



AGENDA

Tuesday, May 21, 2024

5:00 P.M. Closed Session

6:30 P.M. Open Session

REGULAR MEETING

**CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK
SUSTAINABLE COMMUNITY NON-PROFIT CORPORATION, SUCCESSOR
AGENCY OF THE FORMER MARINA REDEVELOPMENT AGENCY AND MARINA
GROUNDWATER SUSTAINABILITY AGENCY**

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

Council Chambers
211 Hillcrest Avenue
Marina, California

AND

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

PARTICIPATION

You may participate in the City Council meeting in person or in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City's home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the "Raise Your Hand" feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only.

The most effective method of communication with the City Council is by sending an email to marina@cityofmarina.org. Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Council will have the option to modify their action on items based on comments received.

AGENDA MATERIALS

Agenda materials, staff reports and background information related to regular agenda items are available on the City of Marina's website www.cityofmarina.org. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Marina website www.cityofmarina.org subject to City staff's ability to post the documents before the meeting.

VISION STATEMENT

Marina will grow and mature from a small town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 - May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina's natural setting while developing the City in a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 - May 2, 2006)**

LAND ACKNOWLEDGEMENT

The City recognizes that it was founded and is built upon the traditional homelands and villages first inhabited by the Indigenous Peoples of this region - the Esselen and their ancestors and allies - and honors these members of the community, both past and present.

1. CALL TO ORDER



2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)
Jennifer McAdams, Brian McCarthy, Kathy Biala, Mayor Pro-Tem/Vice Chair
Liesbeth Visscher, Mayor/Chair Bruce C. Delgado

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS:

4. CLOSED SESSION:

a. Real Property Negotiation (Govt. Code Section 54956.8)

i. Property: Tarmac Area, 3200 Imjin Road, Marina, CA
Negotiating Party: Joby Aero Inc
Negotiator(s): City Manager
Terms: Price and Terms

ii. Property: Commercial Property at Southwest corner of Del Monte Blvd and Palm Ave. (APN: 031-303-038 a portion)
Negotiating Party: Dave Howell
Negotiator(s): City Manager
Terms: Price and Terms

iii. Property: 306 Reservation Road, Unit 6, Marina, CA 93933 (APN 032-173-006-000)
Negotiating Party: Christian Haun (Realtor)/John Lawson (owner of the property)
Negotiator(s): City Manager
Terms: Price and Terms

6:30 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

5. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)

6. SPECIAL PRESENTATIONS:

a. County Housing Element Opportunity Sites Presentation.

7. COUNCIL AND STAFF ANNOUNCEMENTS:

8. PUBLIC COMMENT: *Any member of the public may comment on any matter within the City Council's jurisdiction that is not on the agenda. This is the appropriate place to comment on items on the Consent Agenda. Action will not be taken on items not on the agenda. Comments are limited to a maximum of three (3) minutes. General public comment may be limited to thirty (30) minutes and/or continued to the end of the agenda. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council. Whenever possible, written correspondence should be submitted to the Council in advance of the meeting, to provide adequate time for its consideration.*
9. CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine and non-controversial. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or City Council may ask a question or make a comment about an agenda item and staff may provide a response. If discussion or a lengthy explanation is required, the Council may remove an item from the Consent Agenda for individual consideration. If an item is pulled for discussion, it will be placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*
10. CONSENT AGENDA: *These items are considered to be routine and non-controversial. All items under the Consent Agenda may be approved by one motion. Prior to such a motion being made, any member of City Council may ask a question or make a comment about an agenda item and staff may provide a response. If discussion or a lengthy explanation is required, Council may remove the item from the Consent Agenda and it will be placed at the end of Other Action Items.*
 - a. ACCOUNTS PAYABLE: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) Accounts Payable Check Numbers 104495-104559, totaling \$1,245,577.99.
Accounts Payable Successor Agency Check Number 124, totaling \$3,000.00.
 - b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) May 7, 2024, Regular City Council Meeting
 - c. CLAIMS AGAINST THE CITY: None
 - d. AWARD OF BID: None
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS: None
 - g. APPROVAL OF AGREEMENTS: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) Adopting Resolution No. 2024-, authorizing the City Manager, or his designee to enter into a standard voluntary agreement with the California Department of Toxic Substance Control and pay associated fees and approving advertising and call for bids for the city of marina buildings blight removal 2024 project.
 - h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
 - i. MAPS: None
 - j. REPORTS: (RECEIVE AND FILE): None
 - k. FUNDING & BUDGET MATTERS: None

- i. APPROVE ORDINANCES (WAIVE SECOND READING):
 - m. APPROVE APPOINTMENTS: None
11. PUBLIC HEARINGS: *In the Council's discretion, the applicant/proponent of an item may be given up to ten (10) minutes to speak. All other persons may be given up to three (3) minutes to speak on the matter.*
 - a. Council open a public hearing and consider adopting Resolution No. 2024-, confirming diagram, assessment and ordering levy of \$180.78 for FY 2024-25 assessment for Cypress Cove II Landscape Maintenance Assessment District; and authorize City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2024. (*Not a Project under CEQA per Article 20, Section 15378*)
 - b. Council open a public hearing and consider adopting Resolution No. 2024-, Confirming diagram, assessment and ordering levy of \$182.42 for FY 2024-25 assessment for Seabreeze Landscape Maintenance Assessment District; and authorize the City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2024. (*Not a Project under CEQA per Article 20, Section 15378*)
 - c. Council open a public hearing and consider adopting Resolution No. 2024-, Confirming diagram, assessment and ordering levy of \$77.14 for FY 2024-25 assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District; and authorize the City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2024. (*Not a Project under CEQA per Article 20, Section 15378*)
 - d. City Council to consider an Appeal of the Planning Commission's April 11, 2024, approval of Coastal Development Permit (CDP 23-0004) for the Monterey-Salinas Transit (MST) SURF! Busway and Rapid Transit (BRT) project. The Appeal is limited to the 0.37-acre portion of the TAMC right-of-way located in the City's Coastal permitting jurisdiction. The project is statutorily exempt from CEQA under SB 922, PRC § 21080.25(b).
 - e. City Council open public hearing and consider introduction of Ordinance No. 2024-, modifying Title 17 (Zoning Ordinance) to implement Program 7.1 of the Housing Element. This action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.
12. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. Members of the public may be given up to three (3) minutes to speak.*
13. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. Members of the public may be given up to three (3) minutes to speak.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. Adopting Resolution No. 2024-, amending the rate adjustment calculation of the franchise agreement with Green Waste Recovery utilizing a sector specific uniform percentage adjustment and approving maximum rates to be charged by Green Waste Recovery effective July 1, 2024, for collection of franchised solid waste, recycling, and organics. *(Not a Project under CEQA per Article 20, Section 15378)*

14. **COUNCIL & STAFF INFORMATIONAL REPORTS:**

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]
- b. Council reports on meetings and conferences attended (Gov't Code Section 53232).

15. **ADJOURNMENT:**

CERTIFICATION

I, Anita Sharp, Deputy City Clerk, of the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at City Hall and Council Chambers Bulletin Board at 211 Hillcrest Avenue, Monterey County Library Marina Branch at 190 Seaside Circle, City Bulletin Board at the corner of Reservation Road and Del Monte Boulevard on or before 6:30 p.m., Friday, May 17, 2024.

ANITA SHARP, DEPUTY CITY CLERK

City Council, Airport Commission and Redevelopment Agency meetings are recorded on tape and available for public review and listening at the Office of the City Clerk and kept for a period of 90 days after the formal approval of MINUTES.

City Council meetings may be viewed live on the meeting night and at 12:30 p.m. and 3:00 p.m. on Cable Channel 25 on the Sunday following the Regular City Council meeting date. In addition, Council meetings can be viewed at 6:30 p.m. every Monday, Tuesday and Wednesday. For more information about viewing the Council Meetings on Channel 25, you may contact Access Monterey Peninsula directly at 831-333-1267.

Agenda items and staff reports are public record and are available for public review on the City's website (www.cityofmarina.org), at the Monterey County Marina Library Branch at 190 Seaside Circle and at the Office of the City Clerk at 211 Hillcrest Avenue, Marina between the hours of 10:00 a.m. 5:00 p.m., on the Monday preceding the meeting.

Supplemental materials received after the close of the final agenda and through noon on the day of the scheduled meeting will be available for public review at the City Clerk's Office during regular office hours and in a 'Supplemental Binder' at the meeting.

ALL MEETINGS ARE OPEN TO THE PUBLIC. THE CITY OF MARINA DOES NOT DISCRIMINATE AGAINST PERSONS WITH DISABILITIES. Council Chambers are wheelchair accessible. Meetings are broadcast on cable channel 25 and recordings of meetings can be provided upon request. To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call (831) 884-1278 or e-mail: marina@cityofmarina.org. Requests must be made at least **48 hours** in advance of the meeting.

Upcoming 2024 Meetings of the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Community Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency and Marina Groundwater Sustainability Agency
Regular Meetings: 5:00 p.m. Closed Session;
6:30 p.m. Regular Open Sessions

Tuesday, June 4, 2024
Tuesday, June 18, 2024

Tuesday, October 1, 2024
Tuesday, October 15, 2024

Tuesday, July 2, 2024
~~Tuesday, July 16, 2024 (Cancelled)~~

*****Wednesday, November 6, 2024**
Tuesday, November 19, 2024

****Wednesday, August 7, 2023**
~~Tuesday, August 20, 2024 (Cancelled)~~

Tuesday, December 3, 2024
Tuesday, December 17, 2024

*** Regular Meeting rescheduled due to Monday Holiday**

**** Regular Meeting rescheduled due to National Night Out**

***** Regular Meeting rescheduled due to General Election Day**

CITY HALL 2024 HOLIDAYS (City Hall Closed)

Memorial Day ----- Monday, May 27, 2024
Independence Day (City Offices Closed) ----- Thursday, July 4, 2024
Labor Day ----- Monday, September 2, 2024
Veterans Day (City Offices Closed)----- Monday, November 11, 2024
Thanksgiving Day-----Thursday, November 28, 2024
Thanksgiving Break-----Friday, November 29, 2024
Winter Break----- Tuesday, December 24, 2024-Friday, December 31, 2024

2024 COMMISSION DATES

Upcoming 2024 Meetings of Planning Commission 2nd and 4th Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.
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May 23, 2024

August 8, 2024

October 10, 2024

August 22, 2024

October 24, 2024

June 13, 2024

September 12, 2024

November 14, 2024

June 27, 2024

September 26, 2024

November 28, 2024 (Cancelled)

July 11, 2024

December 12, 2024

July 25, 2024

Upcoming 2024 Meetings of Public Works Commission
3rd Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

June 20, 2024
July 18, 2024

August 15, 2024
September 19, 2024

October 17, 2024
November 21, 2024
December 19, 2024

Upcoming 2024 Meetings of Recreation & Cultural Services Commission
1st Wednesday of every quarter month. Meetings are held at the Council Chambers at 6:30 P.M.

June 5, 2024

September 11, 2024

December 4, 2024

Upcoming 2024 Meetings of Marina Tree Committee
2nd Wednesday of every quarter month as needed. Meetings are held at the Council Chambers at 6:30 P.M.

July 13, 2024

October 12, 2024

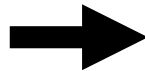
COUNTY OF MONTEREY

HOUSING ELEMENT DRAFT 6TH CYCLE UPDATE

City Council — Marina, CA — May 21, 2024

REGIONAL HOUSING NEEDS ALLOCATION (RHNA)

CA HCD



AMBAG = 33,274



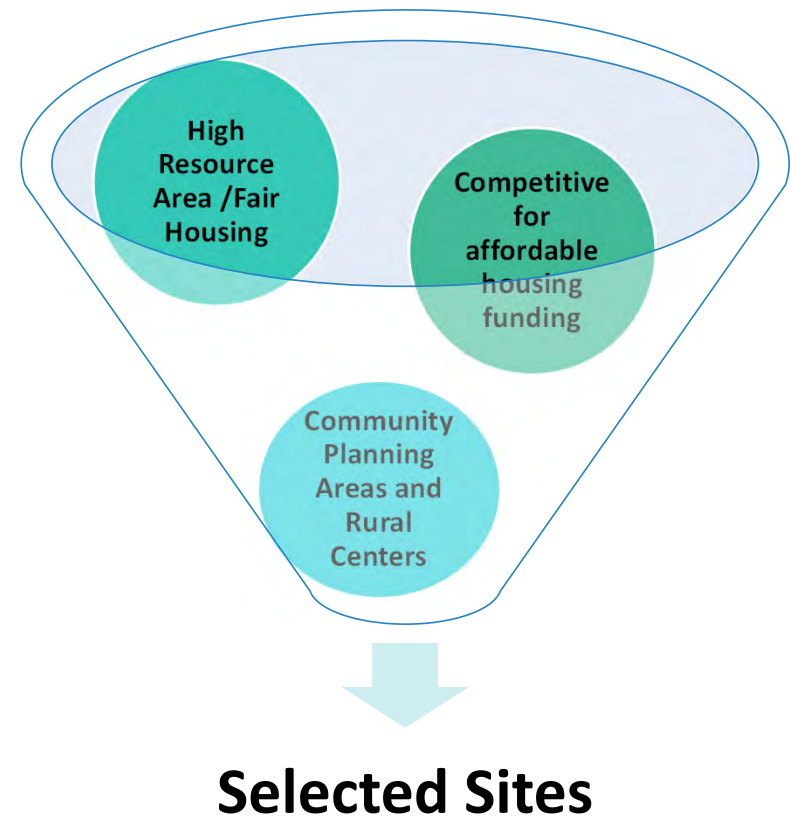
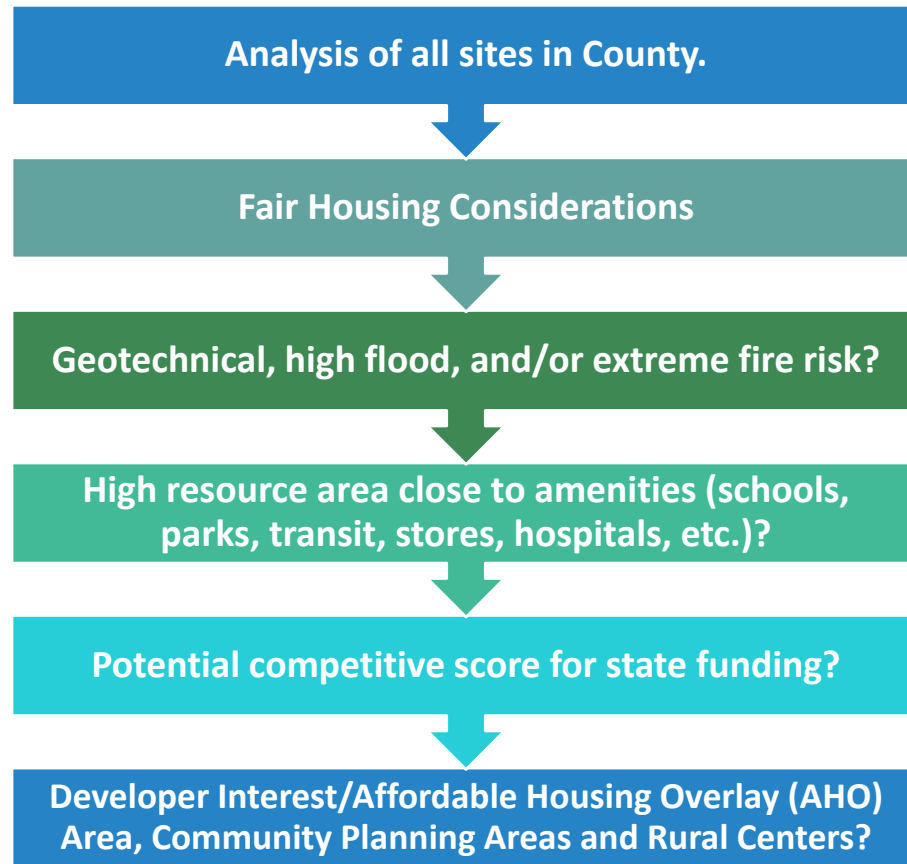
Monterey County
= 3,326



Income Category	% Median	Income Range		RHNA	% of Total
		Minimum	Maximum		
Extremely Low/Very Low	0-50%	\$0	\$60,200	1,070	32%
Low	50-80%	\$60,200	\$96,350	700	21%
Moderate	80-120%	\$96,350	\$120,500	420	13%
Above Moderate	120%+	\$120,500	--	1,136	34%
Total				3,326	100%
2023 CA HCD Income Limits, Monterey County, AMI = \$100,400					

COUNTY OF MONTEREY 6TH CYCLE RHNA

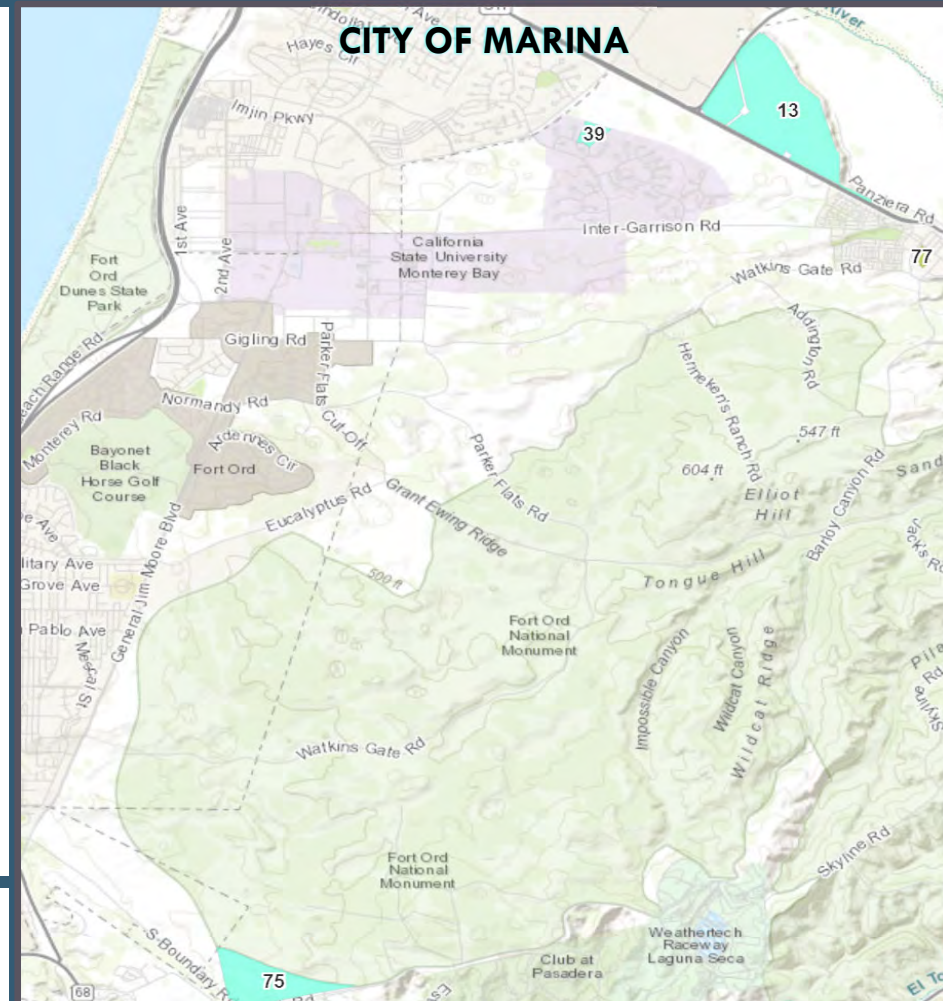
SITE SELECTION METHODOLOGY



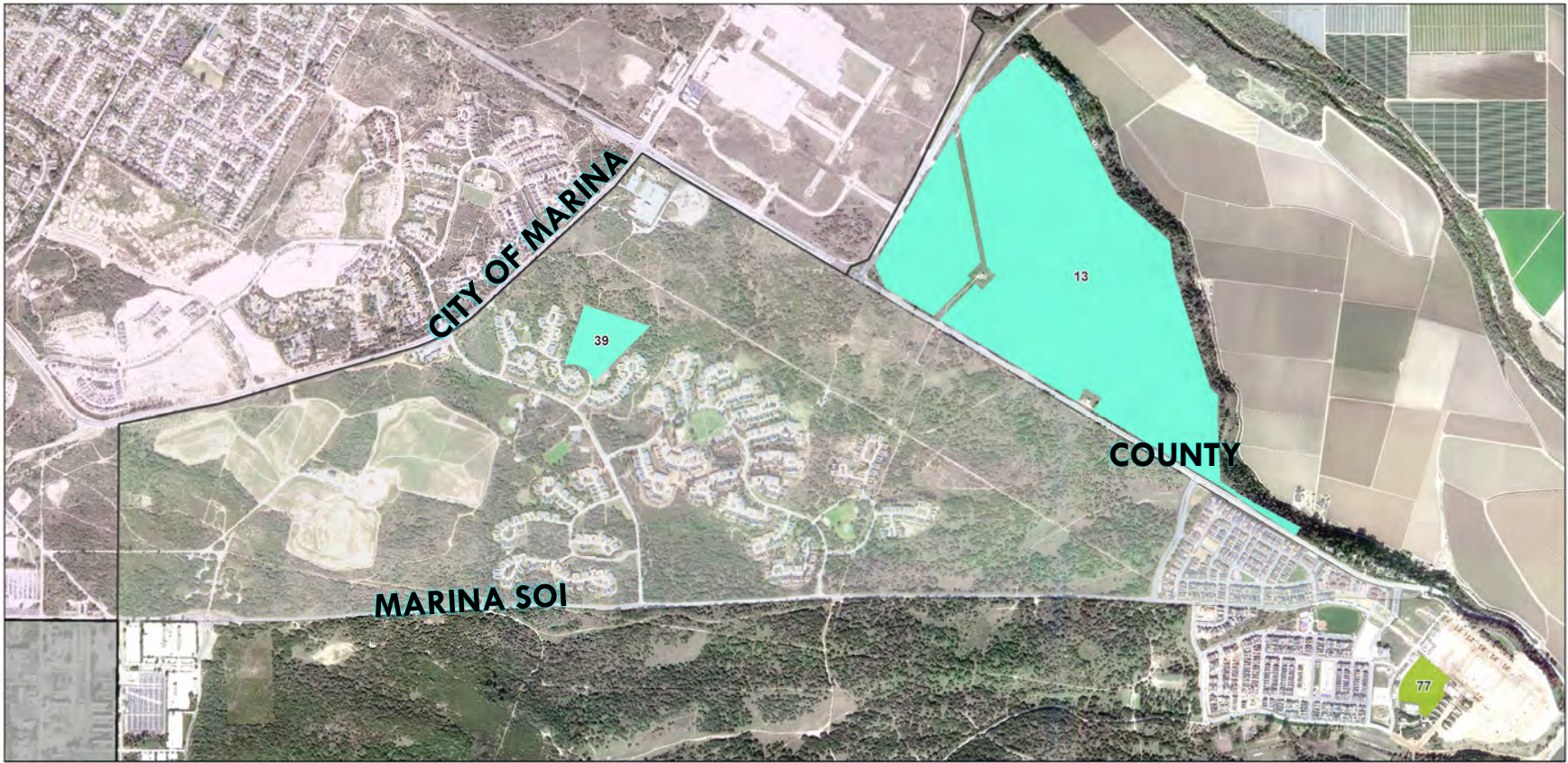
Site Capacity Determination

	Units by Income Level				
	VLI	LI	Mod.	Above Mod.	Total
RHNA	1,070	700	420	1,136	3,326
20% Buffer²	214	140	84	227	438
	1,284	840	504	1,363	3,764
Alternative Methods to Meet the RHNA (Credits)					
Entitled or Proposed Projects	107	91	205	116	519
Accessory Dwelling Unit Potential	0	9	0	261	270
Subtotal	107	100	205	377	789
Net RHNA w/ Buffer (after credits are applied)	1,177	740	299	986	2,975
Determination of Opportunity Sites (Utilizing Zone Changes and Capacity)					
North County Inland Area Plan	345	272	186	1,101	1,904
Carmel Valley Master Plan	263	208	187	1,878	2,536
Greater Monterey Peninsula Area Plan	190	184	218	1,843	2,435
Greater Salinas Valley Area Plan	56	56	75	683	870
Fort Ord Master Plan Toro Area Plan	314	266	182	709	1,471
Central Salinas Valley Area Plan	15	15	19	128	177
Carmel LUP	34	22	2	17	75
Subtotal (Net New)	1,217	1,023	869	6,359	9,468
Total (Credits & Site Inventory)	1,324	1,123	1,074	6,736	10,257
Surplus/(Shortfall)	254	423	654	5,600	6,931
No Net Loss Buffer Surplus/(Shortfall), as a percent of RHNA	24%	60%	156%		

GREATER MONTEREY PENINSULA AP FORT ORD MASTER PLAN AREA



MCo Administrative Draft HEU6 Sites - City of Marina Boundaries



4/29/2024

City_SOI

Administrative_Draft_Subject_To_Change

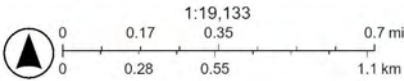
City Limits

Opportunity Site

MARINA

East Garrison

Other



NEXT STEPS TO HCD SUBMITTAL





THANK YOU!

Email | GeneralPlanUpdates@co.monterey.ca.us

Phone (English) | Jaime Scott Guthrie, AICP, Senior Planner -
831.796.6414

Phone (Español) | Edgar Sanchez, Assistant Planner -
831.783.7058

Visit: www.countyofmonterey.gov/GeneralPlanUpdates





Accounts Payable by G/L Distribution Report

Payment Date Range 05/10/24 - 05/10/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 120 - City Mgr/HR/Risk										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.465 - Prof Svc Legal - Special Counsel										
11033 - Sara Steck Myers	05-03-24	Professional Services - MPWSP - April 2024	Paid by EFT # 4599		05/03/2024	05/06/2024	05/06/2024		05/10/2024	34,200.00
Account 6300.465 - Prof Svc Legal - Special Counsel Totals							Invoice Transactions	1		\$34,200.00
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		\$34,200.00
Division 000 - Non-Div Totals							Invoice Transactions	1		\$34,200.00
Department 120 - City Mgr/HR/Risk Totals							Invoice Transactions	1		\$34,200.00
Department 125 - I. T.										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.330 - Prof Svc IT - Information Tech Svc										
10897 - TechRx Technology Services	11770	IT Support - April 2024	Paid by EFT # 4600		04/30/2024	05/01/2024	05/01/2024		05/10/2024	9,120.00
Account 6300.330 - Prof Svc IT - Information Tech Svc Totals							Invoice Transactions	1		\$9,120.00
Account 6360.076 - Maint & Repairs Copier										
10592 - U.S. Bank Equipment Finance-USbancorp	527990543	CDD Copier Lease Payment - May 2024	Paid by Check # 104511		04/29/2024	05/06/2024	05/06/2024		05/10/2024	216.32
Account 6360.076 - Maint & Repairs Copier Totals							Invoice Transactions	1		\$216.32
Account 6360.342 - Maint & Repairs IT - System Annual Maint										
10905 - Taygeta Scientific, Inc.	000423-R-0065	Computer Network Defense - May 2024	Paid by Check # 104510		05/01/2024	05/01/2024	05/01/2024		05/10/2024	2,750.00
10905 - Taygeta Scientific, Inc.	000708-R-0038	Barracuda Spam Firewall - May 2024	Paid by Check # 104510		05/01/2024	05/01/2024	05/01/2024		05/10/2024	475.80
10897 - TechRx Technology Services	11794	Veeam Subscription - May 2024	Paid by EFT # 4600		05/01/2024	05/01/2024	05/01/2024		05/10/2024	385.00
10897 - TechRx Technology Services	11782	Ninite Subscription - May 2024	Paid by EFT # 4600		05/01/2024	05/01/2024	05/01/2024		05/10/2024	112.50
10897 - TechRx Technology Services	11776	Amazon Glacier - May 2024	Paid by EFT # 4600		05/01/2024	05/01/2024	05/01/2024		05/10/2024	380.00
10897 - TechRx Technology Services	11791	Veeam 0365 Backup - May 2024	Paid by EFT # 4600		05/01/2024	05/01/2024	05/01/2024		05/10/2024	380.00
Account 6360.342 - Maint & Repairs IT - System Annual Maint Totals							Invoice Transactions	6		\$4,483.30
Account 6360.345 - Maint & Repairs Citywide Microsoft Ofc Upgrade										
10897 - TechRx Technology Services	11789	Citywide MS Office 365 - May 2024	Paid by EFT # 4600		05/01/2024	05/01/2024	05/01/2024		05/10/2024	2,470.40
Account 6360.345 - Maint & Repairs Citywide Microsoft Ofc Upgrade Totals							Invoice Transactions	1		\$2,470.40
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	9		\$16,290.02
Division 000 - Non-Div Totals							Invoice Transactions	9		\$16,290.02
Department 125 - I. T. Totals							Invoice Transactions	9		\$16,290.02



Accounts Payable by G/L Distribution Report

Payment Date Range 05/10/24 - 05/10/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 130 - Finance										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.216 - Prof Svc Fin - Accounting Services										
10511 - Richard B. Standridge	24-09	Service 4/22-5/2/2024	Paid by EFT # 4598		05/03/2024	05/07/2024	05/07/2024		05/10/2024	1,805.00
Account 6300.216 - Prof Svc Fin - Accounting Services Totals							Invoice Transactions	1		\$1,805.00
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		\$1,805.00
Division 000 - Non-Div Totals							Invoice Transactions	1		\$1,805.00
Department 130 - Finance Totals							Invoice Transactions	1		\$1,805.00
Department 150 - City Attorney										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc										
11964 - Shute Mihaly & Weinberaer LLP	285989	City Attorney Services - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	27,001.41
11964 - Shute Mihaly & Weinberaer LLP	285995	Planning Commission/Development - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	19,517.45
11964 - Shute Mihaly & Weinberaer LLP	285990	Land Acquisition for Salinas Ave Expansion - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	693.00
11964 - Shute Mihaly & Weinberaer LLP	285992	City Manager - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	3,692.74
11964 - Shute Mihaly & Weinberaer LLP	285993	Human Resources and Risk - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	1,518.69
11964 - Shute Mihaly & Weinberaer LLP	285994	Finance - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	1,254.00
11964 - Shute Mihaly & Weinberaer LLP	285996	Parks - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	2,178.00
11964 - Shute Mihaly & Weinberaer LLP	285997	Police Department - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	759.00
11964 - Shute Mihaly & Weinberaer LLP	285998	Public Works - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	4,554.00
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc Totals							Invoice Transactions	9		\$61,168.29
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	9		\$61,168.29
Division 000 - Non-Div Totals							Invoice Transactions	9		\$61,168.29
Department 150 - City Attorney Totals							Invoice Transactions	9		\$61,168.29



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Payment Date Range 05/10/24 - 05/10/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6150.500 - Medical Vision										
10607 - Vision Service Plan	05-01-24.	VSP Adjustment (05/2024)	Paid by Check # 104512		05/01/2024	05/01/2024	05/01/2024		05/10/2024	33.34
Account 6150.500 - Medical Vision Totals										Invoice Transactions 1
										\$33.34
Account 6300.217 - Prof Svc Fin - Business Lic Services										
10274 - Hinderliter, de Llamas & Associates (HDL)	SIN035043	Dec 2023 BL Admin Fee	Paid by EFT # 4593		12/31/2023	05/06/2024	05/06/2024		05/10/2024	4,417.82
10274 - Hinderliter, de Llamas & Associates (HDL)	SIN037795	March 2024 BL Admin Fee	Paid by EFT # 4593		03/31/2024	05/06/2024	05/06/2024		05/10/2024	574.80
Account 6300.217 - Prof Svc Fin - Business Lic Services Totals										Invoice Transactions 2
										\$4,992.62
Account 6300.570 - Prof Svc Other										
11710 - HdL Coren & Cone	SIN038152	Contract Services Property Tax 04/24-06/24	Paid by EFT # 4592		04/25/2024	05/06/2024	05/06/2024		05/10/2024	2,204.78
10274 - Hinderliter, de Llamas & Associates (HDL)	SIN037796	MARCH 2024 - HDL TOT	Paid by EFT # 4593		03/31/2024	05/03/2024	05/03/2024		05/10/2024	2,055.31
10274 - Hinderliter, de Llamas & Associates (HDL)	SIN035044	DEC 2023 - HDL TOT	Paid by EFT # 4593		12/31/2023	05/06/2024	05/06/2024		05/10/2024	2,018.67
Account 6300.570 - Prof Svc Other Totals										Invoice Transactions 3
										\$6,278.76
Account 6380.150 - Utilities Comm Phone System										
10758 - AT & T CALNET3	21616369	CALNET3-9391023466 (384-8477)	Paid by Check # 104497		04/28/2024	05/06/2024	05/06/2024		05/10/2024	56.49
10758 - AT & T CALNET3	21614262	CALNET3-9391023471 (582-0100)	Paid by Check # 104497		04/27/2024	05/06/2024	05/06/2024		05/10/2024	60.54
10758 - AT & T CALNET3	21614268	CALNET3-9391023477 (582-9803)	Paid by Check # 104497		04/27/2024	05/06/2024	05/06/2024		05/10/2024	29.03
10758 - AT & T CALNET3	21616338	CALNET3-9391023437 (384-0425)	Paid by Check # 104497		04/28/2024	05/06/2024	05/06/2024		05/10/2024	57.75
10758 - AT & T CALNET3	21616366	CALNET3-9391023463 (384-7854)	Paid by Check # 104497		04/28/2024	05/06/2024	05/06/2024		05/10/2024	29.02
10758 - AT & T CALNET3	21616341	CALNET3-9391023440 (384-0860)	Paid by Check # 104497		04/28/2024	05/06/2024	05/06/2024		05/10/2024	29.09
10758 - AT & T CALNET3	21616371	CALNET3-9391023468 (384-9148)	Paid by Check # 104497		04/28/2024	05/06/2024	05/06/2024		05/10/2024	29.04
10758 - AT & T CALNET3	21616342	CALNET3-9391023441 (384-0888)	Paid by Check # 104497		04/28/2024	05/06/2024	05/06/2024		05/10/2024	29.02
Account 6380.150 - Utilities Comm Phone System Totals										Invoice Transactions 8
										\$319.98
Account 6400.635 - Material & Suppl Postage Shipping										
10509 - Reserve Account - Pitney Bowes	05-06-24	Postage Meter Refill	Paid by Check # 104508		05/06/2024	05/06/2024	05/06/2024		05/10/2024	1,500.00
Account 6400.635 - Material & Suppl Postage Shipping Totals										Invoice Transactions 1
										\$1,500.00



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv Totals								Invoice Transactions	15	\$13,124.70
Division 000 - Non-Div Totals								Invoice Transactions	15	\$13,124.70
Department 190 - Citywide Non-Dept Totals								Invoice Transactions	15	\$13,124.70
Department 210 - Police										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6600.485 - Other Charges Medical Svc - Investigations										
10412 - Monterey County District Attorney	04-23-24	FY 2022/2023 BAC - Marina	Paid by Check # 104505		04/23/2024	05/06/2024	05/06/2024		05/10/2024	3,459.86
Account 6600.485 - Other Charges Medical Svc - Investigations Totals								Invoice Transactions	1	\$3,459.86
Sub-Division 00 - Non-Subdiv Totals								Invoice Transactions	1	\$3,459.86
Division 000 - Non-Div Totals								Invoice Transactions	1	\$3,459.86
Department 210 - Police Totals								Invoice Transactions	1	\$3,459.86
Department 250 - Fire										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.570 - Maint & Repairs Other Svc Agr										
11739 - IntelliSite, LLC/EPIC iO Technologies, Inc.	4613	Renewal NetCloud Mobile Essentials Plan	Paid by EFT # 4594		04/01/2024	05/03/2024	05/03/2024		05/10/2024	1,955.52
Account 6360.570 - Maint & Repairs Other Svc Agr Totals								Invoice Transactions	1	\$1,955.52
Account 6600.340 - Other Charges Insur - Liability										
10439 - Myers Stevens & Toohey Co	1420793	Insurance Coverage for Reserve Firefighters	Paid by Check # 104506		04/24/2024	05/01/2024	05/01/2024		05/10/2024	1,825.00
Account 6600.340 - Other Charges Insur - Liability Totals								Invoice Transactions	1	\$1,825.00
Sub-Division 00 - Non-Subdiv Totals								Invoice Transactions	2	\$3,780.52
Division 000 - Non-Div Totals								Invoice Transactions	2	\$3,780.52
Department 250 - Fire Totals								Invoice Transactions	2	\$3,780.52
Department 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056100	9th Street (Irrigation)	Paid by Check # 104503		04/30/2024	05/02/2024	05/02/2024		05/10/2024	177.74
10349 - Marina Coast Water District	043024	Parcels L&M	Paid by Check # 104503		04/30/2024	05/02/2024	05/02/2024		05/10/2024	68.76
10349 - Marina Coast Water District	000056102	9th St & 4th Ave	Paid by Check # 104503		05/03/2024	05/02/2024	05/02/2024		05/10/2024	52.60
10349 - Marina Coast Water District	043024	3254 Abdy Way (Tate Park-Building)	Paid by Check # 104503		05/03/2024	05/02/2024	05/02/2024		05/10/2024	28.34
10349 - Marina Coast Water District	000056098	Crescent Ave/Costa Del Mar Irrigation	Paid by Check # 104503		05/03/2024	05/02/2024	05/02/2024		05/10/2024	598.85
10349 - Marina Coast Water District	050324	3240 De Forest Road	Paid by Check # 104503		05/03/2024	05/02/2024	05/02/2024		05/10/2024	
10349 - Marina Coast Water District	000056087									
10349 - Marina Coast Water District	050324									
10349 - Marina Coast Water District	000056034									
10349 - Marina Coast Water District	050324									



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056011 050324	3254 Abdy Way (Tate Park-Irrigation)	Paid by Check # 104503		05/03/2024	05/02/2024	05/02/2024		05/10/2024	1,039.58
Account 6380.500 - Utilities Water & Sewer Totals							Invoice Transactions	6		\$1,965.87
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	6		\$1,965.87
Division 311 - Buildings & Grounds Totals							Invoice Transactions	6		\$1,965.87
Department 310 - Public Works Totals							Invoice Transactions	6		\$1,965.87
Department 420 - Engineering										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
11984 - Duffy Group, Inc	COM-006	Public Works Director	Paid by Check # 104501		05/03/2024	05/06/2024	05/06/2024		05/10/2024	7,537.50
10508 - Regional Government Services	15799	Superintendent Services	Paid by EFT # 4597		09/30/2023	05/02/2024	05/02/2024		05/10/2024	570.00
10508 - Regional Government Services	15958	Superintendent Services	Paid by EFT # 4597		10/31/2023	05/02/2024	05/02/2024		05/10/2024	2,180.00
Account 6300.570 - Prof Svc Other Totals							Invoice Transactions	3		\$10,287.50
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	3		\$10,287.50
Division 000 - Non-Div Totals							Invoice Transactions	3		\$10,287.50
Department 420 - Engineering Totals							Invoice Transactions	3		\$10,287.50
Department 440 - Economic Dev										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6600.630 - Other Charges Promotional Activities										
11620 - Certified Folder Display Service, Inc.	610963	Restaurant Guide Disbursement - June 2024	Paid by EFT # 4590		05/01/2024	05/06/2024	05/06/2024		05/10/2024	385.10
Account 6600.630 - Other Charges Promotional Activities Totals							Invoice Transactions	1		\$385.10
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		\$385.10
Division 000 - Non-Div Totals							Invoice Transactions	1		\$385.10
Department 440 - Economic Dev Totals							Invoice Transactions	1		\$385.10



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 510 - Recreation & Culture										
Division 100 - Admin										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228755	Custodial Services for April 2024	Paid by EFT # 4589		04/25/2024	05/03/2024	05/03/2024		05/10/2024	797.39
Account 6360.360 - Maint & Repairs Janitorial Totals							Invoice Transactions 1			\$797.39
Account 6380.150 - Utilities Comm Phone System										
10603 - Verizon Wireless	9961893337	Rec Dept Cell Phones	Paid by EFT # 4602		04/17/2024	05/03/2024	05/03/2024		05/10/2024	259.80
Account 6380.150 - Utilities Comm Phone System Totals							Invoice Transactions 1			\$259.80
Account 6400.652 - Material & Suppl Recr Special Progr / Events										
10581 - Trucksis Enterprises	13725	banners	Paid by EFT # 4601		04/25/2024	05/03/2024	05/03/2024		05/10/2024	449.02
10581 - Trucksis Enterprises	13730	banners	Paid by EFT # 4601		05/01/2024	05/03/2024	05/03/2024		05/10/2024	459.02
Account 6400.652 - Material & Suppl Recr Special Progr / Events Totals							Invoice Transactions 2			\$908.04
Account 6400.740 - Material & Suppl Special Dept Suppl										
10581 - Trucksis Enterprises	13710	Recreation Event Tent	Paid by EFT # 4601		04/12/2024	05/03/2024	05/03/2024		05/10/2024	2,810.02
Account 6400.740 - Material & Suppl Special Dept Suppl Totals							Invoice Transactions 1			\$2,810.02
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions 5			\$4,775.25
Division 100 - Admin Totals							Invoice Transactions 5			\$4,775.25
Division 511 - Youth										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228755	Custodial Services for April 2024	Paid by EFT # 4589		04/25/2024	05/03/2024	05/03/2024		05/10/2024	370.19
Account 6360.360 - Maint & Repairs Janitorial Totals							Invoice Transactions 1			\$370.19
Account 6400.660 - Material & Suppl Recr Youth Progr										
10726 - Ace Hardware-Parks&Recreation	087837	Account 107	Paid by Check # 104495		03/17/2024	05/03/2024	05/03/2024		05/10/2024	22.87
11990 - Monterey Bay Parent LLC	2024-3340	Advertisement	Paid by Check # 104504		04/29/2024	05/03/2024	05/03/2024		05/10/2024	100.00
Account 6400.660 - Material & Suppl Recr Youth Progr Totals							Invoice Transactions 2			\$122.87
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions 3			\$493.06
Division 511 - Youth Totals							Invoice Transactions 3			\$493.06



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 510 - Recreation & Culture										
Division 512 - Teen										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228755	Custodial Services for April 2024	Paid by EFT # 4589		04/25/2024	05/03/2024	05/03/2024		05/10/2024	521.70
Account 6360.360 - Maint & Repairs Janitorial Totals										521.70
Invoice Transactions 1										
Account 6400.658 - Material & Suppl Recr Teen Progr										
10726 - Ace Hardware-Parks&Recreation	087823	Account 107	Paid by Check # 104495		03/15/2024	05/03/2024	05/03/2024		05/10/2024	196.63
Account 6400.658 - Material & Suppl Recr Teen Progr Totals										196.63
Invoice Transactions 1										
Sub-Division 00 - Non-Subdiv Totals										718.33
Invoice Transactions 2										
Division 512 - Teen Totals										718.33
Invoice Transactions 2										
Division 513 - Senior										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228755	Custodial Services for April 2024	Paid by EFT # 4589		04/25/2024	05/03/2024	05/03/2024		05/10/2024	370.19
Account 6360.360 - Maint & Repairs Janitorial Totals										370.19
Invoice Transactions 1										
Sub-Division 00 - Non-Subdiv Totals										370.19
Invoice Transactions 1										
Division 513 - Senior Totals										370.19
Invoice Transactions 1										
Department 510 - Recreation & Culture Totals										6,356.83
Invoice Transactions 11										
Fund 100 - General Fund Totals										152,823.69
Invoice Transactions 59										



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 220 - Gas Tax										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056095	2nd Ave	Paid by Check		04/30/2024	05/02/2024	05/02/2024		05/10/2024	177.74
	043024		# 104503							
10349 - Marina Coast Water District	000056084	Crescent/Shuler/Irrigati	Paid by Check		05/03/2024	05/02/2024	05/02/2024		05/10/2024	28.34
	050324	on	# 104503							
10349 - Marina Coast Water District	000056085	Crescent/Whitney	Paid by Check		05/03/2024	05/02/2024	05/02/2024		05/10/2024	28.34
	050324	Irrigation	# 104503							
10349 - Marina Coast Water District	000056032	Crescent Ave/Costa Del	Paid by Check		05/03/2024	05/02/2024	05/02/2024		05/10/2024	62.91
	050324	Mar East Side	# 104503							
10349 - Marina Coast Water District	000056008	Reservation & Del	Paid by Check		05/03/2024	05/02/2024	05/02/2024		05/10/2024	28.34
	050324	Monte	# 104503							
Account 6380.500 - Utilities Water & Sewer Totals							Invoice Transactions		5	\$325.67
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10233 - Fastenal Company	CASAL164981	XL Black Gloves	Paid by EFT #		05/01/2024	05/02/2024	05/02/2024		05/10/2024	259.15
			4591							
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals							Invoice Transactions		1	\$259.15
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions		6	\$584.82
Division 000 - Non-Div Totals							Invoice Transactions		6	\$584.82
Department 000 - Non-Dept Totals							Invoice Transactions		6	\$584.82
Fund 220 - Gas Tax Totals							Invoice Transactions		6	\$584.82



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 462 - City Capital Projects										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
11762 - Raimi + Associates, Inc	24-6341	Marina GPU March 2024	Paid by EFT # 4596		05/02/2024	05/02/2024	05/02/2024		05/10/2024	25,639.34
Account 6300.570 - Prof Svc Other Totals							Invoice Transactions 1		\$25,639.34	
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions 1		\$25,639.34	
Division 000 - Non-Div Totals							Invoice Transactions 1		\$25,639.34	
Department 000 - Non-Dept Totals							Invoice Transactions 1		\$25,639.34	
Fund 462 - City Capital Projects Totals							Invoice Transactions 1		\$25,639.34	



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 555 - Marina Airport										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc										
11964 - Shute Mihaly & Weinbraer LLP	285991	Airport - March 2024	Paid by Check # 104509		04/29/2024	05/02/2024	05/02/2024		05/10/2024	4,158.00
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc Totals										Invoice Transactions 1
										\$4,158.00
Account 6360.050 - Maint & Repairs Building										
10728 - Ace Hardware-Public Works	088102	Paint supplies for office	Paid by Check # 104496		04/19/2024	04/26/2024	04/23/2024		05/10/2024	98.30
10728 - Ace Hardware-Public Works	088146	Paint supplies for office	Paid by Check # 104496		04/24/2024	05/01/2024	04/23/2024		05/10/2024	52.84
10187 - Della Mora Heating, Inc.	16137	Heater service at Station 2	Paid by Check # 104500		05/01/2024	06/01/2024	05/01/2024		05/10/2024	307.50
Account 6360.050 - Maint & Repairs Building Totals										Invoice Transactions 3
										\$458.64
Account 6360.280 - Maint & Repairs Habitat Management Svc										
10728 - Ace Hardware-Public Works	088107	Ant Spray and bait	Paid by Check # 104496		04/19/2024	04/26/2024	04/23/2024		05/10/2024	17.46
Account 6360.280 - Maint & Repairs Habitat Management Svc Totals										Invoice Transactions 1
										\$17.46
Account 6360.450 - Maint & Repairs Maint & Repairs										
10728 - Ace Hardware-Public Works	088129	Lead & Asbestos Test kits and Mouse traps	Paid by Check # 104496		04/23/2024	05/03/2024	04/23/2024		05/10/2024	34.92
Account 6360.450 - Maint & Repairs Maint & Repairs Totals										Invoice Transactions 1
										\$34.92
Account 6380.150 - Utilities Comm Phone System										
10758 - AT & T CALNET3	000021616345	Fire Alarms Hangar 524 & 533 (9391023444)	Paid by Check # 104497		04/28/2024	06/04/2024	05/02/2024		05/10/2024	56.49
10758 - AT & T CALNET3	000021616344	Fire Alarms Hangar 524 & 533 (9391023443)	Paid by Check # 104497		04/28/2024	06/04/2024	05/02/2024		05/10/2024	56.49
10758 - AT & T CALNET3	000021616350	AWOS-Auto Weather Service (9391023449)	Paid by Check # 104497		04/28/2024	06/04/2024	05/02/2024		05/10/2024	30.99
Account 6380.150 - Utilities Comm Phone System Totals										Invoice Transactions 3
										\$143.97
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	Mar-Apr 767-2	751 Neeson Rd Bldg 526 (2652040767-2)	Paid by Check # 104507		04/11/2024	04/29/2024	04/23/2024		05/10/2024	33.83
10463 - Pacific Gas & Electric	March 767-2	751 Neeson Rd Bldg 526 (2652040767-2)	Paid by Check # 104507		03/12/2024	03/29/2024	04/23/2024		05/10/2024	118.07
Account 6380.300 - Utilities Gas & Electric Totals										Invoice Transactions 2
										\$151.90
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	April 56 096	3271 Imjin Rd (000056 096)	Paid by Check # 104503		04/30/2024	05/15/2024	05/02/2024		05/10/2024	106.91
10349 - Marina Coast Water District	April 56 044	781 Neeson Rd Bldg 520 (000056 044)	Paid by Check # 104503		04/30/2024	05/15/2024	05/02/2024		05/10/2024	161.34
10349 - Marina Coast Water District	April 56 051	721 Neeson Rd Bldg 533 (000056 051)	Paid by Check # 104503		04/30/2024	05/15/2024	05/02/2024		05/10/2024	185.84



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 555 - Marina Airport										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	April 56 097	3200 Imjin Rd (000056 097)	Paid by Check # 104503		04/30/2024	05/15/2024	05/02/2024		05/10/2024	446.33
Account 6380.500 - Utilities Water & Sewer Totals							Invoice Transactions		4	\$900.42
Account 6400.350 - Material & Suppl IT-Computer & Hardware (non-cap)										
10897 - TechRx Technology Services	11748	Computer for Pilots Lounge	Paid by EFT # 4600		04/30/2024	06/01/2024	05/01/2024		05/10/2024	856.43
10897 - TechRx Technology Services	11799	Security Camera Installation for Bldg 520	Paid by EFT # 4600		04/30/2024	06/01/2024	05/01/2024		05/10/2024	5,204.81
10897 - TechRx Technology Services	11800	Aero Antenna Installation	Paid by EFT # 4600		04/30/2024	06/01/2024	05/01/2024		05/10/2024	1,636.56
Account 6400.350 - Material & Suppl IT-Computer & Hardware (non-cap) Totals							Invoice Transactions		3	\$7,697.80
Account 6400.352 - Material & Suppl IT - Software (non-capitalize)										
10897 - TechRx Technology Services	11805	Starlink connection and service	Paid by EFT # 4600		04/30/2024	06/01/2024	05/01/2024		05/10/2024	819.38
Account 6400.352 - Material & Suppl IT - Software (non-capitalize) Totals							Invoice Transactions		1	\$819.38
Account 6400.733 - Material & Suppl Signs										
10967 - Monterey Signs, Inc.	24343	Signs C-7 through C-12	Paid by EFT # 4595		03/19/2024	04/25/2024	04/23/2024		05/10/2024	245.82
Account 6400.733 - Material & Suppl Signs Totals							Invoice Transactions		1	\$245.82
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions		20	\$14,628.31
Division 000 - Non-Div Totals							Invoice Transactions		20	\$14,628.31
Department 000 - Non-Dept Totals							Invoice Transactions		20	\$14,628.31
Fund 555 - Marina Airport Totals							Invoice Transactions		20	\$14,628.31
Grand Totals							Invoice Transactions		86	\$193,676.16



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 120 - City Mgr/HR/Risk										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.305 - Prof Svc HR - Citywide Recruit/Background										
11869 - Agile Occupational Medicine PC	EM018395	Agile Occupational Medicine - Pre Emp Px	Paid by EFT # 4618		04/23/2024	05/01/2024	05/01/2024		05/17/2024	232.00
Account 6300.305 - Prof Svc HR - Citywide Recruit/Background Totals									Invoice Transactions 1	\$232.00
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	36964A-IN	City Fuel Ethanol/Diesel	Paid by Check # 104536		05/03/2024	05/10/2024	05/10/2024		05/17/2024	132.78
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals									Invoice Transactions 1	\$132.78
Account 6400.565 - Material & Suppl Office Supplies										
10732 - Office Depot-General Account	361692849001	Office Depot	Paid by Check # 104540		04/02/2024	04/09/2024	04/09/2024		05/17/2024	(174.97)
10732 - Office Depot-General Account	345572679 CR	Office Depot	Paid by Check # 104540		04/15/2024	04/15/2024	04/15/2024		05/17/2024	(28.61)
10732 - Office Depot-General Account	354939080-1 CR	Office Depot	Paid by Check # 104540		04/15/2024	04/15/2024	04/15/2024		05/17/2024	(344.97)
10732 - Office Depot-General Account	363061584001	Office Depot	Paid by Check # 104540		04/30/2024	05/01/2024	05/01/2024		05/17/2024	586.95
10732 - Office Depot-General Account	364562767001	Office Supplies	Paid by Check # 104540		05/13/2024	05/14/2024	05/14/2024		05/17/2024	157.29
Account 6400.565 - Material & Suppl Office Supplies Totals									Invoice Transactions 5	\$195.69
Sub-Division 00 - Non-Subdiv Totals									Invoice Transactions 7	\$560.47
Division 000 - Non-Div Totals									Invoice Transactions 7	\$560.47
Department 120 - City Mgr/HR/Risk Totals									Invoice Transactions 7	\$560.47
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
12015 - Kathy Pomeroy	24-424KP	BMR Appraisal - 306 Reservation Road	Paid by Check # 104532		05/01/2024	05/14/2024	05/14/2024		05/17/2024	1,000.00
11835 - Environmental Innovations, Inc.	2555	Solid Waste Management Services	Paid by Check # 104526		05/06/2024	05/06/2024	05/06/2024		05/17/2024	1,725.77
Account 6300.570 - Prof Svc Other Totals									Invoice Transactions 2	\$2,725.77
Account 6360.570 - Maint & Repairs Other Svc Agr										
10129 - Cintas Corporation	4189456223	Mat Service City Hall	Paid by Check # 104522		04/12/2024	05/14/2024	05/14/2024		05/17/2024	52.05
10129 - Cintas Corporation	4190899850	Mat Service City Hall	Paid by Check # 104522		04/26/2024	05/14/2024	05/14/2024		05/17/2024	52.60
10129 - Cintas Corporation	4192338885	Mat Service City Hall	Paid by Check # 104522		05/10/2024	05/14/2024	05/14/2024		05/17/2024	52.05
Account 6360.570 - Maint & Repairs Other Svc Agr Totals									Invoice Transactions 3	\$156.70



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	April 2024 313-6	PG&E 6793435313-6	Paid by Check # 104542		04/26/2024	05/14/2024	05/14/2024		05/17/2024	7,698.23
Account 6380.300 - Utilities Gas & Electric Totals										Invoice Transactions 1
										\$7,698.23
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056025050924	327 Reindollar Ave	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	71.92
10349 - Marina Coast Water District	000056017050924	208-A Palm Ave	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	84.08
10349 - Marina Coast Water District	000056018050924	208 Palm Ave	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	142.13
10349 - Marina Coast Water District	000056020050924	304 Hillcrest Ave	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	126.86
10349 - Marina Coast Water District	04-30-24	Acct# 000056041 - 3260 Imjin Road	Paid by Check # 104534		04/30/2024	05/14/2024	05/14/2024		05/17/2024	287.53
Account 6380.500 - Utilities Water & Sewer Totals										Invoice Transactions 5
										\$712.52
Account 6400.565 - Material & Suppl Office Supplies										
10540 - Sierra Springs & Alhambra	7266038051024	Water Cooler Rentals and Replacement Water	Paid by Check # 104552		05/10/2024	05/09/2024	05/09/2024		05/17/2024	202.85
10734 - Office Depot-Public Works Dept.	362746896001	Annex Supplies	Paid by Check # 104541		04/19/2024	04/29/2024	04/29/2024		05/17/2024	59.80
10734 - Office Depot-Public Works Dept.	362746896002	Annex Supplies	Paid by Check # 104541		04/22/2024	05/06/2024	05/06/2024		05/17/2024	23.37
Account 6400.565 - Material & Suppl Office Supplies Totals										Invoice Transactions 3
										\$286.02
Account 6400.635 - Material & Suppl Postage Shipping										
10235 - FedEx	8-495-63026	Shipping Charges - BMR Housing Program	Paid by Check # 104528		05/10/2024	05/14/2024	05/14/2024		05/17/2024	47.18
10480 - Pitney Bowes	3106653284	Quarterly Lease Payment	Paid by Check # 104545		05/11/2024	05/14/2024	05/14/2024		05/17/2024	1,375.38
Account 6400.635 - Material & Suppl Postage Shipping Totals										Invoice Transactions 2
										\$1,422.56
Account 6600.010 - Other Charges Alarm										
10981 - Sentry Alarm Systems of America, Inc.	2250514	Alarm Monitoring - Sports Center - Jun-Aug 2024	Paid by Check # 104551		05/15/2024	05/09/2024	05/09/2024		05/17/2024	285.00
Account 6600.010 - Other Charges Alarm Totals										Invoice Transactions 1
										\$285.00
Account 6600.452 - Other Charges Leased Copier										
11451 - Monterey Bay Office Products - US Bank	528576077	City Hall Copier Lease - May 2024	Paid by Check # 104535		05/04/2024	05/14/2024	05/14/2024		05/17/2024	380.20
Account 6600.452 - Other Charges Leased Copier Totals										Invoice Transactions 1
										\$380.20



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv Totals								Invoice Transactions	18	\$13,667.00
Division 000 - Non-Div Totals								Invoice Transactions	18	\$13,667.00
Department 190 - Citywide Non-Dept Totals								Invoice Transactions	18	\$13,667.00
Department 210 - Police										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	36964A-IN	City Fuel Ethanol/Diesel	Paid by Check # 104536		05/03/2024	05/10/2024	05/10/2024		05/17/2024	5,045.50
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals								Invoice Transactions	1	\$5,045.50
Account 6500.620 - Training & Travel POST										
10637 - Barnet, Neola	04-29-24	Per Diem - N. Barnet	Paid by Check # 104517		04/29/2024	05/15/2024	05/15/2024		05/17/2024	161.00
11950 - Randy Hopkins	05-19-24	Per Diem - R. Hopkins	Paid by Check # 104547		05/15/2024	05/15/2024	05/15/2024		05/17/2024	184.00
11604 - Ryan Parra	04-29-24	Per Diem - R. Parra	Paid by Check # 104550		04/29/2024	05/15/2024	05/15/2024		05/17/2024	161.00
Account 6500.620 - Training & Travel POST Totals								Invoice Transactions	3	\$506.00
Sub-Division 00 - Non-Subdiv Totals								Invoice Transactions	4	\$5,551.50
Division 000 - Non-Div Totals								Invoice Transactions	4	\$5,551.50
Department 210 - Police Totals								Invoice Transactions	4	\$5,551.50
Department 250 - Fire										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
10868 - Ergometrics & Applied Pers. Research	145563	Testing Materials	Paid by Check # 104527		04/30/2024	05/14/2024	05/14/2024		05/17/2024	852.90
Account 6300.570 - Prof Svc Other Totals								Invoice Transactions	1	\$852.90
Account 6360.070 - Maint & Repairs Bdg Public Safety										
10250 - Gavilan Pest Control	0162385	3260 Imjin Rd General Pest	Paid by Check # 104529		05/01/2024	05/06/2024	05/06/2024		05/17/2024	90.00
Account 6360.070 - Maint & Repairs Bdg Public Safety Totals								Invoice Transactions	1	\$90.00
Account 6360.570 - Maint & Repairs Other Svc Agr										
10129 - Cintas Corporation	4192338861	Shop towels	Paid by Check # 104522		05/10/2024	05/14/2024	05/14/2024		05/17/2024	138.05
10185 - DCS Testing & Equipment	20300	Fire Hose Testing - 14,500 feet	Paid by Check # 104559		05/02/2024	05/14/2024	05/14/2024		05/17/2024	4,060.00
Account 6360.570 - Maint & Repairs Other Svc Agr Totals								Invoice Transactions	2	\$4,198.05



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 250 - Fire										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.850 - Maint & Repairs Vehicle										
10927 - Ace Hardware - Fire Dept.	088237	Tire cleaner foam & WD40	Paid by Check # 104513		05/06/2024	05/14/2024	05/14/2024		05/17/2024	24.01
Account 6360.850 - Maint & Repairs Vehicle Totals							Invoice Transactions		1	\$24.01
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	99625584114	FD Mobile from March 26 - April 25 2024	Paid by EFT # 4627		04/25/2024	05/06/2024	05/06/2024		05/17/2024	598.91
Account 6380.120 - Utilities Comm Mobile & Pager Totals							Invoice Transactions		1	\$598.91
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	36964A-IN	City Fuel Ethanol/Diesel	Paid by Check # 104536		05/03/2024	05/10/2024	05/10/2024		05/17/2024	1,333.63
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals							Invoice Transactions		1	\$1,333.63
Account 6400.739 - Material & Suppl Special Dept Exp-Fire Prevent										
10470 - Peninsula Welding & Medical Supply	260129	Non-Liquid Cylinders	Paid by Check # 104544		04/30/2024	04/29/2024	04/29/2024		05/17/2024	12.90
Account 6400.739 - Material & Suppl Special Dept Exp-Fire Prevent Totals							Invoice Transactions		1	\$12.90
Account 6400.740 - Material & Suppl Special Dept Suppl										
10927 - Ace Hardware - Fire Dept.	088275	AA Battery ALKLN	Paid by Check # 104513		05/10/2024	05/14/2024	05/14/2024		05/17/2024	10.91
10927 - Ace Hardware - Fire Dept.	088220	Grounding Connector 20A	Paid by Check # 104513		05/03/2024	05/14/2024	05/14/2024		05/17/2024	10.91
11393 - Carmel Roasters, Inc.	69442	FD Coffee - 3 boxes	Paid by Check # 104521		05/08/2024	05/14/2024	05/14/2024		05/17/2024	262.20
10580 - Tri County Fire Protection	HP62729	Extinguisher refills (20) for Station 1	Paid by Check # 104554		01/15/2024	05/14/2024	05/14/2024		05/17/2024	283.00
Account 6400.740 - Material & Suppl Special Dept Suppl Totals							Invoice Transactions		4	\$567.02
Account 6600.480 - Other Charges Medical Svc - Employee										
11869 - Agile Occupational Medicine PC	EM017911-2	Physical for C. Vega	Paid by EFT # 4618		04/16/2024	05/14/2024	05/14/2024		05/17/2024	125.00
Account 6600.480 - Other Charges Medical Svc - Employee Totals							Invoice Transactions		1	\$125.00
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions		13	\$7,802.42
Division 000 - Non-Div Totals							Invoice Transactions		13	\$7,802.42
Department 250 - Fire Totals							Invoice Transactions		13	\$7,802.42
Department 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6360.065 - Maint & Repairs Bdg NonFlagship										
10034 - American Supply Co.	0184255	City Supplies Corp Yard	Paid by Check # 104516		04/23/2024	05/06/2024	05/06/2024		05/17/2024	153.05



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6360.065 - Maint & Repairs Bdg NonFlagship										
10034 - American Supply Co.	0184389	City Supplies	Paid by Check # 104516		05/01/2024	05/09/2024	05/09/2024		05/17/2024	3,356.27
10181 - Dave's Repair Service	36768	Interstitial Sensor	Paid by Check # 104523		04/22/2024	04/29/2024	04/29/2024		05/17/2024	893.57
10181 - Dave's Repair Service	36774	Monthly Site Inspections as Designated Operator	Paid by Check # 104523		04/26/2024	05/06/2024	05/06/2024		05/17/2024	99.77
10250 - Gavilan Pest Control	0161845	3254 Abdy Way Gophers	Paid by Check # 104529		04/30/2024	05/06/2024	05/06/2024		05/17/2024	300.00
10250 - Gavilan Pest Control	0161761	Preston Park Squirrels	Paid by Check # 104529		04/30/2024	05/06/2024	05/06/2024		05/17/2024	180.00
10250 - Gavilan Pest Control	0162384	211 Hillcrest Ave Rodents	Paid by Check # 104529		05/01/2024	05/06/2024	05/06/2024		05/17/2024	82.00
10250 - Gavilan Pest Control	0162386	190 Seaside Circle Gophers	Paid by Check # 104529		05/01/2024	05/06/2024	05/06/2024		05/17/2024	300.00
Account 6360.065 - Maint & Repairs Bdg NonFlagship Totals									Invoice Transactions 8	\$5,364.66
Account 6360.070 - Maint & Repairs Bdg Public Safety										
10263 - Green Line	91871	Grease Traps	Paid by Check # 104531		04/24/2024	05/06/2024	05/06/2024		05/17/2024	1,785.00
Account 6360.070 - Maint & Repairs Bdg Public Safety Totals									Invoice Transactions 1	\$1,785.00
Account 6360.440 - Maint & Repairs Landscape General										
10250 - Gavilan Pest Control	0161711	Multiple Locations Broadleaf Spraying Turf	Paid by Check # 104529		04/30/2024	05/06/2024	05/06/2024		05/17/2024	1,825.00
Account 6360.440 - Maint & Repairs Landscape General Totals									Invoice Transactions 1	\$1,825.00
Account 6360.690 - Maint & Repairs Supplies										
10728 - Ace Hardware-Public Works	088180	Supplies	Paid by Check # 104514		04/29/2024	05/09/2024	05/09/2024		05/17/2024	65.54
10728 - Ace Hardware-Public Works	088150	Supplies	Paid by Check # 104514		04/24/2024	05/09/2024	05/09/2024		05/17/2024	165.99
10728 - Ace Hardware-Public Works	088164	Supplies	Paid by Check # 104514		04/25/2024	05/09/2024	05/09/2024		05/17/2024	53.52
10728 - Ace Hardware-Public Works	088206	Supplies	Paid by Check # 104514		05/02/2024	05/09/2024	05/09/2024		05/17/2024	36.00
10728 - Ace Hardware-Public Works	088210	Insect Spray	Paid by Check # 104514		05/02/2024	05/09/2024	05/09/2024		05/17/2024	9.82
10728 - Ace Hardware-Public Works	088219	Keys	Paid by Check # 104514		05/03/2024	05/09/2024	05/09/2024		05/17/2024	43.11
10728 - Ace Hardware-Public Works	088178	Supplies	Paid by Check # 104514		04/29/2024	05/09/2024	05/09/2024		05/17/2024	32.70
10728 - Ace Hardware-Public Works	088201	Supplies	Paid by Check # 104514		05/01/2024	05/09/2024	05/09/2024		05/17/2024	21.20



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Fund 100 - General Fund										
Department 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6360.690 - Maint & Repairs Supplies										
10728 - Ace Hardware-Public Works	088131	Supplies	Paid by Check # 104514		04/23/2024	05/09/2024	05/09/2024		05/17/2024	9.82
10728 - Ace Hardware-Public Works	088245	Supplies	Paid by Check # 104514		05/07/2024	05/09/2024	05/09/2024		05/17/2024	32.90
10728 - Ace Hardware-Public Works	088188	Supplies	Paid by Check # 104514		04/30/2024	05/09/2024	05/09/2024		05/17/2024	19.64
10465 - Pacific Smog	1995	Smog Inspections	Paid by Check # 104543		05/01/2024	05/06/2024	05/06/2024		05/17/2024	167.00
Account 6360.690 - Maint & Repairs Supplies Totals									Invoice Transactions 12	\$657.24
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056099 043024	9th Street West of 2nd Avenue	Paid by Check # 104534		04/30/2024	04/29/2024	04/29/2024		05/17/2024	177.74
10349 - Marina Coast Water District	000056014 050324	3200 Del Monte Blvd	Paid by Check # 104534		05/03/2024	05/06/2024	05/06/2024		05/17/2024	2,447.16
10349 - Marina Coast Water District	000056014 042424	3200 Del Monte Blvd	Paid by Check # 104534		04/24/2024	05/06/2024	05/06/2024		05/17/2024	1,249.21
10349 - Marina Coast Water District	000056103 043024	2840 Fifth Ave	Paid by Check # 104534		04/30/2024	05/09/2024	05/09/2024		05/17/2024	145.06
10349 - Marina Coast Water District	000056001 050924	209-13 Cypress Ave	Paid by Check # 104534		05/09/2024	05/09/2024	05/09/2024		05/17/2024	106.93
10349 - Marina Coast Water District	000056019 050924	211 Hillcrest Ave	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	1,067.60
Account 6380.500 - Utilities Water & Sewer Totals									Invoice Transactions 6	\$5,193.70
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	36964A-IN	City Fuel Ethanol/Diesel	Paid by Check # 104536		05/03/2024	05/10/2024	05/10/2024		05/17/2024	199.17
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals									Invoice Transactions 1	\$199.17
Account 6400.800 - Material & Suppl Uniform										
10043 - VESTIS GROUP, INC./f/k/a ARAMARK UNIFORM & C	5110457283	PW Uniforms	Paid by Check # 104556		05/03/2024	05/06/2024	05/06/2024		05/17/2024	264.25
10043 - VESTIS GROUP, INC./f/k/a ARAMARK UNIFORM & C	5110461116	PW Uniforms	Paid by Check # 104556		05/10/2024	05/10/2024	05/10/2024		05/17/2024	417.44
Account 6400.800 - Material & Suppl Uniform Totals									Invoice Transactions 2	\$681.69
Sub-Division 00 - Non-Subdiv Totals									Invoice Transactions 31	\$15,706.46
Division 311 - Buildings & Grounds Totals									Invoice Transactions 31	\$15,706.46
Division 313 - Vehicle Maint										
Sub-Division 00 - Non-Subdiv										
Account 6360.850 - Maint & Repairs Vehicle										
10403 - NAPA Auto Parts - former Monterey Auto Supply	007242	2.5 Def	Paid by Check # 104538		09/11/2023	09/08/2023	09/08/2023		05/17/2024	170.30



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 310 - Public Works										
Division 313 - Vehicle Maint										
Sub-Division 00 - Non-Subdiv										
Account 6360.850 - Maint & Repairs Vehicle										
10403 - NAPA Auto Parts - former Monterey Auto Supply	4006-005832	Mount	Paid by Check # 104538		09/05/2023	09/08/2023	09/08/2023		05/17/2024	184.53
10403 - NAPA Auto Parts - former Monterey Auto Supply	4006-008965	Headlight	Paid by Check # 104538		09/19/2023	09/22/2023	09/22/2023		05/17/2024	14.67
10403 - NAPA Auto Parts - former Monterey Auto Supply	4006-008590	Oil	Paid by Check # 104538		09/18/2023	09/22/2023	09/22/2023		05/17/2024	1,184.41
10403 - NAPA Auto Parts - former Monterey Auto Supply	009563	Filter	Paid by Check # 104538		09/21/2023	09/22/2023	09/22/2023		05/17/2024	36.04
10403 - NAPA Auto Parts - former Monterey Auto Supply	035463	Oil	Paid by Check # 104538		02/01/2024	05/07/2024	05/07/2024		05/17/2024	50.45
10403 - NAPA Auto Parts - former Monterey Auto Supply	036146	Alternator	Paid by Check # 104538		02/05/2024	05/07/2024	05/07/2024		05/17/2024	194.21
10403 - NAPA Auto Parts - former Monterey Auto Supply	036908	Sensors	Paid by Check # 104538		02/08/2024	05/07/2024	05/07/2024		05/17/2024	209.59
10403 - NAPA Auto Parts - former Monterey Auto Supply	045850	Brake pads	Paid by Check # 104538		03/22/2024	05/07/2024	05/07/2024		05/17/2024	44.44
10403 - NAPA Auto Parts - former Monterey Auto Supply	046415	Brake Pads	Paid by Check # 104538		03/26/2024	05/07/2024	05/07/2024		05/17/2024	97.21
10403 - NAPA Auto Parts - former Monterey Auto Supply	046603	Fleet Pads	Paid by Check # 104538		03/26/2024	05/07/2024	05/07/2024		05/17/2024	72.99
10403 - NAPA Auto Parts - former Monterey Auto Supply	047323	Oil Filter	Paid by Check # 104538		03/29/2024	05/07/2024	05/07/2024		05/17/2024	32.58
10403 - NAPA Auto Parts - former Monterey Auto Supply	052483	Lamp Signal	Paid by Check # 104538		04/24/2024	05/09/2024	05/09/2024		05/17/2024	72.05
10403 - NAPA Auto Parts - former Monterey Auto Supply	053400	Lamp Signal	Paid by Check # 104538		04/29/2024	05/09/2024	05/09/2024		05/17/2024	163.72
10403 - NAPA Auto Parts - former Monterey Auto Supply	055267	Brake Pads/Rotors	Paid by Check # 104538		05/07/2024	05/09/2024	05/09/2024		05/17/2024	301.72
10403 - NAPA Auto Parts - former Monterey Auto Supply	005832	Supplies	Paid by Check # 104538		09/05/2023	05/09/2024	05/09/2024		05/17/2024	184.53
10403 - NAPA Auto Parts - former Monterey Auto Supply	008590	Supplies	Paid by Check # 104538		09/18/2023	05/09/2024	05/09/2024		05/17/2024	1,184.41
10403 - NAPA Auto Parts - former Monterey Auto Supply	008965	Switch	Paid by Check # 104538		09/19/2023	05/09/2024	05/09/2024		05/17/2024	14.67
10403 - NAPA Auto Parts - former Monterey Auto Supply	944015	Plugs/Coils	Paid by Check # 104538		11/01/2022	05/09/2024	05/09/2024		05/17/2024	570.10
10403 - NAPA Auto Parts - former Monterey Auto Supply	975859	Air Filter	Paid by Check # 104538		04/12/2023	05/09/2024	05/09/2024		05/17/2024	33.24
10403 - NAPA Auto Parts - former Monterey Auto Supply	975865	Air Filter	Paid by Check # 104538		04/12/2023	05/09/2024	05/09/2024		05/17/2024	38.48



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 310 - Public Works										
Division 313 - Vehicle Maint										
Sub-Division 00 - Non-Subdiv										
Account 6360.850 - Maint & Repairs Vehicle										
10403 - NAPA Auto Parts - former Monterey Auto Supply	977626	Thermostat/Gasket	Paid by Check # 104538		04/20/2023	05/09/2024	05/09/2024		05/17/2024	156.87
10505 - RDO Equipment Co.	W6649638	Backhoe Service	Paid by Check # 104548		03/04/2024	05/07/2024	05/07/2024		05/17/2024	2,666.04
Account 6360.850 - Maint & Repairs Vehicle Totals							Invoice Transactions	23		\$7,677.25
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	23		\$7,677.25
Division 313 - Vehicle Maint Totals							Invoice Transactions	23		\$7,677.25
Department 310 - Public Works Totals							Invoice Transactions	54		\$23,383.71
Department 410 - Planning										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6330.100 - Fee Agr Costs - Planning										
10316 - Kimley-Horn & Associates	27817850	Marina Station Traffic	Paid by Check # 104533		03/31/2024	05/08/2024	05/08/2024		05/17/2024	20,567.00
10171 - CSG Consultants	56286	Marina Station	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	7,865.00
10316 - Kimley-Horn & Associates	27604131	Marina Station COA	Paid by Check # 104533		03/31/2024	04/29/2024	04/29/2024		05/17/2024	2,021.50
10508 - Regional Government Services	16386	Marina Dunes Borelli-January	Paid by EFT # 4624		01/31/2024	05/13/2024	05/13/2024		05/17/2024	166.41
10508 - Regional Government Services	16384	Marina Dunes Misc January	Paid by EFT # 4624		01/31/2024	05/13/2024	05/13/2024		05/17/2024	3,538.64
10508 - Regional Government Services	16385	Harvey Gas Station	Paid by EFT # 4624		01/31/2024	05/13/2024	05/13/2024		05/17/2024	332.82
10508 - Regional Government Services	16688	Marina Dunes Misc March	Paid by EFT # 4624		03/31/2024	05/13/2024	05/13/2024		05/17/2024	6,631.86
Account 6330.100 - Fee Agr Costs - Planning Totals							Invoice Transactions	7		\$41,123.23
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	36964A-IN	City Fuel Ethanol/Diesel	Paid by Check # 104536		05/03/2024	05/10/2024	05/10/2024		05/17/2024	132.78
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals							Invoice Transactions	1		\$132.78
Account 6400.565 - Material & Suppl Office Supplies										
10732 - Office Depot-General Account	365942640001	Code Enforcement Supplies	Paid by Check # 104540		05/02/2024	05/14/2024	05/14/2024		05/17/2024	48.49
10732 - Office Depot-General Account	365910934001	Building	Paid by Check # 104540		05/02/2024	05/14/2024	05/14/2024		05/17/2024	20.75
Account 6400.565 - Material & Suppl Office Supplies Totals							Invoice Transactions	2		\$69.24
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	10		\$41,325.25
Division 000 - Non-Div Totals							Invoice Transactions	10		\$41,325.25



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
					Department 410 - Planning Totals		Invoice Transactions 10		\$41,325.25	
Department 420 - Engineering										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.175 - Prof Svc Eng Svc- Rev Funded Plan Check										
10171 - CSG Consultants	56288	Sea Have Inspections Phase 4	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	14,190.00
10171 - CSG Consultants	56279	Dunes Phase 2 North Inspections	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	1,650.00
10171 - CSG Consultants	56287	Sea Haven Inspection Phase 3B	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	4,345.00
10171 - CSG Consultants	56290	Sea Haven Phase 3A Inspection	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	2,640.00
					Account 6300.175 - Prof Svc Eng Svc- Rev Funded Plan Check Totals		Invoice Transactions 4		\$22,825.00	
Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection										
10171 - CSG Consultants	56274	PWD Services	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	12,420.00
10171 - CSG Consultants	56270	Permits/Development	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	6,022.50
10171 - CSG Consultants	56289	Sea Haven Phase 3 Map/Plan Review	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	440.00
					Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection Totals		Invoice Transactions 3		\$18,882.50	
Account 6300.185 - Prof Svc Engineering Svs-Staff Augment										
10171 - CSG Consultants	56271	Staff Augmentation	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	11,690.00
					Account 6300.185 - Prof Svc Engineering Svs-Staff Augment Totals		Invoice Transactions 1		\$11,690.00	
Account 6300.190 - Prof Svc Engineering Svc Interagency										
10171 - CSG Consultants	56272	TAMC	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	2,310.00
10171 - CSG Consultants	56273	MST	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	220.00
					Account 6300.190 - Prof Svc Engineering Svc Interagency Totals		Invoice Transactions 2		\$2,530.00	
Account 6330.200 - Fee Agr Costs - Engineering										
10171 - CSG Consultants	56275	Dunes Hilltop Park Inspections	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	2,035.00
10171 - CSG Consultants	56276	Dunes Op Site 1A	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	1,100.00
10171 - CSG Consultants	56277	Dunes Phase 1B Promenade	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	3,865.00
10171 - CSG Consultants	56278	Dunes Phase 2 West	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	4,530.00
10171 - CSG Consultants	56280	Dunes Phase 2 West Inspections	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	8,415.00



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 420 - Engineering										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6330.200 - Fee Agr Costs - Engineering										
10171 - CSG Consultants	56281	Dunes Phase 3 North	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	1,430.00
10171 - CSG Consultants	56282	Dunes Promenade (1B) Inspections	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	6,352.50
10171 - CSG Consultants	56283	Grocery at Promenade	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	2,887.50
10171 - CSG Consultants	56284	Home2Suites by Hilton	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	2,640.00
10171 - CSG Consultants	56285	Lightfighter Village (229 Hayes)	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	907.50
Account 6330.200 - Fee Agr Costs - Engineering Totals							Invoice Transactions		10	\$34,162.50
Account 6400.350 - Material & Suppl IT-Computer & Hardware (non-cap)										
10897 - TechRx Technology Services	11746	Corp Yard	Paid by EFT # 4626		04/30/2024	04/29/2024	04/29/2024		05/17/2024	1,404.81
Account 6400.350 - Material & Suppl IT-Computer & Hardware (non-cap) Totals							Invoice Transactions		1	\$1,404.81
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions		21	\$91,494.81
Division 000 - Non-Div Totals							Invoice Transactions		21	\$91,494.81
Department 420 - Engineering Totals							Invoice Transactions		21	\$91,494.81
Department 430 - Building Inspection										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.070 - Prof Svc Building Plan Check & Inspection										
11138 - Bureau Veritas North America, Inc.	RI 24019345	721 Neeson Rd Bldg 533	Paid by EFT # 4619		05/06/2024	05/09/2024	05/09/2024		05/17/2024	562.50
10171 - CSG Consultants	56291	Sea Haven Phase 4 Map/Plan Review	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	3,060.00
Account 6300.070 - Prof Svc Building Plan Check & Inspection Totals							Invoice Transactions		2	\$3,622.50
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9962011888	Verizon Wireless April 2024 (972476364-00001)	Paid by EFT # 4627		04/18/2024	04/29/2024	04/29/2024		05/17/2024	168.50
Account 6380.120 - Utilities Comm Mobile & Pager Totals							Invoice Transactions		1	\$168.50
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions		3	\$3,791.00
Division 000 - Non-Div Totals							Invoice Transactions		3	\$3,791.00
Department 430 - Building Inspection Totals							Invoice Transactions		3	\$3,791.00



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 440 - Economic Dev										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
11010 - Adams Ashby Group, Inc.	5998	Rockrose Garden HOME Grant Monitoring	Paid by Check # 104515		05/11/2024	05/09/2024	05/09/2024		05/17/2024	4,300.00
Account 6300.570 - Prof Svc Other Totals							Invoice Transactions	1		\$4,300.00
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		\$4,300.00
Division 000 - Non-Div Totals							Invoice Transactions	1		\$4,300.00
Department 440 - Economic Dev Totals							Invoice Transactions	1		\$4,300.00
Department 510 - Recreation & Culture										
Division 100 - Admin										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
10074 - Bob Murray & Associates	10121	Recreation Director - Mileage	Paid by Check # 104519		06/15/2023	05/09/2024	05/09/2024		05/17/2024	117.90
Account 6300.570 - Prof Svc Other Totals							Invoice Transactions	1		\$117.90
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	36964A-IN	City Fuel Ethanol/Diesel	Paid by Check # 104536		05/03/2024	05/10/2024	05/10/2024		05/17/2024	331.94
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals							Invoice Transactions	1		\$331.94
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	2		\$449.84
Division 100 - Admin Totals							Invoice Transactions	2		\$449.84
Department 510 - Recreation & Culture Totals							Invoice Transactions	2		\$449.84
Fund 100 - General Fund Totals							Invoice Transactions	133		\$192,326.00



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 110 - Vehicle and Equipment										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6600.450 - Other Charges Leases & Rents										
11491 - Enterprise FM Trust - Fleet Lease payments only	FBN5025521	Lease/Payment April 24	Paid by EFT # 4621		05/03/2024	05/06/2024	05/06/2024		05/17/2024	21,321.43
Account 6600.450 - Other Charges Leases & Rents Totals							Invoice Transactions	1		\$21,321.43
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		\$21,321.43
Division 000 - Non-Div Totals							Invoice Transactions	1		\$21,321.43
Department 000 - Non-Dept Totals							Invoice Transactions	1		\$21,321.43
Fund 110 - Vehicle and Equipment Totals							Invoice Transactions	1		\$21,321.43



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 130 - Library Maintenance										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.060 - Maint & Repairs Bdg Library										
10187 - Della Mora Heating, Inc.	16127	188 Seaside Circle	Paid by Check # 104524		05/10/2024	05/10/2024	05/10/2024		05/17/2024	2,425.00
Account 6360.060 - Maint & Repairs Bdg Library Totals							Invoice Transactions		1	\$2,425.00
Account 6360.440 - Maint & Repairs Landscape General										
10446 - New Image Landscape Co.	146738	Landscape Maintenance April 2024	Paid by Check # 104539		04/30/2024	05/13/2024	05/13/2024		05/17/2024	675.00
Account 6360.440 - Maint & Repairs Landscape General Totals							Invoice Transactions		1	\$675.00
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions		2	\$3,100.00
Division 000 - Non-Div Totals							Invoice Transactions		2	\$3,100.00
Department 000 - Non-Dept Totals							Invoice Transactions		2	\$3,100.00
Fund 130 - Library Maintenance Totals							Invoice Transactions		2	\$3,100.00



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 220 - Gas Tax										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9962011888	Verizon Wireless April 2024 (972476364-00001)	Paid by EFT # 4627		04/18/2024	04/29/2024	04/29/2024		05/17/2024	674.25
Account 6380.120 - Utilities Comm Mobile & Pager Totals										Invoice Transactions 1
										\$674.25
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	April 2024 313-6	PG&E 6793435313-6	Paid by Check # 104542		04/26/2024	05/14/2024	05/14/2024		05/17/2024	988.61
Account 6380.300 - Utilities Gas & Electric Totals										Invoice Transactions 1
										\$988.61
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056049 043024	Imjin Rd (Irrigation/Backflow Accts)	Paid by Check # 104534		04/30/2024	04/29/2024	04/29/2024		05/17/2024	177.74
10349 - Marina Coast Water District	000056036 043024	2nd Ave/Divarty & Intergarrison	Paid by Check # 104534		04/30/2024	04/29/2024	04/29/2024		05/17/2024	177.74
10349 - Marina Coast Water District	000056086 050324	Crescent Ave/Sirena Del Mar Irrigation	Paid by Check # 104534		05/03/2024	05/06/2024	05/06/2024		05/17/2024	28.34
10349 - Marina Coast Water District	000056030 050324	Crescent Ave/Reser Rd/Ramada Inn	Paid by Check # 104534		05/06/2024	05/06/2024	05/06/2024		05/17/2024	38.22
10349 - Marina Coast Water District	000056104 043024	2850 5th Ave	Paid by Check # 104534		04/30/2024	05/09/2024	05/09/2024		05/17/2024	87.09
10349 - Marina Coast Water District	000056037 043024	2nd Ave	Paid by Check # 104534		04/30/2024	05/09/2024	05/09/2024		05/17/2024	177.74
10349 - Marina Coast Water District	000056007 050924	Calif Ave/North of 3rd	Paid by Check # 104534		05/09/2024	05/09/2024	05/09/2024		05/17/2024	92.55
10349 - Marina Coast Water District	000056024 050924	Del Monte/Palm	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	92.55
10349 - Marina Coast Water District	000056027 050924	Calif Ave at Reindollar	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	38.22
10349 - Marina Coast Water District	000056021 050924	Reservation Rd/By 290-308 Reservation	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	36.77
10349 - Marina Coast Water District	000056022 050924	Reser/Marina Auto Stereo/Irrigation	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	40.42
10349 - Marina Coast Water District	000056016 050924	Resev Rd & Seacrest Ave-Next to Fire Hyd	Paid by Check # 104534		05/09/2024	05/10/2024	05/10/2024		05/17/2024	36.77
10349 - Marina Coast Water District	000056104 032824	2850 5th Ave	Paid by Check # 104534		03/28/2024	05/10/2024	05/10/2024		05/17/2024	69.67
Account 6380.500 - Utilities Water & Sewer Totals										Invoice Transactions 13
										\$1,093.82



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 220 - Gas Tax										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	36964A-IN	City Fuel Ethanol/Diesel	Paid by Check # 104536		05/03/2024	05/10/2024	05/10/2024		05/17/2024	659.83
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals										Invoice Transactions 1
										\$659.83
Account 6400.740 - Material & Suppl Special Dept Suppl										
10540 - Sierra Springs & Alhambra	9696351050424	Corp Yard	Paid by Check # 104552		05/04/2024	05/06/2024	05/06/2024		05/17/2024	252.33
Account 6400.740 - Material & Suppl Special Dept Suppl Totals										Invoice Transactions 1
										\$252.33
Account 6400.750 - Material & Suppl Street Material (non-capitalize)										
10261 - Graniterock/Pavex Construction	2150301	Granitepatch	Paid by EFT # 4622		03/31/2024	05/07/2024	05/07/2024		05/17/2024	1,949.54
10261 - Graniterock/Pavex Construction	2150302	Concrete Mix	Paid by EFT # 4622		03/31/2024	05/07/2024	05/07/2024		05/17/2024	1,253.33
10261 - Graniterock/Pavex Construction	2156729	Granitepatch	Paid by EFT # 4622		05/04/2024	05/07/2024	05/07/2024		05/17/2024	7,441.58
Account 6400.750 - Material & Suppl Street Material (non-capitalize) Totals										Invoice Transactions 3
										\$10,644.45
Account 6400.800 - Material & Suppl Uniform										
10043 - VESTIS GROUP, INC./f/k/a ARAMARK UNIFORM & C	5110457284	PW Supplies	Paid by Check # 104556		05/03/2024	05/06/2024	05/06/2024		05/17/2024	70.51
10043 - VESTIS GROUP, INC./f/k/a ARAMARK UNIFORM & C	5110461117	PW Supplies	Paid by Check # 104556		05/10/2024	05/13/2024	05/13/2024		05/17/2024	70.51
Account 6400.800 - Material & Suppl Uniform Totals										Invoice Transactions 2
										\$141.02
Sub-Division 00 - Non-Subdiv Totals										Invoice Transactions 22
										\$14,454.31
Division 000 - Non-Div Totals										Invoice Transactions 22
										\$14,454.31
Department 000 - Non-Dept Totals										Invoice Transactions 22
										\$14,454.31
Fund 220 - Gas Tax Totals										Invoice Transactions 22
										\$14,454.31



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 223 - FORA Dissolution										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
10425 - Monterey Peninsula Engineering	02-02B	Cypress Knolls Gates	Paid by Check # 104537		03/21/2024	05/08/2024	05/08/2024		05/17/2024	66,043.05
11152 - California Dept. of Tax & Fee Administration	L0025973809	Acct #235-376928 (Voucher #605884976)	Paid by Check # 104520		04/22/2024	04/29/2024	04/29/2024		05/17/2024	338.30
Account 6300.570 - Prof Svc Other Totals							Invoice Transactions	2		\$66,381.35
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	2		\$66,381.35
Division 000 - Non-Div Totals							Invoice Transactions	2		\$66,381.35
Department 000 - Non-Dept Totals							Invoice Transactions	2		\$66,381.35
Fund 223 - FORA Dissolution Totals							Invoice Transactions	2		\$66,381.35



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 232 - Seabreeze AD										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection										
10171 - CSG Consultants	56261	Seabreeze	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	330.00
Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection Totals							Invoice Transactions	1		\$330.00
Account 6360.440 - Maint & Repairs Landscape General										
10446 - New Image Landscape Co.	146738	Landscape Maintenance April 2024	Paid by Check # 104539		04/30/2024	05/13/2024	05/13/2024		05/17/2024	218.00
Account 6360.440 - Maint & Repairs Landscape General Totals							Invoice Transactions	1		\$218.00
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	2		\$548.00
Division 000 - Non-Div Totals							Invoice Transactions	2		\$548.00
Department 000 - Non-Dept Totals							Invoice Transactions	2		\$548.00
Fund 232 - Seabreeze AD Totals							Invoice Transactions	2		\$548.00



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 233 - Monterey Bay Estates AD										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection										
10171 - CSG Consultants	56262	Monterey Bay Estates	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	440.00
Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection Totals									Invoice Transactions 1	\$440.00
Account 6360.440 - Maint & Repairs Landscape General										
10446 - New Image Landscape Co.	146738	Landscape Maintenance April 2024	Paid by Check # 104539		04/30/2024	05/13/2024	05/13/2024		05/17/2024	468.00
Account 6360.440 - Maint & Repairs Landscape General Totals									Invoice Transactions 1	\$468.00
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	April 2024 313-6	PG&E 6793435313-6	Paid by Check # 104542		04/26/2024	05/14/2024	05/14/2024		05/17/2024	10.23
Account 6380.300 - Utilities Gas & Electric Totals									Invoice Transactions 1	\$10.23
Sub-Division 00 - Non-Subdiv Totals									Invoice Transactions 3	\$918.23
Division 000 - Non-Div Totals									Invoice Transactions 3	\$918.23
Department 000 - Non-Dept Totals									Invoice Transactions 3	\$918.23
Fund 233 - Monterey Bay Estates AD Totals									Invoice Transactions 3	\$918.23



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 235 - Cypress Cove II AD										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection										
10171 - CSG Consultants	56263	Cypress Cove II	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	440.00
Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection Totals									Invoice Transactions 1	\$440.00
Account 6360.440 - Maint & Repairs Landscape General										
10446 - New Image Landscape Co.	146738	Landscape Maintenance April 2024	Paid by Check # 104539		04/30/2024	05/13/2024	05/13/2024		05/17/2024	530.00
Account 6360.440 - Maint & Repairs Landscape General Totals									Invoice Transactions 1	\$530.00
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	April 2024 313-6	PG&E 6793435313-6	Paid by Check # 104542		04/26/2024	05/14/2024	05/14/2024		05/17/2024	9.85
Account 6380.300 - Utilities Gas & Electric Totals									Invoice Transactions 1	\$9.85
Sub-Division 00 - Non-Subdiv Totals									Invoice Transactions 3	\$979.85
Division 000 - Non-Div Totals									Invoice Transactions 3	\$979.85
Department 000 - Non-Dept Totals									Invoice Transactions 3	\$979.85
Fund 235 - Cypress Cove II AD Totals									Invoice Transactions 3	\$979.85



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 251 - CFD - Locke Paddon										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.440 - Maint & Repairs Landscape General										
10446 - New Image Landscape Co.	420477	New Plant Installtion	Paid by Check		04/29/2024	05/06/2024	05/06/2024		05/17/2024	2,920.00
		Locke Paddon Point	# 104539							
10446 - New Image Landscape Co.	146738	Landscape	Paid by Check		04/30/2024	05/13/2024	05/13/2024		05/17/2024	249.00
		Maintenance April 2024	# 104539							
Account 6360.440 - Maint & Repairs Landscape General Totals							Invoice Transactions	2		\$3,169.00
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	2		\$3,169.00
Division 000 - Non-Div Totals							Invoice Transactions	2		\$3,169.00
Department 000 - Non-Dept Totals							Invoice Transactions	2		\$3,169.00
Fund 251 - CFD - Locke Paddon Totals							Invoice Transactions	2		\$3,169.00



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 252 - CFD - Dunes No. 2015-1										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection										
10171 - CSG Consultants	56264	Locke Paddon Park CFD	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	495.00
10171 - CSG Consultants	56265	Phase 1C CFD	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	440.00
Account 6300.180 - Prof Svc Eng Svc- Rev Funded Inspection Totals							Invoice Transactions	2		<u>\$935.00</u>
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	2		<u>\$935.00</u>
Division 000 - Non-Div Totals							Invoice Transactions	2		<u>\$935.00</u>
Department 000 - Non-Dept Totals							Invoice Transactions	2		<u>\$935.00</u>
Fund 252 - CFD - Dunes No. 2015-1 Totals							Invoice Transactions	2		<u>\$935.00</u>



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 422 - Capital Projects - Measure X										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
10171 - CSG Consultants	56266	Annual Street Resurfacing	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	11,150.00
11847 - BKF Engineers	24040763	Marina Pavement Management Program	Paid by Check # 104518		04/25/2024	05/06/2024	05/06/2024		05/17/2024	4,836.00
11847 - BKF Engineers	24041070	Marina Pavement Management Program Slurry Seal	Paid by Check # 104518		04/25/2024	05/06/2024	05/06/2024		05/17/2024	3,139.50
Account 6300.570 - Prof Svc Other Totals							Invoice Transactions	3		\$19,125.50
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	3		\$19,125.50
Division 000 - Non-Div Totals							Invoice Transactions	3		\$19,125.50
Department 000 - Non-Dept Totals							Invoice Transactions	3		\$19,125.50
Fund 422 - Capital Projects - Measure X Totals							Invoice Transactions	3		\$19,125.50



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 462 - City Capital Projects										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
10316 - Kimley-Horn & Associates	27967278	Imjin Parkway PS&E	Paid by Check # 104533		04/30/2024	05/14/2024	05/14/2024		05/17/2024	25,767.50
10425 - Monterey Peninsula Engineering	24-04-14	Marina Library Irrigation	Paid by Check # 104537		04/30/2024	05/08/2024	05/08/2024		05/17/2024	33,648.60
10425 - Monterey Peninsula Engineering	24-04-16	Streetlight Replacement	Paid by Check # 104537		05/03/2024	05/08/2024	05/08/2024		05/17/2024	15,801.35
10425 - Monterey Peninsula Engineering	01-06 8	Imjin Parkway Widening Project	Paid by Check # 104537		01/31/2024	05/09/2024	05/09/2024		05/17/2024	234,490.57
10425 - Monterey Peninsula Engineering	02-08 9	Imjin Parkway Widening Project	Paid by Check # 104537		02/29/2024	05/09/2024	05/09/2024		05/17/2024	302,666.20
10171 - CSG Consultants	56267	PFIF Update	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	110.00
10171 - CSG Consultants	56268	Streetlight Replacement	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	330.00
10171 - CSG Consultants	56269	Imjin Widening	Paid by EFT # 4620		05/10/2024	05/13/2024	05/13/2024		05/17/2024	6,270.00
11084 - EMC Planning Group	22-003-24	Marina Local Coastal Program Update April 2024	Paid by Check # 104525		04/30/2024	05/09/2024	05/09/2024		05/17/2024	8,333.26
11084 - EMC Planning Group	22-003-23	Marina Local Coastal Program Update April 2024	Paid by Check # 104525		04/30/2024	05/09/2024	05/09/2024		05/17/2024	748.19
10316 - Kimley-Horn & Associates	27692884	2021 Dev Impact Fee	Paid by Check # 104533		03/31/2024	04/29/2024	04/29/2024		05/17/2024	6,083.00
10425 - Monterey Peninsula Engineering	24-03-16RET	Marina Library Irrigation	Paid by Check # 104537		03/29/2024	04/29/2024	04/29/2024		05/17/2024	495.00
10425 - Monterey Peninsula Engineering	24-03-15	Marina Library Irrigation	Paid by Check # 104537		03/29/2024	04/29/2024	04/29/2024		05/17/2024	9,405.00
10425 - Monterey Peninsula Engineering	24-04-15RET	Library Irrigation	Paid by Check # 104537		04/30/2024	05/07/2024	05/07/2024		05/17/2024	1,770.98
10425 - Monterey Peninsula Engineering	24-04-13RET	Los Arboles Deck	Paid by Check # 104537		05/03/2024	05/07/2024	05/07/2024		05/17/2024	2,702.55
10425 - Monterey Peninsula Engineering	24-04-12	Los Arboles Deck	Paid by Check # 104537		05/03/2024	05/07/2024	05/07/2024		05/17/2024	5,400.75
12014 - Pueblo Construction, Inc.	240101-1	Equestrian Center Kennel Bldg	Paid by Check # 104546		03/13/2024	05/09/2024	05/09/2024		05/17/2024	9,532.38
10515 - Rincon Consultants, Inc.	54182	Marina Downtown Vitalization SP and EIR	Paid by EFT # 4625		02/02/2024	05/13/2024	05/13/2024		05/17/2024	3,208.25



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 462 - City Capital Projects										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
10588 - United Site Services	INV-4460108	2830 5th Ave (Equestrian Center)	Paid by Check # 104555		04/30/2024	04/29/2024	04/29/2024		05/17/2024	789.82
Account 6300.570 - Prof Svc Other Totals										\$667,553.40
Account 6700.110 - Capital Outlay Equipment										
10187 - Della Mora Heating, Inc.	15853	Public Safety HVAC	Paid by Check # 104524		04/30/2024	05/03/2024	05/03/2024		05/17/2024	56,268.00
Account 6700.110 - Capital Outlay Equipment Totals										\$56,268.00
Sub-Division 00 - Non-Subdiv Totals										\$723,821.40
Division 000 - Non-Div Totals										\$723,821.40
Department 000 - Non-Dept Totals										\$723,821.40
Fund 462 - City Capital Projects Totals										\$723,821.40



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 555 - Marina Airport										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc										
10315 - Keyser Marston Associates	0038755	Professional Services - Joby CIIP - April 2024	Paid by EFT # 4623		05/08/2024	05/09/2024	05/09/2024		05/17/2024	3,471.25
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc Totals								Invoice Transactions	1	\$3,471.25
Account 6360.280 - Maint & Repairs Habitat Management Svc										
10250 - Gavilan Pest Control	0162102	Bldg 520 Rodents	Paid by Check # 104529		05/01/2024	06/01/2024	05/07/2024		05/17/2024	75.00
Account 6360.280 - Maint & Repairs Habitat Management Svc Totals								Invoice Transactions	1	\$75.00
Account 6360.450 - Maint & Repairs Maint & Repairs										
10580 - Tri County Fire Protection	HP63245	Airport Annual for Fire Extinguishers	Paid by Check # 104554		03/27/2024	05/16/2024	05/07/2024		05/17/2024	406.00
Account 6360.450 - Maint & Repairs Maint & Repairs Totals								Invoice Transactions	1	\$406.00
Account 6360.566 - Maint & Repairs Other Equipment										
10580 - Tri County Fire Protection	HP63245	Airport Annual for Fire Extinguishers	Paid by Check # 104554		03/27/2024	05/16/2024	05/07/2024		05/17/2024	539.42
Account 6360.566 - Maint & Repairs Other Equipment Totals								Invoice Transactions	1	\$539.42
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9962011888	Verizon Wireless April 2024 (972476364- 00001)	Paid by EFT # 4627		04/18/2024	04/29/2024	04/29/2024		05/17/2024	130.93
Account 6380.120 - Utilities Comm Mobile & Pager Totals								Invoice Transactions	1	\$130.93
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	36964A-IN	City Fuel Ethanol/Diesel	Paid by Check # 104536		05/03/2024	05/10/2024	05/10/2024		05/17/2024	199.16
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals								Invoice Transactions	1	\$199.16
Sub-Division 00 - Non-Subdiv Totals								Invoice Transactions	6	\$4,821.76
Division 000 - Non-Div Totals								Invoice Transactions	6	\$4,821.76
Department 000 - Non-Dept Totals								Invoice Transactions	6	\$4,821.76
Fund 555 - Marina Airport Totals								Invoice Transactions	6	\$4,821.76
Grand Totals								Invoice Transactions	201	\$1,051,901.83



Accounts Payable by G/L Distribution Report

Payment Date Range 05/17/24 - 05/17/24

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 758 - Successor Agency Oblig Retirement										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6650.039 - ROPS #39-Bond Trustee Fees										
11250 - U.S. Bank	7301229	Trustee Admin Fee- Series 2023A/B 4/1/24- 3/31/25	Paid by Check		04/25/2024	05/14/2024	05/14/2024		05/17/2024	3,000.00
Account 6650.039 - ROPS #39-Bond Trustee Fees Totals							Invoice Transactions	1		\$3,000.00
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		\$3,000.00
Division 000 - Non-Div Totals							Invoice Transactions	1		\$3,000.00
Department 000 - Non-Dept Totals							Invoice Transactions	1		\$3,000.00
Fund 758 - Successor Agency Oblig Retirement Totals							Invoice Transactions	1		\$3,000.00
Grand Totals							Invoice Transactions	1		\$3,000.00



DRAFT

Agenda Item: **10b(1)**
City Council Meeting of
May 21, 2024

MINUTES

Tuesday, May 7, 2024

5:00 P.M. Closed Session

6:30 P.M. Open Session

REGULAR MEETING

**CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION, SUCCESSOR AGENCY OF THE
FORMER MARINA REDEVELOPMENT AGENCY AND MARINA GROUNDWATER
SUSTAINABILITY AGENCY**

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

Council Chambers
211 Hillcrest Avenue
Marina, California

AND

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

PARTICIPATION

You may participate in the City Council meeting in person or in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City's home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the "Raise Your Hand" feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only.

The most effective method of communication with the City Council is by sending an email to marina@cityofmarina.org. Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Council will have the option to modify their action on items based on comments received.

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)

MEMBERS PRESENT: Jennifer McAdams, Brian McCarthy, Kathy Biala, Mayor/Chair Bruce C. Delgado (Left meeting at 8:05 PM)

MEMBERS ABSENT: Mayor Pro-Tem/Vice Chair Liesbeth Visscher (Excused)
3. PUBLIC COMMENT ON CLOSED SESSION ITEMS: None

4. CLOSED SESSION:

- a. Conference with Legal Counsel, Existing Litigation (§ 54956.9(d)) 3 cases:
 - (1) *City of Marina, et al. vs. Nemeth, Karla, et al.*, Monterey County Superior Court Case No. 19CV005270.
 - (2) *California-American Water Company v. All Persons Interested in the Validity of the City of Marina et al.*, Monterey County Superior Court Case No. 20CV002436.
 - (3) *City of Marina, et al. v. All Persons Interested in the Validity of the Monterey County Groundwater Sustainability Plan*, Monterey County Superior Court Case No. 21CV000493.

6:40 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

City Attorney reported out Closed Session: Council met in closed Session, no reportable action was taken.

5. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)

6. SPECIAL PRESENTATIONS:

a. Proclamations

- i. Poppy Month, American Legion Post 694

7. COUNCIL AND STAFF ANNOUNCEMENTS:

- Council Member McAdams – Announced on May 12, 2024, from 10:00am-Noon is Dad’s Read at the Marina Library and Chief Randy Hopkins will be reading. Wished my colleagues a wonderful trip to Korea.
- Council Member McCarthy – Announced May 14, 2024, is the Black African Heritage Ceremony for graduating students at Cal State Monterey Bay in the Otter Student Union ballroom at 6:00 pm. Announced MCWD has sent out Prop 218 notices talking about where water rates are headed over the next 5 years.
- Mayor Delgado – Announced on May 12th is the Lapis Road Cleanup from 10:00am-12:30pm. On May 26th is the Hilltop Park Planting from 10:00-1:00pm at the junction of 9th Street and 4th Avenue.
- Council Member Biala – Announced on June 1, 2024, is the Multicultural Festival from 11:00am-3:00PM

- 8. PUBLIC COMMENT: *Any member of the public may comment on any matter within the City Council’s jurisdiction that is not on the agenda. This is the appropriate place to comment on items on the Consent Agenda. Action will not be taken on items not on the agenda. Comments are limited to a maximum of three (3) minutes. General public comment may be limited to thirty (30) minutes and/or continued to the end of the agenda. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council. Whenever possible, written correspondence should be submitted to the Council in advance of the meeting, to provide adequate time for its consideration.*

- Doug Yount – Commented on agenda item 10e(1) and thanked public works for the work on 2nd Ave. medians. Asked if 9th street could be done. Noted that Second Ave and Imjin intersection is really bad and hopes it will get scheduled for resurfacing. Asked how the Dunes CFD relates to the slurry project, the interaction between the slurry programs funded by Measure X and the CFD relative to the Dunes project?
- Nancy Fortman – Attended the April 30th meeting and does not see the site selection as the main issue at this point in time. Main issue is paying for these long-needed facilities. What are the exact tax implications for each homeowner in Marina? What are the implied rent increases for the renters whose landlords will be paying increased property taxes? Would like the council to slow down and take time to research alternative ways to pay for these structures.

9. CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine and non-controversial. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or City Council may ask a question or make a comment about an agenda item and staff may provide a response. If discussion or a lengthy explanation is required, the Council may remove an item from the Consent Agenda for individual consideration. If an item is pulled for discussion, it will be placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*

10. CONSENT AGENDA: *These items are considered to be routine and non-controversial. All items under the Consent Agenda may be approved by one motion. Prior to such a motion being made, any member of City Council may ask a question or make a comment about an agenda item and staff may provide a response. If discussion or a lengthy explanation is required, Council may remove the item from the Consent Agenda and it will be placed at the end of Other Action Items.*

a. ACCOUNTS PAYABLE: *(Not a Project under CEQA per Article 20, Section 15378)*

- (1) Accounts Payable Check Numbers:104390-104494, totaling \$1,240,266.11.
Accounts Payable Successor Agency Check Number 123, totaling \$1,781.78.

b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*

- (1) April 16, 2024, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID: None

e. CALL FOR BIDS:

- (1) Adopting **Resolution No. 2024-35**, approving advertising and call for bids for the 2024 Citywide Slurry Seal Project. *(Project exempt from environmental review per § 15301(b) of the CEQA Guidelines for Existing Facilities).* **Bulled by Mayor Delgado**

f. ADOPTION OF RESOLUTIONS: *(Not a Project under CEQA per Article 20, Section 15378)*

- (1) Adopting **Resolution No. 2024-36**, receiving the Fiscal Year 2024-25 Engineer's Report for the Cypress Cove II Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2024-25 in that district; and calling a public hearing for May 21, 2024.
(This action is Categorically Exempt per Article 19, Section 15378(b)(5) of the CEQA Guidelines).

- (2) Adopting **Resolution No. 2024-37**, receiving the Fiscal Year 2024-25 Engineer's Report for the Seabreeze Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2024-25 in that district; and calling a public hearing for May 21, 2024. *(This action is Categorically Exempt per Article 19, Section 15378(b)(5) of the CEQA Guidelines).*
- (3) Adopting **Resolution No. 2024-38**, receiving the Fiscal Year 2024-25 Engineer's Report for the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2024-25 in that district; and calling a public hearing for May 21, 2024. *(This action is Categorically Exempt per Article 19, Section 15378(b)(5) of the CEQA Guidelines).*
- (4) Adopting **Resolution No. 2024-39**, authorize the release of Request for Proposals (RFP) to qualified firms for on-call professional services in the disciplines of planning, architectural design, landscape architecture, civil engineering, traffic engineering, environmental services, construction management, and geotechnical engineering. *(This action is Categorically Exempt per Article 19, Section 15378(b)(5) of the CEQA Guidelines).*
- (5) Adopting **Resolution No. 2024-40**, authorizing the upfitting of a utility vehicle to a command vehicle; and authorizing \$24,000 to be allocated from unallocated funds. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)*
- (6) Adopting **Resolution 2024-41**, adopting the certified Sixth Cycle Housing Element as amended by the California Department of Housing and Community Development. The proposed action is exempt from CEQA per Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines.
- (7) Adopting **Resolution No. 2024-42**, accepting the Housing Element Annual Progress Report for calendar year 2023 and authorizing staff to submit the report to the Governor's Office of Planning and Research and the California Department of Housing and Community Development; and find that the action is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15378(b).

g. APPROVAL OF AGREEMENTS: *(Not a Project under CEQA per Article 20, Section 15378)*

- (1) Adopting **Resolution No. 2024-43**, approving an MOU between the City and the Marina Public Safety Management Association (MPSMA), and an MOU between the City and the Marina Professional Firefighters Association (MPFFA), and authorizing adjustments to the current Salary Schedule for the respective groups. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)* **Pulled by Council Member McAdams**
- (2) Adopting **Resolution No. 2024-44**, to authorize the City Manager to execute an amendment increasing the amount of the agreement between the City of Marina and Team CivX by \$86,000 for consulting services to assist with public engagement, community outreach and messaging materials for a potential bond measure for the construction of police/fire/community center city facilities, subject to final review and approval by the City Attorney. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)* **Pulled by Council Member McAdams**

- (3) Adopting **Resolution No. 2024-45**, to authorize the City Manager to execute an amendment increasing the amount of the agreement between the City of Marina and Roesling Nakamura Terada Architects, Inc. by \$17,000 for identifying community center sites, development of conceptual plans and estimated costs for community facilities, subject to final review and approval by the City Attorney. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)*
- (4) Adopting **Resolution No. 2024-46**, approving agreement between the City of Marina and Fieldman Rolapp & Associates for fiscal advisory services. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)*
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
 - (1) Receive a brief informational update on the status of the Mobile Vending Ordinance adopted on December 5, 2023. This action is exempt from CEQA pursuant to Section 15378 of the CEQA Guidelines. ***Pulled by Council Member McCarthy***
 - (2) Receiving Investment Reports for the City of Marina, City of Marina as Successor Agency to the Marina Redevelopment Agency, and Preston Park Sustainable Community Non-Profit Corporation (PPSC-NPC) and Abrams B Non-Profit Corporation for the quarter ended March 31, 2024
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING):
 - (1) Read by Title Only and adopting **Ordinance No. 2024-04**, amending Marina Municipal Code (MMC) Section 17.62.090.A to change the term for Tree Committee members from one year to two years. This action is exempt from environmental review per § 15378 of the CEQA guidelines.
 - (2) Read by Title Only and adopting **Ordinance No. 2024-05**, adding Chapter 8.70 (Public Nuisance), to the Marina Municipal Code based on findings and California Environmental Quality Act (CEQA) exemptions Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines.
- m. APPROVE APPOINTMENTS:
 - (1) Appointing to Planning Commission: Richard St. John and Paul Cheng 2-seats expiring February 2026 *(This item is exempt from environmental review per §15378 of the CEQA guidelines)*

Council Member McCarthy requested to pull agenda item 10j(1) for discussion.

Council Member McAdams requested to pull agenda items 10g(2) and 10g(3) for questions.

Mayor Delgado requested to pull agenda item 10e(1) for questions.

DELGADO/BIALA: TO APPROVE THE CONSENT AGENDA MINUS 10e(1), 10g(2), 10g(3) AND 10j(1). 4-0-1(Visscher)-0 Motion Passes

10g(2)

Delgado/Biala: approve 10g(2) for the outreach regarding a bond measure. But that we add to the scope of services under public information that A, developing information messaging in fact sheets. and C. I'm looking at page 7, that the content related to the funding needs to be added to the client's website, using social media, etc., include discussion of why or why not we're selling Preston Park; and why or whether the ball fields are going to be in the mix of what the bond measure pays for.

Substitute Motion

MCADAMS/BIALA: TO ADOPT. 10g(2) WITH THE CAVEAT REGARDING THE BASEBALL FIELD (WHY OR WHETHER THE BALL FIELDS ARE GOING TO BE IN THE MIX OF WHAT THE BOND MEASURE PAYS FOR) IN THE FAQs AND NOT PRESTON PARK. 4-0-1(Visscher)-0 Motion Passes

Mayor Delgado left the meeting at 8:05 PM and Council Member Biala chaired the rest of the meeting.

10e(1)

MCADAMS/BIALA: TO APPROVE AGENDA ITEM 10e(1). 3-0-2(Visscher, Delgado)-0 Motion Passes

10g(3)

MCADAMS/MCCARTHY: TO APPROVE 10g(3) AND ASK THAT STAFF TO RESEARCH EASEMENTS ON ALL THE SITE SELECTIONS AND BRING THAT BACK TO THE COUNCIL. 3-0-2(Visscher, Delgado)-0 Motion Passes

10j(1)

Council Member McCarthy asked that this item be brought back for a full discussion when the whole council is present. The Council agreed and asked that it come back sometime in June.

11. PUBLIC HEARINGS: *In the Council's discretion, the applicant/proponent of an item may be given up to ten (10) minutes to speak. All other persons may be given up to three (3) minutes to speak on the matter.*
12. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. Members of the public may be given up to three (3) minutes to speak.*
13. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. Members of the public may be given up to three (3) minutes to speak.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

14. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]
- b. Council reports on meetings and conferences attended (Gov't Code Section 53232).
- c. City Manager Report

(1) Update of Council directed SMART goals.

15. ADJOURNMENT: The meeting adjourned at 8:17 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor

May 9, 2024

Item No. **10g(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
May 21, 2024

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2024-,
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO ENTER
INTO A STANDARD VOLUNTARY AGREEMENT WITH THE
CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCE CONTROL AND
PAY ASSOCIATED FEES AND APPROVING ADVERTISING AND
CALL FOR BIDS FOR THE CITY OF MARINA BUILDINGS BLIGHT
REMOVAL 2024 PROJECT.**

RECOMMENDATION:

It is requested that the City Council consider adopting Resolution 2024-, for the City of Marina Buildings Blight Removal 2024 Project the following actions;

1. Authorizing the City Manager, or his designee, to enter into a Standard Voluntary Agreement (SVA), **EXHIBIT A**, with the California Department of Toxic Substance Control (DTSC) and pay associated fees, and
2. Approving advertising and call for bids, Site plans are shown in **EXHIBITS B and C**.

BACKGROUND:

The closure of Fort Ord resulted in land being deeded to the City of Marina in an “as-is” condition. The land contains numerous buildings that served the former Army base which have deteriorated since 1994 and need to be removed as part of the land redevelopment.

Some of the buildings are on property that the City will retain and must be removed or renovated for adaptive reuse. These include 62-65 barracks buildings on various locations and 260 duplex housing units on what was planned to be the Cypress Knolls development.

Although the Fort Ord Reuse Authority (FORA) sunset on June 30, 2020, FORA secured bond funding for blight removal prior to closure. Included in the bond funding are FORA bond trust funds allocated to the City amounting to \$8,561,968 and escrow bonds that are projected to generate \$6.5M in blight removal funding through 2025.

On September 15, 2020, October 27, 2020, and January 20, 2021, the Marina City Council adopted Resolution No. 2020-127, 2020-140 and 2021-11, respectively, receiving staff presentation on blight removal and blight removal projects and provides direction to staff on priorities for blight removal.

On May 4, 2021, the City Council passed Resolution No. 2021-42 approving amendment to the Program Management Services and Construction Management and Inspection between the City of Marina and Wallace Group, to add program management and construction management and inspection services for the execution of hazardous material abatement and blighted building removal projects.

On November 7, 2023, the City Council passed Resolution 2023-114 accepting the completion of the City Park Barracks and Cypress Knolls Building Blight Removal 2022 project, Phase 1 of the Barracks Blight Removal project.

ANALYSIS:

The three parcels, 031-221-009 (Location 1), 031-251-005 (Location 2) and 031-101-055 (Location 3), included in this project were part of the scope of the original Removal Action Work Plan (RAW; Northgate, 2006) for Soil Impacted by Lead-Based Paint at former Fort Ord, Marina, California.

For these parcels to be used as residential lots, parks or for non-restricted use, the City must follow the approved remedy in the RAW from 2006 with the updated lead cleanup goal of 80 mg/kg.

The City must execute an SVA with the California Department of Toxic Substance Control (DTSC) and pay associated fees required for the City of Marina Buildings Blight Removal 2024 Project. The SVA is pursuant to Health and Safety Code section 79055(a)(1)(C), which authorizes DTSC to enter into an enforceable agreement to oversee investigation and/or remediation of a release or a threatened release of any hazardous substance at the site.

The purpose of this SVA is to allow the City to investigate, remediate and/or evaluate a release, a threatened release, or potential release of any hazardous substance at or from the site under the oversight of DTSC. The SVA also provides reimbursement to DTSC in the amount of \$55,514 for DTSC's oversight cost.

Wallace Group was directed by the City to prepare bidding documents (plans, specifications, and estimates) for the City of Marina Buildings Blight Removal 2024 Project, Phase 2 of the Barracks Blight Removal. The goal for this project is for the abatement, proper removal, and disposal of the remaining nineteen barracks buildings, one fire station building and miscellaneous debris. There are three locations included in this project; Location 1 (13 bldgs.) located at Second Avenue and Third Street, Location 2 (6 bldgs.) located at Eleventh Street and Location 3 (fire station bldg.) located at 9th Street and California Avenue.

On May 6, 2024, the City Tree Committee adopted Resolution 2024-02, **EXHIBIT D**, for the removal of twenty-two trees and three (3) potential removals on three locations for the blight removal. Conditions of Approval, Exhibit B and Arborist Report, Exhibit C are as shown on the Tree Committee Resolution 2024-02.

FISCAL IMPACT:

This action, authorizing the City Manager to enter into a Standard Voluntary Agreement (SVA), with DTSC and pay associated fees for the City of Marina Buildings Blight Removal 2024 Project will have a fiscal impact in the amount of \$55,514.

Sufficient funding for this action has been allocated in Capital Improvement Project HSF2101 for Barracks Blight Removal with a funding balance amount to date of \$2,386,240.41.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This action, authorizing the City Manager to enter into SVA with the California Department of Toxic Substance Control (DTSC) and pay associated fees and approving advertising and call for bids for the City of Marina Buildings Blight Removal 2024 Project is not a project under CEQA.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Elvie Morla-Camacho, P.E., QSD/P
Project Management Services Wallace Group

REVIEWED/CONCUR:

Nourdin Khayata, P.E.
Interim Public Works Director
CSG

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A STANDARD VOLUNTARY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCE CONTROL AND PAY ASSOCIATED FEES AND APPROVING ADVERTISING AND CALL FOR BIDS FOR THE CITY OF MARINA BUILDINGS BLIGHT REMOVAL 2024 PROJECT.

WHEREAS, the closure of Fort Ord resulted in land being deeded to the City of Marina in an “as-is” condition. The land contains numerous buildings that served the former Army base which have deteriorated since 1994 and need to be removed as part of the land redevelopment. Some of the buildings are on property that the City will retain and must be removed or renovated for adaptive reuse. These include 62-65 barracks buildings on various locations and 260 duplex housing units on what was planned to be the Cypress Knolls development; and

WHEREAS, the Fort Ord Reuse Authority (FORA) sunset on June 30, 2020, FORA secured bond funding for blight removal prior to closure. Included in the bond funding are FORA bond trust funds allocated to the City amounting to \$8,561,968 and escrow bonds that are projected to generate \$6.5M in blight removal funding through 2025; and

WHEREAS, on September 15, 2020, October 27, 2020, and January 20, 2021, the City Council of the City of Marina adopted Resolution No. 2020-127, 2020-140 and 2021-11, respectively, receiving staff presentation on blight removal and blight removal projects and provides direction to staff on priorities for blight removal; and

WHEREAS, on May 4, 2021, the City Council passed Resolution No. 2021-42 approving amendment to the Program Management Services and Construction Management and Inspection between the City of Marina and Wallace Group, to add program management and construction management and inspection services for the execution of hazardous material abatement and blighted building removal projects; and

WHEREAS, on November 7, 2023, the City Council passed Resolution 2023-114 accepting the completion of the City Park Barracks and Cypress Knolls Building Blight Removal 2022 project, Phase 1 of the Barracks Blight Removal; and

WHEREAS, the three parcels, 031-221-009 (Location 1), 031-251-005 (Location 2) and 031-101-055 (Location 3), included in this project were part of the scope of the original Removal Action Work Plan (RAW; Northgate, 2006) for Soil Impacted by Lead-Based Paint at former Fort Ord, Marina, California. For these parcels to be used as residential lots, parks or for non-restricted use, the City must follow the approved remedy in the RAW from 2006 with the updated lead cleanup goal of 80 mg/kg; and

WHEREAS, the City must execute an SVA with the California Department of Toxic Substance Control (DTSC) and pay associated fees required for the City of Marina Buildings Blight Removal 2024 Project. The SVA is pursuant to Health and Safety Code section 79055(a)(1)(C), which authorizes DTSC to enter into an enforceable agreement to oversee investigation and/or remediation of a release or a threatened release of any hazardous substance at the site; and

WHEREAS, the purpose of this SVA is to allow the City to investigate, remediate and/or evaluate a release, a threatened release, or potential release of any hazardous substance at or from the site under the oversight of DTSC. The SVA also provides reimbursement to DTSC in the amount of \$55,514 for DTSC's oversight cost; and

WHEREAS, the Wallace Group was directed by the City to prepare bidding documents (plans, specifications, and estimates) for the City of Marina Buildings Blight Removal 2024 Project, Phase 2 of the Barracks Blight Removal. The goal for this project is for the abatement, proper removal, and disposal of the remaining nineteen barracks buildings, one fire station building and miscellaneous debris. There are three locations included in this project; Location 1 (13 bldgs.) located at Second Avenue and Third Street, Location 2 (6 bldgs.) located at Eleventh Street and Location 3 (fire station bldg.) located at 9th Street and California Avenue. Site plans are shown in **Exhibits B and C**; and

WHEREAS, on May 6, 2024 the City Tree Committee adopted Resolution 2024-02, **Exhibit D**, for the removal of twenty-two trees and three (3) potential removals on three locations for the blight removal. Conditions of Approval, "Exhibit B" and "Arborist Report, Exhibit C" are as shown on the Tree Committee Resolution 2024-02; and

WHEREAS, sufficient funding for this action has been allocated in Capital Improvement Project HSF2101 for Barracks Blight Removal with a funding balance amount to date of \$2,386,240.41.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Authorized the City Manager, or his designee, to enter into a Standard Voluntary Agreement (SVA) with the California Department of Toxic Substance Control (DTSC), **Exhibit A**, and pay associated fees for the execution for the City Marina Buildings Blight Removal 2024 Project, and
2. Approved advertising and call for bids for the City Marina Buildings Blight Removal 2024 Project.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 21st day of May 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

City of Marina Blight Removal 2024
Marina, California 93933

Proponent:

City of Marina
209 Cypress Avenue
Marina, California 93933

Docket No. HSA-FY23/24-122

Standard Voluntary Agreement

Health and Safety Code
Section 79055(a)(1)(C)

The California Department of Toxic Substances Control (DTSC) and City of Marina (Proponent) enter into this Standard Voluntary Agreement (Agreement) and agree as follows:

1. Sites. This Agreement applies to several properties located in the former Fort Ord within the City of Marina in California (Sites), and any offsite areas to which hazardous substances have, or may have, migrated from these Sites. A list of the Sites currently included in this Agreement, along with locational information, is provided in Exhibit A. The specific physical description of each Site shall be incorporated into individual Site documents. Site location maps and Site diagrams for Sites currently included in this Agreement are provided in Exhibit B. Additional Sites may be added to this Agreement as proposed by the Proponent and acknowledged by DTSC in accordance with Sections 7 and 18.

2. Jurisdiction. This Agreement is entered into by DTSC and Proponent pursuant to Health and Safety Code section 79055(a)(1)(C), which authorizes DTSC to enter into an enforceable agreement to oversee investigation and/or remediation of a release or a threatened release of any hazardous substance at or from the Site.

3. Purpose. The purpose of this Agreement is for Proponent to investigate, remediate, and/or evaluate a release, a threatened release, or a potential release of any hazardous substance at or from the Site under the oversight of DTSC. The purpose of this Agreement is also for DTSC to obtain reimbursement from Proponent for DTSC's oversight costs incurred pursuant to this Agreement.

4. Ownership and Notification.

4.1. The Sites are owned by the City of Marina.

4.2. Prior to DTSC providing oversight or review or comment on any document, Proponent shall provide DTSC with all of the following: (a) proof of the identity of all current record owners of fee title to the Site and their mailing addresses;

(b) written evidence that the owners of record have been sent a notice that describes the actions completed or proposed by Proponent; and (c) an acknowledgment of the receipt of the notice required in subparagraph (b) from the property owners or proof that Proponent has made reasonable efforts to deliver the notice to the property owner and was unable to do so.

4.3. Proponent shall notify DTSC of any changes in ownership of the Site subsequent to the Effective Date of this Agreement and provide written evidence that Proponent notified the new owner(s) of record of the actions completed or proposed by Proponent under this Agreement.

5. Substances Found at the Site. Based on the information available to DTSC and Proponent, the Site is or may be contaminated with hazardous substances, including lead.

6. Scope of Work and DTSC Oversight. DTSC shall review and provide Proponent with written comments on all Proponent's deliverables as described in Exhibit C (Scope of Work) and other documents applicable to the scope of the project. DTSC shall provide oversight of field activities, including sampling and remedial activities, as appropriate. Proponent agrees to perform all the work required by this Agreement. Proponent shall perform the work in accordance with applicable local, state, and federal statutes, regulations, ordinances, rules, and guidance documents, in particular, Health and Safety Code section 78000 et seq., as amended.

7. Additional Activities and Sites. DTSC and Proponent may amend this Agreement to include additional activities or Sites, in accordance with Paragraph 18 of this Agreement. If DTSC expects to incur additional oversight costs for these additional activities or Sites, it will provide an estimate of the additional oversight costs to Proponent.

8. Endangerment During Implementation.

8.1 Proponent shall notify DTSC's Project Manager immediately upon learning of any condition that may pose an immediate threat to public health or safety or the environment. Within seven days of the onset of such a condition, Proponent shall furnish a report to DTSC, signed by Proponent's Project Manager, setting forth the conditions and events that occurred and the measures taken in response thereto.

8.2 In the event DTSC determines that any activity (whether or not pursued in compliance with this Agreement) may pose an imminent or substantial endangerment to the health or safety of people on the Site or in the surrounding area or to the environment, DTSC may order Proponent to conduct additional activities in accordance with Paragraph 7 of this Agreement or to stop further implementation of this Agreement for such period of time as may be needed to abate the endangerment. DTSC may request that Proponent

implement interim measures to address any immediate threat or imminent or substantial endangerment.

9. Access. Proponent shall provide, and/or obtain access to the Site and take all reasonable efforts to obtain access to offsite areas to which access is necessary to implement the Agreement. Such access shall be provided to DTSC's employees, contractors, and consultants at all reasonable times. Nothing in this paragraph is intended or shall be construed to limit in any way the right of entry or inspection that DTSC or any other agency may otherwise have by operation of law.

10. Sampling, Data and Document Availability. When requested by DTSC, Proponent shall make available for DTSC's inspection, and shall provide copies of, all data and information concerning contamination at or from the Site, including technical records and contractual documents, sampling and monitoring information and photographs and maps, whether or not such data and information was developed pursuant to this Agreement. For all final reports, Proponent shall submit one hard (paper) copy and one electronic copy with all applicable signatures and certification stamps as a text-readable Portable Document Format (pdf) file compatible with Adobe Acrobat or a formatted file compatible with Microsoft Word. Proponent shall provide the electronic copy via EnviroStor's Electronic Submittal of Information (ESI) portal unless otherwise instructed by DTSC. Additionally, Proponent shall upload sampling data to the ESI portal in the Electronic Deliverable Format (EDF). Proponent shall provide the electronic copy via EnviroStor's ESI portal unless otherwise instructed by DTSC. Additionally, Proponent shall upload sampling data to the ESI portal in the EDF.

11. Photographs and Drawings. Upon request by DTSC, Proponent shall provide DTSC with photographs Proponent has in its possession of the Site and activities at the Site, as well as drawings Proponent has in its possession in connection with redevelopment plans for the Site. Proponent shall allow DTSC to take photographs of the Site, including activities at the Site, whenever DTSC accesses the Site pursuant to Paragraph 9. Proponent grants DTSC the right to distribute, transmit, publish, or copy, in any medium, either in whole or in part, the photographs or drawings DTSC obtains pursuant to this paragraph for any use, including, but not limited to, project documentation, public outreach, web and social media content, and marketing materials. This paragraph does not apply to drawings that contain confidential business information.

12. Record Preservation. Proponent shall retain, during the implementation of this Agreement and for a minimum of six years after its termination, all data, reports, and other documents that relate to the performance of this Agreement. If DTSC requests that some or all of these documents be preserved for a longer period of time, Proponent shall either comply with the request, deliver the documents to DTSC, or permit DTSC to copy the documents at Proponent's expense prior to destruction.

13. Notification of Field Activities. Proponent shall inform DTSC at least seven days in advance of all field activities pursuant to this Agreement and shall allow DTSC and its authorized representatives to take duplicates of any samples collected by Proponent pursuant to this Agreement.

14. Project Managers. Within 14 days of the effective date of this Agreement, DTSC and Proponent shall each designate a Project Manager and shall notify each other in writing of the Project Manager selected. The Proponent's Project Manager shall have the technical expertise in project management, regulatory compliance, and hazardous substance site investigation and remediation sufficient to fulfill his or her responsibilities. Each Project Manager shall be responsible for overseeing the implementation of this Agreement and for designating a person to act in their absence. All communications between DTSC and Proponent, and all notices, documents, and correspondence concerning the activities performed pursuant to this Agreement shall be directed through the Project Managers. Each party may change its Project Manager with at least seven days prior written notice.

15. Proponent's Consultant and Contractor. All engineering work performed pursuant to this Agreement shall be under the direction and supervision of a registered professional engineer licensed in California, with expertise in hazardous substance site investigation and remediation. All geological work performed pursuant to this Agreement shall be under the direction and supervision of a registered professional geologist licensed in California, with expertise in hazardous substance site investigation and remediation. Proponent's contractors and consultants shall have the technical expertise sufficient to fulfill his or her responsibilities. Within 14 days of the effective date of this Agreement, Proponent shall notify DTSC's Project Manager in writing of the name, title, and qualifications of the registered professional engineer and/or professional geologist and of any contractors or consultants and their personnel to be used in carrying out the work under this Agreement in conformance with applicable state law, including but not limited to, Business and Professions Code sections 6735 and 7835.

16. DTSC Review and Approval. All work performed pursuant to this Agreement is subject to DTSC's review and approval. If DTSC determines that any report, plan, schedule or other document submitted for approval pursuant to this Agreement fails to comply with this Agreement or fails to protect public health or safety or the environment, DTSC may (a) return comments to Proponent with recommended changes and a date by which the Proponent must submit to DTSC a revised document incorporating or addressing the recommended changes; or (b) modify the document in consultation with Proponent and approve the document as modified. All DTSC approvals and decisions made regarding submittals and notifications will be communicated to Proponent in writing by DTSC's Branch Chief or their designee. No informal advice, guidance, suggestions, or comments by DTSC regarding reports, plans, specifications,

schedules, or any other writings by the Proponent shall be construed to relieve Proponent of the obligation to obtain such written approvals.

17. Payment.

17.1 Proponent is required to pay (a) all costs incurred by DTSC in association with preparation of this Agreement, and for oversight activities, including review of documents, conducted prior to the effective date of this Agreement; and (b) all costs incurred by DTSC in providing oversight pursuant to this Agreement, including review of the documents and activities described in Exhibit C, associated documents, and oversight of field activities. Costs incurred include interest on unpaid amounts that are billed and outstanding more than 60 days from the date of the invoice.

17.2 An estimate of DTSC's oversight costs is attached as Exhibit D. It is understood by the parties that Exhibit D is an estimate and cannot be relied upon as the final cost figure. DTSC may provide an adjusted cost estimate as the work progresses. Prior to adjusting the cost estimate, DTSC will provide Proponent with a written notice and a detailed explanation of the change to the cost estimate. DTSC will bill Proponent quarterly. Proponent agrees to make payment within 30 days of receipt of DTSC's billing. Such billings will reflect any amounts that have been advanced to DTSC by Proponent.

17.3 In anticipation of oversight activities to be conducted, Proponent shall make an advance payment of \$27,757 to DTSC no later than 10 days after this Agreement is fully executed. It is expressly understood and agreed that DTSC's receipt of the entire advance payment as provided in this paragraph is a condition precedent to DTSC's obligation to provide oversight and review of or comment on documents. DTSC will draw-down from the advance payment, which will be documented in DTSC's invoice. When the advance payment is depleted, DTSC will continue to request payment through the invoice process.

17.4 All payments made by Proponent pursuant to this Agreement shall be by check payable to the "Department of Toxic Substances Control" and bearing on its face the project code for the Site (Site # 102548-11) and the docket number HSA-FY23/24-122 of this Agreement. Upon request by Proponent, DTSC may accept payments made by credit cards or electronic funds transfer. Payments by check shall be sent to:

Accounting Office
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent concurrently to DTSC's Project Manager.

17.5 DTSC shall retain all cost records associated with the work performed under this Agreement as may be required by state law. DTSC will make all documents that support DTSC's cost determination available for inspection upon request in accordance with the California Public Records Act, Government Code section 7920 et seq.

17.6 In addition to direct costs incurred by DTSC, DTSC also bills its indirect costs associated with direct staff costs. Such indirect costs are only applied to DTSC direct labor costs and not to DTSC contractor costs or DTSC staff travel costs. DTSC calculates separate indirect cost rates (salary/benefits and general operating costs) for each of its major programs (Site Mitigation and Restoration, Hazardous Waste Management, and Safer Products and Workplaces Programs). Because the ratio of direct to indirect costs varies among DTSC's various programs, the indirect cost rates associated with those programs will also vary. Pursuant to Health and Safety Code section 25269.4, DTSC calculates and updates its indirect cost rates every six months. These indirect rates are reflected in the Cost Estimate in Exhibit D.

18. Amendments. This Agreement may be amended in writing by mutual agreement of DTSC and Proponent. Such amendment shall be effective three business days after the date of signature by DTSC's authorized representative after the amendment is first signed by Proponent's authorized representative. The parties may agree to a different effective date.

19. Termination for Convenience.

19.1 Except as otherwise provided in this paragraph, each party to this Agreement reserves the right to unilaterally terminate this Agreement for any reason. Termination may be accomplished by giving a 30-day advance written notice of the election to terminate this Agreement to the other party. In the event that this Agreement is terminated under this paragraph, Proponent shall be responsible for DTSC's costs through the effective date of termination.

19.2 If operation and maintenance activities are required for the final remedy, Proponent may not terminate the Agreement under Paragraph 19.1 upon DTSC's approval of an Operation and Maintenance Plan as proposed by Proponent, unless an Operation and Maintenance Agreement is entered into between DTSC and Proponent or between DTSC and a party responsible for the required operation and maintenance activities.

20. Calendar of Tasks and Schedules. The attached Exhibit E (Calendar of Tasks and Schedules) is merely for the convenience of listing in one location the submittals required by this Agreement. The Calendar of Tasks and Schedules lists activities specific to this project based on the available information. DTSC and Proponent shall make a reasonable effort to complete the activity within the schedule

outlined in Exhibit E. A schedule for each related activity shall be established as part of this Agreement.

If Proponent is unable to meet the activity's schedule, Proponent will notify DTSC's Project Manager 10 days prior to the scheduled action or submittal date. If DTSC is unable to meet the activity's schedule, DTSC will notify Proponent 10 days prior to the scheduled action or submittal date.

21. Incorporation of Exhibits, Plans and Reports. All exhibits are incorporated into this Agreement by reference. All plans, schedules, and reports that require DTSC's approval, and are submitted by Proponent pursuant to this Agreement, are incorporated in this Agreement upon DTSC's approval.

22. Reservation of Rights. DTSC reserves all of its statutory and regulatory powers, authorities, rights, and remedies under applicable laws to protect public health or the environment, including the right to recover its costs incurred therefor. Proponent reserves all of its statutory and regulatory rights, defenses, and remedies available under applicable laws.

23. Non-Admission of Liability. By entering into this Agreement, Proponent does not admit to any finding of fact or conclusion of law set forth in this Agreement or any fault or liability under applicable laws.

24. Proponent Liabilities. Nothing in this Agreement shall constitute or be considered a covenant not to sue, or release or satisfaction from liability by DTSC for any condition or claim arising as a result of Proponent's past, current, or future operations or ownership of the Site.

25. Government Liabilities. The State of California or DTSC shall not be liable for any injuries or damages to persons or the Site resulting from acts or omissions by Proponent or by related parties in carrying out activities pursuant to this Agreement, nor shall the State of California or DTSC be held as a party to any contract entered into by Proponent or its agents in carrying out the activities pursuant to this Agreement.

26. Third Party Actions. In the event that Proponent is a party to any suit or claim for damages or contribution relating to the Site to which DTSC is not a party, Proponent shall notify DTSC in writing within 10 days after service of the complaint in the third-party action. Proponent shall pay all costs incurred by DTSC relating to such third-party actions, including but not limited to responding to subpoenas.

27. California Law. This Agreement shall be governed, performed, and interpreted under the laws of the State of California.

28. Severability. If any portion of this Agreement is ultimately determined not to be enforceable, that portion will be severed from the Agreement and the severability shall not affect the enforceability of the remaining provisions of the Agreement.

29. Parties Bound. This Agreement applies to and is binding, jointly and severally, upon Proponent and its agents, receivers, trustees, successors and assignees, and upon DTSC and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Agreement. Proponent shall ensure that its contractors, subcontractors and agents receive a copy of this Agreement and comply with this Agreement.

30. Effective Date. The effective date of this Agreement is the date of signature by DTSC's authorized representative after this Agreement is first signed by Proponent's authorized representative. Except as otherwise specified, "days" means calendar days.

31. Representative Authority. Each undersigned representative of the party to this Agreement certifies that she or he is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the party to this Agreement.

32. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document. This Agreement and documents related to it may be executed and transmitted by facsimile or pdf copy, which copies shall be deemed to be, and utilized in all respects as, an original. However, Proponent must provide the wet-inked signed original of each counterpart to DTSC by mail within 14 calendar days of signing.

 Dominique Forrester, P.E.
 Acting Branch Chief
 Site Mitigation and Restoration Program
 Department of Toxic Substances Control

Date: _____

 Layne Long
 City Manager
 City of Marina

Date: _____

LIST OF EXHIBITS TO THE AGREEMENT

EXHIBIT A: SITE LIST

EXHIBIT B: SITE LOCATION MAPS AND DIAGRAMS

EXHIBIT C: SCOPE OF WORK

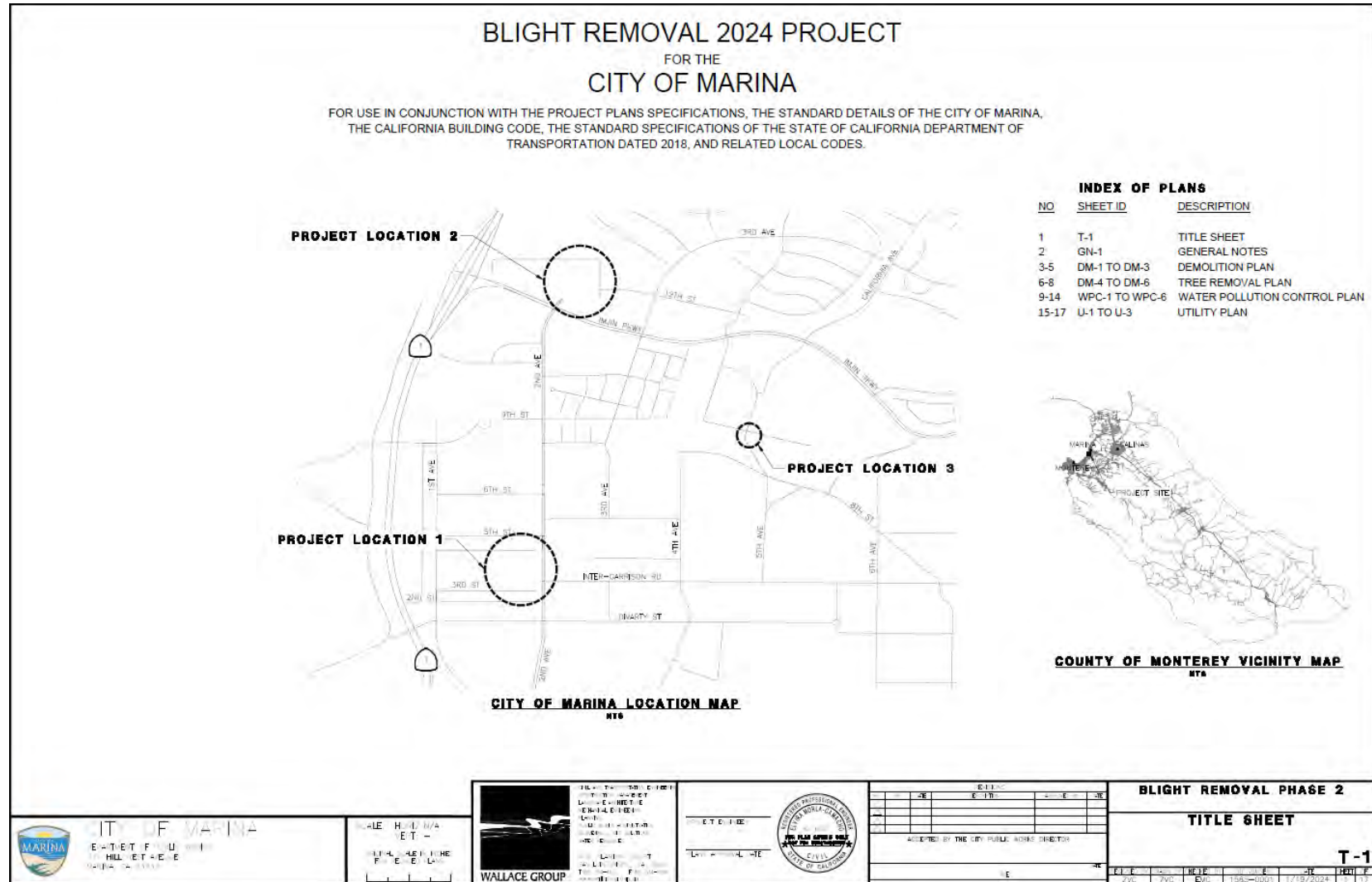
EXHIBIT D: COST ESTIMATE FOR DTSC OVERSIGHT SERVICES

EXHIBIT E: CALENDAR OF TASKS AND SCHEDULE

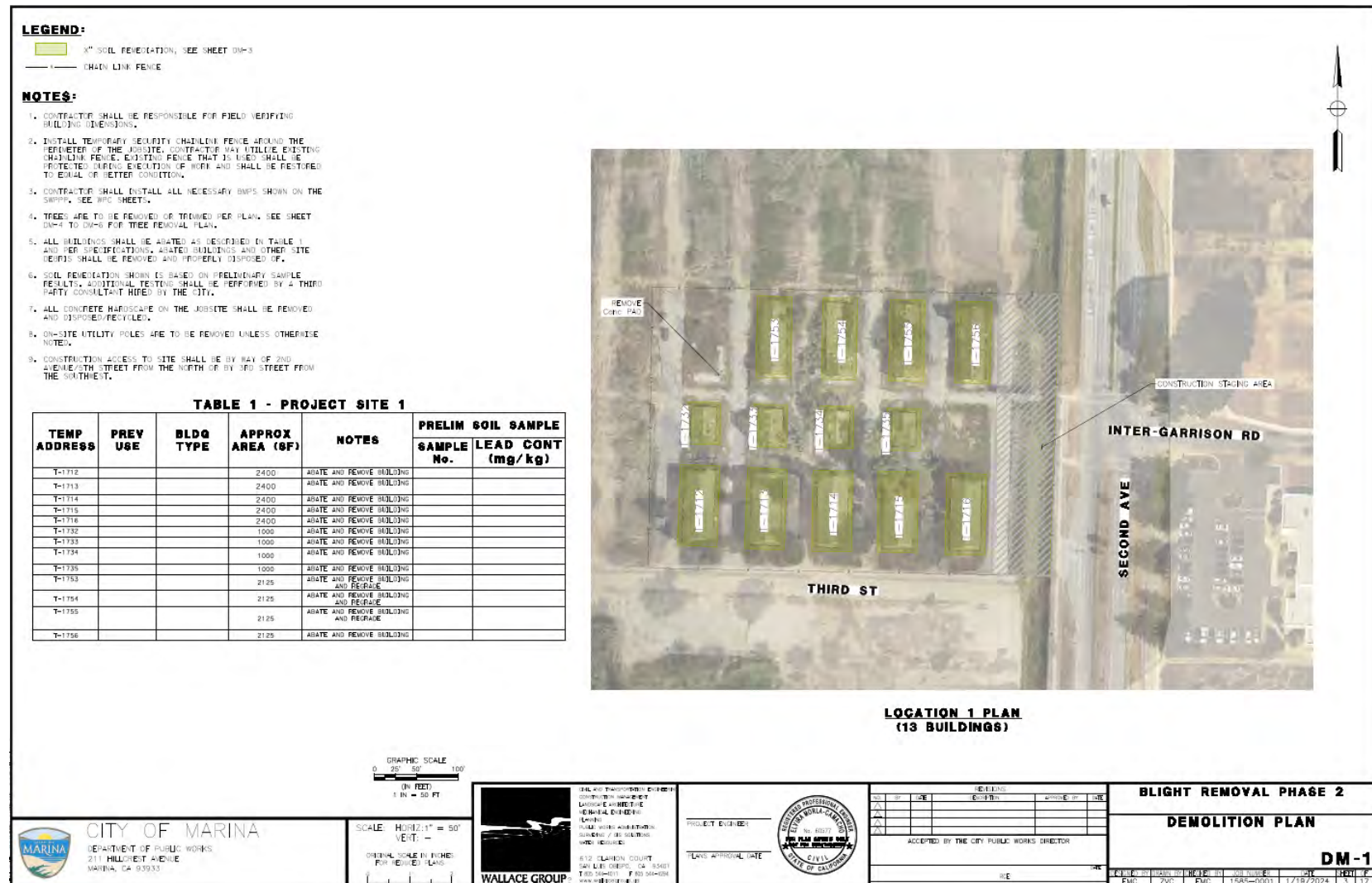
EXHIBIT A
SITE LIST

SITE NAME	ADDRESS	ASSESSOR'S PARCEL NUMBERS (APNs)	APPROXIMATE SITE AREA (IN ACRES)	SITE CODE
Site 1 (Park)	West of intersection of 2nd Avenue and 3 rd Street (Inter-Garrison Road)	031-221-009-000	4	102548-11
Site 2 (Offices)	Northwest of intersection of 11th Street and 12th Street	031-251-005-000	1.3	102548-11
Site 3 (Open Space)	Southeast of intersection of 9th Avenue and 5th Avenue (California Avenue)	Portion of 031-101-055-000	0.5	102548-11

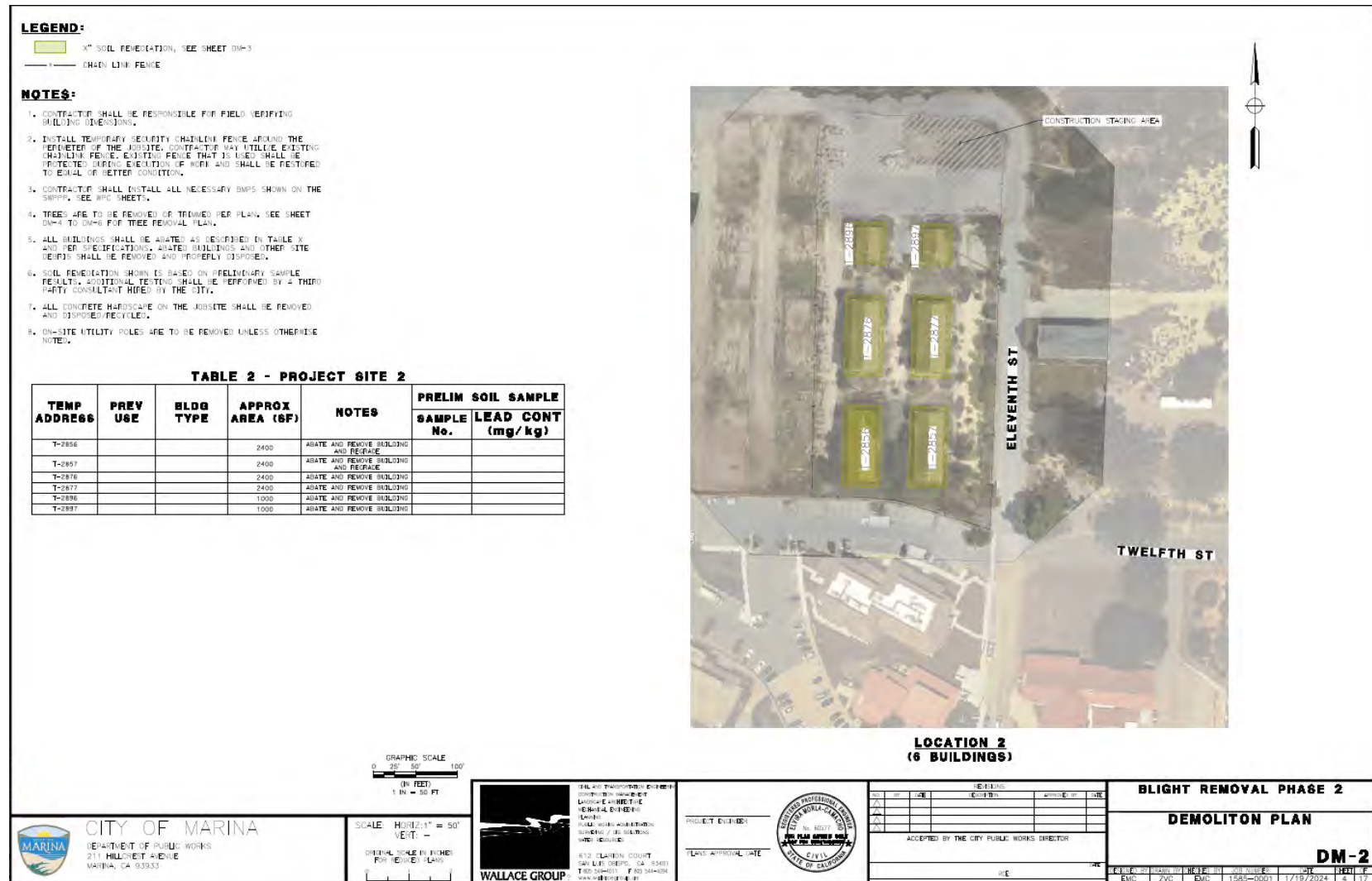
EXHIBIT B SITE LOCATION MAPS AND DIAGRAMS



SITE 1 (PARK)



SITE 2 (OFFICES)



SITE 3 (OPEN SPACE)

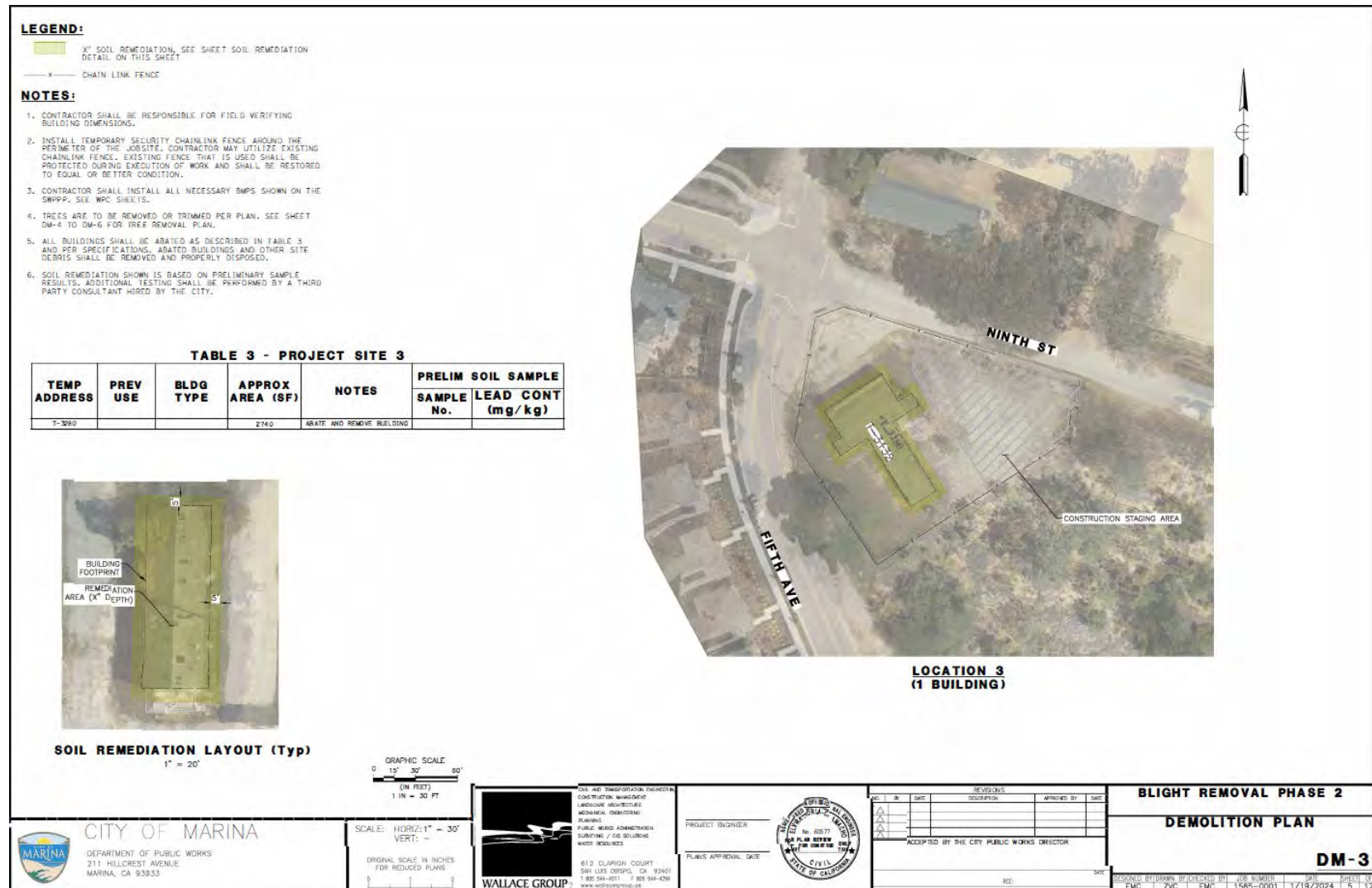


EXHIBIT C SCOPE OF WORK

The following tasks may be completed as part of this Agreement:

TASK 1 Document Review

Proponent will submit to DTSC available background information, environmental assessment reports, and any other information pertinent to the hazardous substance management, release, characterization, and/or cleanup of the Site. DTSC may review some or all the information to identify areas and media of concern and to determine the additional work, if any, required to complete the investigation (which includes assessment/evaluation activities not requiring field sampling) and/or remediation of the Site. Proponent may also provide environmental investigation and/or cleanup-related documents for a specific review to determine if actions conducted without DTSC oversight were protective of human health and the environment. The information submitted by Proponent shall be reviewed for conformance with DTSC standards for quality assurance/quality control, investigation, and remediation.

Based on DTSC's review, these documents may be considered to be Preliminary Endangerment Assessment equivalent documents.

Subsequent to its review, DTSC may issue correspondence to the Proponent describing deficiencies of the environmental investigation or cleanup, indicate a limited concurrence with the findings, or make a different determination based on specific circumstances and documents included in the review. For projects where the scope of work is limited to document review only, a formal scoping meeting may not be required, based on mutual agreement between DTSC and the Proponent.

TASK 2 Scoping Meeting

[Scoping meetings](#) are required for all voluntary projects where investigation or cleanup is an anticipated aspect of the scope of work; these are conducted shortly after the agreement has been executed, or depending on specific circumstances, may be held during the agreement-negotiation period. During the scoping meeting, potential issues, concerns, opportunities to optimize and expedite the investigation (which includes assessment/evaluation activities not requiring field sampling) and cleanup process, as applicable, and end-points/exit criteria will be discussed.

An abbreviated version of the scoping meeting is recommended prior to submittal of work plans, reports and cleanup plans to ensure that both the Proponent and DTSC are moving forward with clear and well-defined expectations.

The following elements may be addressed during the Scoping Meeting:

- a) **Site Objectives:** current and proposed future land uses and redevelopment plans and timetables, etc.
- b) **Site History:** historic operations and land uses, chemical uses, hazardous substance releases, permits, etc.
- c) **Conceptual Site Model:** identification of size, location, geology, lithology, hydrogeology, areas of concern, contaminants of concern, recognized environmental conditions, historic sampling locations and results, data gaps, risk assessments, offsite concerns, etc.
- d) **Scope of Work:** scope of work (phases) as specified in the Agreement based on the available information and preliminary document review; may include discussion about the cleanup determination (e.g., “No Further Action”) and decision document proposed for the Site, e.g., Preliminary Endangerment Assessment, Removal Action Work Plan for removal action with costs below \$2 million, or Remedial Action Plan for projects exceeding \$2 million in capital costs, or proposing innovative technologies, etc.
- e) **Data Quality Objectives and Remedial Action Objectives:** discussion of specific Data Quality Objectives to ensure that appropriate data of sufficient quality is collected to facilitate decision-making; discussion of potential cleanup goals and objectives.
- f) **Risk Assessment and Models:** evaluation of published screening levels, if available and appropriate, or use of project-specific risk assessments; discuss risk management and risk communication strategies.
- g) **California Environmental Quality Act (CEQA) requirements:** identification of project-specific requirements where applicable, e.g., cultural resources, traffic concerns, ecological resource protection, etc.; identify what DTSC’s CEQA role is predicted to be, which documents will be developed, and how to integrate CEQA needs within the overall schedule.
- h) **Public Participation & Tribal Outreach:** discussion of community and tribal involvement and public outreach process, methods, translation needs, and schedule.
- i) **Schedule:** agreed-upon submittal and review dates and timelines for work plans, fact sheets, reports and other key documents; development of optimal sequencing of activities to efficiently reach project goals.
- j) **Resources:** review checklists, quick reference sheets, and templates are available for use by those developing documents for DTSC review and approval. (These tools will be periodically updated and may be made available to Proponents by the DTSC Project Manager.)

- k) **Exit Strategy & Completion of Agreement:** proposed future land use, Site acquisition and construction dates, funding limitations or requirements, approval for occupancy, etc. to ensure alignment of Proponent and DTSC goals.
- l) **Site Visit:** A visit to the Site will be conducted to verify and confirm current conditions and project discussions; the visit may take place on the same date as the scoping meeting. Subsequent visits may be needed if Site conditions change, if new staff are assigned, or for field oversight.

TASK 3 Preliminary Endangerment Assessment (PEA)

Proponent shall conduct a PEA or utilize PEA-equivalent documentation to determine whether a release or threatened release of hazardous substances exists at the Site, which poses a threat to human health or the environment. The PEA shall be conducted in accordance with the most current DTSC guidance manual for evaluating hazardous substance release sites titled, [Preliminary Endangerment Assessment Guidance Manual, State of California, Environmental Protection Agency, Department of Toxic Substances Control](#). Specific requirements of the PEA that are not typically required for other types of investigations include the site-specific human health and ecological screening evaluations, public participation requirements, data collection, and scoping activities.

Documents are required as part of the PEA are:

- 3.1 **PEA Work Plan**. This work plan shall include a sampling plan designed to determine the type and general extent of contamination at the Property; a health and safety plan addressing health and safety issues and safe work practices; and a quality assurance/quality control plan to produce data of known quality.
- 3.2 **PEA Report**. This report will document whether a release has occurred, or threatened release exists, the threat the Site poses to human health and the environment, and whether further action is necessary.
- 3.3 **PEA with a Land Use Covenant**. If a land use covenant (LUC) is implemented during the PEA phase as a final remedy, Proponent, under the direction of DTSC, will comply with applicable public notice requirements and requirements to notify the current and adjacent property owners.

TASK 4 Supplemental Site Investigation (SSI)

- 4.1 **SSI Work Plan**. Proponent will submit a work plan that describes the activities proposed to further characterize soil, soil gas, surface water and/or groundwater. The work plan should also include a health and safety plan, quality assurance/quality control plan, sampling plan, and implementation schedule. Proponent will begin implementation of the approved work plan in accordance with

the approved implementation schedule. DTSC may provide oversight of work plan implementation.

- 4.2 SSI Report. Proponent will submit an SSI Report that, at a minimum, presents the data, summarizes the findings of the investigation, validates the data, and includes recommendations and conclusions.

TASK 5 Health Risk Assessment

Proponent will conduct a risk evaluation consistent with [U.S. EPA Risk Assessment Guidance for Superfund](#) and the most current version of the applicable [DTSC guidance documents](#). This evaluation must identify chemicals of concern and potential routes of exposure; characterize the potential risk and/or non-cancer hazard; evaluate potential threats to environmental receptors; consider existing and contemplate uses; and identify cleanup goals.

TASK 6 Remedy Selection Document

- 6.1 Removal Action Work Plan. If DTSC determines a removal action is appropriate, Proponent will prepare a Removal Action Work Plan (RAW) in accordance with Health and Safety Code sections 78130, 78168, and 79195–79240.

The Removal Action Work Plan will include:

- A description of the onsite contamination;
- The goals to be achieved by the removal action;
- An analysis of the alternative options considered and rejected and the basis for that rejection. This should include a discussion for each alternative which covers its effectiveness, implementability and cost;
- A description of the recommended alternative (including any required land use covenants, financial assurance, and operation and maintenance plan and agreement requirements.);
- Administrative record list;
- Sampling and Analysis Plan with corresponding Quality Assurance Plan to confirm the effectiveness of the RAW, if applicable; and
- Health and Safety Plan describing methods that will be employed during the removal action to ensure the health and safety of workers and the public during the removal action. A detailed community air monitoring plan shall be included if requested by DTSC.

- 6.2 Remedial Action Plan. If the proposed removal action does not meet the requirements of Health and Safety Code section sections 79225, 79230, and

79235, Proponent will prepare a Remedial Action Plan (RAP) in accordance with Health and Safety Code section 79200 for DTSC review and approval.

The RAP summarizes the results of the site characterization, risk evaluation, and feasibility study and sets forth in detail appropriate steps to remedy soil, surface water, and groundwater contamination at the Site and adjacent areas. In addition, the RAP shall contain a schedule for implementation of all proposed removal and remedial actions.

TASK 7 California Environmental Quality Act (CEQA)

In order to meet [CEQA](#) obligations, DTSC will prepare the necessary CEQA documents. If required, the Proponent shall submit the information necessary for DTSC to prepare these documents.

TASK 8 Remedial Design and Implementation Plan

Proponent will either (a) prepare and submit a Remedial Design and Implementation Plan (RDIP) in accordance with the agreed upon schedule contained in the approved Remedy Selection Document; or (b) depending on the complexity of the proposed removal or remedial action, incorporate the factors typically addressed in a RDIP into the Remedy Selection Document.

The factors typically addressed in a RDIP are:

- a) technical and operational plans and engineering designs for implementation of the approved remedial or removal action alternative(s);
- b) a schedule for implementing the construction phase;
- c) a description of the construction equipment to be employed;
- d) a site specific hazardous waste transportation plan (if necessary);
- e) any required registration requirements for contractors, transporters, and other persons conducting the removal and remedial activities for the Site;
- f) post-remedial sampling and monitoring procedures for air, soil, surface water, and groundwater;
- g) operation and maintenance procedures and schedules;
- h) a health and safety plan; and
- i) a community air monitoring plan, if required by DTSC.

TASK 9 Implementation of Remedy

Upon DTSC approval of the final RAW or RAP and RDIP (if required), the Proponent shall implement the remedy, as approved.

TASK 10 Remedial Action Completion Report

Proponent shall submit a report documenting the implementation of the final RAW or RAP and RDIP and noting any deviations from the approved plan.

During implementation of the final RAW or RAP and RDIP, DTSC may specify such additions, modifications and revisions to the RAW or RDIP as deemed necessary to protect human health and safety or the environment or to implement the RAW or RAP.

TASK 11 Public Participation

DTSC requires that specific [public engagement](#) activities be conducted for projects undergoing a PEA, RAW, or RAP. However, based on the level of community interest, media interest, sensitive land uses, demographics and other factors, as determined by DTSC, public engagement activities may be requested for other project types as well.

Proponent will be responsible for all costs associated with the translation and/or interpretation of public participation content required under DTSC's policies, procedures, guidance documents, and state and federal law.

The following tasks apply only if a RAW or RAP is being required by DTSC:

- 11.1 Proponent shall conduct appropriate public participation activities given the nature of the community surrounding the Site and the level of community interest, if needed. Proponent shall work cooperatively with DTSC to ensure that the affected and interested public and community are involved in DTSC's decision-making process. Any such public participation activities shall be conducted in accordance with Health and Safety Code section 78930 and DTSC's review and approval. If conducting a RAP, any such public participation activities shall also be conducted in accordance with Health and Safety Code sections 79210 and 79215.
- 11.2 A scoping meeting regarding the RAW or RAP will include a discussion on the appropriate activities that will be conducted to address public participation.
- 11.3 DTSC may conduct an assessment of community interest in the Site, which may include, but will not be limited to, the development of a survey, outreach to local elected and public officials and community members, distribution of the survey through mail and/or social media, analysis of survey results, and community interviews. Results of the survey will be shared with the Proponent and should be included in the community profile.

- 11.4 Proponent, working collaboratively with DTSC, shall prepare a community profile to examine the level of the community's knowledge of the Site; the types of community concerns; the proximity of the Site to homes and/or schools, day care facilities, churches, etc.; the current and proposed use of the Site; media interest; surrounding land uses; demographic profile and languages; CalEnviroScreen results; information repositories; recommended public engagement activities; and involvement of community groups and elected officials. The community profile may also include a quarter-mile radius mailing list for the Site, a list of applicable elected officials, and any known community members who may have expressed an interest in the Site.
- 11.5 Proponent, working collaboratively with DTSC, shall develop and submit fact sheets or community updates to DTSC for review and approval when specifically requested by DTSC. Proponent may be responsible for printing and distribution of fact sheets or community updates upon DTSC approval using the approved community mailing list.
- 11.6 Proponent, as directed by DTSC, shall publish, in a major local newspaper(s), a public notice announcing the availability of the RAW/RAP for public review and comment. The public comment period shall last a minimum of 30 days.
- 11.7 DTSC may require that Proponent hold a public meeting to inform the public of the proposed activities and to receive public comments on the RAW/RAP.
- 11.8 After the close of the public comment period, DTSC will prepare a response to the public comments received. If required, Proponent shall submit the information necessary for DTSC to prepare this document.
- 11.9 If appropriate, Proponent will revise the RAW/RAP on the basis of comments received from the public and submit the revised RAW/RAP to DTSC for review and approval. If significant or fundamental changes are required, additional public participation activities, including an additional review and comment period, may be required. Proponent will also notify the public of any significant changes from the action proposed in the RAW/RAP.

TASK 12 Tribal Outreach and Consultation

DTSC's assigned Project Manager will coordinate with DTSC's Office of Environmental Equity to ensure compliance with DTSC's Tribal Consultation Policy. This process may include consultation with California tribes to determine whether or not they have an interest in Site activities.

TASK 13 Land Use Covenant (LUC)

A [LUC](#) pursuant to California Code of Regulations, title 22, section 67391.1 may be necessary to ensure full protection of the environment and human health. DTSC may require such a LUC in a DTSC-approved remedy based on a RAW, RAP, PEA, or other decision document. If Proponent is the owner of the Site, Proponent agrees to record the LUC as approved by DTSC within 10 days of receipt of a fully executed original.

If the Proponent is not the owner of the Site and a LUC is required, Proponent will work with the owner to provide DTSC with written confirmation that the owner will cooperate in implementing the DTSC-approved remedy, which may include a LUC. The Proponent must provide DTSC with the owner's written confirmation prior to the date the draft decision document is to be circulated for public notice and comment. If the Proponent is unable to provide DTSC with written confirmation from the owner, a LUC may not be executed for the Site and the proposed remedy will be reevaluated.

TASK 14 Operation and Maintenance (O&M)

Proponent shall comply with any and all O&M requirements in accordance with the final RAW, final RAP, or a DTSC-approved RDIP or O&M Plan. If deemed necessary, DTSC may require Proponent to enter into an O&M Agreement with DTSC.

TASK 15 Financial Assurance

Proponent shall establish and maintain a [financial assurance mechanism](#) pursuant to California Health and Safety Code sections 79310–79330 for DTSC's costs incurred in overseeing these activities prior to implementing any required O&M activities, LUC-related activities, and five-year review activities. Proponent shall demonstrate and maintain one or more of the financial assurance mechanisms set forth in the California Code of Regulations, title 22, section 66265.143(a)–(e).

TASK 16 Discontinuation of Remedial Technology

Any remedial technology employed in implementation of the final RAP/RAW shall be left in place and operated by Proponent until and except to the extent that DTSC authorized Proponent in writing to discontinue, move or modify some or all of the remedial technology because Proponent has met the criteria specified in the final RAW/RAP for its discontinuance, or because the modifications would better achieve the goals of the final RAW/RAP.

TASK 17 Health and Safety Plan

The Proponent will submit a Site Health and Safety Plan in accordance with California Code of Regulations, title 8, section 5192. The Health and Safety Plan shall be submitted before field activities begin.

TASK 18 Quality Assurance/Quality Control (QA/QC) Plan

All sampling and analysis conducted by Proponent under this Agreement shall be performed in accordance with a QA/QC Plan submitted by Proponent and approved by DTSC. The QA/QC Plan will describe:

- a) The procedures for the collection, identification, preservation and transport of samples;
- b) The calibration and maintenance of instruments;
- c) The processing, verification, storage and reporting of data, including chain of custody procedures and identification of qualified person(s) conducting the sampling and of a laboratory certified or approved by DTSC pursuant to Health and Safety Code section 25198; and
- d) How the data obtained pursuant to this Agreement will be managed and preserved in accordance with the Preservation of Documentation section of this Agreement.

EXHIBIT D
COST ESTIMATE FOR DTSC OVERSIGHT SERVICES

DTSC has provided an estimate of the anticipated total oversight costs. In the event that DTSC determines that further action is needed, additional tasks may be requested.

COST ESTIMATE WORKSHEET Type of Agreement: Standard Voluntary Agreement Date: 05/10/2024 Site Name: City of Marina Blight Removal 2024 (Sites 1,2, and 3) Site Code: 102548-11								
DTSC Project Team	VCP Coord.	Project Management	Supervision	Toxicology	Geology	Industrial Hygienist	OEJTA	Project Assistants
Classification (personnel)	Sr. ES (Spec)	HSE	SHSE I	Staff Toxicologist	Engineering Geologist	Assoc IH	Sr. ES (Spec)	Office Technician (Typing)
Agreement Prep./Negotiation	5	5	2					2
Project Management		20	4					
Scoping Meeting		2	2					
Review Background Information		5	1					1
Public Participation (Work Notice)		5					10	2
Sampling and Analysis Plan		10	2	10	10			2
Site Visit		10				1		
Removal Action Completion Report		20	2	10	10			2
Certification		5	1					2
Total No. Hours/Class	5	82	14	20	20	1	10	11
Hourly Rate/Class	\$256	\$324	\$419	\$301	\$326	\$256	\$256	\$127
Cost/Class	\$1,280	\$26,568	\$5,866	\$6,020	\$6,520	\$256	\$2,560	\$1,397
Subtotal	\$50,467							
Contingency (10%)	\$5,047							
Grand Total Cost	\$55,514							
Advance Payment	\$27,757							

EXHIBIT E
CALENDAR OF TASKS AND SCHEDULE

Activity	Schedule
Scoping Meeting	During Agreement negotiation, or shortly after Agreement execution based on DTSC evaluation of project needs
Advance Payment	Within 10 days of Agreement execution
Submit existing data	Within 10 days of Agreement execution, or as requested by DTSC
DTSC Completion of Document Review	Within 30-45 days of receipt of documents included in review and/or completion of Scoping Meeting
Submit investigation work plan	Within 30 days of scoping meeting, or as decided during scoping meeting
DTSC decision on investigation work plan	Within 75 days of date received by DTSC ¹
Submit investigation report	Within 45 days of completion of field work ²
DTSC decision on investigation report	Within 100 days of receipt by DTSC ¹ . May include recommendation for further investigation or cleanup, no further action, or no further action with conditions.
Submit draft cleanup plan	As directed by DTSC
Submit Community Profile	Within 30 days of DTSC's request
Submit CEQA documentation	Concurrent with the cleanup plan

¹ Note that DTSC approvals in the target timeframes are contingent upon receiving documents that meet industry standards, comply with DTSC's direction, and that responses to DTSC questions and/or comments are received in a timely manner.

² If workplan activities are not initiated within six months of the date of DTSC approval, DTSC may require additional investigation, public participation activities, and/or revision to the document.

Activity	Schedule
Public Review/Comment Period, mailing of fact sheet to site mailing list and placement of public notice.	Upon DTSC's approval of cleanup plan for public review and comment.
DTSC decision on cleanup plan	DTSC to approve cleanup plan, if appropriate, after addressing public comments, within ~150 days of receipt of draft ¹ .
Implement cleanup	Within 90 days of DTSC approval of cleanup plan, or as directed by DTSC in conjunction with Proponent ³
Submit cleanup completion report	Within 90 days from the date of implementation of cleanup plan
DTSC decision on cleanup completion report	Within 100 days of received by DTSC ¹ . May include recommendation for no further action, or no further action with conditions.
Submit Operation and Maintenance Plan	As directed by DTSC
Operations and Maintenance Agreement	As directed by DTSC
Land Use Covenant	As directed by DTSC
Invoices	DTSC issues quarterly
Cost estimate and Scope of Work Updates and Amendments	DTSC updates the scope and cost estimate annually, or as needed, based on work needed to complete the Agreement. Amendments are issued on an as-need basis.

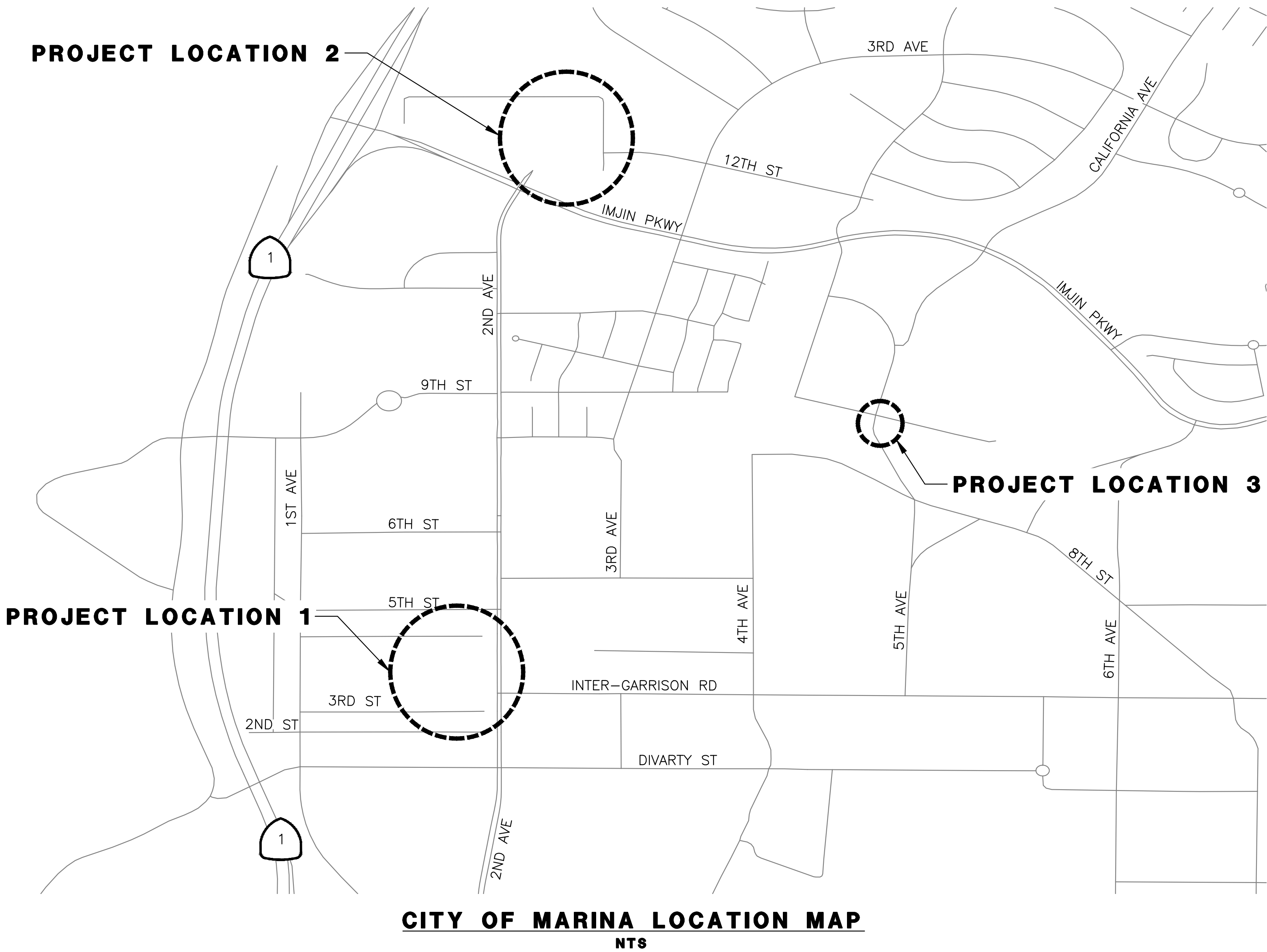
¹ Note that DTSC approvals in the target timeframes are contingent upon receiving documents that meet industry standards, comply with DTSC's direction, and that responses to DTSC questions and/or comments are received in a timely manner.

³ If cleanup plan activities are not initiated within one year of the date of DTSC approval, DTSC may require additional investigation, public participation activities, or revision to the document.

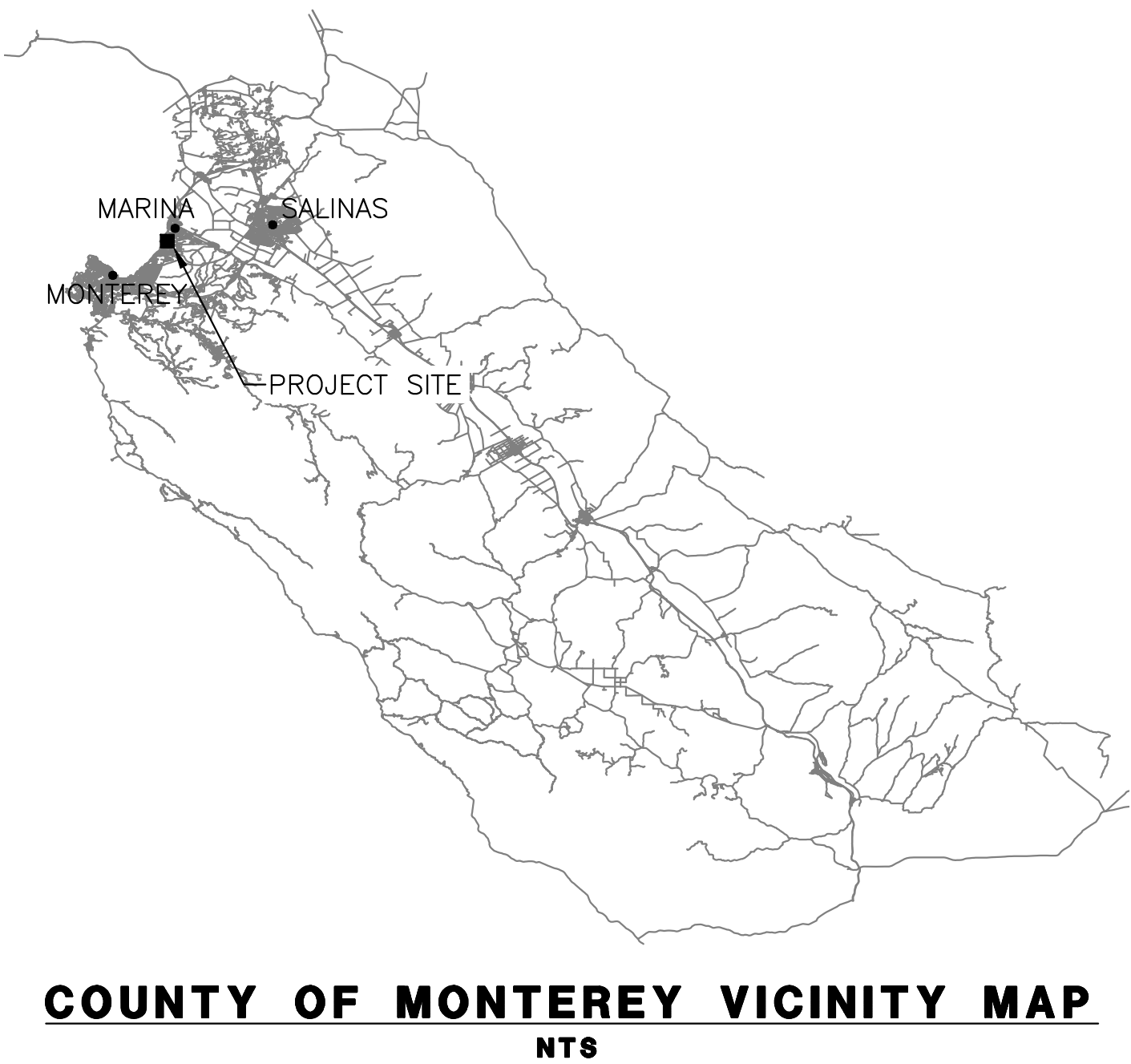
BUILDINGS BLIGHT REMOVAL 2024 PROJECT
FOR THE
CITY OF MARINA

EXHIBIT B

FOR USE IN CONJUNCTION WITH THE PROJECT PLANS SPECIFICATIONS, THE STANDARD DETAILS OF THE CITY OF MARINA,
THE CALIFORNIA BUILDING CODE, THE STANDARD SPECIFICATIONS OF THE STATE OF CALIFORNIA DEPARTMENT OF
TRANSPORTATION DATED 2018, AND RELATED LOCAL CODES.



INDEX OF PLANS		
NO	SHEET ID	DESCRIPTION
1	T-1	TITLE SHEET
2	GN-1	GENERAL NOTES
3-5	DM-1 TO DM-3	DEMOLITION PLAN
6-8	DM-4 TO DM-6	TREE REMOVAL PLAN
9-14	WPC-1 TO WPC-5	WATER POLLUTION CONTROL PLAN
15-17	U-1 TO U-3	UTILITY PLAN

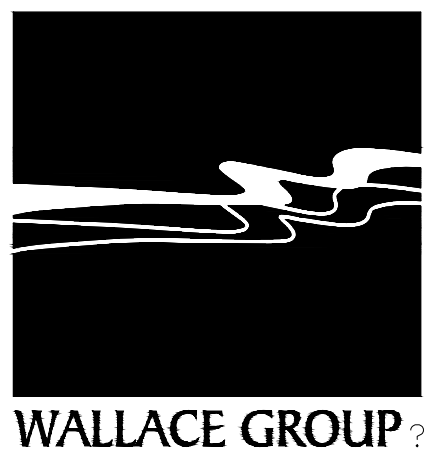


FILE NAME: 1585-0001-00_TTL.dwg
PLOT DATE: 5/14/2024 1:57 PM BY: ZACH CAMPANG



CITY OF MARINA
DEPARTMENT OF PUBLIC WORKS
211 HILLCREST AVENUE
MARINA, CA 93933

SCALE: HORIZ:N/A
VERT: -
ORIGINAL SCALE IN INCHES
FOR REDUCED PLANS
0 1 2



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PROJECT ENGINEER
PLANS APPROVAL DATE



REVISIONS					
NO.	BY	DATE	DESCRIPTION	APPROVED BY	DATE
1					
2					
3					
4					
5					
ACCEPTED BY THE CITY PUBLIC WORKS DIRECTOR					
RCE:					

CITY OF MARINA BUILDINGS
BLIGHT REMOVAL 2024
TITLE SHEET

T-1

DESIGNED BY	DRAWN BY	CHECKED BY	JOB NUMBER	DATE	SHEET	OF
ZVC	ZVC	EMC	1585-0001	1/19/2024	1	17

LEGEND:

- 9" SOIL REMEDIATION, SEE SHEET DM-3
- CHAIN LINK FENCE

NOTES:

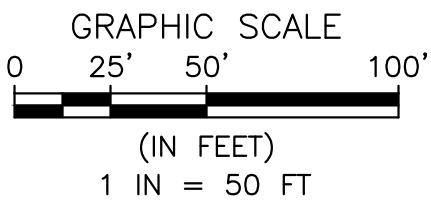
1. CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING BUILDING DIMENSIONS.
2. INSTALL TEMPORARY SECURITY CHAINLINK FENCE AROUND THE PERIMETER OF THE JOBSITE. CONTRACTOR MAY UTILIZE EXISTING CHAINLINK FENCE. EXISTING FENCE THAT IS USED SHALL BE PROTECTED DURING EXECUTION OF WORK AND SHALL BE RESTORED TO EQUAL OR BETTER CONDITION.
3. CONTRACTOR SHALL INSTALL ALL NECESSARY BMPs SHOWN ON THE SWPPP. SEE WPC SHEETS.
4. TREES ARE TO BE REMOVED OR TRIMMED PER PLAN. SEE SHEET DM-4 TO DM-6 FOR TREE REMOVAL PLAN.
5. ALL BUILDINGS SHALL BE ABATED AS DESCRIBED IN TABLE 1 AND PER SPECIFICATIONS. ABATED BUILDINGS AND OTHER SITE DEBRIS SHALL BE REMOVED AND PROPERLY DISPOSED OF.
6. SOIL REMEDIATION SHOWN IS BASED ON PRELIMINARY SAMPLE RESULTS. ADDITIONAL TESTING SHALL BE PERFORMED BY A THIRD PARTY CONSULTANT HIRED BY THE CITY.
7. ALL CONCRETE HARDSCAPE ON THE JOBSITE SHALL BE REMOVED AND DISPOSED/RECYCLED.
8. ON-SITE UTILITY POLES ARE TO BE REMOVED UNLESS OTHERWISE NOTED.
9. CONSTRUCTION ACCESS TO SITE SHALL BE BY WAY OF 2ND AVENUE/5TH STREET FROM THE NORTH OR BY 3RD STREET FROM THE SOUTHWEST.

TABLE 1 - PROJECT SITE 1

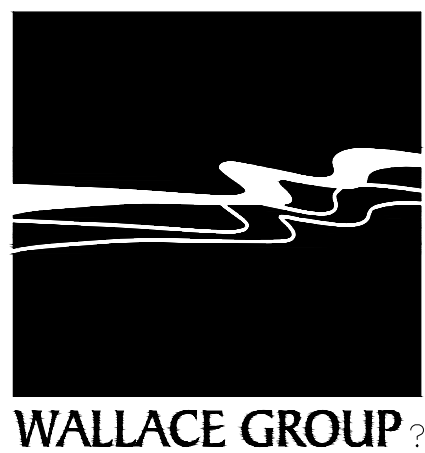
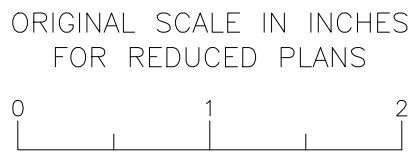
TEMP ADDRESS	PREV USE	BLDG TYPE	APPROX AREA (SF)	NOTES	PRELIM SOIL SAMPLE	
					SAMPLE No.	LEAD CONT (mg/ kg)
T-1712			2400	ABATE AND REMOVE BUILDING		
T-1713			2400	ABATE AND REMOVE BUILDING		
T-1714			2400	ABATE AND REMOVE BUILDING		
T-1715			2400	ABATE AND REMOVE BUILDING		
T-1716			2400	ABATE AND REMOVE BUILDING		
T-1732			1000	ABATE AND REMOVE BUILDING		
T-1733			1000	ABATE AND REMOVE BUILDING		
T-1734			1000	ABATE AND REMOVE BUILDING		
T-1735			1000	ABATE AND REMOVE BUILDING		
T-1753			2125	ABATE AND REMOVE BUILDING AND REGRADE		
T-1754			2125	ABATE AND REMOVE BUILDING AND REGRADE		
T-1755			2125	ABATE AND REMOVE BUILDING AND REGRADE		
T-1756			2125	ABATE AND REMOVE BUILDING		



LOCATION 1 PLAN
(13 BUILDINGS)



SCALE: HORIZ: 1" = 50'
VERT: -



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PROJECT ENGINEER

PLANS APPROVAL DATE



REVISIONS					
NO.	BY	DATE	DESCRIPTION	APPROVED BY	DATE
ACCEPTED BY THE CITY PUBLIC WORKS DIRECTOR					
RCE: _____ DATE _____					

CITY OF MARINA BUILDINGS
BLIGHT REMOVAL 2024
DEMOLITION PLAN

DM-1

DESIGNED BY	DRAWN BY	CHECKED BY	JOB NUMBER	DATE	SHEET	OF
EMC	ZVC	EMC	1585-0001	1/19/2024	3	17



CITY OF MARINA
DEPARTMENT OF PUBLIC WORKS
211 HILLCREST AVENUE
MARINA, CA 93933

LEGEND:

- 9" SOIL REMEDIATION, SEE SHEET DM-3
- CHAIN LINK FENCE

NOTES:

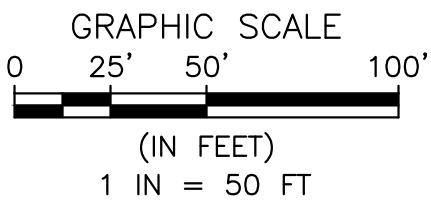
1. CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING BUILDING DIMENSIONS.
2. INSTALL TEMPORARY SECURITY CHAINLINK FENCE AROUND THE PERIMETER OF THE JOBSITE. CONTRACTOR MAY UTILIZE EXISTING CHAINLINK FENCE. EXISTING FENCE THAT IS USED SHALL BE PROTECTED DURING EXECUTION OF WORK AND SHALL BE RESTORED TO EQUAL OR BETTER CONDITION.
3. CONTRACTOR SHALL INSTALL ALL NECESSARY BMPs SHOWN ON THE SWPPP. SEE WPC SHEETS.
4. TREES ARE TO BE REMOVED OR TRIMMED PER PLAN. SEE SHEET DM-4 TO DM-6 FOR TREE REMOVAL PLAN.
5. ALL BUILDINGS SHALL BE ABATED AS DESCRIBED IN TABLE X AND PER SPECIFICATIONS. ABATED BUILDINGS AND OTHER SITE DEBRIS SHALL BE REMOVED AND PROPERLY DISPOSED.
6. SOIL REMEDIATION SHOWN IS BASED ON PRELIMINARY SAMPLE RESULTS. ADDITIONAL TESTING SHALL BE PERFORMED BY A THIRD PARTY CONSULTANT HIRED BY THE CITY.
7. ALL CONCRETE HARDSCAPE ON THE JOBSITE SHALL BE REMOVED AND DISPOSED/RECYCLED.
8. ON-SITE UTILITY POLES ARE TO BE REMOVED UNLESS OTHERWISE NOTED.

TABLE 2 - PROJECT SITE 2

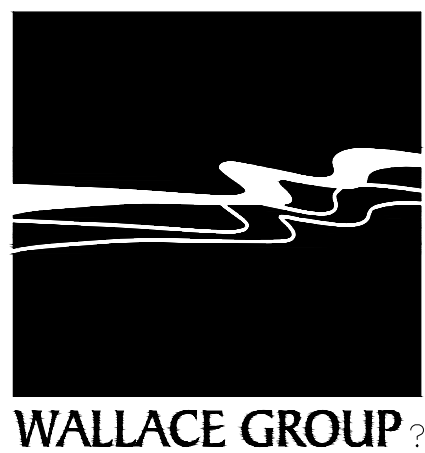
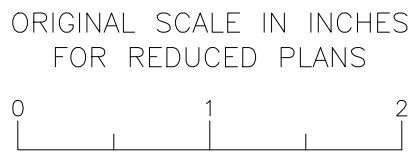
TEMP ADDRESS	PREV USE	BLDG TYPE	APPROX AREA (SF)	NOTES	PRELIM SOIL SAMPLE	
					SAMPLE No.	LEAD CONT (mg/ kg)
T-2856			2400	ABATE AND REMOVE BUILDING AND REGRADE		
T-2857			2400	ABATE AND REMOVE BUILDING AND REGRADE		
T-2876			2400	ABATE AND REMOVE BUILDING		
T-2877			2400	ABATE AND REMOVE BUILDING		
T-2896			1000	ABATE AND REMOVE BUILDING		
T-2897			1000	ABATE AND REMOVE BUILDING		



LOCATION 2
(6 BUILDINGS)



SCALE: HORIZ:1" = 50'
VERT: -



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PROJECT ENGINEER

PLANS APPROVAL DATE



REVISIONS					
NO.	BY	DATE	DESCRIPTION	APPROVED BY	DATE
1					
2					
3					
4					
ACCEPTED BY THE CITY PUBLIC WORKS DIRECTOR					
RCE: _____ DATE _____					

CITY OF MARINA BUILDINGS
BLIGHT REMOVAL 2024
DEMOLITON PLAN

DM-2

DESIGNED BY	DRAWN BY	CHECKED BY	JOB NUMBER	DATE	SHEET	OF
EMC	ZVC	EMC	1585-0001	1/19/2024	4	17

FILE NAME: 1585-0001-00 DEMO.dwg
PLOT DATE: 5/14/2024 1:58 PM
BY: ZACH CAMPANG

LEGEND:

- 9" SOIL REMEDIATION, SEE SHEET SOIL REMEDIATION
DETAIL ON THIS SHEET
- x —

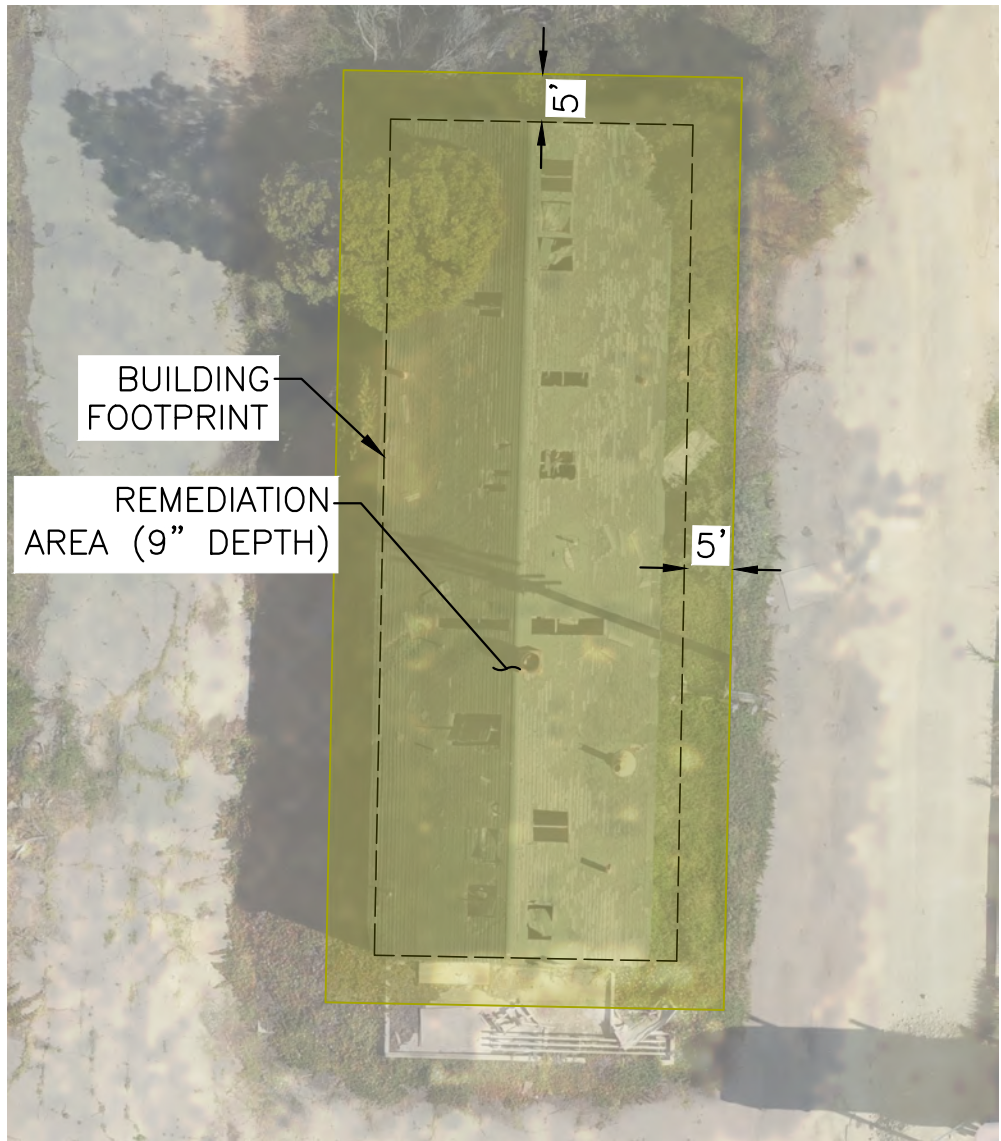
CHAIN LINK FENCE

NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING BUILDING DIMENSIONS.
2. INSTALL TEMPORARY SECURITY CHAINLINK FENCE AROUND THE PERIMETER OF THE JOBSITE. CONTRACTOR MAY UTILIZE EXISTING CHAINLINK FENCE. EXISTING FENCE THAT IS USED SHALL BE PROTECTED DURING EXECUTION OF WORK AND SHALL BE RESTORED TO EQUAL OR BETTER CONDITION.
3. CONTRACTOR SHALL INSTALL ALL NECESSARY BMPS SHOWN ON THE SWPPP. SEE WPC SHEETS.
4. TREES ARE TO BE REMOVED OR TRIMMED PER PLAN. SEE SHEET DM-4 TO DM-6 FOR TREE REMOVAL PLAN.
5. ALL BUILDINGS SHALL BE ABATED AS DESCRIBED IN TABLE 3 AND PER SPECIFICATIONS. ABATED BUILDINGS AND OTHER SITE DEBRIS SHALL BE REMOVED AND PROPERLY DISPOSED.
6. SOIL REMEDIATION SHOWN IS BASED ON PRELIMINARY SAMPLE RESULTS. ADDITIONAL TESTING SHALL BE PERFORMED BY A THIRD PARTY CONSULTANT HIRED BY THE CITY.

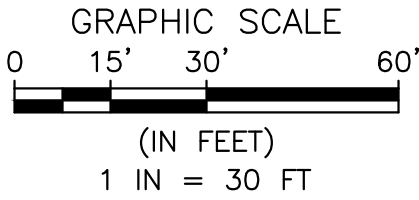
TABLE 3 - PROJECT SITE 3

TEMP ADDRESS	PREV USE	BLDG TYPE	APPROX AREA (SF)	NOTES	PRELIM SOIL SAMPLE	
					SAMPLE No.	LEAD CONT (mg/ kg)
T-3132			2740	ABATE AND REMOVE BUILDING		

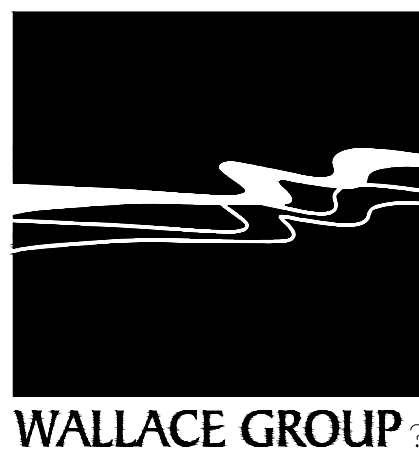
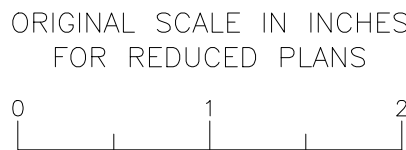


SOIL REMEDIATION LAYOUT (Typ)

1" = 20'



SCALE: HORIZ: 1" = 30'
VERT: —



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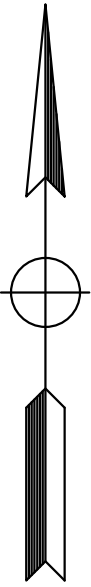
PROJECT ENGINEER

PLANS APPROVAL DATE



REVISIONS					
NO.	BY	DATE	DESCRIPTION	APPROVED BY	DATE
1					
2					
3					
4					
ACCEPTED BY THE CITY PUBLIC WORKS DIRECTOR					
RCE:					

EXHIBIT C



LOCATION 3
(1 BUILDING)



CITY OF MARINA
DEPARTMENT OF PUBLIC WORKS
211 HILLCREST AVENUE
MARINA, CA 93933

CITY OF MARINA BUILDINGS
BLIGHT REMOVAL 2024
DEMOLITION PLAN

DM-3

DESIGNED BY	DRAWN BY	CHECKED BY	JOB NUMBER	DATE	SHEET	OF
EMC	ZVC	EMC	1585-0001	1/19/2024	5	17

TREE COMMITTEE RESOLUTION NO. 2024-02

TREE COMMITTEE RESOLUTION RECOMMENDING THAT THE COMMUNITY DEVELOPMENT DIRECTOR OR THEIR DESIGNEE APPROVE THE REMOVAL OF 22 TREES FROM THREE CITY OF MARINA PARCELS (APNS 031-221-009, 031-251-005 AND 031-101-055). THIS RECOMMENDATION IS EXEMPT FROM ENVIRONMENTAL REVIEW PER § 15304 OF THE CEQA GUIDELINES.

WHEREAS, on April 8, 2024, ISA Certified Arborist Patric Krabacher of Densie Duffy & Assoc. (DD&A) submitted an Arborist Report ("Report") (**Exhibit A**) prepared in accordance with Marina Municipal Code (MMC) Chapter 17.62 (Tree Removal, Preservation and Protection) for the proposed project to remove up to 22 trees;

WHEREAS, on May 6, 2024, at a duly noticed public hearing, the Tree Committee considered TP24-02 requesting the removal of twenty-two (22) trees that includes three (3) potential removals on three City of Marina sites (APNs 031-221-009, 031-251-005 AND 031-101-055);

WHEREAS, after receiving public testimony and deliberating on the item; and

WHEREAS, the project is exempt from environmental review per Section 15304 of the CEQA Guidelines (Minor alterations to land);

NOW THEREFORE BE IT RESOLVED that the Tree Committee, based on findings in **Exhibit B** and conditions of approval in **Exhibit C**, and CEQA exemptions, does hereby recommend that the CDD Director approve the removal of twenty-two (22) trees including three (3) potential tree removals subject to Chapter 17.62 of the Marina Municipal Code.

PASSED AND ADOPTED by the Tree Committee of the City of Marina at a duly noticed special on the 6th of May, 2024, by the following vote:

AYES, MEMBERS: Simmons, Gardner, Elvira, Markham

NOES, MEMBERS: None

ABSENT, MEMBERS: Walton

ABSTAIN, MEMBERS: None

Greg Simmons
Greg Simmons (May 11, 2024 07:14 PDT)

Greg Simmons, Chair

ATTEST:

Nicholas McIlroy
 Nicolas McIlroy
 Senior Planner
 City of Marina

Exhibit A
Arborist Report
(On Separate Sheet)

Exhibit B
Conditions of Approval

1. **Timing of Tree Removal.** Given the types and sizes of trees to be removed, all tree removal activities shall either: 1) occur outside of bird nesting season which is March 1 – August 31; or 2) a qualified biologist shall survey the trees no more than two (2) weeks prior to start of work if within the nesting season.

2. **Display of Tree Removal Permit.** Prior to and during the removal of any tree approved for removal, a copy of the tree removal permit shall be displayed on site. If no tree removal permit is displayed, the City will issue a stop work order and commence the City's administrative fine process.

3. **Tree Protection.** All trees in the project area which are scheduled for preservation or potential removal shall be temporarily fenced prior to all project-related activities. Fencing shall be installed at the edge of the root zone (the area located within 15 times the trunk diameter in all directions) or located at the edge of pavement furthest from the trunk (whichever comes first). Fencing shall consist of chain link or plastic link fence which is maintained at a minimum height of four feet above grade during all phases of construction.

Fenced areas shall not be used for material stockpile, storage, or vehicle parking. Dumping of materials, chemicals, or garbage shall be prohibited within fenced areas. Fenced areas shall be maintained in natural condition at natural or existing grade and shall not be compacted.

4. **Replacement Trees.** Upon completion of grading and site work for the future city park on 2nd Avenue, new trees shall be planted at a 2:1 ratio. If the three (3) potential trees for removal are preserved during blight removal, then the number of trees shall be reduced accordingly from the total requirement of 44 trees to no less than 38 trees. Further, if the proposed city park cannot accommodate all the replacement trees, then they shall be planted elsewhere in the City of Marina by the Public Works Department.

5. **Site Restoration Plan.** The ground surface shall be restored in the vicinity of the tree removals. Restoration shall include but not be limited to the removal of tree stumps and filling of any holes left by the removal.

6. **Tree Committee Condition.** Preserve as many Monterey Cypress, Coastal Live Oaks and native shrubs as possible that are healthy and between 2 and 6 inches DBH at 4 feet during the blight removal and soil remediation at Project Site 1 on Second Ave (APN: 031-221-009).

Exhibit C Tree Removal Permit Findings

MMC 17.62.060.C. *Required Findings for Approval of Tree Removal Permit.* The following findings are required prior to approval or conditional approval of a tree removal permit:

1. The tree is in poor condition and is in danger of falling within proximity to existing structures, high pedestrian traffic areas such as parking lots, playgrounds and pedestrian walkways, or interference with utility services that cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices; or

n/a

2. The tree is host to a plant, or insect, or other parasitic organism which endangers other adjacent healthy trees; or

n/a

3. The location of more than three trees conflicts with the construction of street or sidewalk improvements, storm drain, traffic signals or signs; or

The trees proposed for removal are within parcels requiring the removal of blighted buildings.

4. The number of trees on the site is in excess of the number of healthy trees the site is able to support, based on such considerations as tree species, growth characteristics, general health of the stand, tree age, solar orientation and soil condition; or

n/a

5. The applicant outlines other clearly documented and compelling reasons for the removal or relocation of a tree which do not include the elimination of falling leaves or shade, or improving a view; and

The root systems of the trees proposed for removal will be impacted by the removal of blighted buildings on former Fort Ord land.

6. The tree does not serve as part of a windbreak system, or assist in drainage or in the avoidance of soil erosion, or serve as a component of a wildlife habitat, or otherwise play a prominent role in maintaining the existing urban forest; and

The trees are not part of a windbreak system. They were planted by the military to shade army barracks.

7. Due to the tree's contribution to the aesthetic beauty of the area, the removal would not have a substantial detrimental effect on neighboring property values; and

There proposed tree removals are required to remove blighted buildings, which will have a positive effect on neighboring property values. Further, the sites will be developed with

new uses including a new city park, which will have additional trees planted and amenities for the neighborhood.

8. If the removal request is concurrent with development plans for the property and the development plans indicate that it is necessary to remove or relocate the tree to enable reasonable and conforming use of the property which is otherwise prevented by the location of the tree.

The removal request is concurrent with removing the blighted buildings. The arborist report provides a map and photos documenting their proximity to necessitating the tree removals.



DENISE DUFFY & ASSOCIATES, INC.
PLANNING AND ENVIRONMENTAL CONSULTING

Date: April 8, 2024

To: Elvie Camacho, Senior Civil Engineer
Wallace Group

From: Patric Krabacher, ISA Certified Arborist 11759
Denise Duffy & Associates, Inc.

RE: Arborist Report for the City of Marina Blight Removal Project 2024

Denise Duffy & Associates, Inc. (DD&A) is contracted by the City of Marina (City) to provide on-call environmental consulting services for City projects. The City is conducting blight removal at three locations within City limits, Location 1 along 2nd Avenue (2nd Avenue), Location 2 along 11th Street (11th Street), and Location 3 along 9th Street (9th Street), which are planned City parks. The 2nd Avenue location is located within the boundaries of the University Villages Specific Plan (UVSP)¹. In support of the blight removal effort, DD&A conducted an inventory of trees within the vicinity of buildings which are proposed for demolition. This Arborist Report documents the results of the tree inventory, recommends tree removal where necessary to facilitate demolition, and recommends mitigation to avoid, minimize, or mitigate potential adverse impacts of tree removal.

METHODS

Limitations

It is not the intent of this report to provide a monetary valuation of the trees or provide risk assessment for any tree on this parcel, as any tree can fail at any time. No clinical diagnosis was performed on any pest or pathogen that may or may not be present within the site. In addition to an inspection of the property, DD&A relied on information provided by the City and/or the City's consultants (e.g., survey boundaries, property boundaries, project description) to prepare this report, and must reasonably rely on the accuracy of the information provided. DD&A shall not be responsible for another's means, methods, techniques, schedules, or procedures, or for contractor safety or any other related programs, or for another's failure to complete work in accordance with approved plans and specifications.

Regulatory Setting

City of Marina Municipal Code

MMC Section 17.62.030 requires a tree removal permit to remove, damage, or relocate, or cause to be removed, damaged, or relocated any tree on any property within City limits, unless exempted by MMC Sections 17.62.040 or 17.62.050. MMC Section 17.62.030 also prohibits construction activities within the

¹ Please note that 2 acacia trees were only mapped and not recorded, per UVSP Development Regulations, Page 118: "Acacia trees will not be recorded in table, but locations will be noted on map".

root zone dripline of any tree, unless these activities are conducted in compliance with tree protection guidelines adopted by resolution of the planning commission.

MMC Section 17.62.060 requires replacement trees and/or payment based upon the replacement of the healthy trees to be removed on a minimum two-for-one basis or multiplied by three for each tree removed in violation of City Code.

MMC defines “tree” as any living woody perennial plant having a single stem of six (6) inches or more diameter at breast height (DBH; measured at 4.5 feet above ground) or a multi-stemmed plant having an aggregate diameter of ten inches or more measured at DBH, and any living woody perennial plant which was planted in accordance with requirements of an approved compensation plan or was planted as part of a landscaping plan approved by the city. MMC defines “dripline” as the greater of the outermost edge of the tree’s canopy, or fifteen times DBH measured from the center point of the tree. Saplings which do not meet MMC’s definition of a tree (i.e., are less than six [6] inches DBH) are not protected by City Code.

UVSP Tree Standards

UVSP Tree Standards call for the preservation of as many healthy Monterey cypress trees and oak trees as practicable. In accordance with the UVSP Tree Standards, Monterey cypress trees and oak trees that are in good or fair condition must be protected during construction and preserved wherever practicable. If relocation is possible, Monterey cypress and oak trees shall be removed by machinery, be immediately replanted at a new site, and be watered and fertilized. Monterey cypress and oak trees in good or fair condition that are removed shall be replaced on-site at a ratio of two replacement trees for every one removed (2:1). UVSP classifies tree health based on the following definitions:

- *Good.* Tree is healthy and vigorous as indicated by color of foliage and density, has no apparent signs of insect, disease, structural defects or mechanical injury. Tree has good form and structure.
- *Fair.* Tree is in average condition and vigor for the area, but may show minor insect, disease, or physiological problems. Trees rated as Fair/Poor may be improved with correctional pruning.
- *Poor.* Tree that is in a general state of decline and may show severe structural or mechanical defects which may lead to failure, may have insect or disease damage, but is not dead.
- *Dead/Snags.* Dead standing trees.

California Fish and Game Code

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

Survey Methods

DD&A ISA Certified Arborist Patric Krabacher conducted an inventory of trees at the three (3) blight removal locations on March 12 and 18, 2024. The tree inventory included the mapping and tagging of all

trees, as defined by City Code, within the survey areas. Trees were inventoried with City requirements and UVSP Tree Standards, as follows:

- All trees 6" diameter at breast height (DBH) or greater were tagged with a global positioning system (GPS) location and a numbered aluminum marker (on the most feasible/visible location possible).
- Diameter was recorded at breast height (4.5 feet above ground) or, for multi-stemmed trees, at the most representable location.
- Multi-stemmed trees were recorded as one tree if the root crown (the point where the trunk meets natural grade) was contiguous. Multi-stemmed tree DBH was calculated by taking the square root of the squared sum of all stems measured ($\sqrt{[\text{Stem 1 DBH}^2 + \text{Stem 2 DBH}^2 + \text{Stem 3 DBH}^2 \dots]}$). This equation returns the diameter at the base of the tree (Chojnacky, 1999).
- Species, size, and health class were recorded for each tree. Tree health was based on the UVSP classification system and was evaluated by visually inspecting each tree from its root crown to its foliar canopy for signs of decay, disease, or insect infestations.

GPS data were collected using a Trimble® TDC600 GPS and were then digitized using Trimble® TerraFlex and ESRI® ArcGIS 10.4. GPS data were collected using geographic coordinate system Universal Transverse Mercator (UTM) Zone 10 North and the World Geodetic System 1984 (WGS84) datum.

RESULTS

2nd Avenue

DD&A inventoried 28 trees in the vicinity of the buildings proposed for demolition, including 16 Monterey pines (*Pinus radiata*), 11 Monterey cypresses (*Hesperocyparis macrocarpa*), and one (1) coast live oak (*Quercus agrifolia*) (**Figure 1a; Appendix A**). Most trees are in average vigor for the area; however, 9 trees are dead or are in poor condition and showing severe signs of decay, disease, and insect infestations, including pitch canker (*Fusarium circinatum*), oak branch canker, boring beetles (shot hole borer), foamy bark canker, oak ambrosia beetles, and *Phytophthora* root and crown rot (**Appendix A**). No symptoms of sudden oak death were observed.

11th Street

DD&A inventoried 10 trees in the vicinity of the buildings proposed for demolition, including seven (7) Monterey cypresses and three (3) Monterey pines (**Figure 1b; Appendix A**). Most trees are in average vigor for the area; however, one (1) Monterey cypress is in poor condition and showing severe signs of decay, disease, and insect infestations, including pitch canker, boring beetle (shot hole borer), and *Phytophthora* root and crown rot (**Appendix A**). No symptoms of sudden oak death were observed.

9th Street

DD&A inventoried eight (8) trees in the vicinity of the buildings proposed for demolition, including four (4) Torrey pines (*Pinus torreyana*) in good condition, two (2) Monterey cypress in average vigor for the area, and one (1) Monterey pine in poor condition with significant crown dieback showing signs of pitch canker and boring beetle (**Figure 1c; Appendix A**).



2nd Avenue
Tree Removal Plan

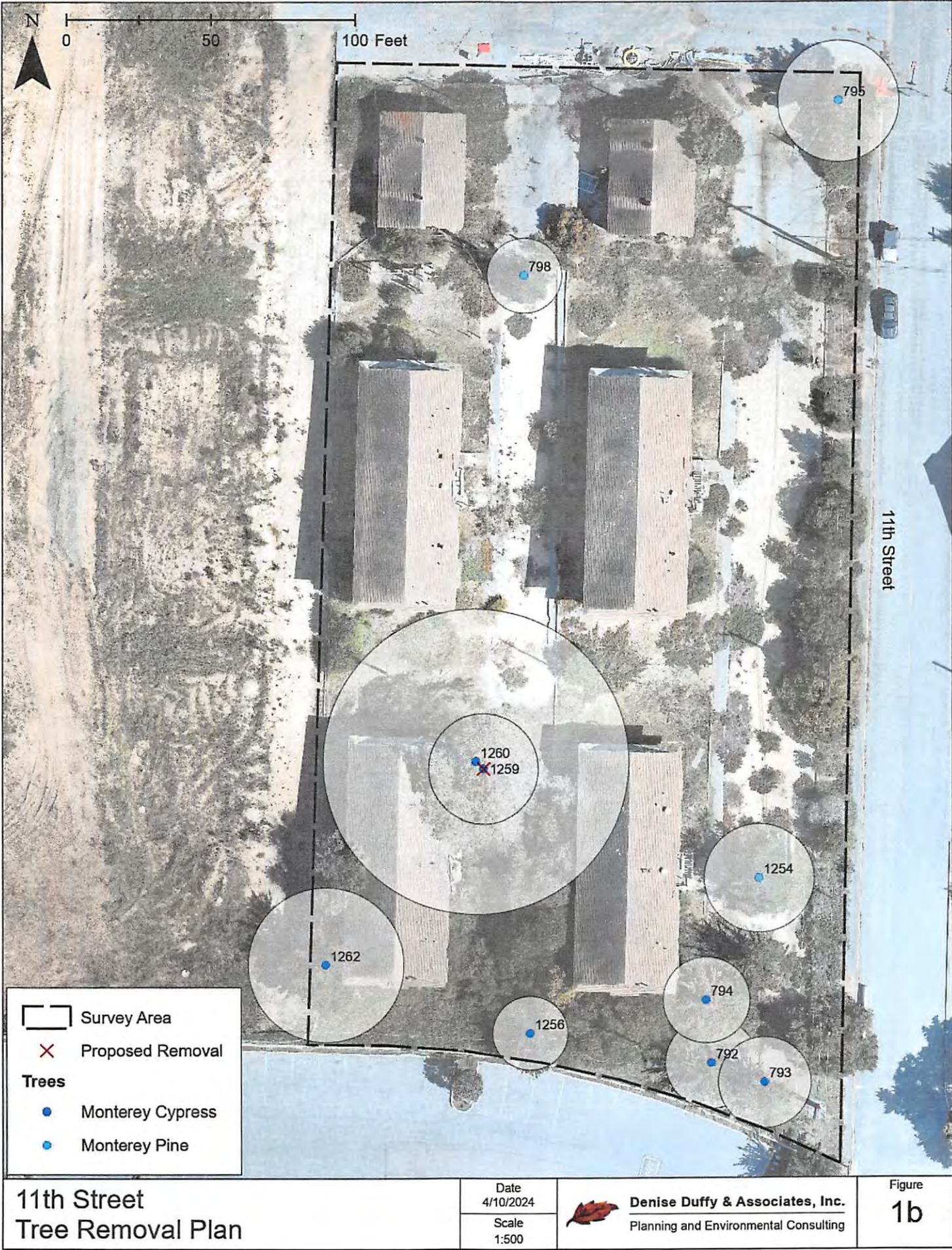
Date
4/10/2024
Scale
1:700



Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure
1a

Path: C:\GIS\GIS_P\Projects\2024-16 Blight Removal Project 2024\2024-16 Blight Removal Project 2024.aprx





9th Street
Tree Removal Plan

Date
4/10/2024
Scale
1:450



Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure
1c

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DISCUSSION

Due to the level of excavation required for demolition, demolition at all three (3) locations would significantly impact the dripline of adjacent trees and tree removal would be required to successfully implement blight removal. Based on the size and location of trees, 18 trees at 2nd Avenue, one (1) tree at 11th Street, and one (1) tree at 9th Street are recommended for removal or require removal permits to remain in compliance with City Code (**Appendices A and B**). Three (3) additional trees have been documented as “potential removals”, these trees are located directly adjacent to buildings proposed for removal and have a potential to be preserved in place throughout project activities; however, per City Code require a removal permit to damage this much of a trees root zone. Of the 23 total trees proposed for removal (including the potential removals), 12 are in fair condition, 10 are in poor condition, and one (1) is dead. Tree removals include 15 Monterey pines, and eight (8) Monterey cypresses. It is anticipated that the remaining trees in the vicinity of the demolition areas can be avoided.

In accordance with City Code, a tree removal permit from the City would be required to remove all living trees, including trees in poor condition. Therefore, the City must acquire a tree removal permit for the 28 living trees (2 of which are acacia trees) prior to construction. Tree removal must conform to any requirements established in the approved tree removal permit. In accordance with City Code, California Fish and Game Code, and UVSP Tree Standards, the following measures are recommended to avoid or minimize impacts potential adverse impacts resulting from tree removal:

1. Work should be timed to avoid the breeding and nesting season for raptors and other protected avian species. If work must occur during the avian breeding and nesting season (approximately February 1 through September 15), surveys for nesting birds shall be conducted no more than 15 days prior to project activities in all areas within 300 feet of the project footprint that may provide suitable nesting habitat. If nesting birds are identified during surveys, an appropriate buffer shall be imposed within which no work or disturbance will take place (generally 300 feet in all directions). A qualified biologist shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work shall proceed in the vicinity of an active nest until such time as all young are fledged, or until after September 16, when young are assumed fledged.
2. To reduce impacts to trees not scheduled for removal, the tree removal contractor shall implement the best managements practices for working near trees established in **Appendix C**. Trees which will be retained on site shall be allowed to develop their natural forms and shall not be trimmed as topiaries or other unnatural forms.
3. The 12 healthy trees which are proposed for removal shall be replaced on-site at a 2:1 ratio following demolition. Replacement plantings shall be 15-gallon Monterey cypresses, or 15-gallon tree species listed on the City’s planting palette (or smaller, if 15-gallon trees are unavailable). Replacement trees shall be planted in locations with the greatest openings to minimize competition and maximum sunlight. The spacing between trees shall be at least eight (8) feet. Watering for establishment within the first two (2) months shall be at least once (1) per week, then every two (2) weeks during the late spring, summer, and fall for two (2) years.

4. Following installation of replacement plantings, replacement plantings and trees whose driplines lie within the areas impacted by construction shall be monitored annually by a qualified arborist for a period of no less than five (5) years. If any noticeable decline in the health of any tree is observed, additional trees shall be planted onsite at a 2:1 ratio in a suitable location as determined by a qualified arborist or forester.
5. Non-native, invasive species including iceplant, French broom, acacia species, and Torrey pines will be carefully removed to stop the spread of these species. All invasive plant waste will be hauled off-site and disposed of at an appropriate disposal facility (e.g., Monterey Peninsula Landfill) immediately following removal. The disposal facility shall be notified that waste contains invasive species. Care shall be taken to cover loads properly to avoid the spread of invasive species during transport to the disposal facility.

If you have any comments or questions about this report, please contact Patric Krabacher at pkrabacher@ddaplanning.com or (831) 373-4341 ext. 29.

REFERENCES

David C. Chojnacky. 1999. Converting Tree Diameter Measured at Root Collar to Diameter at Breast Height.

APPENDIX A

Tree Table

2nd Avenue Trees

Tag	Scientific Name	Common Name	Individual Stem DBH (in)	Total DBH (in)	Dripline (ft)	Health	Status	Tolerance to Construction
829	<i>Pinus radiata</i>	Monterey Pine	12	12	15	Dead	Remove	Low
799	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	35	35	44	Fair	Remove	Low
801	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	7	10	15	Fair	Potential Removal	Low
806	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	11	11	14	Fair	Potential Removal	Low
808	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	10	10	13	Fair	Potential Removal	Low
809	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	45	45	56	Fair	Retain	Medium
810	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	47	47	59	Fair	Retain	Medium
815	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	10	10	13	Fair	Retain	Medium
804	<i>Pinus radiata</i>	Monterey Pine	24	24	30	Fair	Retain	Low
807	<i>Pinus radiata</i>	Monterey Pine	10	10	13	Fair	Remove	Low
830	<i>Pinus radiata</i>	Monterey Pine	16	16	20	Fair	Remove	Low
832	<i>Pinus radiata</i>	Monterey Pine	14	14	18	Fair	Remove	Low
833	<i>Pinus radiata</i>	Monterey Pine	14	14	18	Fair	Remove	Low
834	<i>Pinus radiata</i>	Monterey Pine	12	12	15	Fair	Retain	Low
836	<i>Pinus radiata</i>	Monterey Pine	12	12	15	Fair	Remove	Low
837	<i>Pinus radiata</i>	Monterey Pine	11	11	14	Fair	Remove	Low
864	<i>Pinus radiata</i>	Monterey Pine	9	9	11	Fair	Remove	Low
865	<i>Pinus radiata</i>	Monterey Pine	14	14	18	Fair	Remove	Low
840	<i>Quercus agrifolia</i>	Coast Live Oak	15	11	23	Fair	Retain	Medium
805	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	9	9	11	Fair	Retain	Medium
811	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	36	36	45	Poor	Remove	Low
812	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	45	45	56	Poor	Remove	Low
813	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	52	52	65	Poor	Remove	Low
802	<i>Pinus radiata</i>	Monterey Pine	10	10	13	Poor	Remove	Low
831	<i>Pinus radiata</i>	Monterey Pine	8	8	10	Poor	Remove	Low
838	<i>Pinus radiata</i>	Monterey Pine	12	12	15	Poor	Remove	Low
839	<i>Pinus radiata</i>	Monterey Pine	10	10	13	Poor	Remove	Low
868	<i>Pinus radiata</i>	Monterey Pine	14	14	18	Poor	Remove	Low

11th Street Trees

Tag	Scientific Name	Common Name	Individual Stem DBH (in)	Total DBH (in)	Dripline (ft)	Health	Status	Tolerance to Construction
792	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	13	13	16	Fair	Retain	Medium
793	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	13	13	16	Fair	Retain	Medium
794	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	12	12	15	Fair	Retain	Medium
795	<i>Pinus radiata</i>	Monterey Pine	17	17	21	Fair	Retain	Medium
798	<i>Pinus radiata</i>	Monterey Pine	7	8	13	Fair	Retain	Medium
1254	<i>Pinus radiata</i>	Monterey Pine	15	15	19	Fair	Retain	Medium
1256	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	10	10	13	Fair	Retain	Medium
1259	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	15	15	19	Poor	Remove	Low
1260	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	42	42	53	Fair	Retain	Medium
1262	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	20	9	22	Fair	Retain	Medium

9th Street Trees

Tag	Scientific Name	Common Name	Individual Stem DBH (in)	Total DBH (in)	Dripline (ft)	Health	Status	Tolerance to Construction
493	<i>Pinus radiata</i>	Monterey Pine	6	6	8	Poor	Remove	Low
494	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	40	40	50	Fair	Retain	High
495	<i>Pinus radiata</i>	Monterey Pine	18	18	23	Fair	Retain	High
496	<i>Pinus torreyana</i>	Torrey Pine	24	24	30	Fair	Retain	High
497	<i>Pinus torreyana</i>	Torrey Pine	32	32	40	Good	Retain	High
498	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	29	47	69	Fair	Retain	Medium
796	<i>Pinus torreyana</i>	Torrey Pine	32	32	40	Good	Retain	High
797	<i>Pinus torreyana</i>	Torrey Pine	9	9	11	Good	Retain	High

APPENDIX B

Photo Log



Tree. 799



Tree. 801



Tree. 802



Tree 804



Tree. 805



Tree. 806



Tree. 807



Tree. 808



Tree. 809



Tree. 810



Tree. 811



Tree. 812



Tree. 813



Tree. 815



Tree. 829



Tree. 830



Tree. 831



Tree. 832



Tree. 833



Tree. 834



Tree. 836



Tree. 837



Tree. 838



Tree. 839



Tree. 840



Tree. 864



Tree. 865



Tree. 868



Tree. 493



Tree. 1259

APPENDIX C

Best Management Practices for Working Near Trees

Tree Protection and Best Management Practices (BMPs)

Prior to the commencement of project related activities, the following tree BMPs shall be implemented and approved by a qualified arborist or forester:

- Trees located adjacent to the construction area shall be protected from damage by construction through the use of temporary fencing and wrapping of trunks with protective materials.
- Fencing shall consist of chain link, supported snowdrift or plastic mesh, hay bales, or field fence. Fencing shall have cross bracing (typically 2x4 material) on both the top and lower edges of the fencing material to prevent sagging and provide lateral support. Fencing shall stand a minimum height of four feet above grade and be placed to the farthest extent possible from the base of the trees, protecting the trees drip line area (typically 10-12 feet away from the base of a tree).
- In the cases where access or space is limited it is permissible to protect trees within the 10-12-foot distance after determination and approval are made by a qualified forester or arborist.
- Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials is not permitted adjacent to trees on the property, especially within fenced areas.
- Fenced areas and the trunk protection materials shall remain in place during the entire construction period. Torn or damaged roots shall be cleanly cut to sound wood wherever possible to minimize decay entry points. Any roots found that must be cut should be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. No tree seals shall be used as the seal material only promotes decay.
- A mulch layer up to approximately 4 inches deep should be applied to the ground under-protected trees following construction. Only 1 to 2 inches of mulch should be applied within 1 to 2 feet of the trunk, and under no circumstances should any soil or mulch be placed against the root crown (base) of trees. The best source of mulch would be from chipped material generated on-site.
- Irrigation should be that of normal for exterior planting. Normal watering means that soil should be kept evenly moist and watered regularly, as conditions require. Most plants prefer one (1) inch of water a week during the growing season, but care needs to be taken not to over water. It is better to water once (1) a week and water deeply (over 24 inches), than to water frequently for a few minutes.

Tree Pruning

It is to be understood that the pruning of retained trees is expected for this site. Pruning shall conform to the following standards:

- Clear the crown of diseased, crossing, weak, and dead wood to a general minimum size of 1-1/2 inch in diameter.
- Remove stubs, cutting outside the wound wood tissue that has formed around the branch.
- Interior branches shall not be stripped out.

- Reduce end weight on heavy, horizontal branches by selectively removing small- diameter branches, no greater than three (3) inches, near the ends of the scaffolds. In some cases, larger diameters may be removed depending on the situation (where critical for safety).
- Pruning cuts larger than four (4) inches in diameter, except for deadwood, shall be avoided, unless deemed crucial for safety (broken, cracked, crossing, rubbing, etc.). Pruning cuts that expose heartwood shall be avoided whenever possible.
- Pruning shall not be performed during periods of flight of adult boring insects because fresh wounds attract pests (generally spring). Pruning shall be performed only when the danger of infestation has passed.
- All pruning shall be performed by a qualified arborist or under the supervision of an ISA Certified Arborist or Tree Worker. Arborists are required to have a State of California Contractors License for Tree Service (C-61/D49) and provide proof of worker's compensation and general liability insurance.
- All pruning shall be following the Tree Pruning Guidelines (International Society of Arboriculture) and/or the ANSI A300 Pruning Standard (American National Standard for Tree Care Operations) and adhere to the most recent edition of ANSI Z133.1.
- No more than 20 percent of live foliage shall be removed within the trees.
- Brush shall be chipped, and chips shall be spread underneath trees within the tree protection zone to a maximum depth of 6 inches, leaving the trunk clear of mulch.

Following construction, a qualified arborist should monitor trees adjacent to the area of the improvements and if any decline in health that is attributable to the construction is noted, additional trees should be planted on the site.

Root Barriers

Severe pruning of tree roots may lead to a major decline or tree death. The best solution is to select trees that are less likely to become a problem or to plant further away from foundations, curbs, gutters, parking lots, sidewalks, and driveways to reduce tree growth or to allow them to grow in another direction. Place barriers in the soil to a depth of 18 to 24 inches (see landscape details) by trenching along the area to be protected at a distance of five (5) times the trunk diameter. In the cases where access or space is limited, it is permissible to reduce the distance after determination and approval are made by a qualified forester or arborist.

TC Reso 2024-02 - Blight Removal Project

Final Audit Report

2024-05-11

Created:	2024-05-08
By:	Nick Mclroy (nmcilroy@cityofmarina.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA8Zn11Rh7Tupn0F3kC92IV8IfBUIiOgzV

"TC Reso 2024-02 - Blight Removal Project" History

-  Document created by Nick Mclroy (nmcilroy@cityofmarina.org)
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-  Document emailed to Greg Simmons (simmonsgreg@onemain.com) for signature
2024-05-08 - 3:41:04 PM GMT
-  Email viewed by Greg Simmons (simmonsgreg@onemain.com)
2024-05-11 - 2:12:44 PM GMT
-  Document e-signed by Greg Simmons (simmonsgreg@onemain.com)
Signature Date: 2024-05-11 - 2:14:35 PM GMT - Time Source: server
-  Agreement completed.
2024-05-11 - 2:14:35 PM GMT

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 21, 2024

**CITY COUNCIL OPEN PUBLIC HEARING, TAKE TESTIMONY
FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO.
2024-, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING
LEVY OF \$180.78 FOR THE FY 2024-25 ASSESSMENT FOR THE
CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT
DISTRICT; AND AUTHORIZING THE CITY CLERK TO FILE A
CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH
THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO
AUGUST 1, 2024**

REQUEST:

It is requested that the City Council:

1. Open public hearing and take testimony from the public;
2. Consider adopting Resolution No. 2024-, confirming diagram, assessment and ordering levy of \$180.78 for the FY 2024-25 assessment for the Cypress Cove II Landscape Maintenance Assessment District; and
3. Authorize City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2024.

BACKGROUND:

At the regular meeting of June 16, 1987, the City Council adopted Resolution No. 1987-23, ordering the formation of the Cypress Cove II Landscape Maintenance Assessment District pursuant to Streets and Highway Code §22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals.

The Landscaping and Lighting Act of 1972 requires an annual update report to be prepared, which includes the costs to maintain the improvements of the Cypress Cove II Landscape Maintenance Assessment District and what the proposed assessments will be to provide for that maintenance.

At the regular meeting of May 7, 2024, the City Council adopted Resolution No. 2024-36, receiving the FY 2024-25 Engineer's Report for the Cypress Cove II Landscape Maintenance Assessment District and calling a public hearing for May 21, 2024, on the proposed intention to levy and collect assessments for the District.

ANALYSIS:

Based on the Engineer's Report (**EXHIBIT A**), the annual assessment has been set in the amount of \$180.78. This is the same amount as last year's assessment and is the upper limit set by the assessment district at its formation in 1987. This current annual assessment of \$180.78 has not changed since 2004.

The Contractor completed the first phase of site restoration by replacing and relocating the water backflow preventor this fiscal year. Plans to continue site restoration has ceased due to requests from various Residents of the District for a community-wide outreach approach to improvements in the District.

Staff held two community outreach meetings with District Residents on March 22 and 27. During these two meetings, residents expressed their dissatisfaction with tree maintenance due to a low assessment rate and their unanimous desire to assess the health of the Cypress Trees in the District. Since over 70 District Cypress Trees were planted back in 1987, a general lack of adequate maintenance due to poor funding has led to several trees dying or being uprooted during unprecedented weather events. Residents have a vested interest in the health of existing trees and the best management practices necessary to care for them. Staff requested a cost proposal from the City's on-call consultant arborist Denise Duffy & Associates to provide the assessment report requested by the Residents and to help answer questions directly from the District regarding how to better care for the trees moving forward.

Once the Arborist report is completed, a comprehensive multi-year plan will be developed and presented to the District in a series of community outreach meetings to discuss maintenance plan costs and next steps for a Proposition 218 vote to adequately fund the maintenance plan.

FISCAL IMPACT:

Costs associated with the Arborist Report and planned community outreach meetings are detailed in Exhibit B of the Engineer's Report. Should the City Council approve this request, the anticipated revenue for the FY 2024-25 assessment levy of \$19,885.80 should be adequate for the purpose of the landscape maintenance district.

Levying of the assessment is the first step to collect the assessments to fund the landscape maintenance district.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Public Works Department
City of Marina

REVIEWED/CONCUR:

Nourdin Khayata, P.E.
Interim Public Works Director
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$180.78 FOR
FY 2024-25 ASSESSMENT FOR THE CYPRESS COVE II LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT AND AUTHORIZING THE CITY CLERK
TO FILE A CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH THE
MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO AUGUST 1, 2024

WHEREAS, on June 16, 1987, the City ordered the formation of the Cypress Cove II Landscape Maintenance District pursuant to Streets and Highway Code §22594, and;

WHEREAS, the City Engineer filed the Engineer's Report, fiscal year 2024-2025, required by Streets and Highways Code §22622 for said District, and;

WHEREAS, on May 7, 2024, the City received said Engineer's Report, declared its intention to levy and collect assessments within said District and set a hearing to ascertain whether the City shall order the levy and assessment of said assessment, and;

WHEREAS, said public hearing was held on May 21, 2024, and;

WHEREAS, levying of the assessment is the first step to collect the assessments to fund the landscape maintenance districts, and;

WHEREAS, provisions of this resolution are severable and if anyone provision is determined to be impermissible then the remainder of the resolution shall remain in full force and effect, and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. The City does hereby confirm the diagram and assessment as described in the Engineer's Report on file with the City Clerk.
2. The City does hereby order the levy and collection of said assessment, \$180.78, for FY 2024-25 assessment for Cypress Cove II Landscape Maintenance Assessment District.
3. It is the intention of the City of Marina that any monetary advance made by it during any fiscal year to cover a deficit in the improvement fund of the Cypress Cove II Landscape Maintenance Assessment District shall be repaid from the next annual assessments levied and collected within the Cypress Cove II Landscape Maintenance Assessment District.
4. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessment with the Monterey County Auditor prior to August 1, 2024.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of May 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



CITY OF MARINA
MONTEREY COUNTY
CALIFORNIA

**CYPRESS COVE II
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT

ENGINEER'S REPORT**

FY 2024-2025

Council Members:

B. DELGADO, MAYOR

B. MCCARTHY
K. BIALA

L. VISSCHER
J. MCADAMS

LAYNE LONG
ANITA SHEPHERD-SHARP
RENÉ ORTEGA
NOURDIN KHAYATA

City Manager
Deputy City Clerk
City Attorney
Interim Public Works Director

Prepared By
City of Marina
Public Works Department

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

FY 2024-2025

This report concerns the Cypress Cove II Landscape Maintenance Assessment District.

The Assessment District consists of the Cypress Cove II Subdivision located in the westerly portion of the City of Marina just east of the Highway I and Reservation Road interchange. The subdivision is bounded on three sides by Abdy Way, Cardoza Avenue, and Beach Road, contains 110 lots, a percolation pond parcel (Parcel B), and an emergency access road (Parcel C).

The subdivision consists of 110 single family homes complete with underground utilities, water and wastewater facilities, street and drainage improvements, and landscaping. The Assessment District has been formed for the purpose of maintaining the exterior boundary landscaping and retaining walls, installed and paid for by the developer.

This report has been prepared pursuant to Sections 22565 through 22574 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

The existing improvements to be maintained which are the subject of this report, are briefly described as follows:

All exterior landscaping elements located adjacent to the subdivision boundaries along Abdy Way, Cardoza Avenue, and Beach Road and outside the chain link fence on Parcel B are considered as the improvements included in the Assessment District. Landscaping elements consist of hydroseeded areas, groundcover, shrubs, trees, irrigation pipelines, controllers, valves, sprinklers, masonry retaining walls, and electrical service. Plans and specifications showing these existing improvements which are to be maintained are on file in the City of Marina Public Works Division.

This report includes the following attached exhibits:

EXHIBIT A - An assessment diagram and boundary map showing all of the parcels of the real property within the Assessment District. The diagram is keyed to Exhibit C by the separate "Assessment Number".

EXHIBIT B - Spreadsheet showing estimated costs for FY 2023-2024 and estimated costs for FY 2024-2025 and FY 2025-2026.

EXHIBIT C - An assessment roll showing the amount proposed to be assessed against each parcel of real property within this Assessment District. In addition to the Assessor's Parcel Number each parcel has been assigned a separate "Assessment Number" which corresponds to that parcels lot number.

Page Two
Engineer's Report
Cypress Cove II Landscape Maintenance Assessment District

EXHIBIT D - Method of determination of assessment spread.

Respectfully Submitted,

Nourdin Khayata, PE
Interim Public Works Director

April 2024

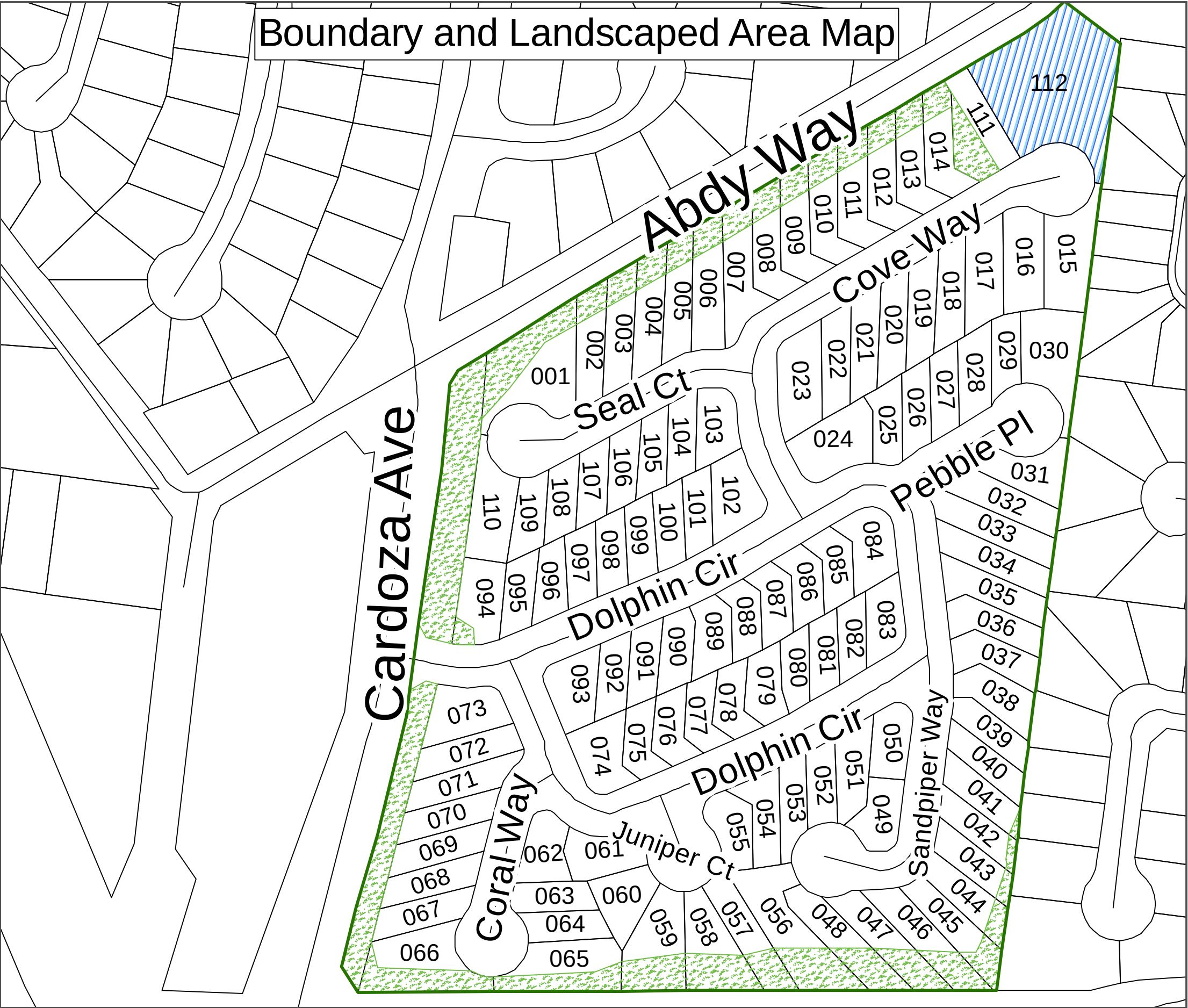
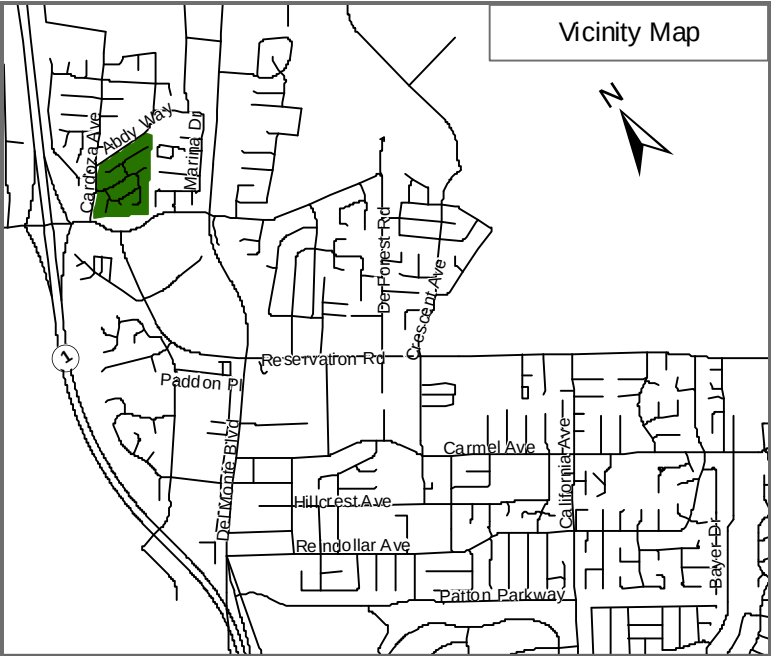


EXHIBIT A

Cypress Cove II

Landscape Maintenance District



Legend

Cypress Cove II

- Boundary
- Landscaped Area
2.00 Acres
- Parcels
- Percolation Lot
- Roads

Date: April 15th, 2009

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The City of Marina and Monterey County GIS should be queried for the most current information. Parcel data is of mapping grade only and does not represent reliable locations or legal boundaries.

Sources: Monterey County GIS, City of Marina CDD
Map Projection: California State Plane Zone IV, NAD 83 (Feet)

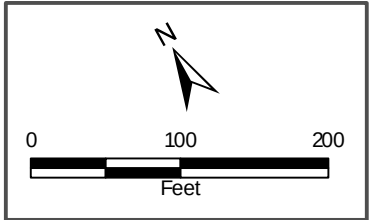


EXHIBIT B
CYPRESS COVE II LANDSCAPE MAINTENANCE DISTRICT

Summary	Estimates FY 2023-2024	Estimates FY 2024-2025	Estimates FY 2025-2026
Beginning Cash Balance, July 1 st	\$ 9,702	\$ 4,533	\$ 631
(a) Total Assessment Revenues (110 Parcels)	\$ 19,886	\$ 19,886	\$ 19,886

Expenditures

Contractor Services			
(b) Landscape Maintenance Contract	\$ 6,360	\$ 6,588	\$ 6,786
Utilities	\$ 831	\$ -	\$ -
Large Tree Trimming	\$ 2,100	\$ 1,500	\$ -
Extraordinary Maintenance	\$ 9,565	\$ 10,500	\$ -
Tree/Plant Replacement	\$ -		
Administrative Services			
Supervision	\$ -	\$ -	\$ -
Administration (Incl. Engineers Report)	\$ 3,200	\$ 2,200	\$ 2,200
Cost Allocation Plan Charges	\$ 2,750	\$ 2,750	\$ 2,750
Legal Advertising	\$ 250	\$ 250	\$ 250
Total Expenditures	\$ 25,056	\$ 23,788	\$ 11,986

(c) Net Change in Fund Balance	\$ (5,170)	\$ (3,902)	\$ 7,900
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(d) Ending Fund Balance, June 30 th	\$ 4,533	\$ 631	\$ 8,531
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(a) Maximum Assessment per Prop 218 is \$180.78 per parcel. The assessment amount for FY24-25 is consistent with FY23-24 at \$180.78 per parcel. Final total assessment revenue includes interest income totals.

(b) Maintenance Costs are shown as increasing per fiscal year by an estimated Consumer Cost Index (CPI) of 3% as allowed by the Contract Specifications.

(c) Net Change in Fund Balance equals the Total Expenditures subtracted from Total Assessment Revenue for that Fiscal Year.

(d) End Fund Balance equals the Net Change in Fund Balance plus the Beginning Cash Balance of that Fiscal Year.

EXHIBIT C
CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL
FOR FISCAL YEAR 2024-2025

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
1	33-076-01	\$180.78
2	33-076-02	\$180.78
3	33-076-03	\$180.78
4	33-076-04	\$180.78
5	33-076-05	\$180.78
6	33-076-06	\$180.78
7	33-076-07	\$180.78
8	33-076-08	\$180.78
9	33-076-09	\$180.78
10	33-076-10	\$180.78
11	33-076-11	\$180.78
12	33-076-12	\$180.78
13	33-076-13	\$180.78
14	33-076-14	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2024-2025

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
15	33-076-15	\$180.78
16	33-076-16	\$180.78
17	33-076-17	\$180.78
18	33-076-18	\$180.78
19	33-076-19	\$180.78
20	33-076-20	\$180.78
21	33-076-21	\$180.78
22	33-076-22	\$180.78
23	33-076-23	\$180.78
24	33-076-24	\$180.78
25	33-076-25	\$180.78
26	33-076-26	\$180.78
27	33-076-27	\$180.78
28	33-076-28	\$180.78
29	33-076-29	\$180.78
30	33-076-30	\$180.78
31	33-076-31	\$180.78
32	33-076-32	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2024-2025

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
33	33-076-33	\$180.78
34	33-076-34	\$180.78
35	33-076-35	\$180.78
36	33-076-36	\$180.78
37	33-076-37	\$180.78
38	33-076-38	\$180.78
39	33-076-39	\$180.78
40	33-076-40	\$180.78
41	33-076-41	\$180.78
42	33-076-42	\$180.78
43	33-076-43	\$180.78
44	33-076-44	\$180.78
45	33-076-45	\$180.78
46	33-076-46	\$180.78
47	33-076-47	\$180.78
48	33-076-48	\$180.78
49	33-076-49	\$180.78
50	33-076-50	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2024-2025

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
51	33-076-51	\$180.78
52	33-076-52	\$180.78
53	33-076-53	\$180.78
54	33-076-54	\$180.78
55	33-076-55	\$180.78
56	33-076-56	\$180.78
57	33-076-57	\$180.78
58	33-076-58	\$180.78
59	33-076-59	\$180.78
60	33-076-60	\$180.78
61	33-076-61	\$180.78
62	33-076-62	\$180.78
63	33-076-63	\$180.78
64	33-076-64	\$180.78
65	33-076-65	\$180.78
66	33-076-66	\$180.78
67	33-076-67	\$180.78
68	33-076-68	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2024-2025

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
69	33-076-69	\$180.78
70	33-076-70	\$180.78
71	33-076-71	\$180.78
72	33-076-72	\$180.78
73	33-076-73	\$180.78
74	33-075-01	\$180.78
75	33-075-02	\$180.78
76	33-075-03	\$180.78
77	33-075-04	\$180.78
78	33-075-05	\$180.78
79	33-075-06	\$180.78
80	33-075-07	\$180.78
81	33-075-08	\$180.78
82	33-075-09	\$180.78
83	33-075-10	\$180.78
84	33-075-11	\$180.78
85	33-075-12	\$180.78
86	33-075-13	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2024-2025

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
87	33-075-14	\$180.78
88	33-075-15	\$180.78
89	33-075-16	\$180.78
90	33-075-17	\$180.78
91	33-075-18	\$180.78
92	33-075-19	\$180.78
93	33-075-20	\$180.78
94	33-076-74	\$180.78
95	33-076-75	\$180.78
96	33-076-76	\$180.78
97	33-076-77	\$180.78
98	33-076-78	\$180.78
99	33-076-79	\$180.78
100	33-076-80	\$180.78
101	33-076-81	\$180.78
102	33-076-82	\$180.78
103	33-076-83	\$180.78
104	33-076-84	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2024-2025

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
105	33-076-85	\$180.78
106	33-076-86	\$180.78
107	33-076-87	\$180.78
108	33-076-88	\$180.78
109	33-076-89	\$180.78
110	33-076-90	\$180.78
111		EXEMPT
112		EXEMPT

EXHIBIT D

METHOD OF DETERMINATION OF ASSESSMENT SPREAD

The maintenance of the subdivision exterior boundary landscaping benefits the Assessment District as a whole. Therefore, the assessment spread should be based on the number of building sites or lots contained within the district.

Assessments shall be spread over the 110 lots indicated on the Assessment Diagram (Exhibit A).

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 21, 2024

**CITY COUNCIL OPEN PUBLIC HEARING, TAKE TESTIMONY
FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO.
2024-, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING
LEVY OF \$182.42 FOR FY 2024-25 ASSESSMENT FOR THE
SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT
DISTRICT, AND; AUTHORIZING THE CITY CLERK TO FILE A
CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH
THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO
AUGUST 1, 2024**

REQUEST:

It is requested that the City Council:

1. Open public hearing and take testimony from the public;
2. Consider adopting Resolution No. 2024-, confirming diagram, assessment and ordering levy of \$182.42 for FY 2024-25 assessment for Seabreeze Landscape Maintenance Assessment District, and;
3. Authorize the City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2024

BACKGROUND:

At the regular meeting of June 4, 1996, the City Council adopted Resolution No. 1996-62, ordering the formation of the Seabreeze Landscape Maintenance Assessment District pursuant to Streets and Highway Code §22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals.

The Landscaping and Lighting Act of 1972 requires an annual update report to be prepared which includes the costs to maintain the improvements of the Districts and what the proposed assessments will be to provide for that maintenance.

At the regular meeting of May 7, 2024, the City Council adopted Resolution No. 2024-37, receiving the FY 2024-25 Engineer's Report for Seabreeze Landscape Maintenance Assessment District and calling a public hearing for May 21, 2024, on the proposed intention to levy and collect assessments for the District.

ANALYSIS:

Based on the Engineer's Report (**EXHIBIT A**), the assessment has been set in the amount of \$182.42. This is the same amount as last year's assessment and is the upper limit set by the last the assessment district at its formation in 1996.

Staff have been coordinating with various District homeowners to discuss further beautification and improvements to the District. Due to public safety concerns, sound wall reconstruction began in Fiscal Year 2021-22. Staff are recommending the continued assessment of \$182.42 in order to obtain the required fund balance to continue these improvements.

FISCAL IMPACT:

Should the City Council approve this request, the anticipated revenue for the FY 2024-25 assessment levy is \$6,749.54 for the purpose of the landscape maintenance district.

Levying of the assessment is the first step to collect the assessments to fund the landscape maintenance district.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer
Public Works Department
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF \$182.42
FOR FY 2024-25 ASSESSMENT FOR THE SEABREEZE LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT AND AUTHORIZING THE CITY CLERK
TO FILE A CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH THE
MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO AUGUST 1, 2024

WHEREAS, on June 4, 1996, the City ordered the formation of the Seabreeze Landscape Maintenance District pursuant to Streets and Highway Code §22594, and;

WHEREAS, the City Engineer filed the Engineer's Report, fiscal year 2024-25, required by Streets and Highways Code §22622 for said District, and;

WHEREAS, on May 7, 2024, the City approved said Engineer's Report, declared its intention to levy and collect assessments within said District and set a hearing to ascertain whether the City shall order the levy and assessment of said assessment, and;

WHEREAS, said public hearing was held on May 21, 2024, and;

WHEREAS, levying of the assessment is the first step to collect the assessments to fund the landscape maintenance districts, and;

WHEREAS, provisions of this resolution are severable and if anyone provision is determined to be impermissible then the remainder of the resolution shall remain in full force and effect, and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. The City does hereby confirm the diagram and assessment as described in the Engineer's Report on file with the City Clerk.
2. The City does hereby order the levy and collection of said assessment, \$182.42, for FY 2024-25 assessment for Seabreeze Landscape Maintenance Assessment District.
3. It is the intention of the City of Marina that any monetary advance made by it during any fiscal year to cover a deficit in the improvement fund of the Seabreeze Landscape Maintenance Assessment District shall be repaid from the next annual assessments levied and collected within the Seabreeze Landscape Maintenance Assessment District.
4. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessment with the Monterey County Auditor prior to August 1, 2024.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of May 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



**CITY OF MARINA
MONTEREY COUNTY
CALIFORNIA**

**SEABREEZE LANDSCAPE
MAINTENANCE
ASSESSMENT DISTRICT

ENGINEER'S REPORT**

FY 2024-2025

Council Members:

B. DELGADO, MAYOR

**L. VISSCHER
K. BIALA**

**B. MCCARTHY
J. MCADAMS**

**LAYNE LONG
ANITA SHEPHERD-SHARP
HEIDI QUINN
NOURDIN KHAYATA**

**City Manager
Deputy City Clerk
City Attorney
Interim Public Works Director**

**Prepared By
City of Marina
Public Works Department**

SEABREEZE
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

FY 2024-2025

This report concerns the Seabreeze Landscape Maintenance Assessment District.

This report has been prepared pursuant to Section 22265 through 22574 of the Streets and Highway Code (Landscaping and Landscaping Act 1972).

The Assessment District encompasses the Seabreeze subdivision located on the north side of Beach Road and west of Marina Drive in the City of Marina, County of Monterey, State of California.

The subdivision consists of 37 residential lots, with all underground utilities (water, sewer, gas and electric) street and drainage improvements. The Assessment District has been formed for the purpose of maintaining the proposed landscape areas including the street scape along the Northerly side of Beach Road adjacent to Seabreeze Subdivision, Tract No. 1251 and the buffer along the westerly side of the Southern Pacific Railroad within the rear portion of Lots 18 through 21 of the Seabreeze subdivision. Lot 38 is dedicated to the City for the maintenance of the drainage percolation basin. These improvements were installed and paid for by the developer.

A brief description of the improvements that are to be maintained by the Assessment District are:

All landscaping elements, irrigation systems and services thereto located along the Northerly side of Beach Road, the westerly of Southern Pacific Railroad and the easterly of the percolation pond. Also included is the maintenance, repair and replacement of the sound walls. Landscaping elements consist of ground cover, shrubs, trees, irrigation pipelines, controllers, valves, emitters, sprinklers and appurtenant improvements all as delineated on the plans with the City of Marina and titled Seabreeze Streetscape and Buffer Plans prepared by Isaacson Wood & Associates, Landscape Architecture.

This report includes the following attached exhibits:

EXHIBIT A - An Assessment Diagram and Boundary Map showing all the parcels of the real property within the Assessment District and location of the landscaped areas to be maintained by the Assessment District. The Diagram is keyed to Exhibit C by the separate "Assessment District".

EXHIBIT B - Spreadsheet showing estimated costs for FY 2023-2024, FY 2024-2025 and FY 2025-2026.

EXHIBIT C - An assessment roll showing the amount proposed to be assessed against each parcel of real property within this Assessment District. In addition to the Assessors Parcel Number each parcel has been assigned a separate "Assessment Number" which corresponds to the lot number of each parcel.

Page Two
Engineer's Report
Seabreeze Landscape Maintenance Assessment District

EXHIBIT D - Method of determination of assessment spread.

Respectfully submitted

Nourdin Khayata, PE
Interim Public Works Director

April 2024

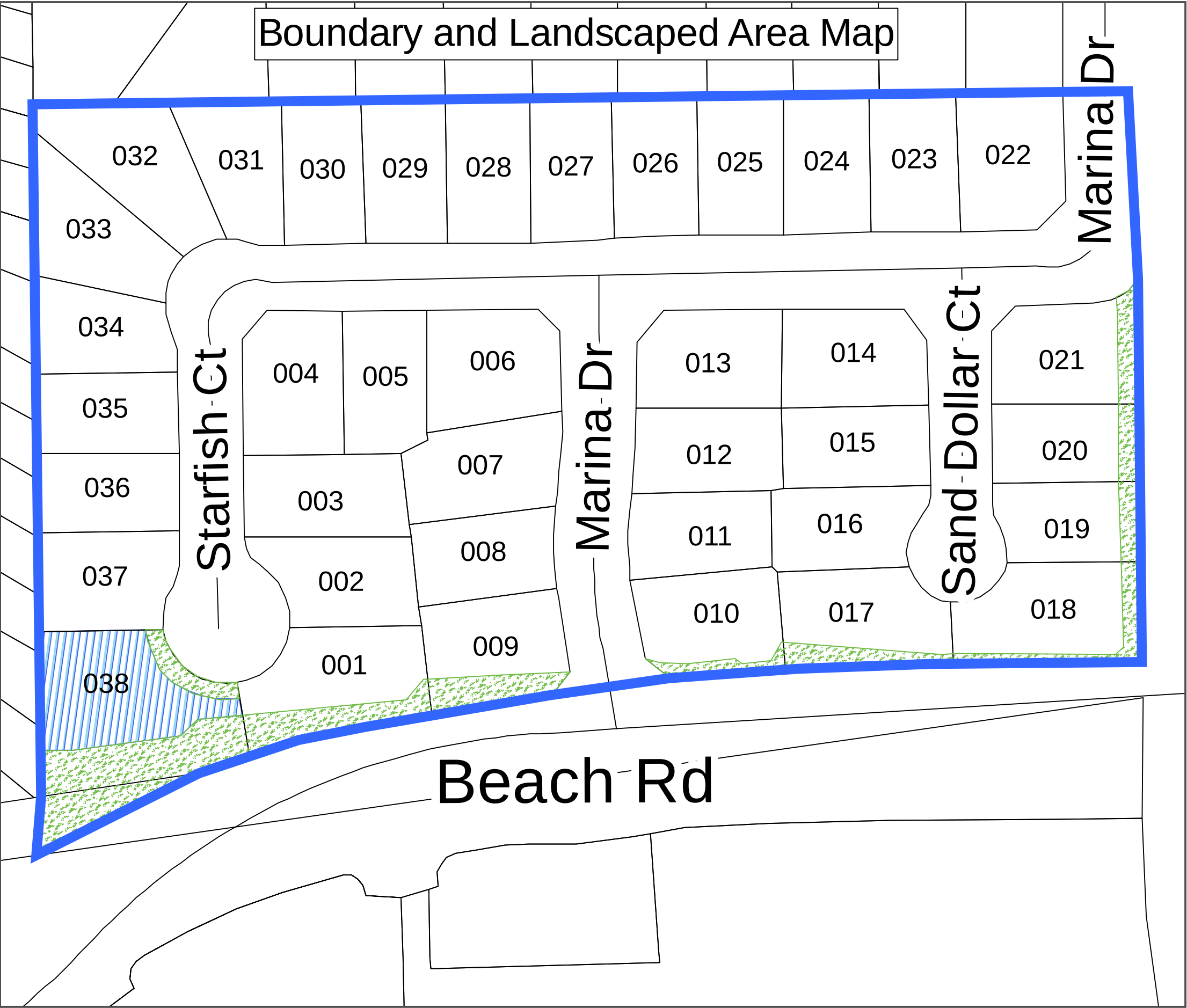
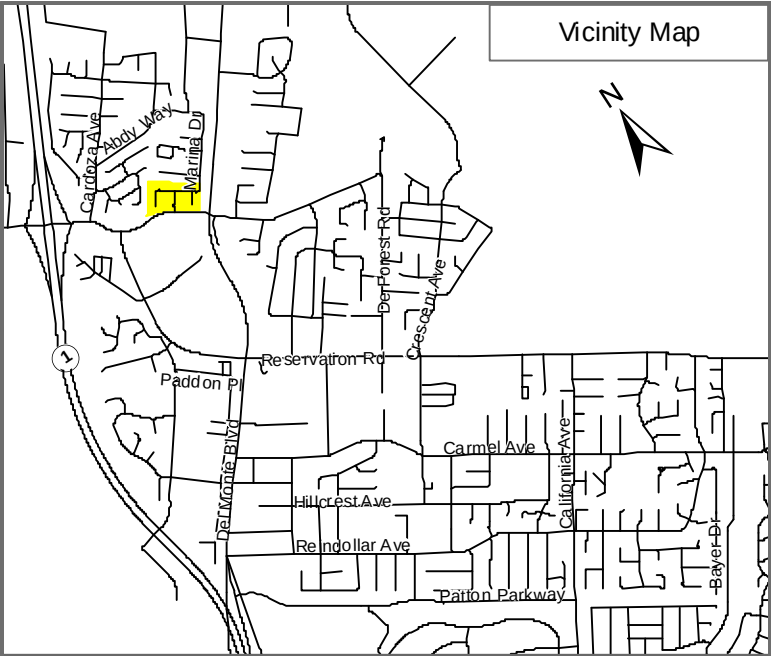


EXHIBIT A

Seabreeze

Landscape Maintenance District



Legend

Seabreeze

- Boundary
- Landscaped Area
20,470 SQ FT
- Parcels
- Percolation Lot
- Roads

Date: April 15th, 2009

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The City of Marina and Monterey County GIS should be queried for the most current information. Parcel data is of mapping grade only and does not represent reliable locations or legal boundaries.

Sources: Monterey County GIS, City of Marina CDD
Map Projection: California State Plane Zone IV, NAD 83 (Feet)

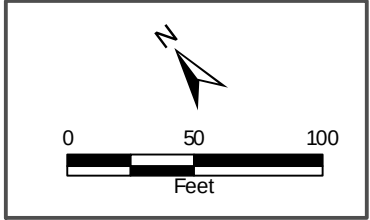


EXHIBIT B
SEABREEZE LANDSCAPE MAINTENANCE DISTRICT

Summary	Estimates FY 2023-2024	Estimates FY 2024-2025	Estimates FY 2025-2026
Beginning Cash Balance, July 1 st	\$ 3,585	\$ 4,244	\$ 1,307
(a) Total Assessment Revenues (37 Parcels)	\$ 6,750	\$ 6,750	\$ 6,750

Expenditures

Contractor Services			
(b) Landscape Maintenance Contract	\$ 2,616	\$ 2,712	\$ 2,793
Utilities	\$ -	\$ -	\$ -
Large Tree Trimming	\$ -	\$ -	\$ -
Extraordinary Maintenance	\$ -	\$ 3,500	\$ -
Plant Replacement	\$ -	\$ -	\$ -
Administrative Services			
Administration (Incl. Engineers Report)	\$ 1,500	\$ 1,500	\$ 1,500
Cost Allocation Plan Charges	\$ 1,740	\$ 1,740	\$ 1,740
Legal Advertising	\$ 235	\$ 235	\$ 235
Total Expenditures	\$ 6,091	\$ 9,687	\$ 6,268

(c) Net Change in Fund Balance	\$ 659	\$ (2,937)	\$ 482
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(d) Ending Fund Balance, June 30 th	\$ 4,244	\$ 1,307	\$ 1,789
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(a) Maximum Assessment per Prop 218 is \$182.42 per parcel. The assessment amount for FY24-25 is consistent with FY23-24 at \$182.42 per parcel.

(b) Maintenance Costs are shown as increasing per fiscal year by an estimated Consumer Cost Index (CPI) of 3% as allowed by the Contract Specifications.

(c) Net Change in Fund Balance equals the Total Expenditures subtracted from Total Assessment Revenue for that Fiscal Year.

(d) End Fund Balance equals the Net Change in Fund Balance plus the Beginning Cash Balance of that Fiscal Year.

EXHIBIT C

SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
1	033-082-001	\$182.42
2	033-082-002	\$182.42
3	033-082-003	\$182.42
4	033-082-004	\$182.42
5	033-082-005	\$182.42
6	033-082-006	\$182.42
7	033-082-007	\$182.42
8	033-082-008	\$182.42
9	033-082-009	\$182.42
10	033-082-010	\$182.42
11	033-082-011	\$182.42
12	033-082-012	\$182.42
13	033-082-013	\$182.42
14	033-082-014	\$182.42
15	033-082-015	\$182.42
16	033-082-016	\$182.42
17	033-082-017	\$182.42

SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
18	033-082-018	\$182.42
19	033-082-019	\$182.42
20	033-082-020	\$182.42
21	033-082-021	\$182.42
22	033-082-022	\$182.42
23	033-082-023	\$182.42
24	033-082-024	\$182.42
25	033-082-025	\$182.42
26	033-082-026	\$182.42
27	033-082-027	\$182.42
28	033-082-028	\$182.42
29	033-082-029	\$182.42
30	033-082-030	\$182.42
31	033-082-031	\$182.42
32	033-082-032	\$182.42
33	033-082-033	\$182.42
34	033-082-034	\$182.42

SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
35	033-082-035	\$182.42
36	033-082-036	\$182.42
37	033-082-037	\$182.42

EXHIBIT D

METHOD OF DETERMINATION OF ASSESSMENT SPREAD

The maintenance of the landscaped areas within the Assessment District benefits the Assessment District as a whole. Therefore, the assessment should be equally apportioned over the 37 residential building sites or lots contained within the district as indicated on the Assessment Diagram (Exhibit A).

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 21, 2024

**CITY COUNCIL OPEN PUBLIC HEARING, TAKE TESTIMONY
FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO.
2024-, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING
LEVY OF \$77.14 FOR THE FY 2024-25 ASSESSMENT FOR THE
MONTEREY BAY ESTATES LIGHTING & LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZING
THE CITY CLERK TO FILE A CERTIFIED COPY OF THE DIAGRAM
AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-
CONTROLLER PRIOR TO AUGUST 1, 2024**

REQUEST:

It is requested that the City Council:

1. Open public hearing and take testimony from the public;
2. Consider adopting Resolution No. 2024-, confirming diagram, assessment and ordering levy of \$77.14 for FY 2024-25 assessment for the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District, and;
3. Authorize the City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2024.

BACKGROUND:

At the regular meeting of October 3, 1989, the City Council adopted Resolution No. 1989-62, ordering the formation of the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District pursuant to Streets and Highway Code §22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals.

The Landscaping and Lighting Act of 1972 requires an annual update report to be prepared which includes the costs to maintain the improvements of the Districts and what the proposed assessments will be to provide for that maintenance.

At the regular meeting of May 7, 2024, the City Council adopted Resolution No. 2024-38, receiving the FY 2024-25 Engineer's Report for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District and calling a public hearing for May 21, 2024, on the proposed intention to levy and collect assessments for the District.

ANALYSIS:

Based on the Engineer's Report (**EXHIBIT A**), the assessment has been set in the amount of \$77.14. This is the same amount as last year's assessment and is the upper limit set by the last Proposition 218 rate vote by members of the assessment district established in 1989.

Feedback from District residents has been positive, expressing adequate levels of landscape maintenance and site cleanup accomplished with the current funding assessment. Unless District residents request additional beautification or improvements, staff recommend continuing the current assessment and level of maintenance. Regular maintenance of the existing District and updates to the District website will continue.

FISCAL IMPACT:

Should the City Council approve this request, the anticipated revenue for the FY 2024-25 assessment levy is \$12,496.68 for the purpose of the landscape maintenance district.

Levying of the assessment is the first step to collect the assessments to fund the landscape maintenance district.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Public Works Department
City of Marina

REVIEWED/CONCUR:

Nourdin Khayata
Interim Public Works Director
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
CONFIRMING THE DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF
\$77.14 FOR FY 2024-25 ASSESSMENT FOR THE MONTEREY BAY ESTATES
LIGHTING & LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT AND
AUTHORIZING THE CITY CLERK TO FILE A CERTIFIED COPY OF THE
DIAGRAM AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-
CONTROLLER PRIOR TO AUGUST 1, 2024

WHEREAS, on October 3, 1989, the City ordered the formation of the Monterey Bay Estates Lighting & Landscape Maintenance District pursuant to Streets and Highway Code §22594, and;

WHEREAS, the City Engineer filed the Engineer's Report, fiscal year 2024-2025, required by Streets and Highways Code §22622 for said District, and;

WHEREAS, on May 7, 2024, the City preliminarily approved said Engineer's Report, declared its intention to levy and collect assessments within said District and set a hearing to ascertain whether the City shall order the levy and assessment of said assessment, and;

WHEREAS, said public hearing was held on May 21, 2024, and;

WHEREAS, levying of the assessment is the first step to collect the assessments to fund the landscape maintenance districts, and;

WHEREAS, provisions of this resolution are severable and if anyone provision is determined to be impermissible then the remainder of the resolution shall remain in full force and effect, and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. The City does hereby confirm the diagram and assessment as described in the Engineer's Report on file with the City Clerk.
2. The City does hereby order the levy and collection of said assessment, \$77.14, for FY 2024-25 assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District.
3. It is the intention of the City of Marina that any monetary advance made by it during any fiscal year to cover a deficit in the improvement fund of the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District shall be repaid from the next annual assessments levied and collected within the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District.
4. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessment with the Monterey County Auditor prior to August 1, 2024.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of May 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



**CITY OF MARINA
MONTEREY COUNTY
CALIFORNIA**

**MONTEREY BAY ESTATES LIGHTING
AND LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT**

ENGINEER'S REPORT

FY 2024-2025

Council Members:

B. DELGADO, MAYOR

**L. VISSCHER
K. BIALA**

**B. MCCARTHY
J. MCADAMS**

**LAYNE LONG
ANITA SHEPHERD-SHARP
HEIDI QUINN
NOURDIN KHAYATA**

**City Manager
Deputy City Clerk
City Attorney
Interim Public Works Director**

**Prepared By
City of Marina
Public Works Department**

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

FY 2024-2025

This report concerns the Monterey Bay Estates Lighting and Landscape Maintenance District.

The Assessment District consists of the Monterey Bay Estates Subdivision located in the northeasterly portion of the City of Marina. The subdivision contains 162 lots, a percolation pond parcel, and a park parcel.

The subdivision consists of 162 single family homes complete with underground utilities, water and wastewater facilities, public lighting facilities, street and drainage improvements, and landscaping. The Assessment District has been formed for the purpose of maintaining and servicing both the landscaping areas and public lighting facilities within the subdivision. The landscaping areas to be maintained and serviced are those in the percolation pond parcel and the street rights-of-way of De Forest Road and Quebrada Del Mar adjacent thereto; in and adjacent to the Crescent Avenue right-of-way, installed and paid for by the developer. The public lighting facilities to be maintained and serviced include all the public lighting facilities within the subdivision installed and paid for by the developer.

This report has been prepared pursuant to Sections 22500 through 22679 of the Streets and Highway Code (Landscaping and Lighting Act of 1972).

The improvements to be maintained which are the subject of this report, are briefly described as follows:

Landscaping elements within the percolation pond parcel and the street rights-of-way of De Forest Road and Quebrada Del Mar adjacent thereto, and landscaping elements within and adjacent to the Crescent Avenue right-of-way (See Exhibit A) are considered as the landscaping improvements included in the Assessment District. Landscaping elements consist of hydroseeded areas, groundcover, shrubs, trees, irrigation pipelines, controllers, valves, sprinklers, water and electrical service, and freestanding concrete block walls.

Public Lighting facilities within the street right-of-way of De Forest Road, Costa Del Mar Road, Sirena Del Mar Road, Tallmon Street, Quebrada Del Mar Road, Isla Del Sol Way, Estrella Del Mar Way and Crescent Avenue all within the boundary of the Monterey Bay Estates Subdivision (Tract no. 1102) are considered as the public lighting improvements included in the Assessment District, see Exhibit A. The public lighting facilities consist of electroliers, mast arm, ballast, electrical service, wiring and lamps.

Page Two
Engineer's Report
Monterey Bay Estates Lighting and Landscape Maintenance District

This report includes the following exhibits:

EXHIBIT A - An assessment diagram and boundary map showing all of the parcels of the real property within the Assessment District. The diagram is keyed to Exhibit C by the separate "Assessment Number".

EXHIBIT B - Spreadsheet showing estimated maintenance costs for FY 2023-2024, FY 2024-2025 and FY 2025-2026.

EXHIBIT C - An assessment roll showing the amount proposed to be assessed against each parcel of real property within this Assessment District. In addition to the Assessor's Parcel Number each parcel has been assigned a separate "Assessment Number" which corresponds to that parcel's lot number.

EXHIBIT D- A statement of the method by which the undersigned determined the amount to be assessed against each parcel based on the benefits to be derived by each parcel, respectively, from the improvements.

Respectfully submitted,

Nourdin Khayata, PE
Interim Public Works Director

April 2024

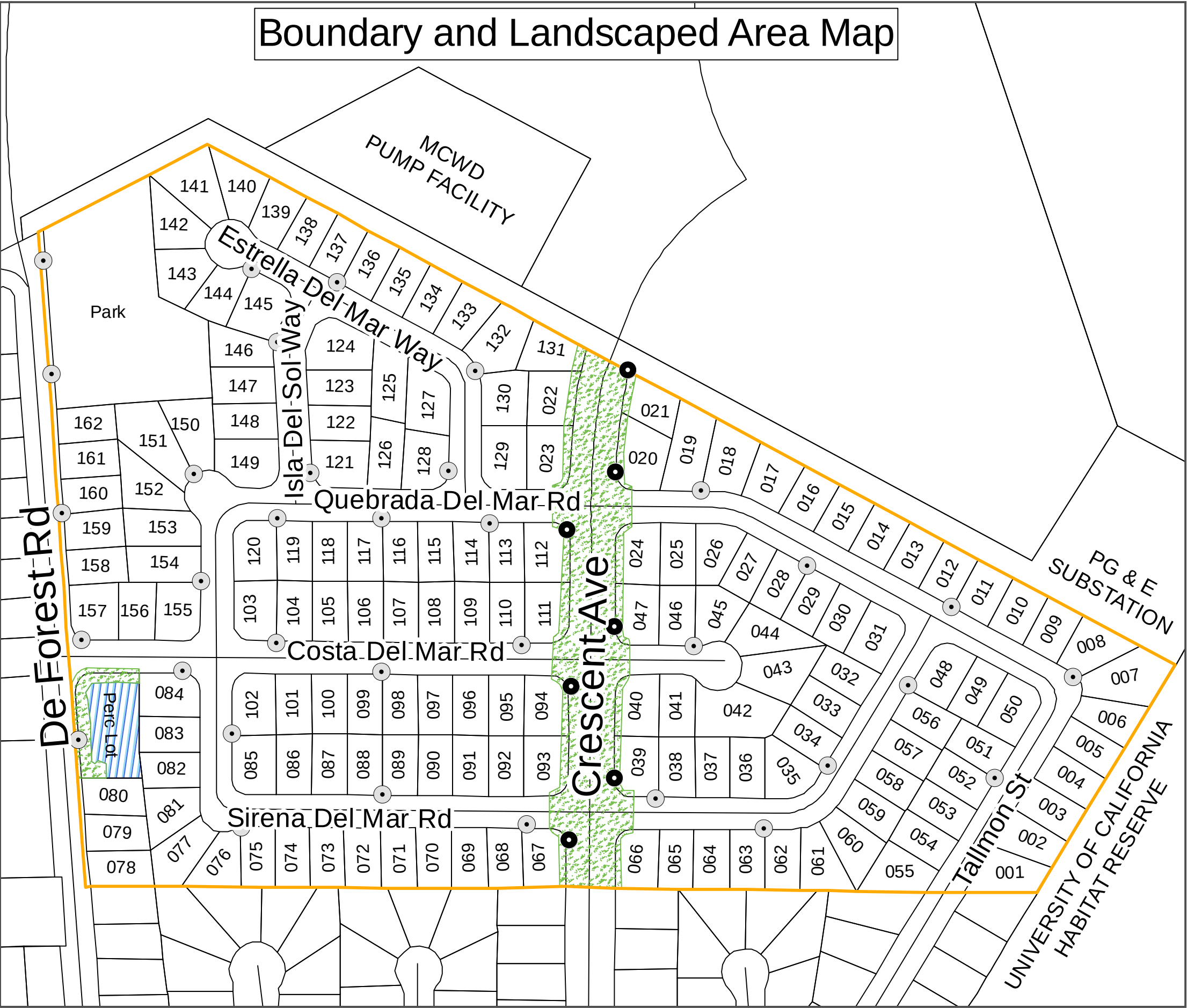
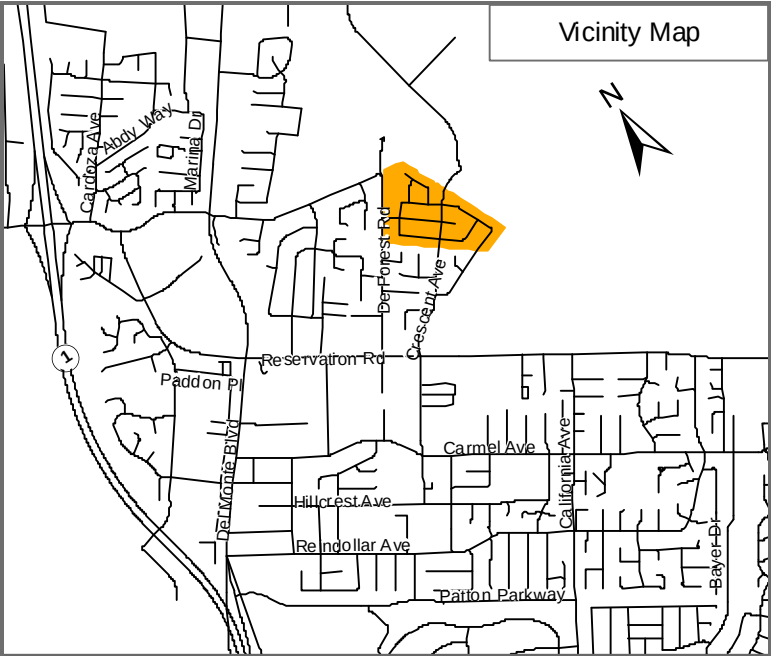


EXHIBIT A
Monterey Bay Estates
Lighting and Landscape
Maintenance District



Legend

Boundary	Parcels
Landscaped Area 2.14 Acres	Percolation Lot
	Roads

Maintained Street Lights

	Total 34 - 100W
	Total 7 - 200W

Date: April 15th, 2009

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The City of Marina and Monterey County GIS should be queried for the most current information. Parcel data is of mapping grade only and does not represent reliable locations or legal boundaries.

Sources: Monterey County GIS, City of Marina CDD
Map Projection: California State Plane Zone IV, NAD 83 (Feet)

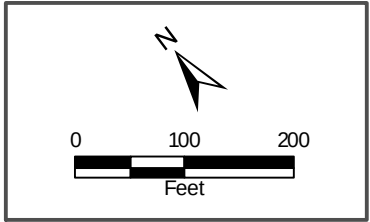


EXHIBIT B

MONTEREY BAY ESTATES LIGHTING & LANDSCAPE MAINTENANCE DISTRICT

Summary	Estimates FY 2023-2024	Estimates FY 2024-2025	Estimates FY 2025-2026
Beginning Cash Balance, July 1st	\$ 7,713	\$ 9,225	\$ 7,702
(a) Total Assessment Revenues (162 Parcels)	\$ 12,497	\$ 12,497	\$ 12,497

Expenditures

Contractor Services			
(b) Landscape Maintenance Contract	\$ 5,784	\$ 5,820	\$ 5,995
Utilities	\$ 120	\$ 120	\$ 120
Large Tree Trimming	\$ -	\$ -	\$ -
Extraordinary Maintenance	\$ -	\$ 3,000	\$ -
Plant/Tree Removal/Replacement	\$ -	\$ -	\$ -
Administrative Services			
Administration (Incl. Engineers Report)	\$ 2,000	\$ 2,000	\$ 2,000
Cost Allocation Plan Charges	\$ 2,871	\$ 2,871	\$ 2,871
Legal Advertising	\$ 209	\$ 209	\$ 209
Total Expenditures	\$ 10,985	\$ 14,020	\$ 11,195

(c) Net Change in Fund Balance	\$ 1,512	\$ (1,524)	\$ 1,302
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(d) Ending Fund Balance, June 30th	\$ 9,225	\$ 7,702	\$ 9,004
--	-----------------	-----------------	-----------------

(a) Maximum Assessment per Prop 218 is \$77.14 per parcel. The assessment amount for FY24-25 is consistent with FY23-24 at \$77.14 per parcel.

(b) Maintenance Costs are shown as increasing per fiscal year by an estimated Consumer Cost Index (CPI) of 3% as allowed by the Contract Specifications.

(c) Net Change in Fund Balance equals the Total Expenditures subtracted from Total Assessment Revenue for that Fiscal Year.

(d) End Fund Balance equals the Net Change in Fund Balance plus the Beginning Cash Balance of that Fiscal Year.

EXHIBIT C

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
1	032-541-01	\$77.14
2	032-541-02	\$77.14
3	032-541-03	\$77.14
4	032-541-04	\$77.14
5	032-541-05	\$77.14
6	032-541-06	\$77.14
7	032-541-07	\$77.14
8	032-541-08	\$77.14
9	032-541-09	\$77.14
10	032-541-10	\$77.14
11	032-541-11	\$77.14
12	032-541-12	\$77.14
13	032-541-13	\$77.14
14	032-541-14	\$77.14
15	032-541-15	\$77.14
16	032-541-16	\$77.14
17	032-541-17	\$77.14
18	032-541-18	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
19	032-541-19	\$77.14
20	032-541-20	\$77.14
21	032-541-21	\$77.14
22	032-555-38	\$77.14
23	032-555-02	\$77.14
24	032-542-01	\$77.14
25	032-542-02	\$77.14
26	032-542-03	\$77.14
27	032-542-04	\$77.14
28	032-542-05	\$77.14
29	032-542-06	\$77.14
30	032-542-07	\$77.14
31	032-542-08	\$77.14
32	032-542-09	\$77.14
33	032-542-10	\$77.14
34	032-542-11	\$77.14
35	032-542-12	\$77.14
36	032-542-13	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
37	032-542-14	\$77.14
38	032-542-15	\$77.14
39	032-542-16	\$77.14
40	032-542-17	\$77.14
41	032-542-18	\$77.14
42	032-542-25	\$77.14
43	032-542-26	\$77.14
44	032-542-21	\$77.14
45	032-542-22	\$77.14
46	032-542-23	\$77.14
47	032-542-24	\$77.14
48	032-543-01	\$77.14
49	032-543-02	\$77.14
50	032-543-03	\$77.14
51	032-543-04	\$77.14
52	032-543-05	\$77.14
53	032-543-06	\$77.14
54	032-543-07	\$77.14
55	032-543-08	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
56	032-543-09	\$77.14
57	032-543-10	\$77.14
58	032-543-11	\$77.14
59	032-543-12	\$77.14
60	032-543-13	\$77.14
61	032-543-14	\$77.14
62	032-543-15	\$77.14
63	032-543-16	\$77.14
64	032-543-17	\$77.14
65	032-543-18	\$77.14
66	032-543-19	\$77.14
67	032-551-01	\$77.14
68	032-551-02	\$77.14
69	032-551-03	\$77.14
70	032-551-04	\$77.14
71	032-551-05	\$77.14
72	032-551-06	\$77.14
73	032-551-07	\$77.14
74	032-551-08	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
75	032-551-09	\$77.14
76	032-551-10	\$77.14
77	032-551-11	\$77.14
78	032-551-12	\$77.14
79	032-551-13	\$77.14
80	032-551-14	\$77.14
81	032-551-15	\$77.14
82	032-551-16	\$77.14
83	032-551-17	\$77.14
84	032-551-18	\$77.14
85	032-552-01	\$77.14
86	032-552-02	\$77.14
87	032-552-03	\$77.14
88	032-552-04	\$77.14
89	032-552-05	\$77.14
90	032-552-06	\$77.14
91	032-552-07	\$77.14
92	032-552-08	\$77.14
93	032-552-09	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
94	032-552-10	\$77.14
95	032-552-11	\$77.14
96	032-552-12	\$77.14
97	032-552-13	\$77.14
98	032-552-14	\$77.14
99	032-552-15	\$77.14
100	032-552-16	\$77.14
101	032-552-17	\$77.14
102	032-552-18	\$77.14
103	032-553-01	\$77.14
104	032-553-02	\$77.14
105	032-553-03	\$77.14
106	032-553-04	\$77.14
107	032-553-05	\$77.14
108	032-553-06	\$77.14
109	032-553-07	\$77.14
110	032-553-08	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
111	032-553-09	\$77.14
112	032-553-10	\$77.14
113	032-553-11	\$77.14
114	032-553-12	\$77.14
115	032-553-13	\$77.14
116	032-553-14	\$77.14
117	032-553-15	\$77.14
118	032-553-16	\$77.14
119	032-553-17	\$77.14
120	032-553-18	\$77.14
121	032-554-01	\$77.14
122	032-554-02	\$77.14
123	032-554-03	\$77.14
124	032-554-04	\$77.14
125	032-554-05	\$77.14
126	032-554-06	\$77.14
127	032-554-07	\$77.14
128	032-554-08	\$77.14
129	032-555-03	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
130	032-555-39	\$77.14
131	032-555-05	\$77.14
132	032-555-06	\$77.14
133	032-555-07	\$77.14
134	032-555-08	\$77.14
135	032-555-09	\$77.14
136	032-555-10	\$77.14
137	032-555-11	\$77.14
138	032-555-12	\$77.14
139	032-555-13	\$77.14
140	032-555-14	\$77.14
141	032-555-15	\$77.14
142	032-555-16	\$77.14
143	032-555-17	\$77.14
144	032-555-18	\$77.14
145	032-555-19	\$77.14
146	032-555-20	\$77.14
147	032-555-21	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2024-2025

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
148	032-555-22	\$77.14
149	032-555-23	\$77.14
150	032-555-24	\$77.14
151	032-555-25	\$77.14
152	032-555-26	\$77.14
153	032-555-27	\$77.14
154	032-555-28	\$77.14
155	032-555-29	\$77.14
156	032-555-30	\$77.14
157	032-555-31	\$77.14
158	032-555-32	\$77.14
159	032-555-33	\$77.14
160	032-555-34	\$77.14
161	032-555-35	\$77.14
162	032-555-36	\$77.14

EXHIBIT D

METHOD OF DETERMINATION OF ASSESSMENT SPREAD

The maintenance of the landscaping surrounding percolation pond and Crescent Avenue landscaping together with maintenance and service of the public lighting facilities benefits the Assessment District as a whole. The tentative subdivision map approval was conditioned on the formation of this Maintenance District. Since the creation of the lots was so conditioned, each lot equally benefits from the District. Therefore, the assessment spread is based on the number of building sites or lots contained within the district as indicated on the Assessment Diagram (Exhibit A).

May 14, 2024

Item No. **11d**

Honorable Mayor and Members
of the Marina City Council

Regular Meeting of the City Council on
May 21, 2024

**CITY COUNCIL ADOPT RESOLUTION NO. 2024-, UPHOLDING THE
PLANNING COMMISSION'S APPROVAL OF CDP 23-0004 AND DENYING
THE APPEALS BASED ON CONDITIONS OF APPROVAL, REQUIRED
FINDINGS, AND CEQA EXEMPTION IN PUBLIC RESOURCES CODE
SECTION 21080.25(b).**

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2024-, upholding the Planning Commission's approval of CDP 23-0004 and denying the appeals based on conditions of approval, required findings, and CEQA exemption 21080.25(b).

BACKGROUND:

The project, in its entirety, consists of approximately 6 linear miles of roadway surface dedicated for express busway service (bus rapid transit) between Marina and Sand City. The Marina portion of the route for the SURF! busway project would begin at Monterey-Salinas Transit's (MST) Marina Transit Exchange at Reservation Road and De Forest Road (northern terminus), and end at the proposed 5th St. Transit Center (southern terminus in Marina). Given the length of the facility and its alignment, the project would be located in the cities of Marina and Sand City, running parallel to Highway 1 next to Fort Ord Dunes State Park. The busway includes dedicated express busway lanes, platforms, a new station at 5th Street on the former Fort Ord (outside the Coastal zone), and related infrastructure including the extension of the Beach Range Rd. path to the new Palm Ave. station. The project will use 100 percent zero-emission, near-zero emission, low oxide or nitrogen engines, compressed natural gas fuel, fuel cell, or hybrid powertrain buses. The completed project is expected to open in 2027 and will relieve congestion and support more frequent public transit services for people traveling within the corridor and beyond.

On April 11, 2024, the Planning Commission unanimously approved both a Coastal Development Permit (CDP) and Tree Removal Permit (TRP) as necessary for the multi-jurisdiction Project. Within the 10-day appeal period, the CDP was appealed separately by both Mason Clark (owner/operator of the handcar company currently using the Transportation Agency of Monterey County (TAMC) railroad tracks), and Michael Solerno, representing Keep Ford Ord Wild (KFOW). The documents included with the appeal(s) are included herein as **EXHIBITS A1 and A2** to the staff report. Issues raised in the appeal(s) include, generally:

- a) The project is not in compliance with the Coastal Act
- b) The project is not in compliance with the City's Local Coastal Program (LCP)
- c) The project will not improve coastal access
- d) The project is not in compliance with Proposition 116
- e) The Planning Commission erred in finding the Project exempt from the California Environmental Quality Act (CEQA).

Each appeal is described more specifically below.

LOCATION:

The Marina portion of the SURF! Busway and Bus Rapid Transit Project (project) would be located between MST's existing Marina Transit Exchange at Reservation Road and De Forest Road (northern terminus) and the existing Hwy 1 overpass at the Del Monte Blvd southbound onramp. The project also includes the development of the 5th St. Transit Center (southern terminus in Marina). This segment is in the middle of the Line 20 bus route that currently connects Salinas with Seaside and Monterey. **The City's LCP jurisdiction over the Project is limited to 0.37 acres within the TAMC right-of-way (ROW) near the Hwy 1 overpass.** The 5th St. Transit Center property is outside the Coastal zone and proposed development and tree removal there is not subject to the CDP being challenged in the appeals.

ANALYSIS:

The project is located in an urbanized area within an existing transportation corridor that is assumed for continued transportation use in local land use and zoning documents. The majority of the alignment of the new "off-road" busway would be within the TAMC Monterey Branch Line rail corridor ROW, an approximately 100-foot wide corridor generally located between Beach Range Road and the Monterey Peninsula Recreation Trail on the ocean side of Highway 1, which has been used for transportation purposes (rail) since the late 1800s. Other portions of the project will be on MST's property, specifically the proposed 5th St. Transit Center which is located on land provided to MST through the former Fort Ord closure and specifically identified as a multi-modal center. Public roadways would be used for the SURF! line at both ends of the route.

The larger project includes the removal of 92 trees within the TAMC ROW and at the 5th St. Transit Center property. **Only two (2) trees are proposed for removal within the City's Coastal zone and, therefore, subject to the appeals.** Coastal Development Permit (CDP) findings are included in the draft Council Reso. 2024-__ as are conditions of approval and a description of and link to the CEQA document.

Coastal Development Permit

A small portion of the total project site, 0.37 acres, is located within the City's Coastal Development Permit (CDP) jurisdiction. All development in this location is subject to the City's Local Coastal Program (LCP). The LCP includes regulations for land uses, development standards, coastal access, and addressing potential impacts to special status species and Environmentally Sensitive Habitat Areas (ESHA). Public transportation rights-of-ways have neither land use designations nor zoning ascribed to them as their only uses are for transportation.

The California Coastal Act defines ESHA as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities." ([PRC § 30107.5](#)). The biological report¹ (Report) prepared for the project (DD&A, May 2021) identified three (3) areas within the entire project site (including the portion along the west side of Hwy 1 within the California Coastal Commission's (CCC) retained CDP jurisdiction) that could be considered ESHA under this definition: Dune scrub, habitat for Smith's blue butterfly (i.e., buckwheat), and areas supporting rare plants. The biological report did not identify any of these within the City's 0.37-acre CDP jurisdiction. The report notes that only 0.1 acres of this type of habitat occurs within the entire project area and it is near the southern boundary of Fort Ord Dunes SP. The Report further concludes that there is no area supporting rare plants within the small portion of retained City CDP jurisdiction.

¹ <https://mst.org/wp-content/media/Appendix-07-Final-Biological-Resources-Report.pdf>

Furthermore, the project seeks to create improved coastal access by providing non-motorized connections to existing coastal paths and trails. Coastal access is an important part of the City's LCP and the Coastal Act. Lastly, the subject area is not included on the "Natural Habitats" map in the Land Use Plan portion of the LCP.

For these reasons, staff finds the project consistent with the City's certified Local Coastal Program (LCP) and recommends that the City Council deny the appeals and uphold the Planning Commission's approval based on findings, conditions of approval, and the CEQA determination provided.

The Planning Commission Reso. 2024-09 is included herein as **EXHIBIT B** to the staff report.

Remainder of Project within City's Coastal Zone Is Subject to Exclusive Coastal Commission Jurisdiction:

The southerly portion of the busway that continues south toward Sand City is partially within City limits west of the Highway 1 corridor but falls within the Coastal Commission's retained CDP jurisdiction; the City has no permitting authority in this area. A map prepared by the Coastal Commission showing this area is included in PC Reso. 2024-09 (**EXHIBIT B**).

Clark Appeal

Mason Clark, owner/operator of Handcar Tours, appeals the Planning Commission's issuance of the CDP on grounds that the Project conflicts with the following policies in the City's LCP:

2. To provide beach access and recreational opportunities consistent with public safety and with the protection of the rights of the general public and of private property owners.

6. To provide for a level of recreation use which is consistent with the ability to operate, maintain, police and protect the beach and dune environment.

13. To give priority to visitor-serving commercial and recreational uses in order to fully develop the unique Coastal-oriented recreational activities of Marina and still protect the natural resource.

14. To reinforce and support Coastal recreational and visitor-serving activities in the inland area, where appropriate, to the extent the support activities would complement, not destroy, the Coastal resource

Appellant contends that by replacing handcar tours with a portion of the SURF! busway within Marina's city limits, the City will limit coastal access. Appellant claims that under MST's project design, an existing recreational trail connection point (which is not within the City's LCP jurisdiction) would be moved slightly to the north in order to preserve coastal access. Appellant claims that this will increase the length of this particular pedestrian/bicycle coastal access by approximately 1/3 mile (less than 2000 ft) and would require pedestrian/bicycle users to share part of this coastal access with occasional maintenance trucks. Appellant also contends that the Handcar Tours is a recreational use and therefore cannot be replaced by the SURF! busway, which appellant claims is not a recreational use.

Staff Response (addressed further under “Analysis”): Per the LCP, the policies Appellant identifies are simply “statements of intent” and are not binding upon the City. (LCP at 2-1). Rather, the LCP explains that “[i]mplementation of these policies will sometimes mean achieving a balance among the policies which best effectuates the City’s Local Coastal Land Use Plan.” *Id.* Importantly, other policies in the LCP *support* implementation of the SURF! busway. For example:

35. *To encourage continued and improved service by mass transit within the Coastal Zone.*

36. *To provide and promote the role of Marina as the physical and visual gateway to the Monterey Peninsula*

39. *To encourage development which keeps energy consumption to the lowest level possible.*

(LCP at 2-3) (emphasis added). By maintaining coastal access for pedestrians/bicyclists while also implementing the SURF! busway – which provides a more climate-friendly, mass transit alternative to commuters in the region – the Planning Commission properly exercised its policy judgment to strike a balance among the LCP’s various policies. Furthermore, the portion of the SURF! project within the City’s CDP jurisdiction will improve existing coastal access by formalizing the existing “social trails” along Beach Range Rd. and Marina Dr. to the new Palm Ave. transit stop (all within the TAMC ROW), and by improving pedestrian crossings at Reindollar Ave. Appellant simply disagrees with the Planning Commission’s policy choice.

Moreover, although not directly relevant to the appeal, it is important to note that Appellant Clark’s business, Museum of Handcar Technology (“Museum”), currently subleases an approximately 3.5-mile segment of the railway from TAMC, under TAMC’s lease from the City. The existing lease expires on October 31, 2024. Both the primary lease between the City and TAMC and the sublease between the City and Museum expressly acknowledge that “*Museum understands and agrees that LESSOR has future plans for the Property, such as the SURF! Busway and Bus Rapid Transit Project, or other transportation uses. Thus, Museum agrees to vacate the Property during the TERM of the SUBLEASE or any renewal or extension of the SUBLEASE, without liability to the CITY, upon termination of the SUBLEASE by the CITY.*”²

For these reasons, as for the reasons further explained below, staff recommends the Council deny the appeal.

Keep Fort Ord Wild (KFOW) Appeal

Appellant appeals the Planning Commission’s issuance of the CDP on the following grounds:

- Portions of MST’s larger project, which are *outside* of the City’s LCP jurisdiction (and in some cases, outside of the City’s municipal boundary), contain Environmentally Sensitive Habitat Areas (ESHA). Under the Coastal Act, only uses dependent on their proposed location in ESHA may be allowed within ESHA. Pub. Res. Code sec. 30240(a).
- Under Proposition 116, which was approved by California voters in 1990 as a funding tool for certain public mass transit projects, the Project is not eligible for MST’s proposed funding. Appellant claims that Proposition 116 limits this funding to “rail” projects, and therefore the Project would not qualify because it would remove existing railway and would make future railway use impossible.

² TAMC/City Lease agreement executed 11/04/22 and City/Museum Sublease agreement executed 11/09/22

- The Planning Commission erred in finding the Project exempt from CEQA pursuant to Public Resources Code section 21080.25(b), specifically because in Appellant's view, the Coastal Commission must find that the exemption applies before the City can make such finding.
- The Project will negatively impact bicycle traffic and coastal access because it will require re-routing existing bike trails such that cyclists will have to share the road with vehicles.

Staff Response (addressed further under "Analysis"): City's review of the CDP is limited to evaluating CDP's consistency with specific findings set forth in Marina's LCP, General Plan, and other relevant planning documents. MMC sec. 17.40.200(E)(3). Valid grounds for appealing a CDP are limited to claims that the proposed development:

- a. Fails to provide adequate physical access or public or private commercial use or interferes with such uses.
- b. Fails to protect public views from any public road or from a recreation area to and along the coast.
- c. Is not compatible with the established physical scale of the area.
- d. May significantly alter existing landforms.
- e. Does not comply with shoreline erosion and geologic setback requirements.

MMC sec. 17.40.090(F).

Only Appellant's claim that the Project would negatively impact coastal access, by causing bicyclists to share portions of existing bike routes with vehicles, remotely relates to a valid ground for appeal. Although Appellant does not identify any particular LCP goal or policy relevant to this ground for appeal, as explained above, LCP policies are "statements of intent" and are not binding upon the City. LCP at 2-1. Rather, "[i]mplementation of these policies will sometimes mean achieving a balance among the policies which best effectuates the City's Local Coastal Land Use Plan." *Id.* Other policies in the LCP *support* implementation of the SURF! busway. LCP at 2-3 (Policies 35, 36, 39). By maintaining coastal access for pedestrians/bicyclists while also implementing the SURF! busway – which provides a more climate-friendly, mass transit alternative to commuters in the region – the Planning Commission properly exercised its policy judgment to strike a balance among the LCP's various policies. Furthermore, the portion of the SURF! project within the City's CDP jurisdiction will improve existing coastal access by formalizing the existing "social trails" along Beach Range Rd. and Marina Dr. to the new Palm Ave. transit stop (all within the TAMC ROW), and by improving pedestrian crossings at Reindollar Ave. Appellant simply disagrees with the Planning Commission's policy choice.

Appellants' remaining grounds for appeal do not relate to any permissible ground for appeal under the municipal code. The claim that portions of the Project site *outside* of the City's CDP jurisdiction (and/or City's municipal boundaries) may unlawfully interfere with ESHA is unrelated to the CDP being appealed, and is beyond the City's purview here. The claim that the Project's funding does not comply with Proposition 116 is likewise irrelevant to the CDP permit at issue; the City has no role in the funding of the SURF! project because the, and thus the funding's consistency with Proposition 116 is outside of the City's purview as well. Appellant's claim that the Coastal Commission must find that the Project qualifies for the statutory exemption for certain mass transit projects (PRC 21080.25(b)) *before* the City can make such determination has no basis in the law, nor does Appellant cite to any. As explained below, the Planning Commission reviewed MST's grounds for finding the overall Project eligible for the statutory exemption when MST approved the Project. The Commission then exercised its independent judgment to find that the CDP (which is necessary for the overall project) qualifies for the exemption for the same reasons the overall Project does. For

these reasons, and for the reasons further explained below, staff recommends the Council deny the appeal.

CEQA Process

On June 14, 2021, MST filed a Notice of Determination of MST's adoption of a MND for the Project. As part of that process, MST consulted with the City as a "responsible agency" under CEQA (CEQA Guidelines, § 15096). MST determined that, based on the results of the Initial Study and supporting documentation, all potential environmental effects resulting from the project are either less than significant, or can be avoided or mitigated to a less than significant level, and that there is no substantial evidence that the project as mitigated would have a significant effect on the environment. As such, an Environmental Impact Report is not required. On July 11, 2021, MST found the Project exempt from CEQA under the statutory exemption in Senate Bill 288 (2021), which exempts certain types of transit projects, including bus rapid transit projects, from CEQA, and filed a Notice of Exemption.

Pursuant to the Project's Mitigation Monitoring and Reporting Program (MMRP), potential impacts to special status plant and animal species within Environmental Sensitive Habitat Areas (ESHA) are addressed through a proactive program of avoidance, monitoring, control of invasive species, pre-construction surveys, restoration with performance standards, and Federal Endangered Species Act (FESA) compliance. Mitigation measures include, but are not limited to, a requirement that during construction, a qualified biologist educate the construction crew on the special-status species and sensitive habitats that are known or may be present; specific mitigation that will be incorporated into the construction effort and procedures if a special-status species is encountered; and the protections afforded by USFWS and California Department of Fish and Wildlife. As a Project with federally protected species and federal funding, the Project and mitigation program must also be reviewed by the Federal Transit Administration and US Fish and Wildlife Service in a formal consultation process before necessary permits for construction can be secured.

On March 13, 2023, MST filed a second Notice of Exemption from CEQA under Public Resources Code section 21080.25, as amended by SB 922 (2022). The statutory exemption applies to, among other transportation related activities, bus rapid transit projects "for which a lead agency has filed a notice of exemption under this section before January 1, 2023." Pub. Resources Code § 21080.25(i)(1).

Because the project is projected to cost under \$100 million to build, the requirements in section 21080.25(d) for a racial equity analysis and business case do not apply. Instead, under subdivision (e), MST must hold three community public meetings and respond to public comments regarding the applicability of the SB 922 CEQA Exemption. MST held three public community planning meetings to hear and respond to public comments solely related to the SB 922 exemption for the Project, including at the Marina Library on February 13, 2023. On January 17, 2023, these public meetings were noticed, including publication on MST's website, on MST's social media accounts, and emailed to interested parties. The March 13, 2023, Notice of Exemption was not challenged within the 35-day statute of limitations under CEQA.

Tree Removal Permit (TRP) Approval Remains in Effect

The TRP for tree removal is explicitly not included in the appeals and, therefore, remains in effect. For information on the review of the TRP by the Tree Committee³ and the Planning Commission⁴, these staff reports can be found on the Agenda Center website.

³ https://www.cityofmarina.org/AgendaCenter/ViewFile/Agenda/_02262024-509

CORRESPONDENCE

All correspondence received relating to the Planning Commission meeting, and the subject appeals which were received at the time of this writing are included herein as **EXHIBIT C**.

FISCAL IMPACT

Application fees have covered staff processing of the original permit. On June 15, 2021, the City Council adopted Resolution 2021-66 which waives the fee for CDP appeals ensuring that local administrative remedies are exhausted before an appellant can take an appeal to the California Coastal Commission (CCC) which is the final appeal authority. Therefore, no fees were collected to cover the staff costs associated with this appeal.

ENVIRONMENTAL REVIEW:

Staff recommends that the City Council (1) find that the Council has reviewed the Notices of Exemption filed by MST on July 12, 2021, and March 13, 2023, including the reasons MST provided for adopting the exemptions; and (2) find that in the Council's independent judgment, the project qualifies as exempt from CEQA per Section 21080.25(b) of the Public Resources Code. The City will file a Notice of Exemption with the Monterey County Clerk's Office.

CONCLUSION:

Staff recommends that the Council adopt Resolution 2024-, as presented, denying the appeals and upholding the Planning Commission's April 11, 2024, approval based on findings, conditions of approval, and an exemption from CEQA per Section 21080.25(b) of the Public Resources Code.

Prepared by:

Alyson Hunter, AICP
Planning Services Manager
City of Marina

Reviewed by:

Guido F. Persicone, AICP
Director, CDD
City of Marina

Layne Long
City Manager
City of Marina

⁴ <https://cityofmarina.org/AgendaCenter/ViewFile/Item/1365?fileID=7626>



APPEAL FORM

RECEIVED

APR 16 2024

CITY OF MARINA
PLANNING DIVISION

Appeal to the Planning Commission: Review, report on, publish and perform staff work for an appeal of a staff decision to the Planning Commission.

Appeal to the City Council: Review, report on, publish and perform staff work for an appeal of a Planning Commission decision to the City Council.

Appeal to: ☐ Planning Commission ☒ City Council
From Action of: Planning Commission approval of SURF! Busway Project CDP 24-0004
Date of Action : April 11, 2024

Appellant's:
Name: Mason Clark
Mailing Address: 17926 Maplehurst Pl, Canyon Country, CA 91387 mason@handcar.com
Phone (Business): 661-600-3822 Phone (Home): 661-600-3822
Appellant's Interest: Citizen and business owner

Appellant's Reason for Appeal:

Reasons for appeal shall pertain to factual information considered by the last reviewing body. No new factual information may be submitted.

See attached narrative

Appellant's Signature: Mason Clark Date: 4/15/2024

FOR OFFICE USE ONLY:

DATE APPEAL SUBMITTED _____	APPEAL NUMBER: _____
FEE COLLECTED \$ _____	RECEIPT NUMBER _____
ORIGINAL APPLICATION NUMBER _____	PLANNER INITIALS: _____

Appeal Narrative – Mason Clark

Page 1 of 2

I am submitting an appeal of Coastal Development Permit 24-0004, also known as the SURF! Busway Project. The busway project violates the adopted City of Marina Local Coastal Plan as outlined below.

The proposed busway will remove portions of the Monterey Branch Line that will result in the discontinuance of our family's popular handcar tours over the rail line. With the train tracks removed it will be impossible for railcars to pass.

Handcar Tours is a popular recreational business that in 2023 attracted more than 10,000 riders from around the world. Primarily guests visit from inland California areas without access to the California Coast. Patronage has been exponentially growing and as of April 2024, the tours have carried more than 20,000 guests, with some tours already booked out into the summer.

Marina's Local Coastal Plan Policies specifically favor unique recreational uses such as the handcar tours over alternative non-coastal dependent uses within the coastal zone.

From the Marina LCP Policies:

13. To give priority to visitor-serving commercial and recreational uses in order to fully develop the unique Coastal-oriented recreational activities of Marina and still protect the natural resource.

The SURF! Busway is not a recreational use. It is designed to serve the local population by providing transportation between Marina and Sand City with minimal stops. Handcar Tours is primarily focused towards visitor serving Coastal recreation services. More than 95% of our customers reside from 60+ miles away and travel to Marina for the purpose of participating in human powered railroad tours through the coastal region.

Other LCP policies also favor our unique rail tours. The handcars use an existing rail line that supports conservation by avoiding impacts to the surrounding area that human foot traffic causes. The handcar fleet allows visitors to enjoy the coastal environment, while promoting green policies and conservation. The vehicles travel slowly, with little noise, and don't alarm native animal populations.

From the Marina LCP Policies:

2. To provide beach access and recreational opportunities consistent with public safety and with the protection of the rights of the general public and of private property owners.

6. To provide for a level of recreation use which is consistent with the ability to operate, maintain, police and protect the beach and dune environment.

14. To reinforce and support Coastal recreational and visitor-serving activities in the inland area, where appropriate, to the extent the support activities would complement, not destroy, the Coastal resource

By eliminating handcar tours the busway will limit coastal access. LCP policies prohibit eliminating a unique recreational use in favor of a proposed non-recreational transportation use. When competing proposals are present the policy dictates the coastal dependent recreational use shall be given priority.

The plans submitted and approved by the City of Marina Planning Commission are vague and incomplete. However, recent plans for the entire project area submitted to the California Coastal Commission show that the existing recreational trail connection point under Highway 1 is to be removed. (Exhibit A, C)

The proposed SURF Busway will reduce and hinder coastal access by eliminating a highly trafficked coast access point under Highway 1. This important access point is used by more than 2000 park and coastline visitors each week. The proposal includes moving the access approximately ¼ mile north, and then funneling bicycle and pedestrian traffic along a narrow 10 foot access road (Exhibit B) intended to be used by One Water maintenance trucks.

The pedestrian pathway will be shared with water agency's maintenance vehicles several times during weekdays, and less frequently on weekends. Pedestrians will have no place to stand to allow the trucks to pass. There isn't space to adequately widen the access road because of topographical and bridge support constraints.

The busway will also eliminate an important vertical access pathway. Coastal access is currently compliant with the Marina LCP and California coastal policies that requires vertical access to the closest road. When the Marina LCP was adopted, access was provided by a round-about path from Lake Court. However, the LCP called for a pathway to the Highway 1 recreation path that was eventually developed. This important pathway will be eliminated by the SURF Busway and will now require recreational users from the South to make 1/3 mile detour to gain access to the beach and to Fort Ord Dunes State Park. Relocation and infeasible sharing of the pathway access with One Water will violate LCP coast access policies by impeding travel. Retaining the crossing over the busway at its present location does not appear possible do to space constraints that make passage hazardous.

Exhibit A Trail Overview Map





Exhibit B

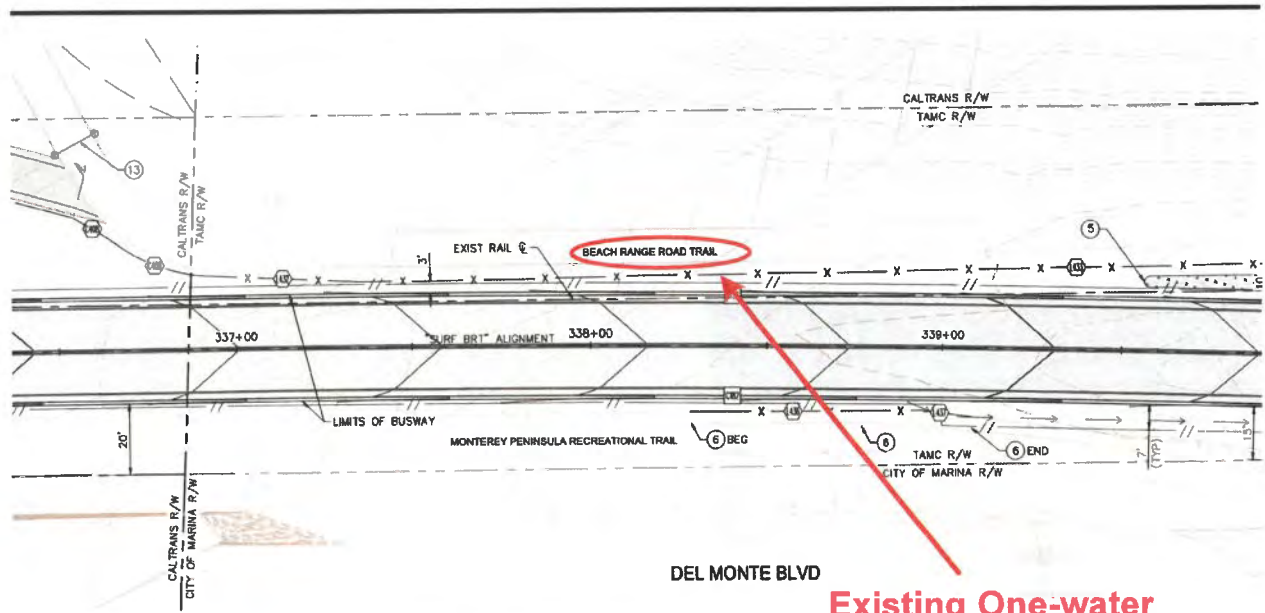
Popular recreational trail connection to the beach is proposed to be removed to accommodate the busway.



10 foot access road that will be shared for pedestrian access and One Water vehicles accessing wastewater pumping plant.

Looking South towards Sand City

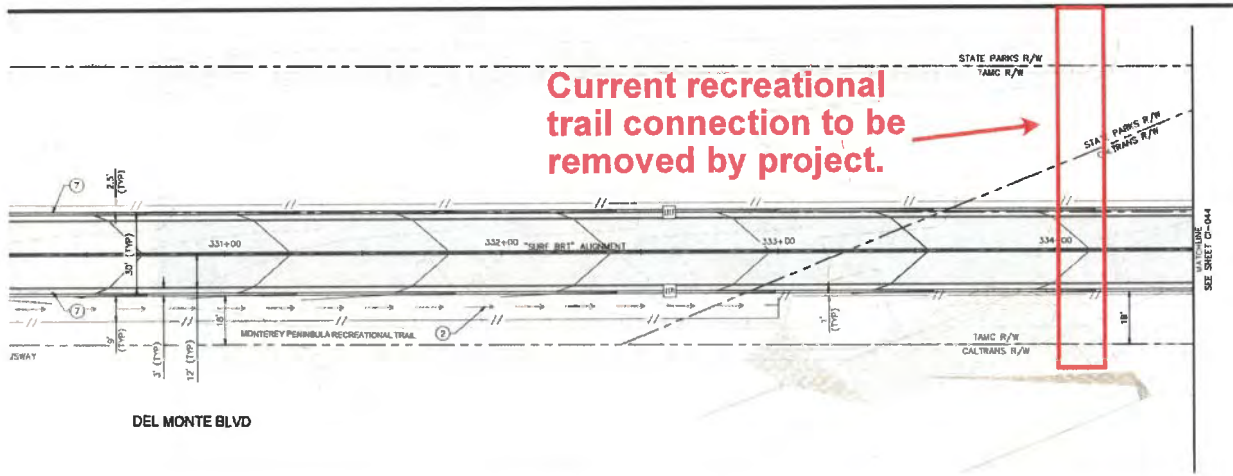
Exhibit C Site Plans



PLAN

- GENERAL NOTES**
- 1. FOR HORIZONTAL CONTROL AND ALIGNMENT GEOMETRY INFORMATION SEE HC DWGS.
 - 2. FOR SECTIONS SEE CX AND TX DWGS.
 - 3. FOR RETAINING WALL DETAILS SEE RW DWGS.
 - 4. FOR RAIL REMOVAL LIMITS SEE DN DWGS.
 - 5. ALL GEOMETRIC LABELS REFER TO FACE OF CURB, CURB AND GUTTER, GUARD RAIL, EDGE OF DIKE, CENTERLINE OF FENCE, OR BACK OF WALK. SEE CI-301 TO CI-308.

Existing One-water service road will become primary access to beach



DEL MONTE BLVD

PLAN

- GENERAL NOTES**
- 1. FOR HORIZONTAL CONTROL AND ALIGNMENT GEOMETRY INFORMATION SEE HC DWGS.
 - 2. FOR SECTIONS SEE CX AND TX DWGS.
 - 3. FOR RETAINING WALL DETAILS SEE RW DWGS.
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APPEAL FORM

Appeal to the Planning Commission: Review, report on, publish and perform staff work for an appeal of a staff decision to the Planning Commission.

Appeal to the City Council: Review, report on, publish and perform staff work for an appeal of a Planning Commission decision to the City Council.

Appeal to: ☐ Planning Commission ☒ City Council
 From Action of: PLANNING COMMISSION RESOLUTION NO. 2024-09
 Date of Action : 4/11/24

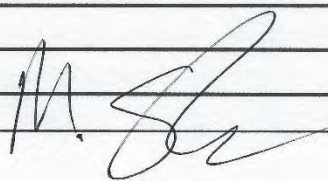
Appellant's:
 Name: Keep Fort Ord Wild
 Mailing Address: 3209 Susan Ave. Marina CA 93933
 Phone (Business): _____ Phone (Home): 831-224-5357
 Appellant's Interest: Local Community Group

Appellant's Reason for Appeal:

Reasons for appeal shall pertain to factual information considered by the last reviewing body. No new factual information may be submitted.

Please see attachments sent to City 4-18-24

mlsalerno3209@comcast.net

Appellant's Signature:  Date: 4/18/24

FOR OFFICE USE ONLY:

DATE APPEAL SUBMITTED _____	APPEAL NUMBER: _____
FEE COLLECTED \$ _____	RECEIPT NUMBER _____
ORIGINAL APPLICATION NUMBER _____	PLANNER INITIALS: _____

PLANNING DIVISION • 209 Cypress Avenue • Mail: 211 Hillcrest Ave. Marina CA 93933
 Telephone (831) 884-1220 • Fax (831) 884-9654 • www.ci.marina.ca.us



April 18, 2024

To: City of Marina

From: Keep Fort Ord Wild

RE: Appeal of City of Marina PLANNING COMMISSION RESOLUTION NO. 2024-09 dated April 11, 2024

With this correspondence Keep Fort Ord Wild (KFOW) appeals the action of the City of Marina PLANNING COMMISSION RESOLUTION NO. 2024-09 dated April 11, 2024

Note: KFOW appeals the entire resolution by the Planning Commission as the language of the resolution combines a Coastal Development Permit and Tree Removal Permit into one action. Since they cannot be separated, KFOW appeals the resolution and therefore the Coastal Development Permit.

The City of Marina Planning Commission relied on numerous inaccurate statements by MST representatives and documents put forward by the project applicant. These inaccurate statements have been perpetrated by the project applicant over multiple years giving the Planning Commission and the public the impression the SURF project can move forward when, in fact, there are multiple reasons why it is impossible for the SURF project to be constructed. The overarching barrier to construction of the SURF project is that vast portions of the project are proposed in an ESHA which makes proceeding with construction in the Coastal Zone impossible.

KFOW joins in the reasons and issues raised in all other appeals and reincorporates them as if fully set forth herein, and raises the following issues and concerns in this appeal of the commission actions to approve the permits and the claims and documents in the environmental review under CEQA, the LCP and the Coastal Act. (KFOW reserves the right to submit additional material not included here to the City before the expiration of the appeal period.)

Proposed Action by the Marina Planning Commission was Premature, SURF Project is Impossible Under the Coastal Act

The proposed action by the planning commission was premature. Only a very small portion of the SURF project is proposed within Marina's Local Coastal Plan. However, much more of the project (4.4 miles) is in the jurisdiction of the California Coastal Commission. The Coastal Act makes construction of SURF project impossible because vast portions of the project are proposed in an ESHA where land and habitat cannot be disturbed, filled, or graded.

The California Coastal Commission has not approved the SURF project. The SURF project is not scheduled for a hearing in front of the California Coastal Commission. The California Coastal Commission has asked MST for major revisions to the project and to present less impactful alternatives. MST has not provided such alternatives and instead continues to seek approval for the version of the project that would disturb unprecedented areas of ESHA and Coastal Dune Habitat. For further reference, we attach multiple letters from the California Coastal Commission to MST highlighting the fundamental problems with the SURF project and its construction in an ESHA:

The California Coastal Commission informed MST of these problems in 2021 (before MST approved the project). Important excerpts as follows:

"Coastal Act Section 30240 provides for the protection of ESHA, including sensitive dune habitats such as those found at the former Ford Ord and within the TAMC right-of-way: Section 30240 (a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."

"The currently proposed project is located in dune ESHA and is not resource dependent and is not approvable under Coastal Act Section 30240 or under the ESHA policies of the various LCPs that would apply to the project in the areas located outside of the Commission retained permitting jurisdiction..."

Project is Impossible Under Proposition 116

The Monterey Branch Line was purchased by TAMC with Proposition 116 funds that set guidelines as to how the line is to be used. Proposition 116 was a State Proposition approved by voters specifically for expansion of rail service. Ultimately, the line can only be used for rail because rail bonds were used to purchase the line. The line cannot be converted to a busway and the tracks cannot be destroyed or covered.

Inspection of the SURF design plans confirm two miles of tracks will be covered or destroyed. This is critical information and means SURF and a future TAMC rail project cannot co-exist as MST claims. MST representatives continued to intentionally downplay the length of track that would need to be removed for SURF up to and at the 4-11-24 Planning Commission meeting. SURF makes a future rail project impossible as it destroys the rail line which is not allowed under Proposition 116. MST still claims a rail project is a long-term vision for the corridor. However, it is now clear the two projects are incompatible, and MST intends to destroy the rail infrastructure along a significant portion of the Monterey Branch Line.

Planning Commission Relied on a CEQA Exemption That Does Not Apply

The Planning Commission relied on a CEQA exemption that does not apply. The Planning Commission relied on a prior CEQA exemption for MST's project that has not been fully approved by the California Coastal Commission. Unless and until the entire project is fully approved, the Planning Commission and the City cannot rely on the exemption claimed by MST.

Inaccurate Claims re: Improved Coastal Access and Recreation

MST and TAMC public officials suggest the MST SURF busway will improve local bike paths and coastal access. This is not an accurate on-the-ground reality. The MST SURF busway as proposed will result in negative and dangerous impacts to local bicycle traffic and coastal access during and after construction. The current bike paths have been thoughtfully designed to safely move bike traffic. The after-the-fact insertion of the MST SURF Busway sacrifices safe and easy bike travel.

By design, the busway fractures and re-routes existing bike trails (Beach Range Road, Monterey Bay Recreation Trail, 5th Street Bike Path). At the same time, it introduces awkward and dangerous crossings where cyclists will have to negotiate with two-way bus traffic. In Winter months cyclists will be subject to blinding headlights along with noise and vibration from buses only a few feet away. This is not an improvement from current conditions.

Currently, cyclists can travel unimpeded using Beach Range Road and/or Monterey Bay Recreation Trail interchangeably from Palm Avenue in Marina to Playa Avenue in Sand City. Cyclists do not need to stop or negotiate traffic for this entire distance. These routes are safe and extremely popular with bike commuters and recreational users.

The MST SURF Busway also introduces an awkward crossing at the 5th street bridge and will dig-up and re-route a bike path TAMC recently built that connects safely and easily to the new VA clinic. The MST SURF busway proposal calls for squeezing in a bus lane *and* a bike path where there currently barely room for a bike path.

Request:

The SURF project would be a detriment to the citizens of Marina damaging coastal ESHA, recreation and coastal access. For all the reasons above, attached and more the Marina City Council should vote to vacate the approval of PLANNING COMMISSION RESOLUTION NO. 2024-09 dated April 11, 2024, and not grant a Coastal Development Permit for the SURF project.

Sincerely yours,

Michael Salerno

Spokesman, Keep Fort Ord Wild.

May 3, 2023

Mr. Carl Sedoryk
General Manager/CEO
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

**Subject: Coastal Development Permit (CDP) Application Number 3-23-0288
(MST SURF! Busway)**

Dear Mr. Sedoryk:

We received the above-referenced CDP application that you submitted on April 3, 2023. The proposed project includes the construction of a segment of dedicated busway measuring 2.5 miles long and 30 feet wide located seaward of Highway 1 in the TAMC Monterey Branch Line rail corridor right-of-way, in Monterey County. We would first like to reiterate that Coastal Commission staff is highly supportive of MST's objectives related to improving public transit access for under-resourced communities and reducing greenhouse gas (GHG) emissions. We also believe that bus rapid transit has an important role to play in decarbonizing California's transportation sector, providing for effective multi-modal transportation options, and improving public access to the coast; we commend MST for their commitment to advancing these goals.

We have reviewed the materials that you have submitted to date and are in need of additional information to adequately analyze the proposed project for Coastal Act conformance. Towards this end, we are unable to file this application until the following is submitted:

- 1. Demonstration of Need:** Thank you for describing how the project intends to serve under-resourced communities and for providing the traffic study and corresponding estimates of ridership, vehicle miles traveled (VMT), and GHG emission reductions. For us to best understand and evaluate the public need for and benefits of the project in a CDP and Coastal Act context, we are in need of additional supporting documentation. Such documentation should include but not be limited to the rationale behind the estimates of ridership used in the traffic study, and the associated reductions in VMT and congestion. Please provide supporting evidence and a descriptive breakdown of the projected 10-minute travel time for buses using the proposed busway. Please also provide an analysis that compares the proposed project to current travel time for existing bus services, and for cars traveling along the same route during both low and high levels of congestion. Please describe and provide supporting evidence for the current level and timing of congestion along this segment of Highway 1, as well as projected future congestion on Highway 1 with and without the project.

- 2. Alternatives Analysis:** Thank you for providing an alternatives analysis for the no project alternative, the bus on shoulder alternative, the Recreational Trail replacement alternative, the single lane busway alternative, the railroad track replacement alternative, and the brief discussions of a Highway 1 auxiliary lane, an HOV lane, a hybrid of different alternatives, and the use of existing surface streets. However, given the large scope of the proposed project and the expected adverse impacts to coastal resources, a more thorough qualitative and quantitative alternatives analysis that explores all possible options to avoid such impacts is necessary for the Commission to evaluate the project. Alternatives should be on even footing with the proposed project, including a consistent use of zero emission buses across alternatives unless there are feasibility constraints for zero emission buses for project alternatives that do not exist for the proposed project. Specifically:
- a. Please describe and show on a site map how each alternative will impact ESHA and the duration of those impacts, including the area of ESHA that will be directly covered by new development. For each alternative, please describe how ESHA impacts would be mitigated.
 - b. Please provide estimates for bus ridership, VMT, and Highway 1 congestion impacts for each alternative, along with supporting evidence for those estimates.
 - c. Please clarify why the single lane busway alternative includes an 11-foot breakdown shoulder along the length of the busway. Please also provide an updated single lane alternative that minimizes the width of the busway as much as possible over as much of the proposed alignment as possible.
 - d. Please add an inland alignment alternative that includes the construction of a new busway or other improvements to bus infrastructure outside of the coastal zone. On this alternative, please evaluate the feasibility of an alignment that utilizes existing surface streets, or a combination of existing streets and new dedicated busway, and other public transit enhancements such as street light priority signalization, bus-on-median, dedicated stops/platforms, etc. (e.g., service similar to the recently completed Van Ness Avenue BRT in San Francisco). Such analysis should consider how such an alignment could offer service in close proximity to job/housing centers, including at CSUMB, the VA hospital, and planned development on former Fort Ord property, and how this alignment would compare with the proposed project in terms of ridership.
 - e. Please add a bus-on-median alternative that takes advantage of the wide median through this section of Highway 1, including whether new dedicated on- and off-ramps in the median could be constructed to provide for easy access to a median-located busway. This alternative should also

compare the relative value of the habitats present in the median as compared with the proposed project.

- f. Thank you for providing information on the feasibility associated with a bus-on-shoulder alternative. While the application materials specified that CHP and Caltrans are not supportive of this approach, we would note that a bus-on-shoulder project is currently being constructed on Highway 1 in Santa Cruz County. Please explain why the bus on shoulder is feasible and supportable on this other section of Highway 1, but not at this location.
 - g. Please more thoroughly evaluate hybrid approaches to improving bus service in this area. One hybrid option that is worth consideration is a Highway 1 bus-on-shoulder or bus-on-median from the northern start of the proposed busway at Del Monte Boulevard to Imjin Parkway, then the use of 1st or 2nd Avenues, until re-entry onto Highway 1 at Lightfighter Drive and a continuation of bus-on-shoulder or bus-on-median down to Fremont Boulevard.
- 3. Other Permit Approvals:** The proposed project is a 2.5-mile segment of a larger 6-mile long project, the remainder of which falls within the Local Coastal Program (LCP) jurisdiction of the cities of Marina and Sand City, as well as portions outside the coastal zone in those cities as well as the City of Seaside. As a standalone project, this 2.5-mile long segment would not constitute a viable busway or meet any of the overall project goals, meaning that for any project benefits to be realized the other segments and elements of the busway must also gain the necessary CDPs and other approvals from local governments. This presents unique analytical and procedural challenges, as there are no guarantees that the other segments of the project will receive the requisite approvals from the local governments. Relatedly, an additional complicating factor to our analysis is that many of the application materials do not differentiate between the 2.5-mile segment within the Coastal Commission's original jurisdiction (and thus the area subject to this CDP application), and the project as a whole. For example, the alternatives analysis does not differentiate between ESHA impacts for the whole 6-mile project and this 2.5-mile segment for any of the alternatives evaluated.

As such, the project requested in this CDP application poses some difficult evaluation questions, including how this component will relate to other project components that fall within other jurisdictions.

- a. Please describe and quantify which parts of the project fall within each LCP jurisdiction, including the amount of dune habitat disturbance and proposed mitigation (see below) in each jurisdiction.
- b. Please provide information regarding the permitting status and intended timeline of the portions of the project that are subject to local government approvals, including information regarding the local CDP permitting

process, as well as all other required local approvals/permits (e.g., CEQA authorizations, other local discretionary permits, building/grading permits, etc.). We would also like to know, at a minimum, the preliminary receptiveness from each local government on the project in their jurisdiction, including whether there have been any controversies or questions raised, alternative routes and configurations requested for evaluation, etc. Please provide an overview of the CDPs and other permits needed for the project as whole, including what outreach has been done to date to garner public participation, and any significant comments made by members of the public and local decisionmakers.

- c. Please also provide verification of all other necessary permits, permissions or approvals applied for or granted by other public agencies such as the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Parks, Caltrans, and the U.S. Fish and Wildlife Service, or evidence that no such approvals are necessary from these agencies.

Once we have received this information, we may have more questions about the project's substantive and procedural issues and can discuss them with you at that time.

4. Impacts to Environmentally Sensitive Habitat Area (ESHA): The 2.5-mile segment of busway requested in this CDP application is sited entirely within ESHA as defined by the Coastal Act, and there are ESHA impacts for sections of the project within the LCP jurisdictions of Marina and Sand City.

- a. Please describe the method used to calculate ESHA impacts and show on a site plan all areas of expected ESHA impacts. Please differentiate between short-term temporary, long-term temporary, and permanent impacts as defined in the attached memo from Coastal Commission Senior Ecologist Dr. Lauren Garske-Garcia. While the memo was not written for this project, it describes the Commission's general approach for ESHA mitigation. Please also indicate the total acreage of ESHA that will be covered by new development, as well as the potential off-site/indirect impacts associated with lighting, noise, and other operations on dune habitat.
- b. Please provide a mitigation plan for all impacts to ESHA that documents where and how identified ESHA impacts are to be mitigated. The most recent Coastal Commission combined staff report regarding construction in dune ESHA in this area (A-3-MRA-19-0034 and 9-20-0603, Cal-Am Desalination, available on the Commission's November 17, 2002 archived agenda at: <https://www.coastal.ca.gov/meetings/agenda/#/2022/11>) provides a helpful reference for the nature of mitigation that the Commission has recently required. Please note that the Commission has adopted a 'no net loss' policy for this area of dune habitat, requiring dune habitat creation at a 1:1 ratio for all dune habitat covered by permanent

development (see Special Condition 8.c). Regarding mitigation ratios, Dr. Garske-Garcia's memo provides helpful guidance on the variability of ratios depending on the type of restoration activities performed. Of particular note, the minimum mitigation ratio for short-term temporary ESHA impacts is 1:1, for long term impacts it is 1.5:1, and for permanent impacts it is 3:1 (which includes the 1:1 dune habitat creation described above, with a remainder of 2:1 for all other permanent impacts). Depending on the type of mitigation employed, these ratios may also be doubled or tripled.

5. **Public Access During Construction:** Please describe, and show on a site plan, the existing public access at and adjacent to the site, including as related to the Monterey Peninsula Recreational Trail and Fort Ord Dunes State Park, as well as how this will be maintained and/or closed during construction activities. If public access will be closed during construction, please describe why it will be necessary to close public access and the estimated duration of the closure(s).
6. **Public Access After Construction:** Please describe, and show on a site plan, the proposed post-construction public access at the site, including the nature and location of any changes or additions to bicycle and pedestrian access to and along Fort Ord Dunes State Park and the Monterey Peninsula Recreational Trail. Please include a detailed description of all bicycle and pedestrian crossings on the busway and how safety will be maintained at these crossings. Please also indicate any relocation of any bicycle and pedestrian infrastructure, any locations where there is no separation between the busway shoulder and the Recreational Trail, and any locations where there is less than 10 feet between the Recreational Trail and the Busway shoulder.
7. **Construction Plans:** Please provide complete details of the proposed construction, including: all heavy machinery proposed to be used and at which phases they are required, the construction staging area, the time and duration of construction and all of the proposed best management practices that would be employed to protect water quality and ESHA during construction.
8. **Drainage Plan:** The proposed project will lead to significant impervious coverage over coastal sand dunes which are highly susceptible to erosion. Please provide a drainage plan that clearly identifies all measures that will be taken to collect and direct site drainage. Please also describe and show on a site plan where drainage will be directed, including the location and type of any infiltration infrastructure, and indicate how erosion will be prevented during heavy rains.
9. **Mapping:** The proposed project covers a large area, and the maps provided either do not show adequate detail or are so zoomed in as to lack the overall context of the project. Please provide a highly detailed map overlaid onto satellite imagery, or shapefiles of the proposed project, that show in detail the locations of all proposed elements of the project including the busway, any modifications to the existing public access trails, and the location of proposed retaining walls.

- 10. Retaining Walls:** The proposed project includes a total of 5,920 linear feet of retaining walls. Please indicate the length of retaining walls proposed in this CDP application, excluding all retaining walls outside of the original permitting jurisdiction of the Coastal Commission. Please also provide visual simulations showing a typical section of the proposed retaining wall as seen from traveling north and south on both Highway 1 and the Monterey Peninsula Recreational Trail.
- 11. Fencing:** Under the 'Construction Impacts' section of the CDP application package, the final bullet point mentions fencing but no additional information regarding proposed fencing is provided. Please describe the location, height, and type of any permanent fencing proposed for installation. Please also describe any signage or other measures intended to keep pedestrians and bicyclists off the Busway.
- 12. Parking:** Please provide additional details on the parking at the 5th Street station, including as related to cost, availability to the general public (i.e., will it be available for just bus riders or the general public, including users of the Recreational Trail and State Park?), and hours of operation.
- 13. Zero Emission Vehicles:** Please clarify the status of proposed usage of zero emission vehicles on the busway. Will zero emission vehicles be exclusively used on day one of the operation of the busway? If the busway is only a section of a much longer route that buses will take between Salinas and Monterey, will MST have an adequate number of zero emission buses to run the entirety of that route without requiring passengers to disembark from fossil fuel power vehicles and transfer to zero emission vehicles before traveling on the busway?
- 14. Other Vehicles:** Please clarify if any other vehicles, including emergency services or vehicles used for special events (shooting a movie, etc.), will ever be permitted on the busway aside from those necessary for maintenance.
- 15. Future Rail Service:** Please further describe the impacts the project will have on the existing railroad tracks, including where and how much track will be removed and any impacts to the structural integrity of the tracks caused by grading and retaining walls adjacent to the tracks. Please also describe the future compatibility of the busway and rail service if funding were secured to restore rail service along the corridor; would the busway and rail service be able to provide service simultaneously given the currently proposed configuration of the busway? Would future rail service require the termination of bus service? Overall, how would the construction of the proposed busway impact the feasibility of future rail service? Please describe and provide any relevant documentation regarding any commitments or legal restrictions relating to the future use of rail in the TAMC corridor and the preservation of the railroad tracks, if any such commitments or restrictions exist.
- 16. Public Outreach:** please provide a comprehensive summary of the public outreach that has been conducted relating to the project, including the

communities that were engaged, the extent of public participation, and when outreach activities occurred.

- 17. Public Access Signage:** Please clarify the type and nature of signage to be installed at the 5th Street station for “social equity reasons” (described on page 28 of the supporting materials and required attachments document submitted with the CDP application).
- 18. Appendix B (Local Agency Review Form):** Please have a member of Monterey County planning staff complete and sign Appendix B and return the completed form to our office.
- 19. Appendix C (Mailing List) and Envelopes for Noticing:** Please submit a revised mailing list (Appendix C) that includes the addresses for all property owners and occupants for each property *located within 100 feet (excluding roads) of the property lines* of the entire project site, including areas outside the Coastal Commission’s original jurisdiction. In addition to the 100-foot addressees, please also supplement the mailing list with addressees organized by and corresponding to: (a) all other parties known to be interested in the proposed development (e.g., persons expressing interest at local hearings, advisory committee meetings, during CEQA review, etc.); (b) the Monterey County Department of Housing and Community Development; and (c) all contacts from consultations with other applicable regulatory agencies (e.g., State Parks, CDFW, ACOE, USFWS, NMFS, RWQCB, etc.). Please provide stamped envelopes for each person or agency on the mailing list. The envelopes must be #10 envelope: no window, no return address, square flap, NOT self-seal with forever stamps (not 1st class). Finally, to the extent that multiple hearings are noticed for this matter, you will need to submit new sets of stamped envelopes for each subsequent hearing after the first. Please also provide written evidence that you will submit such additional envelopes, if necessary, upon request in the future.
- 20. Appendix D (Declaration of Posting) and Posting Notice:** Please fill out the enclosed “Notice of Pending Permit” forms and post and maintain the notices where they will be conspicuously visible to the public including, at a minimum, at the northern end of Beach Range Road before it passes under Highway 1, the northern end of the Recreational Trail before it passes under Highway 1, the intersection of Beach Range Road and 8th Street, the intersection of the Recreational Trail and the path that runs under Highway 1 by 5th Street, the intersection of 1st Street and Beach Range Road, and the southernmost end of Beach Range Road where it intersects the Recreational Trail. All notices: (a) must be weatherproofed (e.g., laminated or otherwise covered in plastic) in the event of inclement weather; such weatherproofing must not make the notices difficult to read; and (b) must be posted at a readable height (i.e., three to five feet or so) against a solid background at least as large as the notice (e.g., an 8½" x 11" piece of plywood attached to a stake). Once the notices are posted, please submit a graphic showing all notice locations (in site plan view), and please submit photographs of such notices keyed to the site plan. All of the notices must

remain posted as described until the Commission makes a decision on the proposed project. Any notices that become unreadable or are missing (for whatever reason) must be immediately replaced. When the site has been posted, please complete Appendix D (Declaration of Posting) and return this completed form to our office. Please note that additional posting may be necessary when this item gets closer to being scheduled for a hearing in front of the Commission. Please provide written evidence that you will commit to such posting when and as directed in the future.

We will hold the application for six months from today's date (i.e., until November 3, 2023) pending receipt of these materials. After all of the above-listed materials have been received, the package will again be reviewed and will be filed if it contains materials sufficient for a thorough and complete review. Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above-listed materials. If all of the above-listed materials are not received within six months, CDP Application 3-23-0288 will be considered withdrawn and will be returned to you. This submittal deadline may be extended for good cause if such request is made prior to November 3, 2023. I look forward to working with you on this project. Please do not hesitate to contact me at Breylen.Ammen@coastal.ca.gov or (831) 427-4863 if you have any questions regarding the above information requests.

Sincerely,



Breylen Ammen
Coastal Planner
Central Coast District Office

Cc: Todd Muck, Michelle Overmeyer, Lisa Rheinheimer, Tad Stearn, Peter Meyerhofer

Enclosure

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**SENT VIA ELECTRONIC MAIL****May 10, 2021**

Michelle Overmeyer
Director of Planning & Innovation
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

Re: Monterey-Salinas Transit Busway Project

Dear Ms. Overmeyer:

Thank you for the opportunity to provide comments on the proposed Monterey-Salinas Transit (MST) Busway Project in north Monterey County. Please provide these comments to the MST Board Members prior to today's meeting on the project and please include these comments in the administrative record for the project.

The Coastal Commission has worked diligently over many years to develop strategies to maximize public transit opportunities and to reduce carbon emissions and reliance on fossil fuels, including to help counter the effects of global climate change and the resulting impacts from sea level rise. Thus, at a broad level, we are generally supportive of projects that can help increase our overall resiliency through development of public transit projects such as this. At the same time, however, such support only extends as far as such development can be achieved in a manner that is consistent with the California Coastal Act and with the applicable Local Coastal Programs (LCPs). It is within this context that we provide the following comments.

Outreach

We understand that MST has undertaken some outreach to the public and relevant stakeholders to solicit public comment for the proposed transit project, including via today's meeting. However, from our discussions with the public and other stakeholders it appears that there is limited understanding of the proposed project, and thus it appears that potential interested parties may not have been thoroughly engaged, especially in light of COVID-19 and the associated difficulty for the public to ask questions and receive answers on the proposal in a meaningful way. **We strongly recommend that the MST Board not take action on the project today** and instead recommend that MST staff redouble its efforts to reach out to affected communities by scheduling multiple/repeat informational and educational webinars, including at a minimum presentations through regular City Council and Board of Supervisor virtual meetings (and in-person meetings as soon as possible) for all jurisdictions affected by the project going forward. We also strongly believe that the process should be extended to allow more time to discuss and evaluate project alternatives with affected cities and entities that address regional public transportation needs in a manner that protects

MST Busway Project Comments

coastal resources and is approvable under the Coastal Act and applicable LCPs. See more discussion in the “ESHA” section below.

Jurisdiction

A significant portion of the project lies within the Transportation Agency of Monterey County’s (TAMC’s) right-of-way on the former Fort Ord military base seaward of Highway 1. The entire area west of the highway is within the Commission’s retained permitting jurisdiction and a coastal development permit (CDP) from the Commission will be required for any development within this area. The standard of review will be the Coastal Act. Also, as we understand it, other elements of the project fall within the purview of adjacent local governments (e.g., Marina, Sand City, Seaside, and Monterey County) and separate CDPs for those project elements will be required from those respective jurisdictions. The certified LCPs will be the standard of review in those locations. In certain limited cases where a project has split CDP jurisdiction, the Commission has the ability to process a consolidated CDP as opposed to separate CDPs (and potential appeals), provided the applicant, the local government, and the Commission’s Executive Director all agree to such processing and when public comment and participation will not be substantially impaired. While consolidation is a potential vehicle to process the CDP, we believe it is too early in the process to determine whether it is appropriate to do so, including because there are substantive coastal resource issues that first need to be addressed prior to a determination of how the permitting process should be undertaken, all as described in more detail below.

Environmentally Sensitive Habitat (ESHA)/ Project Alternatives

The IS/MND notes that the majority of the alignment (roughly five miles) of the busway project would be within TAMC’s Monterey Branch Line rail corridor right-of-way, an approximately 100-foot- wide corridor located between the Fort Ord Dunes State Park recreational trail (i.e., Beach Range Road) and the Caltrans right-of-way recreation trail, both of which are located seaward of Highway 1. More specifically, the alignment would be located mainly in the sand dunes area seaward of the TAMC rail corridor right-of-way and would deviate from this general alignment only when necessary to avoid bridge under-crossings and other similar obstacles. The IS/MND describes the TAMC rail corridor as heavily disturbed but also wide enough to support native and non-native plant communities. The IS/MND acknowledges that sensitive habitats exist in this area of the coastal zone, which includes the underlying sand dunes within the TAMC right-of-way, and focuses on providing mitigation for project-specific impacts to known rare and/or sensitive plant and animal species. The IS/MND only evaluates the busway on the Monterey Branch Line rail corridor right-of-way alternative.¹

¹ MST in conjunction with TAMC and other stakeholders, prepared a Bus-on-Shoulder/Branch Line Feasibility Study in 2018 to respond to growing traffic congestion and delays on State Route 1 in Santa Cruz and Monterey Counties. The study evaluated several project alternatives. Determination of feasibility was based primarily on annual ridership, time savings, total capital cost, and reduction in vehicle miles traveled. Environmental impacts were scored as either significant, possibly significant, or not significant. There was no quantification of impacts in terms of habitat loss or disturbance, no discussion of necessary mitigations or costs associated with mitigations, and these costs did not enter into the feasibility equation.

MST Busway Project Comments

Coastal Act Section 30240 provides for the protection of ESHA, including sensitive dune habitats such as those found at the former Ford Ord and within the TAMC right-of-way:

Section 30240 (a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The protections afforded by Coastal Act Section 30240 extend to both natural and degraded dunes, i.e., whether the dunes are covered in native dune plant species, ice plant, or base rock, including because of the inherent ability for degraded dunes to be restored. As noted in past correspondence to MST staff regarding this project, only resource-dependent uses that do not significantly disrupt ESHA are allowable in ESHA. The project description contained in the IS/MND identifies roughly five linear miles of two-lane roadway surface, drainage improvements, retaining walls, fencing, utility connections, traffic and safety controls, and operation of motorized bus service all within sand dune ESHA. The project would include roughly 22 acres of new impervious surface and approximately 23 acres of grubbing and grading, much of this in dune ESHA. A transportation infrastructure project like this is not an allowed use in ESHA and therefore is inconsistent with the Coastal Act and applicable LCPs. Additionally, based on the project description the proposed development will introduce additional traffic, noise, light, and general disturbance within and adjacent to sand dune ESHA, thereby also resulting in significant disruption of ESHA habitat values.

The currently proposed project is located in dune ESHA and is not resource dependent and is not approvable under Coastal Act Section 30240 or under the ESHA policies of the various LCPs that would apply to the project in the areas located outside of the Commission retained permitting jurisdiction. Furthermore, the project will include the construction and staging of equipment and materials, and it is not clear whether these activities will occur within the dunes; if so, those activities also have the potential to cause significant disruptions to adjacent habitat areas, inconsistent with Coastal Act Section 30240 and related LCP ESHA policies. Given the sensitive dune resources involved and the need to ensure that ESHA habitat values are appropriately protected, we recommend that MST prepare a comprehensive evaluation of a reasonable range of alternatives, including options that avoid impacts to dune ESHA, whether degraded or not, that the proposed new two-lane bus thoroughfare would present.² The analysis must quantify the impact for each alternative in terms of permanent and temporary habitat loss / disturbance, along with identification and recommendation of corresponding mitigation proposed for each alternative. This level of analysis will be needed for Commission staff and City and County staffs to fully evaluate any project for

² At a minimum, the range of alternatives should include: 1) establishing bus service within the existing highway right-of-way via widening or use of an existing lane; 2) establishing an HOV lane in the right-hand lane of Highway 1; 3) commuter rail on the existing rail alignment; 4) utilizing surface city streets to accommodate bus rapid transit.

MST Busway Project Comments

Coastal Act and LCP consistency, and our Commission will expect this analysis to be present in the staff report for any project.

Public Access and Recreation

Coastal Act Section 30240(b) requires that development sited adjacent to parks and recreation areas shall be sited and designed to prevent impacts that would substantially degrade those areas. Based on the project description contained in the IS/MND, the proposed busway transit project would include roughly five linear miles of two-lane roadway surface, drainage improvements, retaining walls, fencing, utility connections, traffic and safety controls, and operation of motorized bus service immediately adjacent to an important park and recreation area, i.e. Fort Ord Dunes State Park, where it is clear the effect will be a significant degradation of the park experience, inconsistent with Coastal Act Section 30240(b). The proposed development will introduce additional traffic, noise, light, and general disturbance well beyond the physical development location and much closer to important park recreational amenities (e.g., the portion of the recreation trail located on Fort Ord State Park property) than the current commotion originating from Highway 1 in this area. The busway would be visible from the same public recreation trail and the Commission-approved Fort Ord Dunes State Park campground. Please also see the letter from the California Department of Parks and Recreation (dated April 11, 2021), in which State Parks' staff describes a myriad of impacts to Fort Ord Dunes State Park from the project. In short, the proposed project will result in significant coastal access and recreation impacts, including to Fort Ord Dunes State Park and the adjacent recreation trail, and thus the proposed project is inconsistent with Coastal Act Section 30240(b) and cannot be approved.

Public Views

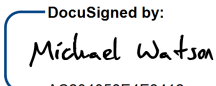
The Coastal Act protects public views "as a resource of public importance," where development is required to be sited and designed to protect views to and along the ocean, to be visually compatible with the character of surrounding area. The IS/MND suggests that although the views of coastal Fort Ord could be considered scenic, these same vistas are not significantly affected or compromised by the project.

Visual renditions from Highway 1 provided with the IS/MND are clear in that buses traveling within the rail right-of-way will be visible during both day and night, and will be especially noticeable during the night due to bus lighting. As proposed, the sweeping unobstructed views of the highly scenic Fort Ord coast would now include additional permanent facilities that would be visible during day and ongoing bus travel that would be visible day and night, significantly degrading said views. These impacts are certain to occur no matter whether an alternative is chosen within the Caltrans or TAMC right-of-way. However, views from the Fort Ord recreational trail would more likely be significantly impacted by the busway development in the TAMC right-of-way, which would be in some instances merely feet away from the trail. Likewise, views from the campground would suffer from a similar increase in visual detractions. Accordingly, we strongly recommend that MST adopt an alternative that avoids and/or minimizes the amount of new paving and infrastructure needed to initiate service, and realigns the bus service in closer proximity to the existing highway right-of-way, i.e. away from the Fort Ord recreation trail and the Commission-approved Fort Ord State Park campground.

MST Busway Project Comments

In conclusion, although we are supportive of strategies to maximize public transit opportunities and to reduce carbon emissions and reliance on fossil fuels, the current proposal cannot be found consistent with the Coastal Act or with the applicable LCPs. We strongly suggest that MST take a pause on this project to develop a public process to evaluate alternatives that will not result in the range of significant coastal resource impacts described herein. We are available for consultation as you proceed forward.

Regards,

DocuSigned by:

AC204058E4E3412...

Mike Watson
Coastal Planner
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
PHONE (831) 427-4863



December 29, 2023

Mr. Carl Sedoryk
General Manager/CEO
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

**Subject: Coastal Development Permit (CDP) Application Number 3-23-0288
(MST SURF! Busway)**

Dear Mr. Sedoryk:

We received the above-referenced CDP application that you submitted on April 3, 2023, and we received your response to our two filing status letters on July 28, 2023 and December 1, 2023. We appreciate the thorough and extensive work that has been done to fulfill our requests for additional materials; what we have been provided has overall effectively answered most of our questions and provided most of the materials we need to bring the project to hearing. That said, we still require a few additional materials:

- 1. Mapping and Land Ownership.** Our last filing letter requested additional mapping, including to show property ownership on the Sand City end of the project. The mapping provided in your December 1, 2023 submittal does not clearly show such property boundaries and instead shows "Private R/W" on Sheet DM-002. And although the mapping/plans provided begin at the Sand City city limit, it would be helpful to see the entirety of the alignment (including outside the Commission's permitting jurisdiction), especially on the southern end, to fully understand the location of the project in relation to property boundaries, rights-of-way, and roadways in this area. Please provide these details.
- 2. ESHA Impact Areas.** Our last filing letter requested updated ESHA impact calculations. MST's responding materials include a memo discussing impacts and providing calculations. Overall, the memo includes the type of information that we require, however, two things must still be clarified. First, we would note that the Commission's ecologists have determined that vegetated areas of the railroad tracks and ballast still constitute ESHA, including because rare dune plant individuals have been identified within the tracks, and as such should be accounted for in the calculations. And second, grading would typically be considered significant ground disturbance and thus a permanent rather than a long-term temporary impact, even if graded areas are not paved. Please either adjust the impact calculations accordingly or provide additional information demonstrating the proposed grading would be more appropriately considered a long-term temporary impact.

3-23-0288 (MST SURF! Busway)

We will hold the application for six months from today's date (i.e., until June 29, 2024) pending receipt of these materials. After all of the above-listed materials have been received, the package will again be reviewed and will be filed if it contains materials sufficient for a thorough and complete review. Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above-listed materials. If all of the above-listed materials are not received within six months, CDP Application 3-23-0288 will be considered withdrawn and will be returned to you. This submittal deadline may be extended for good cause if such request is made prior to June 29, 2024.

In addition to the materials requested above that are required for filing purposes, we would like to bring another issue to your attention. We have begun the more detailed review of project materials necessary to write our staff report and recommendation on the project. This more detailed review of the application has revealed what appears to be an error in the project description and mapping materials. The application is for the 2.5-mile segment outside of the Sand City and Marina city limits, however much of the project that is in the coastal zone within Marina city limits is actually not within Marina's certified LCP area, and thus the Commission has jurisdiction over those areas as well. Specifically, the portion of the City's coastal zone from the southern city limit to approximately the Del Monte Boulevard/Highway 1 junction was never certified and remains within what our mapping records indicate as "City of Marina – Fort Ord Transfer Area Uncertified Area (UA)," like the segment of the alignment south to Sand City. In other words, all project areas seaward of Highway 1, except those within the Sand City certified LCP area, are within the Commission's retained permitting jurisdiction. This means that an additional approximately 1.9 miles of the proposed busway is in the Commission's jurisdiction for a total of approximately 4.4 miles. We apologize for missing this error and not identifying it earlier. For a complete project description in the CDP application and accurate accounting of the project, we require the following updated materials from you as soon as possible:

1. **Updated Project Description.** Please provide an updated project description reflecting the full scope of work within the Commission's permitting jurisdiction.
2. **Updated Mapping.** Please provide updated mapping accurately reflecting the project area within the Commission's permitting jurisdiction, including an extension of the plans overlaid onto satellite imagery to include this new area.
3. **Updated ESHA Impact Areas.** Please provide updated ESHA impact calculations that include all project areas subject to the Commission's permitting jurisdiction.
4. **Updated Mailing List and Public Noticing.** Please post updated public notices reflecting the full scope of the project before the Commission. The current notices state that the application is for a 2.5-mile long segment of the busway which we now know is not accurate.

Please do not hesitate to contact me at Breylen.Ammen@coastal.ca.gov or (831) 427-4863 if you have any questions.

3-23-0288 (MST SURF! Busway)

Sincerely,

Breylen Ammen

Breylen Ammen
Coastal Planner
Central Coast District Office

Cc: Todd Muck, Michelle Overmeyer, Lisa Rheinheimer, Tad Stearn, Peter Meyerhofer

PLANNING COMMISSION RESOLUTION NO. 2024-09

PLANNING COMMISSION RESOLUTION APPROVING A PERMIT FOR THE REMOVAL OF NINETY-TWO (92) TREES FROM THE MONTEREY-SALINAS TRANSIT (MST) SURF! BUS RAPID TRANSIT (BRT) PROJECT AREA, INCLUDING WITHIN THE MONTEREY BRANCH RAIL CORRIDOR, AND THE PROPOSED PALM AVENUE AND 5TH STREET STATIONS, AND A COASTAL DEVELOPMENT PERMIT FOR THE PORTION OF THE PROPOSED SURF! LINE LOCATED WITHIN THE COASTAL ZONE (APPRX. 0.37 ACRE); AND FINDING THE PROJECT STATUTORILY EXEMPT FROM CEQA PER PUBLIC RESOURCES CODE§ 21080.25(b) (SENATE BILL (SB) 922 (2022)).

WHEREAS, Monterey-Salinas Transit (MST) submitted an application to the City of Marina for the construction of a dedicated bus rapid transit line within the existing TAMC rail corridor, a new station/platform at Palm Ave./Marina Dr., and multi-modal trail extensions. The project includes improved trail connections to Monterey Peninsula Recreation Trail and approx. 0.33 miles of new trail in Marina;

WHEREAS, the extent of the project site, including the proposed platform at Palm Ave./Marina Dr. to the north and the 5th St. Transit Center to the south, is graphically described in the project Arborist Report (Denise Duffy & Assoc., November 2023) (**Exhibit A**);

WHEREAS, the project boundary within the City of Marina is both within and outside the Coastal Zone. Only an approx. 0.37-acre area (**Exhibit B**) falls within the City's Coastal Development Permit (CDP) jurisdiction. The portion of the project within the TAMC corridor west of the Highway 1 right-of-way (ROW) is located within the California Coastal Commission's (CCC) retained permit jurisdiction;

WHEREAS, the removal of 92 trees needed to accommodate the project is subject to a tree removal permit and requires review by the Tree Committee for a recommendation to the Planning Commission for final action per Marina Municipal Code (MMC) Sec. 17.62.060.B;

WHEREAS, the Tree Committee met on January 10, 2024, and February 26, 2024, both duly noticed public hearings, and ultimately adopted TC Reso. 2024-01 (**Exhibit C**), recommending approval of the proposed tree removal subject to findings, conditions of approval and the CEQA references cited herein;

WHEREAS, applicant shall either replace all qualifying trees at a 2:1 ratio or provide the City with "in lieu" fees (per MMC 17.62.060.D.2) or a combination of both measures based upon the combined DBH of the replacement trees equal to the combined DBH of the healthy trees to be removed;

WHEREAS, the findings for both the Tree Removal permit and the Coastal Development Permit (TR/CDP 0004) are included herein as **Exhibit D** and the proposed conditions of approval are included as **Exhibit E**;

WHEREAS, on July 11, 2021, pursuant to SB 288 effective January 1, 2021, the MST Board of Directors adopted Resolution No. 2022-02 finding the SURF! Busway and Bus Rapid Transit

Project statutorily exempt under the previous version of Public Resources Code § 21080.25(b). In 2022, the Legislature adopted SB 922, which amended Public Resources Code § 21080.25;

WHEREAS, on January 1, 2023, SB 922 took effect and amended portions of Public Resources Code § 21080.25, including provisions relating to Pedestrian/Bike Facilities [(b)(1)], wayfinding [(b)(2)], transit prioritization [(b)(3)], Bus rapid transit, bus, or light rail service, including stations, terminals, or existing operational facilities [(b)(5)], charging stations [(b)(6)], and associated infrastructure projects [(b)(7)];

WHEREAS, on December 13, 2021, the MST Board expressly certified that MST will use a skilled and trained workforce for the Project;

WHEREAS, on March 13, 2023, MST found that the Project is both a Bus Rapid Transit Project and a Bus Service Project under Public Resources Code § 21080.25(b)(5). The Project also includes transit signal priority, all-door boarding, a fare collection system that promotes efficiency, and defined stations, and service intervals with 15-minute frequencies;

WHEREAS, in Resolution 2023-30 (March 13, 2023), MST, as lead agency for the project, made the following factual findings as required by Public Resources Code § 20180.25:

- The SURF! Project shall utilize 100% zero emission, near-zero emission, low oxide of nitrogen engines, compressed natural gas fuel, fuel cell, or hybrid powertrain buses;
- The Project will use rights-of-way, including the Monterey Branch Line, purchased by the Transportation Agency for Monterey County (TAMC) in 2003;
- The Project will also use existing rights of way, including public streets, and the entire Project is within the Seaside-Monterey-Pacific Grove Urbanized Area, as designated by the United States Census Bureau;
- The Project does not induce single-occupancy vehicle trips, add additional highway lanes, widen highways, or add physical infrastructure except for minor modifications needed for the efficient and safe movement of transit vehicles, bicycles, or high-occupancy vehicles. The Project does not include the addition of any auxiliary lanes. The Project does not require or involve the demolition of affordable housing units;
- The 2022 Project cost estimate is \$66,039,000 and includes all phases and components of work including planning, engineering, and construction and escalated to year of expenditure (YOE) dollars through 2025, including an inflation rate of five percent, and an 8% unallocated contingency for any potential cost overruns;

WHEREAS, on January 17, 2023, MST published a “Notice of Public Community Planning Meetings and Intent to Adopt CEQA Exemptions...under SB922 for the SURF! Busway and Bus Rapid Transit Project.” The Notice was published in English and Spanish, and was made available on MST’s website, and on its social media accounts. Notice was also provided via email to those organizations and individuals that had previously requested notice;

WHEREAS, three (3) community planning meetings were held in the project area, one at the Marina Library at 190 Seaside Circle, Marina, CA on February 13, and two meetings were held at the Boys and Girls Club Seaside Clubhouse, 1332 La Salle Avenue Seaside, CA on February 14, and 15. These meetings were conducted to hear and respond to public comments as to the applicability of the SB922 exemptions. MST accepted written comments through February 17, 2023, 5:00 p.m. (Pacific Time).NOW, THEREFORE BE IT RESOLVED that the Planning Commission has exercised its independent judgment and reviewed and considered the Staff Report

and the administrative record, and finds that each recital set forth above is determined to be true and correct and included herein as if set forth in their entirety.

BE IT FURTHER RESOLVED that, for the reasons set forth in the recitals above, the Staff Report, and the administrative record, the Planning Commission finds that the SURF! Busway and Bus Rapid Transit Project meets the criteria of and is statutorily exempt under SB 922 [2022] (Pub. Res. Code § 21080.25(b), "Exemption"). This includes a combination of the individual exemptions, as allowed by subsection (b)(8), including, but not limited to subsections (b)(1) [Pedestrian/Bike Facilities], (b)(2) [wayfinding], (b)(3) [transit prioritization], (b)(5) [Bus rapid transit, bus, or light rail service, including stations, terminals, or existing operation facilities], (b)(6) [Charging stations], and (b)(7) [Infrastructure] (**Exhibit F**).

BE IT FURTHER RESOLVED that since MST filed the March 13, 2023, Notice of Exemption for the project, there have been no substantial changes to the project that would change the conclusions set forth in this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission, based on findings, conditions of approval, the CEQA determination(s) referenced herein, and a recommendation of approval from the Tree Committee, does hereby approve the removal of ninety-two (92) trees subject to MMC Chapter 17.62 and a Coastal Development Permit for the development of the portion of the SURF! line within the City's CDP jurisdiction subject to MMC Chapter 17.40.090.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a duly noticed meeting on the 11th day of April, 2024, by the following vote:

AYES, COMMISSIONERS: RANA, HUR, WOODSON, BARON

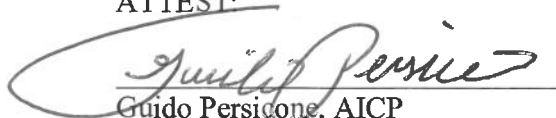
NOES, COMMISSIONERS: NONE

ABSENT, COMMISSIONERS: WALTON + ONE VACANCY

ABSTAIN, COMMISSIONERS: NONE

ATTEST:


Glenn Woodson, Chair


Guido Persicone, AICP

Director, Community Development Dept.
City of Marina

Exhibit A

Arborist Report (Denise Duffy & Assoc., Nov. 2023)

<https://www.cityofmarina.org/DocumentCenter/View/13984/MST-SURF-Arborist-Report-Nov-2023-updated-with-photos-1?bidId=>

(also permanently on file in the City of Marina Community Development Dept.)

Exhibit B

Project Maps

1. Tree replanting plan (as amended by the Tree Committee 2/26/24)
2. Graphic showing the 0.37-acre portion of the project area within the City's CDP jurisdiction
3. Marina improvements map
4. Coastal Commission retained jurisdiction map

Exhibit B

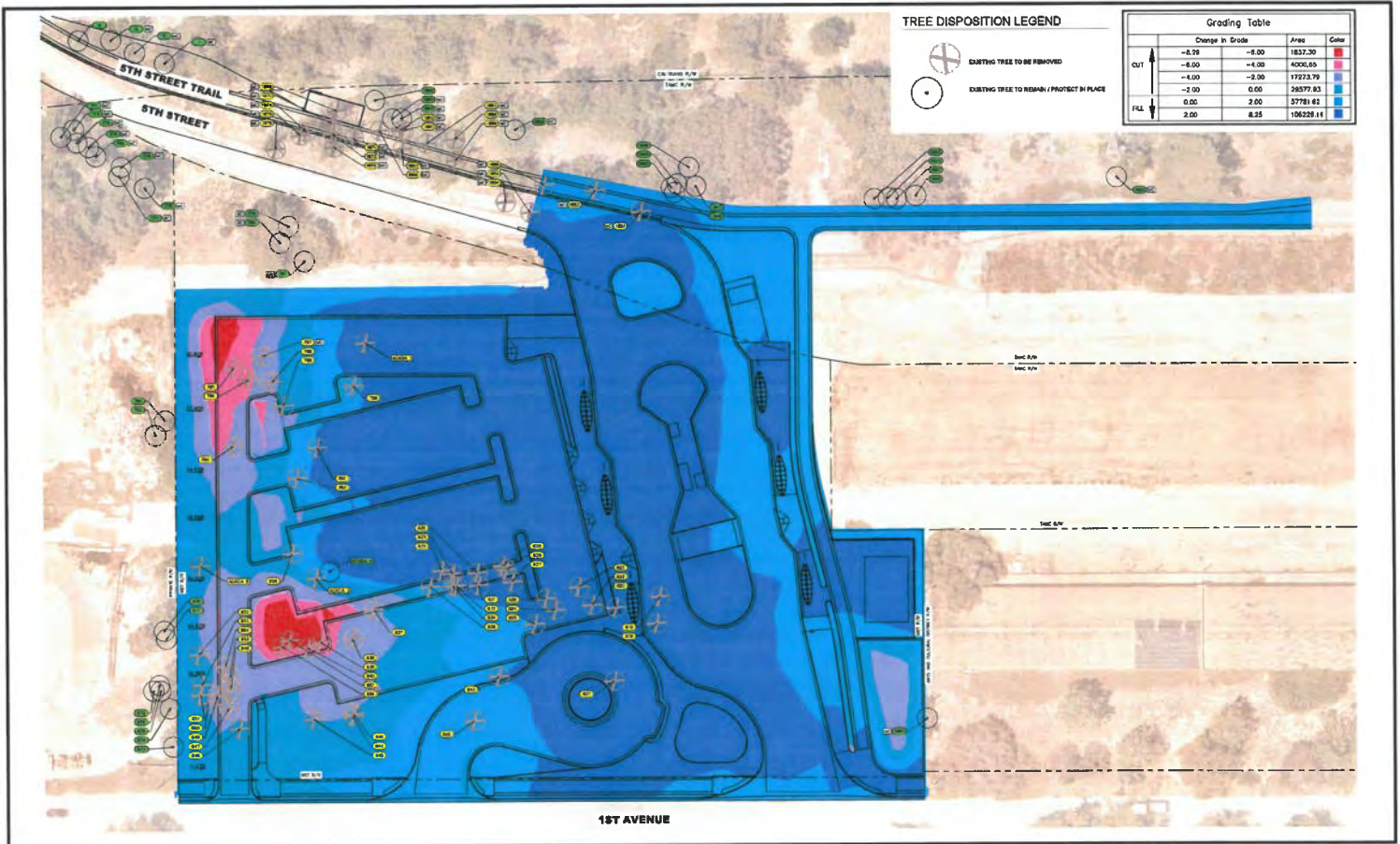


Exhibit B

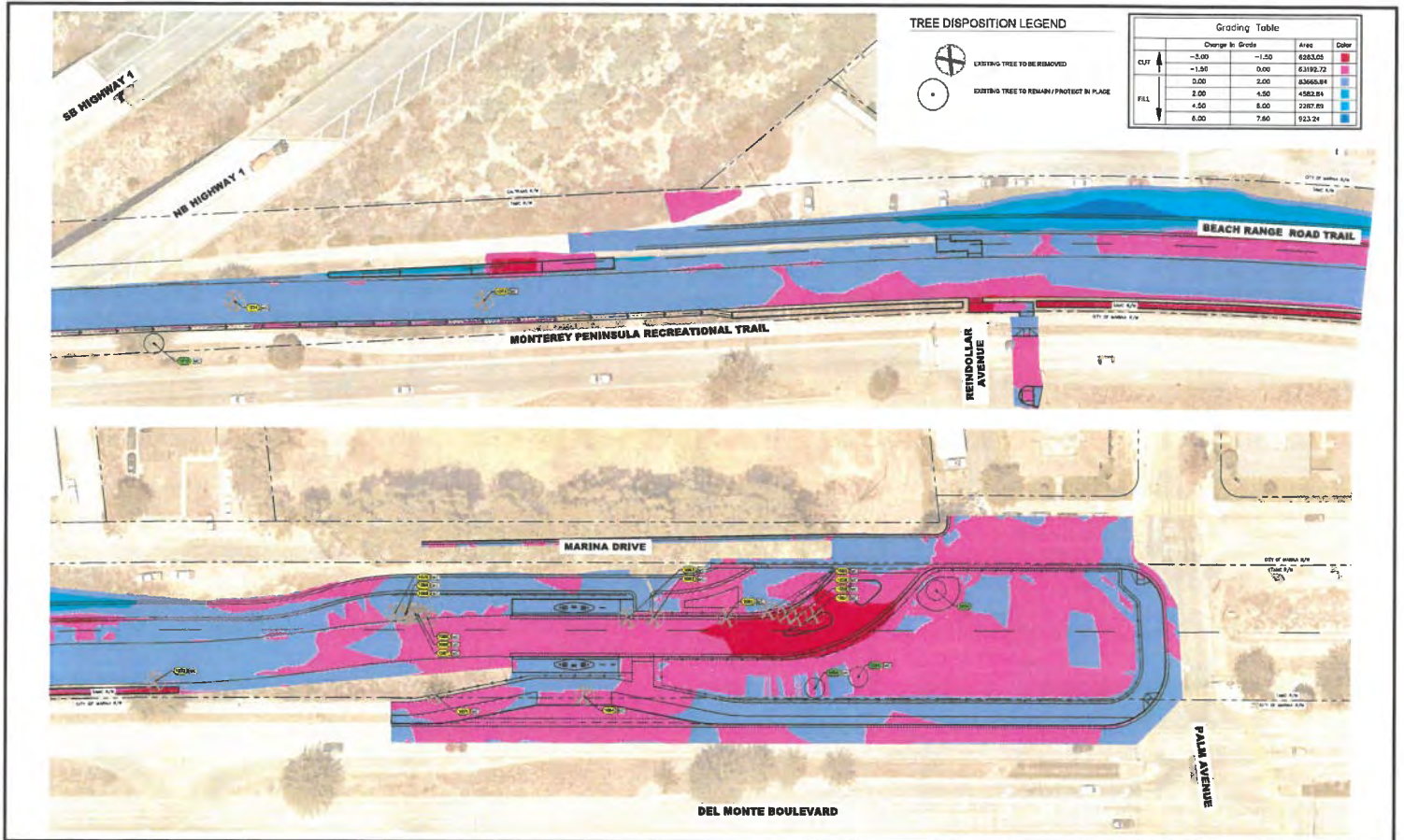


Exhibit B

Tree ID	Scientific Name	Common Name	Individual Stem DBH (in)		Total DBH (in)	Dripline (ft)	Health	Recommendation	Coastal Zone	Jurisdiction
1	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	35		35	44	Fair	Retain	Yes	City of Marina
2	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	35		35	44	Poor	Retain	Yes	City of Marina
3	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	15		15	19	Poor	Retain	Yes	City of Marina
4	<i>Acacia</i> sp.	Acacia	25		25	31	Fair	Retain	Yes	City of Marina
5	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	40	12	42	52	Fair	Retain	Yes	City of Marina
618	<i>Eucalyptus</i> sp.	Eucalyptus	44		44	55	Fair	Remove	No	City of Marina
619	<i>Eucalyptus</i> sp.	Eucalyptus	20	7	22	28	Fair	Remove	No	City of Marina
620	<i>Eucalyptus</i> sp.	Eucalyptus	55	12	56	70	Fair	Remove	No	City of Marina
621	<i>Eucalyptus</i> sp.	Eucalyptus	48		48	60	Fair	Remove	No	City of Marina
622	<i>Eucalyptus</i> sp.	Eucalyptus	11		11	14	Fair	Remove	No	City of Marina
623	<i>Eucalyptus</i> sp.	Eucalyptus	12		12	15	Fair	Remove	No	City of Marina
624	<i>Eucalyptus</i> sp.	Eucalyptus	38		38	48	Fair	Remove	No	City of Marina
625	<i>Eucalyptus</i> sp.	Eucalyptus	56		56	70	Fair	Remove	No	City of Marina
626	<i>Eucalyptus</i> sp.	Eucalyptus	13		13	16	Fair	Remove	No	City of Marina
627	<i>Eucalyptus</i> sp.	Eucalyptus	28		28	35	Fair	Remove	No	City of Marina
628	<i>Eucalyptus</i> sp.	Eucalyptus	28		28	35	Fair	Remove	No	City of Marina
629	<i>Eucalyptus</i> sp.	Eucalyptus	16		16	20	Fair	Remove	No	City of Marina
630	<i>Eucalyptus</i> sp.	Eucalyptus	31		31	39	Fair	Remove	No	City of Marina
631	<i>Eucalyptus</i> sp.	Eucalyptus	32		32	40	Fair	Remove	No	City of Marina
632	<i>Eucalyptus</i> sp.	Eucalyptus	37		37	46	Fair	Remove	No	City of Marina
633	<i>Eucalyptus</i> sp.	Eucalyptus	28		28	35	Fair	Remove	No	City of Marina
634	<i>Eucalyptus</i> sp.	Eucalyptus	37		37	46	Fair	Remove	No	City of Marina
635	<i>Eucalyptus</i> sp.	Eucalyptus	28		28	35	Fair	Remove	No	City of Marina
636	<i>Eucalyptus</i> sp.	Eucalyptus	38		38	48	Fair	Remove	No	City of Marina
637	<i>Pinus radiata</i>	Monterey Pine	10		10	13	Poor	Remove	No	City of Marina
638	<i>Pinus radiata</i>	Monterey Pine	7		7	9	Poor	Remove	No	City of Marina
639	<i>Pinus radiata</i>	Monterey Pine	8		8	10	Poor	Remove	No	City of Marina
640	<i>Pinus radiata</i>	Monterey Pine	7		7	9	Poor	Remove	No	City of Marina
641	<i>Pinus torreyana</i>	Torrey Pine	7	9	11	14	Fair	Remove	No	City of Marina
642	<i>Pinus torreyana</i>	Torrey Pine	7		7	9	Fair	Remove	No	City of Marina
643	<i>Eucalyptus</i> sp.	Eucalyptus	6		6	8	Fair	Remove	No	City of Marina
644	<i>Pinus torreyana</i>	Torrey Pine	7		7	9	Fair	Remove	No	City of Marina
645	<i>Pinus radiata</i>	Monterey Pine	9		9	11	Fair	Remove	No	City of Marina
646	<i>Pinus radiata</i>	Monterey Pine	6		6	8	Fair	Remove	No	City of Marina
647	<i>Pinus radiata</i>	Monterey Pine	11		11	14	Fair	Remove	No	City of Marina
648	<i>Pinus radiata</i>	Monterey Pine	8		8	10	Poor	Remove	No	City of Marina
649	<i>Pinus radiata</i>	Monterey Pine	6		6	8	Poor	Remove	No	City of Marina
650	<i>Pinus radiata</i>	Monterey Pine	12		12	15	Fair	Remove	No	City of Marina
651	<i>Pinus radiata</i>	Monterey Pine	15		15	19	Fair	Remove	No	City of Marina
652	<i>Pinus radiata</i>	Monterey Pine	10		10	13	Fair	Remove	No	City of Marina
653	<i>Pinus radiata</i>	Monterey Pine	11		11	14	Fair	Remove	No	City of Marina
654	<i>Pinus radiata</i>	Monterey Pine	12		12	15	Fair	Remove	No	City of Marina
655	<i>Pinus radiata</i>	Monterey Pine	20	28	34	43	Fair	Remove	No	City of Marina
656	<i>Pinus radiata</i>	Monterey Pine	7		7	9	Fair	Remove	No	City of Marina
657	<i>Pinus radiata</i>	Monterey Pine	23		23	29	Fair	Remove	No	City of Marina
658	<i>Pinus radiata</i>	Monterey Pine	19		19	24	Fair	Remove	No	City of Marina
672	<i>Pinus radiata</i>	Monterey Pine	13		13	16	Fair	Retain	No	City of Marina
673	<i>Pinus torreyana</i>	Torrey Pine	9		9	11	Fair	Retain	No	City of Marina

Exhibit B

Tree ID	Scientific Name	Common Name	Individual Stem DBH (in)							Total DBH (in)	Dripline (ft)	Health	Recommendation	Coastal Zone	Jurisdiction	
674	<i>Pinus radiata</i>	Monterey Pine	15							15	19	Fair	Retain	No	City of Marina	
675	<i>Pinus radiata</i>	Monterey Pine	10							10	13	Fair	Retain	No	City of Marina	
676	<i>Pinus radiata</i>	Monterey Pine	10							10	13	Fair	Retain	No	City of Marina	
677	<i>Pinus radiata</i>	Monterey Pine	14							14	16	Fair	Retain	No	City of Marina	
678	<i>Pinus radiata</i>	Monterey Pine	13							13	16	Fair	Retain	No	City of Marina	
745	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	16							16	20	Fair	Retain	No	City of Marina	
761	<i>Pinus torreyana</i>	Torrey Pine	6							6	8	Good	Retain	No	City of Marina	
762	<i>Pinus torreyana</i>	Torrey Pine	8							8	10	Fair	Retain	No	City of Marina	
771	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	17							17	21	Fair	Retain	No	City of Marina	
772	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	8							8	10	Fair	Retain	No	City of Marina	
773	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	14							14	18	Fair	Retain	No	City of Marina	
774	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	13							13	16	Fair	Retain	No	City of Marina	
776	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	7							7	9	Fair	Retain	No	City of Marina	
777	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	17							17	21	Fair	Retain	No	City of Marina	
778	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	20							20	25	Fair	Retain	No	City of Marina	
779	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	30							30	38	Fair	Retain	No	City of Marina	
780	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	46							46	58	Fair	Retain	No	City of Marina	
781	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	18	18						25	32	Fair	Retain	No	City of Marina	
782	<i>Pinus radiata</i>	Monterey Pine	34							34	43	Poor	Remove	No	City of Marina	
783	<i>Pinus radiata</i>	Monterey Pine	6							6	8	Good	Remove	No	City of Marina	
784	<i>Quercus agrifolia</i>	Coast Live Oak	7							7	9	Fair	Remove	No	City of Marina	
785	<i>Pinus radiata</i>	Monterey Pine	15							15	19	Fair	Remove	No	City of Marina	
786	<i>Pinus radiata</i>	Monterey Pine	6							6	8	Fair	Remove	No	City of Marina	
787	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	13							13	16	Fair	Remove	No	City of Marina	
788	<i>Pinus radiata</i>	Monterey Pine	7							7	9	Fair	Remove	No	City of Marina	
789	<i>Pinus radiata</i>	Monterey Pine	11							11	14	Fair	Remove	No	City of Marina	
790	<i>Pinus torreyana</i>	Torrey Pine	11							11	14	Fair	Remove	No	City of Marina	
1051	<i>Pinus torreyana</i>	Torrey Pine	11							11	14	Fair	Retain	Yes	City of Marina	
1052	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	30							30	38	Fair	Retain	Yes	City of Marina	
1053	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	6	6						8	11	Fair	Retain	Yes	City of Marina	
1054	<i>Eucalyptus</i> sp	Eucalyptus	32							32	40	Fair	Retain	No	City of Marina	
1055	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	22							22	28	Good	Retain	No	City of Marina	
1056	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	15							15	19	Fair	Retain	No	City of Marina	
1057	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	13							13	16	Fair	Remove	No	City of Marina	
1058	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	26							26	33	Good	Remove	No	City of Marina	
1059	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	16							16	20	Good	Remove	No	City of Marina	
1060	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	24	22						33	41	Fair	Remove	No	City of Marina	
1061	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	9	15						17	22	Fair	Remove	No	City of Marina	
1062	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	18							18	23	Fair	Remove	No	City of Marina	
1063	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	52							52	65	Fair	Remove	No	City of Marina	
1064	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	14	17	13	19	21	10	15	8	43	54	Good	Remove	No	City of Marina
1065	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	19							19	24	Fair	Remove	No	City of Marina	
1066	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	6							6	8	Fair	Remove	No	City of Marina	
1067	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	6							6	8	Fair	Remove	No	City of Marina	
1068	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	9							9	11	Fair	Remove	No	City of Marina	
1069	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	14							14	18	Fair	Remove	No	City of Marina	
1070	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	9							9	11	Fair	Remove	No	City of Marina	
1071	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	8							8	10	Fair	Remove	No	City of Marina	

Exhibit B

Tree ID	Scientific Name	Common Name	Individual Stem DBH (in)						Total DBH (in)	Dripline (ft)	Health	Recommendation	Coastal Zone	Jurisdiction
1072	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	14	25	15	15	9	10	38	48	Good	Remove	No	City of Marina
1073	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	22	20	15				33	42	Fair	Remove	Yes	City of Marina
1074	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	12	12	10	6	9		22	28	Fair	Remove	Yes	City of Marina
1075	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	42						42	53	Fair	Retain	Yes	City of Marina
1809	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	41						41	51	Poor	Retain	No	City of Marina
1820	<i>Eucalyptus</i> sp.	Eucalyptus	46						46	58	Fair	Retain	No	City of Marina
1821	<i>Eucalyptus</i> sp.	Eucalyptus	18	25	10				32	40	Fair	Retain	No	City of Marina
1822	<i>Eucalyptus</i> sp.	Eucalyptus	10						10	13	Fair	Retain	No	City of Marina
1823	<i>Eucalyptus</i> sp.	Eucalyptus	8						8	10	Fair	Retain	No	City of Marina
1846	<i>Eucalyptus</i> sp.	Eucalyptus	16	6					17	21	Fair	Retain	No	City of Marina
1847	<i>Eucalyptus</i> sp.	Eucalyptus	14						14	18	Fair	Retain	No	City of Marina
1848	<i>Eucalyptus</i> sp.	Eucalyptus	16						16	20	Fair	Retain	No	City of Marina
1849	<i>Eucalyptus</i> sp.	Eucalyptus	18						18	23	Fair	Retain	No	City of Marina
1850	<i>Eucalyptus</i> sp.	Eucalyptus	20	32	12	10			41	51	Fair	Retain	No	City of Marina
1851	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	42						42	53	Good	Remove	No	City of Marina
1852	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	22						22	28	Fair	Remove	No	City of Marina
1853	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	22						22	28	Good	Remove	No	City of Marina
1854	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	28						28	35	Fair	Remove	No	City of Marina
1855	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	30						30	38	Fair	Remove	No	City of Marina
1856	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	7	7	36	20			42	53	Fair	Retain	No	City of Marina
1858	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	7	10					12	15	Fair	Potential Remove	No	City of Marina
1859	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	32						32	40	Fair	Remove	No	City of Marina
1860	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	14						14	18	Good	Remove	No	City of Marina
1861	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	6	13					14	18	Fair	Potential Remove	No	City of Marina
1862	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	16						16	20	Fair	Potential Remove	No	City of Marina
1863	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	15						15	19	Poor	Remove	No	City of Marina
1864	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	8						8	10	Good	Retain	No	City of Marina
1865	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	11						11	14	Good	Retain	No	City of Marina
1866	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	9						9	11	Fair	Remove	No	City of Marina
1868	<i>Pinus radiata</i>	Monterey Pine	18						18	23	Fair	Retain	No	City of Marina
1869	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	9						9	11	Fair	Remove	No	City of Marina
1870	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	10						10	13	Fair	Remove	No	City of Marina
1871	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	8						8	10	Fair	Remove	No	City of Marina
1872	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	10						10	13	Fair	Remove	No	City of Marina
1873	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	9						9	11	Poor	Remove	No	City of Marina
1874	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	18						18	23	Good	Remove	No	City of Marina
1875	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	12						12	15	Fair	Remove	No	City of Marina
1876	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	9						9	11	Fair	Remove	No	City of Marina
1995	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	16	9	9	10	17		28	36	Fair	Retain	No	City of Marina
Acacia 1	<i>Acacia</i> sp.	Acacia	16	18	7	13			28	35	Fair	Remove	No	City of Marina
Acacia 2	<i>Acacia</i> sp.	Acacia	9						9	11	Fair	Remove	No	City of Marina
Acacia 3	<i>Acacia</i> sp.	Acacia	8						8	10	Fair	Remove	No	City of Marina
Acacia 4	<i>Acacia</i> sp.	Acacia	6	8	8				13	16	Fair	Remove	No	City of Marina
1049	<i>Quercus agrifolia</i>	Coast Live Oak	15	9					17	22	Fair	Retain	Yes	County of Monterey
1016	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	14						14	18	Poor	Retain	Yes	Sand City
1017	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	17						17	21	Fair	Retain	Yes	Sand City
1018	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	15						15	19	Fair	Retain	Yes	Sand City
1019	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	24						24	30	Fair	Retain	Yes	Sand City

Approved by Tree Committee at it's February 26, 2024, meeting.
See revised COAs "J" and "K" in TC Reso. 2024-01

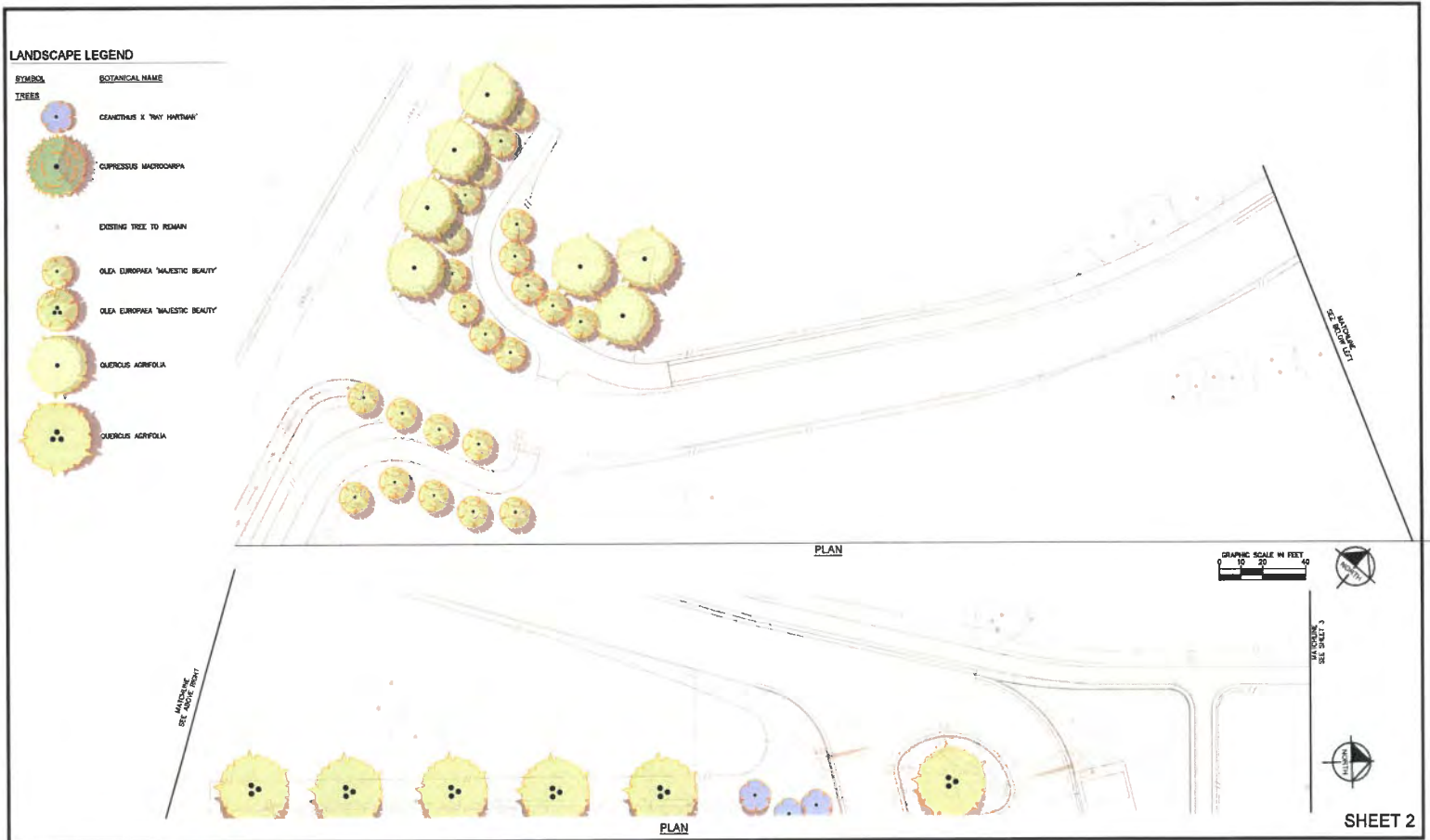
CITY OF MARINA LANDSCAPE LEGEND

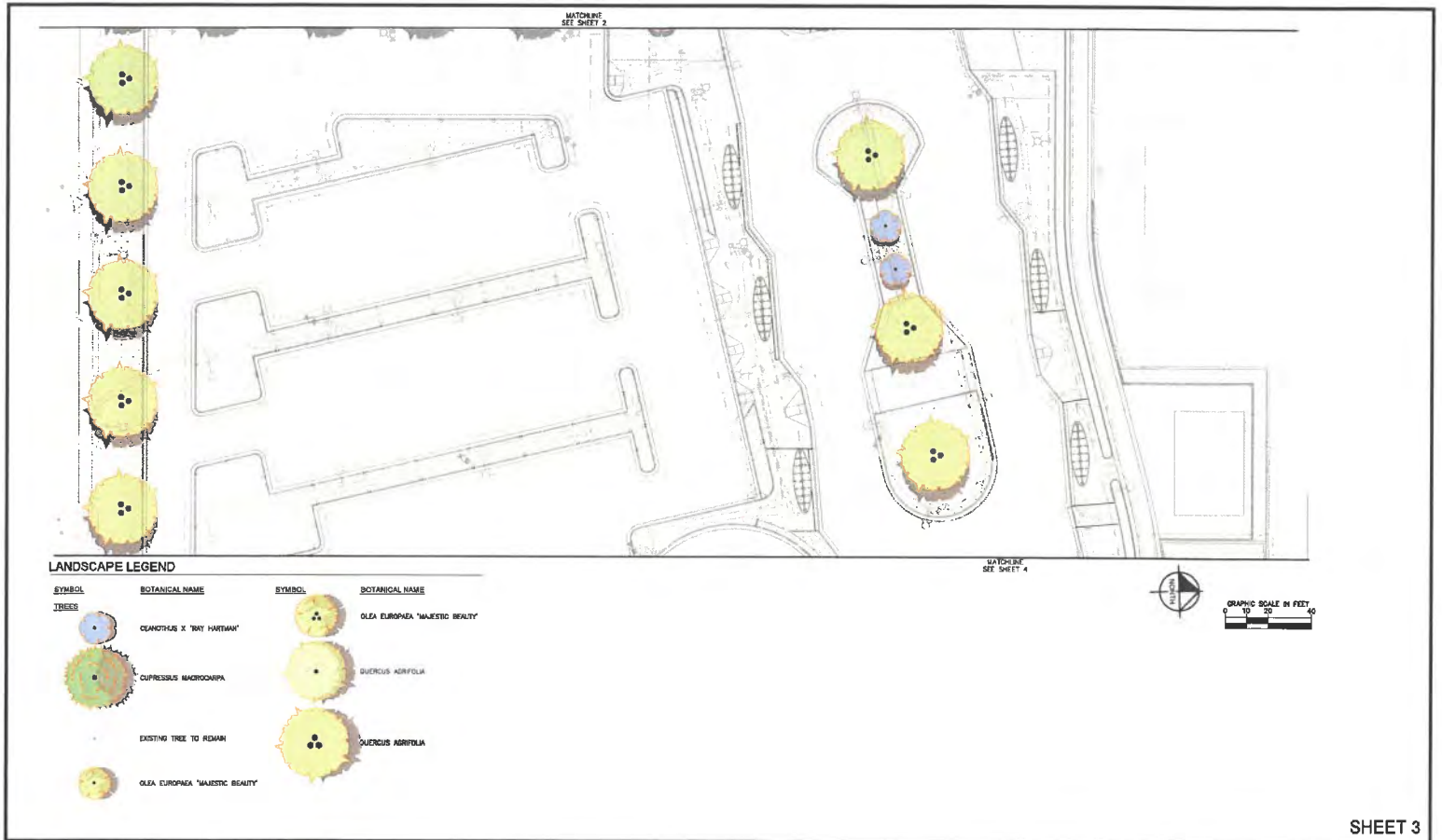
SYMBOL	CITY	BOTANICAL / COMMON NAME	CONT	HEIGHT/SPREAD	CAL.	WINDS	SIZE AT MATURITY
TREES							
	29	CEANOTHUS X 'RAY HARTMAN' / RAY HARTMAN WILD LILAC	24" BOX	9'-11' HT. X 4'-5' SPRL.	2" CAL.	LOW	15' HT. X 15' HT SPRL.
	30	CUPRESSUS MACROCARPA / MONTEREY CYPRESS	36" BOX	9'-10' HT. X 4'-5' SPRL.	3" CAL.	MODERATE	60' HT. X 50' SPRL.
	47	EXISTING TREE TO REMAIN / PROTECT IN PLACE	N/A	N/A	N/A	N/A	N/A
	23	OLEA EUROPAEA 'MAJESTIC BEAUTY' / MAJESTIC BEAUTY FRUITLESS OLIVE	15 GAL.	7"-8" HT. X 3"-5" SPRL.	1" CAL.	VERY LOW	15' HT. X 18' HT SPRL.
	7	OLEA EUROPAEA 'MAJESTIC BEAUTY' / MAJESTIC BEAUTY FRUITLESS OLIVE	24" BOX	8'-11' HT. X 4'-5" SPRL.	2" CAL.	VERY LOW	15' HT. X 15' HT SPRL.
	9	QUERCUS AGRIFOLIA / COAST LIVE OAK	15 GAL.	7"-8" HT. X 2"-3" SPRL.	1" CAL.	VERY LOW	60' HT. X 50' SPRL.
	38	QUERCUS AGRIFOLIA / COAST LIVE OAK	36" BOX	12-14' HT. X 5'-8" SPRL.	3" CAL.	VERY LOW	60' HT. X 50' SPRL.

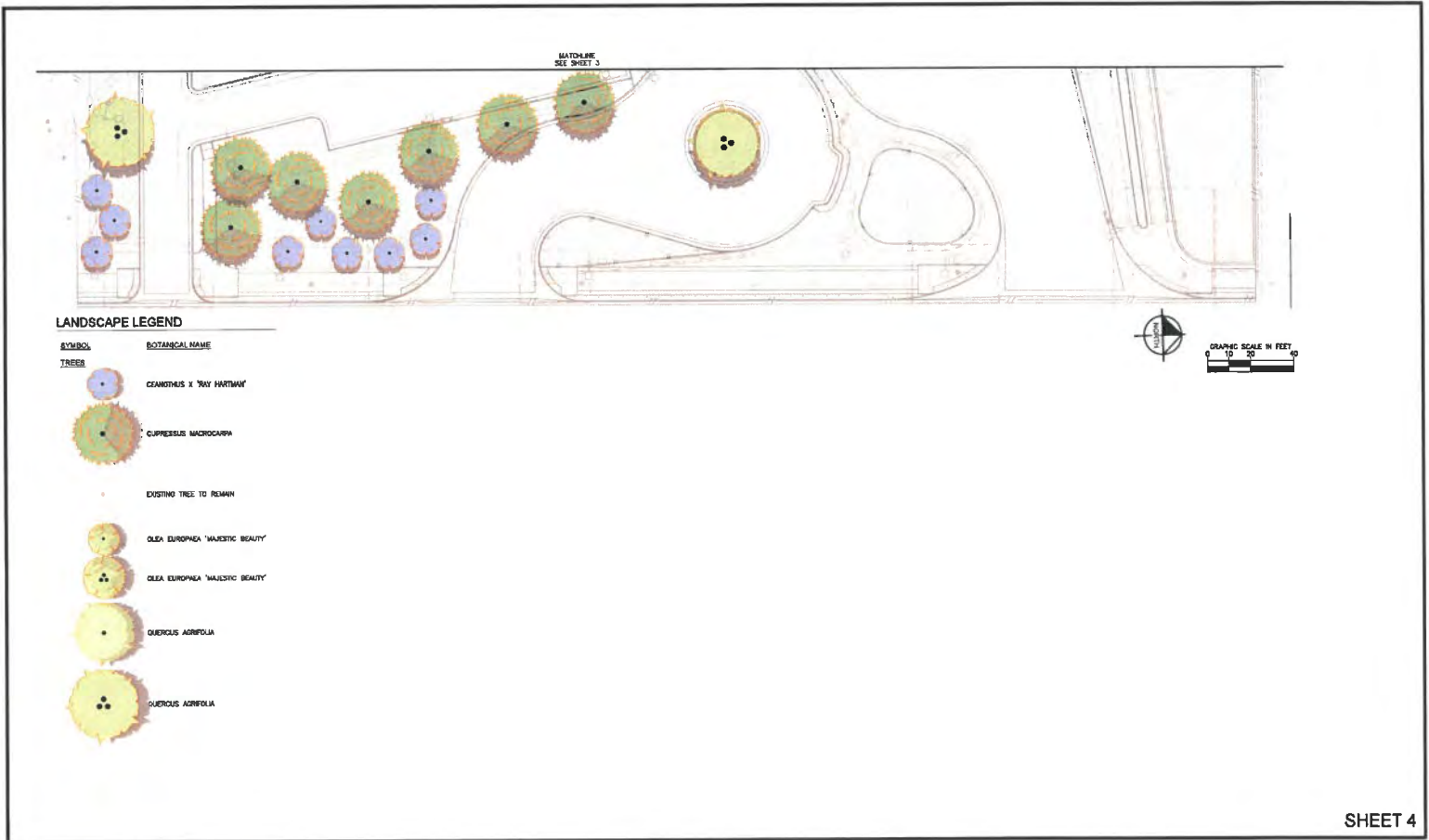
LANDSCAPE NOTES:

1. CUPRESSUS MACROCARPA, OLEA EUROPAEA, AND QUERCUS AGRIFOLIA ARE ALL INCLUDED IN THE CITY OF MARINA'S RECOMMENDED LIST OF PREFERRED TREES.
2. CEANOTHUS X 'RAY HARTMAN' IS LISTED ON THE MARINA TREE & GARDEN CLUB TREE LIST FOUND IN THE MARINA DOWNTOWN VITALIZATION SPECIFIC PLAN.
3. CEANOTHUS X 'RAY HARTMAN' WAS REIN CHOSEN BASED ON THE FACT THAT IT PERFORMS WELL IN THE CITY OF MARINA, IS LOW WATER USE, AND IS A CALIFORNIA NATIVE.
4. QUERCUS OCCIDENTALIS IS NOT PLANTED WITHIN THE LIMITS OF THE CITY OF MARINA, BUT IS PLANTED WITHIN THE SAND CITY PORTION OF THE PROJECT. THEREFORE IT IS INCLUDED ON THE OVERALL PLANTING SCHEDULE.

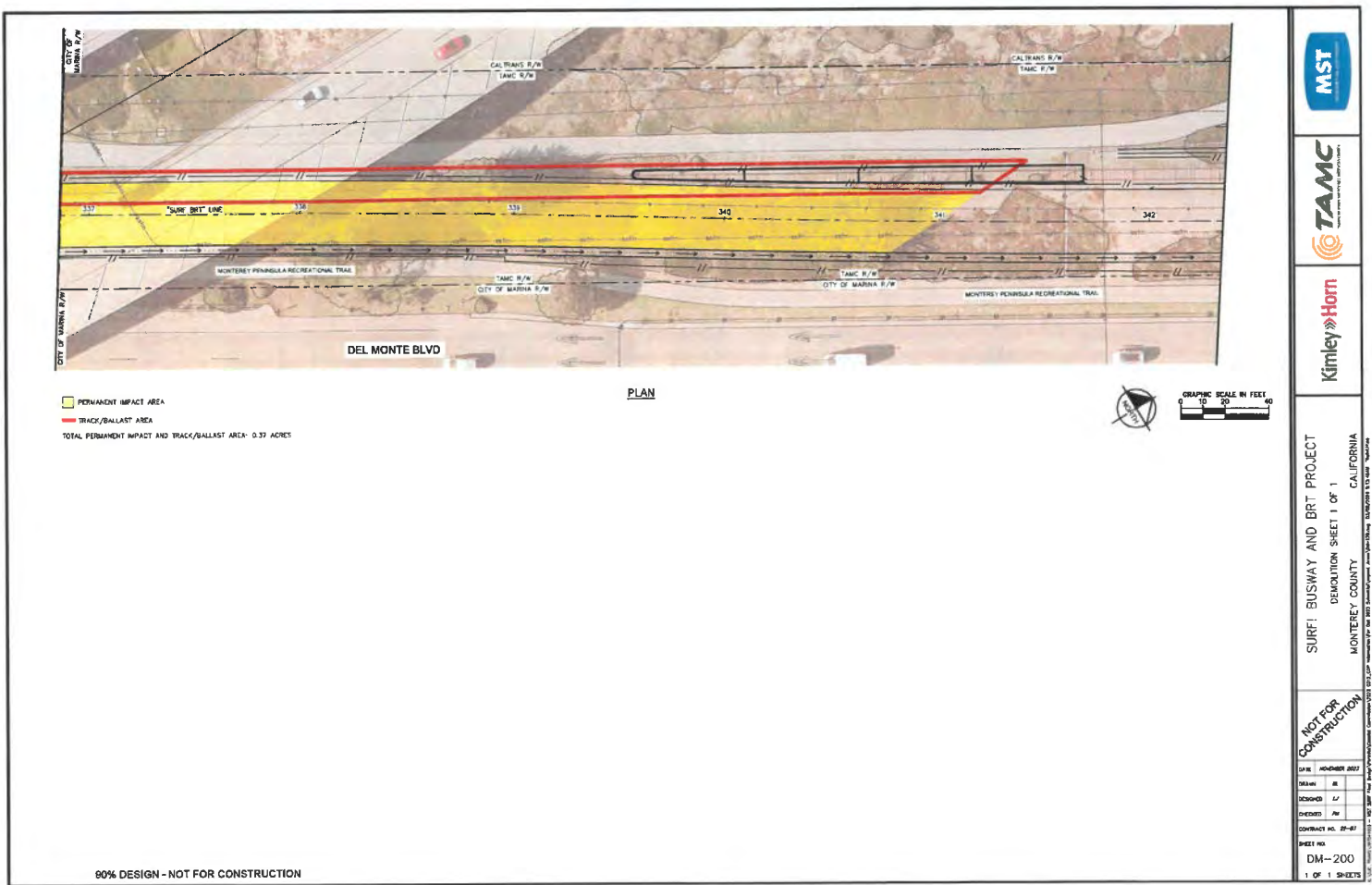
SHEET 1

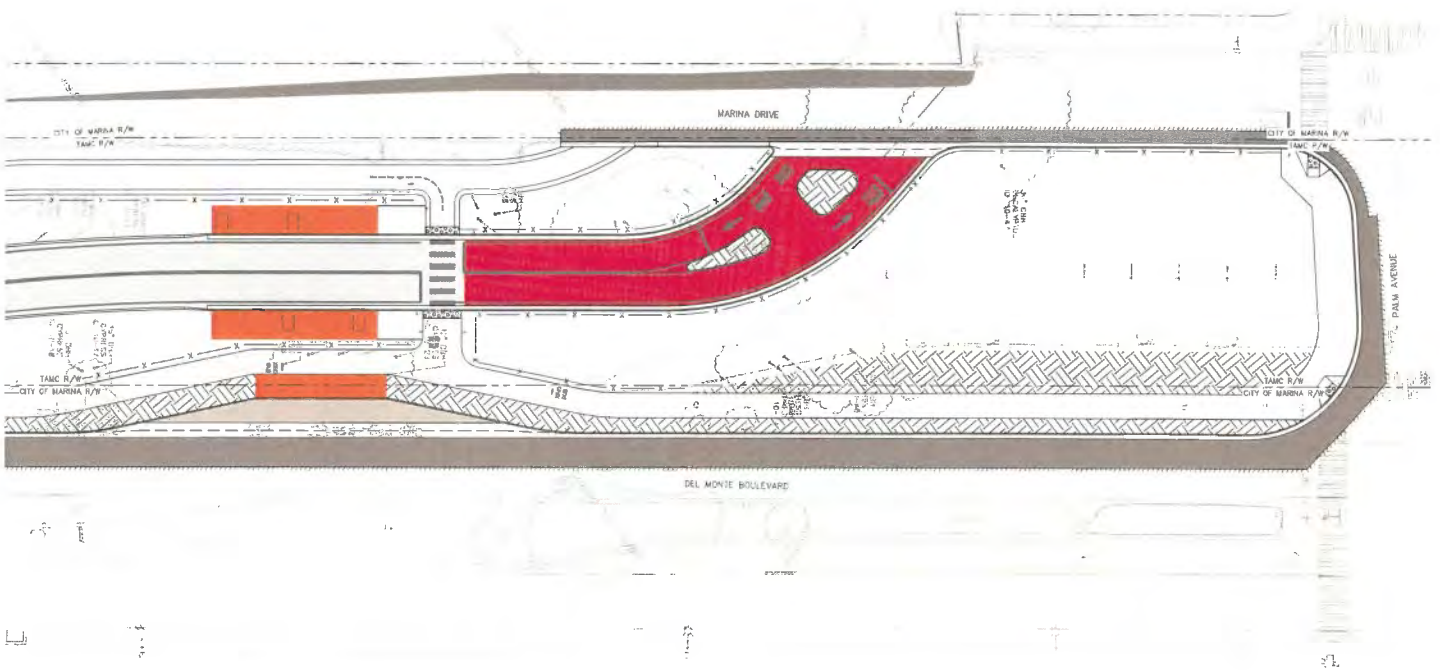








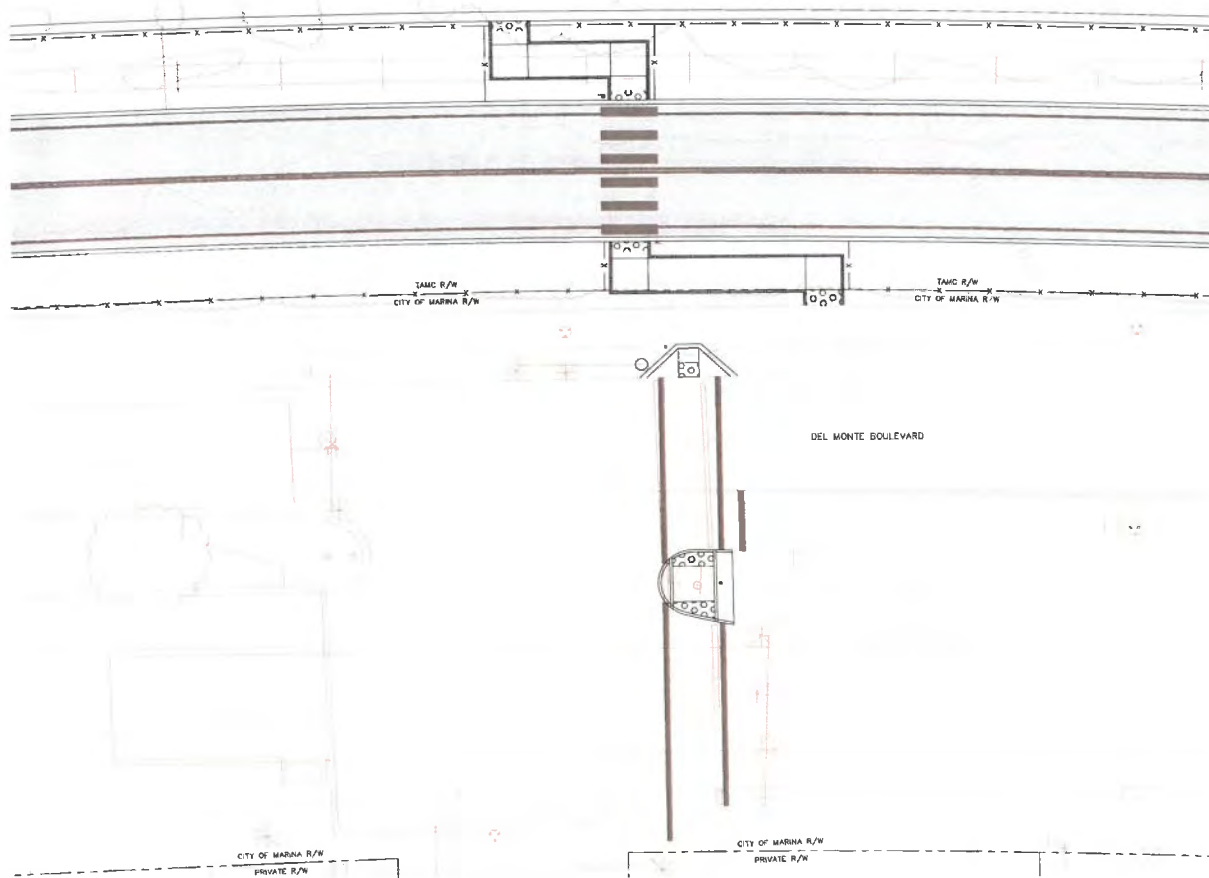




Source: Kimley Horn, 2022

Figure 3-5: Palm Avenue Segment Details
MST SURF! Busway and Bus Rapid Transit Project





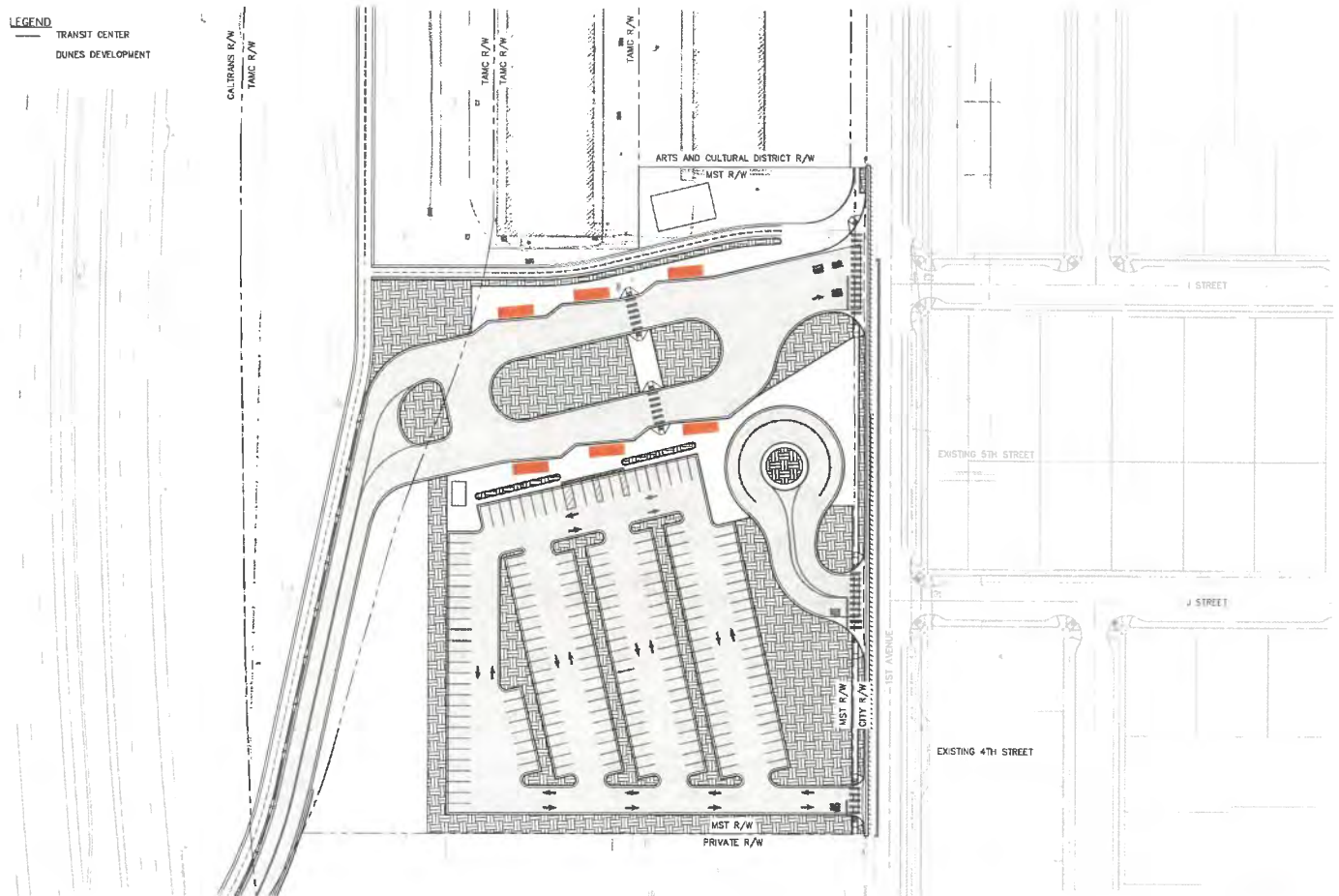
Source: Kimley Horn, 2022

Figure 3-6: Pedestrian Crossing at Reindollar Avenue
MST SURF! Busway and Bus Rapid Transit Project

 Not to scale

Kimley»Horn
TAMC

MST
Metropolitan San Antonio



Source: Kimley Horn, 2022

Figure 3-7: 5th Street Station Details
MST SURF! Busway and Bus Rapid Transit Project



City of Marina LCP Area



**City of Marina -
Certified LCP area**



**Monterey County -
Fort Ord Transfer Area UA**



**City of Marina -
Fort Ord Transfer Area UA**



Coastal Zone Boundary

0 0.5 1 Mile

0 0.5 1 Kilometer



N

Exhibit C

Tree Committee Reso. 2024-01

<https://www.cityofmarina.org/1296/SURF-Bus-Rapid-Transit-Line-Coastal-Deve>

(also permanently on file in the City of Marina Community Development Dept.)

Exhibit D - Findings

Tree Removal Permit

MMC 17.62.060.C. *Required Findings for Approval of Tree Removal Permit.* The finding is in standard font with Staff's response following in *italics*. The applicant must demonstrate compliance with at least one of Findings 1-5 and all of Findings 6-8.

1. The tree is in poor condition and is in danger of falling within proximity to existing structures, high pedestrian traffic areas such as parking lots, playgrounds and pedestrian walkways, or interference with utility services that cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices; or

A qualified arborist assessed the 92 trees proposed for removal and found the majority to be in fair condition. When final grading plans are prepared, it may be possible to retain trees that are not needed for construction. In this event, these trees will be retained and protected.

2. The tree is host to a plant, or insect, or other parasitic organism which endangers other adjacent healthy trees; or

A qualified arborist assessed the 92 trees proposed for removal and found the majority to be in fair condition. This finding does not apply.

3. The location of more than three (3) trees conflicts with the construction of street or sidewalk improvements, storm drain, traffic signals or signs; or

Infrastructure improvements associated with the project include the development of separated traffic lanes for buses and platforms and associated infrastructure (parking, landscaping, etc.) at two stations within City limits. The location of multiple trees proposed for removal would interfere with these improvements, as documented on the Site Plan and in the Arborist Report.

4. The number of trees on the site is in excess of the number of healthy trees the site is able to support, based on such considerations as tree species, growth characteristics, general health of the stand, tree age, solar orientation and soil condition; or

A qualified arborist assessed the health of individual trees within the project area but did not offer an opinion on the number of healthy trees the site is able to support. This finding does not apply.

5. The applicant outlines other clearly documented and compelling reasons for the removal or relocation of a tree which do not include the elimination of falling leaves or shade, or improving a view; and

The removal of 90 trees outside of the Coastal zone and two within the Coastal zone is necessary to accommodate infrastructure for the SURF! BRT line. Initially, the applicant proposed to remove 115 trees. The revised application reduces the number of trees to be removed by 22 percent.

6. The tree does not serve as part of a windbreak system, or assist in drainage or in the avoidance of soil erosion, or serve as a component of a wildlife habitat, or otherwise play a prominent role in maintaining the existing urban forest; and

Most of the trees proposed for removal were found by an arborist to be in fair condition. The trees do not serve as part of a windbreak system. Mitigation measures described in the Arborist Report and in the Conditions of Approval above will reduce impacts of tree removal related to drainage, soil erosion, and wildlife habitat. Trees will be replaced at a 2:1 ratio or an in-lieu fee provided per MMC 17.62.060.D.2, ensuring preservation of the City's urban forest.

7. Due to the tree's contribution to the aesthetic beauty of the area, the removal would not have a substantial detrimental effect on neighboring property values; and

Although aesthetic judgements are subjective, the City has established a process for designating aesthetically significant trees as landmark trees (MMC Section 17.62.070). None of the trees proposed for removal have been designated as a landmark tree. Because the trees are generally in fair condition, located within an existing transportation corridor or on vacated land within the former Fort Ord, and located more than 200 feet away from commercial and residential properties, removal of the trees is unlikely to have a substantial detrimental effect on neighboring property values.

8. If the removal request is concurrent with development plans for the property and the development plans indicate that it is necessary to remove or relocate the tree to enable reasonable and conforming use of the property which is otherwise prevented by the location of the tree.

The applicant made an effort to protect as many trees within the project area as possible, reducing the number of trees proposed for removal by 22 percent. In order to accommodate required infrastructure, 92 trees must be removed. The trees will be replaced at a 2:1 ratio or an in-lieu fee provided consistent with the requirements of MMC Section 17.62.060.

Coastal Development Permit § 17.40.200.E.3

The finding is in standard font with Staff's response following in *italics*.

In considering an application for a coastal development permit the planning commission shall consider and give due regard to the Marina general plan and local coastal land use and implementation plans. The planning commission shall determine whether or not the establishment, maintenance and operation of the use applied for will, under the circumstances of the particular case, be consistent with the general plan and local coastal land use and implementation plans, based upon the following findings that the project will:

- a. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the planning guidelines listed in the LCLUP;

The 0.37-acre portion of the project that lies within the City's jurisdiction of the Coastal zone will be developed with a paved bus rapid transit busway consisting of two (2) twelve-foot paved traffic lanes within the TAMC right-of-way (ROW). The busway itself will be at existing grade with minimal vertical disruption to views to the west at this point. A portion of the subject location is under an existing freeway overpass and a portion is just north between the Del Monte Blvd. ROW to the east and the Beach Range Rd. extension (trail) to the west. The TAMC ROW travels through and adjacent to the Caltrans Highway 1 ROW.

- b. Be subject to approval of the site and architectural design review board, including the planning guidelines listed in the LCLUP;

No development that is subject to design review is proposed at this time; Design Review Board review is not required.

- c. Guarantee that appropriate legal action is taken to insure vertical and lateral coastal access or fees paid in lieu thereof as required in the LCLUP and coastal zoning ordinance access components. Required improvements shall be completed, or a bond adequate to guarantee their completion shall be posted with the city, prior to issuance of a certificate of occupancy;

The project not negatively affect public access to the coast. The 0.37-acre portion of the project that is located in the City's CDP jurisdiction that will be developed with the busway will continue to provide access to existing beach trails.

- d. Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without need for shoreline protection structures;

The proposed busway is more than 2,500 feet from the shoreline and not subject to coastal erosion.

- e. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and coastal zoning ordinance;

According to the LCLUP, the property is outside areas mapped as having sensitive natural habitats. Furthermore, the biological report prepared for the project did not identify any special status species within this area, although two (2) trees are to be removed. The site is an existing transportation ROW (TAMC, state highway, local road, Monterey Bay Rec. Trail) and is developed with out-of-service railroad tracks and paved trails. Given the existing transportation network in this area, this portion of the project site is highly disturbed. The LUP includes a policy (#35) stating mass transit within the Coastal zone shall be continued and improved.

- f. Be consistent with beach parking standards, as established in the LCLUP access component;

There is no vehicular access provided at the subject location.

- g. Included feasible mitigating measures which substantially reduce significant impacts of the project as prescribed in any applicable EIR;

The mitigation measures identified by and certified in MST's adopted Mitigation Monitoring and Reporting Program (MMRP), part of the MST Mitigated Negative Declaration (MND), are in full force and effect over activities within the City's permit jurisdiction where they apply. As noted in "e" above, there were no sensitive species observed in the preparation of the project biological report for the 0.37-acre portion of the project in the City's Coastal zone jurisdiction and this location is not included in the LCP's sensitive habitats maps. The other development and tree removal is outside the Coastal zone and not subject to these findings.

- h. Not interfere with public access along the beach;

There is no beach access at this location.

- i. Comply with the access, shoreline structure and habitat protection standards included in the local coastal land use and implementation plans;

Access, shoreline structure, and habitat protection standards are not applicable to this project or site.

- j. Comply with the housing element and housing recommendations of the local coastal land use and implementation plans;

The project is a transportation project to be developed in a transportation corridor and on a ± 4.5 acre property owned by MST and required to be used as a multi-modal transportation hub. No housing is proposed.

- k. In the case of demolition of a residential structure, except to abate a nuisance, not detrimentally alter the character or housing mix of the neighborhood. The structure shall be moved, if capable of providing comparable housing opportunities at another location. The demolition and replacement structure shall comply with applicable local coastal land use plan policies;

No demolition is proposed other than preparing the site for a busway.

- l. In the case of new surf zone or beach sand mining operations, comply with all standards regarding such operations specified in the LCLUP including standards for significant adverse impacts on shoreline erosion, either individually or cumulatively.

No mining operations are proposed.

Exhibit E**Conditions of Approval**

- 1. Effective Date, Expiration, and Extensions.** This approval shall become effective immediately, except when an appeal period applies pursuant to MMC Section 17.70 in which case actions shall become effective ten (10) days after the approval date provided that no appeal is filed. Approval shall expire **two (2) years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building

permit application has been filed with the Community Development Department, or the authorized activities have commenced in the case of a permit not involving construction. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Community Development Director or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body (Planning Commission). Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval or its implementation, then the time period stated above for obtaining necessary permits for construction and/or commencement of authorized activities is automatically extended for the duration of the litigation.

2. **Compliance with Other Requirements.** The owner, applicant, and operator shall comply with all other applicable federal, state, regional, and local laws, codes, requirements, regulations, and guidelines. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.
3. **Modifications.** Any modification to the approved project, site plan, conditions of approval, or use requires consistency review and approval by Planning Staff. Major revisions may require review and approval by the original approving body or a new independent permit.
4. **Compliance with Conditions of Approval.** The owner, applicant, and operator shall be responsible for compliance with all Conditions of Approval. The City reserves the right at any time during construction to require certification by a licensed professional at the applicant's expense that the as-built project conforms to all applicable requirements. Violation of any term, project description, or Condition of Approval is unlawful and prohibited. In the case of noncompliance with the requirements of a Use Permit, MMC Section 17.58.060 allows for the revocation of said permit. The City reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings where violations are present, consistent with Chapter 1.08 of the Marina Municipal Code.
5. **Site and Architectural Design Permit.** The applicant shall obtain a Design Review permit prior to any vertical development at the 5th St. Transit Center or platform improvements at the Palm Ave. transit stop if required by MMC 17.56.010. Depending on the future scope of transit-related development, a Design Review permit may not be required.
6. **Mitigation Measures BIO 1 – BIO 6.** The owner, applicant, and operator shall be responsible for compliance with the Construction Best Management Practices, Construction-Phase Monitoring, Non-Native/Invasive Species Controls, Pre-Construction Surveys for Protected Avian Species, Pre-Construction Surveys for Monterey Dusky-Footed Woodrat, and Pre-Construction Surveys for Townsend's Big-eared Bat as described in the Biological Report¹ and MMRP.
7. **Timing of Tree Removal.**
Per Mitigation Measure (MM) BIO-1.4 from MST's adopted MND:

Construction activities that may directly (e.g., vegetation removal) or indirectly (e.g., noise/ground disturbance) affect protected nesting avian species will be timed to avoid the

¹ <https://mst.org/wp-content/media/Appendix-07-Final-Biological-Resources-Report.pdf>

breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after September 16 and before January 31. Alternatively, a qualified biologist will be retained by the project applicant to conduct pre-construction surveys for nesting raptors and other protected avian species within 500 feet of proposed construction activities if construction occurs between February 1 and September 15. Pre-construction surveys will be conducted no more than 14 days prior to the start of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). Because some bird species nest early in spring and others nest later in summer, surveys for nesting birds may be required to continue during construction to address new arrivals, and because some species breed multiple times in a season. The necessity and timing of these continued surveys will be determined by the qualified biologist based on review of the final construction plans and in coordination with the CDFW [California Department of Fish and Wildlife], as needed.

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

Per MM BIO-1.5:

Not more than thirty (30) days prior to the start of construction of Segments 1-4 and the 5th Street Station (including vegetation removal), a qualified biologist shall conduct a survey of suitable habitat within the work site to locate existing Monterey dusky-footed woodrat nests. All Monterey dusky-footed woodrat nests shall be mapped and flagged for avoidance. Graphics depicting all Monterey dusky-footed woodrat nests shall be provided to the construction contractor. Any Monterey dusky-footed woodrat nests that cannot be avoided shall be relocated according to the following procedures:

- Each active nest shall be disturbed by the qualified biologist to the degree that the woodrats leave the nest and seek refuge elsewhere.
- Nests shall be dismantled during the non-breeding season (between October 1 and December 31), if possible.
- If a litter of young is found or suspected, nest material shall be replaced and the nest left alone for 2-3 weeks, after this time the nest will be rechecked to verify that young are capable of independent survival before proceeding with nest dismantling.

Per MM BIO-1.6:

To avoid and reduce impacts to Townsend's big-eared bat, if the project construction is planned during the reproductive season (May 1 through September 15), MST will retain a qualified bat specialist or wildlife biologist to conduct site surveys to characterize bat utilization within and adjacent to the project site and potential species present (techniques utilized to be determined by the biologist) prior to construction. Based on the results of these initial surveys, one or more of the following will occur:

- If it is determined that bats are not present within or adjacent to the site, no additional mitigation is required.
- If it is determined that bats are utilizing the trees or abandoned buildings within or adjacent to the site and may be impacted by the proposed project, pre-construction surveys will be conducted within 50 feet of construction limits no more than 30 days prior to the start of construction. If, according to the bat specialist, no bats or bat signs are observed in the course of the pre-construction surveys, construction may proceed. If bats and/or bat signs are observed during the pre-construction

8. Display of Tree Removal Permit. Prior to and during the removal of any tree approved for removal, a copy of the tree removal permit shall be displayed on site. If no tree removal permit is displayed, the City will issue a stop work order and commence the City's administrative fine process.

9. Tree Protection. Per MM BIO-1.1 from MST's adopted MND:

- a. Tree and vegetation not planned for removal or trimming shall be protected prior to and during construction to the maximum extent possible through the use of exclusionary fencing, such as hay bales for herbaceous and shrubby vegetation and protective wood barriers for trees. Only certified weed-free straw shall be used to avoid the introduction of non-native, invasive species. A biological monitor shall supervise the installation of protective fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact.
- b. Per MM BIO-4.12:
 - i. Temporary construction fencing shall be placed at approximately 10 feet from the trunk of native trees intended to be retained. Grading, vegetation removal, and other ground disturbing activities shall not commence until the project arborist has inspected and approved the protective fencing installed by the contractor. No equipment or materials, including soil, shall be stored within the established environmental exclusion zone. Prior to grading within 25 feet of retained trees, the project arborist shall be consulted to determine whether pruning is necessary to protect limbs from grading equipment.
 - ii. To avoid soil compaction from damaging the roots, heavy equipment shall not be allowed to drive over the root area. If deemed necessary and approved by the forester, equipment may drive across one side of the tree. To reduce soil compaction, wood chips shall be spread 6-12 inches deep to disperse the weight of equipment and plywood sheets shall be placed over the wood chips for added protection.
 - iii. Roots exposed by excavation must be pruned and recovered as quickly as possible to promote callusing, closure, and healthy regrowth.
 - iv. Retained trees shall be watered periodically in accordance with species need to promote tree health. Transplanted trees and their intended planting areas shall be pre-watered. Post planting watering shall be done as needed to assure establishment.

As determined necessary by the project arborist, retained trees shall be watered periodically to promote tree health.

10. 5th St. Station – MM BIO-10: Special-Status Plant Surveys and HMP Compliance

A qualified biologist shall be retained to conduct surveys for Monterey spineflower and Yadon's piperia within the 5th Street Station. The surveys shall be conducted during the appropriate identification period(s) to determine presence or absence, according to USFWS, CDFW, and CNPS protocol. The biologist shall prepare a report that provides the results of the survey, and, if found the number and locations of individuals/populations identified.

- If no Monterey spineflower or Yadon's piperia are found, no further mitigation is necessary.
- If Monterey spineflower or Yadon's piperia are found, salvage efforts for these species will be evaluated by a qualified biologist in coordination with the MST prior to construction to further reduce impacts per the requirements of the HMP and 2017 Programmatic BO. Where salvage is determined feasible and proposed, seed collection should occur from plants within the development site and/or topsoil should be salvaged within occupied areas to be disturbed. Seeds should be collected during the appropriate time of year for each species as determined by the qualified biologist. The collected seeds and topsoil should be used to revegetate temporarily disturbed construction areas and reseeded and restoration efforts on- or off-site, as determined appropriate by the qualified biologist and MST.

- 11. Additional Mitigation Measures.** In addition to the measures stated herein, the City of Marina relies upon all other mitigation measures included in the MMRP and certified by MST as they apply to the portions of the project subject to the City's discretionary permit review; i.e., tree removal within the TAMC ROW, new transit development within the 0.37 ac portion of the TAMC ROW in the City's CDP jurisdiction, and site development at the 5th St. Transit Center.
- 12. Replacement Trees.** Upon completion of the grading and infrastructure development for the Phase in which trees were removed, new trees shall be planted at a 2:1 ratio. The replacement tree species and sizes shall be a mix of native coast live oak (*Quercus agrifolia*), Monterey cypress (*Cupressus macrocarpa*), Ray Hartman Wild Lilac (*Ceanothus X 'Ray Hartman'*), Majestic beauty fruitless olive (*Olea Europaea 'Majestic Beauty'*), with Coffeeberry (*Frangula californica*), Coast silktassel (*Garrya elliptica*), and Toyon (*Heteromeles arbutifolia*) interspersed to supplement the Ceanothus at the discretion of the landscape architect. The tree sizes shall follow the Appendix C of Resolution 24-01. Alternatively, MST may provide the City with "in lieu" fees per MMC Section 17.62.060.D.2. Any combination of these two (2) replacement methods is acceptable. In-lieu fee shall be dedicated to the City's Del Monte Blvd Beautification Project.
- 13. Tree and Landscaping Maintenance.** The trees and landscaping installed under this permit shall be maintained for the life of the project using the International Society of Arboriculture (ISA) best management practices (BMPs).
- 14. Site Restoration Plan.** The ground surface shall be restored in the vicinity of the tree removals. Restoration shall include but not be limited to the removal of tree stumps and filling of any holes left by the removal.

15. **Sewer Easement.** Prior to removing any trees within the 5th Street station area, the applicant shall provide Community Development Department staff with written documentation from Marina Coast Water District (MCWD) certifying trees near the existing MCWD sewer easement are cleared for removal.
16. **Coastal Development Permit.** The two trees proposed for removal within the coastal zone (nos. 1073 and 1074) are subject to additional review and a coastal development permit (CDP) from the City of Marina. These trees shall not be removed until the CDP has been issued and all appeal periods have passed. Removal of any trees within the coastal zone shall be consistent with the required Conditions of Approval attached to the CDP.
17. **Encroachment Permit(s).** Prior to the commencement of any work within the City's public ROW, an encroachment permit from the Public Works Dept. shall be obtained.
18. **Inadvertent Discovery of Archaeological, Tribal Cultural Resources, Paleontological Resources or Human Remains.** Any inadvertent discovery while removing trees and/or restoring the site post-removal shall be mitigated in accordance to MM CR-2 in the adopted MMRP.
19. **Indemnification.** To the extent allowable by law, the owner, applicant, and operator agree to hold the City harmless from costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceeding brought in any state or federal court challenging the City's actions with respect to the project. The owner, applicant, and operator understand and acknowledge that the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.
20. **Violation of Code.** Any person who does any work or uses, occupies or maintains any building or structure, or causes the same to be done, or does any grading, contrary to or in violation of this title or of any of the uniform codes adopted by this title is guilty of an infraction pursuant to MMC 15.04.060.
21. **Construction Noise.** Unless otherwise authorized, construction activities shall be conducted in compliance with MMC Section 15.04.055 and all non-emergency construction or repair work shall be limited to the following schedule:
 - a. Monday through Saturday: 7 a.m. to 7 p.m.
 - b. Sunday and holidays: 10 a.m. to 7 p.m. (For the purposes of this section, "holidays" shall include New Year's Day, July 4th, Thanksgiving and Christmas)
 - c. During daylight savings time, the hours of construction may be extended to 8 p.m.

No construction, tools, or equipment shall produce a decibel level of more than sixty (60) decibels for twenty-five (25) percent of an hour at any receiving property line.
22. **Operational Noise.** Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of Chapter 9.24 of the Marina Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

- 23. Site Maintenance.** The site shall be kept in a blight- and nuisance-free condition, and healthy and well-kept landscaping shall be continuously maintained. Any existing blight or nuisance shall be abated within 60 days of permit approval.
- 24. Lighting.** Exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. After installation, the Community Development Director or designee shall retain the right to require reduction in the intensity of illumination or change of light color if said illumination creates any undue public nuisance.
- 25. Waste Receptacles.** No storage of trash, recycling, or food waste receptacles shall be permitted within the public right-of-way. Receptacles shall be stored on site and screened from public view. The owner, applicant, and operator shall ensure that the requirements of Chapter 8.04 of the Marina Municipal Code pertaining to recycling and solid waste disposal are met.
- 26. Graffiti.** All graffiti on facilities must be removed at the sole expense of the permittee within 48 hours after notification from the City.

Exhibit F**CEQA Determination**

Monterey-Salinas Transit (MST) is lead agency under CEQA and has prepared and adopted its own Mitigated Negative Declaration (MND) and Mitigation Monitoring & Reporting Plan (MMRP). MST subsequently adopted a CEQA Exemption pursuant to Public Resource Code (PRC) § 21080.25 (SB 922).

Exercising its independent judgment, and for the reasons set forth in the recitals, the Staff Report, and the administrative record, the City of Marina finds that the SURF! Busway and Bus Rapid Transit Project meets the criteria of and is statutorily exempt under SB 922 [2022] (Pub. Res. Code § 21080.25(b), “Exemption”). This includes a combination of the individual exemptions, as allowed by subsection (b)(8), including, but not limited to subsections (b)(1) [Pedestrian/Bike Facilities], (b)(2) [wayfinding], (b)(3) [transit prioritization], (b)(5) [Bus rapid transit, bus, or light rail service, including stations, terminals, or existing operation facilities], (b)(6) [Charging stations], and (b)(7) [Infrastructure] (**Exhibit F**).

Furthermore, since MST filed the March 13, 2023, Notice of Exemption for the project, there have been no substantial changes to the project that would change the conclusions set forth in this Resolution.

CCC report

Attachment 1: Line 20 Ridership, VMT, and GHG Reduction Information

(Responds to Coastal Commission questions 1.a - 1.c)

MEMORANDUM

To: Lisa Rheinheimer, MST

From: Tad Stearn, Kimley-Horn

Date: December 8, 2023

Subject: MST Ridership, Vehicle Miles Travelled and Greenhouse Gas Reduction Information Requested by Coastal Commission Staff in Letter of August 25, 2023

Purpose

This memorandum serves as an attachment to supplement MST's response to the Central Coast District Office's request for additional information. The specific comments from Coastal Staff's letter are presented, followed by a detailed response.

1.a. Current Line 20 Ridership. Please provide up-to-date data for current Line 20 ridership between Marina and Sand City. Data should cover at least one year of service as to capture any seasonal variation in ridership. If available, data should also differentiate between work commuters and other types of users with as much specificity as possible.

- a. Line 20 extends from Salinas to Monterey. Per the request, MST has updated actual ridership data for the portion of Line 20 between Marina and Sand City. MST ridership data for Line 20 was compiled by MST using data from August 2022 to July 2023. Automated Passenger Count (APC) and GFI (fare box) data was used. During this period, between the eastern edge of City of Marina and Sand City, annual commuter ridership was 71,815 and all other passenger ridership was 143,687, for a total annual ridership of 215,502 for Line 20 between these points. Ridership numbers were collected for all stops between Marina and Sand City, and this number includes passenger loads already on buses when reaching the first stops at Marina and Sand City. Weekday trips between 6AM -9AM and 4PM-7PM were assumed as commuter trips.

August 2022 to July 2023

		Eastbound Passenger Boardings				
		Weekdays			Weekends	
Stop ID	Stop Name	AM Peak (6-9)	PM Peak (4-7)	All Other Times	All Day	TOTAL
Load at 5460 (# of passengers already onboard when bus arrives at bus stop)		4,720	15,041	23,172	12,368	55,302
5460	PLAYA/SANDCITYSTATION	1,448	3,763	8,512	3,815	17,538
5468	PLAYA/METZ	29	45	207	72	353
5431	FREMONT/ORDGROVE	1,014	1,632	3,909	1,154	7,709
5800	DELMONTE/REINDOLLAR	59	80	275	94	509
5801	DELMONTE/CYPRESS	128	170	868	202	1,368
2703	DELMONTE/PALM	195	71	437	111	814
2706	DELMONTE/MORTIMER	42	72	250	99	463
7111	DELMONTE/RESERVATIONRD.	125	107	330	130	693
5810	RESERVATION/VISTADELCAMINO	200	483	1,135	534	2,352
5811	RESERVATION/SEACREST	31	54	262	88	434
9302	MARINATRANSITEXCHANGEGATE2	1,215	1,406	4,412	1,853	8,886
5834	RESERVATION/CRESCENT	333	292	634	224	1,484
5837	RESERVATION/ELRANCHO	192	132	360	174	859
5840	RESERVATION/CALIFORNIA	299	73	226	180	778
2003	RESERVATION/430RESERVATIONRD	119	13	78	30	239
2002	RESERVATION/LYNSCOTT	36	15	202	48	301
2004	RESERVATION/BAYER	157	44	225	146	573
2007	RESERVATION/IMJIN	409	290	530	282	1,511
	TOTAL	10,751	23,784	46,026	21,605	102,166

-26,000

76,000

August 2022 to July 2023		Westbound Passenger Boardings				TOTAL
Stop ID	Stop Name	Weekdays			Weekends	
		AM Peak (6-9)	PM Peak (4-7)	All Other Times	All Day	
Load at 2070 (# of passengers already onboard when bus arrives at bus stop)		11,131	7,545	28,842	12,254	59,773
2070	RESERVATION/IMJIN	866	359	1,412	675	3,312
2072	RESERVATION/BAYER	466	64	494	236	1,260
2073	RESERVATION/LYNESCOTT	76	186	311	195	769
5829	RESERVATION/CALIFORNIA	433	163	1,263	531	2,390
5832	RESERVATION/#365	9	11	129	32	181
5835	RESERVATION/CRESCENT	1,415	80	434	392	2,319
9303	MARINATRANSITEXCHANGEGATE3	4,174	818	4,887	2,658	12,537
5836	RESERVATION/MARINASQUARE	420	258	1,227	428	2,334
5819	RESERVATION/VISTADELCAMINO	773	646	2,778	1,177	5,374
7110	DELMONTE/RESERVATIONRD.	1,023	510	2,276	1,179	4,988
5825	DELMONTE/PALM	3,141	893	4,674	2,200	10,908
5425	FREMONT/ORDGROVE	174	99	437	318	1,028
5460	PLAYA/SANDCITYSTATION	562	963	3,092	1,463	6,080
5468	PLAYA/METZ	5	17	42	19	84
TOTAL		24,669	12,611	52,296	23,760	113,337

1.b. Updated Ridership Projections. The ridership projections provided in the application materials are based entirely on pre-pandemic data and may not be tailored to the proposed headways and hours of operation of the proposed project. Please provide updated ridership projections for the new busway. Projections should be based on up-to-date data (over at least one year), and shall model ridership under the proposed project, the no project alternative, the bus on shoulder alternative, and the highway lane replacement alternative. Projections should be based on the headways and operational hours of the proposed project, including the 30-minute headways and reduced operational hours during the weekends. Please differentiate between commuters and other types of riders with as much specificity as possible. If feasible given the availability of data, please provide additional projections that quantify the project's impacts on coastal access (i.e., quantify the increased ridership associated with any expected increase in visitation to the coast). Please describe the data that is used for the updated projections, the assumptions the projections are based on, and how projections were calculated (i.e., what model was used).

- b. MST's current post-pandemic ridership is now approximately 60% of pre-pandemic volumes and is quickly increasing. Recent increases in ridership are showing more aggressive increases compared to pre-pandemic conditions. It is MST's position that temporary changes in ridership during the pandemic reflect a statistical anomaly, do not

represent a permanent change to rider behavior based on recent increases in ridership, and therefore the anomaly should not factor into transit system planning into the future.

Future ridership projections are based on more than one year's worth of data (April 2020 to July 2023), which includes the pandemic period. An ARIMA (autoregressive integrated moving average) model was used for the projection and then elasticities applied to account for headways and speeds.

The tables and accompanying graphs at the end of this memorandum illustrate existing and projected annual ridership not only for Line 20, but also for the ridership originating on the connecting lines associated and feeding into SURF!. This ridership is relevant because it includes lines that would connect with Line 20 at the 5th Street Station before continuing within the transit system. Increased speed and efficiency within the dedicated bus lanes is projected to create greater demand and ridership on these feeder lines as they take advantage of enhanced system operations.

This information also provides comparable ridership figures for the range of alternatives requested. "Delta Build to No Build" noted in the tables represents new ridership resulting directly from SURF! upon the start of operations (year 2027) and the planning horizon year (2045).

1.c. Updated VMT and GHG Projections. *Similarly, please provide updated VMT and GHG reduction projections. Please describe any data used to update VMT and GHG projections, assumptions the projections are based on, and how projections were calculated.*

- c. As requested, updated projections for reductions in vehicle miles travelled (VMT) and greenhouse gas (GHG) emissions resulting from SURF! ridership projections are provided below. These figures reflect horizon year 2045, for MST Line 20 plus all other lines that feed ridership onto the new busway, as shown in Annual Ridership Table 3 below. All reductions are based on the net increase in ridership projected with project implementation over no project conditions between Marina and Sand City.

VMT and GHG reductions are presented below in two ways, making a basic translation of "riders" to "miles travelled". The first set of model outputs, using the EMFAC2021 model for Monterey County, calculates reductions only between the Palm/Del Monte platform (near the coastal zone boundary in Marina) to Playa Avenue. This represents a one-way distance of 6.15 miles.

However, a more appropriate and realistic accounting of VMT and GHG reductions has been prepared in the second set of model outputs, using the distance from eastern Marina (at Imjin Parkway) while also accounting for the return mileage by each rider in the mileage assumption. It is appropriate to use this longer distance because the ridership load - and projected growth in ridership load - begins well before the Palm/Del

Monte location. With these assumptions, the "trip length" is assumed to be 17.3 miles per rider for a round trip.

MST believes this is still a conservative estimate of projected Line 20 ridership, because the loads for Line 20 begin well upstream in Salinas. Again, a faster, more efficient mode of travel along the line will lead to increased ridership throughout this portion of MST's system. As explained previously, increased ridership equates to greater VMT and GHG reductions system wide.

This analysis serves to illustrate that no matter how ridership projections are calculated, showing a reduction of 394 MT/year CO₂e (MT/year) one way from Palm/Del Monte to Sand City or 1,621 MT/year CO₂e from Marina to Sand City, the project will result in significant reductions to both VMT and GHG emissions.

Estimated reductions in VMT are based on the following values and EMFAC2021 model inputs.

VMT and GHG Reductions #1

- Projected net ~~increase in~~ ridership in horizon year 2045 between eastern Marina and Sand City: 382,694
- Vehicle (automobile) occupancy: 1.1
- Length of SURF! busway between MST's Marina Transit Exchange in Marina and Playa Avenue in Sand City: 6.15 miles
- Vehicle miles reduced with each additional transit trip/rider ($6.15 / 1.1$): 5.59
- Total annual VMT reduction in horizon year 2045 ($5.59 \times 382,694$): **2,139,607**

The model calculated a reduction of 594.38 metric tons of CO₂ equivalent (MTCO₂e) per year in the horizon year, or a reduction of over 17,800 MTCO₂e over the expected 30-year lifespan of the project. The model output is provided below.

MST SURF Reduced Emissions- One-Way

Increased Ridership	Vehicle Occupancy	Trips Reduced	Trip Length	Annual VMT
382,694	1.1	347,904	6.15	2,139,607

MT/Year	CH4	N2O	CO2	CO2e
	0.03	0.02	586.72	594.38

Source: EMFAC2021 (v1.0.2) Emissions Rates

Region Type: Sub-Area

Region: Monterey (NCC)

Calendar Year: 2024

Season: Summer

Vehicle Classification: EMFAC2007 Categories

Units: miles/day for CVMT and EVMT, trips/day for Trips, g/mile for RUNEX, g/trip for STREX, HOTSOAK and RUNLOSS, g/vehicle/day for IDLEX and DIURN, PHEV calculated based on total VMT.

Seasc Emission Type		Emissions Rate (g/mile or g/trip)	VT or Trips	Emissions (grams/day)
		LDA		LDA
A	CH4_IDLEX	0	347903.6364 Trip	0
A	CH4_RUNEX	0.002750331	2139607.364 VMT	5884.627943
A	CH4_STREX	0.077481908	347903.6364 Trip	26956.23744
A	CO2_NBIO_IDLEX	0	347903.6364 Trip	0
A	CO2_NBIO_RUNEX	263.0667133	2139607.364 VMT	562859477
A	CO2_NBIO_STREX	68.59515263	347903.6364 Trip	23864503.04
A	NOX_IDLEX	0	347903.6364 Trip	0
A	N2O_IDLEX	0	347903.6364 Trip	0
A	N2O_RUNEX	0.005312026	2139607.364 VMT	11365.64925
A	N2O_STREX	0.033223348	347903.6364 Trip	11558.52371

17.3 = Vountrip
9.7 mtd 1 way

VTM and GHG Reductions #2

- Projected net increase in ridership in horizon year 2045 between eastern Marina and Sand City: 382,694.
- Vehicle (automobile) occupancy: 1.1
- Length of SURFI busway between MST's Marina Transit Exchange in Marina and Playa Avenue in Sand City: 17.3 miles
- Vehicle miles reduced with each additional transit trip/rider (17.3 / 1.1): 15.73
- Total annual VMT reduction in horizon year 2045 (15.73 x 382,694): **6,018,733**

Under this scenario the model calculated a reduction of 1,621.25 metric tons of CO₂ equivalent (MTCO₂e) per year in the horizon year, or a reduction of over 48,600 MTCO₂e over the expected 30-year lifespan of the project. The model output is provided below.

MST SURF Reduced Emissions- Round trip

Increased Ridership	Vehicle Occupancy	Trips Reduced	Trip Length	Annual VMT
382,694	1.1	347,904	17.3	6,018,733

MT/Year	CH ₄	N ₂ O	CO ₂	CO ₂ e
	0.04	0.04	1,607.19	1,621.25

Source: EMFAC2021 (v1.0.2) Emissions Rates

Region Type: Sub-Area

Region: Monterey (NCC)

Calendar Year: 2024

Season: Summer

Vehicle Classification: EMFAC2007 Categories

Units: miles/day for CVMT and EVMT, trips/day for Trips, g/mile for RUNEX, g/trip for STREX, HOTSOAK and RUNLOSS, g/vehicle/day for IDLEX and DIURN, PHEV calculated based on total VMT.

Seas	Emission Type	Emissions Rate (g/mile or g/trip)	VMT or Trips	Emissions (grams/day)
		LDA		LDA
A	CH ₄ _IDLEX	0	347903.6364 Trip	0
A	CH ₄ _RUNEX	0.002750331	6018732.909 VMT	16553.50624
A	CH ₄ _STREX	0.077481908	347903.6364 Trip	26956.23744
A	CO ₂ _NBIO_IDLEX	0	347903.6364 Trip	0
A	CO ₂ _NBIO_RUNEX	263.0667133	6018732.909 VMT	1583328285
A	CO ₂ _NBIO_STREX	68.59515263	347903.6364 Trip	23864503.04
A	NOX_IDLEX	0	347903.6364 Trip	0
A	N ₂ O_IDLEX	0	347903.6364 Trip	0
A	N ₂ O_RUNEX	0.005312026	6018732.909 VMT	31971.68374
A	N ₂ O_STREX	0.033223348	347903.6364 Trip	11558.52371

MTA? Palm.

Table 1: Annual Ridership – Line 20 Marina to Sand City			
SURFI Project	2022	2027	2045
Commuters	37,286	120,059	375,979
All Other Passengers	73,008	260,028	809,244
Total	110,294	380,141	1,185,223
Delta Build to No Build	n/a	+85,500	+266,466
Bus on Shoulder Alt	2022	2027	2045
Commuters	37,286	102,376	320,602
All Other Passengers	73,008	221,729	690,053
Total	110,294	324,105	1,010,655
Delta Build to No Build	n/a	+29,464	+91,878
Highway Lane Replacement Alt	2022	2027	2045
Commuters	37,286	115,406	361,406
All Other Passengers	73,008	249,949	777,878
Total	110,294	365,355	1,139,284
Delta Build to No Build	n/a	+70,714	+220,507
No Build Alternative	2022	2027	2045
Commuters	37,286	93,069	291,456
All Other Passengers	73,008	201,572	627,321
Total	110,294	294,641	918,777
Delta Build to No Build	n/a	n/a	n/a

Graph 1: Ridership Projection - Line 20 Marina to Sand City
April 2020-December 2045

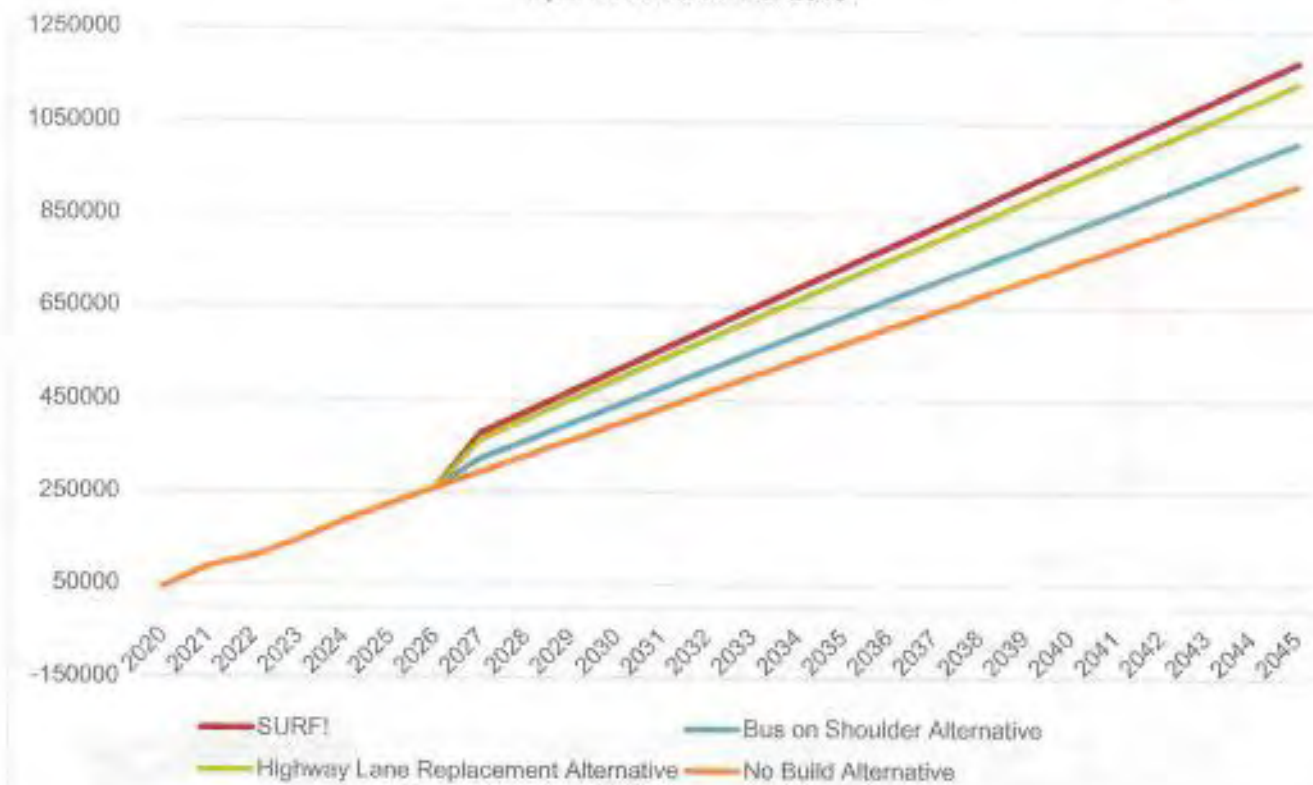


Table 2: Annual Ridership – Other SURF Lines without Line 20			
SURF! Project	2022	2027	2045
Commuters	19,454	66,311	150,374
All Other Passengers	58,504	177,412	366,736
Total	77,958	243,723	517,110
Delta Build to No Build	n/a	+54,790	+116,249
Bus on Shoulder Alt	2022	2027	2045
Commuters	19,454	56,544	128,226
All Other Passengers	58,504	151,282	312,721
Total	77,958	207,862	440,947
Delta Build to No Build	n/a	+18,893	+40,086
Highway Lane Replacement Alt	2022	2027	2045
Commuters	19,454	63,741	144,546
All Other Passengers	58,504	170,536	352,521
Total	77,958	234,277	497,067
Delta Build to No Build	n/a	+45,344	+96,206
No Build Alternative	2022	2027	2045
Commuters	19,454	51,404	116,569
All Other Passengers	58,504	137,529	284,292
Total	77,958	188,933	400,861
Delta Build to No Build	n/a	n/a	n/a

Graph 2: Ridership Projection - Other SURF Lines without
Line 20, Marina to Sand City
April 2020-December 2045

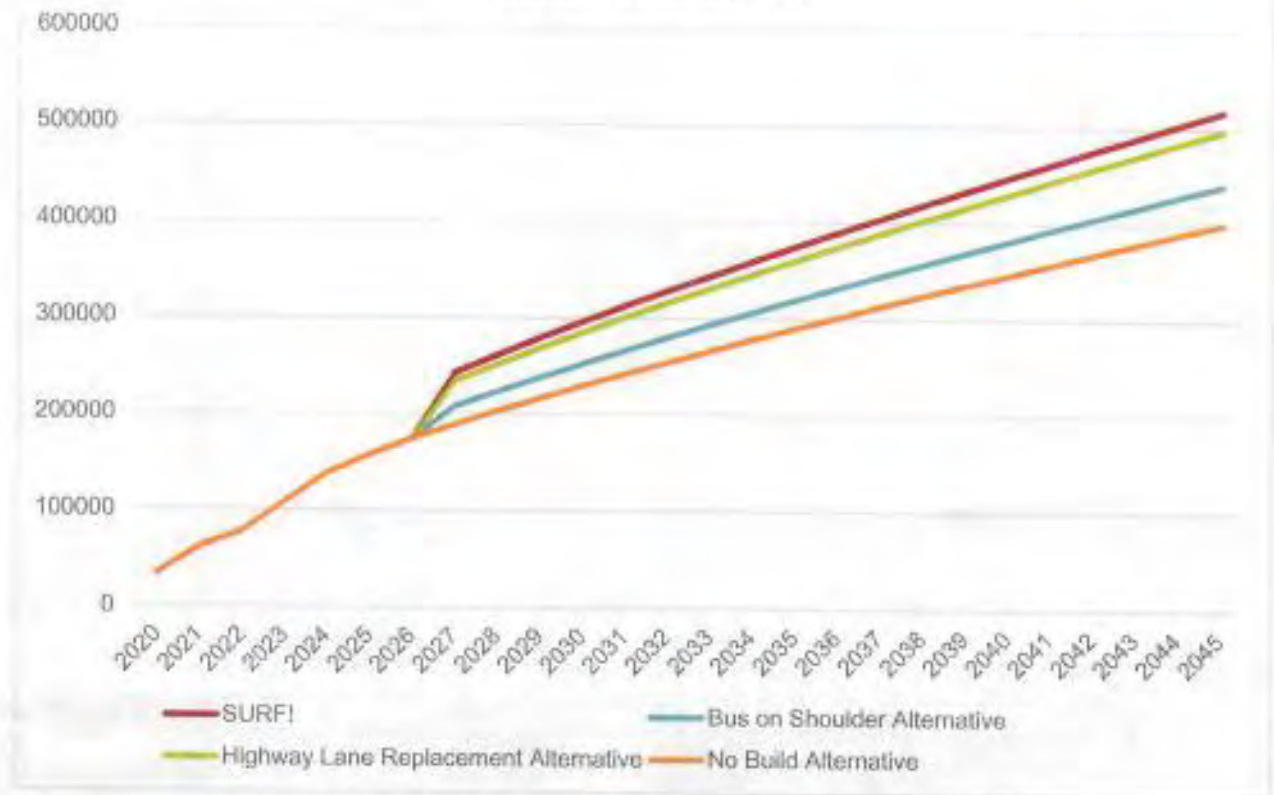
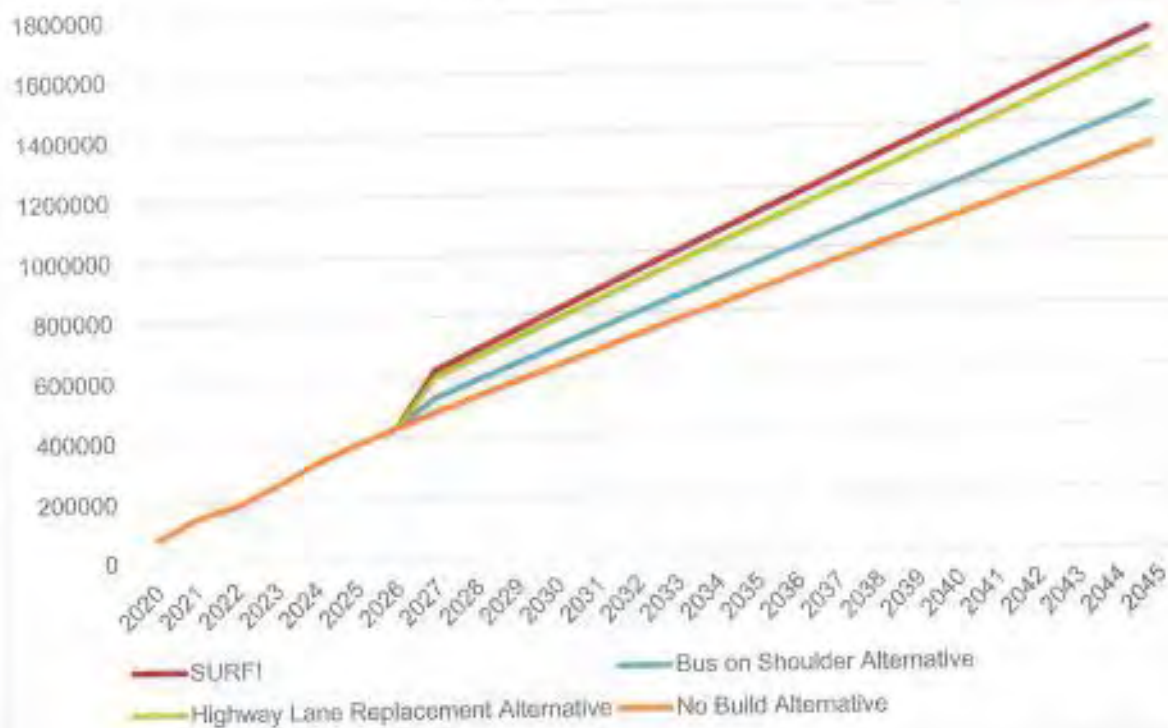


Table 3: Annual Ridership– All SURF Lines between Marina and Sand City			
SURF! Project	2022	2027	2045
Commuters	56,740	186,370	526,353
All Other Passengers	131,512	437,440	1,175,980
Total	188,252	623,810	1,702,333
Delta Build to No Build	n/a	+140,236	+382,694
Bus on Shoulder Alt	2022	2027	2045
Commuters	56,740	158,920	448,828
All Other Passengers	131,512	373,011	1,002,774
Total	188,252	531,931	1,451,602
Delta Build to No Build	n/a	+48,357	+131,963
Highway Lane Replacement Alt	2022	2027	2045
Commuters	56,740	179,147	505,952
All Other Passengers	131,512	420,485	1,130,400
Total	188,252	599,632	1,636,352
Delta Build to No Build	n/a	+116,058	+316,713
No Build Alternative	2022	2027	2045
Commuters	56,740	144,473	408,026
All Other Passengers	131,512	339,101	911,613
Total	188,252	+483,574	+1,319,639
Delta Build to No Build	n/a	n/a	n/a

Graph 3: Ridership Projection - All SURF Lines Between
Marina and Sand City
April 2020-December 2045



From: jeff@jeffmarkham.com
To: [Greg Simmons](#); [Alyson Hunter](#); [Nick McIlroy](#); [Guido Persicone](#)
Cc: lrheinheimer@mst.org
Subject: MST Tree Remove Application Continuance
Date: Thursday, January 11, 2024 9:52:06 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Tree Committee Members and Planning Staff,

I'm writing as a member of the public in the matter of the tree removal application for the SuRF! project in Marina. I applaud the Tree Committee's decision to continue discussion on the matter since there was a lot of new information presented that was not in the agenda packet. It takes time to digest such weighty material and with the lives of so many trees at stake.

In the 5th Station design, MST took all of the area for parking and for bus turnabouts and (as a result) proposes to remove approx. eighty trees. In their presentation comments, they stated that they have discussed with State Parks about using some of the parking for overflow from the Fort Ord Dunes State Park. Clearly this indicates over-design for the SuRF! project and suggests an opportunity to either preserve some of the existing trees or to incorporate trees into the design. In the design drawing that were presented, it appeared that there were few (if any) trees in the plan. I am reminded of the Joni Mitchell song "Big Yellow Taxi" and it's iconic lyric "paved paradise, put up a parking lot."

I encourage, during the time until the next Tree Committee meeting, that Staff, the Tree Committee, and the Applicant work together to modify the 5th St. Station design to incorporate trees into the design. As the chair noted, our native trees can provide a striking architectural and esthetic component to a design. I think we'll all note that in parking lots, cars will often gravitate towards trees due to the shade that they provide. If the existing trees cannot be incorporated, perhaps native trees can be part of the landscape features. This station is near the dunes that define our city.

To emphasize my point of parking over-design, I went down to the Marina Transit Center this morning during what is purported to be the height of the commute at 8:30am. There were two cars in the lot. One of the cars was waiting for a passenger from Monterey (I asked). The other was empty. While I was there, the #20 arrived, I couldn't see the number of people on the bus, but no passengers boarded, and one disembarked. MST is an under-utilized transit system in Marina and (IMHO) SurF! is not going to change that much. Last year, MST discontinued the lines in my neighborhood (upper Rheindollar). It may increase ridership from Salinas to Monterey and from CSUMB to Monterey, but not substantially (IMHO). My point is, there is room in that station design to accommodate trees.

I sincerely hope that the Tree Committee can be successful in accomplishing this. While I can't participate as a committee member, I am happy to assist in any way that I can as a community member.

Sincerely,
 Jeffrey Markham

Parking Lot at ~8:35



Transit Center Gates .. my car is fore



Alyson Hunter

From: Todd Clark <todd@handcar.com>
Sent: Thursday, March 28, 2024 4:53 PM
To: Alyson Hunter
Subject: SURF Bus Project comment

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am writing to object to Coastal Development permit for the SURF Bus Rapid Transit line, identified as CDP 24-0004. The proposed development is not compliant with the Marina Local Coastal Plan because it disturbs land within a protected ESHA and full mitigation is not feasible.

Please acknowledge receipt of this email.

Sincerely,
Todd Clark
17926 Maplehurst Pl
Canyon Country, CA 91387
(661) 600-7590



April 1, 2024

Marina Planning Commission
211 Hillcrest Avenue
Marina, CA 93933

Re: MST Tree Removal Permit and Coastal Development Permit for the SURF! Busway and Bus Rapid Transit Project

Dear Marina Planning Commissioners,

On April 11, 2024, the Marina Planning Commission will consider approving a Tree Removal Permit and Coastal Development Permit for the SURF! Busway and Bus Rapid Transit Project (SURF! Project). Since early 2020, MST and the Transportation Agency for Monterey County have worked purposefully to plan the SURF! Project to bring meaningful, real, and immediate benefits to our communities while minimizing impacts. We have planned the SURF! Project to bring these community and environmental benefits:

- ✓ Connecting communities. Creating opportunity. Being kind to our planet.
- ✓ Upgraded traffic signals for better traffic flow along Reservation and Del Monte.
- ✓ One mile of new and safer multiuse trail connections to Fort Ord Dunes State Park.
- ✓ Safer access for people with mobility limitations including at Del Monte and Reindollar.
- ✓ More travel time options and more frequent transit service for riders.
- ✓ Better, more reliable transit without getting stuck in Highway 1 traffic.
- ✓ Quiet, modern, and zero-emissions buses.
- ✓ Fewer vehicle trips on area roadways.
- ✓ Reducing greenhouse gas emissions by over 1,900 annual acres of forest in carbon sequestration.
- ✓ Over \$27M in local economic impact in Marina as a result of the SURF! project.

More information about the SURF! Project can be found at: <https://mst.org/about-mst/planning-development/surf/> At the top of the page, a short video simulation provides a thorough visual explanation of the Project.

Because of the extensive benefits of and public interest in the SURF! Project, MST's public outreach efforts have been comprehensive and extensive. MST staff have attended over 140 public meetings, site visits, or outreach events. We have connected with over 4,300 attendees and gained support from influential leaders, community organizations, and individuals. The following list includes elected leaders, governmental organizations, community groups, and individuals who have provided MST with support for the Project in the form of backing for grant requests, support for a Coastal Development Permit, or awarded significant grant funds to the SURF! Project:

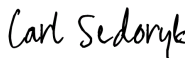
- Federal Transit Administration
- Congressman Jimmy Panetta
- US Senator Alex Padilla
- Former US Senator Dianne Feinstein
- California State Transportation Agency
- California Speaker Robert Rivas
- Assemblymember Dawn Addis
- Former Assemblymember Mark Stone
- California Senators John Laird and Scott Weiner
- Retired Senator Bill Monning
- California State Parks
- California State University Monterey Bay
- California Transportation Commission
- Association of Monterey Bay Area Governments
- Monterey County Supervisor Wendy Root Askew
- Transportation Agency for Monterey County
- California Department of Transportation
- Monterey Bay Air Resources District
- LandWatch Monterey County
- Blue Zones
- Monterey Firefighters Association
- Marina and Monterey Peninsula Chambers of Commerce
- Monterey County Hospitality Association
- Fort Ord Regional Trail and Greenway
- The Cities of Marina, Sand City, Salinas, Monterey
- Monterey Bay Aquarium
- ITN Monterey County
- CHISPA
- Monterey Peninsula Unified School District

- United Veteran's Council of Monterey County
- MST Mobility Advisory Committee
- 40+ individual members of the community

MST urges the Marina Planning Commission to consider this overwhelming community support for the SURF! Busway and Bus Rapid Transit Project and approve a Tree Removal Permit and Coastal Development Permit. The SURF! Project in conjunction with the City of Marina's downtown plans will bring vibrancy to the community while reducing bus emissions and promoting active transportation.

If you have any questions about this letter or the SURF! Project, please contact me at csedoryk@mst.org.

Sincerely,

DocuSigned by:

580C6BD24671488...
Carl Sedoryk
General Manager/CEO

Online Enclosure: [Binder with SURF Letters of Support.pdf](#)



April 8, 2024

Nancy Amadeo, Chair
Marina Planning Commission
211 Hillcrest Avenue
Marina, CA

Via email: marina@cityofmarina.org

SUBJECT: Support for SURF! Busway Project

Dear Chair Amadeo:

On April 11, 2024, the Marina Planning Commission will consider approving a Tree Removal Permit and Coastal Development Permit for Monterey-Salinas Transit's SURF! Busway and Bus Rapid Transit Project (SURF! Project). Since 2018, MST and the Transportation Agency for Monterey County have worked purposefully to plan the SURF! Project to bring meaningful, real, and immediate benefits to our communities while minimizing impacts. Together, we have planned the SURF! Project to bring community and environmental benefits while realizing immediate benefits for transit riders and our residents by:

- Upgrading traffic signals for better traffic flow along Reservation and Del Monte.
- Constructing one mile of new and safer multiuse trail connections to Fort Ord Dunes State Park and connections to the planned FORTAG trail system.
- Safer access for people with mobility limitations including at Del Monte and Reindollar.
- More travel time options and more frequent transit service for riders.
- Better, more reliable transit without getting stuck in Highway 1 traffic.
- Fewer vehicle trips on area roadways.

TAMC strongly supports the SURF! Project and urges the Marina Planning Commission approve a Tree Removal Permit and Coastal Development Permit for the Project. The SURF! Project in conjunction with the City of Marina's downtown plans will bring vibrancy and walkability to the community while reducing vehicle emissions and promoting active transportation.

Sincerely,

Todd A. Muck
Executive Director

From: [Guido Persicone](#)
To: [Alyson Hunter](#)
Subject: FW: Public Comment Agenda Item 8A
Date: Monday, April 8, 2024 1:32:12 PM

For the PC meeting

GP

From: Anita Shepherd-Sharp <AShepherd@cityofmarina.org>
Sent: Monday, April 8, 2024 1:08 PM
To: Guido Persicone <gpersicone@cityofmarina.org>
Subject: FW: Public Comment Agenda Item 8A

From: William Godwin <godwinbillh@gmail.com>
Sent: Monday, April 8, 2024 11:58 AM
To: Marina <Marina@cityofmarina.org>
Subject: Public Comment Agenda Item 8A

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Marina City Council,

While not a resident of Marina, I do want to show my support for the SURF project. Removing selected trees is necessary to get this project started and to fulfill a positive impact on rapid transit on the greater Monterey Peninsula. I urge you to vote for approval.

William H. Godwin, PG, CEG
 Environmental and Engineering Geologist
Salinian Geoconsulting
 605 9th Street
 Pacific Grove, California 93950
 (831) 884-3308
godwinbillh@gmail.com

From: [Guido Persicone](#)
To: [K T](#)
Cc: [Alyson Hunter](#); [Anita Shepherd-Sharp](#)
Subject: FW: public comment item #8A
Date: Monday, April 8, 2024 10:24:28 AM

Dear KT:

Your comments will be shared with the Planning Commission.

Sincerely

Guido F. Persicone

From: Anita Shepherd-Sharp <AShepherd@cityofmarina.org>
Sent: Monday, April 8, 2024 7:53 AM
To: Guido Persicone <gpersicone@cityofmarina.org>
Subject: FW: public comment item #8A

From: K T <kpn5555@gmail.com>
Sent: Friday, April 5, 2024 6:11 PM
To: Marina <Marina@cityofmarina.org>
Subject: public comment item #8A

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

We would appreciate the MST route from Marina-Seaside-Sand City.

Please consider how it will serve our coast hwy 1

1. less traffic on Hwy 1
2. less vehicles means better traffic flow, less air pollution, less traffic is better when there is
 road work being done., avoiding tourist traffic would help us to get to our destinations, whether
 it's for school or work

3. Bus can transport more people, not being distracted by Texting or talking on their phones
which can result in accidents.

The route will be beneficial for Drivers and our environment.

Thank You

K. Nuelle

From: Yuri Anderson <yanderson@mpc.edu>
Sent: Friday, April 5, 2024 11:22 AM
To: Marina <Marina@cityofmarina.org>
Subject: Public Comments Item#8A

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Marina Planning Commissioners:

I am writing this morning to urge you to vote in support of Monterey Salinas Transit's request for tree removal and Coastal Development Permit related to the SURF! Busway and Rapid Transit Project.

I am your elected representative on the Monterey Peninsula Community College District (MPCCD) Board of Trustees and while the opinions expressed herein are my own and are not meant to express an opinion of the District, it is incumbent upon me to advocate for good projects that will benefit Monterey Peninsula College students and staff.

SURF! is meant to connect communities, create opportunities, and be kind to our planet. A five-mile busway, parallel to HWY1 from Marina to Sand City and Seaside, that bypasses traffic congestion, will improve access to education at MPC's Monterey and Marina Campuses. Additionally, the busway will support MPC's efforts to hire and retrain qualified faculty and staff by both reducing travel time to and from work, and offering an eco-friendly alternative for the commute.

This project is an important step in the long-term improvement of our local mass transit system. Your vote to approve MST's application is a critical action MPC's students and staff need to be better able to access and offer a world-class education on the Monterey Peninsula. Thank you for your support.

Sincerely,

Yuri

--

Yuri C. Anderson | Trustee, Area 2
Monterey Peninsula Community College District

From: [Guido Persicone](#)
To: [Alex Stewart](#)
Cc: [Alyson Hunter](#); [Anita Shepherd-Sharp](#)
Subject: RE: Public Comment Item#8A
Date: Thursday, April 4, 2024 4:27:29 PM

Thank you for your comments.

The Planning Commission will be discussing the SURF line tree removal permit on April 14th.
 You can participate via zoom or in person. The meeting info is in the link below.
 Alyson is the project planner, and she will make sure the Commission receives your comments below.

Commission reports:

<https://www.cityofmarina.org/AgendaCenter/ViewFile/Agenda/04112024-522?html=true>

Guido F. Persicone, AICP
 Community Development Director
 City of Marina
 211 Hillcrest Avenue, Marina, CA 93933
 (831) 884-1289 (phone)
gpersicone@cityofmarina.org

"I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel." Maya Angelou

From: Anita Shepherd-Sharp <AShepherd@cityofmarina.org>
Sent: Thursday, April 4, 2024 4:04 PM
To: Guido Persicone <gpersicone@cityofmarina.org>
Subject: FW: Public Comment Item#8A

Please see email below

From: Alex Stewart <akstew@sbcglobal.net>
Sent: Thursday, April 4, 2024 4:01 PM
To: Marina <Marina@cityofmarina.org>
Subject: Public Comment Item#8A

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

I grew up in Marina and raised my son in Marina. My family has been here since 1961. Seen a lot of change and most it very good. I love Marina and wouldn't trade our tourist-free city for any of the others.

I like the hotels...let the tourists stay here, maybe eat in our great restaurants and then leave for the day and go to Monterey, PG, Carmel and Big Sur. We have zero traffic problems compared to those cities.

I do not think the SURF bus line is a good idea. Lots of reasons; a few:

- won't relieve morning traffic congestion
- won't relieve tourist weekend congestion
- *both those congestion are relatively short, time-wise...even at it's worst, congestion increases the morning commute by 20 minutes*
- there will always be congestion...just the way it is...
- will ruin a beautiful view shed and the create a barrier to the open space along the West side of Highway One.

Please don't allow MST to build the SURF Line

Thank you-
Alex Stewart
145 Hilo Ave.
Marina, CA 93933
831-601-7851



April 8, 2023

City of Marina
Planning Commission
Marina, CA

RE: SURF! Busway and Bus Rapid Transit Project

Dear Commissioners,

The SURF! Busway and Bus Rapid Transit Project will provide an alternative transportation route along the heavily congested Highway 1. One of the most exciting aspects of this project is the opportunity to reduce transportation greenhouse gases and create a route that is more efficient outside of normal, congested travel lanes.

Thank you for your consideration of this transformative transportation project.

Sincerely,

A handwritten signature in black ink, appearing to read "Hans Uslar". The signature is fluid and cursive, with the first name "Hans" being more prominent than the last name "Uslar".

Hans Uslar
City Manager

Chair and Members of the Marina Planning Commission - Meeting of April 11th, 2024

Submitted by: Stephen Kennedy

Public Comments: ITEM No. 8A

At what cost to the environment and to the taxpayers is MST SURF Project going to be, for the sole purpose of saving 14 minutes of travel time for commuters?

Such lack of creative route planning by MST could have resolved this travel time, by utilizing parallel roadways to Hwy One... during highly congested time periods.

Lack of calculations for carbon sequestration when using such things as cement (Portland) for road building, which many people do not know or understand, but it is the third highest production of CO2 emissions, due to the process of heating of the components to 2,700 degrees F in a kiln, or even oil base materials have not been calculated by MST.

Additionally, the absence of any mention of microplastics coming off tires of the electrified SURF buses is very convenient, but totally wrong, when MST is promoting the environmental positives in their reports.

Not acknowledging the possible retrofitting for earthquake of the Hwy One underpass, which buses will travel; the on-going maintenance of moving tons of sand where MST plans to put a Roundabout is a true disservice to not only all the local taxpayers who are required by formula to participate in the annual costs of MST, but to MST's Board Members who are not made aware of all these additional costs and potential problems.

The below is what was submitted previously and request to be part of the PUBLIC

RECORD along with the above COMMENTS:

April 9, 2021 (Public Comments Re: Mitigated Negative Declaration (MND) MST's

Surf! Busway & Bus Rapid Transit Project:

MST Latest Proposal for Paving the Coast!

The February 2011 Alternatives Analysis for the Monterey Peninsula Fixed-Guideway Study - Volume 2: Locally Preferred Alternative as commissioned by the

Transportation Agency for Monterey County provides the proper concept and analysis for obtaining what is needed in this environmental sensitive area:

Agriculture and tourism are the two largest generators of jobs on the Peninsula, and together contribute a significant proportion of total economic development in Monterey County. Both of these land uses are highly dependent on a sound environmental foundation. The Area offers everything from a world-recognized produce market whose farms feed a large part of the country, to a haven for the fragile Monterey Bay aquatic sanctuary. The need to sustain the viability of these enterprises through sound environmental practices is both obvious and practical.¹

The Monterey Salinas Transportation Agency (MST) is now proposing with engineering drawings being prepared at this time (with taxpayer dollars) to provide an alternative paved roadway on a segment off Scenic Highway 1, that will allow faster commute times for riders utilizing MST. Instead of looking at alternative means for the effective transporting of individuals via a bus system, MST has proposed to build additional roadways in a bio sensitive area and in an area that has been considered a scenic corridor since the early 60's.

The redevelopment of Fort Ord provided a system of roadways that includes new express roadways such as General Jim Moore which runs from CSUMB to Canyon Del Rey running parallel to the Highway 1 Scenic Highway.² General Moore Blvd is considered an express roadway and MST minimally utilizes. It is considered the

¹ Transportation Agency for Monterey County (TAMC) Alternatives Analysis for the Monterey Peninsula Fixed Guideway Corridor Study, Volume 2: Locally Preferred Alternative, February 2011

² See Google map screenshot of General Moore Avenue showing an expensive four lane roadway running parallel to Scenic Hwy 1.

fastest way to reach Seaside less than a 10 minute drive 6 miles and could easily be used as an alternative to Line 19 services, particularly as a substitute route as an express line between Bunker Hill/Yorktown and Del Monte Center.³

The statements made by MST is that it needs an alternative and paving an additional roadway in a very sensitive area, where such may even be in conflict with walkers/bike riders with crossovers for large buses and a narrow under Scenic Highway 1 existing underpass is the only solution. The Monterey Peninsula Recreational Trail (also known as the Monterey Coastal Trail) extends approximately 18 miles between Castroville and Pacific Grove is a Class 1 Bikeway. The incompatibility of having large buses that may or may not carry any bus riders is very concerning. Interference with riders and walkers when buses are traveling at a much higher speed, even if separated is disconcerting at the least and can be unnecessarily dangerous particularly with cross flow intersections (even if controlled - bike riders many times will attempt to beat or may ignore such cross over points). The small underpass (under Scenic Highway 1) is also incomparable with walkers and bikers attempting to share such.

Fully utilizing General Moore Blvd and adding express lines for weekends and weekdays is the best solution for those needing to reach such places as the Del Monte Shopping Center and in a timely manner with a simple route change from General Moore to Hwy 68 (West) to Highway 1, which bypasses Highway 1 blockage, that occurs north of the Hwy 68 Highway 1 interchange.

So putting in non-polluting buses on a new roadway bypassing those who may be stuck in tourist related or even workforce Scenic Highway 1 slow down, will result in

³ Note: This could be a non-stop express line that could easily travel from Bunker Hill & Yorktown via General Jim Moore to Canyon Del Rey and to the Monterey-Salinas Hwy connecting into Hwy 1 north to the Del Monte Center.

a higher level of ridership?⁴ This is very much conjecture and regarding tourists who normally stay in accommodations in the southern area (Seaside/Monterey/Pacific Grove areas, very few would take the Surf bus system.⁵

Chapter 6 of the Fixed-Guideway Study provides a Financial Plan and Table 6-3 points out that the taxpayers have already spent \$17,659,275.00 in the “Advance Right-Of-Way Acquisition Phase” and the “Planning And Conceptual Design Phase”. The taxpayer funding was from Proposition 116 (Clean Air and Transportation Improvement Act of 1990):

Findings and Declarations:

(Section) 99601. The people of California find and declare all of the following:

(a) Rail transportation results in cleaner air, less energy use, more transportation opportunities for those who cannot drive, and less crowding on already overcrowded streets and highways.

(b) For these reasons, it is appropriate to use state general obligation bonds to finance rail infrastructure.

(c) This part will result in implementation of part of an overall transportation plan which will provide cleaner air and better transportation options for all Californians.⁶

Even in the Alternatives Analysis - Volume 2: Locally Preferred Alternative it plainly states, “The long-proposed Highway 1 widening projects may never gain approval from an environmental impact status, regardless of funding.”⁷ So why would the

⁴ Ridership becomes a multiple of same individuals actually using a bus system. Metrics can be very misleading (intentionally or not) when the system counts those getting on and also those getting off, as well as when changing bus lines...the single passenger becomes a multiple number. It does not reflect the true number, but is rather exploded based on the term “ridership”. If we counted number of passengers (riders) in a vehicle we would include getting in/out of the vehicle and if we stop at a store and back on - it multiplies.

⁵ Draft Transportation Impact for the MST Surf! Kimley-Horn & Assoc. Dec. 2020

⁶ Part 11.5. Clean Air and Transportation Improvement Act of 1990 Chapter 1. General Provisions (Citation Added Proposition 116) Underlined for emphasis.

⁷ Op cit., Alternatives Analysis pp.

Coastal Commission or even a properly drawn up EIR provide any type of reasoning for approval of the current MST proposal for a frontage road build out running beside this Scenic Highway?⁸

Even in the OverView of the Surf! Busway and Bus Rapid Transit Project, it states:

“Surf! will utilize the Monterey Branch Line rail alignment, which linked the Peninsula with San Francisco from 1880 to 1971. The Transportation Agency for Monterey County (TAMC) purchased the unused line in 2003 to preserve it as a transportation corridor, and light rail is the long term vision for the corridor if the cost becomes feasible in the future.”

I am very concern that the removal of the existing rails including the current rail bed (rocks and railroad ties) will not only be a wasteful expense but one of major disposal issues (including new TWW disposal rules). Particularly, when such could be re-worked and utilized for a new light rail system.

Again, if the MST Board feels that this is a current solution in reducing pollution, they really should study what type of negative carbon offset occurs with the use of paving material such as asphalt or utilizing cement or even a recycled mix.⁹ This is sensitive land that with any type of construction will result in violations of the Environmental Protection Act. It is also not necessary with the current layout of roadways, such as General Jim Moore Blvd., which could be utilized with little cost and create the same efficiency in mobility for those riders of MST.

⁸ Violation of the Federal Coastal Zone Management Act (CZMA) of 1972, which is under the jurisdiction of the California Coastal Commission and their applicable policies, including protecting and where feasible restoring coastal resources.

⁹ Appendix 11, pp 13 Const GreenHouse Gas Emissions Table 11-2 - does not discuss the use of Portland cement in retaining walls or actual roadway material, which has a very high rate of carbon emissions when producing. Is this Environmental Clearance deficient?

The Surf! Busway and Bus Rapid Transit Project, includes a statement relating to Maintenance - downplaying greatly issues associated with roadway maintenance.

Statement made: “Due to occasional blowing sand from nearby sand dunes, particularly in the southern portion of the busway, regular sweeping and sand removal may be required”. Maybe required?? For heaven sakes! Current maintenance by the park system and other jurisdictions, including CalTrans in this area requires an expensive ongoing maintenance system relating to not only to Highway 1, but also the Class 1 bikeway (Monterey Coastal Trail). The proposed roundabout which may not be considered part of this study, but has been previously reference and is well documented is located with a sand dune that is 100 feet high close to the bus roundabout proposal.

I can see why they did not include this in this study, due to the amount of required engineering including very high retaining walls, which in my opinion would fail with blowing sand filling up behind such and finally falling over the engineered walls. With Climate Change and a more robust climate, I am dismayed how cavalier this study would make such a statement regarding “blowing sand”. ¹⁰

I am also very concern that MST’s current proposal will result in delaying or canceling the work and jeopardizing monies put into TAMC’s Monterey Peninsula Fixed-Guideway Study. This project/study has utilized monies from the taxpayers in the sums of over \$17.6 million dollars to acquire land (Proposition 116 for Rail purpose only: \$9,238,475 and (SB 620 for the sum of \$2,961,000) and it maybe a violation of the guidelines, where such would have to be paid back with interest, if the Fixed Guideway project is not fulfilled timely or not at all. Again, Proposition 116 is dedicated to rail

¹⁰ Appendix 3, Page 3-2 Chapter 3.6.4 Maintenance and Security

projects, not additional or dedicated bus lanes. I believe the acquisition costs for the Right of Ways would be subject to repayment.¹¹

Have the policy makers (MST Board of Directors) and others taken their eyes off the target regarding the utilization of the existing rail systems in Monterey for a better tomorrow or even today? The previous preferred use (February 2011) *Alternatives Analysis for the Monterey Peninsula Fixed-Guideway Study - Volume 2: Locally Preferred Alternative* and the subsequent purchasing of rail right of ways was what the public and the policy makers decided was the right thing to do. Funding was provided and accomplished. Federal language for the expansion of light-rail by providing funds to utilize such is clear.

MST and Monterey can do the right thing. Utilizing existing roadways (General Moore) in a more efficient manner will provide better customer service for passengers and will also save the taxpayer of local cities who are subsidizing MST operations and maintenance each and every year.

The Federal and State of California Coastal Act is also what the public wanted and still wants regarding the protection of our coastal lands. Is MST so narrow in focus that they are now using taxpayer funds and grants to undermine the spirit of both the California Coastal Act and also the Scenic Highway Act?

¹¹ Refer to Table 6-3 Monterey Peninsula Fixed Guideway Capital Cost Financial Plan - tasks and amounts spent (Column 7)



April 11, 2024

To: City of Marina Planning Commission

RE: Item 8A -- Monterey-Salinas Transit (MST) Coastal Development and Tree Removal Permit

Keep Fort Ord Wild (KFOW) objects to the approval of a Coastal Development and Tree Removal Permit for the MST SURF! project. Both permits should be denied.

KFOW provides the following comments as part of the objection:

Proposed Action by the Marina Planning Commission is Premature,
SURF! Project is Impossible Under the Coastal Act

The proposed action by the planning commission is premature. Only a very small portion of the SURF project is proposed within Marina's Coastal Plan. However, much more of the project (4.4 miles) is in the jurisdiction of the California Coastal Commission. The Coastal Act makes construction of SURF! project impossible because vast portions of the project are proposed in an ESHA where land and habitat cannot be disturbed, filled or graded.

The SURF! project is not scheduled for a hearing in front of the California Coastal Commission. The California Coastal Commission has not approved and is not likely to approve the SURF project. The California Coastal Commission has asked MST for major revisions to the project and to present less impactful alternatives. MST has not provided such alternatives and instead continues to seek approval for the version of the project that would disturb unprecedented areas of ESHA and Coastal Dune Habitat. For further reference we attach multiple letters from the California Coastal Commission to MST highlighting the fundamental problems with the SURF! project.

The California Coastal Commission informed MST of these problems in 2021 (before MST approved the project). Excerpts as follows:

“Coastal Act Section 30240 provides for the protection of ESHA, including sensitive dune habitats such as those found at the former Ford Ord and within the TAMC right-of-way: Section 30240 (a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.”

“The currently proposed project is located in dune ESHA and is not resource dependent and is not approvable under Coastal Act Section 30240 or under the ESHA policies of the various LCPs that would apply to the project in the areas located outside of the Commission retained permitting jurisdiction...”

KFOW implores the City of Marina Planning Commission to read the attached letters.

Project is Impossible Under Proposition 116

The Monterey Branch Line was purchased by TAMC with Proposition 116 funds that set guidelines as to how the line is to be used. Proposition 116 was a State Proposition approved by voters specifically for expansion of rail service. Ultimately, the line can only be used for rail because rail bonds were used to purchase the line. The line cannot be converted to a busway.

Inspection of the SURF! design plans confirm that two miles of tracks will be covered or removed. This is critical information and means SURF! and a future TAMC rail project cannot co-exist as MST claims. SURF! makes a future light rail project impossible as it destroys the rail line. MST claims a future light rail project is a long-term vision for the corridor. However, it is now clear the two projects are incompatible. KFOW recommends the City of Marina Planning Commission check with the California Transportation Commission as to the feasibility of building a busway in the TAMC ROW.

Inaccurate Claims re: Improved Coastal Pedestrian and Bike Access

MST and TAMC public officials suggest the MST SURF! busway will improve local bike paths and coastal access. This is not an accurate on-the-ground reality. The MST SURF! busway as proposed will result in negative impacts to local bicycle traffic and coastal access. The current bike paths have been thoughtfully designed to safely move bike traffic. The after-the-fact insertion of the MST SURF! Busway sacrifices safe and easy bike travel.

By design, the busway fractures and re-routes existing bike trails (Beach Range Road, Monterey Bay Recreation Trail, 5th Street Bike Path). At the same time, it introduces awkward and dangerous crossings where cyclists will have to negotiate with bus traffic. In Winter months cyclists will be subject to blinding headlights along with noise and vibration from buses only a few feet away. This is not an improvement from current conditions.

Currently, cyclists can travel unimpeded using Beach Range Road and/or Monterey Bay Recreation Trail interchangeably from Palm Avenue in Marina to Playa Avenue in Sand City. Cyclists do not need to stop or negotiate traffic for this entire distance. These routes are safe and extremely popular with bike commuters and recreational users.

The MST SURF! Busway also introduces an awkward crossing at the 5th street bridge and will dig-up and re-route a bike path TAMC recently built that connects safely and easily to the new VA clinic. The MST SURF! busway proposal calls for stuffing in a bus lane and a bike path where there currently barely room for a bike path.



Figure 1 -- From Monterey Bay Recreation Trail in Marina. Two-Lane Busway to occupy narrow space between tracks and trail. How?

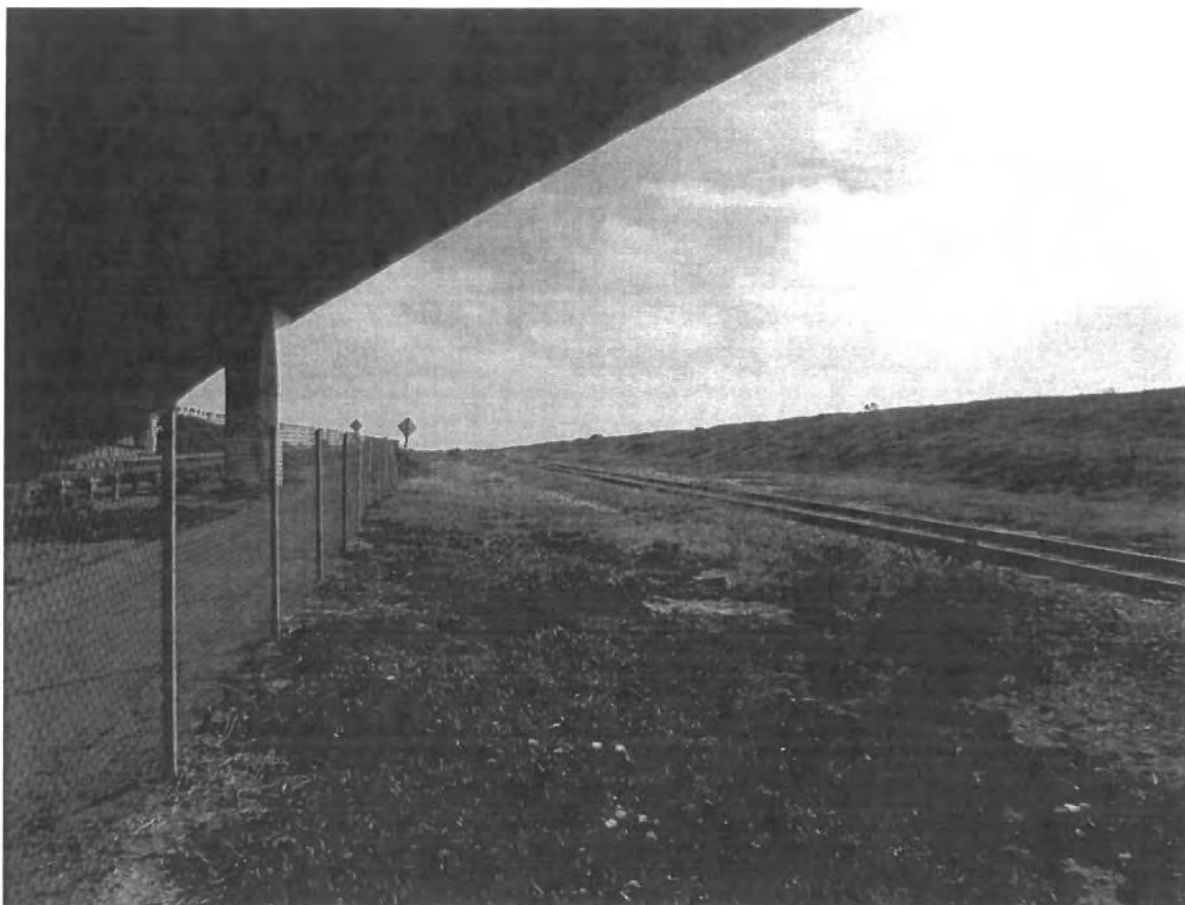


Figure 2 -- From Monterey Bay Recreation Trail in Marina. Two-Lane Busway to occupy narrow space between tracks and trail. How?



Figure 3 - Current 5th Street Bike Path.

Sincerely yours,

Michael Salerno

Spokesman, Keep Fort Ord Wild.

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863
FAX (831) 427-4877

**May 3, 2023**

Mr. Carl Sedoryk
General Manager/CEO
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

**Subject: Coastal Development Permit (CDP) Application Number 3-23-0288
(MST SURF! Busway)**

Dear Mr. Sedoryk:

We received the above-referenced CDP application that you submitted on April 3, 2023. The proposed project includes the construction of a segment of dedicated busway measuring 2.5 miles long and 30 feet wide located seaward of Highway 1 in the TAMC Monterey Branch Line rail corridor right-of-way, in Monterey County. We would first like to reiterate that Coastal Commission staff is highly supportive of MST's objectives related to improving public transit access for under-resourced communities and reducing greenhouse gas (GHG) emissions. We also believe that bus rapid transit has an important role to play in decarbonizing California's transportation sector, providing for effective multi-modal transportation options, and improving public access to the coast; we commend MST for their commitment to advancing these goals.

We have reviewed the materials that you have submitted to date and are in need of additional information to adequately analyze the proposed project for Coastal Act conformance. Towards this end, we are unable to file this application until the following is submitted:

- 1. Demonstration of Need:** Thank you for describing how the project intends to serve under-resourced communities and for providing the traffic study and corresponding estimates of ridership, vehicle miles traveled (VMT), and GHG emission reductions. For us to best understand and evaluate the public need for and benefits of the project in a CDP and Coastal Act context, we are in need of additional supporting documentation. Such documentation should include but not be limited to the rationale behind the estimates of ridership used in the traffic study, and the associated reductions in VMT and congestion. Please provide supporting evidence and a descriptive breakdown of the projected 10-minute travel time for buses using the proposed busway. Please also provide an analysis that compares the proposed project to current travel time for existing bus services, and for cars traveling along the same route during both low and high levels of congestion. Please describe and provide supporting evidence for the current level and timing of congestion along this segment of Highway 1, as well as projected future congestion on Highway 1 with and without the project.

3-23-0288 (MST SURF! Busway)

- 2. Alternatives Analysis:** Thank you for providing an alternatives analysis for the no project alternative, the bus on shoulder alternative, the Recreational Trail replacement alternative, the single lane busway alternative, the railroad track replacement alternative, and the brief discussions of a Highway 1 auxiliary lane, an HOV lane, a hybrid of different alternatives, and the use of existing surface streets. However, given the large scope of the proposed project and the expected adverse impacts to coastal resources, a more thorough qualitative and quantitative alternatives analysis that explores all possible options to avoid such impacts is necessary for the Commission to evaluate the project. Alternatives should be on even footing with the proposed project, including a consistent use of zero emission buses across alternatives unless there are feasibility constraints for zero emission buses for project alternatives that do not exist for the proposed project. Specifically:
- a. Please describe and show on a site map how each alternative will impact ESHA and the duration of those impacts, including the area of ESHA that will be directly covered by new development. For each alternative, please describe how ESHA impacts would be mitigated.
 - b. Please provide estimates for bus ridership, VMT, and Highway 1 congestion impacts for each alternative, along with supporting evidence for those estimates.
 - c. Please clarify why the single lane busway alternative includes an 11-foot breakdown shoulder along the length of the busway. Please also provide an updated single lane alternative that minimizes the width of the busway as much as possible over as much of the proposed alignment as possible.
 - d. Please add an inland alignment alternative that includes the construction of a new busway or other improvements to bus infrastructure outside of the coastal zone. On this alternative, please evaluate the feasibility of an alignment that utilizes existing surface streets, or a combination of existing streets and new dedicated busway, and other public transit enhancements such as street light priority signalization, bus-on-median, dedicated stops/platforms, etc. (e.g., service similar to the recently completed Van Ness Avenue BRT in San Francisco). Such analysis should consider how such an alignment could offer service in close proximity to job/housing centers, including at CSUMB, the VA hospital, and planned development on former Fort Ord property, and how this alignment would compare with the proposed project in terms of ridership.
 - e. Please add a bus-on-median alternative that takes advantage of the wide median through this section of Highway 1, including whether new dedicated on- and off-ramps in the median could be constructed to provide for easy access to a median-located busway. This alternative should also

3-23-0288 (MST SURF! Busway)

compare the relative value of the habitats present in the median as compared with the proposed project.

- f. Thank you for providing information on the feasibility associated with a bus-on-shoulder alternative. While the application materials specified that CHP and Caltrans are not supportive of this approach, we would note that a bus-on-shoulder project is currently being constructed on Highway 1 in Santa Cruz County. Please explain why the bus on shoulder is feasible and supportable on this other section of Highway 1, but not at this location.
 - g. Please more thoroughly evaluate hybrid approaches to improving bus service in this area. One hybrid option that is worth consideration is a Highway 1 bus-on-shoulder or bus-on-median from the northern start of the proposed busway at Del Monte Boulevard to Imjin Parkway, then the use of 1st or 2nd Avenues, until re-entry onto Highway 1 at Lightfighter Drive and a continuation of bus-on-shoulder or bus-on-median down to Fremont Boulevard.
3. **Other Permit Approvals:** The proposed project is a 2.5-mile segment of a larger 6-mile long project, the remainder of which falls within the Local Coastal Program (LCP) jurisdiction of the cities of Marina and Sand City, as well as portions outside the coastal zone in those cities as well as the City of Seaside. As a standalone project, this 2.5-mile long segment would not constitute a viable busway or meet any of the overall project goals, meaning that for any project benefits to be realized the other segments and elements of the busway must also gain the necessary CDPs and other approvals from local governments. This presents unique analytical and procedural challenges, as there are no guarantees that the other segments of the project will receive the requisite approvals from the local governments. Relatedly, an additional complicating factor to our analysis is that many of the application materials do not differentiate between the 2.5-mile segment within the Coastal Commission's original jurisdiction (and thus the area subject to this CDP application), and the project as a whole. For example, the alternatives analysis does not differentiate between ESHA impacts for the whole 6-mile project and this 2.5-mile segment for any of the alternatives evaluated.

As such, the project requested in this CDP application poses some difficult evaluation questions, including how this component will relate to other project components that fall within other jurisdictions.

- a. Please describe and quantify which parts of the project fall within each LCP jurisdiction, including the amount of dune habitat disturbance and proposed mitigation (see below) in each jurisdiction.
- b. Please provide information regarding the permitting status and intended timeline of the portions of the project that are subject to local government approvals, including information regarding the local CDP permitting

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process, as well as all other required local approvals/permits (e.g., CEQA authorizations, other local discretionary permits, building/grading permits, etc.). We would also like to know, at a minimum, the preliminary receptiveness from each local government on the project in their jurisdiction, including whether there have been any controversies or questions raised, alternative routes and configurations requested for evaluation, etc. Please provide an overview of the CDPs and other permits needed for the project as whole, including what outreach has been done to date to garner public participation, and any significant comments made by members of the public and local decisionmakers.

- c. Please also provide verification of all other necessary permits, permissions or approvals applied for or granted by other public agencies such as the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Parks, Caltrans, and the U.S. Fish and Wildlife Service, or evidence that no such approvals are necessary from these agencies.

Once we have received this information, we may have more questions about the project's substantive and procedural issues and can discuss them with you at that time.

4. Impacts to Environmentally Sensitive Habitat Area (ESHA): The 2.5-mile segment of busway requested in this CDP application is sited entirely within ESHA as defined by the Coastal Act, and there are ESHA impacts for sections of the project within the LCP jurisdictions of Marina and Sand City.

- a. Please describe the method used to calculate ESHA impacts and show on a site plan all areas of expected ESHA impacts. Please differentiate between short-term temporary, long-term temporary, and permanent impacts as defined in the attached memo from Coastal Commission Senior Ecologist Dr. Lauren Garske-Garcia. While the memo was not written for this project, it describes the Commission's general approach for ESHA mitigation. Please also indicate the total acreage of ESHA that will be covered by new development, as well as the potential off-site/indirect impacts associated with lighting, noise, and other operations on dune habitat.
- b. Please provide a mitigation plan for all impacts to ESHA that documents where and how identified ESHA impacts are to be mitigated. The most recent Coastal Commission combined staff report regarding construction in dune ESHA in this area (A-3-MRA-19-0034 and 9-20-0603, Cal-Am Desalination, available on the Commission's November 17, 2002 archived agenda at: <https://www.coastal.ca.gov/meetings/agenda/#/2022/11>) provides a helpful reference for the nature of mitigation that the Commission has recently required. Please note that the Commission has adopted a 'no net loss' policy for this area of dune habitat, requiring dune habitat creation at a 1:1 ratio for all dune habitat covered by permanent

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development (see Special Condition 8.c). Regarding mitigation ratios, Dr. Garske-Garcia's memo provides helpful guidance on the variability of ratios depending on the type of restoration activities performed. Of particular note, the minimum mitigation ratio for short-term temporary ESHA impacts is 1:1, for long term impacts it is 1.5:1, and for permanent impacts it is 3:1 (which includes the 1:1 dune habitat creation described above, with a remainder of 2:1 for all other permanent impacts). Depending on the type of mitigation employed, these ratios may also be doubled or tripled.

5. **Public Access During Construction:** Please describe, and show on a site plan, the existing public access at and adjacent to the site, including as related to the Monterey Peninsula Recreational Trail and Fort Ord Dunes State Park, as well as how this will be maintained and/or closed during construction activities. If public access will be closed during construction, please describe why it will be necessary to close public access and the estimated duration of the closure(s).
6. **Public Access After Construction:** Please describe, and show on a site plan, the proposed post-construction public access at the site, including the nature and location of any changes or additions to bicycle and pedestrian access to and along Fort Ord Dunes State Park and the Monterey Peninsula Recreational Trail. Please include a detailed description of all bicycle and pedestrian crossings on the busway and how safety will be maintained at these crossings. Please also indicate any relocation of any bicycle and pedestrian infrastructure, any locations where there is no separation between the busway shoulder and the Recreational Trail, and any locations where there is less than 10 feet between the Recreational Trail and the Busway shoulder.
7. **Construction Plans:** Please provide complete details of the proposed construction, including: all heavy machinery proposed to be used and at which phases they are required, the construction staging area, the time and duration of construction and all of the proposed best management practices that would be employed to protect water quality and ESHA during construction.
8. **Drainage Plan:** The proposed project will lead to significant impervious coverage over coastal sand dunes which are highly susceptible to erosion. Please provide a drainage plan that clearly identifies all measures that will be taken to collect and direct site drainage. Please also describe and show on a site plan where drainage will be directed, including the location and type of any infiltration infrastructure, and indicate how erosion will be prevented during heavy rains.
9. **Mapping:** The proposed project covers a large area, and the maps provided either do not show adequate detail or are so zoomed in as to lack the overall context of the project. Please provide a highly detailed map overlaid onto satellite imagery, or shapefiles of the proposed project, that show in detail the locations of all proposed elements of the project including the busway, any modifications to the existing public access trails, and the location of proposed retaining walls.

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- 10. Retaining Walls:** The proposed project includes a total of 5,920 linear feet of retaining walls. Please indicate the length of retaining walls proposed in this CDP application, excluding all retaining walls outside of the original permitting jurisdiction of the Coastal Commission. Please also provide visual simulations showing a typical section of the proposed retaining wall as seen from traveling north and south on both Highway 1 and the Monterey Peninsula Recreational Trail.
- 11. Fencing:** Under the 'Construction Impacts' section of the CDP application package, the final bullet point mentions fencing but no additional information regarding proposed fencing is provided. Please describe the location, height, and type of any permanent fencing proposed for installation. Please also describe any signage or other measures intended to keep pedestrians and bicyclists off the Busway.
- 12. Parking:** Please provide additional details on the parking at the 5th Street station, including as related to cost, availability to the general public (i.e., will it be available for just bus riders or the general public, including users of the Recreational Trail and State Park?), and hours of operation.
- 13. Zero Emission Vehicles:** Please clarify the status of proposed usage of zero emission vehicles on the busway. Will zero emission vehicles be exclusively used on day one of the operation of the busway? If the busway is only a section of a much longer route that buses will take between Salinas and Monterey, will MST have an adequate number of zero emission buses to run the entirety of that route without requiring passengers to disembark from fossil fuel power vehicles and transfer to zero emission vehicles before traveling on the busway?
- 14. Other Vehicles:** Please clarify if any other vehicles, including emergency services or vehicles used for special events (shooting a movie, etc.), will ever be permitted on the busway aside from those necessary for maintenance.
- 15. Future Rail Service:** Please further describe the impacts the project will have on the existing railroad tracks, including where and how much track will be removed and any impacts to the structural integrity of the tracks caused by grading and retaining walls adjacent to the tracks. Please also describe the future compatibility of the busway and rail service if funding were secured to restore rail service along the corridor; would the busway and rail service be able to provide service simultaneously given the currently proposed configuration of the busway? Would future rail service require the termination of bus service? Overall, how would the construction of the proposed busway impact the feasibility of future rail service? Please describe and provide any relevant documentation regarding any commitments or legal restrictions relating to the future use of rail in the TAMC corridor and the preservation of the railroad tracks, if any such commitments or restrictions exist.
- 16. Public Outreach:** please provide a comprehensive summary of the public outreach that has been conducted relating to the project, including the

3-23-0288 (MST SURF! Busway)

communities that were engaged, the extent of public participation, and when outreach activities occurred.

17. **Public Access Signage:** Please clarify the type and nature of signage to be installed at the 5th Street station for "social equity reasons" (described on page 28 of the supporting materials and required attachments document submitted with the CDP application).
18. **Appendix B (Local Agency Review Form):** Please have a member of Monterey County planning staff complete and sign Appendix B and return the completed form to our office.
19. **Appendix C (Mailing List) and Envelopes for Noticing:** Please submit a revised mailing list (Appendix C) that includes the addresses for all property owners and occupants for each property *located within 100 feet (excluding roads) of the property lines* of the entire project site, including areas outside the Coastal Commission's original jurisdiction. In addition to the 100-foot addressees, please also supplement the mailing list with addressees organized by and corresponding to: (a) all other parties known to be interested in the proposed development (e.g., persons expressing interest at local hearings, advisory committee meetings, during CEQA review, etc.); (b) the Monterey County Department of Housing and Community Development; and (c) all contacts from consultations with other applicable regulatory agencies (e.g., State Parks, CDFW, ACOE, USFWS, NMFS, RWQCB, etc.). Please provide stamped envelopes for each person or agency on the mailing list. The envelopes must be #10 envelope: no window, no return address, square flap, NOT self-seal with forever stamps (not 1st class). Finally, to the extent that multiple hearings are noticed for this matter, you will need to submit new sets of stamped envelopes for each subsequent hearing after the first. Please also provide written evidence that you will submit such additional envelopes, if necessary, upon request in the future.
20. **Appendix D (Declaration of Posting) and Posting Notice:** Please fill out the enclosed "Notice of Pending Permit" forms and post and maintain the notices where they will be conspicuously visible to the public including, at a minimum, at the northern end of Beach Range Road before it passes under Highway 1, the northern end of the Recreational Trail before it passes under Highway 1, the intersection of Beach Range Road and 8th Street, the intersection of the Recreational Trail and the path that runs under Highway 1 by 5th Street, the intersection of 1st Street and Beach Range Road, and the southernmost end of Beach Range Road where it intersects the Recreational Trail. All notices: (a) must be weatherproofed (e.g., laminated or otherwise covered in plastic) in the event of inclement weather; such weatherproofing must not make the notices difficult to read; and (b) must be posted at a readable height (i.e., three to five feet or so) against a solid background at least as large as the notice (e.g., an 8½" x 11" piece of plywood attached to a stake). Once the notices are posted, please submit a graphic showing all notice locations (in site plan view), and please submit photographs of such notices keyed to the site plan. All of the notices must

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remain posted as described until the Commission makes a decision on the proposed project. Any notices that become unreadable or are missing (for whatever reason) must be immediately replaced. When the site has been posted, please complete Appendix D (Declaration of Posting) and return this completed form to our office. Please note that additional posting may be necessary when this item gets closer to being scheduled for a hearing in front of the Commission. Please provide written evidence that you will commit to such posting when and as directed in the future.

We will hold the application for six months from today's date (i.e., until November 3, 2023) pending receipt of these materials. After all of the above-listed materials have been received, the package will again be reviewed and will be filed if it contains materials sufficient for a thorough and complete review. Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above-listed materials. If all of the above-listed materials are not received within six months, CDP Application 3-23-0288 will be considered withdrawn and will be returned to you. This submittal deadline may be extended for good cause if such request is made prior to November 3, 2023. I look forward to working with you on this project. Please do not hesitate to contact me at Breylen.Ammen@coastal.ca.gov or (831) 427-4863 if you have any questions regarding the above information requests.

Sincerely,

Breylen Ammen

Breylen Ammen
Coastal Planner
Central Coast District Office

Cc: Todd Muck, Michelle Overmeyer, Lisa Rheinheimer, Tad Stearn, Peter Meyerhofer

Enclosure

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
PHONE (831) 427-4863



December 29, 2023

Mr. Carl Sedoryk
General Manager/CEO
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

**Subject: Coastal Development Permit (CDP) Application Number 3-23-0288
(MST SURF! Busway)**

Dear Mr. Sedoryk:

We received the above-referenced CDP application that you submitted on April 3, 2023, and we received your response to our two filing status letters on July 28, 2023 and December 1, 2023. We appreciate the thorough and extensive work that has been done to fulfill our requests for additional materials; what we have been provided has overall effectively answered most of our questions and provided most of the materials we need to bring the project to hearing. That said, we still require a few additional materials:

- 1. Mapping and Land Ownership.** Our last filing letter requested additional mapping, including to show property ownership on the Sand City end of the project. The mapping provided in your December 1, 2023 submittal does not clearly show such property boundaries and instead shows "Private R/W" on Sheet DM-002. And although the mapping/plans provided begin at the Sand City city limit, it would be helpful to see the entirety of the alignment (including outside the Commission's permitting jurisdiction), especially on the southern end, to fully understand the location of the project in relation to property boundaries, rights-of-way, and roadways in this area. Please provide these details.
- 2. ESHA Impact Areas.** Our last filing letter requested updated ESHA impact calculations. MST's responding materials include a memo discussing impacts and providing calculations. Overall, the memo includes the type of information that we require, however, two things must still be clarified. First, we would note that the Commission's ecologists have determined that vegetated areas of the railroad tracks and ballast still constitute ESHA, including because rare dune plant individuals have been identified within the tracks, and as such should be accounted for in the calculations. And second, grading would typically be considered significant ground disturbance and thus a permanent rather than a long-term temporary impact, even if graded areas are not paved. Please either adjust the impact calculations accordingly or provide additional information demonstrating the proposed grading would be more appropriately considered a long-term temporary impact.

3-23-0288 (MST SURF! Busway)

We will hold the application for six months from today's date (i.e., until June 29, 2024) pending receipt of these materials. After all of the above-listed materials have been received, the package will again be reviewed and will be filed if it contains materials sufficient for a thorough and complete review. Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above-listed materials. If all of the above-listed materials are not received within six months, CDP Application 3-23-0288 will be considered withdrawn and will be returned to you. This submittal deadline may be extended for good cause if such request is made prior to June 29, 2024.

In addition to the materials requested above that are required for filing purposes, we would like to bring another issue to your attention. We have begun the more detailed review of project materials necessary to write our staff report and recommendation on the project. This more detailed review of the application has revealed what appears to be an error in the project description and mapping materials. The application is for the 2.5-mile segment outside of the Sand City and Marina city limits, however much of the project that is in the coastal zone within Marina city limits is actually not within Marina's certified LCP area, and thus the Commission has jurisdiction over those areas as well. Specifically, the portion of the City's coastal zone from the southern city limit to approximately the Del Monte Boulevard/Highway 1 junction was never certified and remains within what our mapping records indicate as "City of Marina – Fort Ord Transfer Area Uncertified Area (UA)," like the segment of the alignment south to Sand City. In other words, all project areas seaward of Highway 1, except those within the Sand City certified LCP area, are within the Commission's retained permitting jurisdiction. This means that an additional approximately 1.9 miles of the proposed busway is in the Commission's jurisdiction for a total of approximately 4.4 miles. We apologize for missing this error and not identifying it earlier. For a complete project description in the CDP application and accurate accounting of the project, we require the following updated materials from you as soon as possible:

1. **Updated Project Description.** Please provide an updated project description reflecting the full scope of work within the Commission's permitting jurisdiction.
2. **Updated Mapping.** Please provide updated mapping accurately reflecting the project area within the Commission's permitting jurisdiction, including an extension of the plans overlaid onto satellite imagery to include this new area.
3. **Updated ESHA Impact Areas.** Please provide updated ESHA impact calculations that include all project areas subject to the Commission's permitting jurisdiction.
4. **Updated Mailing List and Public Noticing.** Please post updated public notices reflecting the full scope of the project before the Commission. The current notices state that the application is for a 2.5-mile long segment of the busway which we now know is not accurate.

Please do not hesitate to contact me at Breylen.Ammen@coastal.ca.gov or (831) 427-4863 if you have any questions.

3-23-0288 (MST SURF! Busway)

Sincerely,

Breylen Ammen

Breylen Ammen

Coastal Planner

Central Coast District Office

Cc: Todd Muck, Michelle Overmeyer, Lisa Rheinheimer, Tad Stearn, Peter Meyerhofer

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**SENT VIA ELECTRONIC MAIL****May 10, 2021**

Michelle Overmeyer
Director of Planning & Innovation
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

Re: Monterey-Salinas Transit Busway Project

Dear Ms. Overmeyer:

Thank you for the opportunity to provide comments on the proposed Monterey-Salinas Transit (MST) Busway Project in north Monterey County. Please provide these comments to the MST Board Members prior to today's meeting on the project and please include these comments in the administrative record for the project.

The Coastal Commission has worked diligently over many years to develop strategies to maximize public transit opportunities and to reduce carbon emissions and reliance on fossil fuels, including to help counter the effects of global climate change and the resulting impacts from sea level rise. Thus, at a broad level, we are generally supportive of projects that can help increase our overall resiliency through development of public transit projects such as this. At the same time, however, such support only extends as far as such development can be achieved in a manner that is consistent with the California Coastal Act and with the applicable Local Coastal Programs (LCPs). It is within this context that we provide the following comments.

Outreach

We understand that MST has undertaken some outreach to the public and relevant stakeholders to solicit public comment for the proposed transit project, including via today's meeting. However, from our discussions with the public and other stakeholders it appears that there is limited understanding of the proposed project, and thus it appears that potential interested parties may not have been thoroughly engaged, especially in light of COVID-19 and the associated difficulty for the public to ask questions and receive answers on the proposal in a meaningful way. **We strongly recommend that the MST Board not take action on the project today** and instead recommend that MST staff redouble its efforts to reach out to affected communities by scheduling multiple/repeat informational and educational webinars, including at a minimum presentations through regular City Council and Board of Supervisor virtual meetings (and in-person meetings as soon as possible) for all jurisdictions affected by the project going forward. We also strongly believe that the process should be extended to allow more time to discuss and evaluate project alternatives with affected cities and entities that address regional public transportation needs in a manner that protects

MST Busway Project Comments

coastal resources and is approvable under the Coastal Act and applicable LCPs. See more discussion in the “ESHA” section below.

Jurisdiction

A significant portion of the project lies within the Transportation Agency of Monterey County’s (TAMC’s) right-of-way on the former Fort Ord military base seaward of Highway 1. The entire area west of the highway is within the Commission’s retained permitting jurisdiction and a coastal development permit (CDP) from the Commission will be required for any development within this area. The standard of review will be the Coastal Act. Also, as we understand it, other elements of the project fall within the purview of adjacent local governments (e.g., Marina, Sand City, Seaside, and Monterey County) and separate CDPs for those project elements will be required from those respective jurisdictions. The certified LCPs will be the standard of review in those locations. In certain limited cases where a project has split CDP jurisdiction, the Commission has the ability to process a consolidated CDP as opposed to separate CDPs (and potential appeals), provided the applicant, the local government, and the Commission’s Executive Director all agree to such processing and when public comment and participation will not be substantially impaired. While consolidation is a potential vehicle to process the CDP, we believe it is too early in the process to determine whether it is appropriate to do so, including because there are substantive coastal resource issues that first need to be addressed prior to a determination of how the permitting process should be undertaken, all as described in more detail below.

Environmentally Sensitive Habitat (ESHA)/ Project Alternatives

The IS/MND notes that the majority of the alignment (roughly five miles) of the busway project would be within TAMC’s Monterey Branch Line rail corridor right-of-way, an approximately 100-foot- wide corridor located between the Fort Ord Dunes State Park recreational trail (i.e., Beach Range Road) and the Caltrans right-of-way recreation trail, both of which are located seaward of Highway 1. More specifically, the alignment would be located mainly in the sand dunes area seaward of the TAMC rail corridor right-of-way and would deviate from this general alignment only when necessary to avoid bridge under-crossings and other similar obstacles. The IS/MND describes the TAMC rail corridor as heavily disturbed but also wide enough to support native and non-native plant communities. The IS/MND acknowledges that sensitive habitats exist in this area of the coastal zone, which includes the underlying sand dunes within the TAMC right-of-way, and focuses on providing mitigation for project-specific impacts to known rare and/or sensitive plant and animal species. The IS/MND only evaluates the busway on the Monterey Branch Line rail corridor right-of-way alternative.¹

¹ MST in conjunction with TAMC and other stakeholders, prepared a Bus-on-Shoulder/Branch Line Feasibility Study in 2018 to respond to growing traffic congestion and delays on State Route 1 in Santa Cruz and Monterey Counties. The study evaluated several project alternatives. Determination of feasibility was based primarily on annual ridership, time savings, total capital cost, and reduction in vehicle miles traveled. Environmental impacts were scored as either significant, possibly significant, or not significant. There was no quantification of impacts in terms of habitat loss or disturbance, no discussion of necessary mitigations or costs associated with mitigations, and these costs did not enter into the feasibility equation.

MST Busway Project Comments

Coastal Act Section 30240 provides for the protection of ESHA, including sensitive dune habitats such as those found at the former Ford Ord and within the TAMC right-of-way:

Section 30240 (a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The protections afforded by Coastal Act Section 30240 extend to both natural and degraded dunes, i.e., whether the dunes are covered in native dune plant species, ice plant, or base rock, including because of the inherent ability for degraded dunes to be restored. As noted in past correspondence to MST staff regarding this project, only resource-dependent uses that do not significantly disrupt ESHA are allowable in ESHA. The project description contained in the IS/MND identifies roughly five linear miles of two-lane roadway surface, drainage improvements, retaining walls, fencing, utility connections, traffic and safety controls, and operation of motorized bus service all within sand dune ESHA. The project would include roughly 22 acres of new impervious surface and approximately 23 acres of grubbing and grading, much of this in dune ESHA. A transportation infrastructure project like this is not an allowed use in ESHA and therefore is inconsistent with the Coastal Act and applicable LCPs. Additionally, based on the project description the proposed development will introduce additional traffic, noise, light, and general disturbance within and adjacent to sand dune ESHA, thereby also resulting in significant disruption of ESHA habitat values.

The currently proposed project is located in dune ESHA and is not resource dependent and is not approvable under Coastal Act Section 30240 or under the ESHA policies of the various LCPs that would apply to the project in the areas located outside of the Commission retained permitting jurisdiction. Furthermore, the project will include the construction and staging of equipment and materials, and it is not clear whether these activities will occur within the dunes; if so, those activities also have the potential to cause significant disruptions to adjacent habitat areas, inconsistent with Coastal Act Section 30240 and related LCP ESHA policies. Given the sensitive dune resources involved and the need to ensure that ESHA habitat values are appropriately protected, we recommend that MST prepare a comprehensive evaluation of a reasonable range of alternatives, including options that avoid impacts to dune ESHA, whether degraded or not, that the proposed new two-lane bus thoroughfare would present.² The analysis must quantify the impact for each alternative in terms of permanent and temporary habitat loss / disturbance, along with identification and recommendation of corresponding mitigation proposed for each alternative. This level of analysis will be needed for Commission staff and City and County staffs to fully evaluate any project for

² At a minimum, the range of alternatives should include: 1) establishing bus service within the existing highway right-of-way via widening or use of an existing lane; 2) establishing an HOV lane in the right-hand lane of Highway 1; 3) commuter rail on the existing rail alignment; 4) utilizing surface city streets to accommodate bus rapid transit.

MST Busway Project Comments

Coastal Act and LCP consistency, and our Commission will expect this analysis to be present in the staff report for any project.

Public Access and Recreation

Coastal Act Section 30240(b) requires that development sited adjacent to parks and recreation areas shall be sited and designed to prevent impacts that would substantially degrade those areas. Based on the project description contained in the IS/MND, the proposed busway transit project would include roughly five linear miles of two-lane roadway surface, drainage improvements, retaining walls, fencing, utility connections, traffic and safety controls, and operation of motorized bus service immediately adjacent to an important park and recreation area, i.e. Fort Ord Dunes State Park, where it is clear the effect will be a significant degradation of the park experience, inconsistent with Coastal Act Section 30240(b). The proposed development will introduce additional traffic, noise, light, and general disturbance well beyond the physical development location and much closer to important park recreational amenities (e.g., the portion of the recreation trail located on Fort Ord State Park property) than the current commotion originating from Highway 1 in this area. The busway would be visible from the same public recreation trail and the Commission-approved Fort Ord Dunes State Park campground. Please also see the letter from the California Department of Parks and Recreation (dated April 11, 2021), in which State Parks' staff describes a myriad of impacts to Fort Ord Dunes State Park from the project. In short, the proposed project will result in significant coastal access and recreation impacts, including to Fort Ord Dunes State Park and the adjacent recreation trail, and thus the proposed project is inconsistent with Coastal Act Section 30240(b) and cannot be approved.

Public Views

The Coastal Act protects public views "as a resource of public importance," where development is required to be sited and designed to protect views to and along the ocean, to be visually compatible with the character of surrounding area. The IS/MND suggests that although the views of coastal Fort Ord could be considered scenic, these same vistas are not significantly affected or compromised by the project.

Visual renditions from Highway 1 provided with the IS/MND are clear in that buses traveling within the rail right-of-way will be visible during both day and night, and will be especially noticeable during the night due to bus lighting. As proposed, the sweeping unobstructed views of the highly scenic Fort Ord coast would now include additional permanent facilities that would be visible during day and ongoing bus travel that would be visible day and night, significantly degrading said views. These impacts are certain to occur no matter whether an alternative is chosen within the Caltrans or TAMC right-of-way. However, views from the Fort Ord recreational trail would more likely be significantly impacted by the busway development in the TAMC right-of-way, which would be in some instances merely feet away from the trail. Likewise, views from the campground would suffer from a similar increase in visual detractors. Accordingly, we strongly recommend that MST adopt an alternative that avoids and/or minimizes the amount of new paving and infrastructure needed to initiate service, and realigns the bus service in closer proximity to the existing highway right-of-way, i.e. away from the Fort Ord recreation trail and the Commission-approved Fort Ord State Park campground.

MST Busway Project Comments

In conclusion, although we are supportive of strategies to maximize public transit opportunities and to reduce carbon emissions and reliance on fossil fuels, the current proposal cannot be found consistent with the Coastal Act or with the applicable LCPs. We strongly suggest that MST take a pause on this project to develop a public process to evaluate alternatives that will not result in the range of significant coastal resource impacts described herein. We are available for consultation as you proceed forward.

Regards,

DocuSigned by:

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Mike Watson
Coastal Planner
California Coastal Commission

From: [Tanja Roos](#)
To: [Marina](#)
Cc: [Alyson Hunter](#)
Subject: Public Comment - Item#8A
Date: Thursday, April 11, 2024 12:02:14 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Honorable members of the City of Marina Planning Commission –

I am unable to attend the meeting tonight but wanted to offer my support for item 8A on your agenda. Blue Zones Project Monterey County has been supporting our partners at MST and TAMC through grant letters of support, community outreach and advocacy, as the SURF! Busway and Bus Rapid Transit Project has taken shape. As a next step, BZPMC fully supports your approval of the Monterey Salinas Transit Coastal Development and Tree Removal Permit, tonight.

Access to efficient and well-designed public transit options is critical to supporting a more active, healthy and integrated community. We believe the SURF! project supports the entire region by providing improved public transportation options for the residents of our county needing access to jobs, schools, colleges, and the University, healthcare services, and recreation. In addition to supporting residents, employers benefit from more reliable public transportation to get workers to jobs on time and at a lower cost. Transportation costs are often a burdensome expense, preventing workers from accessing jobs. Once complete, the project will result in a reduction of GHG, promote healthy lifestyles, and contribute to upward economic prosperity for our neighbors and friends.

For these benefits, it is important for this project move quickly through the permit approval process. Starting service as soon as possible will benefit our communities, business, our environment and our economic prosperity. Thank you for your support in approving Item #8A this evening.

Best,

Tanja Roos, MNA ([she/her](#)) | Director of Community Programs & Policy
 Blue Zones Project Monterey County – Peninsula Cities
 451 Washington Street, Monterey, California 93940
 W : 831.512.1197 | tanja.roos@sharecare.com

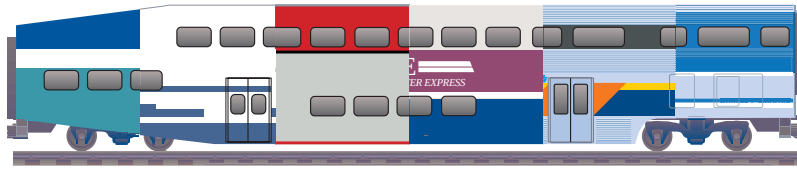


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TRAC

Train Riders Association of California



1017 L Street, Suite 765
Sacramento CA 95814

(916) 557-1667
www.calrailnews.org
president@calrailnews.org

EXHIBIT C

Officers

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Ronald Jones
Fresno County

William F. McGeehan III
Contra Contra County

Glenn Woodson, Chair
City of Marina Planning Commission
City of Marina
211 Hillcrest Ave
Marina, CA 93933

April 10, 2024

By email to ahunter@cityofmarina.org

Re: Item 8A, MST Permits

Dear Chair Woodson and Commissioners:

The Train Riders Association of California was an original sponsor of Proposition 116, which enabled the purchase of the railroad right-of-way which the Surf! Bus Rapid Transit project proposes to build on. We were instrumental in writing the text of the measure, and are writing today to insist on conformance with the intent of Prop. 116. We will demonstrate using official documents that busways cannot legally make use of rail rights-of-way purchased with Proposition 116 grants:

The language of Proposition 116 does not authorize the allocation of bond funds for busways. To the contrary, the number one item was "(1) Rights-of-way for rail purposes." (PUC Section 99613(a), emphasis added.)

The July 18, 1991 California Transportation Commission Resolution #G-91-19 amending the Proposition 116 Guidelines included the following:

6. The Commission will only accept grant applications for rail projects as defined or identified in the CATIA [Prop. 116](see policy 43).

43. Rail project means (CATIA Section 99602 (j)) a commuter passenger rail service project, an intercity passenger rail project, or a rail transit project, and includes exclusive public mass transit guideway projects and the Alameda-San Pedro branch rail line grade separation projects.

There are no provisions in the Proposition that provide for busways other than the reference to "exclusive public mass transit guideways." The May 27, 1987 Opinion 87-101 of Attorney General John Van de Kamp distinguishes between that clumsy phrase and the federal use of the term "fixed guideway," which includes the use by buses: "we conclude that the phrase "exclusive public mass transit guideways" as used by the Legislature in defining transit capital improvement projects eligible for funding from the transportation fund does not include exclusive bus-carpool transitways."

Given the legalities laid out above, TRAC believes your Commission does not have jurisdiction to approve or recommend approval of the MST's permits.

We appear here today not to throw a roadblock up for a public transit project, but instead wish to encourage all the parties to move forward with a cost-effective rail project connecting Monterey to Pajaro, Castroville, Santa Cruz and San Francisco. We believe it can be accomplished at a cost similar to the busway. Please contact us for further information.

Thank you for considering these comments.

Sincerely yours,

/s/ DAVID SCHONBRUNN

Vice-President,
Train Riders Association of California

April 10, 2024

To Public Comment Item #8A

The SURF? Busway and Bus Rapid Transit project

My name is Reyna B. Gross, Program Manager for Outreach and Benefits Checkup for seniors in Monterey County with Alliance on Aging. I am writing this support letter for MST and it's new exciting project that is called SURF Busway & Bus Rapid. I am writing to you in letting you the importance of getting to a place on time and with caution due to our senior 60 plus years and older. We have a big population in which we provide bus passes to our seniors who are 60+ each month and depend on their transportation options.

I see and hear seniors who ride the bus on a regular basis and listen on the importance of their transportation needs. To doctor's visits, grocery shopping, or fun day opportunities they have for themselves. This new project is a promising way to get to their destination sooner and earlier.



I gave me support for this opportunity to our Monterey County community for all ages and especially seniors who I work with every day.

Thank you,

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL DENYING THE APPEALS OF CDP 23-0004 (MST'S SURF! BUS RAPID TRANSIT PROJECT) AND UPHOLDING THE PLANNING COMMISSION'S APRIL 11, 2024, APPROVAL BASED ON FINDINGS, CONDITIONS OF APPROVAL, AND THE FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PER PUBLIC RESOURCES CODE SECTION 21080.25(b).

WHEREAS, SURF! Bus Rapid Transit project, in its entirety, consists of approximately 6 linear miles of roadway surface dedicated for express busway service (bus rapid transit) between Marina and Sand City. The Marina portion of the route for the SURF! busway project would begin at Monterey-Salinas Transit's (MST)'s Marina Transit Exchange at Reservation Road and De Forest Road (northern terminus), and end at the proposed 5th St. Transit Center Contra Costa Street in Sand City (southern terminus in Marina);

WHEREAS, the project would be located in the cities of Marina and Sand City, running parallel to Highway 1 next to Fort Ord Dunes State Park. The busway includes dedicated express busway lanes, platforms, a new station at 5th Street on the former Fort Ord (outside the Coastal zone), and related infrastructure including the extension of the Beach Range Rd. path to the new Palm Ave. station;

WHEREAS, the project will use 100 percent zero-emission, near-zero emission, low oxide or nitrogen engines, compressed natural gas fuel, fuel cell, or hybrid powertrain buses. The completed project is expected to open in 2027 and will relieve congestion and support more frequent public transit services for people traveling within the corridor and beyond;

WHEREAS, the Transportation Agency of Monterey (TAMC) right-of-way (ROW), within which a portion of the proposed bus rapid transit (BRT) project is proposed to occur, has been utilized for transportation uses since the 1880s. The Monterey Branch Line, where the SURF! BRT project is to be developed, was purchased by TAMC in 2003 expressly for public transportation and transit uses;

WHEREAS, TAMC recognizes the SURF! project as the intended user of this portion of the Monterey Branch Line until such time as it develops a rail project within the corridor. TAMC supports the SURF! project and, as property owner, is signatory on the City of Marina permit application;

WHEREAS, Monterey-Salinas Transit (MST), the applicant and developer of the SURF! project, owns the property known as the 5th St. Transit Station (APN 031-221-005), located at 1st Ave. and 5th St. within the former Fort Ord area, east of Highway 1. This property was conveyed to MST as part of the original Fort Ord closure with the express intent of developing a new multimodal mobility hub. The Station will include a safe drop-off and pick-up area, public parking with EV charging, and bicycle and mobility amenities including a bicycle repair station;

WHEREAS, on April 11, 2024, the Planning Commission unanimously approved the Coastal Development Permit (CDP) and a Tree Removal Permit (TRP) as necessary for the multi-jurisdiction Project;

WHEREAS, on April 18, 2024, within the City's 10-day appeal period, the City of Marina received two (2) appeals of the Planning Commission's action to approve the CDP: one from Robert Solerno, on behalf of Keep Fort Ord Wild (KFOW), and one from Mason Clark, the owner/operator of the handcar commercial use that currently occupies a portion of the subject TAMC ROW. Issues raised in the appeal(s) include, generally:

- a) The project is not in compliance with the Coastal Act
- b) The project is not in compliance with the City's Local Coastal Program (LCP)
- c) The project will not improve coastal access
- d) The project is not in compliance with Proposition 116
- e) The Planning Commission erred in finding the Project exempt from the California Environmental Quality Act (CEQA).

Each appeal is described more specifically in the accompanying staff report, which also attaches the appeals in their entirety as exhibits;

WHEREAS, the 5th St. Transit Station is outside of the Coastal Zone and not subject to the requirements of the City's Local Coastal Program (LCP). Seventy-six (76) of the total 92 trees authorized for removal under Tree Removal permit (TP 23-004) are located on this property. The Tree Removal Permit has not been appealed and remains in effect;

WHEREAS, sixteen (16) trees are authorized for removal within the TAMC ROW between Palm Ave. and the Highway 1 overcrossing to the south. Two (2) of those trees are located within the 0.37 acre portion of the TAMC ROW within the Coastal Zone and are subject to this appeal. The other 14 are not;

WHEREAS, both of the appeals expressly do not appeal the TRP approved by the Planning Commission on April 11, 2024, and thus the TRP is final and remains in effect notwithstanding the Council's action on the appeals;

WHEREAS, the biological report¹ prepared for the project analyzed the entirety of the project, both within and outside the City of Marina and the multi-jurisdictional Coastal Zone boundary and, based on findings for Segment 2 which includes the 0.37 acre portion of the TAMC ROW within the City's Coastal Development Permit (CDP) jurisdiction, found that the subject appeal area (0.37 acres) does not contain the three (3) vegetation types that can be considered sensitive or Environmentally Sensitive Habitat Area (ESHA) in the City's LCP. These three (3) habitat areas are: dune scrub, habitat for the Smith's blue butterfly (i.e., buckwheat) and areas supporting rare plants;

WHEREAS, the City's CDP jurisdiction over the Project is limited due to the Coastal Commission's retention of CDP jurisdiction within City limits, specifically, within the area to the south of the Highway 1 overpass at Del Monte and west of the Highway 1 ROW;

WHEREAS, contrary to the Appellants' claims that the SURF! BRT Project would negatively impact coastal access, the portion of the SURF! project within the City's CDP jurisdiction will improve existing coastal access by formalizing the existing "social trails" along Beach Range Rd. and Marina Dr. to the new Palm Ave. transit stop (all within the TAMC ROW), and by improving pedestrian crossings at Reindollar Ave.;

¹ Final Biological Resources Report, May 2021. Prepared by Denise Duffy & Assoc. (DD&A) for the MST SURF! BRT Project on file with the City of Marina Community Development Dept.

WHEREAS, the City's LCP policies are "statements of intent" and are not binding upon the City. LCP at 2-1. Rather, "[i]mplementation of these policies will sometimes mean achieving a balance among the policies which best effectuates the City's Local Coastal Land Use Plan." Id. Although certain policies prioritize maintaining coastal access for recreational uses, other policies in the LCP support implementation of the SURF! busway, for example: Policy 35 ("To encourage continued and improved service by mass transit within the Coastal Zone."); Policy 36 ("To provide and promote the role of Marina as the physical and visual gateway to the Monterey Peninsula."); and Policy 39 ("To encourage development which keeps energy consumption to the lowest level possible.");

WHEREAS, by improving coastal access for pedestrians/bicyclists while also implementing the SURF! busway – which provides a more climate-friendly, mass transit alternative to commuters in the region – the Planning Commission properly exercised its policy judgment to strike a balance among the LCP's various policies;

WHEREAS, Appellant KFW claims that the Project is not eligible for MST's proposed funding pursuant to Proposition 116 – because this 1990 voter initiative allegedly limits this funding to "rail" projects, which do not include the SURF! BRT Project – yet the Project's funding source is irrelevant to the CDP permit at issue; City has no role in the funding of the project because the SURF! project is solely grant funded; and thus the funding's consistency with Proposition 116 is outside of the City's purview;

WHEREAS, for informational purposes, a full outline of the funding sources and construction timelines is available on the MST website at: <https://mst.org/about-mst/planning-development/surf>;

WHEREAS, Appellant KFW alleges that portions of MST's larger project, which are outside of the City's LCP jurisdiction (and in some cases, outside of the City's municipal boundary), contain Environmentally Sensitive Habitat Areas (ESHA). Under the Coastal Act, only uses dependent on their proposed location in ESHA may be allowed within ESHA. Pub. Res. Code sec. 30240(a). However, the claim that portions of the Project site outside of the City's CDP jurisdiction (and/or City's municipal boundaries) may unlawfully interfere with ESHA is unrelated to the CDP being appealed, and is beyond the City's purview here;

WHEREAS, Appellant KFW alleges that the Planning Commission erred in finding the Project exempt from CEQA pursuant to Public Resources Code section 21080.25(b), specifically because in Appellant's view, the Coastal Commission must find that the exemption applies before the City can make such finding. However, Appellant's claim that the Coastal Commission must find that the Project qualifies for the statutory exemption for certain mass transit projects (PRC 21080.25(b)) *before* the City can make such determination has no basis in the law, nor does Appellant cite to any. The Planning Commission reviewed MST's grounds for finding the overall Project eligible for the statutory exemption when MST approved the Project. The Commission then exercised its independent judgment to find that the CDP (which is necessary for the overall project) qualifies for the exemption for the same reasons the overall Project does;

WHEREAS, TAMC, through a sublease with the City, currently leases an approximately 3.5 mile segment of the railroad tracks to the Museum of Handcar Technology ("Museum"), which is also one of the parties to this appeal (Mason Clark). The existing lease expires on October 31, 2024. Both the primary lease between the City and TAMC and the sublease between the City and Museum expressly acknowledge that "*Museum understands and agrees that LESSOR has future plans for the Property, such as the SURF! Busway and Bus Rapid Transit Project, or other*

transportation uses. Thus, Museum agrees to vacate the Property during the TERM of the SUBLEASE or any renewal or extension of the SUBLEASE, without liability to the CITY, upon termination of the SUBLEASE by the CITY.”²

WHEREAS, the Planning Commission’s approval of the Coastal Development Permit is subject to findings (**Exhibit A**) and conditions of approval (**Exhibit B1**) as provided herein;

WHEREAS, although not applicable or relevant to the subject appeal of the Coastal Development Permit, for ease in City staff’s review for compliance with conditions of approval upon Project implementation, the TRP conditions are also provided herein as **Exhibit B2**; and

WHEREAS, Staff recommends that the City Council (1) find that the Council has reviewed the Notices of Exemption filed by MST on July 12, 2021, and March 13, 2023, including the reasons MST provided for adopting the exemptions; and (2) find that in the Council’s independent judgment, the project qualifies as exempt from CEQA per Section 21080.25(b) of the Public Resources Code. The City will file a Notice of Exemption with the Monterey County Clerk’s Office.

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby:

1. Find that the foregoing recitals, and the accompanying staff report, are adopted as findings of the City Council as though set forth fully herein.
2. Deny the appeal by Mason Clark (**Exhibit C1**), and deny the appeal by Robert Solerno on behalf of KFOW (**Exhibit C2**), based on such findings, and uphold the decision of the Planning Commission, including:
 - a. Making the findings set forth in Exhibit A, attached hereto;
 - b. Adopting the Resolution to approve CDP 23-0004 subject to the conditions of approval attached hereto; and
 - c. Finding that in the Council’s independent judgment, the project qualifies as exempt from CEQA per Section 21080.25(b) of the Public Resources Code.
3. Direct staff to submit the City’s Notice of Final Action to the California Coastal Commission.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of May 2024, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBER:

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk

² TAMC/City Lease agreement executed 11/04/22 and City/Museum Sublease agreement executed 11/09/22

Exhibit A

Findings

Coastal Development Permit § 17.40.200.E.3

The finding is in standard font with Staff's response following in *italics*.

In considering an application for a coastal development permit the planning commission shall consider and give due regard to the Marina general plan and local coastal land use and implementation plans. The planning commission shall determine whether or not the establishment, maintenance and operation of the use applied for will, under the circumstances of the particular case, be consistent with the general plan and local coastal land use and implementation plans, based upon the following findings that the project will:

- a. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the planning guidelines listed in the LCLUP;

The 0.37-acre portion of the project that lies within the City's jurisdiction of the Coastal zone will be developed with a paved bus rapid transit busway consisting of two (2) twelve-foot paved traffic lanes within the TAMC right-of-way (ROW). The busway itself will be at existing grade with minimal vertical disruption to views to the west at this point. A portion of the subject location is under an existing freeway overpass and a portion is just north between the Del Monte Blvd. ROW to the east and the Beach Range Rd. extension (trail) to the west. The TAMC ROW travels through and adjacent to the Caltrans Highway 1 ROW.

- b. Be subject to approval of the site and architectural design review board, including the planning guidelines listed in the LCLUP;

No development that is subject to design review is proposed at this time; Design Review Board review is not required.

- c. Guarantee that appropriate legal action is taken to insure vertical and lateral coastal access or fees paid in lieu thereof as required in the LCLUP and coastal zoning ordinance access components. Required improvements shall be completed, or a bond adequate to guarantee their completion shall be posted with the city, prior to issuance of a certificate of occupancy;

The project will not negatively affect public access to the coast. The 0.37-acre portion of the project that is located in the City's CDP jurisdiction that will be developed with the busway will continue to provide access to existing beach trails.

- d. Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without need for shoreline protection structures;

The proposed busway is more than 2,500 feet from the shoreline and not subject to coastal erosion.

- e. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and coastal zoning ordinance;

According to the LCLUP, the property is outside areas mapped as having sensitive natural habitats. Furthermore, the biological report prepared for the project did not identify any special status species within this area, although two (2) trees are to be removed. The site is an

existing transportation ROW (TAMC, state highway, local road, Monterey Bay Rec. Trail) and is developed with out-of-service railroad tracks and paved trails. Given the existing transportation network in this area, this portion of the project site is highly disturbed. The LUP includes a policy (#35) stating mass transit within the Coastal zone shall be continued and improved.

- f. Be consistent with beach parking standards, as established in the LCLUP access component;

There is no vehicular access (other than the BRT bus) provided at the subject location.

- g. Included feasible mitigating measures which substantially reduce significant impacts of the project as prescribed in any applicable EIR;

The mitigation measures identified by and certified in MST's adopted Mitigation Monitoring and Reporting Program (MMRP), part of the MST Mitigated Negative Declaration (MND), are in full force and effect over activities within the City's permit jurisdiction where they apply. As noted in "e" above, there were no sensitive species observed in the preparation of the project biological report for the 0.37-acre portion of the project in the City's Coastal zone jurisdiction and this location is not included in the LCP's sensitive habitats maps. The other development and tree removal is outside the Coastal zone and not subject to these findings.

- h. Not interfere with public access along the beach;

There is no beach access at this location.

- i. Comply with the access, shoreline structure and habitat protection standards included in the local coastal land use and implementation plans;

Direct shoreline access, shoreline structure, and habitat protection standards are not applicable to this project or site.

- j. Comply with the housing element and housing recommendations of the local coastal land use and implementation plans;

The project is a transportation project to be developed in a transportation corridor and on a ± 4.5 acre property owned by MST and required to be used as a multi-modal transportation hub. No housing is proposed.

- k. In the case of demolition of a residential structure, except to abate a nuisance, not detrimentally alter the character or housing mix of the neighborhood. The structure shall be moved, if capable of providing comparable housing opportunities at another location. The demolition and replacement structure shall comply with applicable local coastal land use plan policies;

No demolition is proposed other than preparing the site for a busway.

- l. In the case of new surf zone or beach sand mining operations, comply with all standards regarding such operations specified in the LCLUP including standards for significant adverse impacts on shoreline erosion, either individually or cumulatively.

No mining operations are proposed.

LCP Land Use Plan consistency

The City's LUP includes 42 "policies of intent" which are very broad in nature and seek to communicate all the City's aspirations for development in the Coastal zone . These include policies that prioritize coastal access and recreation opportunities (#2) and policies that encourage continued and improved service by mass transit within the Coastal Zone (#35) and encourage development which keeps energy consumption to the lowest level possible (#39). It is the City's job to balance these sometimes opposing goals.

The LUP has policies for the protection of rare and endangered species and their habitat (p. 3-1), wetlands (p. 3-2), and ponds (p. 3-3). None of the characteristics of these features are present on or immediately adjacent to the 0.37 acre portion of the project within the Coastal zone. Furthermore, this segment of the TAMC ROW is surrounded on all sides by either paved or vertical State Highway 1 ROW and overpass structures, the Del Monte Blvd. ROW, the Monterey Peninsula Recreation Trail (Rec Trail) ROW and Beach Range Rd., a narrow paved road within the TAMC ROW which Monterey One Water (M1W) utilizes to access its lift station from time to time.

In terms of public access to the coast, the LUP discusses the three (3) existing coastal access points (Reservation Rd., Dunes Dr., and Lake Ct.) and does not discuss trail access from Del Monte since the establishment of the trails from Beach Range Rd. and the Rec Trail were established with the State Parks property (former Fort Ord) and post-LCP certification. The establishment of a transit use within an existing transportation corridor that does not contain either ESHA or other habitat or species of critical concern is consistent with the overarching policies in the LUP.

Exhibit B1

Conditions of Approval for the Coastal Development Permit (CDP)

- 1. Effective Date, Expiration, and Extensions.** This approval shall become effective immediately, except when an appeal period applies pursuant to MMC Section 17.70 in which case actions shall become effective ten (10) days after the approval date provided that no appeal is filed. Approval shall expire **two (2) years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Community Development Department, or the authorized activities have commenced in the case of a permit not involving construction. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Community Development Director or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body (Planning Commission). Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval or its implementation, then the time period stated above for obtaining necessary permits for construction and/or commencement of authorized activities is automatically extended for the duration of the litigation.
- 2. Compliance with Other Requirements.** The owner, applicant, and operator shall comply with all other applicable federal, state, regional, and local laws, codes, requirements, regulations, and guidelines. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.
- 3. Modifications.** Any modification to the approved project, site plan, conditions of approval, or use requires consistency review and approval by Planning Staff. Major revisions may require review and approval by the original approving body or a new independent permit.
- 4. Compliance with Conditions of Approval.** The owner, applicant, and operator shall be responsible for compliance with all Conditions of Approval. The City reserves the right at any time during construction to require certification by a licensed professional at the applicant's expense that the as-built project conforms to all applicable requirements. Violation of any term, project description, or Condition of Approval is unlawful and prohibited. In the case of noncompliance with the requirements of a Use Permit, MMC Section 17.58.060 allows for the revocation of said permit. The City reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings where violations are present, consistent with Chapter 1.08 of the Marina Municipal Code.
- 5. Mitigation Measures BIO 1 – BIO 6.** The owner, applicant, and operator shall be responsible for compliance with the Construction Best Management Practices, Construction-Phase Monitoring, Non-Native/Invasive Species Controls, Pre-Construction Surveys for Protected Avian Species, Pre-Construction Surveys for Monterey Dusky-Footed Woodrat, and Pre-Construction Surveys for Townsend's Big-eared Bat as described in the Biological Report³ and MMRP.
- 6. Timing of Tree Removal.**
Per Mitigation Measure (MM) BIO-1.4 from MST's adopted MND:

³ <https://mst.org/wp-content/media/Appendix-07-Final-Biological-Resources-Report.pdf>

Construction activities that may directly (e.g., vegetation removal) or indirectly (e.g., noise/ground disturbance) affect protected nesting avian species will be timed to avoid the breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after September 16 and before January 31. Alternatively, a qualified biologist will be retained by the project applicant to conduct pre-construction surveys for nesting raptors and other protected avian species within 500 feet of proposed construction activities if construction occurs between February 1 and September 15. Pre-construction surveys will be conducted no more than 14 days prior to the start of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). Because some bird species nest early in spring and others nest later in summer, surveys for nesting birds may be required to continue during construction to address new arrivals, and because some species breed multiple times in a season. The necessity and timing of these continued surveys will be determined by the qualified biologist based on review of the final construction plans and in coordination with the CDFW [California Department of Fish and Wildlife], as needed.

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

Per MM BIO-1.5:

Not more than thirty (30) days prior to the start of construction of Segments 1-4 and the 5th Street Station (including vegetation removal), a qualified biologist shall conduct a survey of suitable habitat within the work site to locate existing Monterey dusky-footed woodrat nests. All Monterey dusky-footed woodrat nests shall be mapped and flagged for avoidance. Graphics depicting all Monterey dusky-footed woodrat nests shall be provided to the construction contractor. Any Monterey dusky-footed woodrat nests that cannot be avoided shall be relocated according to the following procedures:

- Each active nest shall be disturbed by the qualified biologist to the degree that the woodrats leave the nest and seek refuge elsewhere.
- Nests shall be dismantled during the non-breeding season (between October 1 and December 31), if possible.
- If a litter of young is found or suspected, nest material shall be replaced and the nest left alone for 2-3 weeks, after this time the nest will be rechecked to verify that young are capable of independent survival before proceeding with nest dismantling.

Per MM BIO-1.6:

To avoid and reduce impacts to Townsend's big-eared bat, if the project construction is planned during the reproductive season (May 1 through September 15), MST will retain a qualified bat specialist or wildlife biologist to conduct site surveys to characterize bat utilization within and adjacent to the project site and potential species present (techniques utilized to be determined by the biologist) prior to construction. Based on the results of these initial surveys, one or more of the following will occur:

- If it is determined that bats are not present within or adjacent to the site, no additional mitigation is required.

- If it is determined that bats are utilizing the trees or abandoned buildings within or adjacent to the site and may be impacted by the proposed project, pre-construction surveys will be conducted within 50 feet of construction limits no more than 30 days prior to the start of construction. If, according to the bat specialist, no bats or bat signs are observed in the course of the pre-construction surveys, construction may proceed. If bats and/or bat signs are observed during the pre-construction

7. Display of Tree Removal Permit. Prior to and during the removal of any tree approved for removal, a copy of the tree removal permit shall be displayed on site. If no tree removal permit is displayed, the City will issue a stop work order and commence the City's administrative fine process.

8. **Tree Protection.** Per MM BIO-1.1 from MST's adopted MND:

a. Tree and vegetation not planned for removal or trimming shall be protected prior to and during construction to the maximum extent possible through the use of exclusionary fencing, such as hay bales for herbaceous and shrubby vegetation and protective wood barriers for trees. Only certified weed-free straw shall be used to avoid the introduction of non-native, invasive species. A biological monitor shall supervise the installation of protective fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact.

b. Per MM BIO-4.12:

i. Temporary construction fencing shall be placed at approximately 10 feet from the trunk of native trees intended to be retained. Grading, vegetation removal, and other ground disturbing activities shall not commence until the project arborist has inspected and approved the protective fencing installed by the contractor. No equipment or materials, including soil, shall be stored within the established environmental exclusion zone. Prior to grading within 25 feet of retained trees, the project arborist shall be consulted to determine whether pruning is necessary to protect limbs from grading equipment.

ii. To avoid soil compaction from damaging the roots, heavy equipment shall not be allowed to drive over the root area. If deemed necessary and approved by the forester, equipment may drive across one side of the tree. To reduce soil compaction, wood chips shall be spread 6-12 inches deep to disperse the weight of equipment and plywood sheets shall be placed over the wood chips for added protection.

iii. Roots exposed by excavation must be pruned and recovered as quickly as possible to promote callusing, closure, and healthy regrowth.

iv. Retained trees shall be watered periodically in accordance with species need to promote tree health. Transplanted trees and their intended planting areas shall be pre-watered. Post planting watering shall be done as needed to assure establishment.

As determined necessary by the project arborist, retained trees shall be watered periodically to promote tree health.

9. **Additional Mitigation Measures.** In addition to the measures stated herein, the City of Marina relies upon all other mitigation measures included in the MMRP and certified by MST as they apply to the portions of the project subject to the City's discretionary permit review; i.e., tree

removal within the TAMC ROW, new transit development within the 0.37 ac portion of the TAMC ROW in the City's CDP jurisdiction, and site development at the 5th St. Transit Center.

- 10. Replacement Trees.** Upon completion of the grading and infrastructure development for the Phase in which trees were removed, new trees shall be planted at a 2:1 ratio. The replacement tree species and sizes shall be a mix of native coast live oak (*Quercus agrifolia*), Monterey cypress (*Cupressus macrocarpa*), Ray Hartman Wild Lilac (*Ceanothus X 'Ray Hartman'*), Majestic beauty fruitless olive (*Olea Europaea 'Majestic Beauty'*), with Coffeeberry (*Frangula californica*), Coast silktassel (*Garrrya elliptica*), and Toyon (*Heteromeles arbutifolia*) interspersed to supplement the Ceanothus at the discretion of the landscape architect. The tree sizes shall follow the Appendix C of Resolution 24-01. Alternatively, MST may provide the City with "in lieu" fees per MMC Section 17.62.060.D.2. Any combination of these two (2) replacement methods is acceptable.
- 11. Tree and Landscaping Maintenance.** The trees and landscaping installed under this permit shall be maintained for the life of the project using the International Society of Arboriculture (ISA) best management practices (BMPs).
- 12. Site Restoration Plan.** The ground surface shall be restored in the vicinity of the tree removals. Restoration shall include but not be limited to the removal of tree stumps and filling of any holes left by the removal.
- 13. Coastal Development Permit.** The two trees proposed for removal within the coastal zone (nos. 1073 and 1074) are subject to additional review and a coastal development permit (CDP) from the City of Marina. These trees shall not be removed until the CDP has been issued and all appeal periods have passed. Removal of any trees within the coastal zone shall be consistent with the required Conditions of Approval attached to the CDP.
- 14. Encroachment Permit(s).** Prior to the commencement of any work within the City's public ROW, an encroachment permit from the Public Works Dept. shall be obtained.
- 15. Inadvertent Discovery of Archaeological, Tribal Cultural Resources, Paleontological Resources or Human Remains.** Any inadvertent discovery while removing trees and/or restoring the site post-removal shall be mitigated in accordance to MM CR-2 in the adopted MMRP.
- 16. Indemnification.** To the extent allowable by law, the owner, applicant, and operator agree to hold the City harmless from costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceeding brought in any state or federal court challenging the City's actions with respect to the project. The owner, applicant, and operator understand and acknowledge that the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.
- 17. Violation of Code.** Any person who does any work or uses, occupies or maintains any building or structure, or causes the same to be done, or does any grading, contrary to or in violation of this title or of any of the uniform codes adopted by this title is guilty of an infraction pursuant to MMC 15.04.060.
- 18. Construction Noise.** Unless otherwise authorized, construction activities shall be conducted in compliance with MMC Section 15.04.055 and all non-emergency construction or repair work shall be limited to the following schedule:

- a. Monday through Saturday: 7 a.m. to 7 p.m.
- b. Sunday and holidays: 10 a.m. to 7 p.m. (For the purposes of this section, “holidays” shall include New Year’s Day, July 4th, Thanksgiving and Christmas)
- c. During daylight savings time, the hours of construction may be extended to 8 p.m.

No construction, tools, or equipment shall produce a decibel level of more than sixty (60) decibels for twenty-five (25) percent of an hour at any receiving property line.

- 19. Operational Noise.** Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of Chapter 9.24 of the Marina Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.
- 20. Site Maintenance.** The site shall be kept in a blight- and nuisance-free condition, and healthy and well-kept landscaping shall be continuously maintained. Any existing blight or nuisance shall be abated within 60 days of permit approval.
- 21. Lighting.** Exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. After installation, the Community Development Director or designee shall retain the right to require reduction in the intensity of illumination or change of light color if said illumination creates any undue public nuisance.
- 22. Waste Receptacles.** No storage of trash, recycling, or food waste receptacles shall be permitted within the public right-of-way. Receptacles shall be stored on site and screened from public view. The owner, applicant, and operator shall ensure that the requirements of Chapter 8.04 of the Marina Municipal Code pertaining to recycling and solid waste disposal are met.
- 23. Graffiti.** All graffiti on facilities must be removed at the sole expense of the permittee within 48 hours after notification from the City.

Exhibit B2

Conditions of Approval for the (non-Coastal) Tree Removal Permit (TRP)

- Note that the first three (3) are TRP-specific; the following are general COAs included in both COA Exhibits (B1 and B2)

1. 5th St. Station – MM BIO-10: Special-Status Plant Surveys and HMP Compliance

A qualified biologist shall be retained to conduct surveys for Monterey spineflower and Yadon's piperia within the 5th Street Station. The surveys shall be conducted during the appropriate identification period(s) to determine presence or absence, according to USFWS, CDFW, and CNPS protocol. The biologist shall prepare a report that provides the results of the survey, and, if found the number and locations of individuals/populations identified.

- If no Monterey spineflower or Yadon's piperia are found, no further mitigation is necessary.
- If Monterey spineflower or Yadon's piperia are found, salvage efforts for these species will be evaluated by a qualified biologist in coordination with the MST prior to construction to further reduce impacts per the requirements of the HMP and 2017 Programmatic BO. Where salvage is determined feasible and proposed, seed collection should occur from plants within the development site and/or topsoil should be salvaged within occupied areas to be disturbed. Seeds should be collected during the appropriate time of year for each species as determined by the qualified biologist. The collected seeds and topsoil should be used to revegetate temporarily disturbed construction areas and reseeded and restoration efforts on- or off-site, as determined appropriate by the qualified biologist and MST.

- 2. Sewer Easement.** Prior to removing any trees within the 5th Street station area, the applicant shall provide Community Development Department staff with written documentation from Marina Coast Water District (MCWD) certifying trees near the existing MCWD sewer easement are cleared for removal.
- 3. Site and Architectural Design Permit.** The applicant shall obtain a Design Review permit prior to any vertical development at the 5th St. Transit Center or platform improvements at the Palm Ave. transit stop if required by MMC 17.56.010. Depending on the future scope of transit-related development, a Design Review permit may not be required.
- 4. Effective Date, Expiration, and Extensions.** This approval shall become effective immediately, except when an appeal period applies pursuant to MMC Section 17.70 in which case actions shall become effective ten (10) days after the approval date provided that no appeal is filed. Approval shall expire **two (2) years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Community Development Department, or the authorized activities have commenced in the case of a permit not involving construction. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Community Development Director or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body (Planning Commission). Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval or its implementation, then the time period stated above for obtaining necessary permits for construction and/or commencement of authorized activities is automatically extended for the duration of the litigation.

5. **Compliance with Other Requirements.** The owner, applicant, and operator shall comply with all other applicable federal, state, regional, and local laws, codes, requirements, regulations, and guidelines. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.
6. **Modifications.** Any modification to the approved project, site plan, conditions of approval, or use requires consistency review and approval by Planning Staff. Major revisions may require review and approval by the original approving body or a new independent permit.
7. **Compliance with Conditions of Approval.** The owner, applicant, and operator shall be responsible for compliance with all Conditions of Approval. The City reserves the right at any time during construction to require certification by a licensed professional at the applicant's expense that the as-built project conforms to all applicable requirements. Violation of any term, project description, or Condition of Approval is unlawful and prohibited. In the case of noncompliance with the requirements of a Use Permit, MMC Section 17.58.060 allows for the revocation of said permit. The City reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings where violations are present, consistent with Chapter 1.08 of the Marina Municipal Code.
8. **Mitigation Measures BIO 1 – BIO 6.** The owner, applicant, and operator shall be responsible for compliance with the Construction Best Management Practices, Construction-Phase Monitoring, Non-Native/Invasive Species Controls, Pre-Construction Surveys for Protected Avian Species, Pre-Construction Surveys for Monterey Dusky-Footed Woodrat, and Pre-Construction Surveys for Townsend's Big-eared Bat as described in the Biological Report⁴ and MMRP.
9. **Timing of Tree Removal.**
Per Mitigation Measure (MM) BIO-1.4 from MST's adopted MND:

Construction activities that may directly (e.g., vegetation removal) or indirectly (e.g., noise/ground disturbance) affect protected nesting avian species will be timed to avoid the breeding and nesting season. Specifically, vegetation and/or tree removal can be scheduled after September 16 and before January 31. Alternatively, a qualified biologist will be retained by the project applicant to conduct pre-construction surveys for nesting raptors and other protected avian species within 500 feet of proposed construction activities if construction occurs between February 1 and September 15. Pre-construction surveys will be conducted no more than 14 days prior to the start of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). Because some bird species nest early in spring and others nest later in summer, surveys for nesting birds may be required to continue during construction to address new arrivals, and because some species breed multiple times in a season. The necessity and timing of these continued surveys will be determined by the qualified biologist based on review of the final construction plans and in coordination with the CDFW [California Department of Fish and Wildlife], as needed.

If raptors or other protected avian species nests are identified during the pre-construction surveys, the qualified biologist will notify the project applicant and an appropriate no disturbance buffer will be imposed within which no construction activities or disturbance

⁴ <https://mst.org/wp-content/media/Appendix-07-Final-Biological-Resources-Report.pdf>

should take place (generally 500 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.

Per MM BIO-1.5:

Not more than thirty (30) days prior to the start of construction of Segments 1-4 and the 5th Street Station (including vegetation removal), a qualified biologist shall conduct a survey of suitable habitat within the work site to locate existing Monterey dusky-footed woodrat nests. All Monterey dusky-footed woodrat nests shall be mapped and flagged for avoidance. Graphics depicting all Monterey dusky-footed woodrat nests shall be provided to the construction contractor. Any Monterey dusky-footed woodrat nests that cannot be avoided shall be relocated according to the following procedures:

- Each active nest shall be disturbed by the qualified biologist to the degree that the woodrats leave the nest and seek refuge elsewhere.
- Nests shall be dismantled during the non-breeding season (between October 1 and December 31), if possible.
- If a litter of young is found or suspected, nest material shall be replaced and the nest left alone for 2-3 weeks, after this time the nest will be rechecked to verify that young are capable of independent survival before proceeding with nest dismantling.

Per MM BIO-1.6:

To avoid and reduce impacts to Townsend's big-eared bat, if the project construction is planned during the reproductive season (May 1 through September 15), MST will retain a qualified bat specialist or wildlife biologist to conduct site surveys to characterize bat utilization within and adjacent to the project site and potential species present (techniques utilized to be determined by the biologist) prior to construction. Based on the results of these initial surveys, one or more of the following will occur:

- If it is determined that bats are not present within or adjacent to the site, no additional mitigation is required.
- If it is determined that bats are utilizing the trees or abandoned buildings within or adjacent to the site and may be impacted by the proposed project, pre-construction surveys will be conducted within 50 feet of construction limits no more than 30 days prior to the start of construction. If, according to the bat specialist, no bats or bat signs are observed in the course of the pre-construction surveys, construction may proceed. If bats and/or bat signs are observed during the pre-construction

10. Display of Tree Removal Permit. Prior to and during the removal of any tree approved for removal, a copy of the tree removal permit shall be displayed on site. If no tree removal permit is displayed, the City will issue a stop work order and commence the City's administrative fine process.

11. Tree Protection. Per MM BIO-1.1 from MST's adopted MND:

- a. Tree and vegetation not planned for removal or trimming shall be protected prior to and during construction to the maximum extent possible through the use of exclusionary fencing, such as hay bales for herbaceous and shrubby vegetation and protective wood barriers for trees. Only certified weed-free straw shall be used to avoid the introduction of

non-native, invasive species. A biological monitor shall supervise the installation of protective fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact.

b. Per MM BIO-4.12:

- j. Temporary construction fencing shall be placed at approximately 10 feet from the trunk of native trees intended to be retained. Grading, vegetation removal, and other ground disturbing activities shall not commence until the project arborist has inspected and approved the protective fencing installed by the contractor. No equipment or materials, including soil, shall be stored within the established environmental exclusion zone. Prior to grading within 25 feet of retained trees, the project arborist shall be consulted to determine whether pruning is necessary to protect limbs from grading equipment.
- ii. To avoid soil compaction from damaging the roots, heavy equipment shall not be allowed to drive over the root area. If deemed necessary and approved by the forester, equipment may drive across one side of the tree. To reduce soil compaction, wood chips shall be spread 6-12 inches deep to disperse the weight of equipment and plywood sheets shall be placed over the wood chips for added protection.
- iii. Roots exposed by excavation must be pruned and recovered as quickly as possible to promote callusing, closure, and healthy regrowth.
- iv. Retained trees shall be watered periodically in accordance with species need to promote tree health. Transplanted trees and their intended planting areas shall be pre-watered. Post planting watering shall be done as needed to assure establishment.

As determined necessary by the project arborist, retained trees shall be watered periodically to promote tree health.

12. Additional Mitigation Measures. In addition to the measures stated herein, the City of Marina relies upon all other mitigation measures included in the MMRP and certified by MST as they apply to the portions of the project subject to the City's discretionary permit review; i.e., tree removal within the TAMC ROW, new transit development within the 0.37 ac portion of the TAMC ROW in the City's CDP jurisdiction, and site development at the 5th St. Transit Center.

13. Replacement Trees. Upon completion of the grading and infrastructure development for the Phase in which trees were removed, new trees shall be planted at a 2:1 ratio. The replacement tree species and sizes shall be a mix of native coast live oak (*Quercus agrifolia*), Monterey cypress (*Cupressus macrocarpa*), Ray Hartman Wild Lilac (*Ceanothus X 'Ray Hartman'*), Majestic beauty fruitless olive (*Olea Europaea 'Majestic Beauty'*), with Coffeeberry (*Frangula californica*), Coast siltkassel (*Garrya elliptica*), and Toyon (*Heteromeles arbutifolia*) interspersed to supplement the Ceanothus at the discretion of the landscape architect. The tree sizes shall follow the Appendix C of Resolution 24-01. Alternatively, MST may provide the City with "in lieu" fees per MMC Section 17.62.060.D.2. Any combination of these two (2) replacement methods is acceptable.

14. Tree and Landscaping Maintenance. The trees and landscaping installed under this permit shall be maintained for the life of the project using the International Society of Arboriculture (ISA) best management practices (BMPs).

- 15. Site Restoration Plan.** The ground surface shall be restored in the vicinity of the tree removals. Restoration shall include but not be limited to the removal of tree stumps and filling of any holes left by the removal.
- 16. Coastal Development Permit.** The two trees proposed for removal within the coastal zone (nos. 1073 and 1074) are subject to additional review and a coastal development permit (CDP) from the City of Marina. These trees shall not be removed until the CDP has been issued and all appeal periods have passed. Removal of any trees within the coastal zone shall be consistent with the required Conditions of Approval attached to the CDP.
- 17. Encroachment Permit(s).** Prior to the commencement of any work within the City's public ROW, an encroachment permit from the Public Works Dept. shall be obtained.
- 18. Inadvertent Discovery of Archaeological, Tribal Cultural Resources, Paleontological Resources or Human Remains.** Any inadvertent discovery while removing trees and/or restoring the site post-removal shall be mitigated in accordance to MM CR-2 in the adopted MMRP.
- 19. Indemnification.** To the extent allowable by law, the owner, applicant, and operator agree to hold the City harmless from costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceeding brought in any state or federal court challenging the City's actions with respect to the project. The owner, applicant, and operator understand and acknowledge that the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.
- 20. Violation of Code.** Any person who does any work or uses, occupies or maintains any building or structure, or causes the same to be done, or does any grading, contrary to or in violation of this title or of any of the uniform codes adopted by this title is guilty of an infraction pursuant to MMC 15.04.060.
- 21. Construction Noise.** Unless otherwise authorized, construction activities shall be conducted in compliance with MMC Section 15.04.055 and all non-emergency construction or repair work shall be limited to the following schedule:
- Monday through Saturday: 7 a.m. to 7 p.m.
 - Sunday and holidays: 10 a.m. to 7 p.m. (For the purposes of this section, "holidays" shall include New Year's Day, July 4th, Thanksgiving and Christmas)
 - During daylight savings time, the hours of construction may be extended to 8 p.m.
- No construction, tools, or equipment shall produce a decibel level of more than sixty (60) decibels for twenty-five (25) percent of an hour at any receiving property line.
- 22. Operational Noise.** Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of Chapter 9.24 of the Marina Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.
- 23. Site Maintenance.** The site shall be kept in a blight- and nuisance-free condition, and healthy and well-kept landscaping shall be continuously maintained. Any existing blight or nuisance shall be abated within 60 days of permit approval.

- 24. Lighting.** Exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. After installation, the Community Development Director or designee shall retain the right to require reduction in the intensity of illumination or change of light color if said illumination creates any undue public nuisance.
- 25. Waste Receptacles.** No storage of trash, recycling, or food waste receptacles shall be permitted within the public right-of-way. Receptacles shall be stored on site and screened from public view. The owner, applicant, and operator shall ensure that the requirements of Chapter 8.04 of the Marina Municipal Code pertaining to recycling and solid waste disposal are met.
- 26. Graffiti.** All graffiti on facilities must be removed at the sole expense of the permittee within 48 hours after notification from the City.

Exhibit C1

Appeal filed by Mason Clark on April 16, 2024

**APPEAL FORM**

RECEIVED

APR 16 2024

CITY OF MARINA
PLANNING DIVISION

Appeal to the Planning Commission: Review, report on, publish and perform staff work for an appeal of a staff decision to the Planning Commission.

Appeal to the City Council: Review, report on, publish and perform staff work for an appeal of a Planning Commission decision to the City Council.

Appeal to: ☐ Planning Commission ☒ City Council
 From Action of: Planning Commission approval of SURF! Busway Project CDP 24-0004
 Date of Action : April 11, 2024

Appellant's:
 Name: Mason Clark
 Mailing Address: 17926 Maplehurst Pl, Canyon Country, CA 91387 mason@handcar.com
 Phone (Business): 661-600-3822 Phone (Home): 661-600-3822
 Appellant's Interest: Citizen and business owner

Appellant's Reason for Appeal:

Reasons for appeal shall pertain to factual information considered by the last reviewing body. No new factual information may be submitted.

See attached narrative

Appellant's Signature: Mason Clark Date: 4/15/2024

FOR OFFICE USE ONLY:

DATE APPEAL SUBMITTED _____	APPEAL NUMBER: _____
FEE COLLECTED \$ _____	RECEIPT NUMBER _____
ORIGINAL APPLICATION NUMBER _____	PLANNER INITIALS: _____

Appeal Narrative – Mason Clark

Page 1 of 2

I am submitting an appeal of Coastal Development Permit 24-0004, also known as the SURF! Busway Project. The busway project violates the adopted City of Marina Local Coastal Plan as outlined below.

The proposed busway will remove portions of the Monterey Branch Line that will result in the discontinuance of our family's popular handcar tours over the rail line. With the train tracks removed it will be impossible for railcars to pass.

Handcar Tours is a popular recreational business that in 2023 attracted more than 10,000 riders from around the world. Primarily guests visit from inland California areas without access to the California Coast. Patronage has been exponentially growing and as of April 2024, the tours have carried more than 20,000 guests, with some tours already booked out into the summer.

Marina's Local Coastal Plan Policies specifically favor unique recreational uses such as the handcar tours over alternative non-coastal dependent uses within the coastal zone.

From the Marina LCP Policies:

13. To give priority to visitor-serving commercial and recreational uses in order to fully develop the unique Coastal-oriented recreational activities of Marina and still protect the natural resource.

The SURF! Busway is not a recreational use. It is designed to serve the local population by providing transportation between Marina and Sand City with minimal stops. Handcar Tours is primarily focused towards visitor serving Coastal recreation services. More than 95% of our customers reside from 60+ miles away and travel to Marina for the purpose of participating in human powered railroad tours through the coastal region.

Other LCP policies also favor our unique rail tours. The handcars use an existing rail line that supports conservation by avoiding impacts to the surrounding area that human foot traffic causes. The handcar fleet allows visitors to enjoy the coastal environment, while promoting green policies and conservation. The vehicles travel slowly, with little noise, and don't alarm native animal populations.

From the Marina LCP Policies:

2. To provide beach access and recreational opportunities consistent with public safety and with the protection of the rights of the general public and of private property owners.

6. To provide for a level of recreation use which is consistent with the ability to operate, maintain, police and protect the beach and dune environment.

14. To reinforce and support Coastal recreational and visitor-serving activities in the inland area, where appropriate, to the extent the support activities would complement, not destroy, the Coastal resource

By eliminating handcar tours the busway will limit coastal access. LCP policies prohibit eliminating a unique recreational use in favor of a proposed non-recreational transportation use. When competing proposals are present the policy dictates the coastal dependent recreational use shall be given priority.

The plans submitted and approved by the City of Marina Planning Commission are vague and incomplete. However, recent plans for the entire project area submitted to the California Coastal Commission show that the existing recreational trail connection point under Highway 1 is to be removed. (Exhibit A, C)

The proposed SURF Busway will reduce and hinder coastal access by eliminating a highly trafficked coast access point under Highway 1. This important access point is used by more than 2000 park and coastline visitors each week. The proposal includes moving the access approximately ¼ mile north, and then funneling bicycle and pedestrian traffic along a narrow 10 foot access road (Exhibit B) intended to be used by One Water maintenance trucks.

The pedestrian pathway will be shared with water agency's maintenance vehicles several times during weekdays, and less frequently on weekends. Pedestrians will have no place to stand to allow the trucks to pass. There isn't space to adequately widen the access road because of topographical and bridge support constraints.

The busway will also eliminate an important vertical access pathway. Coastal access is currently compliant with the Marina LCP and California coastal policies that requires vertical access to the closest road. When the Marina LCP was adopted, access was provided by a round-about path from Lake Court. However, the LCP called for a pathway to the Highway 1 recreation path that was eventually developed. This important pathway will be eliminated by the SURF Busway and will now require recreational users from the South to make 1/3 mile detour to gain access to the beach and to Fort Ord Dunes State Park. Relocation and infeasible sharing of the pathway access with One Water will violate LCP coast access policies by impeding travel. Retaining the crossing over the busway at its present location does not appear possible do to space constraints that make passage hazardous.

Exhibit A Trail Overview Map

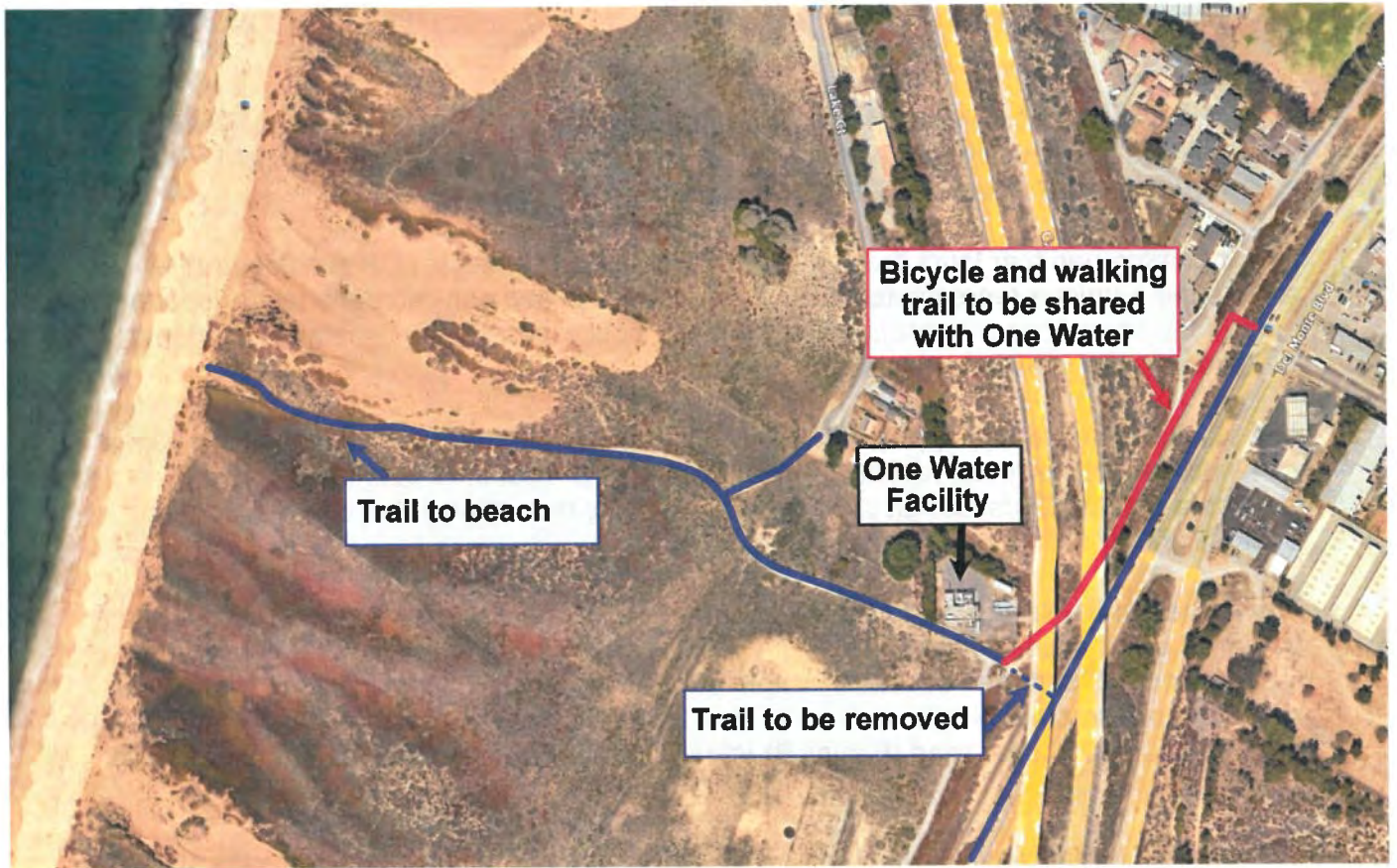


Exhibit B

Popular recreational trail connection to the beach is proposed to be removed to accommodate the busway.

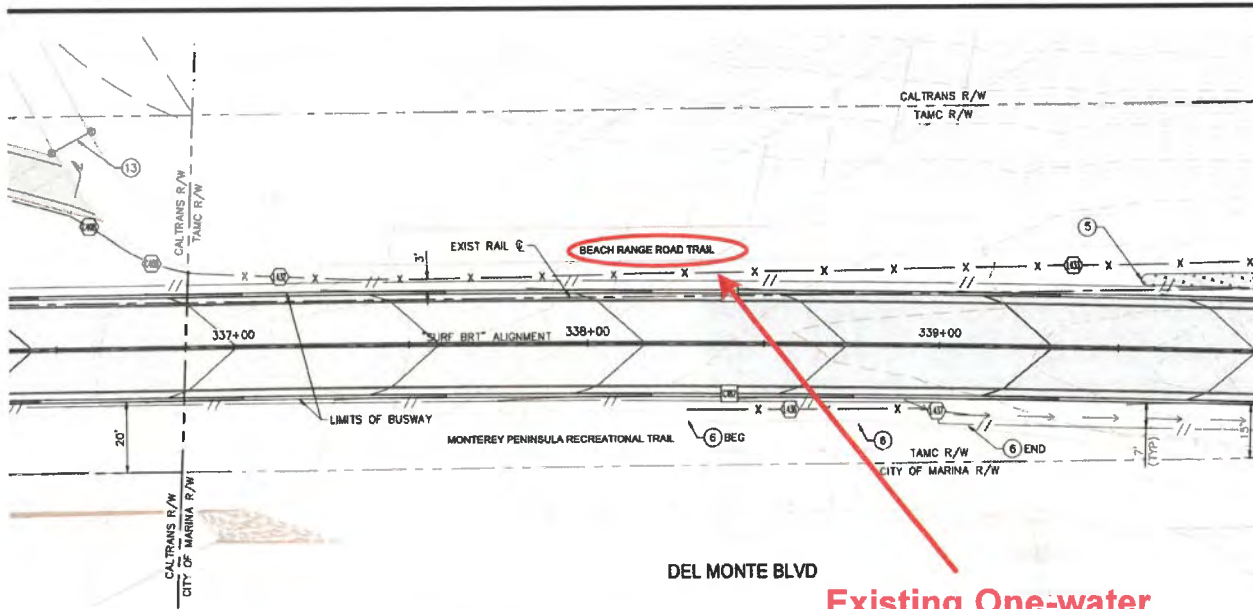


10 foot access road that will be shared for pedestrian access and One Water vehicles accessing wastewater pumping plant.

Looking South towards Sand City

Exhibit C

Site Plans

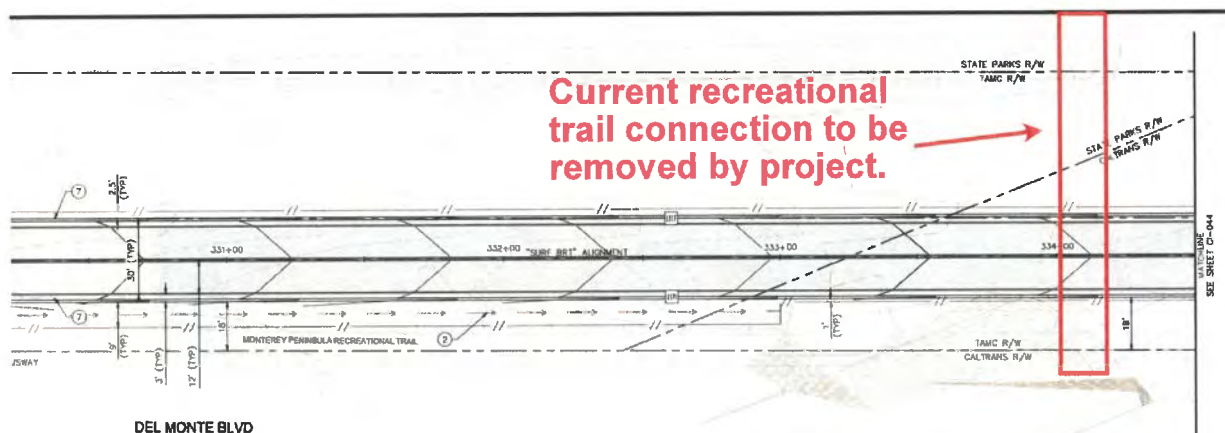


PLAN

GENERAL NOTES

1. FOR HORIZONTAL CONTROL AND ALIGNMENT GEOMETRY INFORMATION SEE HC DWGS.
2. FOR SECTIONS SEE CX AND TX DWGS.
3. FOR RETAINING WALL DETAILS SEE RW DWGS.
4. FOR RAIL REMOVAL LIMITS SEE DN DWGS.
5. ALL GEOMETRIC LABELS REFER TO FACE OF CURB, CURB AND GUTTER, GUARD RAIL, EDGE OF DIKE, CENTERLINE OF FENCE, OR BACK OF WALK. SEE CI-301 TO CI-308.

Existing One-water service road will become primary access to beach



DEL MONTE BLVD

PLAN

GENERAL NOTES

1. FOR HORIZONTAL CONTROL AND ALIGNMENT GEOMETRY INFORMATION SEE HC DWGS.
2. FOR SECTIONS SEE CX AND TX DWGS.
3. FOR RETAINING WALL DETAILS SEE RW DWGS.
4. FOR RAIL REMOVAL LIMITS SEE DN DWGS.
5. ALL GEOMETRIC LABELS REFER TO FACE OF CURB, CURB AND GUTTER, GUARD RAIL, EDGE OF DIKE, CENTERLINE OF FENCE, OR BACK OF WALK. SEE CI-301 TO CI-308.

Exhibit C2

Appeal filed by Robert Solerno on behalf of Keep Fort Ord Wild (KFOW) on April 16, 2024

**APPEAL FORM**

Appeal to the Planning Commission: Review, report on, publish and perform staff work for an appeal of a staff decision to the Planning Commission.

Appeal to the City Council: Review, report on, publish and perform staff work for an appeal of a Planning Commission decision to the City Council.

Appeal to: ☐ Planning Commission ☒ City Council
 From Action of: PLANNING COMMISSION RESOLUTION NO. 2024-09
 Date of Action: 4/11/24

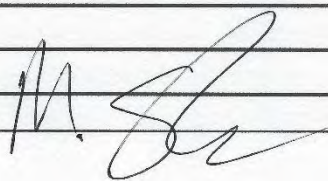
Appellant's Name: Keep Fort Ord Wild
 Mailing Address: 3209 Susan Ave. Marina CA 93933
 Phone (Business): _____ Phone (Home): 831-224-5357
 Appellant's Interest: Local Community Group

Appellant's Reason for Appeal:

Reasons for appeal shall pertain to factual information considered by the last reviewing body. No new factual information may be submitted.

Please see attachments sent to City 4-18-24

mlsalerno3209@comcast.net

Appellant's Signature:  Date: 4/18/24

FOR OFFICE USE ONLY:

DATE APPEAL SUBMITTED _____	APPEAL NUMBER: _____
FEE COLLECTED \$ _____	RECEIPT NUMBER _____
ORIGINAL APPLICATION NUMBER _____	PLANNER INITIALS: _____

PLANNING DIVISION • 209 Cypress Avenue • Mail: 211 Hillcrest Ave. Marina CA 93933
 Telephone (831) 884-1220 • Fax (831) 884-9654 • www.ci.marina.ca.us



April 18, 2024

To: City of Marina

From: Keep Fort Ord Wild

RE: Appeal of City of Marina PLANNING COMMISSION RESOLUTION NO. 2024-09 dated April 11, 2024

With this correspondence Keep Fort Ord Wild (KFOW) appeals the action of the City of Marina PLANNING COMMISSION RESOLUTION NO. 2024-09 dated April 11, 2024

Note: KFOW appeals the entire resolution by the Planning Commission as the language of the resolution combines a Coastal Development Permit and Tree Removal Permit into one action. Since they cannot be separated, KFOW appeals the resolution and therefore the Coastal Development Permit.

The City of Marina Planning Commission relied on numerous inaccurate statements by MST representatives and documents put forward by the project applicant. These inaccurate statements have been perpetrated by the project applicant over multiple years giving the Planning Commission and the public the impression the SURF project can move forward when, in fact, there are multiple reasons why it is impossible for the SURF project to be constructed. The overarching barrier to construction of the SURF project is that vast portions of the project are proposed in an ESHA which makes proceeding with construction in the Coastal Zone impossible.

KFOW joins in the reasons and issues raised in all other appeals and reincorporates them as if fully set forth herein, and raises the following issues and concerns in this appeal of the commission actions to approve the permits and the claims and documents in the environmental review under CEQA, the LCP and the Coastal Act. (KFOW reserves the right to submit additional material not included here to the City before the expiration of the appeal period.)

Proposed Action by the Marina Planning Commission was Premature, SURF Project is Impossible Under the Coastal Act

The proposed action by the planning commission was premature. Only a very small portion of the SURF project is proposed within Marina's Local Coastal Plan. However, much more of the project (4.4 miles) is in the jurisdiction of the California Coastal Commission. The Coastal Act makes construction of SURF project impossible because vast portions of the project are proposed in an ESHA where land and habitat cannot be disturbed, filled, or graded.

The California Coastal Commission has not approved the SURF project. The SURF project is not scheduled for a hearing in front of the California Coastal Commission. The California Coastal Commission has asked MST for major revisions to the project and to present less impactful alternatives. MST has not provided such alternatives and instead continues to seek approval for the version of the project that would disturb unprecedented areas of ESHA and Coastal Dune Habitat. For further reference, we attach multiple letters from the California Coastal Commission to MST highlighting the fundamental problems with the SURF project and its construction in an ESHA:

The California Coastal Commission informed MST of these problems in 2021 (before MST approved the project). Important excerpts as follows:

"Coastal Act Section 30240 provides for the protection of ESHA, including sensitive dune habitats such as those found at the former Ford Ord and within the TAMC right-of-way: Section 30240 (a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."

"The currently proposed project is located in dune ESHA and is not resource dependent and is not approvable under Coastal Act Section 30240 or under the ESHA policies of the various LCPs that would apply to the project in the areas located outside of the Commission retained permitting jurisdiction..."

Project is Impossible Under Proposition 116

The Monterey Branch Line was purchased by TAMC with Proposition 116 funds that set guidelines as to how the line is to be used. Proposition 116 was a State Proposition approved by voters specifically for expansion of rail service. Ultimately, the line can only be used for rail because rail bonds were used to purchase the line. The line cannot be converted to a busway and the tracks cannot be destroyed or covered.

Inspection of the SURF design plans confirm two miles of tracks will be covered or destroyed. This is critical information and means SURF and a future TAMC rail project cannot co-exist as MST claims. MST representatives continued to intentionally downplay the length of track that would need to be removed for SURF up to and at the 4-11-24 Planning Commission meeting. SURF makes a future rail project impossible as it destroys the rail line which is not allowed under Proposition 116. MST still claims a rail project is a long-term vision for the corridor. However, it is now clear the two projects are incompatible, and MST intends to destroy the rail infrastructure along a significant portion of the Monterey Branch Line.

Planning Commission Relied on a CEQA Exemption That Does Not Apply

The Planning Commission relied on a CEQA exemption that does not apply. The Planning Commission relied on a prior CEQA exemption for MST's project that has not been fully approved by the California Coastal Commission. Unless and until the entire project is fully approved, the Planning Commission and the City cannot rely on the exemption claimed by MST.

Inaccurate Claims re: Improved Coastal Access and Recreation

MST and TAMC public officials suggest the MST SURF busway will improve local bike paths and coastal access. This is not an accurate on-the-ground reality. The MST SURF busway as proposed will result in negative and dangerous impacts to local bicycle traffic and coastal access during and after construction. The current bike paths have been thoughtfully designed to safely move bike traffic. The after-the-fact insertion of the MST SURF Busway sacrifices safe and easy bike travel.

By design, the busway fractures and re-routes existing bike trails (Beach Range Road, Monterey Bay Recreation Trail, 5th Street Bike Path). At the same time, it introduces awkward and dangerous crossings where cyclists will have to negotiate with two-way bus traffic. In Winter months cyclists will be subject to blinding headlights along with noise and vibration from buses only a few feet away. This is not an improvement from current conditions.

Currently, cyclists can travel unimpeded using Beach Range Road and/or Monterey Bay Recreation Trail interchangeably from Palm Avenue in Marina to Playa Avenue in Sand City. Cyclists do not need to stop or negotiate traffic for this entire distance. These routes are safe and extremely popular with bike commuters and recreational users.

The MST SURF Busway also introduces an awkward crossing at the 5th street bridge and will dig-up and re-route a bike path TAMC recently built that connects safely and easily to the new VA clinic. The MST SURF busway proposal calls for squeezing in a bus lane *and* a bike path where there currently barely room for a bike path.

Request:

The SURF project would be a detriment to the citizens of Marina damaging coastal ESHA, recreation and coastal access. For all the reasons above, attached and more the Marina City Council should vote to vacate the approval of PLANNING COMMISSION RESOLUTION NO. 2024-09 dated April 11, 2024, and not grant a Coastal Development Permit for the SURF project.

Sincerely yours,

Michael Salerno

Spokesman, Keep Fort Ord Wild.

May 3, 2023

Mr. Carl Sedoryk
General Manager/CEO
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

**Subject: Coastal Development Permit (CDP) Application Number 3-23-0288
(MST SURF! Busway)**

Dear Mr. Sedoryk:

We received the above-referenced CDP application that you submitted on April 3, 2023. The proposed project includes the construction of a segment of dedicated busway measuring 2.5 miles long and 30 feet wide located seaward of Highway 1 in the TAMC Monterey Branch Line rail corridor right-of-way, in Monterey County. We would first like to reiterate that Coastal Commission staff is highly supportive of MST's objectives related to improving public transit access for under-resourced communities and reducing greenhouse gas (GHG) emissions. We also believe that bus rapid transit has an important role to play in decarbonizing California's transportation sector, providing for effective multi-modal transportation options, and improving public access to the coast; we commend MST for their commitment to advancing these goals.

We have reviewed the materials that you have submitted to date and are in need of additional information to adequately analyze the proposed project for Coastal Act conformance. Towards this end, we are unable to file this application until the following is submitted:

- 1. Demonstration of Need:** Thank you for describing how the project intends to serve under-resourced communities and for providing the traffic study and corresponding estimates of ridership, vehicle miles traveled (VMT), and GHG emission reductions. For us to best understand and evaluate the public need for and benefits of the project in a CDP and Coastal Act context, we are in need of additional supporting documentation. Such documentation should include but not be limited to the rationale behind the estimates of ridership used in the traffic study, and the associated reductions in VMT and congestion. Please provide supporting evidence and a descriptive breakdown of the projected 10-minute travel time for buses using the proposed busway. Please also provide an analysis that compares the proposed project to current travel time for existing bus services, and for cars traveling along the same route during both low and high levels of congestion. Please describe and provide supporting evidence for the current level and timing of congestion along this segment of Highway 1, as well as projected future congestion on Highway 1 with and without the project.

- 2. Alternatives Analysis:** Thank you for providing an alternatives analysis for the no project alternative, the bus on shoulder alternative, the Recreational Trail replacement alternative, the single lane busway alternative, the railroad track replacement alternative, and the brief discussions of a Highway 1 auxiliary lane, an HOV lane, a hybrid of different alternatives, and the use of existing surface streets. However, given the large scope of the proposed project and the expected adverse impacts to coastal resources, a more thorough qualitative and quantitative alternatives analysis that explores all possible options to avoid such impacts is necessary for the Commission to evaluate the project. Alternatives should be on even footing with the proposed project, including a consistent use of zero emission buses across alternatives unless there are feasibility constraints for zero emission buses for project alternatives that do not exist for the proposed project. Specifically:
- a. Please describe and show on a site map how each alternative will impact ESHA and the duration of those impacts, including the area of ESHA that will be directly covered by new development. For each alternative, please describe how ESHA impacts would be mitigated.
 - b. Please provide estimates for bus ridership, VMT, and Highway 1 congestion impacts for each alternative, along with supporting evidence for those estimates.
 - c. Please clarify why the single lane busway alternative includes an 11-foot breakdown shoulder along the length of the busway. Please also provide an updated single lane alternative that minimizes the width of the busway as much as possible over as much of the proposed alignment as possible.
 - d. Please add an inland alignment alternative that includes the construction of a new busway or other improvements to bus infrastructure outside of the coastal zone. On this alternative, please evaluate the feasibility of an alignment that utilizes existing surface streets, or a combination of existing streets and new dedicated busway, and other public transit enhancements such as street light priority signalization, bus-on-median, dedicated stops/platforms, etc. (e.g., service similar to the recently completed Van Ness Avenue BRT in San Francisco). Such analysis should consider how such an alignment could offer service in close proximity to job/housing centers, including at CSUMB, the VA hospital, and planned development on former Fort Ord property, and how this alignment would compare with the proposed project in terms of ridership.
 - e. Please add a bus-on-median alternative that takes advantage of the wide median through this section of Highway 1, including whether new dedicated on- and off-ramps in the median could be constructed to provide for easy access to a median-located busway. This alternative should also

compare the relative value of the habitats present in the median as compared with the proposed project.

- f. Thank you for providing information on the feasibility associated with a bus-on-shoulder alternative. While the application materials specified that CHP and Caltrans are not supportive of this approach, we would note that a bus-on-shoulder project is currently being constructed on Highway 1 in Santa Cruz County. Please explain why the bus on shoulder is feasible and supportable on this other section of Highway 1, but not at this location.
 - g. Please more thoroughly evaluate hybrid approaches to improving bus service in this area. One hybrid option that is worth consideration is a Highway 1 bus-on-shoulder or bus-on-median from the northern start of the proposed busway at Del Monte Boulevard to Imjin Parkway, then the use of 1st or 2nd Avenues, until re-entry onto Highway 1 at Lightfighter Drive and a continuation of bus-on-shoulder or bus-on-median down to Fremont Boulevard.
- 3. Other Permit Approvals:** The proposed project is a 2.5-mile segment of a larger 6-mile long project, the remainder of which falls within the Local Coastal Program (LCP) jurisdiction of the cities of Marina and Sand City, as well as portions outside the coastal zone in those cities as well as the City of Seaside. As a standalone project, this 2.5-mile long segment would not constitute a viable busway or meet any of the overall project goals, meaning that for any project benefits to be realized the other segments and elements of the busway must also gain the necessary CDPs and other approvals from local governments. This presents unique analytical and procedural challenges, as there are no guarantees that the other segments of the project will receive the requisite approvals from the local governments. Relatedly, an additional complicating factor to our analysis is that many of the application materials do not differentiate between the 2.5-mile segment within the Coastal Commission's original jurisdiction (and thus the area subject to this CDP application), and the project as a whole. For example, the alternatives analysis does not differentiate between ESHA impacts for the whole 6-mile project and this 2.5-mile segment for any of the alternatives evaluated.

As such, the project requested in this CDP application poses some difficult evaluation questions, including how this component will relate to other project components that fall within other jurisdictions.

- a. Please describe and quantify which parts of the project fall within each LCP jurisdiction, including the amount of dune habitat disturbance and proposed mitigation (see below) in each jurisdiction.
- b. Please provide information regarding the permitting status and intended timeline of the portions of the project that are subject to local government approvals, including information regarding the local CDP permitting

process, as well as all other required local approvals/permits (e.g., CEQA authorizations, other local discretionary permits, building/grading permits, etc.). We would also like to know, at a minimum, the preliminary receptiveness from each local government on the project in their jurisdiction, including whether there have been any controversies or questions raised, alternative routes and configurations requested for evaluation, etc. Please provide an overview of the CDPs and other permits needed for the project as whole, including what outreach has been done to date to garner public participation, and any significant comments made by members of the public and local decisionmakers.

- c. Please also provide verification of all other necessary permits, permissions or approvals applied for or granted by other public agencies such as the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Parks, Caltrans, and the U.S. Fish and Wildlife Service, or evidence that no such approvals are necessary from these agencies.

Once we have received this information, we may have more questions about the project's substantive and procedural issues and can discuss them with you at that time.

4. Impacts to Environmentally Sensitive Habitat Area (ESHA): The 2.5-mile segment of busway requested in this CDP application is sited entirely within ESHA as defined by the Coastal Act, and there are ESHA impacts for sections of the project within the LCP jurisdictions of Marina and Sand City.

- a. Please describe the method used to calculate ESHA impacts and show on a site plan all areas of expected ESHA impacts. Please differentiate between short-term temporary, long-term temporary, and permanent impacts as defined in the attached memo from Coastal Commission Senior Ecologist Dr. Lauren Garske-Garcia. While the memo was not written for this project, it describes the Commission's general approach for ESHA mitigation. Please also indicate the total acreage of ESHA that will be covered by new development, as well as the potential off-site/indirect impacts associated with lighting, noise, and other operations on dune habitat.
- b. Please provide a mitigation plan for all impacts to ESHA that documents where and how identified ESHA impacts are to be mitigated. The most recent Coastal Commission combined staff report regarding construction in dune ESHA in this area (A-3-MRA-19-0034 and 9-20-0603, Cal-Am Desalination, available on the Commission's November 17, 2002 archived agenda at: <https://www.coastal.ca.gov/meetings/agenda/#/2022/11>) provides a helpful reference for the nature of mitigation that the Commission has recently required. Please note that the Commission has adopted a 'no net loss' policy for this area of dune habitat, requiring dune habitat creation at a 1:1 ratio for all dune habitat covered by permanent

development (see Special Condition 8.c). Regarding mitigation ratios, Dr. Garske-Garcia's memo provides helpful guidance on the variability of ratios depending on the type of restoration activities performed. Of particular note, the minimum mitigation ratio for short-term temporary ESHA impacts is 1:1, for long term impacts it is 1.5:1, and for permanent impacts it is 3:1 (which includes the 1:1 dune habitat creation described above, with a remainder of 2:1 for all other permanent impacts). Depending on the type of mitigation employed, these ratios may also be doubled or tripled.

5. **Public Access During Construction:** Please describe, and show on a site plan, the existing public access at and adjacent to the site, including as related to the Monterey Peninsula Recreational Trail and Fort Ord Dunes State Park, as well as how this will be maintained and/or closed during construction activities. If public access will be closed during construction, please describe why it will be necessary to close public access and the estimated duration of the closure(s).
6. **Public Access After Construction:** Please describe, and show on a site plan, the proposed post-construction public access at the site, including the nature and location of any changes or additions to bicycle and pedestrian access to and along Fort Ord Dunes State Park and the Monterey Peninsula Recreational Trail. Please include a detailed description of all bicycle and pedestrian crossings on the busway and how safety will be maintained at these crossings. Please also indicate any relocation of any bicycle and pedestrian infrastructure, any locations where there is no separation between the busway shoulder and the Recreational Trail, and any locations where there is less than 10 feet between the Recreational Trail and the Busway shoulder.
7. **Construction Plans:** Please provide complete details of the proposed construction, including: all heavy machinery proposed to be used and at which phases they are required, the construction staging area, the time and duration of construction and all of the proposed best management practices that would be employed to protect water quality and ESHA during construction.
8. **Drainage Plan:** The proposed project will lead to significant impervious coverage over coastal sand dunes which are highly susceptible to erosion. Please provide a drainage plan that clearly identifies all measures that will be taken to collect and direct site drainage. Please also describe and show on a site plan where drainage will be directed, including the location and type of any infiltration infrastructure, and indicate how erosion will be prevented during heavy rains.
9. **Mapping:** The proposed project covers a large area, and the maps provided either do not show adequate detail or are so zoomed in as to lack the overall context of the project. Please provide a highly detailed map overlaid onto satellite imagery, or shapefiles of the proposed project, that show in detail the locations of all proposed elements of the project including the busway, any modifications to the existing public access trails, and the location of proposed retaining walls.

- 10. Retaining Walls:** The proposed project includes a total of 5,920 linear feet of retaining walls. Please indicate the length of retaining walls proposed in this CDP application, excluding all retaining walls outside of the original permitting jurisdiction of the Coastal Commission. Please also provide visual simulations showing a typical section of the proposed retaining wall as seen from traveling north and south on both Highway 1 and the Monterey Peninsula Recreational Trail.
- 11. Fencing:** Under the 'Construction Impacts' section of the CDP application package, the final bullet point mentions fencing but no additional information regarding proposed fencing is provided. Please describe the location, height, and type of any permanent fencing proposed for installation. Please also describe any signage or other measures intended to keep pedestrians and bicyclists off the Busway.
- 12. Parking:** Please provide additional details on the parking at the 5th Street station, including as related to cost, availability to the general public (i.e., will it be available for just bus riders or the general public, including users of the Recreational Trail and State Park?), and hours of operation.
- 13. Zero Emission Vehicles:** Please clarify the status of proposed usage of zero emission vehicles on the busway. Will zero emission vehicles be exclusively used on day one of the operation of the busway? If the busway is only a section of a much longer route that buses will take between Salinas and Monterey, will MST have an adequate number of zero emission buses to run the entirety of that route without requiring passengers to disembark from fossil fuel power vehicles and transfer to zero emission vehicles before traveling on the busway?
- 14. Other Vehicles:** Please clarify if any other vehicles, including emergency services or vehicles used for special events (shooting a movie, etc.), will ever be permitted on the busway aside from those necessary for maintenance.
- 15. Future Rail Service:** Please further describe the impacts the project will have on the existing railroad tracks, including where and how much track will be removed and any impacts to the structural integrity of the tracks caused by grading and retaining walls adjacent to the tracks. Please also describe the future compatibility of the busway and rail service if funding were secured to restore rail service along the corridor; would the busway and rail service be able to provide service simultaneously given the currently proposed configuration of the busway? Would future rail service require the termination of bus service? Overall, how would the construction of the proposed busway impact the feasibility of future rail service? Please describe and provide any relevant documentation regarding any commitments or legal restrictions relating to the future use of rail in the TAMC corridor and the preservation of the railroad tracks, if any such commitments or restrictions exist.
- 16. Public Outreach:** please provide a comprehensive summary of the public outreach that has been conducted relating to the project, including the

communities that were engaged, the extent of public participation, and when outreach activities occurred.

- 17. Public Access Signage:** Please clarify the type and nature of signage to be installed at the 5th Street station for “social equity reasons” (described on page 28 of the supporting materials and required attachments document submitted with the CDP application).
- 18. Appendix B (Local Agency Review Form):** Please have a member of Monterey County planning staff complete and sign Appendix B and return the completed form to our office.
- 19. Appendix C (Mailing List) and Envelopes for Noticing:** Please submit a revised mailing list (Appendix C) that includes the addresses for all property owners and occupants for each property ***located within 100 feet (excluding roads) of the property lines*** of the entire project site, including areas outside the Coastal Commission’s original jurisdiction. In addition to the 100-foot addressees, please also supplement the mailing list with addressees organized by and corresponding to: (a) all other parties known to be interested in the proposed development (e.g., persons expressing interest at local hearings, advisory committee meetings, during CEQA review, etc.); (b) the Monterey County Department of Housing and Community Development; and (c) all contacts from consultations with other applicable regulatory agencies (e.g., State Parks, CDFW, ACOE, USFWS, NMFS, RWQCB, etc.). Please provide stamped envelopes for each person or agency on the mailing list. The envelopes must be #10 envelope: no window, no return address, square flap, NOT self-seal with forever stamps (not 1st class). Finally, to the extent that multiple hearings are noticed for this matter, you will need to submit new sets of stamped envelopes for each subsequent hearing after the first. Please also provide written evidence that you will submit such additional envelopes, if necessary, upon request in the future.
- 20. Appendix D (Declaration of Posting) and Posting Notice:** Please fill out the enclosed “Notice of Pending Permit” forms and post and maintain the notices where they will be conspicuously visible to the public including, at a minimum, at the northern end of Beach Range Road before it passes under Highway 1, the northern end of the Recreational Trail before it passes under Highway 1, the intersection of Beach Range Road and 8th Street, the intersection of the Recreational Trail and the path that runs under Highway 1 by 5th Street, the intersection of 1st Street and Beach Range Road, and the southernmost end of Beach Range Road where it intersects the Recreational Trail. All notices: (a) must be weatherproofed (e.g., laminated or otherwise covered in plastic) in the event of inclement weather; such weatherproofing must not make the notices difficult to read; and (b) must be posted at a readable height (i.e., three to five feet or so) against a solid background at least as large as the notice (e.g., an 8½" x 11" piece of plywood attached to a stake). Once the notices are posted, please submit a graphic showing all notice locations (in site plan view), and please submit photographs of such notices keyed to the site plan. All of the notices must

remain posted as described until the Commission makes a decision on the proposed project. Any notices that become unreadable or are missing (for whatever reason) must be immediately replaced. When the site has been posted, please complete Appendix D (Declaration of Posting) and return this completed form to our office. Please note that additional posting may be necessary when this item gets closer to being scheduled for a hearing in front of the Commission. Please provide written evidence that you will commit to such posting when and as directed in the future.

We will hold the application for six months from today's date (i.e., until November 3, 2023) pending receipt of these materials. After all of the above-listed materials have been received, the package will again be reviewed and will be filed if it contains materials sufficient for a thorough and complete review. Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above-listed materials. If all of the above-listed materials are not received within six months, CDP Application 3-23-0288 will be considered withdrawn and will be returned to you. This submittal deadline may be extended for good cause if such request is made prior to November 3, 2023. I look forward to working with you on this project. Please do not hesitate to contact me at Breylen.Ammen@coastal.ca.gov or (831) 427-4863 if you have any questions regarding the above information requests.

Sincerely,



Breylen Ammen
Coastal Planner
Central Coast District Office

Cc: Todd Muck, Michelle Overmeyer, Lisa Rheinheimer, Tad Stearn, Peter Meyerhofer

Enclosure

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**SENT VIA ELECTRONIC MAIL****May 10, 2021**

Michelle Overmeyer
Director of Planning & Innovation
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

Re: Monterey-Salinas Transit Busway Project

Dear Ms. Overmeyer:

Thank you for the opportunity to provide comments on the proposed Monterey-Salinas Transit (MST) Busway Project in north Monterey County. Please provide these comments to the MST Board Members prior to today's meeting on the project and please include these comments in the administrative record for the project.

The Coastal Commission has worked diligently over many years to develop strategies to maximize public transit opportunities and to reduce carbon emissions and reliance on fossil fuels, including to help counter the effects of global climate change and the resulting impacts from sea level rise. Thus, at a broad level, we are generally supportive of projects that can help increase our overall resiliency through development of public transit projects such as this. At the same time, however, such support only extends as far as such development can be achieved in a manner that is consistent with the California Coastal Act and with the applicable Local Coastal Programs (LCPs). It is within this context that we provide the following comments.

Outreach

We understand that MST has undertaken some outreach to the public and relevant stakeholders to solicit public comment for the proposed transit project, including via today's meeting. However, from our discussions with the public and other stakeholders it appears that there is limited understanding of the proposed project, and thus it appears that potential interested parties may not have been thoroughly engaged, especially in light of COVID-19 and the associated difficulty for the public to ask questions and receive answers on the proposal in a meaningful way. **We strongly recommend that the MST Board not take action on the project today** and instead recommend that MST staff redouble its efforts to reach out to affected communities by scheduling multiple/repeat informational and educational webinars, including at a minimum presentations through regular City Council and Board of Supervisor virtual meetings (and in-person meetings as soon as possible) for all jurisdictions affected by the project going forward. We also strongly believe that the process should be extended to allow more time to discuss and evaluate project alternatives with affected cities and entities that address regional public transportation needs in a manner that protects

MST Busway Project Comments

coastal resources and is approvable under the Coastal Act and applicable LCPs. See more discussion in the “ESHA” section below.

Jurisdiction

A significant portion of the project lies within the Transportation Agency of Monterey County’s (TAMC’s) right-of-way on the former Fort Ord military base seaward of Highway 1. The entire area west of the highway is within the Commission’s retained permitting jurisdiction and a coastal development permit (CDP) from the Commission will be required for any development within this area. The standard of review will be the Coastal Act. Also, as we understand it, other elements of the project fall within the purview of adjacent local governments (e.g., Marina, Sand City, Seaside, and Monterey County) and separate CDPs for those project elements will be required from those respective jurisdictions. The certified LCPs will be the standard of review in those locations. In certain limited cases where a project has split CDP jurisdiction, the Commission has the ability to process a consolidated CDP as opposed to separate CDPs (and potential appeals), provided the applicant, the local government, and the Commission’s Executive Director all agree to such processing and when public comment and participation will not be substantially impaired. While consolidation is a potential vehicle to process the CDP, we believe it is too early in the process to determine whether it is appropriate to do so, including because there are substantive coastal resource issues that first need to be addressed prior to a determination of how the permitting process should be undertaken, all as described in more detail below.

Environmentally Sensitive Habitat (ESHA)/ Project Alternatives

The IS/MND notes that the majority of the alignment (roughly five miles) of the busway project would be within TAMC’s Monterey Branch Line rail corridor right-of-way, an approximately 100-foot- wide corridor located between the Fort Ord Dunes State Park recreational trail (i.e., Beach Range Road) and the Caltrans right-of-way recreation trail, both of which are located seaward of Highway 1. More specifically, the alignment would be located mainly in the sand dunes area seaward of the TAMC rail corridor right-of-way and would deviate from this general alignment only when necessary to avoid bridge under-crossings and other similar obstacles. The IS/MND describes the TAMC rail corridor as heavily disturbed but also wide enough to support native and non-native plant communities. The IS/MND acknowledges that sensitive habitats exist in this area of the coastal zone, which includes the underlying sand dunes within the TAMC right-of-way, and focuses on providing mitigation for project-specific impacts to known rare and/or sensitive plant and animal species. The IS/MND only evaluates the busway on the Monterey Branch Line rail corridor right-of-way alternative.¹

¹ MST in conjunction with TAMC and other stakeholders, prepared a Bus-on-Shoulder/Branch Line Feasibility Study in 2018 to respond to growing traffic congestion and delays on State Route 1 in Santa Cruz and Monterey Counties. The study evaluated several project alternatives. Determination of feasibility was based primarily on annual ridership, time savings, total capital cost, and reduction in vehicle miles traveled. Environmental impacts were scored as either significant, possibly significant, or not significant. There was no quantification of impacts in terms of habitat loss or disturbance, no discussion of necessary mitigations or costs associated with mitigations, and these costs did not enter into the feasibility equation.

MST Busway Project Comments

Coastal Act Section 30240 provides for the protection of ESHA, including sensitive dune habitats such as those found at the former Ford Ord and within the TAMC right-of-way:

Section 30240 (a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The protections afforded by Coastal Act Section 30240 extend to both natural and degraded dunes, i.e., whether the dunes are covered in native dune plant species, ice plant, or base rock, including because of the inherent ability for degraded dunes to be restored. As noted in past correspondence to MST staff regarding this project, only resource-dependent uses that do not significantly disrupt ESHA are allowable in ESHA. The project description contained in the IS/MND identifies roughly five linear miles of two-lane roadway surface, drainage improvements, retaining walls, fencing, utility connections, traffic and safety controls, and operation of motorized bus service all within sand dune ESHA. The project would include roughly 22 acres of new impervious surface and approximately 23 acres of grubbing and grading, much of this in dune ESHA. A transportation infrastructure project like this is not an allowed use in ESHA and therefore is inconsistent with the Coastal Act and applicable LCPs. Additionally, based on the project description the proposed development will introduce additional traffic, noise, light, and general disturbance within and adjacent to sand dune ESHA, thereby also resulting in significant disruption of ESHA habitat values.

The currently proposed project is located in dune ESHA and is not resource dependent and is not approvable under Coastal Act Section 30240 or under the ESHA policies of the various LCPs that would apply to the project in the areas located outside of the Commission retained permitting jurisdiction. Furthermore, the project will include the construction and staging of equipment and materials, and it is not clear whether these activities will occur within the dunes; if so, those activities also have the potential to cause significant disruptions to adjacent habitat areas, inconsistent with Coastal Act Section 30240 and related LCP ESHA policies. Given the sensitive dune resources involved and the need to ensure that ESHA habitat values are appropriately protected, we recommend that MST prepare a comprehensive evaluation of a reasonable range of alternatives, including options that avoid impacts to dune ESHA, whether degraded or not, that the proposed new two-lane bus thoroughfare would present.² The analysis must quantify the impact for each alternative in terms of permanent and temporary habitat loss / disturbance, along with identification and recommendation of corresponding mitigation proposed for each alternative. This level of analysis will be needed for Commission staff and City and County staffs to fully evaluate any project for

² At a minimum, the range of alternatives should include: 1) establishing bus service within the existing highway right-of-way via widening or use of an existing lane; 2) establishing an HOV lane in the right-hand lane of Highway 1; 3) commuter rail on the existing rail alignment; 4) utilizing surface city streets to accommodate bus rapid transit.

MST Busway Project Comments

Coastal Act and LCP consistency, and our Commission will expect this analysis to be present in the staff report for any project.

Public Access and Recreation

Coastal Act Section 30240(b) requires that development sited adjacent to parks and recreation areas shall be sited and designed to prevent impacts that would substantially degrade those areas. Based on the project description contained in the IS/MND, the proposed busway transit project would include roughly five linear miles of two-lane roadway surface, drainage improvements, retaining walls, fencing, utility connections, traffic and safety controls, and operation of motorized bus service immediately adjacent to an important park and recreation area, i.e. Fort Ord Dunes State Park, where it is clear the effect will be a significant degradation of the park experience, inconsistent with Coastal Act Section 30240(b). The proposed development will introduce additional traffic, noise, light, and general disturbance well beyond the physical development location and much closer to important park recreational amenities (e.g., the portion of the recreation trail located on Fort Ord State Park property) than the current commotion originating from Highway 1 in this area. The busway would be visible from the same public recreation trail and the Commission-approved Fort Ord Dunes State Park campground. Please also see the letter from the California Department of Parks and Recreation (dated April 11, 2021), in which State Parks' staff describes a myriad of impacts to Fort Ord Dunes State Park from the project. In short, the proposed project will result in significant coastal access and recreation impacts, including to Fort Ord Dunes State Park and the adjacent recreation trail, and thus the proposed project is inconsistent with Coastal Act Section 30240(b) and cannot be approved.

Public Views

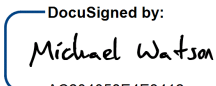
The Coastal Act protects public views "as a resource of public importance," where development is required to be sited and designed to protect views to and along the ocean, to be visually compatible with the character of surrounding area. The IS/MND suggests that although the views of coastal Fort Ord could be considered scenic, these same vistas are not significantly affected or compromised by the project.

Visual renditions from Highway 1 provided with the IS/MND are clear in that buses traveling within the rail right-of-way will be visible during both day and night, and will be especially noticeable during the night due to bus lighting. As proposed, the sweeping unobstructed views of the highly scenic Fort Ord coast would now include additional permanent facilities that would be visible during day and ongoing bus travel that would be visible day and night, significantly degrading said views. These impacts are certain to occur no matter whether an alternative is chosen within the Caltrans or TAMC right-of-way. However, views from the Fort Ord recreational trail would more likely be significantly impacted by the busway development in the TAMC right-of-way, which would be in some instances merely feet away from the trail. Likewise, views from the campground would suffer from a similar increase in visual detractors. Accordingly, we strongly recommend that MST adopt an alternative that avoids and/or minimizes the amount of new paving and infrastructure needed to initiate service, and realigns the bus service in closer proximity to the existing highway right-of-way, i.e. away from the Fort Ord recreation trail and the Commission-approved Fort Ord State Park campground.

MST Busway Project Comments

In conclusion, although we are supportive of strategies to maximize public transit opportunities and to reduce carbon emissions and reliance on fossil fuels, the current proposal cannot be found consistent with the Coastal Act or with the applicable LCPs. We strongly suggest that MST take a pause on this project to develop a public process to evaluate alternatives that will not result in the range of significant coastal resource impacts described herein. We are available for consultation as you proceed forward.

Regards,

DocuSigned by:

AC204058E4E3412...

Mike Watson
Coastal Planner
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
PHONE (831) 427-4863

**December 29, 2023**

Mr. Carl Sedoryk
General Manager/CEO
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

**Subject: Coastal Development Permit (CDP) Application Number 3-23-0288
(MST SURF! Busway)**

Dear Mr. Sedoryk:

We received the above-referenced CDP application that you submitted on April 3, 2023, and we received your response to our two filing status letters on July 28, 2023 and December 1, 2023. We appreciate the thorough and extensive work that has been done to fulfill our requests for additional materials; what we have been provided has overall effectively answered most of our questions and provided most of the materials we need to bring the project to hearing. That said, we still require a few additional materials:

- 1. Mapping and Land Ownership.** Our last filing letter requested additional mapping, including to show property ownership on the Sand City end of the project. The mapping provided in your December 1, 2023 submittal does not clearly show such property boundaries and instead shows "Private R/W" on Sheet DM-002. And although the mapping/plans provided begin at the Sand City city limit, it would be helpful to see the entirety of the alignment (including outside the Commission's permitting jurisdiction), especially on the southern end, to fully understand the location of the project in relation to property boundaries, rights-of-way, and roadways in this area. Please provide these details.
- 2. ESHA Impact Areas.** Our last filing letter requested updated ESHA impact calculations. MST's responding materials include a memo discussing impacts and providing calculations. Overall, the memo includes the type of information that we require, however, two things must still be clarified. First, we would note that the Commission's ecologists have determined that vegetated areas of the railroad tracks and ballast still constitute ESHA, including because rare dune plant individuals have been identified within the tracks, and as such should be accounted for in the calculations. And second, grading would typically be considered significant ground disturbance and thus a permanent rather than a long-term temporary impact, even if graded areas are not paved. Please either adjust the impact calculations accordingly or provide additional information demonstrating the proposed grading would be more appropriately considered a long-term temporary impact.

3-23-0288 (MST SURF! Busway)

We will hold the application for six months from today's date (i.e., until June 29, 2024) pending receipt of these materials. After all of the above-listed materials have been received, the package will again be reviewed and will be filed if it contains materials sufficient for a thorough and complete review. Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above-listed materials. If all of the above-listed materials are not received within six months, CDP Application 3-23-0288 will be considered withdrawn and will be returned to you. This submittal deadline may be extended for good cause if such request is made prior to June 29, 2024.

In addition to the materials requested above that are required for filing purposes, we would like to bring another issue to your attention. We have begun the more detailed review of project materials necessary to write our staff report and recommendation on the project. This more detailed review of the application has revealed what appears to be an error in the project description and mapping materials. The application is for the 2.5-mile segment outside of the Sand City and Marina city limits, however much of the project that is in the coastal zone within Marina city limits is actually not within Marina's certified LCP area, and thus the Commission has jurisdiction over those areas as well. Specifically, the portion of the City's coastal zone from the southern city limit to approximately the Del Monte Boulevard/Highway 1 junction was never certified and remains within what our mapping records indicate as "City of Marina – Fort Ord Transfer Area Uncertified Area (UA)," like the segment of the alignment south to Sand City. In other words, all project areas seaward of Highway 1, except those within the Sand City certified LCP area, are within the Commission's retained permitting jurisdiction. This means that an additional approximately 1.9 miles of the proposed busway is in the Commission's jurisdiction for a total of approximately 4.4 miles. We apologize for missing this error and not identifying it earlier. For a complete project description in the CDP application and accurate accounting of the project, we require the following updated materials from you as soon as possible:

1. **Updated Project Description.** Please provide an updated project description reflecting the full scope of work within the Commission's permitting jurisdiction.
2. **Updated Mapping.** Please provide updated mapping accurately reflecting the project area within the Commission's permitting jurisdiction, including an extension of the plans overlaid onto satellite imagery to include this new area.
3. **Updated ESHA Impact Areas.** Please provide updated ESHA impact calculations that include all project areas subject to the Commission's permitting jurisdiction.
4. **Updated Mailing List and Public Noticing.** Please post updated public notices reflecting the full scope of the project before the Commission. The current notices state that the application is for a 2.5-mile long segment of the busway which we now know is not accurate.

Please do not hesitate to contact me at Breylen.Ammen@coastal.ca.gov or (831) 427-4863 if you have any questions.

3-23-0288 (MST SURF! Busway)

Sincerely,

Breylen Ammen

Breylen Ammen
Coastal Planner
Central Coast District Office

Cc: Todd Muck, Michelle Overmeyer, Lisa Rheinheimer, Tad Stearn, Peter Meyerhofer

Mayor of the Members
City Council

City Council Meeting
of May 21, 2024

**CITY COUNCIL OPEN A PUBLIC HEARING AND CONSIDER
INTRODUCTION OF ORDINANCE NO. 2024-, MODIFYING TITLE 17
(ZONING ORDINANCE) TO IMPLEMENT PROGRAM 7.1 OF THE
HOUSING ELEMENT. THIS ACTION IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT
TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES**

RECOMMENDATION

1. The City Council shall open a public hearing and consider adopting an ordinance amending the Zoning Code (Title 17) to implement Program 7.1 of the Housing Element.
2. Find that the action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

BACKGROUND

On April 11, 2024 the Marina Sixth Cycle Housing Element was certified by the California Department of Housing and Community Development (State HCD). Per the programs of the Housing Element the City must take specific action steps every year to maintain certification with the State. In 2024, six separate actions will be required to be completed by the end of the calendar year. One action is the implementation of Program 7.1 of the Housing Element which requires a text amendment to several provisions of the Zoning Code (Title 17) of the Marina Municipal Code, as described below.

DISCUSSION

Emergency Shelters (AB 2339)- AB 2339, passed in 2022, expands the definition of emergency shelters to include interim housing options such as low barrier navigation centers and bridge housing, and respite and recuperative housing. These definitions have been added to the definitions section of the Zoning Code.¹

Transitional Housing-The Zoning Ordinance does not currently list transitional or supportive housing as permitted use within the Marina Heights Residential (MHR) zone. Therefore, since state law requires transitional and supportive housing to be permitted as a residential use subject only to the same regulations as similar residential uses, a Housing Element program has been added to permit transitional and supportive housing in the MHR zone. The implications for this are not as impactful as this area as might be anticipated as these properties are already zoned as a planned development and it would be cost prohibitive for an affordable housing developer to implement transitional housing in this subdivision, however, to remain consistent with Housing Element Law this ordinance modification is required. Additionally, Program 7.1 of the Housing Element is also requiring the City to amend the Zoning Code to incorporate the provisions of transitional housing into commercial, mixed use, mobile home park where housing is also permitted.

¹ AB 2339 also requires that the zone(s) permitting emergency shelters by right, without discretionary review, be zones that also are suitable for residential uses. Both R-4 and C-R zones permit residential and mixed-use residential uses, respectively. Through the adoption of Ordinance 2023-07 the City Council already allows this land use in the R4 and CR zones.

Residential Care Facilities (CR Zoning District)- Large Residential Care Facilities (Seven or More Persons): The City permits large residential care facilities in all residential zones and in the C-R zone subject to approval of a CUP. The City Council will consider amending the Zoning Ordinance to revise the findings for approval in Section 17.58.040 (Use Permit) to ensure care facilities are treated like other similar residential uses, thus providing for more consistency in outcomes.

Large Residential Care Facilities (7 or more persons) (All Residential Zones)-The City only permits large residential care facilities for seniors in R-1 with a conditional use permit. The City Council will consider amending the R-1 code to ensure large residential care facilities, regardless of household type, be conditionally allowed in all zones where housing is allowed.

Small Residential Care Facilities (Unlicensed)-The City Council will consider amending the Zoning Ordinance to specify that small residential care facilities that do not require licensing are permitted by-right as regular residential use.

Reasonable Accommodation-The required findings for approval include evaluation of compatibility with neighborhood character and increased traffic. The City Council will consider amending the Zoning Ordinance to remove these two findings for approval to provide for more consistency in outcomes.

Single-Room Occupancy (SRO) Housing: The City Council to consider amending the Zoning Ordinance allow SRO Housing by right in zones that permit multi family housing.

CORRESPONDENCE

No applicable correspondence to this permit has been received as of May 6, 2024

CONFLICT OF INTEREST

Council members are subject to all aspects of the Political Reform Act. Council members must not make, participate in making, or attempt to influence in any manner a governmental decision which they know, or should know, may have a material effect on a financial interest.

EX PARTE COMMUNICATION DISCLOSURES

Adoption of an ordinance is a legislative act of the Planning Commission and City Council and therefore ex-parte disclosures do not apply.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) as the adoption of the ordinance will have no reasonable possibility that the project will have a significant effect on the environment. Because the proposed action merely updates the Municipal Code to clarify that certain housing types are allowed in certain residential zones, subject to a use permit and project-specific environmental review as necessary, there is no possibility that the activity in question may have a significant effect on the environment. No further environmental review is necessary.

CONCLUSION

This request is submitted for City Council consideration and recommendation.

Respectfully submitted,

Guido F. Persicone, AICP
Community Development Director
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING TITLE 17 (ZONING CODE) OF THE MARINA MUNICIPAL CODE TO IMPLEMENT PROGRAM 7.1 OF THE HOUSING ELEMENT

WHEREAS, on April 11, 2024 the California Department of Housing and Community Development (State HCD) certified the Sixth Cycle Marina Housing Element; and

WHEREAS, City of Marina is obligated by the programs of the Housing Element to implement several policies and ordinance modifications in 2024 to remain compliant with the City's Housing Element, and/or the Housing Element law; and

WHEREAS, certain households, because of their special characteristics and needs, may require special accommodations or may have difficulty finding housing due to special needs. Special needs groups include seniors, persons with disabilities (including those with developmental disabilities), large households, homeless persons and persons at-risk of homelessness, and farmworkers; and

WHEREAS, Program 7.1 of the Housing Element directs the City to adopt amendments to the Title 17 (Zoning Code) to reduce the barriers to housing for special needs housing groups;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN AS FOLLOWS:

Section 1. Findings.

The City Council finds and determines the recitals set forth above to be true and correct and by this reference, incorporates the same herein as findings.

Section 2. Title 17, Zoning, of the Marina City Code is hereby amended to read as follows.

Amended or inserted items will be underlined and in red.

17.04.292 Emergency shelter

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. This definition shall also include interim housing options such as low barrier navigation centers and bridge housing, and respite and recuperative housing.

17.06.020R-1-Permitted uses.

Uses permitted in the R-1 districts shall be as follows:

C. Small residential care homes, including small residential care homes that do not require licensing by the State or County;

17.06.030 R-1-Conditional uses.

Uses permitted, subject to first securing a use permit in each case or in the Coastal Zone, a coastal permit, in the R-1 districts shall be as follows:

C. Large residential care homes. ~~or the elderly;~~ Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.08.020 R2-Permitted uses.

Uses permitted in the R-2 districts shall be as follows:

C. Small residential care homes, including small residential care homes that do not require licensing by the State or County.

17.08.030 R2-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-2 districts shall be as follows:

A. Large residential care homes, retirement homes, and extended care medical facilities including convalescent facilities and other skilled nursing facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.10.020 R3 Permitted uses.

Uses permitted in the R-3 districts shall be the following:

C. Small residential care homes, including small residential care homes that do not require licensing by the State or County;

17.10.030 R3-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-3 districts shall be the following:

A. Rooming and boarding houses;

B. Extended care medical facilities including convalescent facilities and other skilled nursing facilities;

C. Day care centers and large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

D. Public and quasi-public uses and buildings, including churches, firehouses, parks and playgrounds, community or recreational centers, schools (public and parochial) or schools accredited to the state school system, and public utility buildings and uses exclusive of corporate, storage or repair yards;

E. Condominium and/or planned unit development projects subject to the provisions of Chapter [17.66](#). (Ord. 2020-07 § 2, 2020; Ord. 2006-03 § 1 (Exh. A), 2006; Zoning Ordinance dated 7/94, 1994)

17.12.020 R4-Permitted uses.

Uses permitted in the R-4 districts shall be as follows:

D. Small residential care homes, including small residential care homes that do not require licensing by the State or County;

K. Single-room occupancy housing as defined in 17.04.612 and pursuant to 17.42.140

17.12.030 R4-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-4 districts shall be as follows:

A. ~~A. Single-room occupancy housing;~~

G. Large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.16.020 CR-Permitted uses.

Uses permitted in the C-R districts shall be as follows:

E. Small residential care homes, including small residential care homes that do not require licensing by the State or County;

K. Single-room occupancy housing as defined in 17.04.612 and pursuant to 17.42.140.

17.16.030-CR-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the C-R districts shall be as follows:

~~A. Single-room occupancy housing, hotels, and motels;~~

J. Large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.18.020 C-1-Permitted uses.

Uses permitted in the C-1 districts shall be as follows:

F. Supportive housing pursuant to Section [17.04.698](#). (Ord. 2022-07 § 3 (Exh. A), 2022; Ord. 2020-07 § 2, 2020; Ord. 2006-03 § 1 (Exh. A), 2006)

G. Transitional housing as defined in Section 17.04.711;

17.18.030 C1-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the C-1 districts shall be as follows:

J. Large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.20.020 C-2-Permitted uses.

Uses permitted in the C-2 districts shall be as follows:

C. Supportive housing as defined in Section [17.04.698](#). (Ord. 2022-07 § 3 (Exh. A), 2022; Ord. 2020-07 § 2, 2020; Ord. 2002-09 § 1, 2002; Zoning Ordinance dated 7/94, 1994)

D. Transitional housing as defined in Section 17.04.711;

17.20.030 C2-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the C-2 districts shall be as follows:

J. Large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.22.030-PC-Permitted uses.

Uses permitted in the PC district, subject to first securing a zoning permit in each case, shall be as follows:

E. Transitional housing as defined in Section 17.04.711;

17.38.020-MHR-Permitted uses.

Uses permitted in the MHR district shall be as follows:

E. Transitional Housing as defined in Section 17.04.711.

F. Small residential care homes, including small residential care homes that do not require licensing by the State or County.

G. Supportive housing as defined in Section 17.04.698 and subject to the following review timelines per California Government Code Section 65653(b): The city shall notify the developer whether the application is complete within thirty days of receipt of an application to develop supportive housing in accordance with this section. The local government shall complete its review of the application within sixty days after the application is complete for a project with fifty or fewer units, or within one hundred twenty days after the application is complete for a project with more than fifty units;

J. Large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.45.040 Reasonable Accommodation Findings. The review authority shall approve the request for a reasonable accommodation if, based upon all of the evidence presented, the following findings can be made:

D.

~~1. Whether granting the accommodation would fundamentally alter the character of the neighborhood.~~

~~2. Whether granting the accommodation would result in a substantial increase in traffic or insufficient parking.~~

1. Whether granting the accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan.

17.58.040 Use Permit Action by appropriate authority.

A. In order to grant any use permit, the findings of the appropriate authority shall be that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city; and in the Coastal Zone the use is consistent with all applicable local coastal land use plan recommendations and requirements.

C. Residential care facilities and single room occupancy uses shall be considered a residential use of property, and, except as otherwise set forth in this chapter, shall be subject only to those restrictions and standards that apply to other residential dwellings of the same type in the same zoning district.

Section 3. California Environmental Act (CEQA).

The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) as the adoption of the ordinance will have no reasonable possibility that the project will have a significant effect on the environment. Because the proposed action merely updates the Municipal Code to clarify that certain housing types are allowed in certain residential zones, subject to a use permit and project-specific environmental review as necessary, there is no possibility that the activity in question may have a significant effect on the environment. No further environmental review is necessary.

Section 4. Severability.

It is the intent of the City Council of the City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of

the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase independently, even if any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases were declared invalid or unenforceable.

Section 4. Effective Date.

This ordinance shall be in full force and effect thirty (30) days following its passage and adoption, as certified by the City Clerk.

This ordinance was introduced and read on the 21st day of May 2024 and was finally adopted on the 4th day of June 2024, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

FINDINGS

Consistent with the General Plan

- 1) General Plan Policy 5.4.6- Zoning Ordinance Update 5.4-A major revision of the City's existing zoning code is required to implement the General Plan. The initial step should be to thoroughly review and critique the existing code and identify its deficiencies. Changes are required to implement Housing Element policies and programs.

Evidence: By adopting the revisions to the zoning ordinance as required by Program 7.1 of the Housing Element, the City will be implementing General Plan Policy 5.4.6 which directs city staff to review the Municipal Code for consistency with Housing Element Law.

- 2) General Plan Policy 5.7-Preparation and adoption of the following ordinances should be undertaken to address the General Plan objectives of matching housing to the needs of local employees and providing housing to meet the needs of households of all economic levels:

Evidence: By reducing the housing constraints for special housing needs groups per Program 7.1 of the Housing Element, the City will be implementing General Plan Policy 5.7.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 21, 2023

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2024-
AMENDING THE RATE ADJUSTMENT CALCULATION OF THE
FRANCHISE AGREEMENT WITH GREEN WASTE RECOVERY
UTILIZING A SECTOR SPECIFIC UNIFORM PERCENTAGE
ADJUSTMENT AND APPROVING MAXIMUM RATES TO BE
CHARGED BY GREENWASTE RECOVERY EFFECTIVE JULY 1, 2023
FOR COLLECTION OF FRANCHISED SOLID WASTE, RECYCLING,
AND ORGANICS.**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2024- amending the rate adjustment calculation of the franchise agreement with Green Waste Recovery utilizing a sector specific uniform percentage adjustment and approving maximum rates to be charged by Green Waste Recovery effective July 1, 2024, for collection of franchised solid waste, recycling, and organics.

BACKGROUND:

On August 19, 2014, the City Council adopted Resolution No. 2014-98, and entered into a new exclusive 15-year Franchise Agreement with Green Waste Recovery (GRW) to provide solid waste, recycling, and organics collection services for the City of Marina. The Agreement provides for automatic annual rate adjustments for GWR's services calculated following either a multi-index rate adjustment methodology or a cost-based rate adjustment methodology.

On November 2, 2021, the City Council adopted Resolution No. 2021-114, approving an amendment to the Franchise Agreement with Green Waste Recovery (GRW) to incorporate changes required by Senate Bill 1383 (SB 1383) to divert organic waste from landfills. The amended Agreement retained provisions for automatic annual rate adjustments for GWR's services calculated following either a multi-index rate adjustment methodology or a cost-based rate adjustment methodology.

Cost-based Rate Adjustment Methodology

The cost-based adjustment involves an extensive and detailed review of GWR's actual cost of operations, changes in inflation, the number of customers, and the service level provided and comparing this to actual gross receipts collected to determine GWR's compensation for the current rate period and to forecast the future rates. A cost-based rate adjustment was performed for rate period 5 in 2019. Adjustments to the GWR compensation resulted in rate-payer surpluses of \$540,298 in rate period 5, \$258,203 in rate period 6, and \$175,891 in rate period 7.

At the meeting on June 7, 2022, the City Council adopted Resolution No. 2022-74, approving rate increases that were offset by applying \$89,227 of the surplus generated in rate period 7 which reduced the increase from 5.82% to 3.10%. The remaining half of the surplus generated in rate period 7 was retained to offset rate increases in rate period 9.

At the meeting on June 7, 2022, the City Council adopted Resolution No. 2022-75, approving an agreement between the City of Marina and HF&H Consultants, LLC (HF&H) to perform an analysis of an equitable method of crediting surplus solid waste collection fees back to rate payers.

At the meeting on October 18, 2022, the City Council adopted Resolution No. 2022-75, approving a credit of surplus solid waste collection fees back to rate payers that paid for service in rate period 5 and rate period 6.

In accordance with the methodology developed by HF&H, GWR made on-bill credits to eligible customers in the months of January, February, and March, of 2023. The credits resulted in a distribution of \$658,795 of the \$798,501 surplus generated in rate periods 5 and 6. The remaining surplus of \$139,706 will be available to apply in future rate periods to limit the amount of rate increase to Marina customers.

Multi-index Rate Adjustment Methodology

Each service level rate in the Franchise Agreement rate schedule is comprised of an operating component, disposal/processing component and a fee component. The annual rate adjustment consists of adjusting each of the rate components as follows:

Operating Component Factor:

- Labor Component: Labor costs from the prior year are adjusted by the annual percentage change in the Employment Cost Index (ECI)
- Fuel Component: Fuel costs from the prior year are adjusted by the actual volume of fuel purchased in the prior year and the annual percentage change in the Fuel Index
- Other Component: Non labor/fuel related costs from the prior year are adjusted by the annual percentage change of the Consumer Price Index (CPI)

Disposal/Processing Component: This component is automatically adjusted as a direct pass-through based on MRWMD fees and the City's prior year's tonnages by material type. The disposal and processing component(s) are based on the difference between the City's actual tonnage by material type and what was proposed by GWR in their initial proposal to the City. The disposal and processing components also consider the tipping fee charged by the Monterey Regional Waste Management District (MRWMD).

Fee Component: This component is a direct pass through of Franchise fees, calculated as a percent of the total rate by service level.

The rate adjustment for the 2024/2025 fiscal year was conducted using a variation of the multi-index methodology which was distributed across sectors by weighted averages in accordance with the methodology agreed upon in 2016. The changes implemented in 2016 allow for a uniform percentage increase for services.

The Franchise Agreement stipulates that the City of Marina shall make a good faith effort to approve the accuracy of the calculated rates by June 1 of each year, and such rates shall be effective on each subsequent July 1. This allows noticing all customers of rate increases. If rates are not effective by July 1 due to a delay caused solely by the City of Marina, GWR may retroactively bill customers for the amount of the rate increase.

ANALYSIS:

GWR provided the City with the annual rate adjustment calculation on March 1, 2024. “EXHIBIT A” is an executive summary from HF&H reporting the finding that the application for the annual rate adjustment by GWR is consistent with the approved methodology.

The rate adjustment that was reviewed by HF&H includes a 5.56% increase to residential rates for period 10 rate increase. The increase in dollars equals \$1.22 per month for residents with 64-gallon containers and \$.97 increase for customers with 32-gallon containers. The reason this rate increase is a bit higher than normal is because of the credit reduction from what the rate would have been without the credit last fiscal year.

Staff is recommending the sector-based adjustment be used for calculating rates for 2024/2025 in keeping with the methodology approved in 2016.

FISCAL IMPACT:

The FY2024/2025 proposed rate adjustment would have no effect on City expenses, as this is a cost to the rate payers. The Franchise Agreement has a 15% franchise fee of gross receipts. Any rate increase provides a corresponding increase in franchise fee revenue to the City.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Layne Long
City Manager
City of Marina

Exhibit A – Summary of HF&H’s review of GWR’s 2024/25 rate request

Exhibit B – Proposed 2024/25 GWR rates

RESOLUTION NO. 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING THE RATE ADJUSTMENT CALCULATION OF THE FRANCHISE AGREEMENT WITH GREEN WASTE RECOVERY UTILIZING A SECTOR SPECIFIC UNIFORM PERCENTAGE ADJUSTMENT AND APPROVING MAXIMUM RATES TO BE CHARGED BY GREENWASTE RECOVERY EFFECTIVE JULY 1, 2023 FOR COLLECTION OF FRANCHISED SOLID WASTE, RECYCLING, AND ORGANICS.

WHEREAS, the City of Marina entered into a franchise agreement with GreenWaste Recovery (GWR) on August 19, 2014 for solid waste, recycling, and organics collection services for the period of August 1, 2015 through July 31, 2030, and;

WHEREAS, Section 8.2 of the Franchise Agreement describes the process for an automatic annual adjustment to maximum customer rates on July 1 of each year, based on agreed upon cost indices, changes in tipping fees as the Monterey Regional Waste Management District, and the actual tonnage for materials collected by GWR, and;

WHEREAS, on November 2, 2021, the City Council adopted Resolution No. 2021-114, approving an amendment to the Franchise Agreement with Green Waste Recovery (GRW) to incorporate changes required by Senate Bill 1383 (SB 1383) to divert organic waste from landfills. The amended Agreement retained provisions for automatic annual rate adjustments for GWR's services calculated following either a multi-index rate adjustment methodology or a cost-based rate adjustment methodology, and;

WHEREAS, a cost-based rate adjustment was performed for rate period 5 in 2019. Adjustments to the GreenWaste compensation resulted in rate-payer surpluses of \$540,298 in rate period 5, \$258,203 in rate period 6, and \$175,891 in rate period 7, and;

WHEREAS, at the meeting on June 7, 2022, the City Council adopted Resolution No. 2022-74, approving rate increases that were offset by applying \$89,227 of the surplus generated in rate period 7 which reduced the increase from 5.82% to 3.10%. The remaining half of the surplus generated in rate period 7 was retained to offset rate increases in rate period 9, and;

WHEREAS, \$89,227 of the rate period 7 surplus was applied to reduce the rate period 8 rate increase from 5.82% to 3.10%, and;

WHEREAS, at the meeting on October 18, 2022, the City Council adopted Resolution No. 2022-75, approving a credit of surplus solid waste collection fees back to rate payers that paid for service in rate period 5 and rate period 6, and;

WHEREAS, GWR made on-bill credits to eligible customers in the months of January, February, and March, of 2023. The credits resulted in a distribution of \$658,795 of the \$798,501 surplus generated in rate periods 5 and 6. The remaining surplus of \$139,706 will be available to apply in future rate periods to limit the amount of rate increase to Marina customers; and;

WHEREAS, GWR provided the City with the annual rate adjustment calculation on March 1, 2024 (**EXHIBIT "B"**). Staff and third-party consultant, HF&H, have reviewed GWR's calculation of the rate adjustments for FY 2024/2025 and finds the calculations to be accurate and consistent with the methodology and requirements of the franchise agreement (see **EXHIBIT "A"**), and;

WHEREAS, the rate adjustment that was reviewed by HF&H includes a 5.56% increase to residential rates for period 10 rate increase.

WHEREAS, staff is recommending the sector-based adjustment be used for calculating rates for 2024/2025 in keeping with the methodology approved in 2016.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina hereby resolves to approve the rates in **Exhibit B** that incorporate a 5.56% increase to all single family residential maximum rates authorized to be charged by GWR under the Franchise Agreement, effective July 1, 2023.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of May 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



590 Ygnacio Valley Road, Suite 105
Walnut Creek, California 94596
Telephone: 925/977-6950
Fax: 925/977-6955
www.hfh-consultants.com

Robert D. Hilton, Emeritus
John W. Farnkopf, PE
Laith B. Ezzet, CMC
Richard J. Simonson
Marva M. Sheehan, CPA
Robert C. Hilton

April 26, 2024

Matt Mogensen
Assistant City Manager
City of Marina

Sent via E-mail

Subject: Review of GreenWaste Recovery's 2024-25 Rate Request

Dear Brian McMinn:

HF&H Consultants, LLC (HF&H) was retained by the Monterey Regional Waste Management District (District) to assist with a review of GreenWaste Recovery's (GWR) request for an adjustment to customer rates, effective July 1, 2024, submitted to the City of Marina (City) on March 1, 2024. This report presents our findings and recommendations.

EXECUTIVE SUMMARY

HF&H's review of GWR's Rate Period 10 (RP10) rate request to the City and subsequent negotiations with GWR resulted in the following outcomes:

- HF&H has determined a 5.56% increase as appropriate as a result of the following components:
 - 4.50% inflationary increase in labor-related costs
 - 3.50% inflationary increase in vehicle-related costs (excl. fuel)
 - Fuel rate held flat as set by the District
 - 3.5% inflationary increase in other costs
 - Depreciation held flat per the Agreement
 - -9.86% net processing costs decrease due to Residue Processing Costs being removed in 2022 per the District
 - 4.74% increase in disposal costs due to an increase in per ton disposal rate, and a slight increase in tonnage

Refer to **Figure 1** below for the impact to sample residential rates.

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Figure 1 – Example Rate Impact of Adjustment

Marina Rate Adjustment		
	Current Rates (RP9)	RP10
Adjustment		5.56%
Residential 32- gallon rate	\$ 17.46	\$ 18.43
Residential 64- gallon rate	\$ 21.89	\$ 23.11

BACKGROUND

In 2012, the City, participating with other members of the District, issued a competitive request for proposals for collection services and entered into the new Agreement with GWR effective July 1, 2015. The Agreement provides for the following, related to the adjustment of rates:

- Rates are annually adjusted throughout the term of the Agreement, using various inflationary indices, actual tonnage, and changes in the tipping fees at the District, unless either the City or GWR request a Cost Based Rate Adjustment (CBRA).
- The City and GWR may mutually agree upon alternative approaches to structuring rates without amendment to the Agreement (Section 8.2.D).
- During the CBRA review in RP5, a number of issues surrounding the process for setting rates and the resulting rate relationships amongst sectors and materials was identified. As such the City and GWR have negotiated an amendment to the prescribed methodology for the CBRA and index adjustments so as to not alter rate relationships between service sectors and material types.
- Through negotiations of the amendment and as a result of the desire to maintain current rate relationships between sectors and service levels, the City and GWR have prescribed a uniform rate adjustment to be applied to all sectors.

RATE CALCULATION REVIEW

HF&H Scope of Work

HF&H performed this review of the rate request in accordance with Exhibit E1 (for the index based rate adjustment). These procedures included:

1. Review of the rate request for completeness and compliance with the procedures contained in Exhibit E1 of the Agreement.

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April 26, 2024

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2. Review for mathematical accuracy and logical consistency to determine that the rate request is mathematically correct, that the rows and columns of numbers add down and across as intended, and that the stated assumptions were, in fact, used. Also, to determine that the rate request is internally consistent and that any summary schedules agree to the supporting schedules and worksheets.
3. Verification of the inclusion of the franchise fee calculation in the adjustment.
4. Verification of contract compliance with regard to:
 - A. The indices used in the adjustment.
 - B. The tip fees reported for the disposal/processing components of the rates.
 - C. The use of quarterly-reported tonnage data and allocations among agencies. A detailed audit of tonnage and allocations of tonnage reported by GWR was not a part of this scope of work. HF&H discussed GWR's allocation methodology with them and the methodology appears reasonable and consistent with standard practices within the industry.
 - D. Any changes in governmental fees on the fee component of the rates; and, the accurate application of the resultant percentage changes in the various rate components to the rate schedule approved by the City through the Agreement.

Review of Rate Request

Rate Period 10 Application

HF&H reviewed the rate application for RP10. The results of the calculation of RP10 per methodology of Exhibit E1 of the amendment can be seen in **Figure 2** below.

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Figure 2 – City of Marina Application of Index Based Adjustments to RP10

	RP 9	Adjustment Factor	RP 10
Annual Cost of Operations			
Labor-Related Costs	\$ 613,926	1.045	\$ 641,552
Vehicle-Related Costs	\$ 134,490	1.035	\$ 139,197
Fuel Costs	\$ 105,158	1	\$ 105,158
Other Costs	\$ 372,184	1.035	\$ 385,210
Direct Depreciation	\$ 221,602	N.A.	\$ 221,602
Total Allocated Costs - Labor, Vehicle, Fuel & Other	\$ 731,269	1.035	\$ 756,864
Total Allocated Costs - Depreciation & Start-Up	\$ 48,832	N.A.	\$ 48,832
Total Annual Cost of Operations	\$ 2,227,461		\$ 2,298,416
Profit	\$ 266,896	OR=89.3	\$ 275,398
Pass-Through Costs			
Disposal Costs	\$ 681,479	Tons*Tip Fee	\$ 713,781
Curbside Supplemental	\$ (6,198)	1.00	\$ (6,198)
Recycling Processing Costs	\$ 104,475	Tons*Tip Fee	\$ 104,503
Residue Processing Costs	\$ 38,656	Tons*Tip Fee	\$ -
Yard Trimmings Processing Costs	\$ 63,642	Tons*Tip Fee	\$ 76,058
Food Waste Processing Costs	\$ 15,102	Tons*Tip Fee	\$ 19,438
C&D Processing Costs	\$ -	Tons*Tip Fee	\$ -
Interest Expense	\$ 65,512	N.A.	\$ 65,512
Direct Lease Costs	\$ -	N.A.	\$ -
Total Allocated Costs - Lease	\$ 50,221	N.A.	\$ 50,221
Total Pass-Through Costs	\$ 1,012,888	N.A.	\$ 1,023,315
Total Costs before Agency Fees	\$ 3,507,245	N.A.	\$ 3,597,129
Agency Fees/Payments			
Franchise Fee	\$ 407,574	10.00%	\$ 430,248
Vehicle Impact Fee	\$ 203,787	5.00%	\$ 215,124
Rate Application Review Costs	\$ 48,261	Actual	\$ 59,982
Other Adjustments (as needed from time to time)			
Use of Reserves	\$ (89,227)	N.A.	
Surplus Credit Review		N.A.	
Adjustment From PY Calculation	\$ 5,280		
Adjustment from MRWMD Tip Fee Estimates	\$ (7,181)		
Total Calculated Costs	\$ 4,075,739		\$ 4,302,484
Total Calculated Costs in Rates	\$ 3,981,158		5.56%

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 April 26, 2024
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Review of GWR Costs

There are four major components to GWR's rate application: 1) calculation and application of the inflationary indexes as prescribed in the Agreement; 2) the disposal and/or processing component; 3) the Agency Fees; and, 4) other one-time adjustments.

There are three indexes used in the index adjustment: CPI, fuel index, and labor index. The annual percent change in each of the indices is used to calculate the coming years projected cost for the line items to which these indexes are applied.

HF&H has reviewed and GWR has confirmed the accuracy of each of these indexes, and notes that the fuel index remains unchanged, as reported by management staff at the District.

Review of Disposal/Processing Component

Calendar Year 2023 collected tons were used for the RP10 review in accordance with the amendment. The disposal and processing components also consider the tipping fees charged by the District in order to project anticipated disposal and processing costs at the District. The following table describes the changes in the City's disposal and processing costs for each material type based on the tip fees at the District which have been incorporated into our RP10 review.

Figure 3 - Impact of District Tip Fee Changes

Material	2023 Tons	Current Per Ton Tip Fee	Rate Period 10 Costs
	A	B	A x B
Solid Waste	9,270	\$ 77.00	\$ 713,781
Recycling	2,613	\$ 40.00	\$ 104,503
Yard Trimmings	1,618	\$ 47.00	\$ 76,058
Food Waste	304	\$ 64.00	\$ 19,438
C&D*	-	\$ 77.00	\$ -

**The C&D per ton tip fee reflects an average weighted cost for multiple types of C&D materials.*

Review of Fee Component

HF&H ensured that the fee component of each rate matches the contractual percentage of 10% for franchise fees, and 5% for vehicle impact fees, remitted to the City by GWR.

Additionally, rate application review costs and other identified District costs totaling \$59,982 were added as a one-time adjustment to cover the rate review, franchise management, and other identified District costs such as staff time and public education and outreach.



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New Rates

Attached hereto is a table of all rates recommended for RP10 based on the adjustments described in this report (Attachment B). HF&H recommends adopting these rates by resolution to be effective July 1, 2024.

* * * * *

We would like to express our appreciation to GWR staff for their assistance and cooperation in this process. Should you have any questions, please call me at (925) 977-6959 or rchilton@hfh-consultants.com.

Very truly yours,
HF&H CONSULTANTS, LLC

Rob Hilton
President



GreenWaste Recovery LLC
610 E Gish Road, San Jose, CA 95112
☎: (408) 938-4930
www.greenwaste.com

April 1, 2024

Matthew Mogensen
City Manager
211 Hillcrest Avenue
Marina, CA 93933

Dear Mr. Mogensen:

We have performed the calculations of the Refuse Rate Index for the rate adjustment effective July 1, 2024. Enclosed are the following:

1. The Marina Index Based Rate Adjustment table showing a weighted rate increase of 5.10%.
2. Marina Agreement Rate Tables
3. Copies of the Index tables used from the Bureau of Labor Statistics/Federal Reserve.

If you have any questions, please feel free to call me at (347) 602-1131 or e-mail me at James.Redmond@greenwaste.com.

Yours very truly,

A handwritten signature in black ink, appearing to read "James Redmond".

James Redmond
Chief Financial Officer

GreenWaste Recovery, LLC Index Based Rate Adjustment - Rate Period 10
Marina

	Rate Period Nine	SB 1383 Costs	Sub-total	Adjustment Factor	Rate Period Ten
Annual Cost of Operations					
Labor-Related Costs	\$613,926		\$ 613,926	1.045	\$ 641,552
Vehicle-Related Costs	\$134,490		\$ 134,490	1.035	\$ 139,197
Fuel Costs	\$105,158		\$ 105,158	1	\$ 105,158
Other Costs	\$372,184		\$ 372,184	1.035	\$ 385,210
Direct Depreciation	\$221,602		\$ 221,602	N.A.	\$ 221,602
Total Allocated Costs - Labor, Vehicle, Fuel & Other	\$731,269		\$ 731,269	1.035	\$ 756,864
Total Allocated Costs - Depreciation & Start-Up	\$48,832		\$ 48,832	N.A.	\$ 48,832
Total Annual Cost of Operations	\$2,227,461	\$ -	\$ 2,227,461		\$ 2,298,416
Profit	\$266,896	\$ -	\$ 266,896	OR=89.3	\$ 275,398
Pass-Through Costs					
Disposal Costs	\$681,479		\$ 681,479	Tons*Tip Fee	\$ 713,781
Curbside Supplemental	(\$6,198)		\$ (6,198)	1.00	\$ (6,198)
Recycling Processing Costs	\$104,475		\$ 104,475	Tons*Tip Fee	\$ 104,503
Residue Processing Costs	\$38,656		\$ 38,656	Tons*Tip Fee	\$ 40,234
Yard Trimmings Processing Costs	\$63,642		\$ 63,642	Tons*Tip Fee	\$ 79,295
Food Waste Processing Costs	\$15,102		\$ 15,102	Tons*Tip Fee	\$ 20,046
C&D Processing Costs	\$0		\$ -	Tons*Tip Fee	\$ -
Interest Expense	\$65,512		\$ 65,512	N.A.	\$ 65,512
Direct Lease Costs	0		\$ -	N.A.	\$ -
Total Allocated Costs - Lease	\$50,221		\$ 50,221	N.A.	\$ 50,221
Total Pass-Through Costs	\$1,012,888	\$ -	\$ 1,012,888	N.A.	\$ 1,067,393
Total Costs before Agency Fees	\$3,507,245	\$ -	\$ 3,507,245	N.A.	\$ 3,641,207
Agency Fees/Payments					
Franchise Fee	\$ 407,574	\$ -	\$ 407,574	10.00%	\$ 428,377
Administrative Fee	0			0.00%	\$ -
AB 939/341 Fee	0			0.00%	\$ -
HHW Fee	0			0.00%	\$ -
Vehicle Impact Fee	\$ 203,787	\$ -	\$ 203,787	5.00%	\$ 214,189
Litter Abatement Fee	0			0.00%	\$ -
Rate Application Review Costs	\$48,261		\$ 48,261	Actual	\$ -
Other Adjustments (as needed from time to time)					
Use of Reserves	(\$89,227)		\$ -	N.A.	\$ -
Surplus Credit Review			\$ -	N.A.	
Adjustment From PY Calculation	\$5,280				\$ -
Adjustment from MRWMD Tip Fee Estimates	-7181.1		\$ (7,181)		\$ -
Total Calculated Costs	\$4,075,739	\$ -	\$ 4,159,686		\$ 4,283,773

Rate Increase

5.10%

Residential Solid Waste Collection Rates			
Service Level	Solid Waste	Recycling	Organics
Curbside 32 Gallon	\$18.35	Included	Included
Curbside 64 Gallon	\$23.01	Included	Included
Curbside 96 Gallon	\$26.13	Included	Included
Low Income	\$15.73	Included	Included
Notes: See Exhibit B1 for specific service availability			

Commercial/Multi-Family Solid Waste Collection Rates						
Service Level	Frequency					
	1x/week	2x/week	3x/week	4x/week	5x/week	6x/week
32-Gallon Cart	\$19.79	\$40.36	\$60.55	\$80.72	\$100.92	\$121.09
64-Gallon Cart	\$37.95	\$77.41	\$116.11	\$154.81	\$193.52	\$232.22
96-Gallon Cart	\$48.92	\$99.78	\$149.65	\$199.54	\$249.43	\$299.32
1-Cubic Yard Bin	\$106.07	\$216.39	\$324.59	\$432.78	\$540.97	\$649.16
2-Cubic Yard Bin	\$211.04	\$430.53	\$645.78	\$868.97	\$1,076.30	\$1,291.56
3-Cubic Yard Bin	\$317.00	\$646.69	\$970.03	\$1,293.37	\$1,616.71	\$1,940.06
4-Cubic Yard Bin	\$422.56	\$862.02	\$1,293.04	\$1,724.07	\$2,155.08	\$2,586.09
6-Cubic Yard Bin	\$499.19	\$1,018.35	\$1,527.55	\$2,036.73	\$2,545.91	\$3,055.07
8-Cubic Yard Bin	\$665.62	\$1,357.87	\$2,036.80	\$2,715.75	\$3,394.69	\$4,073.62
2-Cubic Yard Compactor	\$257.34	\$523.10	\$784.66	n/a	n/a	n/a
3-Cubic Yard Compactor	\$386.44	\$785.56	\$1,178.34	n/a	n/a	n/a
4-Cubic Yard Compactor	\$515.15	\$1,047.21	\$1,570.79	n/a	n/a	n/a

Commercial/Multi-Family Recycling Collection Rates						
Service Level	Frequency					
	1x/week	2x/week	3x/week	4x/week	5x/week	6x/week
64-Gallon Cart	\$5.70	\$7.34	\$14.97	\$22.46	\$29.92	\$34.83
96-Gallon Cart	\$7.34	\$14.97	\$22.46	\$29.92	\$37.42	\$44.89
1-Cubic Yard Bin	\$15.90	\$32.46	\$48.69	\$64.91	\$81.14	\$97.37
2-Cubic Yard Bin	\$31.66	\$64.59	\$96.87	\$130.34	\$161.44	\$193.74
3-Cubic Yard Bin	\$47.55	\$97.00	\$145.51	\$194.00	\$242.51	\$291.01
4-Cubic Yard Bin	\$63.38	\$129.30	\$193.96	\$258.62	\$323.26	\$387.91
6-Cubic Yard Bin	\$74.88	\$152.75	\$229.13	\$305.52	\$381.89	\$458.26
8-Cubic Yard Bin	\$99.84	\$203.68	\$305.53	\$407.36	\$509.21	\$611.04
2-Cubic Yard Compactor	\$25.62	\$52.51	\$78.78	n/a	n/a	n/a
3-Cubic Yard Compactor	\$38.50	\$78.89	\$118.36	n/a	n/a	n/a
4-Cubic Yard Compactor	\$51.31	\$105.17	\$157.75	n/a	n/a	n/a

Commercial/Multi-Family Food Waste Collection Rates						
Service Level	Frequency					
	1x/week	2x/week	3x/week	4x/week	5x/week	6x/week
64-Gallon Cart	\$28.46	\$58.05	\$87.08	\$116.11	\$145.13	\$174.16
96-Gallon Cart	\$36.68	\$74.83	\$112.24	\$149.65	\$187.07	\$224.49
1-Cubic Yard Bin	\$79.55	\$162.29	\$243.43	\$324.59	\$405.72	\$486.86
2-Cubic Yard Bin	\$158.27	\$322.90	\$484.33	\$651.71	\$807.22	\$968.68

Commercial/Multi-Family Yard Trimmings Collection Rates						
	Frequency					
Service Level	1x/week	2x/week	3x/week	4x/week	5x/week	6x/week
64-Gallon Cart	\$28.46	\$58.05	\$87.08	\$116.11	\$145.13	\$174.16
96-Gallon Cart	\$36.68	\$74.83	\$112.24	\$149.65	\$187.07	\$224.49
1-Cubic Yard Bin	\$79.55	\$162.29	\$243.43	\$324.59	\$405.72	\$486.86
2-Cubic Yard Bin	\$158.27	\$322.90	\$484.33	\$651.71	\$807.22	\$968.68
3-Cubic Yard Bin	\$237.76	\$485.01	\$727.52	\$970.03	\$1,212.53	\$1,455.04
4-Cubic Yard Bin	\$316.92	\$646.52	\$969.79	\$1,293.04	\$1,616.31	\$1,939.56
6-Cubic Yard Bin	\$374.40	\$763.77	\$1,145.67	\$1,527.55	\$1,909.44	\$2,291.31
8-Cubic Yard Bin	\$499.21	\$1,018.41	\$1,527.61	\$2,036.81	\$2,546.01	\$3,055.22

Roll-Off Collection Rates (Per Pull)					
	Material				
Service Level	MSW	REC	FW	YT	C&D
10 YD	\$318.34	\$238.45	\$238.45	\$238.45	\$318.34
20 YD	\$458.67	\$238.45	\$238.45	\$238.45	\$458.67
30 YD	\$599.03	\$238.45	\$238.45	\$238.45	\$599.03
40 YD	\$739.37	\$238.45	\$238.45	\$238.45	\$739.37
Per Ton	\$54.89	\$74.74	\$0.00	\$86.42	\$0.11

Additional Service Rates		
Service	Sector	Charge Per Event
Cart Rental - All Sizes	RES	\$3.64
Cart Replacement	RES	\$72.66
Re-Delivery or Re-Start	RES	\$30.28
Cart Cleaning	RES	\$30.28
Non-Scheduled Collection	RES	\$23.01
Difficult to Service Cart	COM	\$1.22
Difficult to Service Bin	COM	\$3.64
Locking Bin	COM	\$60.55
Cart Replacement	COM	\$72.66
Cart Cleaning	COM	\$30.28
Bin Swap- Cleaning or Repainting	COM	\$90.83
Bulky - Recyclable	RES/COM	\$24.22
Bulky - Non Recyclable	RES/COM	\$30.28
Bulky - Event	RES/MFD	\$36.32
Covered Box	RO	\$90.83
Driver Time per Hour	RO	\$133.21
Dry Run or Relocation	RO	\$90.83
Extra Days	RO	\$30.28

Data extracted on: March 28, 2024 (4:22:04 PM)

Consumer Price Index for All Urban Consumers (CPI-U)

Series Id: CUURS49BSA0

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Download:  [.xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2014		248.615		251.495		253.317		253.354		254.503		252.273	251.985	250.507	253.463
2015		254.910		257.622		259.117		259.917		261.019		260.289	258.572	256.723	260.421
2016		262.600		264.565		266.041		267.853		270.306		269.483	266.344	263.911	268.777
2017		271.626		274.589		275.304		275.893		277.570		277.414	274.924	273.306	276.542
2018		281.308		283.422		286.062		287.664		289.673		289.896	285.550	282.666	288.435
2019		291.227		294.801		295.259		295.490		298.443		297.007	295.004	293.150	296.859
2020		299.690		298.074		300.032		300.182		301.736		302.948	300.084	299.109	301.059
2021		304.387		309.419		309.497		311.167		313.265		315.805	309.721	306.724	312.718
2022		320.195		324.878		330.539		328.871		332.062		331.222	327.060	323.408	330.711
2023		337.173		338.496		340.056		340.094		341.219		339.915	339.050	337.689	340.411

FRED Graph Observations
 Federal Reserve Economic Data
 Link: <https://fred.stlouisfed.org>
 Help: <https://fredhelp.stlouisfed.org>
 Economic Research Division
 Federal Reserve Bank of St. Louis

CUURX400SA0 Consumer Price Index for All Urban Consumers:
 All Items in West - Size Class B/C, Index Dec

Frequency: Monthly

observation_date	CUURX400SA0
2018-12-01	154.228
2019-01-01	154.328
2019-02-01	154.671
2019-03-01	155.178
2019-04-01	156.523
2019-05-01	157.488
2019-06-01	157.564
2019-07-01	157.465
2019-08-01	157.654
2019-09-01	157.738
2019-10-01	158.635
2019-11-01	158.482
2019-12-01	158.496
2020-01-01	158.599
2020-02-01	159.183
2020-03-01	159.129
2020-04-01	158.824
2020-05-01	158.301
2020-06-01	158.857
2020-07-01	159.752
2020-08-01	160.528
2020-09-01	160.846
2020-10-01	161.141
2020-11-01	161.069
2020-12-01	160.840
2021-01-01	161.199
2021-02-01	162.042
2021-03-01	163.257
2021-04-01	165.088
2021-05-01	166.813
2021-06-01	168.425
2021-07-01	169.267
2021-08-01	169.477
2021-09-01	169.977
2021-10-01	171.226
2021-11-01	172.214
2021-12-01	172.722
2022-01-01	174.269
2022-02-01	175.890
2022-03-01	178.019
2022-04-01	179.339
2022-05-01	180.810
2022-06-01	182.760
2022-07-01	183.277
2022-08-01	183.543
2022-09-01	184.088
2022-10-01	185.410
2022-11-01	184.626
2022-12-01	183.686
2023-01-01	184.717
2023-02-01	185.968
2023-03-01	187.301
2023-04-01	188.008
2023-05-01	188.833
2023-06-01	189.295
2023-07-01	189.737
2023-08-01	190.368
2023-09-01	191.238
2023-10-01	191.321
2023-11-01	190.409
2023-12-01	190.095
2024-01-01	191.586
2024-02-01	191.874

FRED Graph Observations
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Employment Cost Index: Total compensation for
 Private industry workers in Service-providing
 industries, Index Dec 2005=100, Quarterly,
 Seasonally Adjusted

CIS201S000000000I

Frequency: Quarterly

observation_date	CIS201S000000000I
2015-01-01	123.8
2015-04-01	123.7
2015-07-01	124.5
2015-10-01	125.1
2016-01-01	125.8
2016-04-01	126.6
2016-07-01	127.3
2016-10-01	127.9
2017-01-01	128.8
2017-04-01	129.6
2017-07-01	130.5
2017-10-01	131.2
2018-01-01	132.4
2018-04-01	133.4
2018-07-01	134.5
2018-10-01	135.4
2019-01-01	136.2
2019-04-01	137.0
2019-07-01	138.0
2019-10-01	138.9
2020-01-01	140.1
2020-04-01	140.6
2020-07-01	141.4
2020-10-01	142.6
2021-01-01	144.2
2021-04-01	145.1
2021-07-01	147.3
2021-10-01	149.1
2022-01-01	151.2
2022-04-01	153.4
2022-07-01	155.1
2022-10-01	156.8
2023-01-01	158.7
2023-04-01	160.3
2023-07-01	161.9
2023-10-01	163.3

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WPU057303 Producer Price Index by Commodity: Fuels and
 Related Products and Power: No. 2 Diesel Fuel,

Frequency: Monthly

observation_date	WPU057303
2020-01-01	214.500
2020-02-01	193.300
2020-03-01	169.700
2020-04-01	123.600
2020-05-01	108.300
2020-06-01	137.800
2020-07-01	179.200
2020-08-01	191.000
2020-09-01	177.500
2020-10-01	187.300
2020-11-01	201.100
2020-12-01	224.600
2021-01-01	232.900
2021-02-01	264.400
2021-03-01	304.100
2021-04-01	282.000
2021-05-01	318.800
2021-06-01	317.800
2021-07-01	326.966
2021-08-01	322.279
2021-09-01	334.175
2021-10-01	374.107
2021-11-01	366.731
2021-12-01	346.234
2022-01-01	365.449
2022-02-01	415.354
2022-03-01	503.052
2022-04-01	528.256
2022-05-01	587.939
2022-06-01	665.720
2022-07-01	568.603
2022-08-01	497.425
2022-09-01	548.658
2022-10-01	605.641
2022-11-01	585.306
2022-12-01	419.191
2023-01-01	449.169
2023-02-01	435.578
2023-03-01	406.306
2023-04-01	387.167
2023-05-01	363.260
2023-06-01	342.988
2023-07-01	322.199
2023-08-01	428.045
2023-09-01	446.947
2023-10-01	407.772
2023-11-01	393.711
2023-12-01	342.052
2024-01-01	327.029
2024-02-01	387.007