180 and 400 feet below ground surface. Historically, groundwater withdrawal within the SVGB has outpaced groundwater recharge of fresh water and has resulted in overdraft and seawater intrusion conditions (Brown and Caldwell, 2014; California DWR, 2004b; MCWRA, 2012a, 2012b; Kennedy/Jenks, 2004; HydroMetrics WRI, 2013). Following its creation, MCWRA formulated a three-part strategy to combat seawater intrusion, which includes: (i) developing a surface water source to replace groundwater, (ii) stopping pumping along the coast, and (iii) moving surface water to the northern portions of the Salinas Valley to reduce groundwater pumping. Groundwater modeling shows that a reduction in groundwater pumping in the coastal areas has a greater beneficial influence on seawater intrusion than a pumping reduction elsewhere in the Basin. For this reason, MCRWA has focused its efforts on reducing groundwater use in the coastal areas. (MCWD UWMP 2015, Ferrini EIR, 2012).

The former Fort Ord has a 6,600 acre-foot water supply allocation from the SVGB, which traces to the U.S. Army's agreement with the MCWRA to join Zone 2. The U.S. Army paid \$7.4 million to MCWRA to join Zone 2. At the time of the agreement, it was anticipated that a project would be developed which would supply Salinas Valley groundwater from a location farther from Monterey Bay, and that groundwater pumping within the former Fort Ord boundaries would eventually be discontinued. Pumping from the 140-foot and 400-foot aquifers is limited to 5,200 acre-feet per year. Groundwater pumping is also contingent on its effects on seawater intrusion. Average water use by the U.S. Army (1988-1992) was about 5,200 acre feet, with a peak use of 6,600 acre-feet in 1984.

In addition to the 6,600 acre-feet of water from the Salinas Valley Groundwater Basin, the Base Reuse Plan anticipates the need for an additional 2,400 acre-feet from a supplemental supply. To address the need for additional water supply and address the long-term trend of seawater intrusion,

the MCWRA and its agency partners, including the MRWPCA, have a number of capital projects, further information is provided below:

- To date, MCWRA has implemented a number of projects to support these solutions; and MCWRA continues to monitor the extent of seawater intrusion and to undertake new efforts to reduce groundwater pumping. These efforts are discussed more fully below. To date, landowners and local water and wastewater agencies have consistently responded to the problem over more than half a century with a series of measures, described below, designed to reduce or halt the advance of seawater intrusion:
  - Constructing Lake Nacimiento (capacity 377,900 acre-feet or AF) in 1957 and Lake San Antonio (capacity 335,000 AF) in 1967 to augment groundwater recharge to the Salinas Valley Groundwater Basin. Reservoir releases in summer percolate through the Salinas River riverbed and banks, which helps supply water for pumping and elevates groundwater levels in the Upper Valley and Forebay Subbasins and indirectly helps to repel seawater intrusion at the coast. The operation of the reservoirs increases groundwater recharge by about 30,000 AF per year (AFY) (RMC, 2003).
  - Drilling deeper wells in the coastal area—first to the 400-Foot Aquifer and then to the Deep Aquifer. Moving wells further inland to address seawater intrusion as needed (MCWD, 2015 UWMP).
  - Constructing the Salinas Valley Reclamation and Castroville Seawater Intrusion Projects to deliver recycled water to coastal cropland in lieu of pumping groundwater.
  - Constructing the Salinas Valley Water Project to deliver surface water to coastal cropland in lieu of pumping groundwater. This project modified the operation of Nacimiento and San Antonio Reservoirs and installed an inflatable dam in the Salinas River near the coast to divert water for irrigation on nearby cropland.
- The Castroville Seawater Intrusion Project (CSIP) is a program that has distributed recycled water from the MRWPCA service area since 1998 (MCWRA, 2006). Tertiary-treated recycled water is produced by the Salinas Valley Reclamation Plant at the MRWPCA Regional Treatment Plant and delivered to agricultural users within the 180/400 Foot and East Side Subbasins of the Salinas Valley Groundwater Basin, thereby reducing groundwater extraction in those areas. This type of redistribution of water resources provides a form of in-lieu groundwater recharge by effectively reducing groundwater extraction in those areas of the basin that are part of the CSIP area. As of 2014, the CSIP was delivering approximately 15,300 AFY of recycled water to farmlands in the CSIP delivery area.
- The Pure Water Monterey Groundwater Replenishment (PWM/GWR) Project will serve northern Monterey County by providing: (1) purified recycled water for recharge of a groundwater basin that serves as drinking water supply; and (2) recycled water to augment the existing Castroville Seawater Intrusion Project’s agricultural irrigation supply (See Page 8, IS/ND). The PWM/GWR Project EIR analysis of recharge impacts associated with surface water diversions on Salinas Valley Groundwater Basin recharge found that the overall water balance of inflows and outflows to and from the Salinas Valley Groundwater Basin and the overall groundwater storage volumes and water levels in the 180/400 Foot Aquifer Subbasin would benefit from the PWM/GWR Project due to the provision of up to 5,142 AFY of new

tertiary-treated recycled water for irrigation of the CSIP area in lieu of groundwater pumping from these aquifers. (PWM/GWR EIR; Schaaf & Wheeler, 2015c). As documented in the PWM/GWR impact analyses in Section 4.10.4.4 (under Impacts GW-3 and GW-5), the Proposed PWM/GWR Project would have overall, net beneficial impacts on both groundwater quality and groundwater levels, recharge, and storage in the Salinas Valley Groundwater Basin.

**Page 44, Section 5.10 Hydrology and Water Quality** has been amended as follows:

- a-e) **No Impact.** The Draft Housing Element would not directly result in physical development that could impact to hydrology and water quality. The Draft Housing Element is strictly a policy document that identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5<sup>th</sup> Planning Cycle and a carryover of 59 housing units from the 4<sup>th</sup> Planning Cycle. Pursuant to State Housing Element Law (Article 10.6 of the Government Code), the Draft Housing Element also provides a Land Use Inventory of potential sites for development and establishes policies and programs to meet the RHNA. However, it is important to note that Housing Element law does not require to construct on these sites but rather identify potential sites for development. As a result, any future development proposal that is intended to assist in meeting the City’s projected housing need would be reviewed for impacts related to hydrology and water quality pursuant to the CEQA.

In addition, future housing projects would also be subject to mandatory water quality standards implemented through NPDES permit requirements which helps control the discharge of pollutants into stormwater and subsequent receiving waters during both construction and operations activities. The NPDES permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and construction Best Management Practices (BMPs), to reduce impacts to hydrology and water quality.

The Housing Element recognizes that water availability is a major constraint to development within the City to meet the RHNA. The Draft Housing Element would not result in development or new entitlements. Therefore, the Housing Element would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.

The population and per capita usage information presented in the MCWD 2015 UWMP (See also Utilities and Services Section of this Final IS/ND, Section 3.0), provide per capita water usage and water demand from 2010-2016. These document an overall decrease in water supplied from the SVBG for the former Fort Ord and a decrease in per capita water use district wide. As noted in the UWMP, the District’s annual water usage from the SVGB to supply the Ord Community has substantially and steadily declined in the past few years. In 2010, the Ord Community was supplied 2142 AF and in 2016, this was reduced to 1362AF.

Further, as stated previously the Sustainable Groundwater Management Act (SGMA) of 2014 established a framework for sustainable, local groundwater management. In 2017 the Salinas Valley Basin Groundwater Sustainability Agency was tasked with developing a comprehensive groundwater sustainability plan by 2020 and implementing the plan to achieve basin sustainability by 2040. The Housing Element will be required to implement this Groundwater Sustainability Plan



to ensure groundwater supplies are maintained and associated impacts due to seawater intrusion are addressed.

All future development proposals would be subject to site-specific environmental studies as deemed appropriate by the City and would be required to adhere to all water and waste discharge standards. Therefore, the Draft Housing Element would have no impact on hydrology and water quality.

**Page 44, Section 5.11 Land Use and Planning** has been amended as follows:

The General Plan addresses and incorporates objectives and policies from the Reuse Plan, containing specific residential land use policies and program actions. Upon adoption of the Reuse Plan, local jurisdictions were required to amend and submit their General Plans to FORA for a determination of conformity with the Reuse Plan, and to conform their zoning regulations to the FORA-approved amended general plans (Government Code sections 67675–67675.7, inclusive). The City prepared its General Plan Amendment, and FORA found the City’s General Plan Amendment was consistent with the Reuse Plan by Resolution (June 17, 1997). ~~The Reuse Plan has been reviewed for consistency with the Draft Housing Element and was found to be consistent.~~

**City Redevelopment Plan for the former Fort Ord Base.** The City adopted amendments to its Zoning Ordinance covering the Redevelopment Plan area in conformance with the land use designations, development standards, and policies of the Reuse Plan.<sup>4</sup> ~~The City’s Redevelopment Plan for the former Fort Ord Base has been reviewed for consistency with the Draft Housing Element and was found to be consistent.~~

**Air Quality Management Plan (AQMP).** Consistency of a Draft Housing Element with the regional population and employment forecast will result in consistency of the project with the local AQMP. MBARD incorporates the population in its preparation of the regional AQMP. Therefore, the regional population and employment forecast is consistent with the applicable AQMP.

**Monterey Regional Airport Land Use Plan.** Government Code section 65302.3 requires that the General Plan must be consistent with airport land use plans. The proposed project was heard by the Monterey County Airport Land Use Commission (ALUC) on December 16, 2019. Staff recommended and the ALUC approved that the proposed project is consistent with the 2019 Monterey Regional Airport Land Use Plan, based upon analysis conducted on noise compatibility, airspace protection, safety compatibility, and other flight hazards (please refer to **Attachment D**). This plan identifies safety and noise considerations and appropriate mitigation measures for areas surrounding the airfield. The requirement of consistency can impact both the development of housing and the cost of residential development due to development restrictions and/or the inclusion of noise attenuation features.

- b) In considering methods for meeting the City’s RHNA, the Draft Housing Element also includes a Land Use Inventory Analysis that assesses potential development constraints,

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<sup>4</sup> Resolution #97-1, approved by the City Council on July 17, 2002, adopted the General Plan Update and Certified the EIR for the General Plan Update.

such as water and zoning/planning documentation consistency, to identify areas that are most suitable for development. The City has ~~determined~~ identified 5 sites within the City lands within the former Fort Ord as potentially suitable, the most suitable for development however, all these sites have constraints such as available infrastructure, water availability, and consistency with local general plans or planning documents. Many sites, including those identified in the former Fort Ord, would be required to undergo a rezone in order to be consistent with the Reuse Plan, City General Plan, and other planning documents that govern development in the City and former Fort Ord. However, as stated previously, the Draft Housing Element is strictly a policy document that encourages housing opportunities and any future development proposal that is intended to assist in meeting the City's projected housing need will be reviewed pursuant to the CEQA. The proposed Draft Housing Element does not propose to change any of the City's practices which require that all future development projects comply all adopted local and State laws as well as the City General Plan and Municipal Code. Any and all future housing projects that proposed to meet the projected housing needs for the City will be considered a project, pursuant to the CEQA and will require project specific environmental review as well. As a result, the Draft Housing Element would not create a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The general rule in CEQA Guidelines § 15125(a) is that the existing environmental setting should normally constitute the baseline against which agencies assess the significance of project impacts. The current programs in the Housing Element are the baseline environmental setting and these constitutes the baseline physical conditions from which a lead agency determines whether an impact is significant. The Draft IS/ND evaluates the impacts that could occur as a result of adopting and implementing the proposed project, a Housing Element, which would guide future planning and RHNA in the City. Consistent with CEQA Guidelines 15125(a), the baseline conditions are to be described and used for impact analysis under CEQA are normally those that exist on the ground when CEQA review for a project begins. In this case, the City is considering adoption of a Housing Element with policies and programs updated from the 1992 base Housing Element.

Previous programs in the Housing Element contemplated redevelopment and general plan amendments to allow for residential uses in the areas of the City, including former Fort Ord, and specifically identified programs for residential uses. The following are current City programs under the existing 1992 Housing Element: Program 8: Amend the Land Use Element of the General Plan to identify areas suitable for redevelopment. Program 9: Amend the zoning ordinance to allow densities of at least 25 units per acre in redeveloped areas.

**Page 48, Section 5.13 Noise** has been amended as follows:

- a-c) **No Impact.** The Draft Housing Element would not result in the generation of substantial noise throughout the City. The Draft Housing Element is strictly a policy document and does not provide entitlements to any specific land use projects. Although the Draft Housing Element would not result in physical changes to the environment, the Draft Housing Element would provide for programs and policies that could facilitate new residential development. Future proposed development activities and projects would be required to be consistent with the City's Noise Ordinance and the

General Plan’s Noise goals, programs and policies. Future development would also be subject to CEQA compliance and permitting, which would minimize noise impacts. Goals of the General Plan include minimizing noise generated from streets, roads and highways; reducing aircraft generated noise to State noise standards; soundproofing in new constructions; and protecting citizens from exposure to excessive levels of noise. Additionally, the Monterey Regional Airport District works alongside the City to minimize the noise impacts of airport operations and all projects would need to be consistent with the Monterey Airport Land Use Plan. As previously mentioned in Section 5.9 Hazards and Hazardous Materials, the proposed project is consistent with the ALUCP with regard to noise compatibility criteria, based on analysis conducted by the ALUC. Potential noise from construction activities can be regulated by standard mitigation practices, conditions of approval and BMPs that are imposed as part of a permit process. As a result, the Draft Housing Element would have no impact on temporary or permanent increases in ambient noise levels or ground borne vibrations or noise levels nor expose people residing or working within the vicinity of a private airstrip or public or private airport.

**Page 49, Section 5.14 Population and Housing** has been amended as follows:

The City currently has over 1,700 residents in a total area of 0.5 square miles. Over the past decade, the City has maintained a static population with little variation from year to year. Population growth over the past two decades has increased slightly overall with a population increase of approximately 3 percent since 1990. Del Rey Oaks’ total population at the start of 2018 was estimated at approximately 1,727 (DOF, 2019). Data for the 2012-2016 reporting years indicates there were 140,169 units in the City with single-family residential development as the predominant housing type (82%) (U.S. Census Bureau, 2017).

Table 3 shows the current population estimate on former Fort Ord and the projected 2018 population, according to the FORA 2016-17 Annual Report.

**Table 3**  
**Current and Projected Former Fort Ord Population Estimate**

Year	Fort Ord Pop.	CSUMB Beds	Est. Total
2016-2017	13,306	2411	14,641

Source: FORA Annual Report 2016-2017

The 1997 Fort Ord Base Reuse Plan estimated a projected population for the Year 2015 development scenario as 38,859 (including 10,000 CSUMB students). However, as shown in Table 3, based on current information, the 2016-17 population was 14,641. As indicated, population and development are not meeting the estimates in the Base Reuse Plan and are actually much lower than the projections.

**Page 56, Section 5.19 Utilities** has been amended as follows:

*Water Supply.* Two water suppliers, the Marina Coast Water District (MCWD) and CalAm, serve the City. CalAm is a privately owned and operated water company with a system capacity regulated by the MPWMD. The City has negligible acre-feet per year (AFY) of water to allocate to new uses in the City within their MPWMD allocation, but they do have an allocation of water assigned for redevelopment of the former Fort Ord area of the City within the MCWD jurisdiction.

The majority of the City, with the exception of the area within the former Fort Ord, is under the CalAm operation and supply. CalAm draws from Carmel River surface water, alluvial ground water

in the Carmel Valley, and Seaside coastal ground water to supply customer needs. The Monterey Peninsula has historically experienced water shortages that limit residential development. CalAm is under a cease and desist order (CDO) and no new water connections are allowed within the service boundaries, which includes the City, until a new source of water supply is implemented. The portion of City within the boundaries of the former Fort Ord is within the jurisdiction of the MCWD, and new development must abide by its requirements and limitations.

The California Urban Water Management Planning Act (§10610 et. seq. of the CWC) requires urban water suppliers providing over 3,000 acre-feet per year (AFY) of water or having a minimum of 3,000 service connections to prepare plans (urban water management plans [UWMPs]) on a five-year, ongoing basis. An UWMP must demonstrate the continued ability of the provider to serve customers with water supplies that meet current and future expected demands under normal, single dry, and multiple dry year scenarios. These plans must also include the assessment of urban water conservation measures and wastewater recycling. Pursuant to Section 10632 of the CWC, the plans must also include a water shortage contingency plan outlining how the water provider will manage water shortages, including shortages of up to fifty percent (50%) of their normal supplies, and catastrophic interruptions of water supply. The MCWD is required to prepare UWMPs. The MCWD’s most recent Urban Water Management Plan (2015 UWMP) was adopted in June 2016. The 2015 UWMP projected demands for 20 years through the year 2035.

As provided for in the State law, this IS/ND incorporates by reference and relies upon many of the planning assumptions and projections of the 2015 UWMP in assessing the water demands of the proposed project relative to the overall increase in water demands expected within the entire MCWD service area. The 2015 UWMP projected a significant increase in water demand within the Ord Community due to the planned redevelopment of the former Fort Ord, as documented in the Fort Ord Base Reuse Plan, the General Plans of the various land use jurisdictions, and the approved specific plans within the Ord Community. The 2015 UWMP found that the projected Ord Community water demand of 8,293 AFY in year 2035 exceeded the currently available supply of 6,600 AFY. Additionally, because the current water supply within the Ord Community has been allocated among the land use jurisdictions, some jurisdictions maintain a projected surplus, while others have projected shortages.

Within the Ord Community, the 6,600 AFY of existing Salinas Valley groundwater supply has been allocated among the land use jurisdictions by the FORA, as shown in Table 3, below. The municipal jurisdictions (Cities and Monterey County) formally sub-allocate this supply to developments. Until additional water supplies are developed and allocated within the Ord Community, MCWD will only allow new service connections up to the usage totals allocated by the respective jurisdictions. FORA has also formally allocated the recycled water supply from the Phase 1 Recycled Water Project. Those allocations are included in Table 4.

**Table 4  
FORA Allocations in the Ord Community**

<b>Land Use Jurisdiction</b>	<b>Existing Groundwater Allocation (AFY)</b>	<b>Future Recycled Allocation (AFY)</b>
<b>City of Del Rey Oaks</b>	<b>243</b>	<b>280</b>
City of Marina (Ord)	1,325	345
City of Monterey	65	0
City of Seaside	1,012	453

**Table 4  
FORA Allocations in the Ord Community**

<b>Land Use Jurisdiction</b>	<b>Existing Groundwater Allocation (AFY)</b>	<b>Future Recycled Allocation (AFY)</b>
County of Monterey	710	134
Marina Sphere (existing use)	10	0
CA State Parks and Rec.	45	0
CSU Monterey Bay	1,035	87
Univ. of California MBEST	230	60
U.S. Army	1,577	0
Assumed Line Loss	348	68
<b>Total – Ord Community</b>	<b>6,600</b>	<b>1,427</b>

The City of Del Rey Oaks has a remaining unused allocation supply totals 243 AFY potable water and 280 AFY recycled water within the former Fort Ord. A portion of this is allocated to be used for the approved RV park to be developed on the eastern boundary as well as the water allocated to the owners of the RV Park project (reserved for the western boundary). Any development of future facilities including housing cannot be approved until rezoning and a general plan amendment are approved for the former Fort Ord property and UXO (unexploded ordnance) are removed as required under DTSC. Water supplies must also be verified for future development consistent with City policy for any property to be approved for development in the area.

Projected development within the City of Del Rey Oaks was accounted for in the 2015 UWMP, as were all areas within the former Fort Ord within the MCWD boundaries. The UWMP provides for a 243 acre-foot for year allocation for the City of Del Rey Oaks and includes proposed development projection for this area of the former Fort Ord within the City.<sup>5</sup>

All of the MCWD’s wells are located within the Monterey Sub-Basin of the Salinas Valley Groundwater Basin. MCWD has been designated as an exclusive Groundwater Sustainability Agency (GSA) within its LAFCO service area, and it participates in the Salinas Valley Basin GSA as a member of the Advisory Committee. A portion of the MCWD’s Ord Community service area overlays the Seaside Sub-Basin of the Salinas Valley Groundwater Basin, which is an adjudicated basin managed by the Seaside Water Master Board.

There are three defined aquifers within the MCWDs service area, the 180- foot, the 400-foot and the 900-foot or Deep Aquifer. The MCWD operates eight wells, with three in Central Marina and five in the Ord Community. The service areas are interconnected for reliability, with meters at the points of connection to facilitate managing the two well-fields to ensure each service area remains within its authorized withdrawal limit. The MCWD has sufficient well capacity to meet the maximum day demands with the largest well out-of-service. Current water production in the year 2006 was 4,295 AF/Y. In 2015, water production in the MCWD as 3,228 AF/Y, of which 1,808 AF was in the former Fort Ord community.

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Relevant data excerpted Section 1.4, Campus Town Water Supply Assessment, adopted by MCWD, June 2018, With Errata dated December 10, 2018

**Table 5**  
**Water Production by Service Area (AF)<sup>3</sup>**

Year	Central Marina	Ord Community	Total
2006	1,786	2,509	4,295
2007	1,622	2,941	4,563
2008	1,833	2,269	4,102
2009	1,962	2,076	4,038
2010	1,744	2,389	4,133
2011	1,698	2,348	4,047
2012	1,814	2,360	4,174
2013	1,467	2,964	4,431
2014	1,619	2,407	4,026
2015	1,420	1,808	3,228

The following table shows projected water demands for the MCWD through 2035. The projection is based on Table 6 of the 2015 UWMP, updated to 2018 (MCWD, 2018).

**Table 6**  
**Water Demand Projection by Service Area (AF)<sup>5</sup>**

	Jurisdiction	2012*	2015**	2020	2025	2030	2035	Allocation
<b>Ord</b>	U.S. Army	620	633	663	825	825	825	1,577
	CSUMB	404	404	442	632	755	779	1,035
	Del Rey Oaks	0	0	186	551	551	551	243
	City of Monterey	0	0	0	130	130	130	65
	County of Monterey	8	52	377	539	539	539	720
	UCMBEST <sup>4</sup>	3	3	94	299	515	515	230
	City of Seaside <sup>1, 2</sup>	657	657	592	783	1,097	1,560	1,012
	State Parks and Rec.	0	0	12	18	20	25	45
	Marina Ord Comm. <sup>3</sup>	264	285	901	1,572	1,702	1,704	1,625
	Assumed Line Loss	395	348	348	348	348	348	348
<b>Marina</b>	Armstrong Ranch	0	0	0	680	680	680	920
	Cemex	0	0	0	0	0	500	500
	Marina Central	1,823	1,823	2,184	2,491	2,606	2,725	3,020
Subtotal – Ord <sup>5</sup>		2,351	2,382	3,616	5,698	6,482	6,976	6,900
Subtotal – Marina		1,823	1,823	2,184	3,171	3,286	3,905	4,440
Total		4,174	4,204	5,800	8,868	9,768	10,881	11,340

\*Actual demands from calendar year 2012 used to represent a non-drought year.

\*\* Projected demands. Actual use was lower due to mandatory drought restrictions.

1. Includes Seaside Resort Golf Course use in 2012 and 2015 (temporary use).

2. Revised values shown in italics. Removes Monterey Downs and Golf Course irrigation.

3. Allocation includes 1325 AFY groundwater and 300 AFY existing pilot desalination plant

4. MBEST commented that they may develop up to 230 AFY as soon as the market allows it.

5. Allocation includes 6600 AFY groundwater and 300 AFY existing pilot desalination plant.

The MCWD is working towards developing new sources of water supply to meet projected demand increases due to redevelopment within the Ord Community, as well as taking actions to address groundwater wells impacted by seawater intrusion. The two major water supply projects described below are (i) reclaimed wastewater, and (ii) desalinated water, which make up the Regional Urban Water Augmentation Project. MCWD is investigating alternative sources of potable supply, which may be less costly than desalination.

Recycled water refers to sanitary sewage which undergoes treatment and disinfection, typically for non-potable uses such as agricultural and landscape irrigation. The Monterey One Water (M1W, formerly Monterey Regional Water Pollution Control Agency) operates a regional wastewater treatment facility in north Marina and produces reclaimed water for agricultural irrigation in the Castroville area. Through prior agreements with the M1W, the MCWD is entitled to receive recycled water from the regional plant, up to the volume of wastewater generated within the MCWD and sent to the plant. In 2007, MCWD began detailed design of the recycled water distribution system, and has now constructed several portions of the transmission main. In 2012, M1W began planning the Pure Water Monterey Groundwater Replenishment Project, which will develop additional sources of water supply and produce advanced treated water for injection into the Seaside Groundwater Basin for indirect potable reuse. In 2016, MCWD and M1W entered into an agreement allowing MCWD to participate in the Pure Water Monterey Project. MCWD is completing construction of the transmission main, which will be used to deliver advanced treated water for both groundwater injection and for urban irrigation.

Under the initial phase of the project, MCWD will receive up to 600 AFY of advanced treated water for urban irrigation use. In later phases, the project may be expanded and MCWD's share would increase to 1,427 AFY, which was the amount of non-potable demand in the Ord Community analyzed in the RUWAP EIR.

Desalinated Water: Given readily available saline and brackish waters near the MCWD's service area, desalinated water has been considered as another potential water supply. The MCWD's existing 300 AFY desalination plant is relatively small, but a larger facility to serve the MCWD is planned as a supplemental water supply. The Regional Urban Water Augmentation Project EIR includes a 1,500 AFY desalination facility for the MCWD. The facility was sized to provide 1,200 AFY of new supply to the Ord Community and 300 AFY to Central Marina, allowing the MCWD to retire the existing pilot desalination plant.

Conservation: The MCWD has an active water conservation program. Under the MCWD's water conservation ordinance, all new construction is required to incorporate water saving devices over and above the requirements of the state building code. Additionally, the MCWD has adopted the State's Model Water Efficient Landscape Ordinance. The MCWD requires developers to install water conserving fixtures during construction, landscapes which require high irrigation are discouraged, and a tiered water rate structure discourages water waste. The MCWD offers rebate incentives to replace less efficient water fixtures, for installing smart irrigation controllers, and for replacing lawns and sprinklers.

The State of California has established a goal of reducing per person water use by 20% by the year 2020, compared to the 2008 baseline demands. Toward that end, the California Building Code was updated in 2010, with the goal of reducing indoor water use to 55 gallons per person per day. In

the 2010 UWMP, the MCWD identified a year 2020 conservation target of 117 gallons per person per day (system-wide potable average).

Page 57, Section 5.21 Mandatory Findings of Significance has been amended as follows:

- a-c) ~~No Impact-Less than Significant Impact~~. Based on the analysis provided in this Initial Study, the Draft Housing Element would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Further, the Draft Housing Element would have no impact on environmental effects that are individually limited by cumulatively considerable.

CEQA requires that an EIR discuss cumulative impacts, in addition to project-specific impacts. In accordance with CEQA, the discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Further, the discussion is guided by the standards of practicality and reasonableness. According to Section 15355 of the CEQA Guidelines:

“Cumulative impacts” refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Section 15130(a)(1) of the CEQA Guidelines further states that a “cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.”

Section 15130(a) of the CEQA Guidelines also requires that an EIR discuss the cumulative impacts of a project when the project’s incremental effect is cumulatively considerable. Where a lead agency is examining a project with an incremental effect that is not cumulatively considerable, it need not consider the effect significant but shall briefly describe the basis for its conclusion. As further clarified in Section 15065 of the CEQA Guidelines, “cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. If the combined cumulative impact associated with the project’s incremental effect and the effects of other projects is not significant, 15130(a)(2) of the CEQA Guidelines requires a



brief discussion in the EIR of why the cumulative impact is not significant and is not discussed in further detail.

Section 15130(a)(3) of the CEQA Guidelines requires supporting analysis in the EIR if a determination is made that a project's contribution to a significant cumulative impact is rendered less than cumulatively considerable and, therefore, is not significant. CEQA recognizes that the analysis of cumulative impacts need not be as detailed as the analysis of project-related impacts, but instead should "be guided by the standards of practicality and reasonableness" (CEQA Guidelines Section. 15130(b)). The discussion of cumulative impacts in the EIR focuses on whether the impacts of the proposed projects are cumulatively considerable.

A cumulative impact consists of an impact that is created as a result of the combination of the proposed project together with other projects causing related impacts. The potential for cumulative impacts occurs when the independent impacts of the project are combined with impacts of past projects, the effects of other current projects, and the effects of probable future projects to result in impacts that are greater than the impacts of the project alone. The fact that a cumulative impact is on the whole significant does not necessarily mean that the project-related contribution to that impact is also significant. Instead, under CEQA, a project-related contribution to a significant cumulative impact is only significant if the contribution is cumulatively considerable. An EIR may also determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact (CEQA Guidelines §15130(a)(3)).

Under CEQA, "cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The geographic area of the cumulative analysis is the entire City. All the cumulative impacts have been considered in the previous regional planning documents, such as the Fort Ord Reuse Plan EIR (1996), City General Plan Update EIR (1997), Fort Ord Redevelopment Project Initial Study (2003), for full build-out of the City and Fort Ord and therefore are already addressed. Any future environmental impacts have already been evaluated in these documents, the Housing Element will have a less than significant contribution to any cumulative impact.

The City General Plan Update EIR identified significant and 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 (see **Appendix E**, Findings For The Certification Of Environmental Impact Report for the Del Rey Oaks General Plan Update Project).

The Reuse Plan EIR identified significant unavoidable cumulative impacts associated with traffic and circulation; need for local water supplies; regional transportation system demand; increased demand for law enforcement services and the increased demand for fire protection/emergency services; exposure to hazardous materials; public health and safety transit services demand; and visual resource impacts associated with landscape change along the State Route 1 corridor.

Significant unavoidable cumulative impacts were evaluated in the Reuse Plan EIR and FORA adopted “Findings of Overriding Consideration” in relation to these issues. Local jurisdiction planning documents incorporate land use policies consistent with the Reuse Plan. Mitigation measures address cumulative impacts, including development and enforcement of stormwater detention plan, working with FORA and local law enforcement and fire protection agencies to develop a regional program and funding for these services, and implementation of design guidelines for development along the Highway 1 corridor.

As stated in **Section 5.11 Land Use and Planning**, in adopting the Reuse Plan, FORA adopted a “Constrained Development” scenario in which overall land use intensity was significantly reduced from what was evaluated in the Reuse Plan EIR to ensure that the reuse of the former Fort Ord will restrain development to available resources and services. This also serves to minimize cumulative impacts identified in the Reuse Plan EIR. Future proposed development activities and projects will be required to be consistent with the local jurisdiction General Plans and Zoning Ordinances in order to be consistent with the land uses and policies contained in the adopted *Fort Ord Reuse Plan*.

Further, a redevelopment plan, in conformance with the General Plan for the City of Del Rey Oaks was adopted by the City in 2004 (see **Appendix F** Resolution Concurrent Resolution Certifying Review and Consideration of the Information in the Fort Ord Reuse Plan Final Program EIR and the Del Rey Oaks General Plan Amendment EIR Addendum and Making Findings Required By the CEQA in the Approval and Adoption of the Redevelopment Plan for the Del Rey Oaks Fort Ord Redevelopment Project Area).

The adoption of the proposed Housing Element will not result in development or physical impacts to the environment. Adoption of the plan is a guidance document for the City and provides programs to achieve compliance with housing element state law as well as a land use inventory defining sites which could meet the RHNA of the City. All sites would require a number of steps and City actions prior to development of housing units, including rezoning, general plan amendments, applications for development of housing and City consideration of the above. Each of the sites would need to propose specific locations and plans detailing where development could occur. Additionally, future development projects would be subject to site-specific environmental review as discussed in each section above. As a result, cumulative as well as project-level, indirect as well as direct, impacts of these approved projects have been adequately analyzed in an earlier EIR or negative declaration.

With regard to cumulative effects for the following issues, Chapter 5, Sections 5.1 to 5.20 indicate that these areas would not result in a potentially significant impact: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, population and housing, land use and planning, noise, and transportation and circulation, public services, recreation, utilities, energy resources, and wildfire.

The project would not combine with related projects or other cumulative growth to result in significant cumulative impacts. With respect to water resources, including potential impacts to Salinas Valley Groundwater Basin, the project would have no impact on these resources, and therefore could not combine with other projects to result in cumulative impacts. The project would

not combine with related projects or other cumulative growth to result in significant cumulative impacts.

As stated throughout this document, the Draft Housing Element is strictly a policy document, intended to guide the City in meeting the projected housing need over the next four years. The adoption of the Draft Housing Element would not grant any entitlements for the development of housing. Additionally, all future housing development projects, whose outcome assists in meeting the City's housing development objectives, would be considered a project under the CEQA and would require project-specific environmental review at the time of project submittal.

As a result the Draft Housing Element would have ~~no impact~~ less than significant impact due to: 1) the project's potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory; 2) environmental effects that are individually limited but cumulatively considerable; or, 3) environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly.

## **Additional Attachments**

**Appendix A. Chapter 7.0 Housing Plan of the Draft Housing Element**, the following programs have been amended, see attached.

**Appendix B. 1992 Policy and Program Comparison to Currently Proposed Policies Table**, has been added, see attached.

**Appendix D. Resolution No. 19 – 017 Finding the proposed amendment (update) to the Housing Element of the City of Del Rey Oaks General Plan consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport. REF190043, City of Del Rey Oaks (multiple Assessor’s Parcel Numbers)**, has been added, see attached.

**Appendix E. Findings for the Certification of Environmental Impact Report for the Del Rey Oaks General Plan Update Project**, has been added, see attached.

**Appendix F. Resolution Concurrent Resolution Certifying Review and Consideration of the Information in the Fort Ord Reuse Plan Final Program EIR and the Del Rey Oaks General Plan Amendment EIR Addendum and Making Findings Required By the CEQA in the Approval and Adoption of the Redevelopment Plan for the Del Rey Oaks Fort Ord Redevelopment Project Area**, has been added, see attached.

**Update References on Page 63, References** have been added as follows:

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[CalAm] California American Water Company. 2018. CalAm Monterey Peninsula Water Supply Project, Final Environmental Impact Report, prepared for the California Public Utilities Commission.

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- Harding ESE. 2001. Final Report, Hydrogeologic Investigation of the Salinas Valley Basin in the Vicinity of Fort Ord and Marina, Salinas Valley, California, prepared for the Monterey County Water Resources Agency.
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- [MCWD] Marina Coast Water District. 2003. Water Supply Assessment and Written Verification of Supply for the Marina Heights Specific Plan, prepared with Byron Buck & Associates.
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- [MCWD] Marina Coast Water District. 2006a. Water Supply Assessment and Written Verification of Supply for the Proposed Marina Station Project, prepared with Byron Buck & Associates.
- [MCWD] Marina Coast Water District. 2006b. Water Supply Assessment and Written Verification of Supply for the Proposed Cypress Knolls Residential Project, prepared with Byron Buck & Associates.
- [MCWD] Marina Coast Water District. 2007a. Water Supply Assessment and Written Verification of Supply for the Proposed Resort at Del Rey Oaks.
- [MCWD] Marina Coast Water District. 2007b. Water Supply Assessment and Written Verification of Supply for the City of Seaside Main Gate Specific Plan, prepared with Byron Buck & Associates.
- [MCWD] Marina Coast Water District. 2016a. 2015 Urban Water Management Plan, prepared by Schaaf & Wheeler, Consulting Civil Engineers.
- [MCWD] Marina Coast Water District. 2016b. Pure Water Delivery and Supply Project Agreement between Monterey Regional Water Pollution Control Agency and Marina Coast Water District.
- [MCWD] Marina Coast Water District. 2017a. Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017, approved December 18, 2017.
- [MCWD] Marina Coast Water District. 2017b. Quarterly Water Consumption Report, period ending: December 31, 2017.

[MCWD] Marina Coast Water District. 2018. 2017 Consumer Confidence Report for Central Marina and Ord Community.

[MCWRA] Monterey County Water Resources Agency. 1993. Agreement between the United States of America and the Monterey County Water Resources Agency concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency, Agreement No. A-06404, September 21, 1993.

[MCWRA] Monterey County Water Resources Agency. 1996. Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands (1996). Document recorded in the Office of the Monterey County Recorder on August 7, 1996, at Reel 3404 Page 749.

[MCWRA] Monterey County Water Resources Agency. 2017. 2015 Groundwater Extraction Summary Report, April 2017.

### **INCORPORATION BY REFERENCE**

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

FORA Reuse Plan and EIR

City General Plan and EIR

Redevelopment Plan EIR and IS

MCWD Annexation and SOI IS/MND

## **Appendix A**

### **Chapter 7.0 Housing Plan of the Draft Housing Element**

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## CHAPTER 7.0 HOUSING PLAN

### Housing Goals, Policies and Programs

Under California law, the housing element must include the community's goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing. This Housing Element contains five goal statements the City has identified to address major housing related issues facing the community. The following goals, policies, and programs are identified to meet the City’s unique and specific position in the regional housing market while meeting the community demands of a growing community and changing housing market.

The Housing Plan is organized into two sections: Goals and Policies, and Housing Programs. A goal is a higher-level statement that addresses the general nature and intent of the City’s housing objectives. Under each goal statement, policies are also identified which provide guidance and expand upon the City’s goals. Following the Goals and Policies section, the Housing Programs section describes specific actions, procedures, or strategies the City will take to carry out the identified goals and policies. These programs also specify who the primary responsibility is for carrying out these actions and an estimated timeframe for its accomplishment. The timeframe indicates the fiscal year in which the activity is scheduled to be completed. These timeframes are general guidelines and may be adjusted based on City staffing and budgetary considerations.

Based on the goals, policies, and programs outlined in the Housing Element and findings from the Housing Needs Assessment, the following objectives represent a reasonable expectation of the number of new housing units that can be developed, rehabilitated, or conserved/preserved for the 5<sup>th</sup> Cycle Planning Period (**Table 7-1**).

**Table 7-1  
Quantified Objectives Summary**

Income Category	Allocation by Cycle*		Totals by Income Category	New Construction	Rehabilitation	Conservation/ Preservation	Total Units By Housing Type	
	5 <sup>th</sup> Cycle	4 <sup>th</sup> Cycle						
Very Low (0-50% of AMI)	7	34	41	41	0	0	41	Combined Low and Very Low = 70
Low (51-80% of AMI)	4	25	29	29	0	0	29	
Moderate (81-120% of AMI)	5	-	5	5	0	0	5	Combined Moderate/ Above Moderate = 16
Above Moderate (more than 120% of AMI)	11	-	11	11	0	0	11	
<b>Total Units</b>	<b>27</b>	<b>59</b>	<b>86</b>	<b>86</b>	<b>0</b>	<b>0</b>	<b>86</b>	
*4 <sup>th</sup> Planning Cycle affordable housing shortfall requirement applies to very low- and low-income only.								
** Total very low and low-income								
Source: HCD Projected Housing Needs – Regional Housing Needs Allocation (HCD, 2019)								

## Goals and Policies

### Housing Opportunities

**GOAL A: THE CITY WILL PROVIDE ADEQUATE SITES TO BUILD NEW HOUSING UNITS FOR ALL INCOME LEVELS AND TO MEET THE CITY'S FAIR SHARE OF HOUSING NEEDS.**

The City wants to facilitate a wide range of housing types to ensure there is adequate supply to meet the current and future needs of the City. By maintaining a balanced inventory of housing types including sizes, price and style, the City will ensure that adequate supply is available to meet existing and future housing needs. Persons and households of different ages, types, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. This goal will ensure the provision of adequate sites that will allow for development of a variety of affordable housing in a safe and sustainable environment for all residents of the City, consistent with the City's housing allocation adopted by the AMBAG.

### Policies

- A.1 Development of Underutilized Sites: The City shall ensure adequate vacant land and underutilized sites suitably zoned and prepared for residential development and/or redevelopment are available to meet the City's housing need as identified by AMBAG.
- A.2 Diversity of Housing Types that Meet City and Regional Housing Needs: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, live-work units, and units in mixed-use developments.
- A.3 Affordable Housing: The City shall promote the development of housing affordable to lower- and moderate-income households by pursuing State and federal funding sources for affordable housing projects. Where possible, the City shall partner with existing non-profit and for-profit corporations that are interested and able to construct and manage very low- and low-income households in the City.
- A.4 New Sources of Infrastructure Financing: The City shall continue to seek new sources of financing for necessary infrastructure improvements for new development to facilitate new housing development.

### Affordable Housing

**GOAL B: THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE CITY.**

The City is committed to provide adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. In order to do this, the City has identified a number of policies and programs ranging from seeking funding from varied sources, thereby increasing the opportunities for the development of affordable housing units, to working with non-profit and for-profit developers in the production of affordable for-sale and rental housing. Recognizing that homeownership plays a significant role in establishing strong neighborhoods and a sense of community pride, the City also supports programs that make purchasing a home a realistic option for lower-income households.

**Policies**

- B.1 Adoption of Inclusionary Housing Ordinance: The City shall safeguard availability of affordable housing to moderate-, low-, very low-, and extremely low-income households through the adoption of Inclusionary and Affordable Housing Requirements.
- B.2 Homeownership Housing: The City shall encourage the development of ownership housing and assist tenants to become homeowners within the parameters of federal and state housing laws.
- B.3 Provide Incentives for Affordable Housing: The City shall promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low-income households.
- B.4 Affordable Rentals: The City shall identify and solicit redevelopment funds as well as federal and State financial assistance for the construction of rental housing units and for rent subsidies for very-low-income and low-income households.

**Remove Constraints****GOAL C: THE CITY WILL WORK TO REMOVE GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS TO HOUSING DEVELOPMENT.**

Pursuant to State law, the City is obligated to address, and where legally possible, remove governmental constraints affecting the maintenance, improvement, and development of housing. Removing constraints on housing development can help address housing needs in the City by expediting construction, and lowering development costs.

**Policies**

- C.1 Flexible Development Standards: The City shall continue to improve and streamline the project review process by periodically evaluating and ensuring that zoning provision, City site improvement standards, development review procedures, entitlements procedures, and development fees do not unreasonably constrain the development, conservation, and rehabilitation of housing. Should constraints be identified, actions such as amendments to policies and procedures may be implemented to reduce or eliminate those constraints.
- C.2 Reduce or Eliminate Non-Governmental Constraints: The City shall monitor non-governmental constraints, such as interest rates, construction costs, water availability, and others, through consultation with developers, lenders and other entities directly involved in the provision of housing. Should constraints be identified, actions such as amendments to policies and procedures may be implemented to reduce or eliminate those constraints.

**Equal Housing Opportunities****GOAL D: THE CITY WILL PROMOTE EQUAL HOUSING OPPORTUNITIES FOR ALL PERSONS.**

The City recognizes the importance of extending equal housing opportunities for all persons, regardless of race, religion, sex, family status, marital status, ancestry, national origin, color, age, physical or mental disability, sexual orientation, source of income, or any other arbitrary factor.

The City has many residents who have special housing needs. State law requires the housing element to address the needs of specific “special needs” groups, including seniors, persons with disabilities, large families with

children, female-headed households, and people who are homeless. Meeting the needs of these residents requires a broad range of strategies for housing and other services. This section also addresses student and faculty housing.

### Policies

- D.1 Fair Housing Services: The City shall support efforts to eliminate housing discrimination on the basis of race, gender, color, religion, age, marital status, offspring, or disability. The City shall ensure compliance with federal, State, and local Fair Housing and anti-discrimination laws and ordinances. Federal, State, and local Fair Housing laws make it illegal to discriminate against any person because of race, color, religion, gender, disability, familial status, national origin, ancestry, marital status, sexual orientation, source of income, or age in the rental or sale, financing, advertising, appraisal, provision of real estate brokerage services, etc., and land-use practices.
- D.2 Reasonable Accommodation: The City shall encourage provision of an adequate supply of suitable housing to meet the needs of people with disabilities. The City will continue to implement a reasonable accommodation process for persons with disabilities to request exceptions or modifications of zoning, permit processing, and building regulations to ensure housing is accessible. The City will require incorporation of ADA and California Title 24 Disabled Access Regulations into new construction.
- D.3 Housing for Seniors: The City shall support housing programs that increase the ability of senior households to remain in their homes or neighborhoods, and if necessary, to locate other suitable affordable housing to rent or purchase.
- D.4 Family Housing: The City shall facilitate and encourage the development of larger rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.
- D.5 Student and Single-Room Occupancy Housing: The City shall facilitate and encourage the development of rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.
- D.6 Support Organizations Serving the Homeless Community: The City shall support the efforts of non-profit and community organizations that provide emergency shelter and other assistance for the homeless population, including alcohol and drug recovery programs.

### Quality Housing Opportunities

**GOAL E: THE CITY WILL CONTINUE TO CONSERVE AND IMPROVE THE CONDITION OF THE EXISTING HOUSING STOCK TO ENSURE THE SAFETY, WELFARE, AND AFFORDABILITY OF RESIDENTS.**

Conserving and improving the housing stock helps maintain investment in the community and keeps existing housing affordable. Many factors can contribute to the deterioration of residential units including quality of workmanship, age, type of construction, and location. Preventing these problems from occurring and addressing them when they do occur protects the safety and welfare of residents and assists in meeting housing needs throughout the City. As a majority of the City's housing stock is over 30 years old, it is important to maintain residential units and keep them from deterioration. The City will focus its efforts on rehabilitation, code enforcement, preservation of quality of family home and will take a proactive approach to conserving the current housing stock.

**Policies**

- E.1 Residential Rehabilitation: The City shall assist lower-income households whose housing units are in need of rehabilitation to ensure the safety and habitability of housing units and the quality of residential neighborhoods.
- E.2 Code Enforcement: The City shall promote the continued maintenance of the City’s existing housing stock and residential neighborhoods through enforcement of adopted code requirements that set forth the acceptable health and safety standards for the occupancy of housing units.
- E.3 Preserve Quality Single Family Housing and Rental Stock: As single family and rental stocks deteriorate, the City shall preserve the existing single-family housing, especially those single-family and rental units occupied by lower-income households.
- E.4 Sustainable Housing Design: The City shall improve affordability by promoting the incorporation of energy efficient practices into residential design.

**Housing Programs**

**Housing Opportunities**

Program A.1 Accommodate the City’s RHNA – General Plan and Zoning Update in the former Fort Ord area (where water is available for development)

According to the RHNA, the City has an affordable housing shortfall of 59 units for the 4<sup>th</sup> Planning Cycle and an allocation of 11 units for the 5<sup>th</sup> Planning Cycle for low and very low-income categories. The City has identified Site 1a as being the preferred site for development to meet the City’s RHNA (please see the Site Inventory in **Chapter 3.0 Housing Needs and Resources**) for the very low- and low-income categories and Site 1 for development of 16 units of moderate and above-moderate income categories. In order to develop Site 1a to meet the City’s share of the RHNA, the General Plan and Zoning Ordinance will be revised to allow affordable residential development on Site 1a for low- and very low-income. The site will be rezoned in conformance with Government Code section 65583.2(h) and (i). The City will meet the 16 units of moderate and above-moderate RHNA on Site 1 and will re-designate sufficient property in this portion of former Fort Ord within City limits to achieve this goal. The City will provide a range of types of housing units and prices to meet the total 86 units of regional housing allocation needs for Del Rey Oaks. The Housing Element Site Inventory finds that this density can feasibly be developed on these sites.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Update General Plan and Zoning Ordinance to allow residential uses as an allowed use in the former Fort Ord area (consistent with the densities allowed in the City’s adopted Redevelopment Plan and Government Code section 65583). Complete for Site 1a by the 4 <sup>rd</sup> quarter of 2019 or 1 <sup>st</sup> quarter 2020 and by 2021 for Site 1.
Source of Funding	General Fund

Program A.2 Adopt Amendments to the Zoning Code to Accommodate Mixed Use Higher Densities in Commercial Areas

Amend the Zoning Ordinance to permit residential uses as well as mixed uses at higher intensities, where appropriate, in commercial-zoned and visitor-serving designation areas to allow mixed use (both in the former Fort Ord areas and in commercial sites defined by the City).

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Review General Plan and Zoning Ordinance densities to identify areas of the City where higher zoning and mixed use would be appropriate, depending on services and access. Update General Plan and Zoning Ordinance to allow mixed use at higher densities in these areas, including in the former Fort Ord area, by the end of 2022.
Source of Funding	General Fund, Developer Fund

Program A.3 Small Lot Residential in New Subdivisions

The City shall amend the General Plan and Zoning Ordinance to allow small lot Planned Unit Developments (PUD) consisting of individual lots that utilize Traditional Neighborhood Design (TND) techniques for development of cottage or small bungalow-type homes. Further, provide an overlay or PUD ordinance for projects as needed to allow for privately maintained common open space and mixed housing types.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Update the General Plan and Zoning Ordinances to promote a range of housing sizes and project designs by the end of 2022.
Source of Funding	General Fund

Program A.4 Adopt Amendments to the Zoning Code to Accommodate AB 2162

The City shall amend the General Plan and Zoning Ordinance to accommodate AB 2162. AB 2162 (Chapter 753, statutes of 2018) streamlines and expedites the approval of supportive housing to better address the need of Californians experiencing homelessness. Specifically, AB 2162 requires supportive housing to be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. The legislation requires a local government to approve, within statutory timelines, a supportive housing development that complies with specified criteria.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Update the General Plan and Zoning Ordinances to accommodate AB 2162 by the end of 2022.
Source of Funding	General Fund

**Affordable Housing**

Program B.1 Develop Inclusionary and Affordable Housing Requirements

The City will adopt an Inclusionary and Affordable Housing Ordinance that will require new residential development or redevelopment in the City to provide at least 15 percent of the total units affordable to households of very low- to moderate-incomes, as identified in the AMBAG RHNA. The City’s RHNA requirement are identified as follows.

**Table 7-2  
Regional Housing Need Allocation**

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

Source: HCD, n.d.  
\*4<sup>th</sup> Planning Cycle carry over requirements

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Develop a City Inclusionary and Affordable Housing Ordinance that meets the RHNA inclusionary housing requirements and ensures new development projects will be required to provide at least 15 percent affordable units; adopt ordinance by the end of 2021.
Source of Funding	General Fund

Program B.2 Facilitate Affordable Housing for All Income Levels

The City will support housing for low-income, extremely low-income, and moderate-income households and persons with disabilities (including developmental disabilities). The City will actively seek to participate in and promote housing assistance service provided by such agencies as the Monterey County Housing Authority and the U.S. Department of Housing and Urban Development.

As opportunities arise, new funding sources for lower-income housing will be sought from available non-profit, local, State, and federal programs. Planning and entitlements should consider how to position an affordable project to qualify for future grant applications.

The City will also work with developers to facilitate affordable housing development. Specifically, as funding permits, the City will provide gap financing to leverage State, federal, and other public affordable funding sources. Gap financing will focus on rental housing units affordable to lower-income households and households with special needs (such as seniors and disabled, including people with developmental disabilities). To the extent feasible, the City will also ensure a portion of the affordable housing units created will be available to extremely low-income households.

Responsible Agency	City Hall, City Manager’s Office
Timeline and Objective	Actively seek funding opportunities to increase the supply of affordable housing for lower income households, analyze sites owned by the City to identify those that could be suitable to support affordable housing. Seek to leverage these funds with federal, state, and County HOME funds to increase the amount of affordable housing on housing strategy sites. Work with developers of housing strategy sites and non-profit developers to identify opportunities to increase the percentage of affordable housing by encouraging developers to apply for available funds and utilize other creative mechanisms. (Ongoing work with developers; report on funding annually to City Council)
Source of Funding	General Fund

Program B.3 Utilize Section 8 Housing Choice Vouchers

The Housing Authority of Monterey County (HAMC) which administers the Section 8 Certificate/Voucher Program for Del Rey Oaks and throughout Monterey County provides rental subsidies to very low-income families and elderly households that spend more than 30 percent of their gross income on housing.

To help overcome the reluctance of many landlords to sign Section 8 agreements, the City shall work with the Housing Authority to offer incentives to property owners that sign Section 8 agreements.

Responsible Agency	City Hall, City Manager’s Office
Timeline and Objective	The City, working with the HAMC, shall provide information and incentives to property owners to encourage them to sign Section 8 agreements with the HAMC. The number of applications received will depend upon how many property owners apply for Section 8 agreements with the HAMC and City. This program could provide rental assistance to at least two or three renters per year, with the first full active year being 2022.
Source of Funding	Staff time, HAMC, and private owners/developers

Program B.4 Preferential Housing for Del Rey Oaks Residents and Workers

To the extent that such policy can be legally implemented, the City shall consider adoption of a new ordinance in compliance with the Fair Housing Law, requiring that all newly constructed inclusionary dwelling units for below-market-rate income, moderate-income, and lower-income households within the City, and all first time homebuyer programs, be provided on a preferential basis to Del Rey Oaks residents and workers.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Adopt a Preferential Housing Ordinance by the end of 2020.
Source of Funding	General Fund, Developer Fund

Program B.5 Develop a Density Bonus Ordinance Consistent with State law

Government Code section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. State Density Bonus Law requires a local jurisdiction to grant an increase in density, if requested by a developer, for providing affordable housing as part of a development project. Key provisions of the law include incremental density bonuses that correspond to the percentage of housing set aside as affordable units. The City shall develop and adopt a Density Bonus Ordinance consistent with the current Government Code and State Density Bonus Law. Once passed, the City will review any future amendments to State Density Bonus law to ensure that its local ordinance remains consistent with State law. Once passed the City shall commit to consider requests under State Density Bonus Law (including requests for incentives, concessions, waivers, and parking reductions) so that projects that qualify are not prevented from developing at the densities to which they are entitled.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Adopt a City Density Bonus Ordinance, consistent with Government Code and State Density Bonus Law, by the end of 2021.
Source of Funding	Staff Time

Program B.6 Facilitate Affordable Rental Units

The City will apply for low interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, Farmers Home Administration, and the HCD. The City will apply for at least one funding opportunity per year within the 5<sup>th</sup> Cycle Planning period. In addition, the City will provide funding through use of tax increment funding for a housing fund as such funds are available.



Responsible Agency	City Council
Timeline and Objective	Research available funds to assist in the construction of affordable units (and accessory dwelling units) to low-income and very low-income households (anticipated to start seeking funding opportunities beginning 2020). The City will file 3 funding application during the 5 <sup>th</sup> Cycle Planning period.
Source of Funding	Staff time; State, federal, and regional grants; and private property owners/developers

**Remove Constraints**

Program C.1 Support efforts of public and private groups providing housing for the elderly and disabled, including assistance with obtaining permits and permit streamlining consistent with SB 35, or where appropriate, waiving City fees or regulatory requirements.

The City will continue to find opportunities to streamline the permitting process to remove unnecessary barriers, without compromising public health, safety and community character. In order to do this, as part of the City’s Zoning Ordinance update, site improvement standards and development procedures will be reviewed and, as needed, revised to ensure that such standards and procedures do not unnecessarily constrain the development, conservation, and rehabilitation of affordable housing. This Zoning Ordinance update will ensure compliance with SB 35 which allows streamlined approval processes in municipalities not meeting the RHNA.

Responsible Agency	City Planning and Building Departments
Timeline and Objective	Review, and as needed, revise the City Zoning Ordinance by the end of 2020.
Source of Funding	General Fund

Program C.2 Update the Accessory Dwelling Unit Ordinance to Existing Standards

A major constraint to housing in the City is affordability. ADUs help meet the City’s needs for housing that is affordable by providing a housing resource for seniors and low- and moderate-income households. State ADU law has been updated since the passage of the City ADU ordinance. The City will update their ADU Ordinance (also known as auxiliary housing) to be compliant with updated State regulations that promote the development of ADUs.

The City will encourage the construction of ADUs by providing incentives such as waiver or reduction of development fees and expedited permit processing for ADU applications. Further, information to all eligible property owners concerning the City’s amended ordinance will be provided at the City Hall.

In addition, the City will explore the availability of prefabricated tiny homes and micro-units that may be suitable for ADUs, with the intent of providing additional information to interested homeowners.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Adopt updated ADU Ordinance by the end of 2020. City staff shall give an annual report to City Council on the number of new secondary units that are being built each year, starting at the end of 2021. If this number cannot meet the goal of two to three units per year, City Council will act to further amend the standards of the ADU Ordinance and height/setback requirements (for those units that have adequate water availability). Information detailing the requirements of the City’s amended ADU Ordinance, and incentives for developing ADUs including permits waiver or reduction of development fees and expedited permit processing, shall be readily available at the City Hall and shall be included on the City’s website and in the City newsletter by first quarter 2021 (anticipated to follow the approval and adoption of the ADU Ordinance in the end of 2020).
Source of Funding	Staff time

Program C.3 Mitigating Constraints

Based upon this review of the City’s standards, the following additional Zoning Ordinance amendments will be considered:

- Amend the Zoning Ordinance to eliminate limits on number of persons allowed to live in housing unit under definition of “Family”.
- Amend the Zoning Ordinance to include language on density bonuses to comply with State requirements.
- Review Zoning Ordinance to ensure that transitional and supportive housing is allowed in the same way other residential uses are allowed in all zoning districts allowing residential uses.
- Review and amend the Zoning Ordinance to conditionally permit SRO housing in the C-1 (Commercial) zone.
- Consistent with the California Employee Housing Act, amend the Zoning Ordinance to update standard that requires that housing for six or fewer employees be treated as a regular residential use.

Responsible Agency	Planning Department, City Council, Planning Commission, and City Hall
Timeline and Objective	Adopt updated Zoning Ordinance by the end of 2020.
Source of Funding	Staff time

Program C.4 Ensure the Availability of an Adequate Water Supply to Serve the Long-Term Housing Needs of the City

A major constraint to development within the City is water supply. The City will continue to work with the MPWMD, MCWD, FORA, and other appropriate agencies through meetings and consultation to seek securement of sufficient water resources to meet the expected needs of projected housing development.

Responsible Agency	City Council
Timeline and Objective	Participate in an annual meeting with MPWMD, MCWD, FORA, and other appropriate agencies by the end of 2020.
Source of Funding	General Fund

### Equal Housing Opportunities

Program D.1 Promote Fair Housing by Providing Educational and Referral Materials

The City will continue to provide Fair Housing education and outreach, making information available in multiple languages, and refer persons with fair housing questions to the Housing Authority, Department of Equal Housing and Employment, and California Rural Legal Assistance on an as-needed basis. The City will make information about fair housing services available at City offices and on the City’s website.

Responsible Agency	City Hall, Planning & Building Departments
Timeline and Objective	Provide Fair housing education materials at City Hall in English and Spanish, post information on the City website by first quarter 2020; and provide information in City newsletter annually.
Source of Funding	Staff time, General Fund

Program D.2 Provide Opportunity for and Encourage the Development of Adequate Housing for the City’s Special Needs Groups.

The City shall facilitate the provision of housing for the elderly and disabled, including developmental disabilities, and other special needs housing by modifying the Zoning Ordinance to define licensed residential care facilities, to explicitly allow small residential care homes by right in all residential zone districts, allow group homes of six or fewer to be allowed in all zones allowing single-family uses (not limited to residential uses), and to permit larger residential care homes (seven or more) in the City’s R-2 and C-1 districts consistent with the standards of these districts.

The City shall also support the efforts of public and private groups to provide housing for the elderly and disabled. Such support may include staff assistance in obtaining permits or financing, or, where appropriate, the waiver of City fees or regulatory requirements, some combination of these, or other tangible measures of support.

Responsible Agency	Planning Department, City Council, and Planning Commission
Timeline and Objective	The City will aim to update the Zoning Ordinance by the end of 2020. It will aim to identify at least one residential project by 2024 that is targeted for seniors and/or persons with mobility impairments. The City will monitor these programs through annual reports to the City Council, with the first annual report by the end of 2021.
Source of Funding	Staff Time, General Fund, and State and federal programs designated specifically for special needs groups

Program D.3 Special Needs Housing for Disabled Persons

The City shall amend the Zoning Ordinance to ensure that future projects incorporate accessible design. Specifically, the zoning ordinance will be amended to:

- 1) Require new multi-family development to be in compliance with Title 24 of the California Code of Regulations;

**Housing Element**

- 2) Eliminate restrictions on occupancy standards for group homes by amending the definition of family to comply with section 801(c) and 801(k) of the Fair Housing Act; and
- 3) Allow reduced parking standards for all transitional housing and homeless shelters, for age-restricted housing (regardless of affordability), and for persons with disabilities.

The zoning code will be further reviewed to identify and remove any additional constraints and ensure that reasonable accommodations are provided with regard to housing designed for persons with disabilities. This update will expressly allow exceptions to zoning and development standards including, but not limited to, ramps as a permitted encroachment into required front and rear yards in order to ensure accessibility for persons with disabilities.

Responsible Agency	Planning Department, City Council, and Planning Commission
Timeline and Objective	Review zoning code and report to City Council on needed updates to address State law by first quarter 2020. Amendments to Zoning Code specific to this program shall be adopted by end of 2020.
Source of Funding	Staff Time, General Fund

**Program D.4 Support Programs to Reduce Homelessness**

The City shall identify adequate sites for emergency shelters and then amend its Zoning Ordinance to make appropriate zone changes, if needed, to provide for the zoning for the site to allow for the emergency shelters in the City’s zoning districts consistent with State law. Zoning changes will allow emergency shelters by right. Adequate sites for these housing types are available throughout the City in R-2 and C zones that allow residential use with a permit (acreages and vacant sites in these zones are shown in **Figure 4**). Although the City has constraints due to lack of water and available land sites, the R-2 and C zones could be developed into emergency shelters, most of the City is within a mile of transit stops and community services. Specifically, the City has adequate capacity on vacant and underutilized parcels (approximately 12 acres) within the C-1 zoning districts near Canyon Del Rey (see Figure 4), which are suitable for the development of emergency shelters due to their proximity to public transit lines, social services, and personal services.

To the extent that funds are available, the City will provide financial support to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low cost loans, to operating agencies.

Responsible Agency	City Council and Planning Commission
Timeline and Objective	Amend the City Zoning Ordinance to include provisions for emergency shelters as needed within one year of housing element adoption.
Source of Funding	State and federal programs designated specifically for special needs groups

**Program D.5 Adopt Amendments to the Zoning Code to Accommodate AB 101**

The City shall amend the General Plan and Zoning Ordinance to accommodate AB 101. AB 101 requires a Low Barrier Navigation Center (LBNC) be a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses if it meets specified requirements, including:

- Access to permanent housing.
- Use of a coordinated entry system (i.e. Homeless Management Information System).

- Use of Housing First according to Welfare and Institutions Code section 8255. (Gov. Code section 65662.)

A LBNC is defined as a Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy. (Gov. Code section 65660).

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Update the General Plan and Zoning Ordinances to accommodate AB 101 by the end of 2022.
Source of Funding	General Fund

### Quality Housing Opportunities

#### Program E.1 Assist in Rehabilitating Housing

The City will investigate available low-interest loans, subsidies, and grants from federal and State agencies to provide rehabilitation funds. As funding becomes available, the City shall provide grants and/or low interest, deferred, and/or forgivable loans for building code violations, health and safety issues, essential repairs, upgrades of major component systems, and modifications to accommodate disabilities. Rehabilitation funds will be available to low-income homeowners and to owners of rental units that will rent to low-income households. Subject to federal funding the City will look to assist an average of one to two households (ranging from single-family, multi-family, and mobile homes), dependent on need.

Responsible Agency	City Council and Manager
Timeline and Objective	Assist two households by the end of 2021.
Source of Funding	Loans, subsidies, and grants and tax increment funding

#### Program E.2 Continue Code Enforcement

The City will continue to perform code enforcement for areas or homes with building code violations posing life and/or safety risks to occupants and/or significant property maintenance concerns and ensure that such violations are adequately abated. When violations are cited, enforcement officers will provide a list of potential funding sources to homeowners.

Responsible Agency	Police Department
Timeline and Objective	Continue to implement code enforcement efforts in the targeted areas with concentrated issues of code violations; ongoing.
Source of Funding	General Fund

Program E.3 Energy Conservation and Energy Efficient Opportunities

The City will promote subsidy and incentive programs for energy conservation available to residents. Some of these programs include PG&E’s rebates, Energy Watch Partnerships, and Energy Savings Assistance Program; CARE/FERA program, and the CaliforniaFIRST program. The City will promote these programs in their newsletter and on their website.

Responsible Agency	City Hall, Planning Department, and Building Department
Timeline and Objective	Information detailing energy conservation programs shall be provided at the City Hall and shall be included on the City’s website and updated at least once per year. Energy conservation programs targeted to low-income households shall be promoted in the City newsletter at least once per year and available at the City Hall. Complete annually by December of each year.
Source of Funding	General Fund

## **Appendix B**

### **1992 Policy and Program Comparison to Currently Proposed Policies Table**

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September 2019 Public Draft Housing Element Policy/Program	Amended December 2019 Policy/Program	1992 Policy/Program	Substantial/No Major Change
<p>Program A.1 Accommodate the City’s RHNA – General Plan and Zoning Update in the former Fort Ord area (where water is available for development)</p> <p>To meet the City’s share of the RHNA, the General Plan and Zoning Ordinance will be revised as needed to provide a range of housing on adequate housing sites. The City will re-designate sufficient property in the portion of former Fort Ord within City limits to provide a range of types of housing units and prices and to meet the regional housing allocation needs for Del Rey Oaks.</p>	<p>Program A.1 Accommodate the City’s RHNA</p> <p>According to the RHNA, the City has an affordable housing shortfall of 59 units for the 4<sup>th</sup> Planning Cycle and an allocation of 11 units for the 5<sup>th</sup> Planning Cycle for low and very low-income categories. Rezoning will meet the requirements of Government Code section 65583.2(h) and (i). The City must also accommodate its moderate and above moderate RHNA. The City has described 5 sites under consideration to meet the City’s RHNA, see Chapter 3 and Appendix C. All sites must have access to dry utilities, sewer, and water.</p>	<p>Program 4: Allow the placement of mobile homes, modular, and manufactured housing on permanent foundations in all residentially zoned areas.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>
<p>Program A.1 Accommodate the City’s RHNA – General Plan and Zoning Update in the former Fort Ord area (where water is available for development)</p> <p>To meet the City’s share of the RHNA, the General Plan and Zoning Ordinance will be revised as needed to provide a range of housing on adequate housing sites. The City will re-designate sufficient property in the portion of former Fort Ord within City limits to provide a range of types of housing units and prices and to meet the regional housing allocation needs for Del Rey Oaks.</p>	<p>Program A.1 Accommodate the City’s RHNA</p> <p>According to the RHNA, the City has an affordable housing shortfall of 59 units for the 4<sup>th</sup> Planning Cycle and an allocation of 11 units for the 5<sup>th</sup> Planning Cycle for low and very low-income categories. Rezoning will meet the requirements of Government Code section 65583.2(h) and (i). The City must also accommodate its moderate and above moderate RHNA. The City has described 5 sites under consideration to meet the City’s RHNA, see Chapter 3 and Appendix C. All sites must have access to dry utilities, sewer, and water.</p>	<p>Program 8: Amend the Land Use Element of the General Plan to identify areas suitable for redevelopment.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p> <p>Note: Rezoning was contemplated in the adopted 1992 Housing Element Program 8. The updated program also calls for rezone as revised, consistent with Government</p>

September 2019 Public Draft Housing Element Policy/Program	Amended December 2019 Policy/Program	1992 Policy/Program	Substantial/No Major Change
			Code section 65583.2(h), as revised.
<p>Program A.1 Accommodate the City’s RHNA – General Plan and Zoning Update in the former Fort Ord area (where water is available for development)</p> <p>To meet the City’s share of the RHNA, the General Plan and Zoning Ordinance will be revised as needed to provide a range of housing on adequate housing sites. The City will re-designate sufficient property in the portion of former Fort Ord within City limits to provide a range of types of housing units and prices and to meet the regional housing allocation needs for Del Rey Oaks.</p>	<p>Program A.1 Accommodate the City’s RHNA</p> <p>According to the RHNA, the City has an affordable housing shortfall of 59 units for the 4<sup>th</sup> Planning Cycle and an allocation of 11 units for the 5<sup>th</sup> Planning Cycle for low and very low-income categories. Rezoning will meet the requirements of Government Code section 65583.2(h) and (i). The City must also accommodate its moderate and above moderate RHNA. The City has described 5 sites under consideration to meet the City’s RHNA, see Chapter 3 and Appendix C. All sites must have access to dry utilities, sewer, and water.</p>	<p>Program 9: Amend the zoning ordinance to allow densities of at least 25 units per acre in redeveloped areas.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p> <p>Note: Rezoning was contemplated in the adopted 1992 Housing Element Program 9. The updated program also calls for rezone as revised., consistent with Government Code section 65583.2(h), as revised.</p>

September 2019 Public Draft Housing Element Policy/Program	Amended December 2019 Policy/Program	1992 Policy/Program	Substantial/No Major Change
<p>Program B.2 Facilitate Affordable Housing for All Income Levels</p> <p>The City will support housing for low-income, extremely low-income, and moderate-income households and persons with disabilities (including developmental disabilities). The City will actively seek to participate in and promote housing assistance service provided by such agencies as the Monterey County Housing Authority, the Redevelopment Agency, and the U.S. Department of Housing and Urban Development.</p> <p>As opportunities arise, new funding sources for lower-income housing will be sought from available non-profit, local, State, and federal programs. Planning and entitlements should consider how to position an affordable project to qualify for future grant applications.</p> <p>The City will also work with developers to facilitate affordable housing development. Specifically, as funding permits, the City will provide gap financing to leverage State, federal, and other public affordable funding sources. Gap financing will focus on rental housing units affordable to lower-income households and households with special needs (such as seniors and disabled). To the extent feasible, the City will also ensure a portion of the affordable housing units created will be available to extremely low-income households.</p>	<p>No amendments between 2019 versions.</p>	<p>Program 14: The City will participate in public and private programs that promote development of affordable housing.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>

September 2019 Public Draft Housing Element Policy/Program	Amended December 2019 Policy/Program	1992 Policy/Program	Substantial/No Major Change
<p>Policy B.3 Provide Incentives for Affordable Housing</p> <p>The City shall promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low-income households.</p>	<p>No amendments between 2019 versions.</p>	<p>Program 10: Allow a 25 percent density bonus and fee waiver (where feasible) for residential redevelopment which incorporates units for very low-income and low-income households.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>
<p>Program B.5 Develop a Density Bonus Ordinance Consistent with State law</p> <p>Government Code section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. State Density Bonus Law requires a local jurisdiction to grant an increase in density, if requested by a developer, for providing affordable housing as part of a development project. Key provisions of the law include incremental density bonuses that correspond to the percentage of housing set aside as affordable units. The City shall develop and adopt a Density Bonus Ordinance consistent with the current Government Code and State Density Bonus Law. Once passed, the City will review any future amendments to State Density Bonus law to ensure that its local ordinance remains consistent with State law. Once passed the City shall commit to consider requests under State Density Bonus Law (including requests for incentives, concessions, waivers, and parking reductions) so that projects that qualify are not prevented from developing at the densities to which they are entitled.</p>	<p>No amendments between 2019 versions.</p>	<p>Program 1: Provide incentives such as density bonuses and fee waivers to encourage development of housing for very low-income and low-income households.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>

September 2019 Public Draft Housing Element Policy/Program	Amended December 2019 Policy/Program	1992 Policy/Program	Substantial/No Major Change
<p>Program B.6 Facilitate Affordable Rental Units</p> <p>The City will apply for low interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, Farmers Home Administration, and the HCD, and also provide funding through use of tax increment funding for a housing fund as such funds are available.</p>	<p>Program B.6 Facilitate Affordable Rental Units</p> <p>The City will apply for low interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, Farmers Home Administration, and the HCD. The City will apply for at least one funding opportunity per year within the 5<sup>th</sup> Cycle Planning period. In addition, the City will provide funding through use of tax increment funding for a housing fund as such funds are available.</p>	<p>Program 6: The City shall apply for low-interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, the Farmers Home Administration, and the HCD on a yearly basis or as often as such funds are available.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>
<p>Program B.6 Facilitate Affordable Rental Units</p> <p>The City will apply for low interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, Farmers Home Administration, and the HCD, and also provide funding through use of tax increment funding for a housing fund as such funds are available.</p>	<p>Program B.6 Facilitate Affordable Rental Units</p> <p>The City will apply for low interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, Farmers Home Administration, and the HCD. The City will apply for at least one funding opportunity per year within the 5<sup>th</sup> Cycle Planning period. In addition, the City will provide funding through use of tax increment funding for a housing fund as such funds are available.</p>	<p>Program 7: Identify and solicit low-interest loans, subsidies, and grants available from federal and State agencies to continue and expand the housing rehabilitation program.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>
<p>Program C.2 Update the Accessory Dwelling Unit Ordinance to Existing Standards</p> <p>A major constraint to housing in the City is affordability. ADUs help meet the City’s needs for housing that is affordable by providing a housing resource for seniors and low- and</p>	<p>No amendments between 2019 versions.</p>	<p>Program 2: Encourage the construction of affordable auxiliary (second) or “granny” units by relaxing the standards of the City’s second-unit ordinance for homeowners who promise to build auxiliary (second) units that are affordable to very-low-</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p>

September 2019 Public Draft Housing Element Policy/Program	Amended December 2019 Policy/Program	1992 Policy/Program	Substantial/No Major Change
<p>moderate-income households. State ADU law has been updated since the passage of the City ADU ordinance. The City will update their ADU Ordinance (also known as auxiliary housing) to be compliant with updated State regulations that promote the development of ADUs.</p> <p>The City will encourage the construction of ADUs by providing incentives such as waiver or reduction of development fees and expedited permit processing for ADU applications. Further, information to all eligible property owners concerning the City’s amended ordinance will be provided at the City Hall.</p> <p>In addition, the City will explore the availability of prefabricated tiny homes and micro-units that may be suitable for ADUs, with the intent of providing additional information to interested homeowners.</p>		<p>income households. The existing second unit ordinance shall be amended to allow City fee waivers and relaxed standards (e.g., smaller minimum lot size, waiving the off-street parking requirement) in cases where it is guaranteed that the new auxiliary (second) unit to be built will be affordable to a person or household of very low income. The standards should be relaxed to the point where at least an average of three new second units that are affordable to very low-income households will be built each year between 1992 and 1996. (The definition of what income level constitutes “very low-income” changes from year to year and varies depending on how many persons are in the household. These income figures can be obtained from the AMBAG).</p>	<p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>
<p>Program C.2 Update the Accessory Dwelling Unit Ordinance to Existing Standards</p> <p>A major constraint to housing in the City is affordability. ADUs help meet the City’s needs for housing that is affordable by providing a housing resource for seniors and low- and moderate-income households. State ADU law has been updated since the passage of the City ADU ordinance. The City will update their ADU Ordinance (also known as auxiliary housing) to be compliant with updated State</p>	<p>No amendments between 2019 versions.</p>	<p>Program 3: Encourage the construction of affordable auxiliary (second) or “granny” units by providing information to all eligible property owners concerning the City’s amended second unit ordinance</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>

September 2019 Public Draft Housing Element Policy/Program	Amended December 2019 Policy/Program	1992 Policy/Program	Substantial/No Major Change
<p>regulations that promote the development of ADUs.</p> <p>The City will encourage the construction of ADUs by providing incentives such as waiver or reduction of development fees and expedited permit processing for ADU applications. Further, information to all eligible property owners concerning the City’s amended ordinance will be provided at the City Hall.</p> <p>In addition, the City will explore the availability of prefabricated tiny homes and micro-units that may be suitable for ADUs, with the intent of providing additional information to interested homeowners.</p>			
<p>Program D.1 Promote Fair Housing by Providing Educational and Referral Materials</p> <p>The City will continue to provide Fair Housing education and outreach, making information available in multiple languages, and refer persons with fair housing questions to the Housing Authority, Department of Equal Housing and Employment, and California Rural Legal Assistance on an as-needed basis. The City will make information about fair housing services available at City offices and on the City’s website.</p>	<p>No amendments between 2019 versions.</p>	<p>Program 13: The City shall encourage the efforts of the Mediation Center of Monterey County by publicizing its existence through flyers available at City Hall and in the City’s annual newsletter, and shall refer all alleged cases of discrimination to the Center. The City shall also encourage efforts by the Monterey County Housing Authority to investigate discrimination whenever alleged cases of discrimination are reported.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>

<p>Program D.4 Support Programs to Reduce Homelessness</p> <p>The City shall identify adequate sites for emergency/transitional shelters and then amend its Zoning Ordinance to make appropriate zone changes if needed to provide for the zoning for the site to allow for the transitional and emergency shelters in the City’s zoning districts consistent with State law. Adequate sites for these housing types are available throughout the City in R-2 and C zones that allow residential use with a permit (refer to <b>Figure 2</b>).</p> <p>To the extent that funds are available, the City will provide financial support to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low cost loans, to operating agencies.</p>	<p>Program D.4 Support Programs to Reduce Homelessness</p> <p>The City shall identify adequate sites for emergency shelters and then amend its Zoning Ordinance to make appropriate zone changes, if needed, to provide for the zoning for the site to allow for the emergency shelters in the City’s zoning districts consistent with State law. Zoning changes may not be necessary as certain zones may allow emergency shelters currently. Adequate sites for these housing types are available throughout the City in C zones outside of the former Fort Ord that allow residential use with a permit (acreages and vacant sites in these zones are shown in <b>Figure 4</b>). Although the City has constraints due to lack of water and available land sites, the C zone outside could be developed into emergency shelters, most of the City is within a mile of transit stops and community services. Specifically, the City has adequate capacity on vacant and underutilized parcels (approximately 12 acres) within the C-1 zoning districts outside of former Fort Ord near Canyon Del Rey (see Figure 4), which are suitable for the development of emergency shelters due to their proximity to public transit lines, social services, and personal services.</p> <p>To the extent that funds are available, the City will provide financial support to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low cost loans, to operating agencies.</p>	<p>Program 15: The City shall amend its Zoning Ordinance to make emergency shelters an allowed use in one or more of the City’s zoning districts.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>
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September 2019 Public Draft Housing Element Policy/Program	Amended December 2019 Policy/Program	1992 Policy/Program	Substantial/No Major Change
<p>Policy E.3 Preserve Quality Single Family Housing and Rental Stock</p> <p>As single family and rental stocks deteriorate, the City shall preserve the existing single-family housing, especially those single-family and rental units occupied by lower-income households.</p>	<p>Policy E.3 Preserve Quality Single Family Housing and Rental Stock</p> <p>As single family and rental stocks deteriorate, the City shall preserve the existing single-family housing, especially those single-family and rental units occupied by lower-income households</p>	<p>Program 5: Protect the currently available rental units.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>
<p>Program E.3 Energy Conservation and Energy Efficient Opportunities</p> <p>The City will promote subsidy and incentive programs for energy conservation available to residents. Some of these programs include PG&amp;E’s rebates, Energy Watch Partnerships, and Energy Savings Assistance Program; CARE/FERA program, and the CaliforniaFIRST program. The City will promote these programs in their newsletter and on their website.</p>	<p>No amendments between 2019 versions.</p>	<p>Program 12: Cooperate with utilities that provide energy audits and information on energy conservation measures to residents of Del Rey Oaks.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>
<p>Policy E.4 Sustainable Housing Design</p> <p>The City shall improve affordability by promoting the incorporation of energy efficient practices into residential design.</p>	<p>No amendments between 2019 versions.</p>	<p>Program 11: Consider waiving setback and street orientation requirements to increase solar efficiency of new and redeveloped housing units.</p>	<p><input type="checkbox"/> Substantial Change from 1992 Program</p> <p><input checked="" type="checkbox"/> No Major Change from 1992 Program</p>

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## **Appendix D**

**Resolution No. 19 – 017 Finding the proposed amendment (update) to the Housing Element of the City of Del Rey Oaks General Plan consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport. REF190043, City of Del Rey Oaks (multiple Assessor’s Parcel Numbers)**

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

**Resolution No. 19 – 017**

Finding the proposed amendment (update) to the Housing Element of the City of Del Rey Oaks General Plan consistent with the 2019 Airport Land Use Compatibility Plan (ALUCP) for Monterey Regional Airport. REF190043, City of Del Rey Oaks (multiple Assessor's Parcel Numbers)

**WHEREAS**, on November 25, 2019, the City of Del Rey Oaks (City) submitted an ALUC application for a proposed amendment (update) to the Housing Element of the City's General Plan (ALUC File No. REF190043) to ALUC staff; and

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

**WHEREAS**, the proposed General Plan Housing Element amendment would evaluate the City's existing and projected housing needs, review previous goals and programs, inventory sites within the City, identify housing constraints, discuss development of housing programs to address needs, and list quantifiable objectives; and

**WHEREAS**, as proposed, the amendment would demonstrate that the City has adequate sites available to accommodate its Regional Housing Need Allocation (RHNA), based on statewide and regional estimates determined by the California Department of Housing and Community Development (HCD); and

**WHEREAS**, the RHNA does not mandate that these units be constructed; yet, requires that the City demonstrate available vacant lands to meet this projected need. No specific housing or development projects within the City's current jurisdiction are proposed as part of the Draft Housing Element update; and

**WHEREAS**, the City has identified lands in the undeveloped former Fort Ord area that would meet the City's RHNA requirements, and these lands are located entirely within Safety Zone 7 (Airport Influence Area) as shown in ALUCP Exhibit 4C (Monterey Regional Airport Safety Zones); and

**WHEREAS**, any future proposal to develop these lands with residential housing would require applicable General Plan Land Use Designation and Zoning Map amendments, and would also require ALUC consistency determination review; and

**WHEREAS**, the ALUC previously reviewed the City of Del Rey Oaks General Plan, including the Housing Element, in 1997. On March 24, 1997, the ALUC found the City's General Plan consistent with the 1987 Comprehensive Land Use Plan for Monterey Peninsula Airport in effect at that time. Pursuant to ALUC recommendations, the City adopted several policies to help ensure the compatibility of new development with the noise and safety impacts created by the City's proximity to the airport, including

a requirement for aviation easements for each future development project located in the Airport Land Use Planning Area; and

**WHEREAS**, the proposed amendment was reviewed for consistency with the most up-to-date Noise Contour Exposure Maps for Monterey Regional Airport. The lands proposed for potential future residential uses are located outside of the 65 (or greater) Community Noise Equivalent Level (CNEL) contour. In accordance with the ALUCP Table 4A (Noise Compatibility Criteria Matrix), proposed residential uses located outside of the 65 CNEL would be a compatible use with no restrictions. Additionally, the City's General Plan Policy L-5a requires an aviation easement for each future development project located in the Airport Land Use Planning Area (i.e., the Airport Influence Area or Safety Zone 7). Therefore, the proposed amendment is consistent with the ALUCP with regard to noise compatibility criteria, and no further conditions regarding noise are recommended; and

**WHEREAS**, the ALUC has reviewed the proposed amendment for noise compatibility, airspace protection, safety compatibility and other flight hazards and determined that no additional recommended conditions are necessary; and

**WHEREAS**, a complete copy of the proposed amendment is on file with the ALUC staff, and a link to the full Draft Housing Element is included in the December 16, 2019 staff report to the ALUC; and

**WHEREAS**, on December 16, 2019, the ALUC conducted a duly noticed public meeting to consider the proposed amendment (update) to the Housing Element of the City's General Plan.

**NOW, THEREFORE, BE IT RESOLVED**, the Monterey County Airport Land Use Commission does hereby find that the proposed City of Del Rey Oaks amendment (update) to the Housing Element of the City's General Plan consistent with the 2019 ALUCP for Monterey Regional Airport, incorporated herein by reference.

**PASSED AND ADOPTED** on this 16<sup>th</sup> day of December 2019, upon motion of Commissioner Carbone and seconded by Commissioner McGregor, by the following vote, to-wit:

AYES:	Commissioners Carbone, McGregor, Cohan, Cleveland, Sabo, and Healy
NOES:	None
ABSENT:	Commissioner Gunter
ABSTAIN:	None

ATTEST  
Carl P. Holm, Secretary to the ALUC

By:   
\_\_\_\_\_  
Joseph Sidor, Designee of Secretary to the ALUC  
December 16, 2019

## **Appendix E**

### **Findings for the Certification of Environmental Impact Report for the Del Rey Oaks General Plan Update Project**

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**EXHIBIT "A"**

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

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

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

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

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

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

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

the Draft EIR for the General Plan Update.

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

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

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

Evidence: City's General Plan Update file.

16. Finding: The City Council has now received a revised Final EIR consisting of the following components: i) complete text of all written comments received on the EIR through March 17, 1997; ii) responses from the consultant to public comments, including oral comments at public hearings; iii) revised Draft EIR, 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).

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## **Appendix F**

**Resolution Concurrent Resolution Certifying Review and Consideration of the Information in the Fort Ord Reuse Plan Final Program EIR and the Del Rey Oaks General Plan Amendment EIR Addendum and Making Findings Required by the CEQA in the Approval and Adoption of the Redevelopment Plan for the Del Rey Oaks Fort Ord Redevelopment Project Area**

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Resolution No.2003-15

**DEL REY OAKS CITY COUNCIL**

Resolution No.2003-03

**DEL REY OAKS REDEVELOPMENT AGENCY**

**CONCURRENT RESOLUTION CERTIFYING REVIEW AND  
CONSIDERATION OF THE INFORMATION IN THE FORT ORD REUSE  
PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT ("EIR") AND  
THE DEL REY OAKS GENERAL PLAN AMENDMENT EIR ADDENDUM  
("EIR ADDENDUM") AND MAKING FINDINGS REQUIRED BY THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT IN THE APPROVAL AND  
ADOPTION OF THE REDEVELOPMENT PLAN FOR THE DEL REY OAKS  
FORT ORD REDEVELOPMENT PROJECT AREA**

RESOLVED, by the City Council of the City of Del Rey Oaks (the "City Council") and the Redevelopment Agency of the City of Del Rey Oaks (the "Agency"), that:

WHEREAS, the Fort Ord Reuse Authority ("FORA") pursuant to the Fort Ord Reuse Authority Act (Government Code Section 67650 et seq.) prepared and adopted on June 13, 1997 the Fort Ord Reuse Plan (the "Reuse Plan") for the former Fort Ord Military Base; and

WHEREAS, in connection with approving the Reuse Plan, FORA certified the Final Program Environmental Impact Report ("EIR") prepared on the Reuse Plan; and

WHEREAS, on December 9, 1998 the City Council adopted Resolution No. 98-20 (the "General Plan Resolution"), which approved an amendment to the City's General Plan (the "General Plan Amendment") for the purpose of making the City's General Plan consistent with the Reuse Plan; and

WHEREAS, in connection with the approval of the General Plan Amendment, the City prepared an Program EIR; ("General Plan Update EIR") and the City Council made certain findings pursuant to the California Environmental Quality Act, as amended ("CEQA") and the CEQA Guidelines (as defined below), and adopted certain mitigation measures and the mitigating monitoring programs; and

WHEREAS, pursuant to Section 15153 of the CEQA Guidelines (14 California Code of Regulations, Section 15000 et seq., the "CEQA Guidelines"), and the City's and Agency Guidelines for implementing CEQA (the "Local Guidelines"), the City intends to rely on the EIR, the General Plan Update EIR, and the General Plan Resolution

(collectively, the "Prior Environmental Documents") in evaluating the environmental impacts of the Project; and

WHEREAS, the City prepared an Environmental Initial Study (the "Initial Study") on the Redevelopment Plan (the "Redevelopment Plan") for the Del Rey Oaks – Fort Ord Redevelopment Project (the "Project"), for the purpose of reviewing the adequacy of the Prior Environmental Documents for the proposed Redevelopment Plan; and

WHEREAS, on January 19, 2003, the City mailed the Notice of Intent to Use a Previously Certified EIR (the "Notice of Intent") to the State Clearinghouse for distribution to those agencies which have jurisdiction by law with respect to the Project, to all affected taxing agencies and to other interested persons and agencies, and sought the comment of such persons and agencies; and

WHEREAS, notice to all interested persons and agencies of the Initial Study was posted in authorized locations in the City on January 21, 2003; and

WHEREAS, eight written comments (the "Comments") were received on the Initial Study prior to the close of the 45-day review period for submitting comments in the Initial Study. The comments received and the City's response to such comments are attached to this Resolution as Exhibit A (the "Response to Comments"); and

WHEREAS, a joint public hearing was held by the City Council and the Agency on May 27, 2003 on the Redevelopment Plan and the Initial Study, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto were heard, and the Initial Study was considered; and

WHEREAS, by this concurrent resolution, the City Council, as the lead agency under CEQA for preparing the Initial Study and the entity responsible for adopting the Redevelopment Plan and approving the Project, and the Agency, as the agency responsible for preparing and carrying out the Redevelopment Plan under the California Community Redevelopment Law (Health and Safety Code Section 33000 et. seq.), jointly desire to comply with the requirements of CEQA, the CEQA Guidelines, and the Local Guidelines for consideration, reliance and use of the Initial Study and the Prior Environmental Documents by the lead and responsible agencies in connection with the approval and subsequent implementation of the Redevelopment Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY OF THE CITY OF DEL REY OAKS, AS FOLLOWS:**

1. The City Council and the Agency hereby find and determine that the above recitals are true and correct.

2. The City Council and the Agency hereby certify that the City Council and the Agency have reviewed and considered the information contained in the Prior Environmental Documents, the Notice of Intent, the Initial Study, the Comments and the Responses to the Comments.

3. Based both upon staff recommendation, the Initial Study, and their own review; the City Council and the Agency determine that the Prior Environmental Documents adequately address the environmental issues of the Project and the Redevelopment Plan, and were prepared in compliance with CEQA, the CEQA Guidelines and the Local Guidelines.

4. The City Council and the Agency hereby find and determine that the implementation of the proposed Redevelopment Plan may have significant effect on the environment in certain areas identified as in the Initial Study, and that the City Council and the Agency hereby adopt the mitigation measures and the mitigating monitoring programs set forth in the General Plan Resolution, attached hereto as Exhibit B incorporated herein, for the Redevelopment Plan and the Project.

5. The City Council and the Agency hereby find with respect to the significant effects detailed in the Prior Environmental Documents and the Initial Study:

- a. That the significant environmental effects of the Redevelopment Plan, including those raised in the comments on the Prior Environmental Documents and the comments to the Initial Study, have been considered and recognized by the City and the Agency;
- b. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on short-term Air Quality due to air pollutant emissions from construction to a less-than-significant level, and are identified on Pages 30-31 of the Initial Study, and incorporated herein by reference;
- c. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on Biological Resources due to special status species and sensitive habitat areas to a less-than-significant level, and are identified on Pages 31-32 of the Initial Study, and incorporated herein by reference;
- d. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such

comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on cultural and historical resources to a less-than significant level, and are identified on Pages 32-33 of the Initial Study, and incorporated herein by reference;

- e. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts seismic and geological hazards and soil constraints and increased erosion/sedimentation to a less-than significant level, and are identified on Pages 33-34 of the Initial Study, and incorporated herein by reference;
- f. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated into the General Plan Amendment which will mitigate direct and indirect impacts relating to reasonably foreseeable upset and accident conditions involving the release of hazardous materials to a less-than significant level, and are identified on Page 34 of the Initial Study, and incorporated herein by reference;
- g. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on hydrology and water quality to a less-than significant level, and are identified on Page 34 of the Initial Study, and incorporated herein by reference;
- h. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on land use and planning to a less-than significant level, and are identified on Pages 35-36 of the Initial Study, and incorporated herein by reference;
- i. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated in the General Plan Amendment which will mitigate direct and indirect impacts on noise to a less-than significant level,

and are identified on Page 36 of the Initial Study, and incorporated herein by reference;

- j. That based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated into the General Plan Amendment which will mitigate direct and indirect impacts on Utilities and Service Systems due to wastewater treatment requirements and solid waste landfill capacity to a less-than-significant level, and are identified on Pages 39-41 of the Initial Study, and incorporated herein by reference;
- k. That, based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated into the General Plan Amendment to mitigate impacts to Public Services in regard to fire and police protection, identified in Sections IV-2 & 3 of the EIR, the General Plan Update EIR and on Pages 37-38 of the Initial Study. These mitigation measures cannot reduce the level of impacts to a less-than-significant level, however. There are no feasible mitigation measures of project alternatives that were not previously identified or considered which will reduce the impacts to a less-than-significant level;
- l. That, based on the information set forth in the Prior Environmental Documents and the Initial Study, including comments relating thereto and responses to such comments, the City Council and the Agency find and determine that measures have been required in or incorporated into the General Plan Amendment to mitigate impacts to Transportation and Traffic in regard to level of service standards, identified in Sections IV-2 & 3 of the EIR and General Plan Update EIR, and Pages 38-39 of the Initial Study. These mitigation measures cannot reduce the level of impacts to a less-than-significant level, however. There are no feasible mitigation measures or project alternatives which were not previously identified or considered which will reduce the impacts to a less-than-significant level; and
- m. That no additional environmental effects other than those identified above in paragraphs 5b through 5l and those previously identified in the General Plan Update EIR will have a significant effect or result in a substantial or potentially substantial adverse change in the environment as a result of the proposed Redevelopment Plan.

6. The City and the Agency hereby find and determine that all significant environmental effects resulting from the Redevelopment Plan, as identified in the Prior Environmental Documents and the Initial Study are acceptable, and have been reduced to a less-than-significant level, except for the unavoidable significant impacts for which the City and the Agency have adopted a statement of overriding considerations in that:

- a. The City and the Agency hereby adopt for the Project, the mitigating measures and mitigating monitor programs adopted by the General Plan Resolution;
- b. Based upon the Prior Environmental Documents, the Initial Study, and other documents and information in the record with respect to the proposed Redevelopment Plan, all remaining, unavoidable significant effects of the Redevelopment Plan are overridden by the benefits as described in Section \_\_ of the General Plan Resolution and Section 7 below.

7. The City Council and the Agency hereby find that in addition to the benefits identified in Section 6b. above, the Redevelopment Plan will achieve the following goals, which override the unavoidable significant adverse impacts of the adoption and implementation of the Project. The Project will:

- a. Provide an effective legal and financial tools and programs that will enable the Agency to rebuild the former Fort Ord site into an integral part of the community;
- b. Remove existing vacant, abandoned, obsolete, and/or deteriorated sites and buildings;
- c. Mitigate the economic and social degradation caused by the closure of the For Ord site;
- d. Eliminate physical and economic blighting conditions from the Project Area;
- e. Encourage the orderly development of modern, commercial, and visitor-centered development and residential;
- f. Provide upgraded circulation system and public infrastructure;
- g. Provide increased supply of affordable housing for very low, low and moderate income households, and ameliorate the current housing-job imbalance;
- h. Provide new employment opportunities;
- i. Assist in the elimination of soil and ground water contamination;  
and
- j. Protect certain endangered species.



8. The City Council and the Agency hereby certify that the Final Program Environmental Impact Report for the Fort Ord Base Reuse Plan, the Environmental Impact Report prepared on the City of Del Rey Oaks General Plan Amendment, the General Plan Resolution, the Notice of Intent to Use a Previously Certified EIR, the Environmental Initial Study for the Redevelopment Plan for the Fort Ord Redevelopment Project, and all actions necessary to use the Prior Environmental Documents for the proposed Redevelopment Plan, including the findings contained herein, reflect the City Council and the Agency's independent judgment and analysis.

9. The City Clerk or his or her designee, is hereby authorized and directed to cause the filing of a Notice of Determination with respect to the Redevelopment Plan.

10. The City Clerk and the Agency Secretary shall certify to the passage of this resolution and thereupon and thereafter the same shall be in full force and effect.

PASSED AND ADOPTED on this 24 day of June, 2003, upon motion of City Council Member \_\_\_\_\_, seconded by City Council Member \_\_\_\_\_, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

PASSED AND ADOPTED on this 24 day of June, 2003, upon motion of Agency Member \_\_\_\_\_, seconded by Agency Member \_\_\_\_\_, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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