

Appendix A

Notice of Preparation and Public Comments

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CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD, DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 FAX (831) 394-6421

NOTICE OF PREPARATION of a Draft Program Environmental Impact Report (EIR) for the City of Del Rey Oaks Housing Element Update

DATE: April 25, 2023

TO: State Clearinghouse, Responsible Agencies, Trustee Agencies,
and other Interested Agencies, Parties, and Organizations

SUBJECT: Notice of Preparation (NOP) of a Draft Program Environmental
Impact Report (EIR) for the City of Del Rey Oaks Housing
Element Update

NOP COMMENT PERIOD: April 26, 2023 to May 26, 2023 by 5:00 p.m.

LEAD AGENCY: City of Del Rey Oaks
650 Canyon Del Rey Boulevard
Del Rey Oaks, CA 93940
Phone: (831) 394-8511
Email: kminami@delreyoaks.org

NOTICE IS HEREBY GIVEN THAT The City of Del Rey Oaks (lead agency) will prepare a Draft Program Environmental Impact Report (EIR) for the proposed City of Del Rey Oaks Housing Element Update General Plan Amendment, and Associated Rezonings (collectively referred to as the “proposed project”). The Program EIR will address the environmental impacts associated with the adoption and implementation of the proposed project. This Notice of Preparation (NOP) is being distributed to applicable responsible agencies, trustee agencies, and interested parties as required by the California Environmental Quality Act (CEQA) and in accordance with the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15082).

30-DAY NOP COMMENT PERIOD: The City of Del Rey Oaks solicits comments regarding the scope and content of the Program EIR from all interested parties, responsible agencies, agencies with jurisdiction by law, trustee agencies, and involved agencies. In accordance with the time limits established by CEQA, the NOP public review period will begin on April 26, 2023 and end May 26, 2023 at 5:00 p.m. If no response is received by any Responsible or Trustee Agency by the end of the review period, the Lead Agency may presume that the Responsible Agency or Trustee Agency has no response to make [CEQA Guidelines Section 15082(b)(2)].

Please send your written comments (including name, affiliation, telephone number, and contact information) by 5:00 p.m. on May 26, 2023 to:

**City of Del Rey Oaks Housing Element EIR,
650 Canyon Del Rey Boulevard, Del Rey Oaks, CA 93940
Email: kminami@delreyoaks.org**

PROJECT BACKGROUND: Through the Housing Element update process, the City is required to demonstrate that it has the regulatory and land use policies to accommodate its assigned Regional Housing Needs Allocation (RHNA). State law requires the Housing Element to include an inventory of housing sites and requires the City to appropriately zone sites to meet RHNA, the City is not required to actually develop/construct housing on these sites. A Housing Element is required to identify potential sites where housing can be accommodated to meet all the income levels of a jurisdiction's RHNA. If there are insufficient sites and capacity to meet the RHNA allocation, the Housing Element is required to identify a rezoning program to accommodate the required capacity. Policies and programs are a key component of the Housing Element; these establish policies and programs to be carried out to fulfill the identified housing needs.

The 2023 Housing Element Update addresses revisions identified by the Department of Housing and Community Development (HCD) Division of Housing Policy and Development (HCD Letter March, 2020). The City Council adopted a 5th Cycle Housing Element and certified an Initial Study/Negative Declaration on December 17, 2019. HCD's review letter indicated the Housing Element was not in compliance and required specific revisions for compliance. These items include revising Program A.1 and committing to rezone Sites 1 and 1a to allow residential uses, and adoption of an emergency shelter ordinance.

The proposed project includes changes to the General Plan Land Use Element and the City's zoning code necessary to implement these revisions to the 2019 Housing Element.

PROJECT INFORMATION: Information regarding the project description, project location, and topics to be addressed in the Program EIR is provided below. Interested agencies are requested to comment on the scope and content of the descriptions of the significant environmental issues, mitigation measures (if needed), and reasonable alternatives to be explored in the EIR.

PROJECT LOCATION: The City of Del Rey Oaks is located in Monterey County, California. The City of Del Rey Oaks comprises approximately 1.05 square miles of land and is bordered by the city of Seaside to the north, the city of Monterey and Monterey Regional Airport to the south, former Fort Ord land to the east, and the city of Monterey to the west.

PROGRAM EIR ANALYSIS: The Program EIR will be prepared in accordance with CEQA, implementing the CEQA Guidelines, relevant case law, and City procedures. As policy documents, the proposed project provides guidance and sets standards for several areas of mandatory environmental review for later projects that would be undertaken by local government and the private sector, such as specific infrastructure or development projects. The Program EIR will evaluate potential environmental impacts associated with adoption and implementation of the proposed project. The Program EIR will disclose potential impacts of the proposed project, propose mitigation measures to avoid and/or reduce impacts deemed potentially significant, identify reasonable alternatives, and compare the environmental impacts of the alternatives to the proposed project's impacts.

At this time, it is anticipated that the Program EIR will evaluate the following issues/sections under CEQA and the CEQA Guidelines will be addressed in the EIR:

- Aesthetics Resources
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources/Tribal Consultation
- Energy
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Population and Housing
- Noise
- Public Services, Recreation, and Utilities
- Transportation
- Wildfire

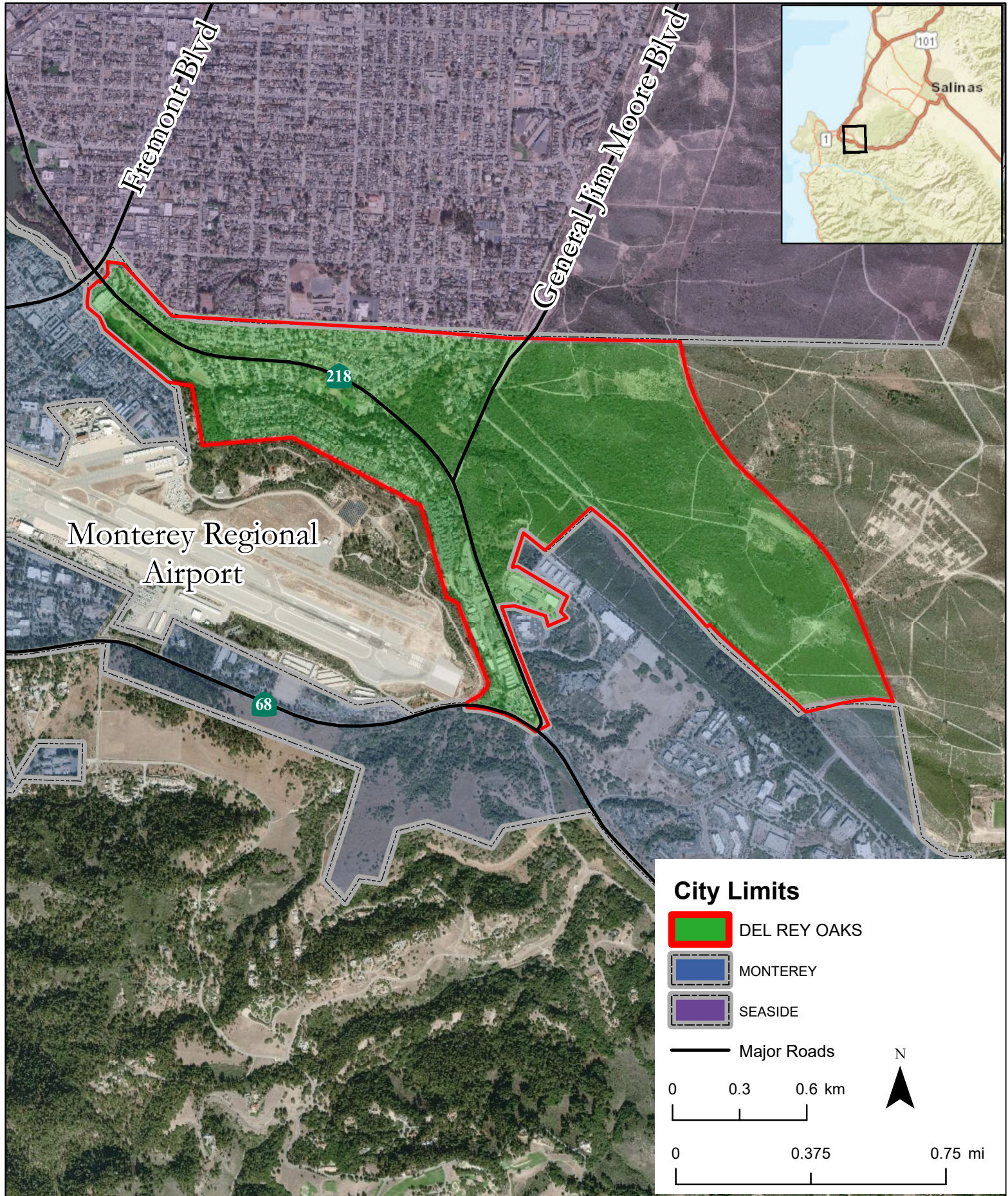
The Program EIR will discuss the cumulative impacts of the proposed project, including both the 5th and 6th cycle housing elements and RHNA requirements. The EIR will also examine alternatives to the project, including the required No Project Alternative.

ENVIRONMENTAL REVIEW PROCESS: Following completion of the 30-day NOP public review period, the City will incorporate relevant information into the Draft Program EIR and circulate for document for public review and comment. **The City requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b).**

A copy of the City's 2023 Housing Element can be found on the City website <https://www.delreyoaks.org/cityhall/page/del-rey-oaks-housing-element> and also available on file at the City of Del Rey Oaks City Hall at 650 Canyon Del Rey Boulevard, Del Rey Oaks, CA 93940 during regular office hours for the City.

Attachments:

Attachment 1, Project Area



Project Area: City of Del Rey Oaks

Date: 4/24/2023
 Scale: 1 inch = 0.34 miles
 Project: 9614

City of Del Rey Oaks
 Housing Element NOP Attachment 1

California Department of Transportation

CALTRANS DISTRICT 5
50 HIGUERA STREET | SAN LUIS OBISPO, CA 93401-5415
(805) 549-3101 | FAX (805) 549-3329 TTY 711
www.dot.ca.gov



May 26, 2023

MON/Var
SCH#2023040680

Karen Minami, Deputy City Clerk
City of Del Rey Oaks
650 Canyon Del Rey Boulevard
Del Rey Oaks, CA 93940

COMMENTS FOR THE CITY OF DEL REY OAKS HOUSING ELEMENT UPDATE NOTICE OF PREPARATION (NOP) – DEL REY OAKS, CA

Dear Ms. Minami:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the public comment period for the City of Del Rey Oaks Housing Element Update. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Land Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans has the following comments:

Traffic Impact Studies

- New developments resulting from the City's Housing Element update should provide a Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS). Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

- Any improvements within Caltrans' Right-of-Way (R/W) from future housing development projects will be required to comply with Caltrans Highway Design Manual guidelines and standards.
- Any pedestrian facility enhancements from future housing development projects that are within Caltrans' R/W will need to comply with Caltrans Design Information Bulletin (DIB) 82-06.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation system. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promote a complete and integrated transportation system. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Del Rey Oaks is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City of Del Rey Oaks to evaluate potential Complete Streets projects.

Bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local VMT and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation system integrated through applicable "smart growth" type land use planning and policies.

Karen Minami, Deputy City Clerk
May 26, 2023
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The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Right-of-Way

Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction. Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or email christopher.bjornstad@dot.ca.gov.

Sincerely,

Christopher Bjornstad

Chris Bjornstad
Associate Transportation Planner
District 5 Land Development Review



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 24, 2023

Karen Minami
City of Del Rey Oaks
650 Canyon Del Rey Boulevard
Del Rey Oaks, California 93940
kminami@delreyoaks.org

**Subject: City of Del Rey Oaks Housing Element Update (Project)
Notice of Preparation (NOP)
SCH No.: 2023040680**

Dear Karen Minami:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Del Rey Oaks for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Karen Minami
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May 24, 2023
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projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Del Rey Oaks

Objective: The Project addresses revisions identified by the Department of Housing and Community Development (HCD) Division of Housing Policy and Development. The City Council adopted a 5th Cycle Housing Element and certified an Initial Study/Negative Declaration on December 17, 2019. HCD's review letter indicated the Housing Element was not in compliance and required specific revisions for compliance. These items include revising Program A.1 and committing to rezone Sites 1 and 1a to allow uses, and adoption of an emergency shelter ordinance. The proposed Project includes changes to the General Plan Land Use Element and the City's zoning code necessary to implement these revisions to the 2019 Housing Element.

Location: The Project site is the City of Del Rey Oaks in Monterey County, California.

Timeframe: n/a

COMMENTS AND RECOMMENDATIONS

Special-Status Species Due to the Project's close proximity to the Fort Ord area, there is the potential for the Project to impact State-listed species. Records from the California Natural Diversity Database (CNDDDB) show that the following special-status species,

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including CESA-listed species (CDFW 2023) could be impacted: the State threatened, federally endangered and California Rare Plant Ranked (CRPR) 1B.2 Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*), and the State endangered and CRPR 1B.1 Seaside bird's-beak (*Cordylanthus rigidus* ssp. *littoralis*). CDFW recommends that survey-level protocols be conducted for these species as part of the biological technical studies prepared in support of the draft Environmental Impact Report (DEIR), with conclusions of those studies summarized therein and repeated as necessary prior to Project ground-disturbing activities. CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" (CDFG 2018). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. If take could occur as a result of Project ground-disturbing activities, consultation with CDFW may be warranted. CDFW advises that the subsequent EIR include and address the above-mentioned species.

Given that the City of Del Rey Oaks is included in the Fort Ord Multi-Species Habitat Conservation Plan (HCP), it is important to note that only utilizing the avoidance and minimization measures and/or mitigation measures therein may not be adequate to avoid or reduce species impacts or comply with state laws. There is currently no Natural Communities Conservation Plan or CDFW-issued Incidental Take Permit for the HCP, therefore, any impacts to state-listed species will require a project 2081(b) Incidental Take Permit in compliance with the California Endangered Species Act.

Nesting birds

CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a general habitat assessment for nesting birds be conducted as part of the biological technical studies conducted in support of the CEQA document. Depending on the results of that assessment, CDFW further recommends that the CEQA document for this Project include that a qualified wildlife biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct

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impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified wildlife biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

CNDDDB: Please note that the CNDDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified wildlife biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present at or near the Project area.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the project's CEQA document be used to develop and modify the project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources may need to be mitigated to reduce impacts to a less than significant level, if feasible.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project,

Karen Minami
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even if those impacts are relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Lake and Stream Alteration: The Project may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires the project proponent to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, SNRF, FYLF, and SNYLF. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground disturbing activities.

CDFW is available to meet with you ahead of DEIR preparation to discuss potential impacts and possible mitigation measures for some or all of the resources that may be analyzed in the EIR. If you have any questions, please contact Evelyn Barajas-Perez, Environmental Scientist, at the address provided on this letterhead, by telephone at (805) 503-5738, or by electronic mail at Evelyn.Barajas-Perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:


12950B95267A4F5...
Krista Tomlinson for Julie A. Vance
Regional Manager

Karen Minami
City of Del Rey Oaks
May 24, 2023
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ec: State Clearinghouse, Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

United States Fish and Wildlife Service
Patricia Cole; patricia_cole@fws.gov

CDFW LSA/1600; R4LSA@wildlife.ca.gov

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LITERATURE CITED

California Department of Fish and Wildlife (CDFW), 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. California Department of Fish and Wildlife. March 20, 2018.

CDFW, 2023. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>. Accessed May 19, 2023.

California Native Plant Society

Monterey Bay Chapter – Post Office Box 221303 – Carmel, CA 93922

May 23, 2023

John Guertin - City Manager, Del Rey Oaks
Via email jguertin@delreyoaks.org

SUBJECT: Del Rey Oaks Housing Element and General Plan Update

Dear Mr. Guertin:

Thank you for the opportunity to comment on the proposed Housing Element Update for the City of Del Rey Oaks.

The Monterey Bay Chapter of the California Native Plant Society (CNPS) has one comment:

Zoning for the California Native Plant Society Plant Reserve 1 North, also referred to as the Del Rey Oaks Habitat Reserve, should be amended to a zoning designation appropriate for Permanent Conservation, or Permanent Open Space.

As you know this habitat reserve parcel (APN 031-191-013, formerly known as Fort Ord EDC Parcel E29a.1), has been the subject of litigation and subsequent mediation between Monterey Bay CNPS and the City. The 4.6-acre parcel will be permanently conserved and protected pursuant to a Settlement Agreement signed by CNPS and the City. The Settlement Agreement will be recorded on the title of the parcel.

It is timely to amend the current Housing Element and General Plan zoning on the subject parcel to a Permanent Conservation or Permanent Open Space designation. The current commercial zoning designation is no longer appropriate.

Sincerely,



Ken McIntire
Chapter President

Cc: Karen Minami, City Clerk, for distribution to Mayor Donaldson and all City Council members,
kminami@delreyoaks.org



Dedicated to the preservation of California native flora



Karen Minami

From: Nozaki, Chieko CTR (USA) <chieko.nozaki.ctr@army.mil>
Sent: Tuesday, May 23, 2023 1:34 PM
To: Karen Minami
Cc: Payton, R Curtis CIV USARMY HQDA DCS G-9 (USA); Kowalski, Bartholomew L CTR USARMY CESPCK (USA); Jason No (outrech@fortordcleanup.com)
Subject: Notice of Preparation of a Draft EIR for the City of Del Rey Oaks Housing Element Update

CAUTION: This email is from outside the City of Del Rey Oaks. Do NOT click LINKS or open ATTACHMENTS unless you are sure it is safe.

Forwarding on behalf of Curtis Payton, Base Realignment and Closure (BRAC) Environmental Coordinator for Fort Ord.

This is in response to the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the City of Del Rey Oaks Housing Element Update, dated April 25, 2023. The U.S. Army BRAC Fort Ord Field Office reviewed the notice and associated "5th Cycle Housing Element Updated from December 17, 2019 Adopted Housing Element to address Housing and Community Development Department (HCD) Comments, HCD Review Draft, Submittal April 19, 2023."

The discussion of site inventory from page 3-4 to 3-18 identifies "Sites 1 and 1a" as meeting the site inventory requirements for the housing element purposes. Based on the figures, both sites appear to be part the former Fort Ord property that is included in the Record of Decision, Del Rey Oaks Munitions Response Area, Track 2 Munitions Response Site, Former Fort Ord, California (Fort Ord Administrative Record document number: OE-0670). The selected remedy is land use controls (LUCs). The LUCs are described in the ROD, and include a residential use restriction on most of the Track 2 Del Rey Oaks MRA. Please see the ROD for the portions of the property identified as requiring the residential use restriction.

The ROD describes that the restriction "would be modified to allow for residential use, as appropriate, once DTSC has verified that the Residential Protocol has been successfully implemented. Any proposal for residential development in the Del Rey Oaks MRA where this restriction applies will be subject to regulatory review. Residential use for these specified areas will be prohibited until: (1) the City of Del Rey Oaks (the current land owner) notifies the Army, EPA and DTSC in writing of its intent to change the designated site use from recreational/commercial to residential, in advance; and (2) DTSC concurs that residential use is appropriate based on successful implementation of the Residential Protocol or further site evaluation incorporating new information (e.g., geophysical mapping, site development)." (pages 27-28)

Additionally, the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California (BW-1787) identifies requirements that apply to "Borderland Development Areas Along Natural Resource Management Area (NRMA) Interface." Based on the figures, the eastern boundary of Site 1 appears to abut the NRMA. Please review the Habitat Management Plan for the borderland interface requirements.

The Fort Ord Administrative Record documents can be accessed at www.fortordcleanup.com.

Thank you & please let me know if you have any questions.

Chieko Nozaki, P.E., PMP
(Chenega Tri-Services)
Fort Ord BRAC Office
P.O. Box 5008, Monterey, CA 93944-5008

From: [Denise Duffy](#)
To: [John Guertin](#); [Erin Harwayne](#)
Cc: [Troy Lawson](#); [Conor O'Toole](#)
Subject: FW: Are contaminated former Fort Ord lands suitable for housing?
Date: Monday, May 1, 2023 3:25:41 PM

This is an NOP comment on the EIR for the Housing Element.

Denise Duffy

Principal

Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940

(831) 373-4341 office ext. 13

(831) 595-0267 mobile/direct

www.ddaplanning.com

d Duffy@ddaplanning.com

From: Michael DeLapa <execdir@landwatch.org>
Sent: Monday, May 1, 2023 3:06 PM
Subject: Are contaminated former Fort Ord lands suitable for housing?

Dear former FORA jurisdiction:

[Properties on the former Fort Ord](#) face a variety of challenges with regard to their suitability for housing, including the health risks and costs of remediating soil and water contamination. Health risks should not be imposed on vulnerable populations in need of affordable housing. Furthermore, the cost of soil and water remediation may make development on contaminated sites more expensive than alternatives or may make low density housing development economically infeasible.

Here are some questions that should be addressed in developing site inventories and preparing EIRs for housing elements:

- Were the areas that are now being proposed for residential development in housing elements also designated for residential development in the Fort Ord Reuse Plan?
- Was the level of Army cleanup of Fort Ord soils guided by the then-intended uses for specific areas? For example, were areas intended for residential use cleaned up to a higher level than areas intended for industrial use?
- Has the soil on lands now being proposed for residential development in housing elements been contaminated?
- If the soils in areas now being proposed for residential use in housing elements were previously contaminated, were the soils cleaned up before the land was transferred to the City?
 - If it was [cleaned up](#),
 - Was it cleaned up to a level suitable for residential use, or just for other uses (e.g., industrial or commercial use)? If not, on whom would the cost of

- incremental cleanup to residential standards fall?
- What restrictions remain on the use of the land, e.g.,
 - allowable use limitations
 - off-site transport of soils,
 - excavation protocols
 - additional testing and cleanup for excavated sites
 - construction worker protections,
 - capping soils
 - What costs will accommodating these restrictions impose on future development? For example, if excavated soils cannot be removed from sites, what cost would be imposed to retain this presumably contaminated soil on site? Would this restrict the amount of land that could be developed?
- Is additional cleanup required? If so, what entity would be responsible for the cleanup, e.g., the current landowner (e.g., the city) or the purchaser (e.g., the developer)?
 - Is there a monitoring program in place for soils and waters under lands now being proposed for residential use? What is the purpose of the monitoring? For example, could the monitoring trigger additional cleanup? If so, what entity would be responsible?

If any of the land now being proposed for residential development on land has been contaminated and has not been fully cleaned up for residential uses without restrictions, or if there are additional costs associated with land use restrictions, then the EIR should evaluate alternatives to developing this land. Alternatives should include (1) siting development on uncontaminated sites and (2) where contaminated sites are used, minimizing the development footprint by using clustered, compact development instead of low density development.

Thank you for your attention to these important health concerns.

Regards,

Michael

Please subscribe to the LandWatch newsletter, "like" us on Facebook and follow us on Twitter.

Michael D. DeLapa
Executive Director
[LandWatch Monterey County](#)
execdir@landwatch.org
650.291.4991 m

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[Remember](#) LandWatch in your will

From: [Denise Duffy](#)
To: [Troy Lawson](#)
Subject: Fwd: Emailing: Consistency Letter updated 12-5-19
Date: Wednesday, May 3, 2023 2:35:31 PM
Attachments: [RESaluc_19-017_REF190043_121619.pdf](#)
[ALUC_APPLICATION_FORM_0112.pdf](#)
[FeeWaiverRequest.pdf](#)

For later !
Denise Duffy
DD&A
Denise Duffy & Associates
831.595.0267
dduffy@ddaplanning.com

From: Jensen, Fionna <JensenF1@co.monterey.ca.us>
Sent: Wednesday, May 3, 2023 1:41:50 PM
To: Denise Duffy <Dduffy@ddaplanning.com>
Cc: Conor O'Toole <cotoole@ddaplanning.com>
Subject: RE: Emailing: Consistency Letter updated 12-5-19

Hi Denise,

I looked through our records and as you indicated, the 2019 Housing Element Update was found consistent with the 2019 MRY Airport Land Use Compatibility Plan (ALUCP), please see attached ALUC resolution.

To get the process started for the ALUCs review of the 2023 Housing Element/6th cycle, please submit the attached application form and requested materials (submittal via email is fine). The ALUC review fee is a fixed \$2,007.55, this will be involved once the application is submitted and initialized. The City is welcome to also submit the Fee Waiver Request form, but I cannot guarantee that it will be approved.

Here is the MRY ALUCP link:

<https://www.co.monterey.ca.us/home/showpublisheddocument/75251/636875603145330000> and the County's Airport Land Use Compatibility GIS:
<https://maps.co.monterey.ca.us/portal/apps/webappviewer/index.html?id=30d633169a714530bc3e11aa7cd93890>

The three main factors I look at when making a recommendation of consistency to the ALUC relate to Noise, Airspace Protection, and Safety. Table 4A (Noise) and Exhibit 4B (Noise Contours) are used to determine a project's location relative to the airport and how airport generated noise may impact the proposed development and its occupants. Table 4A details which uses are compatible within these noisier areas; generally, residential development is not compatible within CNELs 65-75. Exhibit 4C (Safety Zones) and Table 4B (Safety Criteria) are also used in tandem to determine which airport safety zone a project is in and whether it is prohibited use. For the purpose of the Housing Element, I would encourage you to compare housing inventory sites and their proposed density levels to Table 4B as it does establish maximum densities for different safety zones. If the inventory sites are the same as they were in 2019, the southern tip of Site 2 is in Safety Zone 3 which limits residential development to 1 DU/2Acres. Site 1 & 1A are in Safety Zone 7 which no residential restriction. Table 4D (Airspace; Part 77) depicts the criteria for limiting the height of structures, trees, and other objects in the vicinity of an airport. Because individual housing proposals will be submitted to the ALUC in the future, height will likely not play a huge role in my review of

the 6th cycle update.

Hope that helps! Happy to answer any questions that may arise.

Fionna Jensen
Senior Planner
Monterey County Housing and Community Development (HCD)
1441 Schilling Place, 2nd Floor, Salinas CA 93901
Main: (831) 755-5025 | Direct: (831) 796-6407 | Accela Citizens Access

-----Original Message-----

From: Denise Duffy <Dduffy@ddaplanning.com>
Sent: Tuesday, May 2, 2023 4:10 PM
To: Jensen, Fionna <JensenF1@co.monterey.ca.us>
Cc: Conor O'Toole <cotoole@ddaplanning.com>
Subject: Emailing: Consistency Letter updated 12-5-19

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Thanks, Fionna!

Denise Duffy
Principal
Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940

(831) 373-4341 office ext. 13
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May 24, 2023

City of Del Rey Oaks Housing Element EIR
650 Canyon Del Rey Boulevard
Del Rey Oaks, CA 93940

**RE: Notice of Preparation (NOP) of a Draft
Program Environmental Impact Report (EIR)
for the City of Del Rey Oaks Housing Element
Update**

Dear City of Del Rey Oaks:

Monterey-Salinas Transit (MST) provides public transportation in the City of Del Rey Oaks via Jazz A, Jazz B, and the Del Rey Oaks Shuttle. As requested by the City of Del Rey Oaks, MST has reviewed the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (EIR) for the City of Del Rey Oaks Housing Element Update and would like to make the following comments.

MST recommends adding a policy under Goal A that encourages the development of high-density housing near mass transit corridors and in areas with good pedestrian and bicycle infrastructure. This recommended policy can further the City's energy conservation goals by incentivizing public transit and active transportation and reducing dependence on vehicles. Upon the completion of future housing developments, developers can enroll in MST's Group Discount Program to offer residents substantially reduced cost bus passes.

MST also recommends creating a policy that encourages housing developers to install bus stop infrastructure on their development site. Bus stop layouts and designs are evaluated using MST's Designing for Transit Guidelines (2020) and all bus stops should closely adhere to these guidelines to ensure adequate access pertinent to the standards of the Americans with Disabilities Act (ADA).

As the City's Housing Element moves forward, we ask that the City of Del Rey Oaks coordinate with MST to ensure that adequate transit services are available to existing and future housing developments. If you have any questions about the above comments, please do not hesitate to contact me at movermeyer@mst.org or 831-264-5877.

Sincerely,

A handwritten signature in black ink that reads "Michelle Overmeyer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michelle Overmeyer
Director of Planning and Innovation

Advocating and delivering quality public transportation as a leader within our community and industry.

Transit District Members Monterey County • Carmel-by-the-Sea • Del Rey Oaks • Gonzales • Greenfield • King City • Marina • Monterey
Pacific Grove • Salinas • Sand City • Seaside • Soledad **Administrative Offices** 19 Upper Ragsdale Drive, Suite 200 Monterey, CA 93940

PH 1-888-MST-BUS1 (1-888-678-2871) • FAX (831) 899-3954 • WEB mst.org



NATIVE AMERICAN HERITAGE COMMISSION

RECEIVED

MAY 03 2023

CITY OF DEL REY OAKS
CITY CLERK

April 28, 2023

Karen Minami
City of Del Rey Oaks
650 Canyon Del Rey Blvd.
Del Rey Oaks, CA 93940CHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Sara Dutschke
MiwokCOMMISSIONER
Isaac Bojorquez
Ohlone-CostanoanCOMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
NomlakiCOMMISSIONER
Wayne Nelson
LuiseñoCOMMISSIONER
Stanley Rodríguez
KumeyaayCOMMISSIONER
[Vacant]COMMISSIONER
[Vacant]EXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok, NisenanNAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov**Re: 2023040680, City of Del Rey Oaks Housing Element Update, Monterey County**

Dear Ms. Minami:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

Appendix B

Housing Element Programs, Site Inventory Maps, and Supplemental Mapping Alternatives

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Appendix B-1
Housing Element Programs

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5th Cycle Housing Element Program Revisions in the 2023 Update

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Housing Programs

Housing Opportunities

Program A.1 Accommodate the City’s RHNA

According to the RHNA, the City has an affordable housing shortfall of 59 units for the 4th Planning Cycle and an allocation of 11 units for the 5th Planning Cycle for low and very low-income categories. The City has identified Sites 1 and 1a as being the preferred site for development to meet the City’s RHNA (please see the Site Inventory in **Chapter 3.0 Housing Needs and Resources**) for the very low- and low-income categories and for development of moderate and above-moderate income categories. In order to develop the preferred Sites to meet the City’s share of the RHNA, the Zoning Ordinance will be revised to allow affordable residential development on Sites 1 and 1a for low- and very low-income. The site will be rezoned in conformance with Government Code section 65583.2(h) and (i). The City will meet the 16 units of moderate and above-moderate RHNA on Sites 1 and 1a and will re-designate sufficient property in this portion of former Fort Ord within City limits to achieve this goal. The City will provide a range of types of housing units and prices to meet the total 86 units of regional housing allocation needs for Del Rey Oaks. The Housing Element Site Inventory finds that this density can feasibly be developed on these sites. Rezoning will meet the requirements of Government Code section 65583.2(h) and (i). The City must also accommodate its moderate and above moderate RHNA. The City has ~~described 5 sites under consideration~~ adequate area in Site 1 and Site 1a to meet the City’s RHNA, see Chapter 3 and Appendix C. All sites must have access to dry utilities, sewer, and water.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	<u>Amend General Plan Land Use Map and Zoning Ordinance to allow residential uses as an allowed use for Site 1 and Site 1a by the third quarter of 2023. The City shall accommodate the City’s 5th Planning cycle RHNA and 4th cycle shortfall carryover by 4th quarter 2021.</u>
Source of Funding	General Fund

*Substantive updates to 2019 Housing Element Programs shown only. Refer to full 5th Cycle Housing Element Update on City website: https://www.delreyoaks.org/sites/default/files/fileattachments/city_clerk/page/2692/dro_5th_cycle_housing_element_update_2023.pdf

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

Income Category	5th Cycle Allocation	4th Cycle Allocation*	Total
Very low- (31-50% of area of median income)	7	34	41
Low-income (51-80% of area median income)	4	25	29
Moderate-income (81-120% of area median income)	5		5
Above moderate (over 120% of area median income)	11		11
Total	27	59	86
Source: HCD, n.d. *4 th Planning Cycle carry over requirements			

Program C.2 ~~Update~~ Encourage the construction of Accessory Dwelling Units ~~Ordinance to Existing Standards~~

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

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

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

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Adopt updated ADU Ordinance by the end of 2020. City staff shall give an annual report to City Council on the number of new secondary units that are being built each year, starting at the end of 2021. If this number cannot meet the goal of two to three units per year, City Council will act to further amend the standards of the ADU Ordinance and height/setback requirements (for those units that have adequate water availability). Information detailing the requirements of the City’s amended ADU Ordinance, and incentives for developing ADUs including permits waiver or reduction of development fees and expedited permit processing, shall be readily available at the City Hall and shall be included on the City’s website and in the City newsletter by first third quarter 2021 <u>first third quarter 2023</u> (anticipated to follow the approval and adoption of the ADU Ordinance in the end of 2020).
Source of Funding	Staff time

Program C.3 Mitigating Constraints

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

- Amend the Zoning Ordinance to eliminate limits on number of persons allowed to live in housing unit under definition of “Family”.
- Amend the Zoning Ordinance to include language on density bonuses to comply with State requirements.

Program D.4 Support Programs to Reduce Homelessness

The City shall identify adequate sites for emergency shelters and then amend its Zoning Ordinance to make appropriate zone changes, if needed, to provide for the zoning for the site to allow for the emergency shelters in the City’s zoning districts consistent with State law. ~~Zoning changes may not be necessary as certain zones may allow emergency shelters currently.~~ Adequate sites for these housing types are available throughout the City in C zones outside of the former Fort Ord that allow residential use with a permit (acreages and vacant sites in these zones are shown in **Figure 4**). Although the City has constraints due to lack of water and available land sites, the C zone outside could be developed into emergency shelters, most of the City is within a mile of transit stops and community services. Specifically, the City has adequate capacity on vacant and underutilized parcels (approximately 12 acres) within the C-1 zoning districts outside of former Fort Ord near Canyon Del Rey (see **Figure 4**), which are suitable for the development of emergency shelters due to their proximity to public transit lines, social services, and personal services.

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

Responsible Agency	City Council and Planning Commission
Timeline and Objective	Amend the City Zoning Ordinance to include provisions for emergency shelters as needed within one year of housing element adoption by end of first quarter 2023.
Source of Funding	State and federal programs designated specifically for special needs groups

Program D.5 Develop written process for continued compliance with AB 101

The City shall continue to comply with the requirements of AB 101 and develop a written process to adhere to the statutory requirements in accordance with state law. AB 101 requires a Low Barrier Navigation Center (LBNC) be a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses if it meets specified requirements, including:

- Access to permanent housing.
- Use of a coordinated entry system (i.e., Homeless Management Information System).
- Use of Housing First according to Welfare and Institutions Code section 8255. (Gov. Code section 65662.)

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

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Continue to comply with AB 101 (ongoing); develop written compliance process for AB 101 compliance by the end of third quarter 2023.

**6th Cycle Draft Housing Element Programs
From the July 2023 HCD Review Draft 6th Cycle Housing Element
Update**

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CHAPTER 7.0 HOUSING PLAN

Housing Goals, Policies and Programs

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

The Housing Plan is organized into two sections: Goals and Policies, and Housing Programs. A goal is a higher-level statement that addresses the general nature and intent of the City's housing objectives. Under each goal statement, policies are also identified which provide guidance and expand upon the City's goals. The Housing Programs section describes specific actions, procedures, or strategies the City will take to carry out the identified goals and policies. This section also specifies the primary entity responsible for program implementation and the timeframe for accomplishment and monitoring for the actions.

Based on the goals, policies, and programs outlined in the Housing Element and findings from the Housing Needs Assessment, the following objectives represent a reasonable expectation of the number of new housing units that can be developed, rehabilitated, or conserved/preserved for the 6th Cycle Planning Period (**Table 7-1**).

Table 7-1 6 th Cycle Quantified Objectives Summary								
Income Category	Allocation by Cycle*		Totals by Income Category	New Construction	Rehabilitation	Conservation /Preservation	Total Units By Housing Type	
	4 th /5 th Cycle Shortfall	6 th Cycle						
Very Low (0-50% of AMI)	41	60	101	101	0	0	101	Combined Low and Very Low = 168
Low (51-80% of AMI)	29	38	67	67	0	0	67	
Moderate (81-120% of AMI)	5	24	29	29	0	0	29	Combined Moderate/ Above Moderate = 92
Above Moderate (more than 120% of AMI)	11	62	73	73	0	0	73	
Total Units	86	184	270	270***	0	0	270	
*4 th Planning Cycle affordable housing shortfall requirement applies to very low- and low-income only. ** Total very low and low-income *** Includes 20 ADUs Source: HCD Projected Housing Needs – Regional Housing Needs Allocation (HCD, AMBAG 2022)								

Goals and Policies

Housing Opportunities

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

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

Policies

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

Affordable Housing

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

The City is committed to providing adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. In order to do this, the City has identified a number of policies and programs ranging from seeking funding from varied sources, thereby increasing the opportunities for the development of affordable housing units, to working with non-profit and for-profit developers in the production of affordable for-sale and rental housing. Recognizing that homeownership plays a significant

role in establishing strong neighborhoods and a sense of community pride, the City also supports programs that make purchasing a home a realistic option for lower-income households.

Policies

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

Remove Constraints

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

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

Policies

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

Equal Housing Opportunities

GOAL D: THE CITY WILL PROMOTE EQUAL HOUSING OPPORTUNITIES FOR ALL PERSONS.

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

The City has many residents who have special housing needs. State law requires the housing element to address the needs of specific “special needs” groups, including seniors, persons with disabilities, large families with children, female-headed households, and people who are homeless. Meeting the needs of these residents requires a broad range of strategies for housing and other services. This section also addresses student and faculty housing.

Policies

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

Quality Housing Opportunities

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

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

Policies

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

Housing Programs

Housing Opportunities

Program A.1 Accommodate the City’s RHNA

The City will provide a range of types of housing units and prices to meet the total 184 units of regional housing allocation needs (RHNA) for Del Rey Oaks.

RHNA 6 th Cycle 2023-2031	Income Group				Total
	Very Low	Low	Moderate	Above Moderate	
Del Rey Oaks	60	38	24	62	184

The City will provide for an adequate number of units to meet the very low- and low-income categories and for development of moderate and above-moderate income categories within the RHNA and including the 4th and 5th cycle shortfall. The City will use Sites 1 and 1a owned by the City, and if needed, also Sites K1 and K2 (private property owners). The City will adopt an overlay zone to allow residential uses to meet RHNA as shown on **Table 7-1**. The City will ensure sufficient property is available in former Fort Ord to achieve this goal throughout the planning cycle. The Housing Element Site Inventory finds that this density can feasibly be developed on these sites. Rezoning will meet the requirements of Government Code section 65583.2(h) and (i).

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Present Zoning Overlay to Planning Commission and City Council by end of second quarter 2023 and rezone by end of third quarter 2023 for 6 th Cycle. Report to City Council to confirm adequate area is available for meeting RHNA on a regular basis; report due by end of first quarter yearly.
Source of Funding	General Fund

Program A.2 Develop Mixed Use Zoning Designation

The City will seek to identify potential areas for mixed use, both in the former Fort Ord areas and in commercial sites defined by the City, where a mixed-use designation would be appropriate working with developers, property owners, the community and the Planning Commission and City Council. Sites will be selected based upon availability of land without resource constraints or limitations due to airport land use conflict, with available water service and utilities. Densities shall be a minimum 20-25 units per acre with at least 50% of the square footage of development dedicated to residential uses. Underlying land uses can be commercial or visitor serving areas; zoning will be amended to permit residential uses as well as mixed uses at higher intensities than currently allowed in commercial zones and to allow mixed use in visitor-serving designation zones. *Note: not needed to meet RHNA for 6th Cycle per the analysis in Chapter 3.*

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Submit report on available sites for mixed use designation by mid-2025.
Source of Funding	General Fund

Program A.3 Small Lot Residential in New Subdivisions

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

Note: not needed to meet RHNA for 6th Cycle.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	End of 2025
Source of Funding	General Fund

Affordable Housing

Program B.1 Develop Inclusionary and Affordable Housing Requirements

The City will require new residential development or redevelopment in the City to provide affordable housing to meet the City’s RHNA requirements as identified in the AMBAG RHNA. The City will continue to pursue development opportunities of the former Fort Ord properties and will include affordable housing requirements in a disposition & development agreement to achieve this objective. The City will also consider development of an inclusionary housing policy option to determine if this method will better facilitate the City objective to achieve a variety of housing types and opportunities for very low, low- and moderate-income households. The City will assess and analyze a variety of inclusionary housing programs, standards, requirements and regulations to determine the best course of action. Utilizing either or both options, the City will determine the appropriateness and application of inclusionary policies, and adopt policies, programs or regulations that will produce housing opportunities for affordable to very low, low and moderate-income households. Any regulations shall provide additional detail and address development of rental and for-sale housing affordable to very low, low- and moderate-income households, as well as the applicability of this requirement and its alternatives. to the City shall require affordable housing for new development at a minimum of 20% affordability.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	The City will assess and analyze a variety of inclusionary housing programs, standards, and requirements and provide a report to the City Council by end of 2024. To ensure adequate provision of affordable housing, the City will require development agreements or adopt an inclusionary housing policy to ensure development of affordable housing.
Source of Funding	General Fund

Program B.2 Facilitate Affordable Housing for All Income Levels

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

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

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

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

Program B.3 Utilize Housing Choice Vouchers

The Housing Authority of Monterey County (HAMC) which administers the Housing Choice Voucher (HCV) Program for Del Rey Oaks and throughout Monterey County provides rental subsidies to very low-income families and elderly households that spend more than 30 percent of their gross income on housing. To help overcome the reluctance of many landlords to sign HCV agreements, the City shall work with the Housing Authority to offer incentives to property owners that sign HCV agreements.

Responsible Agency	City Hall, City Manager’s Office
Timeline and Objective	The City, working with the HAMC, shall provide information and incentives to property owners to encourage them to sign HCV agreements with the HAMC. Informational pamphlets will be available at City Hall in English and Spanish regarding the voucher program and a notice posted in the City’s Acorn Newsletter. The number of applications received will depend upon how many property owners apply for HCV agreements with the HAMC and City. This program could provide rental assistance to at least two or three renters per year, with the first full active year being 2024.
Source of Funding	Staff time, HAMC, and private owners/developers

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

To the extent that such policy can be legally implemented, the City shall consider adoption of a new ordinance in compliance with the Fair Housing Law, requiring that all newly constructed inclusionary

dwelling units for below-market-rate income, moderate-income, and lower-income households within the City, and all first-time homebuyer programs, be provided on a preferential basis to Del Rey Oaks residents and workers.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Confirm if policy can be legally implemented by end of 2024. Adopt a Preferential Housing Ordinance by fourth quarter of 2025.
Source of Funding	General Fund, Developer Fund

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

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

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Adopt a City Density Bonus Ordinance, consistent with Government Code and State Density Bonus Law, by fourth quarter 2025.
Source of Funding	Staff Time

Program B.6 Facilitate Affordable Rental Units

The City will apply for low interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, Farmers Home Administration, and the HCD. The City will apply for at least one funding opportunity every other year within the 6th Cycle Planning period. In addition, the City will provide funding through use of tax increment funding for a housing fund as such funds are available.

Responsible Agency	City Council
Timeline and Objective	Research available funds to assist in the construction of affordable units (and accessory dwelling units) to low-income and very low-income households (anticipated to start seeking funding opportunities beginning 2024). The City will file 4 funding applications during the 6 th Cycle Planning period.
Source of Funding	Staff time; State, federal, and regional grants; and private property owners/developers

Program B.7 Preferential Housing for Teachers and Local Educational Employees

Government Code section 65914.7 (AB 2295) considers housing development projects on property owned by a local educational agency to be an allowable use of the property, provided certain criteria are met. AB 2295 allows a school district or county office of education that meets certain criteria to utilize its surplus property to provide affordable housing to its employees. This program seeks to provide needed housing

for teachers and other employees of the local educational agency. If qualifying parcels are identified within the city in accordance with AB 2295, the City shall adopt a streamlined ministerial permitting policy for workforce housing on sites owned by a local education agency to support housing opportunities for teachers and educational employees, consistent with AB 2295.

In order for a project to qualify for this program, the ordinance shall specify that the project shall meet all requirements of AB 2295, including but not limited to:

- The project is on an infill site as defined by AB 2295;
- The project qualifies as an allowable use under AB 2295;
- The project meets the density and height standards applicable under AB 2295; and
- The project meets other objective development standards applicable under AB 2295.

The project shall not be sited in an environmentally sensitive area, require demolition of deed-restricted affordable units or rent-controlled units, or historic structures, will not use a mobile home site, and does not require subdivision.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	If a local educational agency identifies a qualifying parcel within the City on which they intend to develop housing, City will adopt a Preferential Housing Ordinance consistent with AB 2295 by end of 2025.
Source of Funding	Staff time; local education agency property owners/developers

Remove Constraints

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

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

Responsible Agency	City Planning and Building Departments
Timeline and Objective	Review, and as needed, revise the City Zoning Ordinance by the end of third quarter 2024.
Source of Funding	General Fund

Program C.2 Encourage the Construction of Accessory Dwelling Units

A major constraint to housing in the City is affordability. ADUs help meet the City’s needs for housing that is affordable by providing a housing resource for seniors and low- and moderate-income households. The City will continue to review and update the ADU Ordinance to be compliant with updated State regulations

that promote the development of ADUs. The City will encourage the construction of ADUs by providing incentives such as waiver or reduction of development fees and expedited permit processing for ADU applications. Further, information to all eligible property owners concerning the City’s ADU approval process will be provided at City Hall. In addition, the City will explore the availability of standardized plans for ADUs/JDUs that may be suitable for ADUs or JDUs, with the intent of providing additional information to interested homeowners.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	<p>City staff shall give an annual report to City Council on the number of new ADUs that are being built each year by April 1st of each year, starting in 2024. Information detailing the requirements of the City’s ADU Ordinance, and incentives for developing ADUs including permits waiver or reduction of development fees and expedited permit processing, shall be readily available at the City Hall and shall be included on the City’s website and in the City newsletter by second quarter 2024.</p> <p>As part of annual review, the City will review their ADU and JADU development progress to evaluate if production estimates are being achieved. If ADUs are not being permitted as assumed in the Housing Element, the City will take action within 6 months of completion of the ADU review to ensure that adequate capacity at each income level is maintained to meet the City’s RHNA needs.</p>
Source of Funding	Staff time

Program C.3 Mitigating Constraints

Based upon this review of the City’s standards, the following additional Zoning Ordinance amendments will be considered and zoning ordinance amended, as required to be consistent with state law in the following areas:

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

Responsible Agency	Planning Department, City Council, Planning Commission, and City Hall
Timeline and Objective	Adopt required amendments to the Zoning Ordinance by third quarter of 2025.
Source of Funding	General Fund

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

A major constraint to development within the City is water supply. The City will continue to work with the MPWMD, MCWD, M1W and other appropriate agencies through meetings and consultation to seek securement of sufficient water resources to meet the expected needs of projected housing development. Continue to provide City representative on Board of M1W to promote water provision as a priority for affordable housing. Provide the Draft Housing Element to the local water and service providers for the City in accordance with State law.

Responsible Agency	City Council
Timeline and Objective	Participate in two annual meetings with MPWMD, MCWD, M1W and other appropriate agencies by the end of 2031 and throughout 5 th Cycle. Request MPWMD and MCWD provide annual updates to the City Manager on completion of water projects and provision of water for affordable housing for the City.
Source of Funding	General Fund

Program C.5 Adopt Safety Element Update and Environmental Justice Element

SB 1035 requires that the City to revise and update the safety element to identify flood hazards and address the risk of fire in certain lands; and upon each revision of the housing element, to review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not previously available during the previous revision of the safety element. The City will revise and update the Safety Element and adopt the update within 12 months of adoption of the 6th Cycle Housing Element. SB 1000 (2018) requires that the City include an environmental justice component to the General Plan during the 6th Cycle update of the City’s Housing Element. The City will adopt a separate Environmental Justice Element within 12 months of adoption of the 6th Cycle Housing Element.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	As funds are available, adopt a Safety Element Update and Environmental Justice Element, consistent with Government Code and State Law, by fourth quarter 2027.
Source of Funding	General Fund

Program C.6 Evaluate Fees for Development Projects

Planning permit and development impact fees are used to cover the costs and expenses incurred by or on behalf of the City in connection with planning applications and development of property. Fees help cover the public costs related to development projects, including time that staff spend on reviewing development proposals. To support the development of higher-density housing, the City will review the City of Del Rey Oaks Fee Schedule to reduce fees for affordable housing units. The City wishes to encourage additional creation of smaller residential units to serve their aging senior and single person households. To incentivize development of smaller units, the City will revise their fee program for affordable units and assess building and permit fees per square footage per unit, assuming such fees are reduced from normal fees and consistent with State law.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Evaluate and review the City of Del Rey Oaks Fee Schedule to ensure that the fees appropriately support feasible development of smaller housing units; revise affordable housing fees by amending fee ordinance for smaller units. Study and adopt revised fee update by fourth quarter 2025.
Source of Funding	General Fund

Equal Housing Opportunities

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

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

Responsible Agency	City Hall, Planning & Building Departments
Timeline and Objective	Provide Fair housing education materials at City Hall in English and Spanish, post information on the City website by first quarter 2024; and provide information in City newsletter annually.
Source of Funding	Staff time, General Fund

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

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

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

Responsible Agency	Planning Department, City Council, and Planning Commission
Timeline and Objective	The City will aim to update the Zoning Ordinance by the end of 2025. It will aim to identify at least one residential project by 2026 that is targeted for seniors and/or persons with mobility impairments. The City will monitor these programs through annual reports to the City Council, with the first annual report by the end of 2024.
Source of Funding	Staff Time, General Fund, and State and federal programs designated specifically for special needs groups

Program D.3 Special Needs Housing for Disabled Persons

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

- 1) Require new multi-family development to be in compliance with Title 24 of the California Code of Regulations;
- 2) Eliminate restrictions on occupancy standards for group homes consistent with State law; and
- 3) Allow reduced parking standards for all transitional housing and homeless shelters, for age-restricted housing (regardless of affordability), and for persons with disabilities.

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

Responsible Agency	Planning Department, City Council, and Planning Commission
Timeline and Objective	Review zoning code and report to City Council on needed updates to address State law by third quarter 2024. Amendments to Zoning Code specific to this program shall be adopted by end of 2025.
Source of Funding	Staff Time, General Fund

Program D.4 Support Programs to Reduce Homelessness

The City amended its Zoning Ordinance to allow for the emergency shelters in the City’s C-1 zoning district consistent with State law. The City found that the C-1 district sites provided adequate opportunity (within a mile of transit stops and community services). The City will monitor the sites to continue to confirm there is adequate capacity and sites which are suitable for the development of emergency shelters. To the extent that funds are available, the City will provide financial support to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low-cost loans, to operating agencies.

Responsible Agency	City Council and Planning Commission
Timeline and Objective	Report annually on homeless count and provision of adequate area for homeless shelters in the City. Research available funding for facilities if applicable.
Source of Funding	State and federal programs designated specifically for special needs groups

Program D.5 Develop written process for continued compliance with AB 101

The City shall continue to comply with the requirements of AB 101 and develop a written process to adhere to the statutory requirements in accordance with state law. AB 101 requires a Low Barrier Navigation Center (LBNC) be a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses if it meets specified requirements, including:

- Access to permanent housing.
- Use of a coordinated entry system (i.e., Homeless Management Information System).
- Use of Housing First according to Welfare and Institutions Code section 8255. (Gov. Code section 65662.)

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

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Continue to comply with AB 101 (ongoing); develop written compliance process for AB 101 compliance by the end of third quarter 2024.
Source of Funding	General Fund

Program D.6 Develop written process for continued compliance with AB 2162

The City shall continue to comply with the requirements of state law AB 2162 (Chapter 753, statutes of 2018) and will develop a written process to adhere to the statutory requirements in accordance with state law. AB 2162 streamlines and expedites the approval of supportive housing to better address the need of Californians experiencing homelessness. Specifically, AB 2162 requires supportive housing to be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. The legislation requires a local government to approve, within statutory timelines, a supportive housing development that complies with specified criteria.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Continue to comply with AB 2162 (ongoing); develop a written compliance process for AB 2162 by fourth quarter 2023.
Source of Funding	General Fund

Program D.7 Adopt Universal Design Element for New Development

Universal design is used to govern construction of homes by using design principles that allow individuals to remain in those homes as their physical needs and capabilities change. The City shall research principles of universal design for application for new development, particularly for senior housing or housing for those with disabilities. The City shall prepare a report for the Planning Commission and City Council identifying principles of universal design, successful application in other jurisdictions, the HCD model ordinance and the process for application of an ordinance. Upon endorsement of Planning Commission and City Council, the City shall develop a written process specific to the City of Del Rey Oaks and prepare guidelines and a model ordinance consistent with the principles of universal design.

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Research and provide written report by end of fourth quarter 2024. Develop written process for Universal Design and adopt Universal Design Element Guidelines and Ordinance by end of 2025.
Source of Funding	General Fund

Program D.8 Develop Objective Design and Development Standards

Housing Accountability Act SB 330 and SB 35, enacted to address the State-wide housing shortage, requires cities to review residential developments based on “objective” standards, such as specific and defined design requirements, rather than on subjective standards. This program commits the City to review the Zoning Code, and design guidelines to ensure that development standards and design

guidelines are clear and objective for multiple family and mixed-use residential development. The City shall also develop and adopt objective design standards for multiple family and mixed-use residential development.

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Develop Objective Design and Development Standards for multifamily and mixed-use residential development by December 2025.
Source of Funding	General Fund

Quality Housing Opportunities

Program E.1 Assist in Rehabilitating Housing

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

Responsible Agency	City Council and Manager
Timeline and Objective	Assist two households by the end of 2025.
Source of Funding	Loans, subsidies, and grants and tax increment funding

Program E.2 Continue Code Enforcement

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

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

Program E.3 Energy Conservation and Energy Efficient Opportunities

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

Responsible Agency	City Hall, Planning Department, and Building Department
Timeline and Objective	Information detailing energy conservation programs shall be provided at the City Hall and shall be included on the City’s website and updated at least once per year. Energy conservation programs targeted to low-income households

	shall be promoted in the City newsletter at least once per year and available at the City Hall. Complete annually by December of each year.
Source of Funding	General Fund

Program E.4 Annual Report

Provide an Annual Report to the City Council and Planning Commission that describes (1) implementation of Housing Element programs to date, (2) the amount and type of housing activity as related to the Housing Element’s goals, policies, and programs, and (3) an updated summary of the City’s housing needs. The Annual Report will address the requirements of Government Code Section 65400. Submit this report to the California Department of Housing and Community Development within 30 days after review by the City Council.

Responsible Agency	City Hall, Planning Department, and Building Department
Timeline and Objective	Information detailing housing needs and progress shall be included on the City’s website and updated at least once per year prior to submittal to HCD. Complete annually by April 1 of each year.
Source of Funding	General Fund

Program E.5 Affirmatively Further Fair Housing By Providing Equal Housing Opportunities For All Existing And Future Del Rey Oaks Residents

The City will affirmatively further fair housing by providing equal housing opportunities for all existing and future Del Rey Oaks residents through the following methods: Enhance housing mobility strategies. Protect existing residents from displacement. Encourage new housing choices and affordability in high and medium resource areas. Improve place-based strategies to encourage community conservation and revitalization including preservation of existing housing.

The population of Del Rey Oaks includes special needs groups, which require a variety of unit sizes to serve needs that are not currently addressed within the City. These issues include:

- Seniors. A growing cohort of seniors in the City indicates a potential need for specialized housing types and social services dedicated to seniors. According to the ACS (U.S. Census Bureau, 2020), the number of households with householders 65 years and over in Del Rey Oaks has grown from 167 in 2012 (25.3 percent) to 249 (39.3 percent) in 2020. Monterey County’s households with householders 65 years and over in 2020 was 33,939 (26.5 percent).
- Persons with Disabilities. The population of Del Rey Oaks with a disability is 12.7 percent, similar or slightly higher than neighboring communities. As the population ages, the City may need to consider future care and services for the aging population and people with disabilities. It is generally understood that the need for housing for people with disabilities outweighs the availability of adequate housing units. Outreach, and the adoption and implementation of universal design methods can increase the number of units available to people with disabilities and aging populations, provide housing mobility and reduce displacement.
- Large Households. In 2020, 5.4 percent of owner-occupied households in Del Rey Oaks had five persons or more compared to 10.1 percent of renter-occupied households with five persons or more. This issue is not major at the moment, but with limited new housing development and

increasing pricing, large families will have to deal with overcrowding due to the lack of large family affordable housing. Rental unit sizes available for rent in Del Rey Oaks do not currently serve large families. In order to better serve this population, it is important to develop affordable housing that can accommodate large families with three (3) or more bedrooms and reduce barriers to affordable housing construction, and to consider incentives to encourage units suitable for larger households.

- Female-Headed Households. As of 2020, female-headed households represent approximately 6.7 percent of total households in Del Rey Oaks. As a goal of affirmatively furthering fair housing, methods to prioritize the inclusion of female-headed households and female-headed households with children to find adequate and affordable housing will be sought.
- Homelessness. Although Del Rey Oaks contains a small unhoused/homeless population compared to Monterey County, it is important to consider allowing types of facilities to provide shelter for homeless individuals and families including emergency shelter, transitional housing, and permanent supportive housing.

The City will affirmatively further fair housing by providing equal housing opportunities for all existing and future Del Rey Oaks residents through the following methods:

- Leverage City-owned land for the development of affordable housing projects and provide a mix of densities, affordability and housing types to encourage diversity within the community.
- Encourage new housing choices and affordability in high resource areas through reduced development fees, increased incentives for development of ADUs and other housing choices within the City.
- Encourage development and use of ADUs as a strategy to encourage affordable housing within the City. ADU's can serve the aging population of the City and reduce displacement.
 - Programs A.1, B.1, and B.2 ensure very low, low, moderate, above moderate income, and inclusionary housing opportunities are made available in the city and to accommodate the City's RHNA.
 - Program A.2 provides for a Mixed-Use Zoning Designation to increase opportunities for a wide variety of housing and increase housing mobility, which enables residents to locate housing outside of traditionally lower- and moderate-income neighborhoods.
 - Program A.3 reduces lot size constraints and promotes opportunities for smaller housing at higher densities.
 - Program B.3 expands use of housing vouchers in the City by providing information about local fair housing resources, entities, or assistance on the City website. Working with HACM as the fair housing services organization to explore ways to expand services and outreach in the City will reduce very low-income and elderly cost-burden households, reducing displacement.
 - Program B.4 incentivizes housing opportunities for Del Rey Oaks residents and workers.

- Program B.5 promotes opportunities for density bonus provisions.
- Program B.6 facilitates affordable rental units through funding opportunities. B.2 helps to provide gap financing to leverage public affordable funding sources, focusing rental housing units affordable to lower-income households and households with special needs (such as seniors and disabled, including people with developmental disabilities).
- Program B.7 promotes housing opportunities for teachers and local educational employees.
- Programs C.1 and C.3 reduce mitigating constraints, remove barriers, and streamline permitting processes on housing development in the Zoning Ordinance.
- Program C.2 encourages the construction of accessory dwelling units as a source of affordable housing.
- Program C.4 ensures the availability of adequate water supply to serve the long-term housing needs of the City.
- Program C.5 adopts a separate Environmental Justice Element of the General Plan to reduce disparities in environmental factors in the City.
- Program C.6 evaluates fees for development projects to reduce potential constraints on the development of higher-density housing.
- Program D.1 provides fair housing education and outreach information publicly.
- Programs D.2, D.3, D.4, and D.6 accommodate housing for special needs groups, including supportive housing, consideration of single room occupancy units, and to encourage or support emergency shelter facilities.
- Program D.7 develops a process for universal design in order to assist residents to age in their homes and reduce the risk of displacement.
- Program D.8 commits the City to evaluate the Zoning Code and to design guidelines to establish and adopt objective design standards for multifamily and mixed-use residential development.
- Program E.1 assists in rehabilitating housing for low-income homeowners and to owners of rental units that will rent to low-income households.
- Program E.4 provides annual reports to ensure the housing programs are achieving the City's goals.

Responsible Agency	City Hall, Planning Department, and Building Department
Timeline and Objective	Ongoing
Source of Funding	General Fund

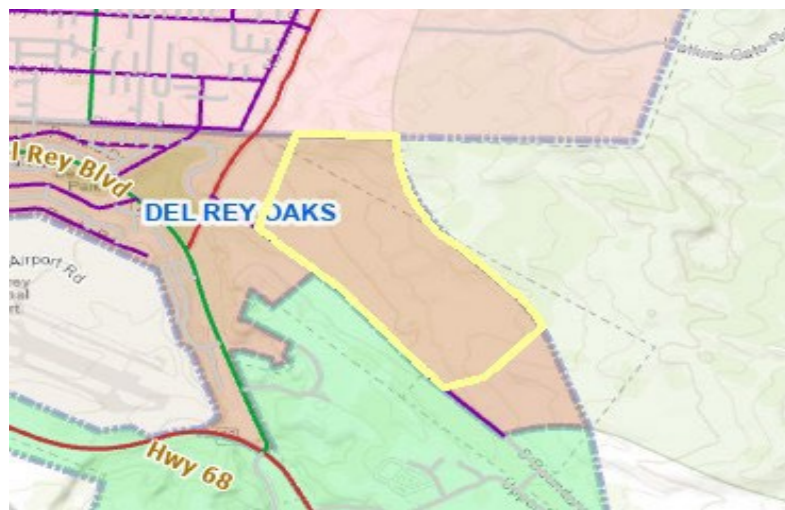
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Appendix B-2
Site Inventory Maps

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Land Inventory/Summary of Key Sites -Site 1

Location	1
Map Designation	Figure 4, Site 1
APN	031-191-026-000
Acreage	232.03
Description of Existing Use	The site is currently undeveloped, and a part of former Fort Ord.
General Plan Designation	General Commercial – Neighborhood Commercial with Visitor overlay – (GC (C-1-V))
Zoning	Neighborhood Commercial with Visitor Overlay – (C-1-V)
Cited in HCD letter	Yes
Identified for 5th & 6th Cycle	Yes
Rezoning Required?	This area requires rezoning to allow for residential to meet RHNA 5th and 6th Cycle, including shortfall from 5th Cycle.



Summary Description	The site is approximately 232 acres of vacant, undeveloped land with gradual slopes dominated by chaparral and oak trees/oak woodland in the interior of the site. Currently, the City's adopted Redevelopment Plan identifies up to 200 residential units onsite. The City would need to complete a general plan amendment or specific plan and rezoning to specifically allow residential development. The parcel is bordered by the City of Seaside to the north, Fort Ord National Monument to the east, and City of Monterey to the south along South Boundary Road. The site is partially level towards South Boundary Road. Through the Fort Ord Base Reuse Plan Capital Improvement Program, water and sewer is available adjacent to the site along General Jim Moore Blvd. Infrastructure for non-potable water is currently not available; proposed developments relying on the use of non-potable water would be responsible for obtaining delivery of the non-potable water to the development site. Supplemental water sources are considered unlikely in the foreseeable future.
Surrounding Land Uses	No developed land uses surround the site. The site is bound by South Boundary Road to the south. An approved RV Resort is planned for the area located directly east of the site. The site is bound on the west by vacant land, South Boundary Road to the southwest, and Fort Ord National Monument to the north and northeast.
Access/Circulation	The site has current access via a dirt road on the south side of the parcel on South Boundary Road, a two-lane road. Future site access could also be served by General Jim Moore Boulevard, an arterial two-lane road.
Infrastructure	<u>Water/Sewer:</u> The site is vacant and has no infrastructure onsite. Underground water, recycled water and wastewater pipeline improvements are located along General Jim Moore Boulevard and are planned to continue on South Boundary Road. Water service is provided by the Marina Coast Water District (MCWD). Sanitary sewer is to be provided by the Seaside Sanitation District with connection to regional system. <u>Other Utilities:</u> There are no visible above-ground power lines on site. Energy would be provided by Pacific Gas & Electric (PG&E). Cable, Internet & Phone would be provided by Comcast or AT&T.
Development constraints (environmental, floodplains, etc.)	The site was previously used by former Fort Ord Military Base and portions of the property were found to have Unexploded Ordnances (UXO). Removal of UXO was conducted by the Army. However, in accordance with regulatory restrictions, additional environmental insurance and clearance by Department of Toxic Substances Control (DTSC) regulatory agencies as well as restrictive covenants on use of the site are required consistent with the State requirements. The site is within the regional Airport Influence Area but not within a Airport Safety Zone in Exhibit 4C of the Monterey Regional Airport Land Use Compatibility Plan.
Development Restrictions (easements/covenants)	Covenants and restrictions required per DTSC requirements for residential use in portions of the site. Approximately 80-90 acres within the eastern portion of the site does not have a residential restriction and would not require DTSC lifting of covenants.
Monterey County GIS Data/Potential Concerns	Moderate to High Erosion Hazard, within the 660' buffer of Active/Potentially Active Faults, Moderate Archaeological Sensitivity, and Monterey Spineflower Critical Habitat.
Ownership	City of Del Rey Oaks
Surplus Land Act	Yes, the City noticed for Surplus Land Act in 2023 and received three responses for this property, one from a developer of affordable housing and two from public non-profit agencies related to open space conservation.

Land Inventory/Summary of Key Sites -Site 1a

Location	1a
Map Designation	Figure 4, Site 1a
APNs	031-191-027-000, 031-191-028-000
Acreage	Approximately 18 (6.03, 11.84)
Description of Existing Use	The site is currently undeveloped, and a part of former Fort Ord.
General Plan Designation	General Commercial – Neighborhood Commercial with Visitor overlay – (GC (C-1-V))
Zoning	Neighborhood Commercial with Visitor Overlay – (C-1-V)
Cited in HCD letter	Yes
Identified for 5th & 6th Cycle	Yes
Rezoning required for residential	Yes



Summary Description	The entire site is approximately 18 acres of undeveloped land with rolling slopes dominated by chaparral and oaks near South Boundary Road. The site is steep along a trail near the City of Monterey storage yard to the south and slopes downward to South Boundary Road to the north. The City of Del Rey Oaks would need to rezone this site to allow residential use. There are no water or sewer lines serving the site. The site is partially level near South Boundary Road, sloping upward to the hillside visible from the roadway to the south. The southern portion of the site is extremely steep (the area visible from Highway 218). The site is near a former Fort Ord property owned by the City of Monterey and adjacent to the City of Monterey storage yard.
Surrounding Land Uses	An undeveloped open space/habitat is to the northwest between the site and General Jim Moore Boulevard. On the western boundary of General Jim Moore Boulevard is the Monterey Peninsula Regional Park District (MPRPD) Frog Pond Wetland Preserve. Development near the site includes a City of Monterey storage yard to the southeast on Ryan Ranch Road. <u>There is undeveloped land to the north, west, and east of the site.</u>
Access/Circulation	Existing access to the site is available via South Boundary Road on the northern side of the site. There is no direct access to the southern portion of the site from Highway 218.
Infrastructure	Water/Sewer: The site is vacant and has no infrastructure onsite. Underground water, recycled water and wastewater pipeline improvements are located along General Jim Moore Boulevard and are planned to continue on South Boundary Road. Water service is provided by the Marina Coast Water District (MCWD). Other Utilities: There are no visible above-ground power lines on site. Energy would be provided by Pacific Gas & Electric (PG&E). Cable, Internet & Phone would be provided by Comcast or AT&T.
Development constraints (environmental, floodplains, etc.)	The primary developmental constraint to the site is its steep grade on the southern portion of the site closest to Highway 218. Freshwater Emergent Wetland Habitat exists onsite according to the National Wetlands Inventory. The site is within the regional Airport Influence Area but not within a Airport Safety Zone in Exhibit 4C of the Monterey Regional Airport
Development Restrictions (easements/covenants)	Covenants and restrictions required per DTSC requirements for residential use.
Monterey County GIS Data/Potential Concerns	Moderate to High Erosion Hazard, within the 660' buffer of Active/Potentially Active Faults, possessing Slopes Greater Than 25%, Moderate Archaeological Sensitivity, and Monterey Spineflower Critical Habitat.
Ownership	City of Del Rey Oaks
Surplus Land Act	Yes, the City noticed for Surplus Land Act in 2023 and received three responses for this property, one from a developer of affordable housing and two from public non-profit agencies related to open space conservation.

Land Inventory/Summary of Key Sites - Site K1

Location	K1
Map Designation	Figure 4, Site K1
APN	031-191-024-000
Acreage	20
Description of Existing Use	The site is currently undeveloped, and a part of former Fort Ord.
General Plan Designation	General Commercial – Neighborhood Commercial with Visitor overlay – (GC (C-1-V))
Zoning	Neighborhood Commercial – (C-1) and Neighborhood Commercial with Visitor Overlay – (C-1-V)
Cited in HCD letter	No
Identified for 5th & 6th Cycle	This area is a potential candidate site in 6th Cycle Draft Update
Rezoning Required?	If needed to meet RHNA, rezoning for mixed-use residential would be required. The City will meet RHNA with Sites 1 and 1a but this site provides additional capacity.



Source: Denise Duffy & Associates, Inc.

Summary Description	The site is approximately 20 acres of vacant, undeveloped land with gradual slopes dominated by chaparral and oak trees/oak woodland in the interior of the site. The site is currently owned by Monterey Peninsula Partners. The City would need to complete a general plan amendment or specific plan and rezoning to specifically allow residential development. The parcel is bordered by the City of Seaside to the north, Fort Ord National Monument to the east, and City of Monterey to the south along South Boundary Road.
Surrounding Land Uses	There are residential land uses to the west and northwest of the site on the west side of General Jim Moore Boulevard. The site is bound by General Jim Moore Boulevard to the west, South Boundary Road to the south, vacant property owned by the City of Del Rey Oaks to the east, and Fort Ord National Monument to the north.
Access/Circulation	The site has current access via a dirt road on the west side of the parcel on General Jim Moore Boulevard, an arterial two-lane road. South Boundary Road to the south can also provide future access to the site.
Infrastructure	<u>Water/Sewer:</u> The site is vacant and has no infrastructure onsite. Underground water, recycled water and wastewater pipeline improvements are located along General Jim Moore Boulevard and are planned to continue on South Boundary Road. Water service is provided by the Marina Coast Water District (MCWD). Sanitary sewer is to be provided by the Seaside Sanitation District with connection to regional system. <u>Other Utilities:</u> There are no visible above-ground power lines on site. Energy would be provided by Pacific Gas & Electric (PG&E). Cable, Internet & Phone would be provided by Comcast or AT&T.
Development constraints (environmental, floodplains, etc.)	The site was previously used by former Fort Ord Military Base and portions of the property were found to have Unexploded Ordnances (UXO). Removal of UXO was conducted by the Army. However, in accordance with regulatory restrictions, additional environmental insurance and clearance by Department of Toxic Substances Control (DTSC) regulatory agencies as well as restrictive covenants on use of the site are required consistent with the State requirements. The site is within the regional Airport Influence Area but not within a Airport Safety Zone in Exhibit 4C of the Monterey Regional Airport Land Use Compatibility Plan.
Development Restrictions (easements/covenants)	Covenants and restrictions required per DTSC requirements for residential use.
Monterey County GIS Data/Potential Concerns	Moderate Erosion Hazard, within the 660' buffer of Active/Potentially Active Faults, Moderate Archaeological Sensitivity.
Ownership	Private Ownership

Land Inventory/Summary of Key Sites -Site K2

Location	K2
Map Designation	Figure 4, Site K2
APN	031-191-025-000
Acreege	Approximately 54 acres (53.81)
Description of Existing Use	The site is currently undeveloped, and a part of former Fort Ord.
General Plan Designation	General Commercial – Neighborhood Commercial with Visitor overlay – (GC (C-1-V))
Zoning	Neighborhood Commercial with Visitor Overlay – (C-1-V)
Cited in HCD letter Identified for 6th Cycle	No Identified as additional site in 6th Cycle only
Proposed for Rezoning	If needed to meet RHNA, rezoning for residential would be required. The City will meet RHNA with Sites 1 and 1a but this site provides additional opportunity and capacity.



Summary Description	The site is approximately 53.81 acres of vacant, undeveloped land with gradual slopes dominated by chaparral and oak trees/oak woodland in the interior of the site. The site is currently owned by Monterey Peninsula Partners. In May 2016, the City Council adopted an Initiative Measure amending the City's General Plan and Zoning Ordinance Chapter 17.32, Visitor Commercial Overlay recreational uses, to include recreational vehicle (RV) parks, within the former Fort Ord, within the designated area of the Initiative Measure. The Initiative Measure allows for the construction of an RV park (Monument RV Resort) of up to 210 total guest sites, including accessory and auxiliary uses, on 53.81 acres on the south side of the former Fort Ord lands. The Initiative included an amendment to the City's General Plan allowing RV development and the project is now fully entitled. The Draft Housing Element proposes this site as an additional site for meeting RHNA. If needed, rezoning to specifically allow residential development would be required for a portion of the approved development. Current development site plans indicate RV spaces at 3,000- 4,000 square feet. The parcel is bordered by Fort Ord National Monument to the north and east, and the City of Monterey to the south along South Boundary Road. Development of this site is subject to DTSC residential covenant removals, as described below and approval by the Army, DTSC, and property
Surrounding Land Uses	No developed land uses surround the site. The site is bound by vacant property owned by the City of Del Rey Oaks to the north and west, vacant property owned by the City of Monterey to the south, and Fort Ord National Monument to the east.
Access/Circulation	The site has current access via a dirt road on the south side of the parcel on South Boundary Road, a two-lane road.
Infrastructure	<u>Water/Sewer:</u> The site is vacant and has no infrastructure onsite. Underground water, recycled water and wastewater pipeline improvements are located along General Jim Moore Blvd and are planned to continue on South Boundary Road. The property is within the water service provider Marina Coast Water District (MCWD). Sanitary sewer is to be provided by the Seaside Sanitation District with connection to their regional system. <u>Other Utilities:</u> There are no visible above-ground power lines on site. Energy would be provided by Pacific Gas & Electric (PG&E). Cable, Internet & Phone would be provided by Comcast or AT&T.
Development constraints (environmental, floodplains, etc.)	The site was previously used by former Fort Ord Military Base and portions of the property were found to have Unexploded Ordnances (UXO). Removal of UXO was conducted by the Army. However, in accordance with regulatory restrictions, additional environmental insurance and clearance by DTSC regulatory agencies as well as restrictive covenants on use of the site required. The site is within the regional Airport Influence Area but not within a Airport Safety Zone in Exhibit 4C of the Monterey Regional Airport Land Use Compatibility Plan
Development Restrictions (easements/covenants)	Covenants and restrictions on this site currently and would need to be lifted by DTSC for residential use.
Monterey County GIS Data/Potential Concerns	Moderate to High Erosion Hazard, Moderate Archaeological Sensitivity, and Monterey Spineflower Critical Habitat.
Ownership	Private Ownership under Monterey Peninsula Partners

Appendix B-3
Supplemental Mapping Alternatives

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Source: County of Monterey, Google

Additional Areas for Candidate Sites Outside of Former Fort Ord

Date
7/14/2023










Scale
N/A

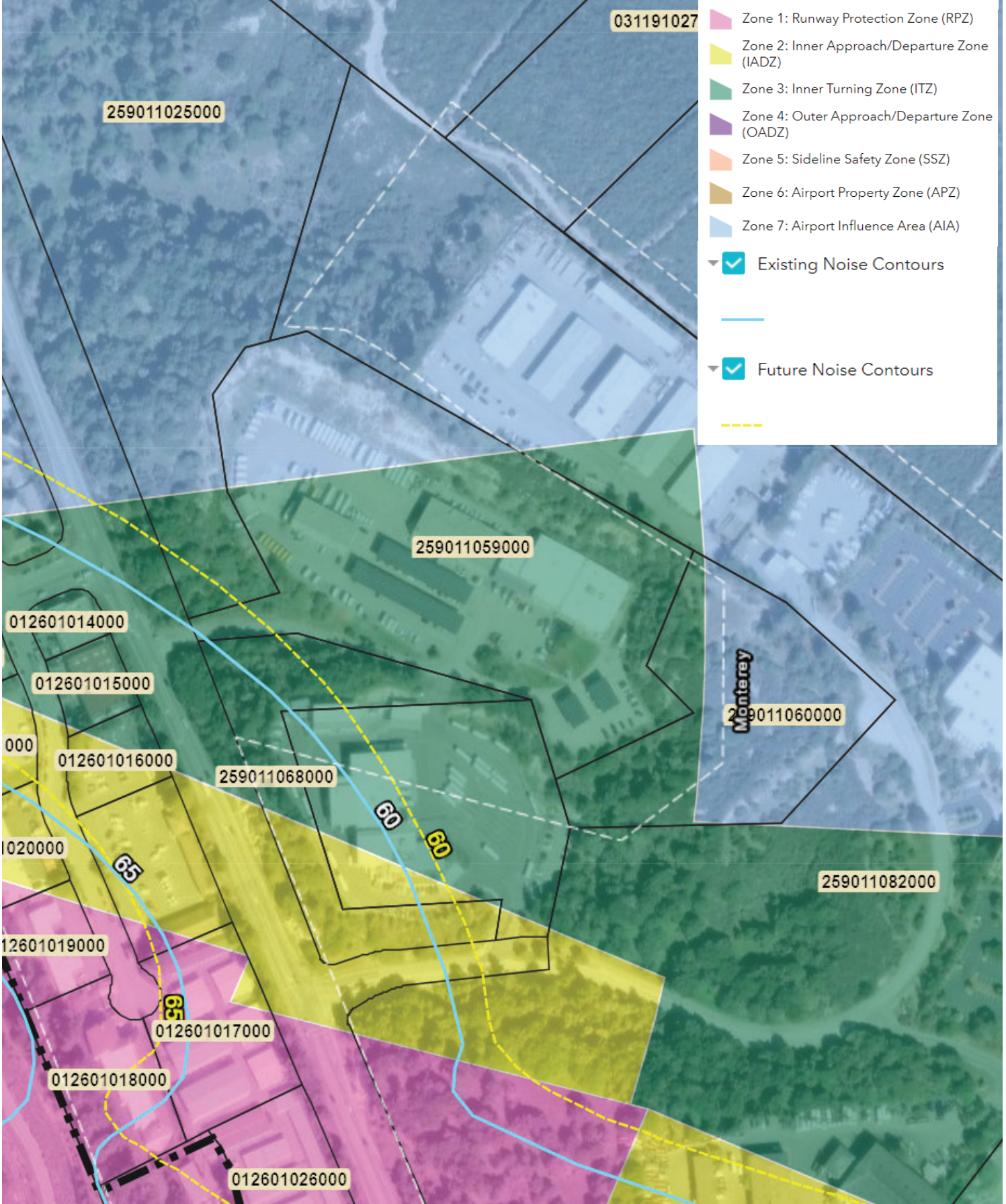


Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Source: Monterey Airport Land Commission

Legend

-  Zone 1: Runway Protection Zone (RPZ)
-  Zone 2: Inner Approach/Departure Zone (IADZ)
-  Zone 3: Inner Turning Zone (ITZ)
-  Zone 4: Outer Approach/Departure Zone (OADZ)
-  Zone 5: Sideline Safety Zone (SSZ)
-  Zone 6: Airport Property Zone (APZ)
-  Zone 7: Airport Influence Area (AIA)
-  Existing Noise Contours
-  Future Noise Contours



Airport Safety Zones and MPUSD Site City of Del Rey Oaks

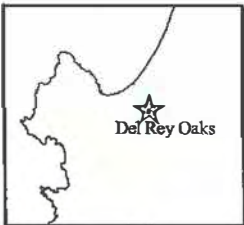
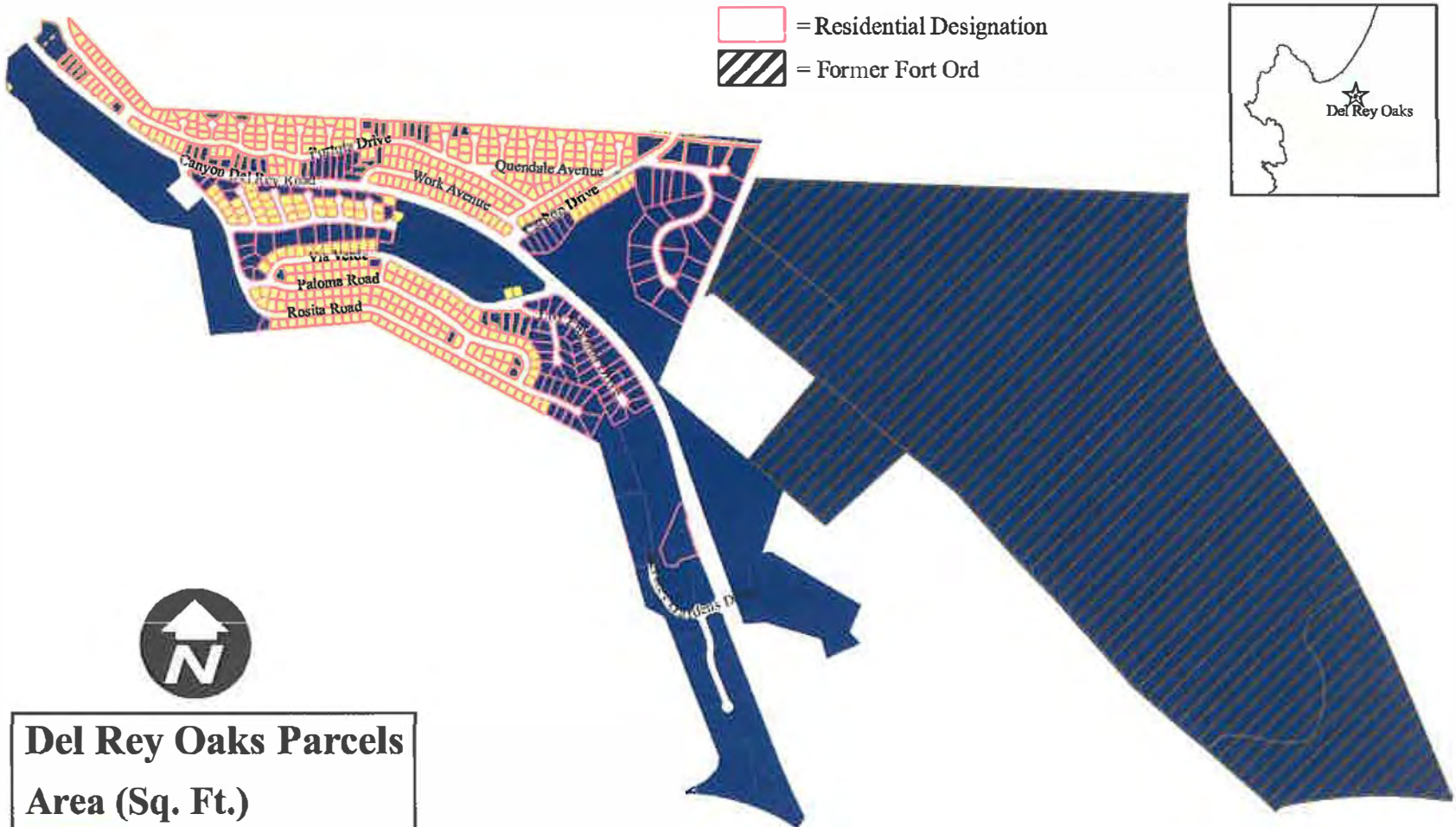
Date
7/31/2023

Scale
N/A



Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure



Del Rey Oaks Parcels

Area (Sq. Ft.)

[Yellow Box]	0 - 7,999
[Blue Box]	>8000

Lots Over 8000 Sq. Ft.



Del Rey Oaks Parcel Map
Land Use Inventory Parcels

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Appendix C
Special-Status Species List

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Special-Status Species Table

Carmel Valley, Marina, Monterey, Mt. Carmel, Salinas, Seaside, Soberanes Point, and Spreckels Quadrangles

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
MAMMALS			
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	— / CSC / —	Found primarily in rural settings from inland deserts to coastal redwoods, oak woodland of the inner Coast Ranges and Sierra foothills, and low to mid-elevation mixed coniferous-deciduous forests. Typically roost during the day in limestone caves, lava tubes, and mines, but can roost in buildings that offer suitable conditions. Night roosts are in more open settings and include bridges, rock crevices, and trees.	Moderate This species may use some of the trees within the project site for night roosts and may forage throughout the project site. However, no suitable day, colonial, or maternity roost habitat is present. The CNDDDB reports an occurrence of this species approximately 6 miles from the project site in the northern portion of the former Fort Ord.
<i>Neotoma macrotis luciana</i> Monterey dusky-footed woodrat	— / CSC / —	Forest and oak woodland habitats of moderate canopy with moderate to dense understory. Also occurs in chaparral habitats.	High Suitable habitat is present within the project site. The CNDDDB reports an occurrence of this species approximately 8 miles from the project site; however, this species is common throughout the former Fort Ord.
<i>Sorex ornatus salarius</i> Monterey shrew	— / CSC / —	Mostly moist or riparian woodland habitats, and within chaparral, grassland, and emergent wetland habitats where there is a thick duff or downed logs.	Low Marginal habitat is present within the project site. Figure B-18 in the Fort Ord HMP does not identify the project site as containing potential habitat for this species. The CNDDDB reports occurrences of this species within one mile of the project.
<i>Taxidea taxus</i> American badger	— / CSC / —	Dry, open grasslands, fields, pastures savannas, and mountain meadows near timberline are preferred. The principal requirements seem to be sufficient food, friable soils, and relatively open, uncultivated grounds.	Unlikely No suitable habitat within the project site.
BIRDS			
<i>Agelaius tricolor</i> Tricolored blackbird (nesting colony)	— / ST / —	Nest in colonies in dense riparian vegetation, along rivers, lagoons, lakes, and ponds. Forages over grassland or aquatic habitats.	Unlikely No suitable habitat within the project site.
<i>Athene cunicularia</i> Burrowing owl (burrow sites and some wintering sites)	— / CSC / —	Year-round resident of open, dry grassland and desert habitats, and in grass, forb and open shrub stages of pinyon-juniper and ponderosa pine habitats. Frequent open grasslands and shrublands with perches and burrows. Use rodent burrows (often California ground squirrel) for roosting and nesting cover. Pipes, culverts, and nest boxes may be substituted for burrows in areas where burrows are not available.	Unlikely No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Brachyramphus marmoratus</i> Marbled murrelet	FT / SE / —	Occur year-round in marine subtidal and pelagic habitats from the Oregon border to Point Sal. Partial to coastlines with stands of mature redwood and Douglas-fir. Requires dense mature forests of redwood and/or Douglas-fir for breeding and nesting.	Unlikely No suitable habitat within the project site.
<i>Charadrius nivosus nivosus</i> Western snowy plover	FT / CSC / —	Sandy beaches on marine and estuarine shores, also salt pond levees and the shores of large alkali lakes. Requires sandy, gravelly or friable soil substrate for nesting.	Unlikely No suitable habitat within the project site.
<i>Coturnicops noveboracensis</i> Yellow rail	— / CSC / —	Wet meadows and coastal tidal marshes. Occurs year round in California, but in two primary seasonal roles: as a very local breeder in the northeastern interior and as a winter visitor (early Oct to mid-Apr) on the coast and in the Suisun Marsh region	Unlikely No suitable habitat within the project site.
<i>Cypseloides niger</i> Black swift	— / CSC / —	Regularly nests in moist crevice or cave on sea cliffs above the surf, or on cliffs behind, or adjacent to, waterfalls in deep canyons. Forages widely over many habitats.	Unlikely No suitable habitat within the project site.
<i>Empidonax traillii extimus</i> Southwestern willow flycatcher	FE / SE / —	Breeds in riparian habitat in areas ranging in elevation from sea level to over 2,600 meters. Builds nest in trees in densely vegetated areas. Establishes nesting territories and builds and forages in mosaics of relatively dense and expansive areas of trees and shrubs, near or adjacent to surface water or underlain by saturated soils. Not typically found nesting in areas without willows (<i>Salix sp.</i>), tamarisk (<i>Tamarix ramosissima</i>), or both.	Unlikely No suitable habitat within the project site.
<i>Gymnogyps californianus</i> California condor	FE / SE / —	Roosting sites in isolated rocky cliffs, rugged chaparral, and pine covered mountains 2000-6000 feet above sea level. Foraging area removed from nesting/roosting site (includes rangeland and coastal area—up to 19-mile commute one way). Nest sites in cliffs, crevices, potholes.	Unlikely Marginal roosting habitat is present within the project site; however, no suitable nesting habitat is present.
<i>Hydrobates homochroa</i> Ashy storm-petrel (nesting)	— / CSC / —	Tied to land only to nest, otherwise remains over open sea. Nests in natural cavities, sea caves, or rock crevices on offshore islands and prominent peninsulas of the mainland.	Unlikely No suitable habitat within the project site.
<i>Laterallus jamaicensis coturniculus</i> California black rail	— / ST+CFP / —	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that does not fluctuate during the year and dense vegetation for nesting habitat.	Unlikely No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Pelecanus occidentalis californicus</i> California brown pelican	— / CFP / —	Found in estuarine, marine subtidal, and marine pelagic waters along the California coast. Usually rests on water or inaccessible rocks, but also uses mudflats, sandy beaches, wharfs, and jetties.	Unlikely No suitable habitat within the project site.
<i>Riparia riparia</i> Bank swallow (nesting)	— / ST / —	Nest colonially in sand banks. Found near water; fields, marshes, streams, and lakes.	Unlikely No suitable habitat within the project site.
<i>Sterna antillarum browni</i> California least tern	FE / SE / —	Prefers undisturbed nest sites on open, sandy/gravelly shores near shallow-water feeding areas in estuaries. Sea beaches, bays, large rivers, bars.	Unlikely No suitable habitat within the project site.
<i>Vireo bellii pusillus</i> Least Bell's Vireo	FE / SE / —	Riparian areas and drainages. Breed in willow riparian forest supporting a dense, shrubby understory. Oak woodland with a willow riparian understory is also used in some areas, and individuals sometimes enter adjacent chaparral, coastal sage scrub, or desert scrub habitats to forage.	Unlikely No suitable habitat within the project site.
REPTILES AND AMPHIBIANS			
<i>Ambystoma californiense</i> California tiger salamander	FT / ST / —	Annual grassland and grassy understory of valley-foothill hardwood habitats in central and northern California. Need underground refuges and vernal pools or other seasonal water sources.	Moderate Extensive surveys have been conducted within the former Fort Ord to determine the aquatic resources that are known or have the potential to be occupied by CTS. Suitable upland habitat, including mammal burrows, is present throughout the project site. The nearest known CTS-occupied breeding resources are located approximately 0.9 mile (1.4 kilometers) east at Pond 71 and 1.1 miles (1.8 km) east at Pond 30, both within the known dispersal range (2.2 km) of the species. In addition, other potential CTS breeding ponds, including Pond 46 and Frog Pond, are less than one mile from the project site. Pond 32 (Quarry Pond) may provide suitable breeding habitat; however, this species has not been found to breed in this pond during protocol-level surveys.
<i>Anniella pulchra</i> Northern California legless lizard	— / CSC / —	Requires moist, warm habitats with loose soil for burrowing and prostrate plant cover, often forages in leaf litter at plant bases; may be found on beaches, sandy washes, and in woodland, chaparral, and riparian areas.	High Suitable habitat is present within the project site. The CNDDDB reports several occurrences of this species approximately 2 miles from the project; however, this species is known to occur throughout the central maritime chaparral habitat on the former Fort Ord where suitable soil conditions occur.
<i>Emys marmorata</i> Western pond turtle	— / CSC / —	Associated with permanent or nearly permanent water in a wide variety of habitats including streams, lakes, ponds, irrigation ditches, etc. Require basking sites such as partially submerged logs, rocks, mats of vegetation, or open banks.	Unlikely No suitable habitat within the project site. Pond 32 (Quarry Pond) is ephemeral and does not have a sufficient inundation period to support this species.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Phrynosoma blainvillii</i> Coast horned lizard	— / CSC / —	Associated with open patches of sandy soils in washes, chaparral, scrub, and grasslands.	High Suitable habitat is present within the project site. The CNDDDB reports occurrences of this species approximately 5 miles from the project; however, this species is known to occur throughout the central maritime chaparral habitat on the former Fort Ord.
<i>Rana boylei</i> Foothill yellow-legged frog	FC / SE / —	Partly shaded, shallow streams and riffles with a rocky substrate in a variety of habitats, including hardwood, pine, and riparian forests, scrub, chaparral, and wet meadows. Rarely encountered far from permanent water.	Unlikely No suitable habitat within the project site.
<i>Rana draytonii</i> California red-legged frog	FT / CSC / —	Lowlands and foothills in or near permanent or late-season sources of deep water with dense, shrubby, or emergent riparian vegetation. During late summer or fall adults are known to utilize a variety of upland habitats with leaf litter or mammal burrows.	Low Suitable upland habitat is present within the project site. In addition, Pond 32 (Quarry Pond) may provide suitable breeding habitat. This species has only been detected at one pond on the former Fort Ord, located over 5 miles from the project site. The CNDDDB reports occurrences of this species approximately 2 miles from the project.
<i>Spea hammondi</i> Western spadefoot toad	— / CSC / —	Grasslands with shallow temporary pools are optimal habitats for the western spadefoot. Occur primarily in grassland habitats but can be found in valley and foothill woodlands. Vernal pools are essential for breeding and egg laying.	Unlikely No suitable habitat within the project site.
<i>Taricha torosa</i> Coast Range newt	— / CSC / —	Occurs mainly in valley-foothill hardwood, valley-foothill hardwood-conifer, coastal scrub, and mixed chaparral but is known to occur in grasslands and mixed conifer types. Seek cover under rocks and logs, in mammal burrows, rock fissures, or man-made structures such as wells. Breed in intermittent ponds, streams, lakes, and reservoirs.	Low Suitable upland habitat is present within the project site. In addition, Pond 32 (Quarry Pond) may provide suitable breeding habitat. This species is known to breed in some of the vernal ponds on the former Fort Ord. The CNDDDB reports occurrences of this species approximately 6 miles from the project.
<i>Thamnophis hammondi</i> Two-striped garter snake	— / CSC / —	Associated with permanent or semi-permanent bodies of water bordered by dense vegetation in a variety of habitats from sea level to 2400m elevation.	Unlikely No suitable habitat within the project site. Pond 32 (Quarry Pond) is ephemeral and does not have a sufficient inundation period or associated vegetation to support this species.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
FISH			
<i>Eucyclogobius newberryi</i> Tidewater goby	FE / — / —	Brackish water habitats, found in shallow lagoons and lower stream reaches. Tidewater gobies appear to be naturally absent (now and historically) from three large stretches of coastline where lagoons or estuaries are absent and steep topography or swift currents may prevent tidewater gobies from dispersing between adjacent localities. The southernmost large, natural gap occurs between the Salinas River in Monterey County and Arroyo del Oso in San Luis Obispo County.	Not Present No suitable obligate habitat within the project site.
<i>Lavinia exilicauda harengus</i> Monterey hitch	— / CSC / —	Found only within the Pajaro and Salinas River systems. Can occupy a wide variety of habitats, however, they are most abundant in lowland areas with large pools or small reservoirs that mimic such conditions. May be found in brackish water conditions within the Salinas River lagoon during the early summer months when the sandbar forms at the mouth of the river.	Not Present No suitable obligate habitat within the project site.
<i>Oncorhynchus mykiss irideus</i> Steelhead (south-central California coast DPS)	FT / — / —	Cold headwaters, creeks, and small to large rivers and lakes; anadromous in coastal streams.	Not Present No suitable obligate habitat within the project site.
INVERTEBRATES			
<i>Bombus crotchii</i> Crotch bumble bee	-- / SC / --	Occurs in open grassland and scrub at relatively warm and dry sites. Requires plants that bloom and provide adequate nectar and pollen throughout the colony's life cycle, which is from early February to late October. Generally nests underground, often in abandoned mammal burrows. Within California this species is known to occur in the Mediterranean, Pacific Coast, Western Desert, as well as Great Valley and adjacent foothill regions.	Low Only marginal, very low-quality habitat is present in small, isolated areas of ruderal/disturbed habitat where the non-native grasses occur. The CNDDDB does not report any occurrences of this species within the quadrangles reviewed; however, this species was observed in 2022 at the Hastings Reserve, located approximately 20 miles from the project site.
<i>Bombus occidentalis</i> Western bumble bee	— / SC / —	Found in a range of habitats, including mixed woodlands, farmlands, urban parks and gardens, montane meadows, and prairie grasslands. Requires plants that bloom and provide adequate nectar and pollen throughout the colony's life cycle, which is from early February to late November. Generally nests underground, often in abandoned mammal burrows. Populations are currently largely restricted to high elevation sites in the Sierra Nevada; however, the historic range includes the northern California coast.	Low Only marginal, very low-quality habitat is present in small, isolated areas of ruderal/disturbed habitat where the non-native grasses occur. The CNDDDB reports an occurrence of this species approximately 3 miles from the project site; however, all occurrences of this species on the Monterey Peninsula are historic and this species may no longer occur within the vicinity of the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT / — / —	Require ephemeral pools with no flow. Associated with vernal pool/grasslands from near Red Bluff (Shasta County), through the central valley, and into the South Coast Mountains Region.	Unlikely Suitable habitat for this species may be present within Pond 32 (Quarry Pond); however, the project site is likely outside of the known range for this species and this species has not been observed during invertebrate studies conducted in former Fort Ord ponds by the Army, BLM, or other scientists.
<i>Danaus plexippus</i> Monarch butterfly	FC / — / —	Overwinters in coastal California using colonial roosts generally found in Eucalyptus, pine, and acacia trees. Overwintering habitat for this species within the Coastal Zone represents ESHA. Local ordinances often protect this species as well.	Unlikely No suitable habitat within the project site.
<i>Euphilotes enoptes smithi</i> Smith's blue butterfly	FE / — / —	Most commonly associated with coastal dunes and coastal sage scrub plant communities in Monterey County. Plant hosts are <i>Eriogonum latifolium</i> and <i>E. parvifolium</i> .	Low The obligate host plants for this species have the potential to occur within the project site. If present, these host plants may support this species. The CNDDDB reports an occurrence of this species approximately 2 miles from the project site.
<i>Linderiella occidentalis</i> California linderiella	— / — / —	Ephemeral ponds with no flow. Generally associated with hardpans.	Low Figure B-13 in the Fort Ord HMP identifies that suitable habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDDB reports an occurrence of this species approximately 3 miles from the project site.
PLANTS			
<i>Agrostis lacuna-vernalis</i> Vernal pool bent grass	— / — / 1B	Vernal pool Mima mounds at elevations of 115-145 meters. Annual herb in the Poaceae family; blooms April-May. Known only from Butterfly Valley and Machine Gun Flats of Ft. Ord National Monument.	Low Suitable habitat for this species may be present within Pond 32 (Quarry Pond). This species is known only to occur within vernal ponds on the former Fort Ord. The CNDDDB reports an occurrence of this species approximately 4 miles from the project site.
<i>Allium hickmanii</i> Hickman's onion	— / — / 1B	Closed-cone coniferous forests, maritime chaparral, coastal prairie, coastal scrub, and valley and foothill grasslands at elevations of 5-200 meters. Bulbiferous perennial herb in the Alliaceae family; blooms March-May.	Low Suitable habitat is present within the project site, particularly within Pond 32 (Quarry Pond). This species is known to occur on the former Fort Ord. The CNDDDB reports an occurrence of this species within 0.5 mile of the project site.
<i>Arctostaphylos edmundsii</i> Little Sur manzanita	— / — / 1B	Coastal bluff scrub and chaparral on sandy soils at elevations of 30-105 meters. Evergreen shrub in the Ericaceae family; blooms November-April.	Unlikely Suitable habitat is present within the project site; however, the project site is outside of the highly endemic range for this species.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i> Hooker's manzanita	— / — / 1B	Closed-cone coniferous forest, chaparral, cismontane woodland, and coastal scrub on sandy soils at elevations of 85-536 meters. Evergreen shrub in the Ericaceae family; blooms January-June.	Moderate Suitable habitat is present within the project site. This species is abundant on the former Fort Ord, sometimes occurring as a dominant species within the central maritime chaparral habitat. The CNDDDB and Figure B-11 in the Fort Ord HMP identify that this species occurs within 0.5 mile of the project site.
<i>Arctostaphylos montereyensis</i> Toro manzanita	— / — / 1B	Maritime chaparral, cismontane woodland, and coastal scrub on sandy soils at elevations of 30-730 meters. Evergreen shrub in the Ericaceae family; blooms February-March.	Moderate Suitable habitat is present within the project site. This species is abundant on the former Fort Ord, sometimes occurring as a dominant species within the central maritime chaparral habitat. The CNDDDB and Figure B-5 in the Fort Ord HMP identify that this species occurs immediately adjacent to the project site.
<i>Arctostaphylos pajaroensis</i> Pajaro manzanita	— / — / 1B	Chaparral on sandy soils at elevations of 30-760 meters. Evergreen shrub in the Ericaceae family; blooms December-March.	Low Suitable habitat is present within the project site. This species is known to occur in small populations on the former Fort Ord. The CNDDDB identifies two occurrences of this species within one mile of the project site.
<i>Arctostaphylos pumila</i> Sandmat manzanita	— / — / 1B	Openings of closed-cone coniferous forests, maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub on sandy soils at elevations of 3-205 meters. Evergreen shrub in the Ericaceae family; blooms February-May.	High Suitable habitat is present within the project site. This species is abundant on the former Fort Ord, often occurring as a dominant species within the central maritime chaparral habitat. The CNDDDB and Figure B-6 in the Fort Ord HMP identify that this species occurs within the project site.
<i>Arenaria paludicola</i> Marsh sandwort	FE / SE / 1B	Known from only two natural occurrences in Black Lake Canyon and at Oso Flaco Lake. Sandy openings of freshwater of brackish marshes and swamps at elevations of 3-170 meters. Stoloniferous perennial herb in the Caryophyllaceae family; blooms May-August.	Unlikely No suitable habitat within the project site. The project site is outside the known distribution range of this species.
<i>Astragalus tener</i> var. <i>tener</i> Alkali milk-vetch	— / — / 1B	Playas, valley and foothill grassland on adobe clay, and vernal pools on alkaline soils at elevations of 1-60 meters. Annual herb in the Fabaceae family; blooms March-June.	Unlikely No suitable habitat within the project site.
<i>Astragalus tener</i> var. <i>titi</i> Coastal dunes milk-vetch	FE / SE / 1B	Sandy soils in coastal bluff scrub, coastal dunes, coastal prairie (mesic); elevation 3-164 feet. Annual herb in the Fabaceae family; blooms March-May.	Unlikely No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Castilleja ambigua</i> var. <i>insalutata</i> Pink Johnny-nip	— / — / 1B	Coastal prairie and coastal scrub at elevations of 0-100 meters. Annual herb in the Orobanchaceae family; blooms May-August.	Low Marginal habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDDB reports occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project site.
<i>Ceanothus rigidus</i> Monterey ceanothus	— / — / 4	Closed cone coniferous forest, chaparral, and coastal scrub on sandy soils at elevations of 3-550 meters. Evergreen shrub in the Rhamnaceae family, blooms February-June.	High Suitable habitat is present within the project site. This species is abundant on the former Fort Ord, often occurring as a dominant species within the central maritime chaparral habitat. Figure B-7 in the Fort Ord HMP identifies that this species occurs within the project site.
<i>Centromadia parryi</i> ssp. <i>congdonii</i> Congdon's tarplant	— / — / 1B	Valley and foothill grassland on heavy clay, saline, or alkaline soils at elevations of 0-230 meters. Annual herb in the Asteraceae family; blooms May-November.	Unlikely No suitable habitat within the project site. Soils within the project site are unlikely to support this species.
<i>Chorizanthe minutiflora</i> Fort Ord spineflower	— / — / 1B	Sandy openings of maritime chaparral and coastal scrub at elevations of 55-150 meters. Only known occurrences on Fort Ord National Monument. Annual herb in the Polygonaceae family; blooms April-July.	Moderate The majority of the project site may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is known to occur only on the former Fort Ord. The CNDDDB reports an occurrence of this species within 0.5 mile of the project site.
<i>Chorizanthe pungens</i> var. <i>pungens</i> Monterey spineflower	FT / — / 1B	Maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland on sandy soils at elevations of 3-450 meters. Annual herb in the Polygonaceae family; blooms April-July.	High The majority of the project site may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is abundant on the former Fort Ord. The CNDDDB and Figure B-2 in the Fort Ord HMP identify that this species occurs within the project site.
<i>Chorizanthe robusta</i> var. <i>robusta</i> Robust spineflower	FE / — / 1B	Openings in cismontane woodland, coastal dunes, maritime chaparral, and coastal scrub on sandy or gravelly soils at elevations of 3-300 meters. Annual herb in the Polygonaceae family; blooms April-September.	Unlikely Suitable habitat is present within the project site; however, the project site is outside the known distribution range of this species. Figure B-3 in the Fort Ord HMP identifies that this species occurs within the Fort Ord Dunes State Park; however, this occurrence may have been a misidentification and this species has not been located on the former Fort Ord since.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Clarkia jolonensis</i> Jolon clarkia	— / — / 1B	Cismontane woodland, chaparral, riparian woodland, and coastal scrub at elevations of 20-660 meters. Annual herb in the Onagraceae family; blooms April-June.	Low Suitable habitat is present within the project site. This species is not known to occur on the former Fort Ord. The CNDDDB reports six occurrences of this species within the quadrangles reviewed; however, all reported occurrences are historical and have not been verified during subsequent field work. It is possible that these occurrences are misidentified <i>C. lewisii</i> , which is visually similar and known to occur in the area.
<i>Collinsia multicolor</i> San Francisco collinsia	— / — / 1B	Closed-cone coniferous forest and coastal scrub, sometimes on serpentinite soils, at elevations of 30-250 meters. Annual herb in the Plantaginaceae family; blooms March-May.	Unlikely No suitable habitat within the project site.
<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i> Seaside bird's-beak	— / SE / 1B	Closed-cone coniferous forests, maritime chaparral, cismontane woodlands, coastal dunes, and coastal scrub on sandy soils, often on disturbed sites, at elevations of 0-425 meters. Annual hemi-parasitic herb in the Orobanchaceae family; blooms April-October.	Moderate The majority of the project site may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is known to occur on the former Fort Ord. The CNDDDB and Figure B-4 in the Fort Ord HMP identify that this species occurs immediately adjacent to the project site.
<i>Delphinium californicum</i> ssp. <i>interius</i> Hospital Canyon larkspur	— / — / 1B	Openings in chaparral, coastal scrub, and mesic areas of cismontane woodland at elevations of 230-1095 meters. Perennial herb in the Ranunculaceae family; blooms April-June.	Unlikely Suitable habitat is present within the project site; however, the project site is outside the known elevation range of this species.
<i>Delphinium hutchinsoniae</i> Hutchinson's larkspur	— / — / 1B	Broadleaved upland forest, chaparral, coastal scrub, and coastal prairie at elevations of 0-427 meters. Perennial herb in the Ranunculaceae family; blooms March-June.	Low Suitable habitat is present within the project site. This species is not currently known to occur on the former Fort Ord. The nearest CNDDDB occurrence is approximately 5 miles from the project site.
<i>Delphinium umbraculorum</i> Umbrella larkspur	— / — / 1B	Cismontane woodland at elevations of 400-1600 meters. Perennial herb in the Ranunculaceae family; blooms April-June.	Unlikely No suitable habitat within the project site. The project site is outside the known elevation range of this species.
<i>Ericameria fasciculata</i> Eastwood's goldenbush	— / — / 1B	Openings in closed-cone coniferous forest, maritime chaparral, coastal dunes, and coastal scrub on sandy soils at elevations of 30-275 meters. Evergreen shrub in the Asteraceae family; blooms July-October.	High Suitable habitat is present within the project site. This species is known to occur on the former Fort Ord. The CNDDDB and Figure B-8 in the Fort Ord HMP identify that this species occurs within the project site.
<i>Eriogonum nortonii</i> Pinnacles buckwheat	— / — / 1B	Chaparral and valley and foothill grassland on sandy soils, often on recent burns, at elevations of 300-975 meters. Annual herb in the Polygonaceae family; blooms May-September.	Unlikely Suitable habitat is present within the project site; however, the project site is outside the known elevation range of this species.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Erysimum ammophilum</i> Coast wallflower	— / — / 1B	Openings in maritime chaparral, coastal dunes, and coastal scrub on sandy soils at elevations of 0-60 meters. Perennial herb in the Brassicaceae family; blooms February-June.	High Suitable habitat is present within the project site. This species is known to occur on the former Fort Ord. The CNDDDB and Figure B-9 in the Fort Ord HMP identify that this species occurs within the project site.
<i>Erysimum menziesii</i> Menzies' wallflower	FE / SE / 1B	Coastal dunes at elevations of 0-35 meters. Perennial herb in the Brassicaceae family; blooms March-September.	Unlikely No suitable habitat within the project site.
<i>Fritillaria liliacea</i> Fragrant fritillary	— / — / 1B	Cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grassland, often serpentinite, at elevations of 3-410 meters. Bulbiferous perennial herb in the Liliaceae family; blooms February-April.	Unlikely No suitable habitat within the project site.
<i>Gilia tenuiflora</i> ssp. <i>arenaria</i> Monterey gilia	FE / ST / 1B	Openings in maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub on sandy soils at elevations of 0-45 meters. Annual herb in the Polemoniaceae family; blooms April-June.	Moderate The majority of the project site may be too dense to support this species; however, this species may occur along the margins of the central maritime chaparral and within ruderal/disturbed areas. This species is known to occur on the former Fort Ord; however, Figure B-1 in the Fort Ord HMP does not identify that this species occurs within the project site. The CNDDDB reports an occurrence of this species within one mile of the project site.
<i>Hesperocyparis goveniana</i> Gowen cypress	FT / — / 1B	Closed-cone coniferous forest and maritime chaparral at elevations of 30-300 meters. Evergreen tree in the Cupressaceae family. Natively occurring only at Point Lobos near Gibson Creek and the Huckleberry Hill Nature Preserve near Highway 68.	Unlikely No suitable habitat within the project site. The project site is outside of the known range for this species.
<i>Hesperocyparis macrocarpa</i> Monterey cypress	— / — / 1B	Closed-cone coniferous forest at elevations of 10-30 meters. Evergreen tree in the Cupressaceae family. Natively occurring only at Cypress Point in Pebble Beach and Point Lobos State Park; widely planted and naturalized elsewhere.	Unlikely No suitable habitat within the project site. The project site is outside of the known native range for this species.
<i>Horkelia cuneata</i> ssp. <i>sericea</i> Kellogg's horkelia	— / — / 1B	Openings of closed-cone coniferous forests, maritime chaparral, coastal dunes, and coastal scrub on sandy or gravelly soils at elevations of 10-200 meters. Perennial herb in the Rosaceae family; blooms April-September.	Moderate Suitable habitat is present within the project site. This species is known to occur on the former Fort Ord. The CNDDDB identifies that this species occurs within 0.5 mile of the project site.
<i>Horkelia marinensis</i> Point Reyes horkelia	— / — / 1B	Coastal dunes, coastal prairie, and coastal scrub on sandy soils at elevations of 5-350 meters. Perennial herb in the Rosaceae family; blooms May-September.	Unlikely No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Lasthenia conjugens</i> Contra Costa goldfields	FE / — / 1B	Mesic areas of valley and foothill grassland, alkaline playas, cismontane woodland, and vernal pools at elevations of 0-470 meters. Annual herb in the Asteraceae family; blooms March-June.	Low Marginal habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDDB reports occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project site.
<i>Layia carnosa</i> Beach layia	FE / SE / 1B	Coastal dunes and coastal scrub on sandy soils at elevations of 0-60 meters. Annual herb in the Asteraceae family; blooms March-July.	Unlikely No suitable habitat within the project site.
<i>Legenere limosa</i> Legenere	— / — / 1B	Vernal pools and wetlands at elevations of 1-880 meters. Annual herb in the Campanulaceae family; blooms April- June.	Unlikely No suitable habitat within the project site.
<i>Lupinus tidestromii</i> Tidestrom's lupine	FE / SE / 1B	Coastal dunes at elevations of 0-100 meters. Perennial rhizomatous herb in the Fabaceae family; blooms April-June.	Unlikely No suitable habitat within the project site.
<i>Malacothamnus palmeri</i> var. <i>involutratus</i> Carmel Valley bush-mallow	— / — / 1B	Chaparral, cismontane woodland, and coastal scrub at elevations of 30-1100 meters. Perennial deciduous shrub in the Malvaceae family; blooms May-October.	Low Suitable habitat is present within the project site. This species is not known to occur on the former Fort Ord; however, the CNDDDB reports an occurrence within 0.5 mile of the project site.
<i>Malacothrix saxatilis</i> var. <i>arachnoidea</i> Carmel Valley malacothrix	— / — / 1B	Chaparral and coastal scrub on rocky soils at elevations of 25-1036 meters. Perennial rhizomatous herb in the Asteraceae family; blooms June-December.	Unlikely Suitable habitat is present within the project site; however, this species is not known to occur on the former Fort Ord and the project site may be outside of the known range.
<i>Meconella oregana</i> Oregon meconella	— / — / 1B	Coastal prairie and coastal scrub at elevations of 250-620 meters. Annual herb in the Papaveraceae Family; blooms March-April.	Unlikely No suitable habitat within the project site. The project site is outside the known elevation range of this species.
<i>Microseris paludosa</i> Marsh microseris	— / — / 1B	Closed-cone coniferous forest, cismontane woodland, coastal scrub, and valley and foothill grassland at elevations of 5-300 meters. Perennial herb in the Asteraceae family; blooms April-July.	Low Suitable habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDDB reports four occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project site.
<i>Monardella sinuata</i> ssp. <i>nigrescens</i> Northern curly-leaved monardella	— / — / 1B	Chaparral, coastal dunes, coastal scrub, and lower montane coniferous forest (ponderosa pine sandhills) on sandy soils at elevations of 0-300 meters. Annual herb in the Lamiaceae family; blooms April-September.	Moderate Maritime chaparral areas within the site are likely too dense to support this species; however, this species may occur within ruderal areas and along the margins of the central maritime chaparral. This species is known to occur within the former Fort Ord. The CNDDDB reports an occurrence of this species immediately adjacent to the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Monolopia gracilens</i> Woodland woollythreads	— / — / 1B	Openings of broadleaved upland forest, chaparral, cismontane woodland, North Coast coniferous forest, and valley and foothill grassland on serpentinite soils at elevations of 100-1200 meters. Annual herb in the Asteraceae family; blooms February-July.	Unlikely Suitable habitat is present within the project site; however, the project site is outside the known elevation range of this species.
<i>Pinus radiata</i> Monterey pine	— / — / 1B	Closed-cone coniferous forest and cismontane woodland at elevations of 25-185 meters. Evergreen tree in the Pinaceae family. Only three native stands in CA at Ano Nuevo, Cambria, and the Monterey Peninsula; introduced in many areas.	Low Individuals of this species may occur within the project site; however, this species has been planted widely on the Monterey peninsula and former Fort Ord. If present, additional investigation would be necessary to determine if the individuals are naturally occurring and native.
<i>Piperia yadonii</i> Yadon's piperia	FE / — / 1B	Sandy soils in coastal bluff scrub, closed-cone coniferous forest, and maritime chaparral at elevations of 10-510 meters. Annual herb in the Orchidaceae family; blooms February-August.	Moderate Suitable habitat is present within the project site. This species is known to occur on the former Fort Ord. The CNDDDB identifies that this species occurs within 0.5 mile of the project site. Figure B-10 in the Fort Ord HMP only identifies this species as occurring within the City of Marina; however, subsequent surveys conducted by the Army, BLM, and other scientists have identified several populations of this species throughout the former Fort Ord, including within the Impact Area.
<i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i> Choris's popcorn-flower	— / — / 1B	Mesic areas of chaparral, coastal prairie, and coastal scrub at elevations of 15-160 meters. Annual herb in the Boraginaceae family; blooms March-June.	Low Suitable habitat for this species may be present within Pond 32 (Quarry Pond). The CNDDDB reports two occurrences of this species on the former Fort Ord, the nearest of which is located approximately 4 miles from the project site.
<i>Plagiobothrys uncinatus</i> Hooked popcornflower	— / — / 1B	Chaparral, cismontane woodlands, and valley and foothill grasslands on sandy soils at elevations of 300-760 meters. Annual herb in the Boraginaceae family; blooms April-May.	Unlikely Suitable habitat is present within the project site; however, the project site is outside the known elevation range of this species.
<i>Potentilla hickmanii</i> Hickman's cinquefoil	FE / SE / 1B	Coastal bluff scrub, closed-cone coniferous forests, vernal mesic meadows and seeps, and freshwater marshes and swamps at elevations of 10-149 meters. Perennial herb in the Rosaceae family; blooms April-August.	Unlikely No suitable habitat within the project site.
<i>Ramalina thrausta</i> Angel's hair lichen	— / — / 2B	North coast coniferous forest on dead twigs and other lichens. Epiphytic fructose lichen in the Ramalinaceae family. In northern CA it is usually found on dead twigs, and has been found on <i>Alnus rubra</i> , <i>Calocedrus decurrens</i> , <i>Pseudotsuga menziesii</i> , <i>Quercus garryana</i> , and <i>Rubus spectabilis</i> . In Sonoma County it grows on and among dangling mats of <i>R. menziesii</i> and <i>Usnea</i> spp.	Unlikely No suitable habitat within the project site.

Species	Status (Service/CDFW/CNPS)	General Habitat	Potential Occurrence
<i>Rosa pinetorum</i> Pine rose	— / — / 1B	Closed-cone coniferous forest at elevations of 2-300 meters. Perennial shrub in the Rosaceae family; blooms May-July. Possible hybrid of <i>R. spithamea</i> , <i>R. gymnocarpa</i> , or others; further study needed.	Unlikely No suitable habitat within the project site.
<i>Stebbinsoseris decipiens</i> Santa Cruz microseris	— / — / 1B	Broadleaved upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, and openings in valley and foothill grassland, sometimes on serpentinite, at elevations of 10-500 meters. Annual herb in the Asteraceae family; blooms April-May.	Low Suitable habitat is present within the project site. This species is not known to occur on the former Fort Ord; however, a historic CNDDDB occurrence is within 0.5 mile of the project site.
<i>Sulcaria spiralifera</i> Twisted horsehair lichen	— / — / 1B	California North Coast coniferous forest at elevations of 0–30 meters. Often found on conifers, including <i>Picea sitchensis</i> , <i>Pinus contorta</i> var. <i>contorta</i> , <i>Pseudotsuga menziesii</i> , <i>Abies grandis</i> , and <i>Tsuga heterophylla</i> . Fruticose lichen in the Parmeliaceae family.	Unlikely No suitable habitat within the project site.
<i>Tortula californica</i> California screw moss	— / — / 1B	Valley and foothill grassland and chenopod scrub on sandy soils at elevations of 10-1460 meters. Moss in the Pottiaceae family.	Unlikely No suitable habitat within the project site.
<i>Trifolium buckwestiorum</i> Santa Cruz clover	— / — / 1B	Gravelly margins of broadleaved upland forest, cismontane woodland, and coastal prairie at elevations of 105-610 meters. Annual herb in the Fabaceae family; blooms April-October.	Unlikely No suitable habitat within the project site. The project site is outside the known elevation range of this species.
<i>Trifolium hydrophilum</i> Saline clover	— / — / 1B	Marshes and swamps, mesic and alkaline valley and foothill grassland, and vernal pools at elevations of 0-300 meters. Annual herb in the Fabaceae family; blooms April-June.	Low Suitable habitat for this species is present within Pond 32 (Quarry Pond). The nearest CNDDDB occurrence is approximately 5 miles from the project site; however, this species is known to occur on the former Fort Ord.
<i>Trifolium polyodon</i> Pacific Grove clover	— / SR / 1B	Mesic areas of closed-cone coniferous forest, coastal prairie, meadows and seeps, and valley and foothill grassland at elevations of 5-120 meters. Annual herb in the Fabaceae family; blooms April-July.	Unlikely No suitable habitat within the project site.
<i>Trifolium trichocalyx</i> Monterey clover	FE / SE / 1B	Sandy openings and burned areas of closed-cone coniferous forest at elevations of 30-240 meters. Annual herb in the Fabaceae family; blooms April-June.	Unlikely No suitable habitat within the project site.

STATUS DEFINITIONS

Federal

- FE = listed as endangered under the federal Endangered Species Act
- FT = listed as threatened under the federal Endangered Species Act
- FC = Candidate for listing under the federal Endangered Species Act
- = no listing

State

- SE = listed as endangered under the California Endangered Species Act
- ST = listed as threatened under the California Endangered Species Act
- SC = Candidate for listing under California Endangered Species Act
- SR = listed as rare under the California Native Plant Protection Act
- CFP = California Fully Protected Species
- CSC = CDFW Species of Concern
- = no listing

California Native Plant Society

- 1B = California Rare Plant Rank (CRPR) 1B species; plants rare, threatened, or endangered in California and elsewhere
- 2B = California Rare Plant Rank (CRPR) 1B species; plants rare, threatened, or endangered in California, but more common elsewhere
- 4 = California Rare Plant Rank (CRPR) 4 species; watch list: plants of limited distribution
- = no listing

Former Fort Ord Habitat Management Plan

- Bold*** = species considered in the HMP

POTENTIAL OCCURRENCE

- High = known occurrence of species in the vicinity from the CNDDDB or other documentation; presence of suitable habitat conditions
- Moderate = known occurrence of species in the vicinity from the CNDDDB or other documentation; presence of marginal habitat conditions within the site
- Low = species known to occur in the vicinity from the CNDDDB or other documentation; lack of suitable habitat or poor quality
- Unlikely = species not known to occur in the vicinity from the CNDDDB or other documentation, no suitable habitat is present within the site

Appendix D
Tribal Consultation

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CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 FAX (831) 394-6421

May 5, 2023

Tribal Group
Name, Title
Address
City, CA, ZIP Code

Subject: California Environmental Quality Act (CEQA) and State Bill (SB) 18 Consultation Request for the City of Del Rey Oaks 2023 Housing Element Update, Monterey County

Dear Tribal Leader,

The City of Del Rey Oaks (City) is the lead agency for the 2023 Draft Housing Element (proposed project). The City recently sent you a notification letter (letter dated February 24, 2023) for the City's 5th *Planning Cycle* Housing Element update (a general plan update for the 2015-2023 planning period). This letter is a new notification for the same planning area for the City's upcoming 6th *Planning Cycle* Housing Element update (for the 2023-2031 planning period).

The information from the previous letter is also applicable to this current notification for the upcoming 6th cycle general plan update, and is presented below:

The City's adoption of a Housing Element is part of its General Plan and is prepared under the requirement of California State law. The Draft Housing Element updates the Housing Element of the City's General Plan and also proposes policies and programs to amend the General Plan Land Use Map and Zoning Ordinance to allow for residential uses on land currently designated as office/visitor serving and commercial.

The proposed project is located in the City of Del Rey Oaks. The City is located within the Monterey Peninsula, bounded by the City of Seaside to the north, the former Fort Ord to the east, the Monterey Regional Airport to the south, and the Cities of Monterey and Seaside to the west (see attached **Figure 1 Project Area**). The City comprises 670 acres (or roughly one square mile).

The Native American Heritage Commission (NAHC) has identified the Tribal Group in a consultation list of tribes that are traditionally and culturally affiliated within the geographic area of the above listed proposed project.

Please consider this letter and preliminary project information as the formal notification of the proposed project and an invitation to provide comments regarding the proposed project. The City is interested in obtaining information regarding the presence of cultural resources within or

adjacent to proposed project locations and in learning of any concerns you or other tribal members may have regarding this proposed project.

The point of contact for the City is:

John Guertin, City Manager

City of Del Rey Oaks, 650 Canyon Del Rey, Del Rey Oaks, CA 93940

Phone: (831) 394-8511

email: jguertin@delreyoaks.org

The Native American Heritage Commission (NAHC) was contacted on February 17, 2023 to perform a search of the Sacred Lands File. The NAHC responded on February 22, 2023 that the search was negative for Native American sacred sites and/or heritage resources located within the same USGS Quadrangle, Township, Range and Section as the Project Area.

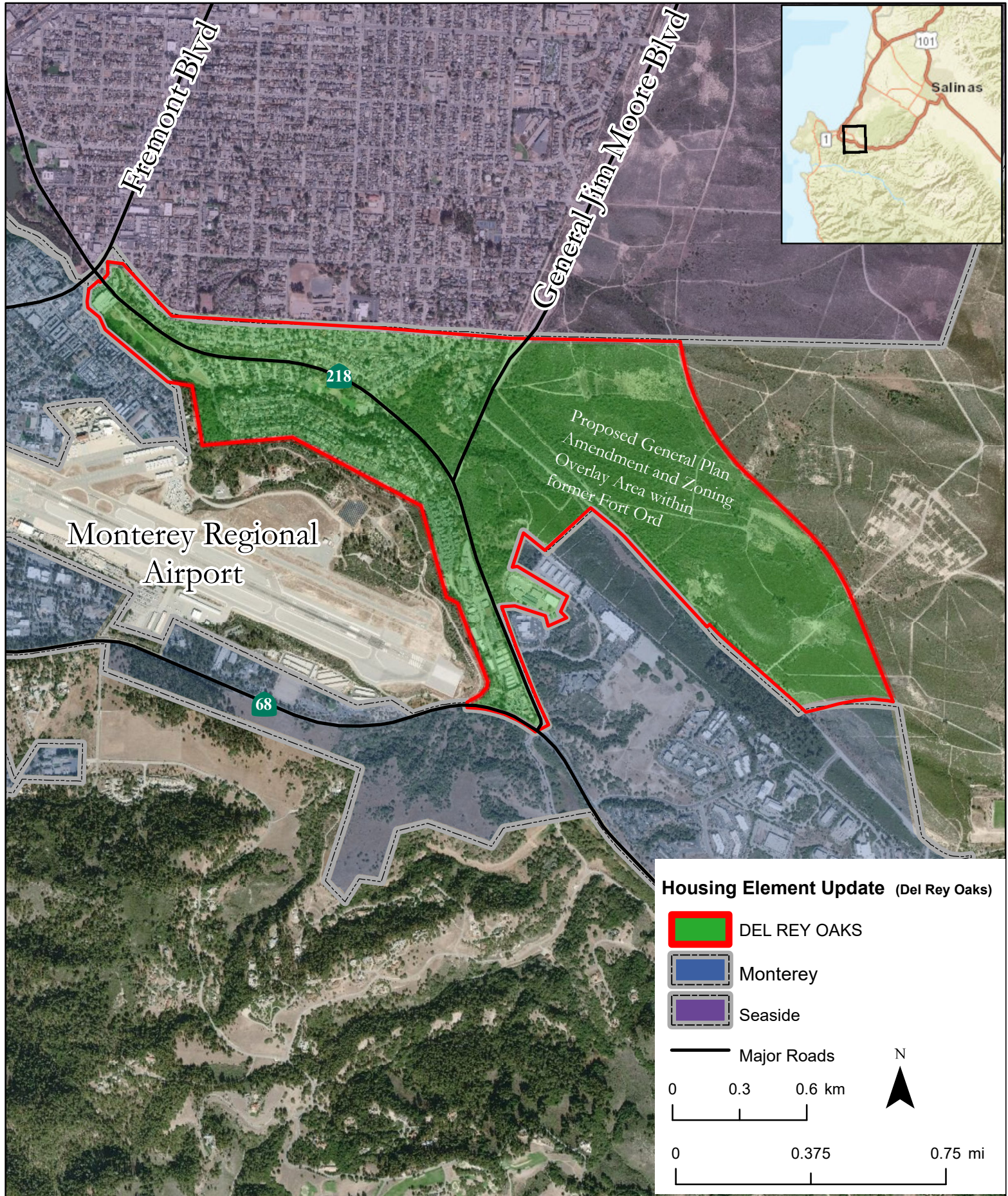
Please consider this letter and preliminary project information as the notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Codes (PRC) 65352.3, 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., SB 18 & AB 52). The City's Housing Element Update and proposed programs will become part of the City's General Plan. The City is therefore also requesting consultation under Senate Bill 18 (Chapter 905, Statutes of 2004) which requires local governments to consult with tribes prior to making certain planning decisions and requires consultation and notice for a general and specific plan adoption or amendment in order to preserve, or mitigate impacts to, cultural places that may be affected.

Please respond within 30 days if you would like to respond to this updated 6th Cycle Update, pursuant to PRC 21080.3.1(d), if you would like to consult on this Project. For consultation under SB 18, you **have 90 days to respond**. If you have any questions, please do not hesitate to contact John Guertin at the address and email above or you can contact me by phone (831) 394-8511, email (jguertin@delreyoaks.org). Thank you for your assistance.

Very Respectfully,



John Guertin, City Manager Del Rey Oaks



Title:
Project Location

Date: 2/23/2023
 Scale: 1 inch = 0.34 miles
 Project: 9614



Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Figure
1

NATIVE AMERICAN HERITAGE COMMISSION

February 21, 2023

John Guertin
City of Del Rey Oaks

Via Email to: jguertin@delreyoaks.org

Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Del Rey Oaks 5th Cycle Housing Element Update Project, Monterey County

Dear Mr. Guertin:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1 (d), is to do the following:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission was negative.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address:

Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Tribal Consultation List
Monterey County
2/21/2023**

Amah Mutsun Tribal Band

Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA, 95632
Phone: (916) 743 - 5833
vlopez@amahmutsun.org

Costanoan
Northern Valley
Yokut

**Ohlone/Costanoan-Esselen
Nation**

Louise Miranda-Ramirez,
Chairperson
P.O. Box 1301
Monterey, CA, 93942
Phone: (408) 629 - 5189
ramirez.louise@yahoo.com

Costanoan
Esselen

**Amah Mutsun Tribal Band of
Mission San Juan Bautista**

Irene Zwierlein, Chairperson
3030 Soda Bay Road
Lakeport, CA, 95453
Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com

Costanoan

**Wuksache Indian Tribe/Eshom
Valley Band**

Kenneth Woodrow, Chairperson
1179 Rock Haven Ct.
Salinas, CA, 93906
Phone: (831) 443 - 9702
kwood8934@aol.com

Foothill Yokut
Mono

**Costanoan Rumsen Carmel
Tribe**

Tony Cerda, Chairperson
244 E. 1st Street
Pomona, CA, 91766
Phone: (909) 629 - 6081
Fax: (909) 524-8041
rumsen@aol.com

Costanoan

**Kakoon Ta Ruk Band of
Ohlone-Costanoan Indians of
the Big Sur Rancheria**

Isaac Bojorquez, Chairman
PO Box 8355
Woodland, CA, 95776
Phone: (916) 572 - 8036
chairman@kakoontaruk.org

Ohlone

**Esselen Tribe of Monterey
County**

Tom Little Bear Nason, Chairman
P. O. Box 95
Carmel Valley, CA, 93924
Phone: (831) 659 - 2153
Fax: (831) 659-0111
TribalChairman@EsselenTribe.org

Costanoan
Esselen

Rumsen Am:a Tur:ataj Ohlone

Dee Dee Ybarra, Chairperson
14671 Farmington Street
Hesperia, CA, 92345
Phone: (760) 403 - 1756
rumsenama@gmail.com

Costanoan

**Indian Canyon Mutsun Band of
Costanoan**

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024
Phone: (831) 637 - 4238
ams@indiancanyon.org

Costanoan

**Indian Canyon Mutsun Band of
Costanoan**

Kanyon Sayers-Roods, MLD
Contact
1615 Pearson Court
San Jose, CA, 95122
Phone: (408) 673 - 0626
kanyon@kanyonconsulting.com

Costanoan

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3, 65352.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Del Rey Oaks 5th Cycle Housing Element Update Project, Monterey County.

Appendix E

**Resolution No. 19-017 - Airport Land Use Commission – Consistency
Determination**

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

Resolution No. 19 – 017

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST
Carl P. Holm, Secretary to the ALUC

By: 

Joseph Sidor, Designee of Secretary to the ALUC
December 16, 2019

Appendix F

**Findings for the Certification of Environmental Impact Report for the
Del Rey Oaks General Plan Update Project, Mitigation Monitoring and
Reporting Program, and Concurrent Resolution**

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Appendix F-1

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

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EXHIBIT "A"

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

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

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

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

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

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

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

the Draft EIR for the General Plan Update.

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

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

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

Evidence: City's General Plan Update file.

16. Finding: The City Council has now received a revised Final EIR consisting of the following components: i) complete text of all written comments received on the EIR through March 17, 1997; ii) responses from the consultant to public comments, including oral comments at public hearings; iii) revised Draft EIR, 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-2

**Mitigation Monitoring and Reporting Program
Del Rey Oaks General Plan Update**

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MITIGATION MONITORING PROGRAM

A. Introduction

This mitigation monitoring program has been prepared in compliance with Public Resources Code (PRC) Section 21081.6 (AB 3180 of 1988). It describes the requirements and procedures to be followed by the project proponents and their contractors to ensure that all mitigation measures adopted by the City of Del Rey Oaks as part of this project will be implemented as described in the EIR for the General Plan Update.

A mitigation monitoring program should, at a minimum, identify the following:

- what entity, including department if applicable, is responsible for monitoring the mitigation;
- what action is being monitored and how;
- what schedule is required to provide adequate monitoring; and
- what mechanism identifies the monitoring is complete.

B. Organization of the Monitoring Program

This section contains an impact summary and detailed discussion of each mitigation measure presented in Chapter 2.0, *Summary of Environmental Impacts*, in the Revised Draft EIR. A conceptual approach to monitoring is presented for each mitigation measure. The monitoring procedures will enable the City of Del Rey Oaks to implement a monitoring program which complies with PRC 21081.6. The mitigation monitoring procedure is organized as follows:

- **Mitigation Measure:** Identifies the mitigation measure
- **Responsibility:** Identifies responsibility for implementing the mitigation measure. Generally, the responsibility for implementing mitigation measures rests with the City.
- **Timing:** Identifies when the mitigation measure should be in place and monitoring is completed. Typical milestones identified in the monitoring program for this project are upon incorporation into the Final General Plan.
- **Verification:** Identifies responsibility for ensuring that the mitigation measure was implemented.

C. Enforcement of Mitigation Measures

The mitigation monitoring program for the project will be adopted by resolution of the Del Rey Oaks City Council. The General Plan will incorporate pertinent mitigation measures and associated conditions to ensure that project impacts are maintained at a less-than-significant level. The mitigation measures are policies which the City is committed to enforce; and that part of policy enforcement will be in form of imposition of conditions on individual development projects proposed under the General Plan Update.

D. Mitigation Monitoring Plan

Land Use

Impact Summary: Implementation of the proposed land uses associated with the General Plan Update may result in incompatibility of proposed development adjacent to open space areas.

Mitigation

1. The City shall implement a General Plan Update policy which states that the City shall encourage the conservation and preservation of irreplaceable natural resources and open space at former Fort Ord consistent with the Fort Ord Reuse Plan and Habitat Management Plan.
 - **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks
2. The City shall implement a General Plan Update policy which states that the City shall review each development project within the former Fort Ord annexation area with regard to the need for open space buffers between land uses.
 - **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks
3. The City shall implement a General Plan Update policy which states that the City shall review each future development project for compatibility with adjacent open space land uses and require that suitable open space buffers and other avoidance mitigation measures are incorporated into the development plan of potentially incompatible land uses as a condition of project approval as necessary to mitigate identified significant adverse land use conflicts to a level of insignificance.
 - **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks
4. The City shall implement a General Plan Update policy which states that the City shall require avigation easements for each future development project located in the Airport Land Use Planning area.

- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks
5. City shall incorporate the following development standards in the General Plan Update for development within the clear zone of the airport:
- Density standards to prevent large assemblages of people;
 - Prohibit uses whose primary occupants are persons of impaired mobility, (i.e. hospitals, schools, daycare centers, and nursing homes)
 - Prohibit the above ground storage of large quantities of flammable materials or hazardous materials.
 - Prohibit residential units and overnight sleeping accommodations.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks

Public Services - Water Supply

Impact Summary: Buildout of the proposed project will result in impacts to the City's water supply by increasing demand.

6. Adopt and implement a program which states that the City shall work with appropriate agencies to determine the feasibility of developing additional water supply sources for Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable options.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks
7. Adopt and implement a water conservation ordinance, which may include requirements for plumbing retrofits to reduce both water demand and effluent generation.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks

8. Adopt and implement a policy which states that the City shall condition approval of development plans on verification of available water service for the projects which does not aggravate or accelerate existing salt water intrusion in the Salinas Valley.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

9. Adopt and implement a policy which states that the City shall consider water conservation, reclamation and stormwater detention in all new development to increase potential water supply for Fort Ord.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

10. Adopt and implement a policy which states that the City shall explore sewage treatment options to enhance non-potable water supply for golf course irrigation on the Fort Ord land proposed for annexation.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

11. Adopt and implement a policy which states that new development on former Fort Ord land will be serviced by the most cost-effective, water conservation and reuse oriented, sustainable approach feasible at the time of development, which does not aggravate or accelerate existing salt water intrusion in the Salinas Valley.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

12. Adopt and implement a policy which states that water conservation and reuse based on environmentally sound sustainable management practices will be encouraged for new development on Fort Ord land to be annexed in to the City.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

Traffic and Circulation

Impact Summary: Existing military roads on the former Fort Ord Reuse area need to be reopened to serve the new uses planned in the annexation area to avoid traffic impacts.

13. The following language should be added to the Circulation Element of the General Plan Update.

- *North-South Road from Canyon Del Rey to the Seaside City limits.* This road must be included in the General Plan Update, as an existing road that will be opened on its existing alignment for public use as a two-lane arterial road from Highway 218 to the City limits of Seaside. Improvements should be made to this road to accommodate the potential build out traffic of proposed General Plan uses on the Annexation Area. In addition, the intersection of this road with Canyon Del Rey (Highway 218) should be improved, including traffic signals and turn/ storage lanes on approaches to this intersection.
- *South Boundary Road from North-South Road to the City limits* should be opened on its existing alignment and improved for use as a two-lane collector road from North South Road to the City limits of the requested Fort Ord Annexation Area. Improvements should be made to this road to accommodate the potential build out traffic of proposed General Plan uses on the Annexation Area.
- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan Circulation Element
- **Verification:** City of Del Rey Oaks

14. Improvements to and/or opening of existing Fort Ord military roads in the vicinity could help serve some of the traffic generated by planned new uses in the annexation area. If improved, these roads would reduce the direct traffic impacts of the General Plan Update on Canyon Del Rey at North-South Road, by distributing traffic generated north on North-South Road, and east on South Boundary Road. Without these improvements, the amount of General Plan Update project traffic which would have to enter and exit the area through the intersection of North-South Road and Canyon Del Rey would increase.

As noted above, these improvements are within the jurisdiction and responsibility of FORA, the City of Del Rey Oaks, and the Transportation Agency of Monterey County. Since these improvements are included in the Reuse Plan and DEIR, they can and should be implemented by such agencies and were therefore assumed in place for the assessment of traffic impacts in this EIR.

- *North-South Road* should be opened and improved for public use as a two-lane arterial road from the limit of the requested Fort Ord Annexation Area north to Light Fighter Drive, as a minimum two-lane arterial with commensurate intersection improvements (signal controlled turn/ storage lanes as warranted) throughout this length.
- *South Boundary Road* should be opened and improved for public use as a two-lane collector road between the limits of the requested Fort Ord Annexation Area to a new intersection with York Road, extended. No connection exists between this road and the 68 Bypass.
- *York Road* should be extended and connected with South Boundary Road as a two-lane collector.

- **Responsibility:** FORA, TAMC, City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan Circulation Element
 - **Verification:** City of Del Rey Oaks
15. The following intersection should be added to the list of intersections at which traffic volumes and operations will be monitored by the City of Del Rey Oaks as needed under Program 15 of the General Plan Update Circulation Element: North-South Road at South Boundary Road.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan Circulation Element
 - **Verification:** City of Del Rey Oaks
16. The City shall adopt and implement a policy which states that the City will coordinate and assist with TAMC and AMBAG in providing funding for an efficient regional transportation network.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks
17. The City shall adopt and implement a program to provide a funding mechanism to pay for its fair share of impact on the regional transportation system.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan Circulation Element
 - **Verification:** City of Del Rey Oaks
18. The City shall adopt and implement a policy to support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation network.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks
19. Replace Policy C-15 with the following language: Land use and circulation plans shall be integrated to create an environment that supports a multimodal transportation system. Development shall be directed to areas capable of being served by a confluence of transportation facilities (auto, bus, bicycle, pedestrian, etc.).

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

20. The City shall adopt and implement a program which states the following: Land use and circulation plans shall be integrated to create an environment that supports a multi-model transportation system. Development shall be directed to areas with a confluence of transportation facilities (auto, buses, bicycles, pedestrian, etc.).

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

Geology/Seismic Safety

Impact Summary: Implementation of the General Plan may expose more people and property to geologic and seismic hazards.

21. The City should adopt and implement a program in the Land Use Element that states that the City shall update the Seismic Safety Element of the General Plan to incorporate the most recent geological information provided by the State Department of Conservation Division of Mines and Geology.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

Drainage/Hydrology

Impact Summary: The proposed office park will have a significant effect on the plants and wildlife in the adjacent habitat management area (polygon 31a) and the existing Frog Pond.

22. The City shall adopt and implement a policy which states that the direct discharge of storm water or other drainage from new impervious surfaces created by development of the office park (OP) parcel into the ephemeral drainage in the natural area expansion (NAE) parcel will be prohibited. No increase in the rate of flow of storm water runoff beyond pre-development levels will be allowed. Storm water runoff from developed areas in excess of predevelopment quantities shall be managed on site through the use of basins, percolation wells, pits, infiltration galleries, or any other technical or engineering methods which are appropriate to accomplish these requirements. Indirect, sub-surface discharge is acceptable. These storm water management requirements will be utilized for development on polygon 31b.

- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks
23. The golf course greens and tees shall be constructed with sub-drains to collect and disperse percolating water to vegetated buffer areas for additional filtering and absorption of any nitrate or pesticide residue.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks
24. A Golf Course Environmental Management Plan shall be prepared for golf course application submittal and shall include an Integrated Pest Management (IPM) strategy to not only reduce the amount of pesticides, but to reduce environmental exposure and impacts. IPM strategy shall include the selection of the proper pesticide that has the least chance for environmental exposure and impacts.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks

Plants and Animals

Impact Summary: Pollutants in the storm water runoff from the proposed golf course and office park, such as chemical fertilizers, pesticides, and oil could have a potentially significant impact on the biological resources located in polygon 31a and the existing Frog Pond. Development within the Fort Ord reuse area proposed for annexation could result in potential impacts upon special status species.

25. The City shall adopt and implement a policy which states that the City shall ensure that all habitat conservation and corridor areas identified in the Fort Ord Habitat Management Plan (HMP) are protected from degradation due to development within or adjacent to these areas. This shall be accomplished by assuring that all new development in the Fort Ord Reuse Area adhere to the management requirements of the HMP and the policies of the Fort Ord Reuse Area Plan.
- **Responsibility:** City of Del Rey Oaks
 - **Timing:** Incorporate into Final General Plan
 - **Verification:** City of Del Rey Oaks

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

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

27. The City shall adopt and implement a policy which states that the City shall assure that development of or adjacent to wetlands shall provide for the mitigation of impacts to wetland areas consistent with the applicable state and Federal law.

- **Responsibility:** City of Del Rey Oaks
- **Timing:** Incorporate into Final General Plan
- **Verification:** City of Del Rey Oaks

28. Development located at the corner of Highway 68 and Highway 218 shall be sited to minimize loss of wetlands and riparian vegetation consistent with applicable state and federal regulations.

- **Responsibility:** Project applicant
- **Timing:** Prior to approval of development at Highway 68 and Highway 218
- **Verification:** City of Del Rey Oaks

Appendix F-3

Concurrent Resolution:

**Del Rey Oaks City Council Resolution No. 2003-15 &
Del Rey Oaks Redevelopment Agency Resolution No. 2003-03**

Resolution No.2003-15

DEL REY OAKS CITY COUNCIL

Resolution No.2003-03

DEL REY OAKS REDEVELOPMENT AGENCY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- j. That based on the information set 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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