



AGENDA

Tuesday, June 4, 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**

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

Council Chambers
211 Hillcrest Avenue
Marina, California

TELECONFERENCE LOCATION:¹

Fairfield Inn / Lobby
227 West San Marcos Boulevard
San Marcos, CA, USA 92069

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.

¹ Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Council Member Brian McCarthy from the address above. This Notice and Agenda will be posted at the teleconference location.

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)

3. Jenny McAdams, Brian McCarthy, Kathy Biala, Mayor Pro-Tem/Vice Chair
Liesbeth Visscher, Mayor/Chair Bruce C. Delgado

4. PUBLIC COMMENT ON CLOSED SESSION ITEMS:

5. CLOSED SESSION:

- a. Conference with Legal Counsel: Anticipated Litigation (§ 54956.9(d)(2)) 2 cases: A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.
- b. Conference with Legal Counsel: Existing Litigation (§ 54956.9(d)) 1 case: (1) Davila v. City of Marina Police Department, ARB22-0249

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. Proclamations
 - i. Pride Month Proclamation
 - ii. Namwon 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 104560-104617, totaling \$1,732,749.02
 - 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-, approving advertising and call for bids for the 2024 Citywide Street Reconstruction Project. *(project exempt from environmental review per § 15301(b) of the CEQA Guidelines for Existing Facilities)*
 - f. ADOPTION OF RESOLUTIONS: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) Adopting Resolution No. 2024-, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for the Cypress Cove II Landscape Maintenance Assessment District for FY 2024-2025. *(Not a Project under CEQA per Article 20, Section 15378)*
 - (2) Adopting Resolution No. 2024, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for the Seabreeze Landscape Maintenance Assessment District for FY 2024-2025. *(Not a Project under CEQA per Article 20, Section 15378)*

- (3) Adopting Resolution No. 2024-, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for the Monterey Bay Estates Landscape Maintenance Assessment District for FY 2024-2025. *(Not a Project under CEQA per Article 20, Section 15378)*
- (4) Adopting Resolution No. 2024-, approving a correction to the salary schedule for the MPSMA Fire Division Chief. *(Not a Project under CEQA per Article 20, Section 15378)*
- (5) Adopting Resolution No. 2024-, adopting an updated list of projects for Fiscal Year 2024-25 funded by SB 1: The Road Repair and Accountability Act of 2017. *(Not a Project under CEQA per Article 20, Section 15378)*

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

- (1) Adopting Resolution No. 2024-, amending the Memorandum of Understanding (MOU) regarding cooperative assistance to comply with Senate Bill 1383, Food Waste Reduction and Organics Recycling Regulations, incorporating changes in the annual cost of program activities. *(Not a Project under CEQA per Article 20, Section 15378)*
- (2) Adopting Resolution No. 2024-, calling for a general municipal election in the City of Marina on Tuesday, November 5, 2024, for the election of certain city officers; and requesting the County of Monterey agree to the consolidation of the election with the statewide general election and requesting the County Elections Department to render any and all services required to conduct the election. *(Not a Project under CEQA per Article 20, Section 15378)*

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING):

- (1) Read by Title Only and adopting **Ordinance No. 2024-06**, 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.

m. APPROVE APPOINTMENTS: *(Not a Project under CEQA per Article 20, Section 15378)*

- (1) Appointing to Public Works Commission: Jaime Schrabek and Joosik Choi. 2-seats expiring February 2026.

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. 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). ***Continued from May 21, 2024.***

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. Receive presentation from Marina Coast Water District on Notice of Proposed Increase in Water, Recycled Water and Sewer Service Charges and provide staff with direction.
- b. Adopting Resolution No. 2024-, approving the Below Market Rate Housing Agreement for the Marina Station Development and finding the action exempt from environmental review per § 15162 of the CEQA Guidelines.
- c. Adopting Resolution No. 2024-, making findings and approving revisions to Mitigation Measure 4.4-1 for the Final Environmental Impact Report for the Marina Station Specific Plan and find the action exempt from environmental review per § 15162 of the CEQA Guidelines.
- d. Adopting Resolution No. 2024-, receiving an update presentation, providing input, and approving programming for Glorja Jean Tate Park Phase 2; approving relocating playground equipment from Sea Haven Community Park to Glorja Jean Tate Park and; approving transfer of funds from Glorja Jean Tate Park project and public facility impact fees to Sea Haven Community Park project. *(not a project as defined by the California Environmental Quality Act (CEQA) per Article 20 Section 15378 and under General Rule Article 5 Section 15061)*
- e. Council update on future Police, Fire and Community Facilities and potential General Obligation Bond ballot measure.
- f. Briefing on the Establishment of an Enhanced Infrastructure Financing District (EIFD) with the County of Monterey and the City of Marina for the Joby Aviation Manufacturing Facility.

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 31, 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 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)~~

***Wednesday, September 4, 2024**

Tuesday, September 17, 2024

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)

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.

June 13, 2024	August 8, 2024	October 10, 2024
June 27, 2024	August 22, 2024	October 24, 2024
July 11, 2024	September 12, 2024	November 14, 2024
July 25, 2024	September 26, 2024	November 28, 2024 (Cancelled)
		December 12, 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	August 15, 2024	October 17, 2024
July 18, 2024	September 19, 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.

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



Proclamation

LGBTQ+ Pride Month

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WHEREAS, the City of Marina has a diverse Lesbian, Gay, Bisexual, Transgender, Queer and Plus (LGBTQ+) community and is committed to celebrating and supporting visibility, dignity and equity for all people in the community;

WHEREAS, many of the residents within the City of Marina that contribute to the enrichment of our City are a part of the lesbian, gay, bisexual, and transgender community; and

WHEREAS, The City of Marina has a long and proud history of inclusion and civil rights;

WHEREAS, the City of Marina commends the bravery and courage of all those in the LGBTQ+ community that face adversity and various forms of violence;

WHEREAS, The Supreme Court decision guaranteeing marriage equality in all 50 States was a historic victory for the LGBTQ+ community, our country still has far to go with respect to the equitable treatment of the LGBTQ+ community;

WHEREAS, continued opposition and oppression against LGBTQ+ peoples makes it important for cities to stand up and show solidarity and support for our LGBTQ residents and the community at large;

WHEREAS, cities across the United States recognize and celebrate June as LGBTQ+ Pride Month, June has become a symbolic month in which the LGBTQ+ community and allies come together in various celebrations of pride; and

NOW THEREFORE, the City Council of the City of Marina does hereby declare the month of June as Lesbian, Gay, Bisexual, Transgender and Queer Pride month, symbolizing the City's celebration of diversity and support for the Lesbian, Gay, Bisexual, Transgender, Queer and Plus community.

Dated this 4th day of June 2024



Bruce C. Delgado, Mayor



Accounts Payable by G/L Distribution Report

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

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 6300.305 - Prof Svc HR - Citywide Recruit/Background										
11869 - Agile Occupational Medicine PC	EM017911	Agile Occupational Medicine - Pre Emp Px	Paid by EFT # 4643		04/16/2024	05/08/2024	05/08/2024		05/24/2024	177.00
11869 - Agile Occupational Medicine PC	EM018913	Agile Occupational Medicine - Pre Emp Px	Paid by EFT # 4643		05/02/2024	05/13/2024	05/13/2024		05/24/2024	354.00
11717 - Universal Background Screening - Pluto Acquisition	202404023118	Background - Credit Check	Paid by Check # 104590		04/30/2024	05/08/2024	05/08/2024		05/24/2024	13.47
							Account 6300.305 - Prof Svc HR - Citywide Recruit/Background Totals		Invoice Transactions 3	<u>\$544.47</u>
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9963770191	Monthly Verizon Bill-308174766 (4/11-5/10/24)	Paid by EFT # 4650		05/10/2024	05/20/2024	05/20/2024		05/24/2024	183.51
							Account 6380.120 - Utilities Comm Mobile & Pager Totals		Invoice Transactions 1	<u>\$183.51</u>
Account 6400.565 - Material & Suppl Office Supplies										
10732 - Office Depot-General Account	365944128001	Office Depot	Paid by Check # 104580		05/02/2024	05/20/2024	05/20/2024		05/24/2024	292.87
							Account 6400.565 - Material & Suppl Office Supplies Totals		Invoice Transactions 1	<u>\$292.87</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 5	<u>\$1,020.85</u>
							Division 000 - Non-Div Totals		Invoice Transactions 5	<u>\$1,020.85</u>
							Department 120 - City Mgr/HR/Risk Totals		Invoice Transactions 5	<u>\$1,020.85</u>
Department 130 - Finance										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.216 - Prof Svc Fin - Accounting Services										
10511 - Richard B. Standridge	24-10	Service 5/06-16/2024	Paid by EFT # 4648		05/17/2024	05/23/2024	05/23/2024		05/24/2024	2,446.25
							Account 6300.216 - Prof Svc Fin - Accounting Services Totals		Invoice Transactions 1	<u>\$2,446.25</u>
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9963770191	Monthly Verizon Bill-308174766 (4/11-5/10/24)	Paid by EFT # 4650		05/10/2024	05/20/2024	05/20/2024		05/24/2024	141.17
							Account 6380.120 - Utilities Comm Mobile & Pager Totals		Invoice Transactions 1	<u>\$141.17</u>
Account 6400.565 - Material & Suppl Office Supplies										
10732 - Office Depot-General Account	367514212001	Office Supplies-Finance	Paid by Check # 104580		05/10/2024	05/20/2024	05/20/2024		05/24/2024	416.23



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Fund 100 - General Fund										
Department 130 - Finance										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.565 - Material & Suppl Office Supplies										
10732 - Office Depot-General Account	367515016001	Office Supplies-Finance	Paid by Check # 104580		05/13/2024	05/20/2024	05/20/2024		05/24/2024	407.91
							Account 6400.565 - Material & Suppl Office Supplies Totals		Invoice Transactions 2	<u>\$824.14</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 4	<u>\$3,411.56</u>
							Division 000 - Non-Div Totals		Invoice Transactions 4	<u>\$3,411.56</u>
							Department 130 - Finance Totals		Invoice Transactions 4	<u>\$3,411.56</u>
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6150.500 - Medical Vision										
10607 - Vision Service Plan	06-01-24.	VSP Adjustment (06.2024)	Paid by Check # 104598		06/01/2024	06/01/2024	06/01/2024		05/24/2024	230.04
							Account 6150.500 - Medical Vision Totals		Invoice Transactions 1	<u>\$230.04</u>
Account 6170.400 - Other Benefits State Unempl Insur										
10222 - Employment Development Department	L0380222800	Employment Development Department 1st Q 2024	Paid by Check # 104573		03/31/2024	05/08/2024	05/08/2024		05/24/2024	2,011.85
							Account 6170.400 - Other Benefits State Unempl Insur Totals		Invoice Transactions 1	<u>\$2,011.85</u>
Account 6300.570 - Prof Svc Other										
10588 - United Site Services	INV-4499250	Windy Hill Beach and Deforest	Paid by Check # 104589		05/16/2024	05/17/2024	05/17/2024		05/24/2024	260.35
							Account 6300.570 - Prof Svc Other Totals		Invoice Transactions 1	<u>\$260.35</u>
Account 6380.150 - Utilities Comm Phone System										
10758 - AT & T CALNET3	21707594	CALNET3-9391023436 (239-461-6578)	Paid by Check # 104566		05/13/2024	05/20/2024	05/20/2024		05/24/2024	64.10
10758 - AT & T CALNET3	21716945	CALNET3-9391023491 (884-9654)	Paid by Check # 104566		05/15/2024	05/20/2024	05/20/2024		05/24/2024	90.12
10758 - AT & T CALNET3	21716937	CALNET3-9391023482 (884-0985)	Paid by Check # 104566		05/15/2024	05/20/2024	05/20/2024		05/24/2024	29.12
10758 - AT & T CALNET3	21716939	CALNET3-9391023485 (884-2573)	Paid by Check # 104566		05/15/2024	05/20/2024	05/20/2024		05/24/2024	30.23
10758 - AT & T CALNET3	21716944	CALNET3-9391023490 (884-9568)	Paid by Check # 104566		05/15/2024	05/20/2024	05/20/2024		05/24/2024	55.13
							Account 6380.150 - Utilities Comm Phone System Totals		Invoice Transactions 5	<u>\$268.70</u>



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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	May 2024 562-0	PG&E - 4758891562-0	Paid by Check # 104583		05/10/2024	05/22/2024	05/22/2024		05/24/2024	1,531.19
							Account 6380.300 - Utilities Gas & Electric Totals		Invoice Transactions 1	<u>\$1,531.19</u>
Account 6400.565 - Material & Suppl Office Supplies										
10734 - Office Depot-Public Works Dept.	362746896003	Paper	Paid by Check # 104581		05/01/2024	05/14/2024	05/14/2024		05/24/2024	40.14
10734 - Office Depot-Public Works Dept.	362746896004	Paper	Paid by Check # 104581		05/02/2024	05/14/2024	05/14/2024		05/24/2024	13.73
10734 - Office Depot-Public Works Dept.	364223831001	Ink Corp Yard	Paid by Check # 104581		04/30/2024	05/14/2024	05/14/2024		05/24/2024	128.93
10734 - Office Depot-Public Works Dept.	364236976001	Ink Corp Yard	Paid by Check # 104581		04/30/2024	05/14/2024	05/14/2024		05/24/2024	140.38
10734 - Office Depot-Public Works Dept.	364239514001	Paper	Paid by Check # 104581		04/30/2024	05/14/2024	05/14/2024		05/24/2024	254.04
10734 - Office Depot-Public Works Dept.	364239514002	Paper	Paid by Check # 104581		05/01/2024	05/14/2024	05/14/2024		05/24/2024	27.47
10734 - Office Depot-Public Works Dept.	367243257001	Corp Yard Supplies	Paid by Check # 104581		05/10/2024	05/20/2024	05/20/2024		05/24/2024	118.51
							Account 6400.565 - Material & Suppl Office Supplies Totals		Invoice Transactions 7	<u>\$723.20</u>
Account 6600.340 - Other Charges Insur - Liability										
10027 - Alliant Insurance Services - CSRMA	2658767	Alliant Pollution Liability Insurance - UST 24/25	Paid by EFT # 4644		05/08/2024	05/13/2024	05/13/2024		05/24/2024	1,773.00
							Account 6600.340 - Other Charges Insur - Liability Totals		Invoice Transactions 1	<u>\$1,773.00</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 17	<u>\$6,798.33</u>
							Division 000 - Non-Div Totals		Invoice Transactions 17	<u>\$6,798.33</u>
							Department 190 - Citywide Non-Dept Totals		Invoice Transactions 17	<u>\$6,798.33</u>
Department 210 - Police										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.150 - Utilities Comm Phone System										
10758 - AT & T CALNET3	21716968	CALNET3-9391023435 (237-267-6922)	Paid by Check # 104566		05/15/2024	05/20/2024	05/20/2024		05/24/2024	171.47
							Account 6380.150 - Utilities Comm Phone System Totals		Invoice Transactions 1	<u>\$171.47</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 1	<u>\$171.47</u>
							Division 000 - Non-Div Totals		Invoice Transactions 1	<u>\$171.47</u>
							Department 210 - Police Totals		Invoice Transactions 1	<u>\$171.47</u>



Accounts Payable by G/L Distribution Report

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

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 250 - Fire										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10005 - A-1 Sweeping Service	May 2024	City Street Sweeping (May 2024)	Paid by Check # 104561		05/31/2024	05/17/2024	05/17/2024		05/24/2024	6,172.50
							Account 6360.360 - Maint & Repairs Janitorial Totals		Invoice Transactions 1	<u>\$6,172.50</u>
Account 6400.737 - Material & Suppl Tools & Equip										
10323 - L.N. Curtis & Sons	INV789079	Routine annual service for Hurst eDraulic Tools	Paid by EFT # 4646		02/02/2024	05/20/2024	05/20/2024		05/24/2024	361.00
							Account 6400.737 - Material & Suppl Tools & Equip Totals		Invoice Transactions 1	<u>\$361.00</u>
Account 6400.739 - Material & Suppl Special Dept Exp-Fire Prevent										
10323 - L.N. Curtis & Sons	INV822952	Black LED Lantern	Paid by EFT # 4646		05/01/2024	05/20/2024	05/20/2024		05/24/2024	492.54
10323 - L.N. Curtis & Sons	INV805314	Service Mako Air Compressor	Paid by EFT # 4646		03/25/2024	05/20/2024	05/20/2024		05/24/2024	3,130.15
							Account 6400.739 - Material & Suppl Special Dept Exp-Fire Prevent Totals		Invoice Transactions 2	<u>\$3,622.69</u>
Account 6400.740 - Material & Suppl Special Dept Suppl										
10323 - L.N. Curtis & Sons	INV782771	SCBA Mask (3)	Paid by EFT # 4646		01/16/2024	05/20/2024	05/20/2024		05/24/2024	1,982.89
							Account 6400.740 - Material & Suppl Special Dept Suppl Totals		Invoice Transactions 1	<u>\$1,982.89</u>
Account 6400.795 - Material & Suppl Turnout Equip-Structure Fires										
10323 - L.N. Curtis & Sons	INV793130	Fire Jackets	Paid by EFT # 4646		02/16/2024	05/20/2024	05/20/2024		05/24/2024	375.82
							Account 6400.795 - Material & Suppl Turnout Equip-Structure Fires Totals		Invoice Transactions 1	<u>\$375.82</u>
Account 6400.796 - Material & Suppl Turnout Equip-Wildland Fires										
10323 - L.N. Curtis & Sons	INV787928	Wildland Nomex Pants (4)	Paid by EFT # 4646		01/31/2024	05/20/2024	05/20/2024		05/24/2024	1,519.67
10323 - L.N. Curtis & Sons	INV786583	White Wildland Helmet	Paid by EFT # 4646		01/26/2024	05/20/2024	05/20/2024		05/24/2024	182.11
							Account 6400.796 - Material & Suppl Turnout Equip-Wildland Fires Totals		Invoice Transactions 2	<u>\$1,701.78</u>
Account 6400.800 - Material & Suppl Uniform										
10323 - L.N. Curtis & Sons	INV780369	Uniform pants for Sam Flores	Paid by EFT # 4646		01/05/2024	05/20/2024	05/20/2024		05/24/2024	160.20
							Account 6400.800 - Material & Suppl Uniform Totals		Invoice Transactions 1	<u>\$160.20</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 9	<u>\$14,376.88</u>
							Division 000 - Non-Div Totals		Invoice Transactions 9	<u>\$14,376.88</u>
							Department 250 - Fire Totals		Invoice Transactions 9	<u>\$14,376.88</u>



Accounts Payable by G/L Distribution Report

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

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 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6360.690 - Maint & Repairs Supplies										
10728 - Ace Hardware-Public Works	088265	Supplies	Paid by Check # 104563		05/09/2024	05/15/2024	05/15/2024		05/24/2024	61.15
10728 - Ace Hardware-Public Works	088263	Supplies Corp Yard	Paid by Check # 104563		05/09/2024	05/15/2024	05/15/2024		05/24/2024	14.19
10728 - Ace Hardware-Public Works	088293	Facilities Annex	Paid by Check # 104563		05/14/2024	05/15/2024	05/15/2024		05/24/2024	56.78
10728 - Ace Hardware-Public Works	088302	Facilities Annex	Paid by Check # 104563		05/14/2024	05/15/2024	05/15/2024		05/24/2024	122.48
10728 - Ace Hardware-Public Works	088301	Facilities Vince Dimaggio Double Door Repair	Paid by Check # 104563		05/14/2024	05/15/2024	05/15/2024		05/24/2024	9.83
10728 - Ace Hardware-Public Works	088247	Supplies	Paid by Check # 104563		05/07/2024	05/15/2024	05/15/2024		05/24/2024	66.34
10728 - Ace Hardware-Public Works	088255	Supplies	Paid by Check # 104563		05/07/2024	05/15/2024	05/15/2024		05/24/2024	27.80
10046 - ARC (Former San Jose Blue)	12473485	PW Sign	Paid by Check # 104564		05/09/2024	05/14/2024	05/14/2024		05/24/2024	774.58
10275 - Home Depot Credit Service	05-13-24	Home Depot (6035 3225 0395 9813)	Paid by Check # 104575		05/13/2024	05/20/2024	05/20/2024		05/24/2024	175.37
10538 - Sherwin-Williams	5661-5	Paint	Paid by Check # 104584		05/09/2024	05/15/2024	05/15/2024		05/24/2024	183.10
10560 - Suburban Propane	1602-121311	Propane Corp Yard	Paid by Check # 104586		05/10/2024	05/15/2024	05/15/2024		05/24/2024	614.18
								Account 6360.690 - Maint & Repairs Supplies Totals	Invoice Transactions 11	\$2,105.80
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056042 051724	3040 Lake Drive	Paid by Check # 104577		05/17/2024	05/17/2024	05/17/2024		05/24/2024	126.75
10349 - Marina Coast Water District	000056006 051724	188 Seaside Circle	Paid by Check # 104577		05/17/2024	05/17/2024	05/17/2024		05/24/2024	244.13
10349 - Marina Coast Water District	000056045 051724	3100 Preston Drive	Paid by Check # 104577		05/17/2024	05/17/2024	05/17/2024		05/24/2024	1,792.94
10349 - Marina Coast Water District	000056046 051724	3100 Preston Drive	Paid by Check # 104577		05/17/2024	05/17/2024	05/17/2024		05/24/2024	161.34
10349 - Marina Coast Water District	000056061 051724	Reservation/Locke Paddon Park	Paid by Check # 104577		05/17/2024	05/17/2024	05/17/2024		05/24/2024	124.07
10349 - Marina Coast Water District	000056090 051724	Locke Paddon Park	Paid by Check # 104577		05/17/2024	05/20/2024	05/20/2024		05/24/2024	62.91
10349 - Marina Coast Water District	000056094 051724	2660 5th Ave	Paid by Check # 104577		05/17/2024	05/20/2024	05/20/2024		05/24/2024	440.92
								Account 6380.500 - Utilities Water & Sewer Totals	Invoice Transactions 7	\$2,953.06



Accounts Payable by G/L Distribution Report

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

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 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6400.800 - Material & Suppl Uniform										
12019 - Cesar Fernandez - refund only	05-16-24	Boot Reimbursement	Paid by Check # 104569		05/16/2024	05/17/2024	05/17/2024		05/24/2024	225.00
							Account 6400.800 - Material & Suppl Uniform Totals	Invoice Transactions	1	\$225.00
							Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions	19	\$5,283.86
							Division 311 - Buildings & Grounds Totals	Invoice Transactions	19	\$5,283.86
Division 313 - Vehicle Maint										
Sub-Division 00 - Non-Subdiv										
Account 6360.690 - Maint & Repairs Supplies										
10275 - Home Depot Credit Service	05-13-24	Home Depot (6035 3225 0395 9813)	Paid by Check # 104575		05/13/2024	05/20/2024	05/20/2024		05/24/2024	130.34
							Account 6360.690 - Maint & Repairs Supplies Totals	Invoice Transactions	1	\$130.34
Account 6360.850 - Maint & Repairs Vehicle										
10065 - Ben's Motorcycle Works	8075	BMW 2016 PD	Paid by Check # 104567		04/25/2024	05/20/2024	05/20/2024		05/24/2024	1,482.42
10065 - Ben's Motorcycle Works	8074	2015 BMW PD	Paid by Check # 104567		04/25/2024	05/20/2024	05/20/2024		05/24/2024	1,447.22
							Account 6360.850 - Maint & Repairs Vehicle Totals	Invoice Transactions	2	\$2,929.64
							Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions	3	\$3,059.98
							Division 313 - Vehicle Maint Totals	Invoice Transactions	3	\$3,059.98
							Department 310 - Public Works Totals	Invoice Transactions	22	\$8,343.84
Department 410 - Planning										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
10515 - Rincon Consultants, Inc.	57036	Marina Grant Support and Prohousing	Paid by EFT # 4649		05/21/2024	05/21/2024	05/21/2024		05/24/2024	1,218.80
							Account 6300.570 - Prof Svc Other Totals	Invoice Transactions	1	\$1,218.80
Account 6300.610 - Prof Svc Planning - Consultant										
10515 - Rincon Consultants, Inc.	57021	Marina On-Call GIS Services 2023	Paid by EFT # 4649		05/20/2024	05/21/2024	05/21/2024		05/24/2024	2,626.00
							Account 6300.610 - Prof Svc Planning - Consultant Totals	Invoice Transactions	1	\$2,626.00
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9963770191	Monthly Verizon Bill- 308174766 (4/11-5/10/24)	Paid by EFT # 4650		05/10/2024	05/20/2024	05/20/2024		05/24/2024	103.21
							Account 6380.120 - Utilities Comm Mobile & Pager Totals	Invoice Transactions	1	\$103.21



Accounts Payable by G/L Distribution Report

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

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 410 - Planning										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.565 - Material & Suppl Office Supplies										
10732 - Office Depot-General Account	365517100001	Building Office Furniture	Paid by Check # 104580		05/06/2024	05/21/2024	05/21/2024		05/24/2024	661.05
							Account 6400.565 - Material & Suppl Office Supplies Totals	Invoice Transactions	1	<u>\$661.05</u>
							Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions	4	<u>\$4,609.06</u>
							Division 000 - Non-Div Totals	Invoice Transactions	4	<u>\$4,609.06</u>
							Department 410 - Planning Totals	Invoice Transactions	4	<u>\$4,609.06</u>
Department 420 - Engineering										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
11984 - Duffy Group, Inc	COM-007	Public Works Director	Paid by Check # 104572		05/17/2024	05/17/2024	05/17/2024		05/24/2024	6,787.50
							Account 6300.570 - Prof Svc Other Totals	Invoice Transactions	1	<u>\$6,787.50</u>
							Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions	1	<u>\$6,787.50</u>
							Division 000 - Non-Div Totals	Invoice Transactions	1	<u>\$6,787.50</u>
							Department 420 - Engineering Totals	Invoice Transactions	1	<u>\$6,787.50</u>
Department 510 - Recreation & Culture										
Division 100 - Admin										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228744	Custodial Services for March 2024	Paid by EFT # 4645		03/25/2024	05/17/2024	05/17/2024		05/24/2024	797.39
							Account 6360.360 - Maint & Repairs Janitorial Totals	Invoice Transactions	1	<u>\$797.39</u>
Account 6380.150 - Utilities Comm Phone System										
10053 - AT & T	May 2024 520 5	AT&T 831-582-9957 520 5	Paid by Check # 104565		05/13/2024	05/20/2024	05/20/2024		05/24/2024	391.35
							Account 6380.150 - Utilities Comm Phone System Totals	Invoice Transactions	1	<u>\$391.35</u>
Account 6400.652 - Material & Suppl Recr Special Progr / Events										
11885 - A to Z Rentals, Inc	1126470	staging and step	Paid by Check # 104560		03/15/2024	05/17/2024	05/17/2024		05/24/2024	1,769.85
11784 - John Upshaw John Upshaw - DJ Monterey	06-01-24	dj services	Paid by Check # 104594		04/25/2024	05/17/2024	05/17/2024		05/24/2024	1,200.00
11784 - John Upshaw John Upshaw - DJ Monterey	06-03-24	dj services	Paid by Check # 104594		04/23/2024	05/17/2024	05/17/2024		05/24/2024	1,200.00



Accounts Payable by G/L Distribution Report

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

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 510 - Recreation & Culture										
Division 100 - Admin										
Sub-Division 00 - Non-Subdiv										
Account 6400.652 - Material & Suppl Recr Special Progr / Events										
10008 - Monterey County Department of Health - EHB	1209045	Multi-Cultural Event Permit	Paid by Check # 104578		05/20/2024	05/20/2024	05/17/2024		05/24/2024	502.00
11827 - Pacific Ag Rentals LLC / Star Sanitation	YS2024136	restroom & wash stations	Paid by Check # 104582		05/15/2024	05/17/2024	05/17/2024		05/24/2024	479.18
12025 - Print Gallery, Inc.	25859	shirts for event	Paid by Check # 104596		05/16/2024	05/22/2024	05/22/2024		05/24/2024	1,371.81
11871 - The State of California, Judicial Council	06-01-24	parking lot licensed fees	Paid by Check # 104587		05/22/2024	05/22/2024	05/22/2024		05/24/2024	200.00
							Account 6400.652 - Material & Suppl Recr Special Progr / Events Totals		Invoice Transactions 7	<u>\$6,722.84</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 9	<u>\$7,911.58</u>
							Division 100 - Admin Totals		Invoice Transactions 9	<u>\$7,911.58</u>
Division 511 - Youth										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228744	Custodial Services for March 2024	Paid by EFT # 4645		03/25/2024	05/17/2024	05/17/2024		05/24/2024	370.19
							Account 6360.360 - Maint & Repairs Janitorial Totals		Invoice Transactions 1	<u>\$370.19</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 1	<u>\$370.19</u>
							Division 511 - Youth Totals		Invoice Transactions 1	<u>\$370.19</u>
Division 512 - Teen										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228744	Custodial Services for March 2024	Paid by EFT # 4645		03/25/2024	05/17/2024	05/17/2024		05/24/2024	521.70
							Account 6360.360 - Maint & Repairs Janitorial Totals		Invoice Transactions 1	<u>\$521.70</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 1	<u>\$521.70</u>
							Division 512 - Teen Totals		Invoice Transactions 1	<u>\$521.70</u>
Division 513 - Senior										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228744	Custodial Services for March 2024	Paid by EFT # 4645		03/25/2024	05/17/2024	05/17/2024		05/24/2024	370.19
							Account 6360.360 - Maint & Repairs Janitorial Totals		Invoice Transactions 1	<u>\$370.19</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 1	<u>\$370.19</u>
							Division 513 - Senior Totals		Invoice Transactions 1	<u>\$370.19</u>
							Department 510 - Recreation & Culture Totals		Invoice Transactions 12	<u>\$9,173.66</u>
							Fund 100 - General Fund Totals		Invoice Transactions 75	<u>\$54,693.15</u>



Accounts Payable by G/L Distribution Report

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

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 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	May 2024 851-0	PG&E - 3440977851-0	Paid by Check # 104583		05/15/2024	05/22/2024	05/22/2024		05/24/2024	223.75
10463 - Pacific Gas & Electric	May 2024 148-6	PG&E - 5593414148-6	Paid by Check # 104583		05/09/2024	05/22/2024	05/22/2024		05/24/2024	9.53
10463 - Pacific Gas & Electric	May 2024 582-7	PG&E - 8161432582-7	Paid by Check # 104583		05/09/2024	05/22/2024	05/22/2024		05/24/2024	195.95
10463 - Pacific Gas & Electric	May 2024 943-2	PG&E - 6150212943-2	Paid by Check # 104583		05/09/2024	05/22/2024	05/22/2024		05/24/2024	98.15
10463 - Pacific Gas & Electric	May 2024 353-7	PG&E - 9930567353-7	Paid by Check # 104583		05/09/2024	05/22/2024	05/22/2024		05/24/2024	74.91
10463 - Pacific Gas & Electric	May 2024 202-3	PG&E - 6594070202-3	Paid by Check # 104583		05/10/2024	05/22/2024	05/22/2024		05/24/2024	128.76
10463 - Pacific Gas & Electric	May 2024 085-2	PG&E - 5434906085-2	Paid by Check # 104583		05/10/2024	05/22/2024	05/22/2024		05/24/2024	123.34
10463 - Pacific Gas & Electric	May 2024 720-0	PG&E - 0167505720-0	Paid by Check # 104583		05/10/2024	05/22/2024	05/22/2024		05/24/2024	562.37
10463 - Pacific Gas & Electric	May 2024 827-8	PG&E - 0423929827-8	Paid by Check # 104583		05/14/2024	05/22/2024	05/22/2024		05/24/2024	194.70
10463 - Pacific Gas & Electric	May 2024 535-3	PG&E - 6161832535-3	Paid by Check # 104583		05/14/2024	05/22/2024	05/22/2024		05/24/2024	331.17
								Account 6380.300 - Utilities Gas & Electric Totals	Invoice Transactions 10	<u>\$1,942.63</u>
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056040 051724	Hilo Ave	Paid by Check # 104577		05/17/2024	05/17/2024	05/17/2024		05/24/2024	28.34
10349 - Marina Coast Water District	000056028 051724	California at Jerry Ct	Paid by Check # 104577		05/17/2024	05/17/2024	05/17/2024		05/24/2024	38.22
								Account 6380.500 - Utilities Water & Sewer Totals	Invoice Transactions 2	<u>\$66.56</u>
Account 6400.740 - Material & Suppl Special Dept Suppl										
10540 - Sierra Springs & Alhambra	14225799 051324	209 Cypress Ave	Paid by Check # 104585		05/13/2024	05/15/2024	05/15/2024		05/24/2024	125.91
								Account 6400.740 - Material & Suppl Special Dept Suppl Totals	Invoice Transactions 1	<u>\$125.91</u>
								Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions 13	<u>\$2,135.10</u>
								Division 000 - Non-Div Totals	Invoice Transactions 13	<u>\$2,135.10</u>
								Department 000 - Non-Dept Totals	Invoice Transactions 13	<u>\$2,135.10</u>
								Fund 220 - Gas Tax Totals	Invoice Transactions 13	<u>\$2,135.10</u>



Accounts Payable by G/L Distribution Report

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

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										
11278 - M3 Environmental Consulting, LLC	2411601	Blight Removal	Paid by Check # 104576		05/07/2024	05/21/2024	05/21/2024		05/24/2024	21,980.00
10275 - Home Depot Credit Service	05-13-24	Home Depot (6035 3225 0395 9813)	Paid by Check # 104575		05/13/2024	05/20/2024	05/20/2024		05/24/2024	592.80
11489 - Wallace Group, Inc.	62277	Blight Removal	Paid by Check # 104593		05/17/2024	05/20/2024	05/20/2024		05/24/2024	343.75
11489 - Wallace Group, Inc.	62043	Blight Removal	Paid by Check # 104593		04/15/2024	05/20/2024	05/20/2024		05/24/2024	6,522.50
Account 6300.570 - Prof Svc Other Totals							Invoice Transactions	4		<u>\$29,439.05</u>
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	4		<u>\$29,439.05</u>
Division 000 - Non-Div Totals							Invoice Transactions	4		<u>\$29,439.05</u>
Department 000 - Non-Dept Totals							Invoice Transactions	4		<u>\$29,439.05</u>
Fund 223 - FORA Dissolution Totals							Invoice Transactions	4		<u>\$29,439.05</u>



Accounts Payable by G/L Distribution Report

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

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 6360.440 - Maint & Repairs Landscape General										
10420 - Monterey County Weekly	297-090198-00002	Notice of Hearing Seabreeze	Paid by Check # 104579		05/16/2024	05/17/2024	05/17/2024		05/24/2024	197.51
Account 6360.440 - Maint & Repairs Landscape General Totals							Invoice Transactions	1		<u>\$197.51</u>
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		<u>\$197.51</u>
Division 000 - Non-Div Totals							Invoice Transactions	1		<u>\$197.51</u>
Department 000 - Non-Dept Totals							Invoice Transactions	1		<u>\$197.51</u>
Fund 232 - Seabreeze AD Totals							Invoice Transactions	1		<u>\$197.51</u>



Accounts Payable by G/L Distribution Report

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

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 6360.440 - Maint & Repairs Landscape General										
10420 - Monterey County Weekly	296-090198-00002	Notice of Public Hearing Monterey Bay Estates	Paid by Check # 104579		05/17/2024	05/17/2024	05/17/2024		05/24/2024	197.51
Account 6360.440 - Maint & Repairs Landscape General Totals							Invoice Transactions	1		<u>\$197.51</u>
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		<u>\$197.51</u>
Division 000 - Non-Div Totals							Invoice Transactions	1		<u>\$197.51</u>
Department 000 - Non-Dept Totals							Invoice Transactions	1		<u>\$197.51</u>
Fund 233 - Monterey Bay Estates AD Totals							Invoice Transactions	1		<u>\$197.51</u>



Accounts Payable by G/L Distribution Report

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

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 6360.440 - Maint & Repairs Landscape General										
10420 - Monterey County Weekly	298-090198-00002	Notice of Public Hearing Cypress Cove II	Paid by Check # 104579		05/16/2024	05/17/2024	05/17/2024		05/24/2024	197.51
Account 6360.440 - Maint & Repairs Landscape General Totals							Invoice Transactions	1		<u>\$197.51</u>
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		<u>\$197.51</u>
Division 000 - Non-Div Totals							Invoice Transactions	1		<u>\$197.51</u>
Department 000 - Non-Dept Totals							Invoice Transactions	1		<u>\$197.51</u>
Fund 235 - Cypress Cove II AD Totals							Invoice Transactions	1		<u>\$197.51</u>



Accounts Payable by G/L Distribution Report

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

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 6360.441 - Maint & Repairs Landscape Tree & ExtraordinarySvc										
10152 - Collins Electric Co., Inc.	S2240211-1	Reservation Rd & Del Monte Blvd	Paid by Check # 104571		05/08/2024	05/14/2024	05/14/2024		05/24/2024	531.41
								Account 6360.441 - Maint & Repairs Landscape Tree & ExtraordinarySvc Totals	Invoice Transactions 1	<u>531.41</u>
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	012016000 051724	199 A Paddon Place	Paid by Check # 104577		05/17/2024	05/17/2024	05/17/2024		05/24/2024	61.02
								Account 6380.500 - Utilities Water & Sewer Totals	Invoice Transactions 1	<u>61.02</u>
								Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions 2	<u>592.43</u>
								Division 000 - Non-Div Totals	Invoice Transactions 2	<u>592.43</u>
								Department 000 - Non-Dept Totals	Invoice Transactions 2	<u>592.43</u>
								Fund 251 - CFD - Locke Paddon Totals	Invoice Transactions 2	<u>592.43</u>



Accounts Payable by G/L Distribution Report

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

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										
11776 - Bianca E. Koenig - BEK Collective	030-003	Marina Gateway Signs	Paid by Check # 104568		05/03/2024	05/20/2024	05/20/2024		05/24/2024	12,260.96
10268 - Harris & Associates	62726	Imjin Parkway Improvement Plan	Paid by Check # 104574		05/16/2024	05/17/2024	05/17/2024		05/24/2024	182,923.67
11762 - Raimi + Associates, Inc	23-6233	Marina GPU January 2024	Paid by EFT # 4647		02/29/2024	05/21/2024	05/21/2024		05/24/2024	11,857.40
11266 - Verde Design, Inc.	12-2207300	Glorya Jean Tate Park Improvement Project	Paid by Check # 104591		05/14/2024	05/20/2024	05/20/2024		05/24/2024	13,597.84
10275 - Home Depot Credit Service	05-13-24	Home Depot (6035 3225 0395 9813)	Paid by Check # 104575		05/13/2024	05/20/2024	05/20/2024		05/24/2024	178.70
10515 - Rincon Consultants, Inc.	57017	Marina Housing Element Update-April 2024	Paid by EFT # 4649		05/20/2024	05/20/2024	05/20/2024		05/24/2024	2,564.50
10515 - Rincon Consultants, Inc.	57035	Marina Downtown Vitalization SP and EIR April 2024	Paid by EFT # 4649		05/21/2024	05/21/2024	05/21/2024		05/24/2024	689.00
11199 - WALD, RUHNKE & DOST ARCHITECTS, LLP	2301421	Equestrian Center	Paid by Check # 104592		12/31/2023	05/20/2024	05/20/2024		05/24/2024	1,980.00
11489 - Wallace Group, Inc.	62182	Salinas Ave Widening	Paid by Check # 104593		05/15/2024	05/20/2024	05/20/2024		05/24/2024	8,401.25
Account 6300.570 - Prof Svc Other Totals							Invoice Transactions	9		<u>\$234,453.32</u>
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	9		<u>\$234,453.32</u>
Division 000 - Non-Div Totals							Invoice Transactions	9		<u>\$234,453.32</u>
Department 000 - Non-Dept Totals							Invoice Transactions	9		<u>\$234,453.32</u>
Fund 462 - City Capital Projects Totals							Invoice Transactions	9		<u>\$234,453.32</u>



Accounts Payable by G/L Distribution Report

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

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 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9963770191	Monthly Verizon Bill-308174766 (4/11-5/10/24)	Paid by EFT #4650		05/10/2024	05/20/2024	05/20/2024		05/24/2024	51.58
Account 6380.120 - Utilities Comm Mobile & Pager Totals							Invoice Transactions	1		<u>\$51.58</u>
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	1		<u>\$51.58</u>
Division 000 - Non-Div Totals							Invoice Transactions	1		<u>\$51.58</u>
Department 000 - Non-Dept Totals							Invoice Transactions	1		<u>\$51.58</u>
Fund 555 - Marina Airport Totals							Invoice Transactions	1		<u>\$51.58</u>
Grand Totals							Invoice Transactions	107		<u>\$321,957.16</u>



Accounts Payable by G/L Distribution Report

Payment Date Range 05/31/24 - 05/31/24

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										
11425 - Formation Environmental, LLC	8516	Professional Services - GSA GSPlan Task 9 - Jan-Apr 2024	Paid by EFT # 4673		04/28/2024	05/22/2024	05/22/2024		05/31/2024	33,698.75
11505 - Shartsis Friese LLP	5491327	Professional Services - MPWSP - April 2024	Paid by Check # 104610		05/28/2024	05/28/2024	05/28/2024		05/31/2024	156,623.53
							Account 6300.465 - Prof Svc Legal - Special Counsel Totals		Invoice Transactions 2	<u>\$190,322.28</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 2	<u>\$190,322.28</u>
							Division 000 - Non-Div Totals		Invoice Transactions 2	<u>\$190,322.28</u>
							Department 120 - City Mgr/HR/Risk Totals		Invoice Transactions 2	<u>\$190,322.28</u>
Department 150 - City Attorney										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc										
10257 - Goldfarb & Lipman	472609	The Dunes - April 2024	Paid by EFT # 4674		05/20/2024	05/22/2024	05/22/2024		05/31/2024	1,120.00
10257 - Goldfarb & Lipman	472608	General - April 2024	Paid by EFT # 4674		05/20/2024	05/22/2024	05/22/2024		05/31/2024	1,120.00
11704 - Wellington & Rathie - Robert R Wellington Jr.	26398	Police Personnel Matters - April 2023	Paid by Check # 104616		05/20/2024	05/22/2024	05/22/2024		05/31/2024	40.00
							Account 6300.450 - Prof Svc Legal - City Attorney Other Svc Totals		Invoice Transactions 3	<u>\$2,280.00</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 3	<u>\$2,280.00</u>
							Division 000 - Non-Div Totals		Invoice Transactions 3	<u>\$2,280.00</u>
							Department 150 - City Attorney Totals		Invoice Transactions 3	<u>\$2,280.00</u>
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6150.200 - Medical Dental										
10737 - Premier Access Insurance-Premium Payment	06-01-.24	Dental Claim (06.2024)	Paid by Check # 104617		06/01/2024	06/01/2024	06/01/2024		05/31/2024	2,818.87
							Account 6150.200 - Medical Dental Totals		Invoice Transactions 1	<u>\$2,818.87</u>
Account 6360.570 - Maint & Repairs Other Svc Agr										
10129 - Cintas Corporation	4193772977	Mat Service City Hall	Paid by Check # 104602		05/24/2024	05/28/2024	05/28/2024		05/31/2024	52.60
							Account 6360.570 - Maint & Repairs Other Svc Agr Totals		Invoice Transactions 1	<u>\$52.60</u>
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	May 2024 795-7	PG&E - 4467294795-7	Paid by Check # 104609		05/21/2024	05/28/2024	05/28/2024		05/31/2024	547.91
10463 - Pacific Gas & Electric	May 2024 172-2	PG&E - 5618207172-2	Paid by Check # 104609		05/19/2024	05/28/2024	05/28/2024		05/31/2024	798.16



Accounts Payable by G/L Distribution Report

Payment Date Range 05/31/24 - 05/31/24

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 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	May 2024 683-2	PG&E 6217294683-2	Paid by Check # 104609		05/17/2024	05/28/2024	05/28/2024		05/31/2024	186.36
							Account 6380.300 - Utilities Gas & Electric Totals		Invoice Transactions 3	<u>\$1,532.43</u>
Account 6400.635 - Material & Suppl Postage Shipping										
10235 - FedEx	8-509-70775	Shping Charges - BMR Housing Program	Paid by Check # 104603		05/24/2024	05/22/2024	05/22/2024		05/31/2024	47.28
							Account 6400.635 - Material & Suppl Postage Shipping Totals		Invoice Transactions 1	<u>\$47.28</u>
Account 6600.010 - Other Charges Alarm										
10239 - First Alarm	819010	Alarm Monitoring - 211 Hillcrest Ave	Paid by EFT # 4672		05/15/2024	05/22/2024	05/22/2024		05/31/2024	109.62
10239 - First Alarm	821430	Alarm Monitoring - 3200 Del Monte Blvd.	Paid by EFT # 4672		05/15/2024	05/22/2024	05/22/2024		05/31/2024	176.04
							Account 6600.010 - Other Charges Alarm Totals		Invoice Transactions 2	<u>\$285.66</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 8	<u>\$4,736.84</u>
							Division 000 - Non-Div Totals		Invoice Transactions 8	<u>\$4,736.84</u>
							Department 190 - Citywide Non-Dept Totals		Invoice Transactions 8	<u>\$4,736.84</u>
Department 210 - Police										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228745	Janitorial Service - Police/Fire/Airport March 2024	Paid by EFT # 4670		03/25/2024	05/17/2024	05/17/2024		05/31/2024	1,308.34
10080 - Branch's Janitorial	228770	Janitorial Service - Police/Fire/Airport May 2024	Paid by EFT # 4670		05/27/2024	05/29/2024	05/29/2024		05/31/2024	1,308.34
							Account 6360.360 - Maint & Repairs Janitorial Totals		Invoice Transactions 2	<u>\$2,616.68</u>
Account 6400.785 - Material & Suppl Trophies & Awards										
10594 - V&V Manufacturing	58446	Marina police Dept - Officer of the Year badge	Paid by Check # 104613		01/23/2024	05/24/2024	05/24/2024		05/31/2024	117.92
							Account 6400.785 - Material & Suppl Trophies & Awards Totals		Invoice Transactions 1	<u>\$117.92</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 3	<u>\$2,734.60</u>
							Division 000 - Non-Div Totals		Invoice Transactions 3	<u>\$2,734.60</u>
							Department 210 - Police Totals		Invoice Transactions 3	<u>\$2,734.60</u>



Accounts Payable by G/L Distribution Report

Payment Date Range 05/31/24 - 05/31/24

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 250 - Fire										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228745	Janitorial Service - Police/Fire/Airport March 2024	Paid by EFT # 4670		03/25/2024	05/17/2024	05/17/2024		05/31/2024	516.66
10080 - Branch's Janitorial	228770	Janitorial Service - Police/Fire/Airport May 2024	Paid by EFT # 4670		05/27/2024	05/29/2024	05/29/2024		05/31/2024	516.66
							Account 6360.360 - Maint & Repairs Janitorial Totals		Invoice Transactions 2	<u>\$1,033.32</u>
Account 6360.570 - Maint & Repairs Other Svc Agr										
10129 - Cintas Corporation	4193773016	Shop towels	Paid by Check # 104602		05/24/2024	05/29/2024	05/29/2024		05/31/2024	138.05
							Account 6360.570 - Maint & Repairs Other Svc Agr Totals		Invoice Transactions 1	<u>\$138.05</u>
Account 6360.850 - Maint & Repairs Vehicle										
10927 - Ace Hardware - Fire Dept.	088319	Cored plug for 21-01 Auto Drain	Paid by Check # 104599		05/16/2024	05/17/2024	05/17/2024		05/31/2024	34.92
							Account 6360.850 - Maint & Repairs Vehicle Totals		Invoice Transactions 1	<u>\$34.92</u>
Account 6400.740 - Material & Suppl Special Dept Suppl										
10927 - Ace Hardware - Fire Dept.	088355	Cleaning Supplies for Station 2	Paid by Check # 104599		05/21/2024	05/22/2024	05/22/2024		05/31/2024	84.54
11976 - Kaye F Foster / Elite Backgrounds	749	Background for Frank Isola and Adam Lawson	Paid by Check # 104604		05/22/2024	05/29/2024	05/29/2024		05/31/2024	1,400.00
							Account 6400.740 - Material & Suppl Special Dept Suppl Totals		Invoice Transactions 2	<u>\$1,484.54</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 6	<u>\$2,690.83</u>
							Division 000 - Non-Div Totals		Invoice Transactions 6	<u>\$2,690.83</u>
							Department 250 - Fire Totals		Invoice Transactions 6	<u>\$2,690.83</u>
Department 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6360.065 - Maint & Repairs Bdg NonFlagship										
10580 - Tri County Fire Protection	SY107080	Vince Dimaggio	Paid by Check # 104612		05/21/2024	05/22/2024	05/22/2024		05/31/2024	166.85
							Account 6360.065 - Maint & Repairs Bdg NonFlagship Totals		Invoice Transactions 1	<u>\$166.85</u>
Account 6400.800 - Material & Suppl Uniform										
10043 - VESTIS GROUP, INC./(f/k/a ARAMARK UNIFORM & C	5110466473	PW Uniforms	Paid by Check # 104614		05/17/2024	05/22/2024	05/22/2024		05/31/2024	166.58
							Account 6400.800 - Material & Suppl Uniform Totals		Invoice Transactions 1	<u>\$166.58</u>
							Sub-Division 00 - Non-Subdiv Totals		Invoice Transactions 2	<u>\$333.43</u>
							Division 311 - Buildings & Grounds Totals		Invoice Transactions 2	<u>\$333.43</u>



Accounts Payable by G/L Distribution Report

Payment Date Range 05/31/24 - 05/31/24

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 310 - Public Works											
Division 313 - Vehicle Maint											
Sub-Division 00 - Non-Subdiv											
Account 6360.690 - Maint & Repairs Supplies											
10728 - Ace Hardware-Public Works	088361	Tate Park	Paid by Check # 104600		05/21/2024	05/22/2024	05/22/2024		05/31/2024	28.38	
10728 - Ace Hardware-Public Works	088349	Supplies	Paid by Check # 104600		05/21/2024	05/22/2024	05/22/2024		05/31/2024	13.09	
10728 - Ace Hardware-Public Works	088350	Corp Yard Protective Gear	Paid by Check # 104600		05/21/2024	05/22/2024	05/22/2024		05/31/2024	68.79	
10728 - Ace Hardware-Public Works	088329	Supplies	Paid by Check # 104600		05/17/2024	05/22/2024	05/22/2024		05/31/2024	54.59	
10728 - Ace Hardware-Public Works	088328	Protective Gear	Paid by Check # 104600		05/17/2024	05/22/2024	05/22/2024		05/31/2024	21.84	
10728 - Ace Hardware-Public Works	088375	Vince Dimaggio	Paid by Check # 104600		05/22/2024	05/22/2024	05/22/2024		05/31/2024	18.56	
10728 - Ace Hardware-Public Works	088324	Corp Yard Facilities	Paid by Check # 104600		05/16/2024	05/22/2024	05/22/2024		05/31/2024	55.70	
									Account 6360.690 - Maint & Repairs Supplies Totals	Invoice Transactions 7	\$260.95
Account 6360.850 - Maint & Repairs Vehicle											
10428 - Monterey Tire Service	1-118132	PD Tires	Paid by Check # 104607		05/02/2024	05/22/2024	05/22/2024		05/31/2024	1,576.46	
10403 - NAPA Auto Parts - former Monterey Auto Supply	980863	Rotor	Paid by Check # 104608		05/05/2023	05/14/2024	05/14/2024		05/31/2024	(174.28)	
10403 - NAPA Auto Parts - former Monterey Auto Supply	969112	Air Filter	Paid by Check # 104608		03/10/2023	05/14/2024	05/14/2024		05/31/2024	(37.78)	
10403 - NAPA Auto Parts - former Monterey Auto Supply	941464	Fuel Filter	Paid by Check # 104608		10/19/2022	05/14/2024	05/14/2024		05/31/2024	(66.41)	
10403 - NAPA Auto Parts - former Monterey Auto Supply	053497	Warranty	Paid by Check # 104608		04/29/2024	05/14/2024	05/14/2024		05/31/2024	(72.05)	
10403 - NAPA Auto Parts - former Monterey Auto Supply	049346	Core Deposit	Paid by Check # 104608		04/09/2024	05/15/2024	05/15/2024		05/31/2024	(79.95)	
10403 - NAPA Auto Parts - former Monterey Auto Supply	034846	Core Deposit	Paid by Check # 104608		01/29/2024	05/15/2024	05/15/2024		05/31/2024	(19.67)	
10403 - NAPA Auto Parts - former Monterey Auto Supply	4006-055267	PD Brake Pads	Paid by Check # 104608		05/07/2024	05/22/2024	05/22/2024		05/31/2024	301.72	
10403 - NAPA Auto Parts - former Monterey Auto Supply	057408	FD	Paid by Check # 104608		05/17/2024	05/22/2024	05/22/2024		05/31/2024	198.49	
									Account 6360.850 - Maint & Repairs Vehicle Totals	Invoice Transactions 9	\$1,626.53
									Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions 16	\$1,887.48
									Division 313 - Vehicle Maint Totals	Invoice Transactions 16	\$1,887.48
									Department 310 - Public Works Totals	Invoice Transactions 18	\$2,220.91



Accounts Payable by G/L Distribution Report

Payment Date Range 05/31/24 - 05/31/24

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 410 - Planning										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6330.100 - Fee Agr Costs - Planning										
10316 - Kimley-Horn & Associates	28149539	Marina Station Traffic	Paid by Check # 104605		04/30/2024	05/28/2024	05/28/2024		05/31/2024	2,359.73
							Account 6330.100 - Fee Agr Costs - Planning Totals	Invoice Transactions 1		<u>\$2,359.73</u>
Account 6400.352 - Material & Suppl IT - Software (non-capitalize)										
10046 - ARC (Former San Jose Blue)	12481383	Lease/Payment May 24	Paid by Check # 104601		05/17/2024	05/28/2024	05/28/2024		05/31/2024	326.46
							Account 6400.352 - Material & Suppl IT - Software (non-capitalize) Totals	Invoice Transactions 1		<u>\$326.46</u>
							Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions 2		<u>\$2,686.19</u>
							Division 000 - Non-Div Totals	Invoice Transactions 2		<u>\$2,686.19</u>
							Department 410 - Planning Totals	Invoice Transactions 2		<u>\$2,686.19</u>
Department 420 - Engineering										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6330.200 - Fee Agr Costs - Engineering										
10171 - CSG Consultants	56292	Via Del Mar Subdivision (3220 Abdy Way)	Paid by EFT # 4671		05/10/2024	05/13/2024	05/13/2024		05/31/2024	2,310.00
							Account 6330.200 - Fee Agr Costs - Engineering Totals	Invoice Transactions 1		<u>\$2,310.00</u>
							Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions 1		<u>\$2,310.00</u>
							Division 000 - Non-Div Totals	Invoice Transactions 1		<u>\$2,310.00</u>
							Department 420 - Engineering Totals	Invoice Transactions 1		<u>\$2,310.00</u>
Department 430 - Building Inspection										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.565 - Material & Suppl Office Supplies										
10456 - Shred-it USA - Stericycle, Inc.	8007273003	Planning Shred	Paid by Check # 104611		05/25/2024	05/28/2024	05/28/2024		05/31/2024	658.31
							Account 6400.565 - Material & Suppl Office Supplies Totals	Invoice Transactions 1		<u>\$658.31</u>
							Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions 1		<u>\$658.31</u>
							Division 000 - Non-Div Totals	Invoice Transactions 1		<u>\$658.31</u>
							Department 430 - Building Inspection Totals	Invoice Transactions 1		<u>\$658.31</u>
							Fund 100 - General Fund Totals	Invoice Transactions 44		<u>\$210,639.96</u>



Accounts Payable by G/L Distribution Report

Payment Date Range 05/31/24 - 05/31/24

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 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	080-9.May24	5th Ave Bldg 1A-136 (3479881080-9)	Paid by Check # 104609		05/09/2024	05/22/2024	05/22/2024		05/31/2024	23.82
10463 - Pacific Gas & Electric	May 2024 533-8	PG&E - 2253666533-8	Paid by Check # 104609		05/17/2024	05/28/2024	05/28/2024		05/31/2024	150.80
10463 - Pacific Gas & Electric	May 2024 362-9	PG&E - 5996678362-9	Paid by Check # 104609		05/19/2024	05/28/2024	05/28/2024		05/31/2024	160.51
10463 - Pacific Gas & Electric	May 2024 683-2	PG&E 6217294683-2	Paid by Check # 104609		05/17/2024	05/28/2024	05/28/2024		05/31/2024	570.71
								Account 6380.300 - Utilities Gas & Electric Totals	Invoice Transactions 4	<u>\$905.84</u>
Account 6400.800 - Material & Suppl Uniform										
10043 - VESTIS GROUP, INC./f/k/a ARAMARK UNIFORM & C	5110466474	PW Shop Supplies	Paid by Check # 104614		05/17/2024	05/22/2024	05/22/2024		05/31/2024	70.51
								Account 6400.800 - Material & Suppl Uniform Totals	Invoice Transactions 1	<u>\$70.51</u>
								Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions 5	<u>\$976.35</u>
								Division 000 - Non-Div Totals	Invoice Transactions 5	<u>\$976.35</u>
								Department 000 - Non-Dept Totals	Invoice Transactions 5	<u>\$976.35</u>
								Fund 220 - Gas Tax Totals	Invoice Transactions 5	<u>\$976.35</u>



Accounts Payable by G/L Distribution Report

Payment Date Range 05/31/24 - 05/31/24

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 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	May 2024 272-1	PG&E - 2862559272-1	Paid by Check # 104609		05/17/2024	05/28/2024	05/28/2024		05/31/2024	41.34
							Account 6380.300 - Utilities Gas & Electric Totals	Invoice Transactions	1	<u>\$41.34</u>
							Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions	1	<u>\$41.34</u>
							Division 000 - Non-Div Totals	Invoice Transactions	1	<u>\$41.34</u>
							Department 000 - Non-Dept Totals	Invoice Transactions	1	<u>\$41.34</u>
							Fund 251 - CFD - Locke Paddon Totals	Invoice Transactions	1	<u>\$41.34</u>



Accounts Payable by G/L Distribution Report

Payment Date Range 05/31/24 - 05/31/24

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										
10425 - Monterey Peninsula Engineering	03-33 10	March Imjin Payment	Paid by Check # 104606		03/31/2024	05/22/2024	05/22/2024		05/31/2024	1,161,833.69
11489 - Wallace Group, Inc.	62352	Del Monte Medians	Paid by Check # 104615		05/20/2024	05/28/2024	05/28/2024		05/31/2024	24,181.88
10171 - CSG Consultants	56293	Marina Carmel Ave Drainage Improvements	Paid by EFT # 4671		05/10/2024	05/13/2024	05/13/2024		05/31/2024	6,642.50
10171 - CSG Consultants	56294	Marina Dr Drainage Improvements	Paid by EFT # 4671		05/10/2024	05/13/2024	05/13/2024		05/31/2024	5,532.50
Account 6300.570 - Prof Svc Other Totals							Invoice Transactions	4		<u>\$1,198,190.57</u>
Sub-Division 00 - Non-Subdiv Totals							Invoice Transactions	4		<u>\$1,198,190.57</u>
Division 000 - Non-Div Totals							Invoice Transactions	4		<u>\$1,198,190.57</u>
Department 000 - Non-Dept Totals							Invoice Transactions	4		<u>\$1,198,190.57</u>
Fund 462 - City Capital Projects Totals							Invoice Transactions	4		<u>\$1,198,190.57</u>



Accounts Payable by G/L Distribution Report

Payment Date Range 05/31/24 - 05/31/24

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 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228745	Janitorial Service - Police/Fire/Airport March 2024	Paid by EFT # 4670		03/25/2024	05/17/2024	05/17/2024		05/31/2024	410.00
10080 - Branch's Janitorial	228770	Janitorial Service - Police/Fire/Airport May 2024	Paid by EFT # 4670		05/27/2024	05/29/2024	05/29/2024		05/31/2024	410.00
							Account 6360.360 - Maint & Repairs Janitorial Totals	Invoice Transactions 2		<u>\$820.00</u>
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	May 2024 683-2	PG&E 6217294683-2	Paid by Check # 104609		05/17/2024	05/28/2024	05/28/2024		05/31/2024	123.64
							Account 6380.300 - Utilities Gas & Electric Totals	Invoice Transactions 1		<u>\$123.64</u>
							Sub-Division 00 - Non-Subdiv Totals	Invoice Transactions 3		<u>\$943.64</u>
							Division 000 - Non-Div Totals	Invoice Transactions 3		<u>\$943.64</u>
							Department 000 - Non-Dept Totals	Invoice Transactions 3		<u>\$943.64</u>
							Fund 555 - Marina Airport Totals	Invoice Transactions 3		<u>\$943.64</u>
							Grand Totals	Invoice Transactions 57		<u>\$1,410,791.86</u>



DRAFT

Agenda Item: **10b(1)**
City Council Meeting of
June 4, 2024

MINUTES

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.

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 Pro-Tem/Vice Chair Liesbeth Visscher

MEMBERS ABSENT: Mayor/Chair Bruce C. Delgado
3. PUBLIC COMMENT ON CLOSED SESSION ITEMS: None

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

City Attorney reported out Closed Session: With regard to item 4a(iii), 306 Reservation Road, Unit 6 the City Council exercised the “option to purchase” and no other reportable action was taken.

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

6. SPECIAL PRESENTATIONS:

a. County Housing Element Opportunity Sites Presentation.

7. COUNCIL AND STAFF ANNOUNCEMENTS:

- Council Member McAdams – Commented on school graduations taking place and spoke about the history of Memorial Day.
- Recreation Director Willer – Announced Multicultural Festival on June 1, 2024, at Vince Di Maggio Park from 11:00am-3:00pm. Announced May 31, 2024, last day of school and summer camp signups.
- Council Member McCarthy – Announced Marina’s 3rd annual Pride Flag raising ceremony on June 1st at 10:30am at the corner of Del Monte Blvd. and Reservation Rd. at the main flagpole.
- Council Member Biala – Announced Sister City Program delegates from Marina returned from Namwon South Korea and noted there will be a slide prestation at the June 4th council meeting of what we learned while there.

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.*

- Cristina Medina Dirksen – Commented on Chaparral Country Corporation.
- Christopher Wilmot – Asked about a memorial bench at the beach in honor of his father.
- Denise Turley – Commented on Imjin Widening project and no issues so far.
- Michelle B – Commented on Chaparral Country Corporation.

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. 2024-47**, 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

l. **APPROVE ORDINANCES (WAIVE SECOND READING):**

m. **APPROVE APPOINTMENTS:** None

Mayor Pro Tem Visscher requested to vote on agenda item 10b(1) separately since she was not present during that meeting.

MCCARTHY/BIALA: TO APPROVE THE CONSENT AGENDA MINUS 10b(1). 4-0-1(Delgado)-0 Motion Passes

MCCARTHY/BIALA: TO APPROVE AGENDA ITEM 10b(1). 3-0-1(Delgado)-0 Motion Passes

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. 2024-48**, 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)*

Mayor Opened public hearing for comments: None received.

MCADAMS/MCCARTHY: TO ADOPT RESOLUTION NO. 2024-48, 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. 4-0-1(Delgado)-0 Motion Passes.

- b. Council open a public hearing and consider adopting **Resolution No. 2024-49**, 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)*

Mayor Opened public hearing for comments: None received.

MCCARTHY/BIALA: TO ADOPT RESOLUTION NO. 2024-49, 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. 4-0-1(Delgado)-0 Motion Passes

- c. Council open a public hearing and consider adopting **Resolution No. 2024-50**, 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)*

Mayor Opened public hearing for comments: None received.

BIALA/MCCARTHY: TO ADOPT RESOLUTION NO. 2024-50, 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. 4-0-

1(Delgado)-0 Motion Passes

- 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). *Item continued to June 4, 2024.*

Mayor Opened public hearing for comments:

The following people spoke in support of the MST Project:

Kevin Date, Todd Muck, Michael Hernandez, Christopher Wilmot, Nickolas Crecker, Maryann Leffel, Wendy Root Askew, Mike LeBarre, Tonja Roos.

The following people spoke in opposition of the MST Project:

Howard Gustafson, Unknown person, Margaret Davis, Tommy Bolea

BIALA/MCCARTHY: TO TABLE/CONTINUED THIS ITEM AND DISCUSS IN CLOSED SESSION AND OPEN SESSION WITHIN THE 60-DAY TIMEFRAME. 4-0-

1(Delgado)-0 Motion Passes

- e. City Council open public hearing and consider introduction of **Ordinance No. 2024-06**, 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.

Mayor Opened public hearing for comments: None received.

BIALA/MCADAMS: TO APPROVE THE INTRODUCTION OF ORDINANCE NO. 2024-06, 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. 4-0-1(Delgado)-0 Motion Passes

- 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. 2024-51**, 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)*

Public Comments: None received.

MCADAMS/BIALA: TO ADOPT RESOLUTION NO. 2024-51, 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. 4-0-1(Delgado)-0 Motion Passes

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:** The meeting adjourned at 9:42 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Liesbeth Visscher, Mayor Pro Tem

May 30, 2024

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

Honorable Mayor and Members
of the Marina City Council

City Council Meeting of
June 4, 2024

**RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2024-,
APPROVING ADVERTISING AND CALL FOR BIDS FOR THE 2024
CITYWIDE STREET RECONSTRUCTION PROJECT**

RECOMMENDATION: It is recommended that the City Council consider:

1. Adopting Resolution No. 2024-, approving advertising and call for bids for the 2024 Citywide Street Reconstruction Project.

BACKGROUND:

At the regular meeting of June 20, 2023, the City Council of the City of Marina adopted Resolution No. 2023-66, receiving a presentation on the City's Pavement Management Program for Fiscal Years 23/24, 24/25 and 25/26. As part of the staff presentation, the City's annual street resurfacing project was introduced with Senate Bill 1 Road Maintenance and Rehabilitation Account funds, Measure X and General Fund funding for roadway maintenance.

ANALYSIS:

The annual resurfacing of streets will extend the useful life of the City's pavement infrastructure. Streets are selected by the pavement management program to provide the greatest benefit to the street network within the given budget. The proposed project to be advertised is one of two Phases of Construction for this fiscal year. This Phase will address specific areas of the City that require full-reconstruction of the roadway (**EXHIBIT A**).

FISCAL IMPACT:

There is no fiscal impact to calling for bids. The current budget for this project is approximately \$11 million. The project's budget is funded with Senate Bill 1 Road Maintenance and Rehabilitation Account funds, Measure X and General Fund funding for roadway maintenance.

CEQA Findings:

The City has determined the project exempt from environmental review per § 15301(b) of the CEQA Guidelines for Existing Facilities.

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
APPROVING ADVERTISING AND CALL FOR BIDS FOR THE 2024
CITYWIDE STREET RECONSTRUCTION PROJECT

WHEREAS, at the regular meeting of June 20, 2023, the City Council of the City of Marina adopted Resolution No. 2023-66, receiving a presentation on the City's Pavement Management Program for Fiscal Years 23/24, 24/25 and 25/26. As part of the staff presentation, the City's annual street resurfacing project was introduced with Senate Bill 1 Road Maintenance and Rehabilitation Account funds, Measure X and General Fund funding for roadway maintenance, and;

WHEREAS, the annual resurfacing of streets will extend the useful life of the City's pavement infrastructure. Streets are selected by the pavement management program to provide the greatest benefit to the street network within the given budget. The proposed project to be advertised is one of two Phases of Construction for this fiscal year. This Phase will address specific areas of the City that require full-reconstruction of the roadway, and;

WHEREAS, there is no fiscal impact to calling for bids. The current budget for this project is approximately \$11 million. The project's budget is funded with Senate Bill 1 Road Maintenance and Rehabilitation Account funds, Measure X and General Fund funding for roadway maintenance, and;

WHEREAS, the City has determined the project exempt from environmental review per § 15301(b) of the CEQA Guidelines for Existing Facilities, and;

WHEREAS, the project is ready for advertisement.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby approve advertising and call for bids for the 2024 Citywide Street Reconstruction Project.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 4th day of June 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



Road Name	Beginning At	Ending At
ABDY WAY	SW END	HEALY AVE
ANDREW CIR	LYNSCOTT DR	END
COSKY DR	DEL MONTE BLVD	COSKY DR
CRIVELLO RD	Lynscott Dr	END
DREW ST	WEST ABDY WY	480' N/O ABDY WY
ELBA CIR	Everett Cir	END
ELLEN CT	Reservation Rd	END
EUCALYPTUS ST	Reservation Rd	Private Road
EVERETT CIR	Vaughan Ave	END
GLORIA CIR	Sunrise Cir	END
GRANT ST	Owen Ave	Talcott Ave
HIBBING CIR	Zanetta Dr	END
JEAN CIR	Jean St	END
JERRY CT	California Ave	END

Road Name	Beginning At	Ending At
LARSON CT	Reindollar Ave	END
MARINA DR	Paddon Pl	Palm Ave
MICHAEL DR	BEACH RD	BEGONIA CIR
O'SULLIVAN CT	California Ave	END
PEPPERTREE PL	Cardoza Ave	END
WHITE CIR	Whitney Pl	END
MICHAEL DR	BEGONIA CIR	141'N/O HARBEN CIR
MORTIMER LN	Del Monte Blvd	END
PADDON PL	Lake Dr	Marina Dr
PLEASANT CIR	Carmel Ave	END
REDWOOD CIR	Carmel Ave	NORTH END
RIDGEVIEW AVE	Bostock Ave	Bayer Dr
WHITNEY PL	CRESCENT AVE	END
ZANETTA DR	Hillcrest Ave	Carmel Ave

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

Phase 1
Citywide Street
Reconstruction Exhibit
 CIP APR1801

Exhibit A

05/30/2024

PH: (831) 884-1212
 FAX: (831) 384-0425



SCALE: NONE

May 22, 2024

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

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 4, 2024

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2024-,
CERTIFYING CITY OF MARINA COMPLIANCE WITH STATE LAW
(PROPOSITION 218) WITH RESPECT TO SPECIAL ASSESSMENT FOR
THE CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT
DISTRICT FOR FISCAL YEAR 2024-2025**

RECOMMENDATION:

It is requested that the City Council consider:

- (1) Adopting Resolution No. 2024-, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for the Cypress Cove II Landscape Maintenance Assessment District for FY 2024-2025.

BACKGROUND:

On May 21 2024, the City Council passed Resolution No. 2024-48, setting FY 2024-2025 special assessment for the Cypress Cove II Landscape Maintenance Assessment District, as recommended in the Engineer's report.

Except for the Constitutionally-limited 1% ad valorem tax, the Monterey County Auditor-Controller will not place taxes, assessments, fees or charges on the rolls unless the City Council certifies by resolution that the City is in compliance with Proposition 218, the 1996 'Right to Vote on Taxes Act' with respect to each such tax, assessment, fee and charge. Certification resolution(s) must contain hold harmless and indemnification provisions for administrative expenses of the County associated with collection of the City's taxes, assessments, fees and charges placed on the rolls. These certifications, along with copies of the resolutions setting the tax, assessment fee and/or charge rates and certain other documentation, must be submitted to the County no later than August 1, 2024.

ANALYSIS:

The following special levy, adopted by Resolution No. 2024-48 on May 21, 2024, is for assessment district operations and must be included in the certification adopted by the Council:

Cypress Cove II Landscape Maintenance Assessment District \$ 180.78

FISCAL IMPACT:

Special assessments finance the assessment district's approved maintenance. Total to be credited to the district is as follows:

Cypress Cove II Landscape Maintenance Assessment District \$ 19,885.80

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:

Laura Pruneda, CPA
Finance Director
City of Marina

Nourdin Khayata
Interim Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2024-

**A RESOLUTION OF THE CITY OF MARINA CERTIFYING
COMPLIANCE WITH STATE LAW WITH RESPECT TO
LEVYING OF SPECIAL ASSESSMENTS FOR FISCAL YEAR 2024-2025**

WHEREAS, The City of Marina requests that the Monterey County Auditor-Controller enter the special assessment identified in Exhibit “A” on the property tax roll for collection and distribution by the Monterey County Treasurer-Tax Collector commencing with the property tax bills for fiscal year 2024-25 (“**EXHIBIT A**”).

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

1. The City hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying and imposition of the general or special taxes and assessments identified in **EXHIBIT A** regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in State statutes, or in the applicable decisional law of the State of California.
2. The City further certifies that, except for the sole negligence or misconduct of the County of Monterey, its officers, employees and agents, the City shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit or other proceeding brought against the County of Monterey, its officers, employees and agents for every claim, demand or challenge to the levying or imposition of the general or special taxes and assessments identified in **EXHIBIT A** and that the City shall pay or satisfy any judgment rendered against the County of Monterey, its officers, employees and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees, court costs and administrative expenses of the County of Monterey to correct the tax rolls.

PASSED AND ADOPTED by the City of Marina City Council at a regular meeting duly held on the 4th day of June 2024, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

ATTACHMENT TO RESOLUTION NO. 2024-__ OF THE CITY OF MARINA, COUNTY OF MONTEREY, CALIFORNIA, CERTIFYING COMPLIANCE WITH STATE LAW WITH RESPECT TO THE LEVYING OF SPECIAL ASSESSMENTS FOR FISCAL YEAR 2024-2025

PER-PARCEL ASSESSMENTS:

Assessment District – Operations:

- Cypress Cove II Landscape Maintenance Assessment District \$180.78

Respectfully submitted,

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

REVIEWED/CONCUR:

Laura Pruneda, CPA
Finance Director
City of Marina

Nourdin Khayata
Interim Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2024-

**A RESOLUTION OF THE CITY OF MARINA CERTIFYING
COMPLIANCE WITH STATE LAW WITH RESPECT TO
LEVYING OF SPECIAL ASSESSMENTS FOR FISCAL YEAR 2024-2025**

WHEREAS, The City of Marina requests that the Monterey County Auditor-Controller enter those special assessments identified in Exhibit “A” on the property tax roll for collection and distribution by the Monterey County Treasurer-Tax Collector commencing with the property tax bills for fiscal year 2024-2025 (“**EXHIBIT A**”).

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

1. The City hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying and imposition of the general or special taxes and assessments identified in **EXHIBIT A** regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in State statutes, or in the applicable decisional law of the State of California.
2. The City further certifies that, except for the sole negligence or misconduct of the County of Monterey, its officers, employees and agents, the City shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit or other proceeding brought against the County of Monterey, its officers, employees and agents for every claim, demand or challenge to the levying or imposition of the general or special taxes and assessments identified in **EXHIBIT A** and that the City shall pay or satisfy any judgment rendered against the County of Monterey, its officers, employees and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees, court costs and administrative expenses of the County of Monterey to correct the tax rolls.

PASSED AND ADOPTED by the City of Marina City Council at a regular meeting duly held on the 4th day of June 2024, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

ATTACHMENT TO RESOLUTION NO. 2024-__ OF THE CITY OF MARINA, COUNTY OF MONTEREY, CALIFORNIA, CERTIFYING COMPLIANCE WITH STATE LAW WITH RESPECT TO THE LEVYING OF SPECIAL ASSESSMENTS FOR FISCAL YEAR 2024-2025

PER-PARCEL ASSESSMENTS:

Assessment Districts – Operations:

- Seabreeze Landscape Maintenance Assessment District \$182.42

May 22, 2024

Item No. **10f(3)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 4, 2024

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2024-,
CERTIFYING CITY OF MARINA COMPLIANCE WITH STATE LAW
(PROPOSITION 218) WITH RESPECT TO SPECIAL ASSESSMENT FOR
THE MONTEREY BAY ESTATES LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT FOR FISCAL YEAR 2024-2025**

RECOMMENDATION:

It is requested that the City Council consider:

- (1) Adopting Resolution No. 2024-, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for the Monterey Bay Estates Landscape Maintenance Assessment District for FY 2024-2025.

BACKGROUND:

On May 21, 2024, the City Council passed Resolution No. 2024-50 setting the FY 2024/25 special assessment for the Monterey Bay Estates Landscape Maintenance Assessment District as recommended in the engineer's report.

Except for the Constitutionally-limited 1% ad valorem tax, the Monterey County Auditor-Controller will not place taxes, assessments, fees or charges on the rolls unless the City Council certifies by resolution that the City is in compliance with Proposition 218, the 1996 'Right to Vote on Taxes Act' with respect to each such tax, assessment, fee and charge. Certification resolution(s) must contain hold harmless and indemnification provisions for administrative expenses of the County associated with collection of the City's taxes, assessments, fees and charges placed on the rolls. These certifications, along with copies of the resolutions setting the tax, assessment fee and/or charge rates and certain other documentation, must be submitted to the County no later than August 1, 2024.

ANALYSIS:

The following special levy, adopted by Resolution 2024-50 on May 21, 2024, is for assessment district operations and must be included in the certification adopted by the Council:

Monterey Bay Estates Landscape Maintenance Assessment District \$ 77.14 per parcel

FISCAL IMPACT:

Special assessments finance the assessment district's approved maintenance. Total to be credited to the district is as follows:

Monterey Bay Estates Landscape Maintenance Assessment District \$ 12,496.68

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:

Laura Pruneda, CPA
Finance Director
City of Marina

Nourdin Khayata
Interim Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2024-

**A RESOLUTION OF THE CITY OF MARINA CERTIFYING
COMPLIANCE WITH STATE LAW WITH RESPECT TO
LEVYING OF SPECIAL ASSESSMENT FOR FISCAL YEAR 2024-2025**

WHEREAS, The City of Marina requests that the Monterey County Auditor-Controller enter that special assessment identified in Exhibit “A” on the property tax roll for collection and distribution by the Monterey County Treasurer-Tax Collector commencing with the property tax bills for fiscal year 2024-2025 (“**EXHIBIT A**”).

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

1. The City hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying and imposition of the general or special taxes and assessments identified in **EXHIBIT A** regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in State statutes, or in the applicable decisional law of the State of California.
2. The City further certifies that, except for the sole negligence or misconduct of the County of Monterey, its officers, employees and agents, the City shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit or other proceeding brought against the County of Monterey, its officers, employees and agents for every claim, demand or challenge to the levying or imposition of the general or special taxes and assessments identified in **EXHIBIT A** and that the City shall pay or satisfy any judgment rendered against the County of Monterey, its officers, employees and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees, court costs and administrative expenses of the County of Monterey to correct the tax rolls.

PASSED AND ADOPTED by the City of Marina City Council at a regular meeting duly held on the 4th day of June 2024, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

ATTACHMENT TO RESOLUTION NO. 2024-__ OF THE CITY OF MARINA, COUNTY OF MONTEREY, CALIFORNIA, CERTIFYING COMPLIANCE WITH STATE LAW WITH RESPECT TO THE LEVYING OF SPECIAL ASSESSMENT FOR FISCAL YEAR 2024-2025

PER-PARCEL ASSESSMENTS:

Assessment District – Operations:

- Monterey Bay Estates Landscape Maintenance Assessment District \$77.14

June 4, 2024

Item No. **10f(4)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 4, 2024

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2024-,
APPROVAL OF CORRECTIONS TO THE SALARY SCHEDULE FOR THE
MPSMA FIRE DIVISION CHIEF**

REQUEST:

It is recommended that the City Council consider:

1. Adopting Resolution No. 2024-, approving a correction to the salary schedule for the MPSMA Fire Division Chief.

BACKGROUND:

At the May 7th Council meeting, the City Council approved a Memorandum of Understanding (MOU) with the Marina Professional Firefighters Association (MPFFA) and the Marina Public Safety Management Association (MPSMA) that included salary schedules. The salary schedule for the MPSMA Fire Division Chief included in the staff report was inaccurate, as the numbers listed in the staff report were calculated based on the previous agreement, which listed the 2021 salary changes. The salary schedule table did not reflect the 2022 increases.

Per the MOU, the Fire Division Chief salary range will be at least 5% above the Step E of the Fire Captain salary range. The budget calculations were accurate, as these were based on current payroll and finance data.

ANALYSIS:

Staff is requesting approval to make the necessary corrections to the salary schedules for the MPSMA Fire Division Chief.

The calculation for the salary schedule for the Fire Division Chief is as follows:

Fire Captain Step E: \$45.2322

$\$45.2322 \times 2912$ (scheduled hours) = \$131,719.166 (annual salary)

$\$131,719.166 \div 2080$ (Fire Division Chief scheduled hours) = \$63.32508

$\$63.32508 \times 5\%$ = \$66.491334 (Fire Division Chief Step A)

The previously approved 2023 and 2024 cost of living increases for the MPFFA and MPSMA have not changed. The proposed corrections align with the City Council focus and commitment to accuracy and transparency. Attached as “**EXHIBIT A**” is the corrected salary schedule for the MPSMA Fire Division Chief. Changes reflect only the corrections to the salary schedule.

FISCAL IMPACT

There is no fiscal impact for the correction to the salary schedule.

CONCLUSION:

This request is submitted for City Council consideration and approval.

Respectfully submitted,

Belinda Varela, Director,
Human Resources & Risk Management
City of Marina

REVIEWED/CONUR:

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING A
CORRECTION TO THE SALARY SCHEDULE FOR THE MPSMA

WHEREAS, on May 7th, 2024, the City Council approved salary changes and a Memorandum of Understanding (MOU) with the Marina Professional Firefighters Association (MPFFA) and the Marina Public Safety Management Association (MPSMA); and,

WHEREAS, staff identified necessary corrections to the salary table for the MPSMA Fire Division Chief salary; and,

WHEREAS, there is no additional fiscal impact of the corrections; and,

WHEREAS all other terms of the Memorandum of Understanding remain unchanged.

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

1. Adopting Resolution No. 2024- approving a correction to the salary schedule for the MPSMA.

PASSED AND ADOPTED, by the City Council of the City of Marina at a regular meeting duly held on the 7th day of June 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

Exhibit A

SALARY SCHEDULES

Effective July 2023

MPSMA

Title	Step A	Step B	Step C	Step D	Step E
Fire Division Chief	\$ 66.4913	\$ 69.8159	\$ 73.3067	\$ 76.9720	\$ 80.8206

Honorable Mayor and Members
of the Marina City Council

City Council Meeting of
June 4, 2024

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2024-,
ADOPTING AN UPDATED LIST OF PROJECTS FOR FISCAL YEAR
2024-25 FUNDED BY SB 1: THE ROAD REPAIR AND
ACCOUNTABILITY ACT OF 2017**

RECOMMENDATION: It is recommended that the City Council consider:

1. Adopting Resolution No. 2024-, adopting an updated list of projects for Fiscal Year 2024-25 funded by SB 1: The Road Repair and Accountability Act of 2017.

BACKGROUND:

On April 28, 2017 the Governor signed Senate Bill 1 (Beall, Chapter 5, Statutes of 2017), which is known as the Road Repair and Accountability Act of 2017. To address basic road maintenance, rehabilitation and critical safety needs on both the state highway and local streets and road system, Senate Bill 1 (SB 1): increases per gallon fuel excise taxes; increases diesel fuel sales taxes and vehicle registration fees; and provides for inflationary adjustments to tax rates in future years.

The Road Repair and Accountability Act of 2017 provides \$5.2 billion annually and is a significant investment in California's transportation infrastructure. The bill provides \$15 billion for local streets and roads over the next ten years. Monterey County's share of the local streets and roads funding is approximately \$20.4 million in fiscal year 2024/25.

Beginning November 1, 2017, the State Controller deposits various portions of this new funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). A percentage of this new RMRA funding is apportioned by formula to eligible cities and counties for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.

Prior to receiving an apportionment of RMRA funds from the State Controller in a fiscal year, a city or county must submit to the California Transportation Commission a list of projects proposed to be funded with these funds. All projects proposed to receive funding must be adopted by resolution by the applicable city council or county board of supervisors at a regular public meeting. The list of projects must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. This report is due to the California Transportation Commission by July 1st of each year.

In addition to the project list report, for each fiscal year in which RMRA funds are received and expended, cities and counties must submit documentation to the California Transportation Commission that details the expenditure of all RMRA funds, including a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement. This report on expenditures is due to the California Transportation Commission by October 1st of each year.

ANALYSIS:

As part of the City’s Pavement Management Program’s annual street maintenance project budget, the City has developed a fiscal year project list that will utilize the RMRA funds to supplement the financing of project administration and construction. This project list is substantially consistent with funding appropriations previously approved by the Council for Capital Improvement Program (CIP) Annual Street Resurfacing. The City Council can add more streets to the Annual Street Resurfacing street segment list at a later date as a result of the budget approval process for Fiscal Year 24/25.

The proposed list (“**EXHIBIT A**”) is a representation of the City’s intent for roadway maintenance projects to the California Transportation Commission to fulfill its annual reporting requirements and can be amended after submission. This action only pertains to the proposed expenditure of RMRA funds for the fiscal year 2024-2025. Once adopted, staff will enter the project list into the State SB1 Programs Project Intake website prior to the July 1st deadline.

FISCAL IMPACT:

Should the City Council approve this request, the entry of the City’s proposed project list will allow the City to receive an estimated \$571,551 of SB 1 revenue. The submission of the project list is a declaration of intent to the California Transportation Commission that the City will dedicate the RMRA funds towards roadway maintenance.

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 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
ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2024-25 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated \$571,551 in RMRA funding in Fiscal Year 2024-25 from SB 1; and

WHEREAS, this is the eighth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has presented pavement rehabilitation scenarios at public meetings to ensure public input into our community's project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate 25 lane miles throughout the City this year and similar projects into the future; and

WHEREAS, the 2023 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in an "at-lower-risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Marina, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of newly proposed projects will be funded in-part or solely with Fiscal Year 2024-25 Road Maintenance and Rehabilitation Account revenues:

Project Title: APR1801 Annual Street Resurfacing, Phase 1
Project Description: Phase 1 – Full Reconstruction & Overlay
Project Location: Various Locations (See Exhibit A)
Estimated Project Schedule: Start (04/25)– Completion (08/25) based on the component being funded with RMRA funds
Estimated Project Useful Life: 25yrs

Project Title: APR1801 Annual Street Resurfacing, Phase 2
Project Description: Phase 2 – Microsurfacing
Project Location: Various Locations (See Exhibit A)
Estimated Project Schedule: Start (05/25)– Completion (07/25) based on the component being funded with RMRA funds
Estimated Project Useful Life: 10yrs

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting held on the 4th day of June 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

**EXHIBIT A
SB 1 PROJECT LIST FOR CTC**

Project Description: The Annual Street Resurfacing Projects will be **constructed in two project phases**, to include:
(1) Full Reconstruction or Overlay of Failed Streets, and (2) Microsurfacing Treatment of existing pavement.

Location: Several locations throughout the City have been identified as in need of these improvements. Segments from Abdy Way, Peppertree Circle, and Barrett Lane are being considered to receive the proposed treatments in the annual projects.

Useful Life: Reconstruction, 20 to 25 years; Microsurfacing and Slurry Seal, 5 to 10 years

Completion: Project Phase 1: April through August 2025 Project Phase 2: May through July 2025

RoadName	BegLocation	EndLocation	Treatment	Useful Life (Yrs)	PCI Prior	PCI Treated	TreatmentCost	Cost
BEACH RD	RESERVATION RD	436' W/O MARINA DR	2" OVERLAY	25	42	100	4.7	115,112.40
BELLE DR	CARDOZA AVE	END	2" OVERLAY	25	40	100	4.7	105,923.90
CALIFORNIA AVE	CARMEL AVE	RESERVATION RD	2" OVERLAY	25	63	100	4.7	353,740.80
CARMEL AVE	SEACREST AVE	ZANETTA DR	2" OVERLAY	25	44	100	4.7	188,188.00
CRESCENT ST	Patton Parkway	Reindollar Ave	2" OVERLAY	25	46	100	4.7	126,251.40
DE FOREST RD	Reservation Rd	304 N/O OAK CIR	2" OVERLAY	25	50	100	4.7	308,846.40
DE FOREST RD	304 N/O OAK CIR	Beach Rd	2" OVERLAY	25	45	100	4.7	182,247.20
DUNES CT	Reservation Rd	North City Limit	2" OVERLAY	25	46	100	4.7	445,682.20
EDDY ST	CONCORD CT	SOUTH CDS	2" OVERLAY	25	46	100	4.7	34,178.40
EXETER PL	California Ave	END	2" OVERLAY	25	47	100	4.7	64,982.20
FEHRING PL	Messinger Dr	END	2" OVERLAY	25	45	100	4.7	33,802.40
FITZGERALD CIR	Beach Rd	END	2" OVERLAY	25	40	100	4.7	100,678.70
FOREST CIR	Bayer St	END	2" OVERLAY	25	48	100	4.7	69,790.30
GREENBROOK PL	Lakewood Dr	END	2" OVERLAY	25	46	100	4.7	36,166.50
HILLCREST AVE	WEST END	138' W/O OWEN AVE	2" OVERLAY	25	70	100	4.7	137,902.70
HILLCREST AVE	VAUGHNAN AVE	120 E/O OTTO DR	2" OVERLAY	25	50	100	4.7	173,204.40
JOHNSON PL	Tallmon St	END	2" OVERLAY	25	48	100	4.7	32,077.50
KAILUA CR	Ninole Dr	END	2" OVERLAY	25	45	100	4.7	44,438.50
LAKE DR	MESSINGER DR	RESERVOIR RD	2" OVERLAY	25	45	100	4.7	206,767.10
LAKEWOOD DR	DREW ST	CARDOZA AVE	2" OVERLAY	25	43	100	4.7	115,808.00
LAKEWOOD DR	CARDOZA AVE	ABDY WY	2" OVERLAY	25	44	100	4.7	114,304.00
LAVELL CT	Salinas Ave	END	2" OVERLAY	25	48	100	4.7	27,847.50
LEWIS PL	Barrett Ln	END	2" OVERLAY	25	44	100	4.7	139,143.50
LIBERTY CT	INDEPENDENCE AVE	LIBERTY CT	2" OVERLAY	25	46	100	4.7	33,948.10
LIEVRY WAY	Parson Cir	END	2" OVERLAY	25	49	100	4.7	102,427.10
MAGYAR PL	Messinger Dr	END	2" OVERLAY	25	44	100	4.7	54,054.70
MESSINGER DR	SHOEMAKER PL	LAKE DR (N)	2" OVERLAY	25	41	100	4.7	132,164.00
PENINSULA DR	VISTA DEL CAMINO	EUCALYPTUS ST	2" OVERLAY	25	41	100	4.7	68,041.90
REDWOOD DR	Reindollar Ave	Hillcrest Ave	2" OVERLAY	25	47	100	4.7	88,491.60
SILVERWOOD PL	Cardoza Ave	END	2" OVERLAY	25	45	100	4.7	42,130.80
SUNRISE PL	Sunrise Ave	END	2" OVERLAY	25	45	100	4.7	83,472.00
TAMARA CT	California Ave	END	2" OVERLAY	25	50	100	4.7	14,344.40
TWELFTH ST	Eleventh St	Fourth Ave	2" OVERLAY	25	46	100	4.7	272,191.10
VISTA DEL CAMINO	Reservation Rd	PENINSULA DR	2" OVERLAY	25	47	100	4.7	177,754.00
WEBER CIR	Zanetta Dr	END	2" OVERLAY	25	49	100	4.7	44,415.00
WINDSOR CT	California Ave	END	2" OVERLAY	25	46	100	4.7	65,710.70
HAYES CIR	Third Ave	Booker St	2" OVERLAY	25	50	100	4.7	171,441.90
KENNEDY CT	Reindollar Ave	SOUTH END	2" OVERLAY	25	50	100	4.7	124,573.50
NEESON RD	INDIA ST	W END	2" OVERLAY	25	48	100	4.7	153,690.00
ORA CT	Cardoza Ave	END	2" OVERLAY	25	50	100	4.7	41,877.00
REINDOLLAR AVE	MAX CIR	VAUGHN AVE	2" OVERLAY	25	47	100	4.7	199,985.00
PARK CIR	De Forest Rd	END	Full Reconstruction	25	23	100	11.6	164,430.00
INDEPENDENCE AVE	Reindollar Ave	SOUTH END	Full Reconstruction	25	24	100	11.6	314,290.40
EDDY CIR	Reindollar Ave	NORTH END	Full Reconstruction	25	24	100	11.6	92,510.00
FOURTH AVE	Imjin Parkway	Twelfth St	Full Reconstruction	25	10	100	11.6	247,950.00
MILRAY CT	Redwood Dr	END	Full Reconstruction	25	25	100	11.6	60,134.40
REAMS CT	Belle Dr	END	Full Reconstruction	25	24	100	11.6	50,112.00

Project/Phase 1 - Reconstruction & Overlay Total: 5,957,223.60

**EXHIBIT A
SB 1 PROJECT LIST FOR CTC**

Scenario: FY 24/25
Streets Selected for Treatment

RoadName	BegLocation	EndLocation	Treatment	Useful Life (Yrs)	PCI Prior	PCI Treated	TreatmentCost	Cost
HILLCREST AVE	120 E/O OTTO DR	REDWOOD DR	MICROSURFACINC	10	68	77	0.5	8,621.00
IMJIN PARKWAY	SR 1	SECOND AVE	MICROSURFACINC	10	84	91	0.5	23,199.00
IMJIN PARKWAY	SECOND AVE	THIRD AVE	MICROSURFACINC	10	84	91	0.5	19,950.00
IMJIN PARKWAY	THIRD AVE	FOURTH AVE	MICROSURFACINC	10	84	91	0.5	17,895.00
IMJIN PARKWAY	FOURTH AVE	CALIFORNIA AVE	MICROSURFACINC	10	84	91	0.5	17,310.00
IMJIN PARKWAY	CALIFORNIA AVE	ABRAMS DR (W)	MICROSURFACINC	10	84	91	0.5	20,220.00
IMJIN PARKWAY	ABRAMS DR (W)	IMJIN RD	MICROSURFACINC	10	84	91	0.5	15,600.00
IMJIN PARKWAY	IMJIN RD	ABRAMS DR (W)	MICROSURFACINC	10	84	91	0.5	14,560.00
IMJIN PARKWAY	ABRAMS DR (W)	CALIFORNIA AVE	MICROSURFACINC	10	86	92	0.5	20,220.00
IMJIN PARKWAY	THIRD AVE	SECOND AVE	MICROSURFACINC	10	82	90	0.5	19,950.00
IMJIN PARKWAY	SECOND AVE	SR 1	MICROSURFACINC	10	78	86	0.5	18,315.00
IMJIN RD	RESERVATION RD	UNIVERSITY DR	MICROSURFACINC	10	62	72	0.5	28,000.00
LAKE DR	LAKE CT	270 S/O PALM AVE	MICROSURFACINC	10	80	87	0.5	12,555.00
PATTON PARKWAY	W END	CRESCENT AVE	MICROSURFACINC	10	85	92	0.5	10,080.00
PATTON PARKWAY	CRESCENT AVE	1165' W/O CALIFORNIA AVE	MICROSURFACINC	10	85	92	0.5	19,212.50
PATTON PARKWAY	1165' W/O CALIFORNIA AVE	CALIFORNIA AVE	MICROSURFACINC	10	85	92	0.5	12,815.00
PAUL DAVIS DR	Healy Ave	Marina Greens Dr	MICROSURFACINC	10	80	87	0.5	21,182.50
REINDOLLAR AVE	SUNSET AVE	MAX CIR	MICROSURFACINC	10	64	74	0.5	23,865.00
RESERVATON RD	STATE BEACH LOT	DUNES DR	MICROSURFACINC	10	66	75	0.5	7,857.00
RESERVATON RD	BEACH RD	SEASIDE CT	MICROSURFACINC	10	64	74	0.5	42,680.00
RESERVATON RD	630' E/O CRESCENT AVE	CALIFORNIA AVE	MICROSURFACINC	10	65	75	0.5	38,302.00
RESERVATON RD	SALINAS AVE	CALIFORNIA AVE	MICROSURFACINC	10	66	75	0.5	50,820.00
RESERVATON RD	CALIFORNIA AVE	630' E/O CRESCENT AVE	MICROSURFACINC	10	69	78	0.5	38,302.00
RESERVATON RD	MBEST DR	IMJIN PKWY	MICROSURFACINC	10	66	75	0.5	40,020.00
RESERVATON RD	ROBIN DR	SEASIDE CT	MICROSURFACINC	10	85	92	0.5	15,542.00
RESERVATON RD	630' E/O CRESCENT AVE	CRESCENT AVE	MICROSURFACINC	10	82	89	0.5	11,970.00
SECOND AVE	GENERAL STILLWELL DR	415 S/O GENERAL STILLWELL DR	MICROSURFACINC	10	64	74	0.5	4,565.00
THIRD AVE	TENTH ST	IMJIN PKWY	MICROSURFACINC	10	68	77	0.5	20,468.00

Project/Phase 2 - Slurry Seal Total: 594,076.00

FY 24/25 Program (Phase 1 & 2) Total: 6,551,299.60

May 3, 2023

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

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 4, 2024

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2024-, AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) REGARDING COOPERATIVE ASSISTANCE TO COMPLY WITH SENATE BILL 1383, FOOD WASTE REDUCTION AND ORGANICS RECYCLING REGULATIONS, INCORPORATING CHANGES IN THE ANNUAL COST OF PROGRAM ACTIVITIES, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MOU SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES.

REQUEST:

It is requested that the City Council consider adopting Resolution 2024- for the following action:

1. Amending the Memorandum of Understanding (MOU) regarding cooperative assistance to comply with Senate Bill 1383, Food Waste Reduction and Organics Recycling Regulations, incorporating changes in the annual cost of program activities; and
2. Authorizing the City Manager to execute the amended MOU (**EXHIBIT A**) subject to final review and approval by the City Attorney; and
3. Authorizing the Finance Director to make necessary accounting and budgetary entries.

BACKGROUND:

In September 2016, Governor Edmund Brown Jr. set methane emissions reduction targets for California (SB 1383 Lara, Chapter 395, Statutes of 2016) in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). The targets must reduce organic waste disposal 50 percent by 2020 and 75 percent by 2025 and rescue for people to eat at least 20 percent of currently disposed surplus food by 2025.

The City of Marina is a Member Agency of ReGen Monterey (ReGen), formerly known as MRWMD Joints Powers Authority, which is responsible for managing solid waste on behalf of the Cities and unincorporated County communities of coastal Monterey County. The City participates on the Technical Advisory Committee (TAC) for SB 1383 led by ReGen and comprised of staff from each member jurisdiction, the three haulers in the ReGen service area, and ReGen staff.

While the regulation places the program implementation responsibility on the member jurisdictions, the TAC has been collectively analyzing who best should implement each element of the regulation between the member jurisdictions, waste haulers, or ReGen. The TAC determined that many of the requirements are best completed using shared resources. As such, an MOU between ReGen and each of its member jurisdictions was created to have ReGen incur the shared costs and bill each member jurisdiction twice annually for reimbursement. The City Council adopted Resolution 2021-93 on August 17th, 2021 approving the MOU between ReGen and Member Jurisdictions for SB 1383 Shared Costs.

In January 2022, the Department of Resources Recycling and Recovery (CalRecycle), the agency responsible for administering SB 1383, released application guidelines and instructions related to the SB 1383 Local Assistance Grant Program (OWR1: 2021-22) as a one-time grant program meant to provide aid in the implementation of regulations adopted by CalRecycle pursuant to Chapter 395, Statutes of 2016 and SB170 Budget Act of 2021. Funding from CalRecycle was allocated to each jurisdiction based on grant program estimates according to the Department of Finance's January 2021 population statistics. The City of Marina is eligible for \$29,771 in grant funding through this program.

On February 15, 2022, the City Council adopted Resolution 2022-20 approving an amendment to the MOU incorporating changes necessary for the regional administration of SB 1383 Local Assistance Grant Program funding. On June 6, 2023, the City Council approved Resolution 2023-58 approving an amendment to the MOU with revised Exhibits A and B of the MOU which establish member agency costs for FY 2023-2024.

ANALYSIS:

Each year ReGen staff identifies expected expenses associated with jurisdictional compliance with SB 1383 and compiles those expenses in Exhibit A of the 1383 Shared Costs MOU. Expenses include items such as program administration, public education, monitoring, reporting and edible food recovery capacity building, program administration and outreach. These expenses are then broken down to proportional percentages per population in Exhibit B. The draft budget is first presented to the TAC for review, feedback, and consensus. It then is presented to the ReGen Monterey Board of Directors and Member Agencies' Councils and Boards for approval. The amendment to Exhibits A and B of the MOU would supersede exhibits covering previous fiscal years.

On May 24, 2024, the ReGen Board of Directors approved revised Exhibits A and B of the MOU which establish member agency costs for FY 2024-2025.

FISCAL IMPACT:

The estimated annual expense to Marina for FY 2024-2025 will be \$59,982 as shown in Exhibit B of the draft MOU (see Attachment), which outlines the estimated annual expenses to each Member Agency of ReGen. These expenses are averaged and weighted on various factors providing an "economy of scale" to each Member Agency depending upon their needs. This includes expenses related to SB 1383 implementation, general shared and monitoring costs for Member Agencies, and franchise agreement management. These efforts, as with past solid waste efforts, are funded through franchise fees collected and remitted to the City.

CONCLUSION:

This request is submitted for City Council consideration and action.

Respectfully submitted,

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2024-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) REGARDING COOPERATIVE ASSISTANCE TO COMPLY WITH SENATE BILL 1383, FOOD WASTE REDUCTION AND ORGANICS RECYCLING REGULATIONS, INCORPORATING CHANGES IN THE ANNUAL COST OF PROGRAM ACTIVITIES, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MOU SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES.

WHEREAS, in September 2016, Governor Edmund Brown Jr. set methane emissions reduction targets for California (SB 1383 Lara, Chapter 395, Statutes of 2016) in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). The targets must reduce organic waste disposal 50 percent by 2020 and 75 percent by 2025 and rescue for people to eat at least 20 percent of currently disposed surplus food by 2025; and

WHEREAS, the City of Marina is a Member Agency of ReGen Monterey (ReGen), formerly known as MRWMD Joints Powers Authority, which is responsible for managing solid waste on behalf of the Cities and unincorporated County communities of coastal Monterey County. The City participates on the Technical Advisory Committee (TAC) for SB 1383 led by ReGen and comprised of staff from each member jurisdiction, the three haulers in the ReGen service area, and ReGen staff; and

WHEREAS, while the regulation places the program implementation responsibility on the member jurisdictions, the TAC has been collectively analyzing who best should implement each element of the regulation between the member jurisdictions, waste haulers, or ReGen. The TAC determined that many of the requirements are best completed using shared resources. As such, an MOU between ReGen and each of its member jurisdictions was created to have ReGen incur the shared costs and bill each member jurisdiction twice annually for reimbursement. The City Council adopted Resolution 2021-93 on August 17th, 2021 approving the MOU between ReGen and Member Jurisdictions for SB 1383 Shared Costs; and

WHEREAS, on February 15th, 2022, the City Council adopted Resolution 2022-20 approving an amendment to the MOU incorporating changes necessary for the regional administration of SB 1383 Local Assistance Grant Program funding; and

WHEREAS, on June 6, 2023, the City Council approved Resolution 2023-58 approving an amendment to the MOU with revised Exhibits A and B of the MOU which establish member agency costs for FY 2023-2024; and,

WHEREAS, each year ReGen staff identifies expected expenses associated with jurisdictional compliance with SB 1383 and compiles those expenses in Exhibit A of the 1383 Shared Costs MOU. Expenses include items such as program administration, public education, monitoring, reporting and edible food recovery capacity building, program administration and outreach. These expenses are then broken down to proportional percentages per population in Exhibit B. The draft budget is first presented to the TAC for review, feedback, and consensus. It then is presented to the ReGen Monterey Board of Directors and Member Agencies' Councils and Boards for approval. The amendment to Exhibits A and B of the MOU would supersede exhibits covering previous fiscal years; and

WHEREAS, on May 24, 2024, the ReGen Board of Directors approved revised Exhibits A and B of the MOU which establish member agency costs for FY 2024-2025; and

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

1. Amend the Memorandum of Understanding (MOU) regarding cooperative assistance to comply with Senate Bill 1383, Food Waste Reduction and Organics Recycling Regulations, incorporating changes in the annual cost of program activities; and
2. Authorize the City Manager to execute the amended MOU (Exhibit A) subject to final review and approval by the City Attorney; and
3. Authorize the Finance Director to make necessary accounting and budgetary entries.

PASSES AND ADOPTED, by the City Council of the City of Marina at a regular meeting duly held on the 4th day of June 2023 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

MEMORANDUM OF UNDERSTANDING

BETWEEN THE MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT AND ITS
MEMBER AGENCIES REGARDING ASSISTANCE WITH COMPLIANCE WITH
CALIFORNIA SENATE BILL 1383

This Memorandum of Understanding (“MOU”) is made and entered into as of the date of the signatures set forth below by and between the MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT (“District”, “MRWMD”), a California Garbage and Refuse Disposal District, and its member agencies including the cities of CARMEL-BY-THE-SEA, DEL REY OAKS, MARINA, MONTEREY, PACIFIC GROVE, SAND CITY, and SEASIDE; THE PEBBLE BEACH COMMUNITY SERVICES DISTRICT; and THE COUNTY OF MONTEREY (“Member Agencies”). Collectively these entities shall be known herein as “Parties” or individually as a “Party.”

Recitals

- A. The State of California has passed legislation, known as Senate Bill 1383, California’s Short-Lived Climate Pollutants regulation. The regulation will have significant impact on each Member Agency, with the goal of reducing organic material being landfilled by 75% by 2025, compared to a 2014 basis. The legislation mandates that Member Agencies undertake certain activities around the handling of organic waste materials collected within their jurisdictions. The regulation also requires 20% recovery of edible food by 2025 to direct it to a beneficial use and thus prevent it from entering the waste stream. Regulations take effect, and local program implementation will begin, on January 1, 2022.
- B. The Member Agencies have determined that it is in their best interest to coordinate their activities related to this legislation. This coordination is being facilitated by the District’s Technical Advisory Committee (TAC) comprised of staff from each Member Agency, the three Haulers in the District service area (Haulers), Salinas Valley Recycles (SVR) and MRWMD.
- C. The Member Agencies have further determined that the District has the expertise and resources necessary to implement some of these activities on the Member Agencies’ behalf and have now requested that the District incur costs to provide these activities.
- D. The Member Agencies have agreed to reimburse the District for proportionate shares of certain designated annual costs incurred by the District for these activities.
- E. The form and content of this MOU have been presented to the TAC, and the TAC has recommended it for approval by the Parties

NOW THEREFORE, in consideration of the mutual benefits to be derived by the District and the Member Agencies, and of the promises contained in this MOU, the Parties agree as

follows:

Section 1. Recitals: The recitals set forth above are incorporated into this MOU.

Section 2. Purpose: The purpose of this MOU is to provide a structure for the Member Agencies to reimburse the District for SB 1383 related activities it performs on behalf of the Member Agencies.

Section 3. Voluntary: This MOU is voluntarily entered into by the Parties for the purpose of facilitating the implementation of SB 1383.

Section 4. Term: This MOU shall become effective on the last day of its execution by a Party and shall remain in effect until terminated by the Parties.

Section 5. Scope of Work, Costs & Cost Sharing: The scope of work, and associated costs, are set out in Exhibit A, entitled Detailed Activities and Costs, attached hereto and incorporated herein. Allocation of such costs to the Member Agencies is set out in Exhibit B, entitled Member Agencies' Annual Proportionate Shares and Costs, attached hereto and incorporated herein. Exhibit C outlines estimated individual Member Agencies' allocations related to the Department of Resources Recycling and Recovery (CalRecycle) SB 1383 Local Assistance Grant Program (OWR1: 2021-22), attached hereto and incorporated herein. Exhibit D defines the estimated annual procurement requirements of organic material and estimated cost per ton of compost for each Member Agency, attached hereto and incorporated herein.

No later than March 1 of each year, and at such other times as directed by the Parties, the TAC shall meet to consider and, if deemed necessary, modify Exhibits A, B, C, and/or D subject to direction from the governing bodies of each Member Agency to its TAC representative.

Section 6. The District Agrees:

(a) District staff will manage activities as identified in Exhibit A, C, and D which activities include contracting with third party vendors when reasonably necessary and paying those vendors for contracted costs.

(b) Two times per year, on dates to be determined by the TAC, District will invoice Member Agencies for each Member Agency's proportionate share of costs as shown in Exhibit B with each invoice to be fifty percent (50%) of the Member Agency's share of costs.

(c) Upon award of CalRecycle SB 1383 Local Assistance Grant Program funds, the District will invoice Member Agencies for their full allocation of grant funds as shown in Exhibit C. Four times during the grant term, aligned with dates identified by CalRecycle grant Terms & Conditions, the District shall report to Member Agencies a summary of actual grant expenditures and progress toward grant tasks to date.

(d) District will maintain an accounting of activities and expenses and provide reconciliation of payments annually. Material differences between estimated costs and actual incurred costs will result in either: 1) an adjustment made to the final annual payment for each Member Agency, or 2) such cost difference shall be incorporated into the subsequent year cost allocation.

(e) In year one only, in recognition of expected continuation of improved recycling revenues for the District from recyclable material sales, the District will off-set \$140,000 of the costs identified in Exhibit A. This off-set is reflected in the cost allocations set out in Exhibit B for FY 2021-22.

Section 7. The Member Agencies Agree:

(a) To reimburse the District for all expenses incurred by the District under this MOU in accordance with each Member Agency's proportionate share as shown on Exhibit B, C, and D.

(b) To make a full-faith effort to cooperate with one another and with the District to achieve the purposes of this MOU by providing information, reviewing information in a timely manner, and informing their respective administration and governing bodies.

Section 8. Termination. Any Party may terminate its participation in this MOU upon giving written notice to the District no later than April 1 of any calendar year during the term of this MOU. Within ten days following a Party's termination date, such party shall pay District all charges then due and payable and shall pay when determined any additional charges that shall later come due under the MOU, subject to the limits set out in Exhibits A, B, C, and D.

Section 9. General Provisions.

(a) This MOU is binding and for the benefit of the respective successors, heirs, and assigns of each Party and the District; provided however, no Party may assign its respective rights or obligations under this MOU without the prior written consent of the District.

(b) This MOU is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.

(c) If any provision of this MOU is determined by any court to be invalid, illegal, or unenforceable to any extent, then the remainder of this MOU will not be affected, and this MOU will be construed as if the invalid, illegal, or unenforceable provision had never been contained in this MOU.

(d) Waiver by the District or any Party to this MOU of any term, condition, or covenant of this MOU will not constitute a waiver of any other term, condition, or covenant.

Waiver by the District or any Party of any breach of the provisions of this MOU will not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.

(e) This MOU may be executed in any number of counterparts, each of which is an original but all of which taken together will constitute one and the same instrument, provided, however, that such counterparts have been delivered to all parties to this MOU.

(f) All parties acknowledge they have been represented, or have had the opportunity to be represented, by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU will be construed according to its fair language. Any ambiguities will be resolved in a collaborative manner by the District and the Parties and must be rectified by amending this MOU.

IN WITNESS WHEREOF, the District and the Parties have caused this MOU to be executed by their duly authorized representatives as of the date of their respective signatures.

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

By: _____

DATE: _____

APPROVED AS TO FORM:

CITY OF CARMEL-BY-THE-SEA

By: _____

DATE: _____

APPROVED AS TO FORM:

CITY OF DEL REY OAKS

By: _____

DATE: _____

APPROVED AS TO FORM:

CITY OF MARINA

By: _____

DATE: _____

APPROVED AS TO FORM:

CITY OF MONTEREY

By: _____

DATE: _____

APPROVED AS TO FORM:

CITY OF PACIFIC GROVE

By: _____

DATE: _____

APPROVED AS TO FORM:

SAND CITY

By: _____

DATE: _____

APPROVED AS TO FORM:

CITY OF SEASIDE

By: _____

DATE: _____

APPROVED AS TO FORM:

PEBBLE BEACH COMMUNITY SERVICES DISTRICT

By: _____

DATE: _____

APPROVED AS TO FORM:

COUNTY OF MONTEREY

By: _____

DATE: _____

APPROVED AS TO FORM:

EXHIBIT A

DETAILED ACTIVITIES & COSTS FY 2024-2025

Scope of Work

The activities related to the implementation of SB 1383 may include contracting and policy development; public education; materials purchasing and distribution; reporting; contamination monitoring; edible food waste recovery; enforcement; procurement; organics processing; rate setting; cost monitoring; and any other related activities the Parties choose to address.

The District will take the lead producing public education campaigns in concert with the already-provided Hauler and/or Member Agency resources. The Member Agencies will be responsible for production and mailing fees associated with outreach. The District will also contract with a vendor to administer contamination monitoring in the form of curbside lid flipping. The District will also provide CalRecycle reporting services to the Member Agencies. In addition, funds will be allocated to food recovery organizations for procurement of refrigerated holding facilities or transport vehicles to support edible food recovery efforts.

Costs

SB 1383 Fee Category	Detail	FY 24/25 Cost	Notes
HF&H General Support & TAC meetings	Task #5 (general support) & task #6 (monthly TAC meetings) of HF&H FY 2025 proposal	\$ 20,500	
Edible Food Recovery Capacity Building	\$40,000 for grant allocations. \$10,000 for grant administration.	\$ 50,000	Grants offered jointly by ReGen & SVR. SVR allocating \$60k. ReGen allocating \$50k (inclusive of \$10k for grant admin) as County is omitted from this line item.
Edible Food Recovery Program Administration	Assessment Updates - Living Document Generation Estimate Update-Using ReGen WCS FRO Capacity Survey - Annual Update Conference Presentations (CRRA) and Other Support TBD EFR E&O - Cycle 2 - Tier 1&2 Follow-up target groups TBD Organics Collections E&O - Target Groups TBD School Food Waste Reductions - Targeted Groups TBD Total split 50/50 with Salinas Valley Recycles	\$ 25,000	ReGen member agency portion only. Split 50/50 with SVR. Omits County of Monterey.
Edible Food Generator Inspections for Tier 1 & 2		\$ 4,000	Omits County of Monterey.
Public Education	Design/creation of public education materials. Does not include production or distribution of materials created.	\$ 20,000	
Contamination Monitoring (Lid Flipping)		\$ 15,000	Omits County of Monterey due to WM Smart Truck.
Recyclist Fees	Cloud-based recordkeeping and reporting system shared by haulers, jurisdictions and processor.	\$ 12,912	Omits County & City of Monterey, who subscribe separately.
ReGen Monterey Staff Time	Coordination and Hosting of Monthly TAC Meetings Hosting and/or participating in TAC Subcommittees SB 1383 Program Coordination and Development of Pub Edu CalRecycle Reporting Outreach at Community Events School Outreach & Compliance Coordination with Sustainability Groups	\$ 50,000	
Total		\$ 197,412	

EXHIBIT A

**DETAILED ACTIVITIES & COSTS
FY 2024-2025 (CONTINUED)**

HF&H Franchise Management Fees

Task #	Detail	FY 2025
1	Review Contractor's Quarterly Reports	\$ 12,500.00
2	Review Contractor's Annual Report	\$ 2,500
3	Review Franchise Fee Payments	\$ 2,500
4	Review Contractor's Annual Rate Adjustments	\$ 50,000
7	Develop New Reporting Templates	\$ 8,000
8	Monitor Contract Compliance	\$ 24,000
	Total	\$ 99,500

These fees are charged to ReGen Monterey by HF&H and are to be billed to the GreenWaste Recovery member jurisdictions only (omitting the City and County of Monterey).

EXHIBIT B

MEMBER AGENCIES' ANNUAL PROPORTIONATE SHARES & COSTS*
FY 2024-2025

	Population			
	#	%	Per Agency Cost/Year	With Minimums
Carmel	3,830	2.4%	\$ 11,018	\$ 11,225
DRO	1,525	1.0%	\$ 4,387	\$ 9,000
Marina	21,981	13.7%	\$ 63,233	\$ 59,982
PG	15,522	9.7%	\$ 44,653	\$ 42,357
PBCSD	4,531	2.8%	\$ 13,034	\$ 12,821
Sand City	310	0.2%	\$ 892	\$ 9,000
Seaside	33,956	21.2%	\$ 97,682	\$ 92,660
Monterey City	28,352	17.7%	\$ 47,013	\$ 44,867
County	50,128	31.3%	\$ 15,000	\$ 15,000
TOTAL	160,135		\$ 296,912	\$ 296,912

*Member Agencies' proportionate costs subject to adjustment annually in accordance with any change in scope and total costs. Costs "with minimums" will be utilized.

EXHIBIT C

MEMBER AGENCIES' ESTIMATED ALLOCATION OF CALRECYCLE LOCAL ASSISTANCE GRANT PROGRAM FUNDING (OWR1: 2021-22)**

The Member Agencies of Carmel, Del Rey Oaks, Marina, Monterey, Sand City, Seaside, Pacific Grove, and the Pebble Beach Community Services District (PBCSD) join the Local Assistance Grant Program as a regional collaborative project for the implementation of regulation requirements associated with SB 1383, in coordination with other jurisdictions of the Monterey County region to maximize project impact and cost-effectiveness across the countywide area. This regional grant-funded project will be coordinated through the two local waste management governmental agencies within Monterey County, Monterey Regional Waste Management (MRWMD), and Salinas Valley Solid Waste Authority (SVSWA).

The Member Agencies, along with each of the MRWMD and SVSWA member agencies are applying individually to this grant program using a unified regional project design, budget and implementation approach. All participating jurisdictions' individual grant funding will be pooled together and expended in a cooperative manner by their agencies' respective waste districts, MRWMD and SVSWA. The County of Monterey is applying separately and will manage its budget and project implementation independently, in coordination with broader regional planning efforts.

Based on current regional needs and findings to date related to SB 1383 in Monterey County, the following four major components will comprise the principal focus areas of program expenditures under the proposed regional project approach:

- 1) Grant Management, Tracking & Reporting
- 2) Agency Procurement Support
- 3) Edible Food Recovery Implementation and Capacity Building
- 4) Organics & Edible Food Recovery Education, Outreach and Technical Assistance

Each element will be informed by regional coordination through the established MRWMD and SVSWA Technical Advisory Committee forums, Capacity Planning Assessments and related studies completed or in process throughout the region, and new data and information obtained through program implementation trials, stakeholder feedback and best practices as identified. All expenditures will be incurred jointly, facilitated through each respective waste agency, and tracked and reported by each jurisdiction, based on the percentage of grant funds received by each agency compared to the full funding received collectively by all participating member agencies. CalRecycle, based on per capita calculations, using the Department of Finance's January 2021 population statistics, estimates jurisdictions' proportionate grant allocations. A summary of individual and collective agency grant allocations is presented below as **Table 1**.

Table 1. Thirteen Agency Collaborative Approach Budget Summary

Agencies	Estimated Funding	% of District Subtotal	% of Region Total	Waste District
Carmel-by-the-Sea	\$20,000	9%	4%	MRWMD
Del Rey Oaks	\$20,000	9%	4%	MRWMD
Marina	\$29,771	14%	6%	MRWMD
Monterey	\$38,247	18%	7%	MRWMD
Pacific Grove	\$21,398	10%	4%	MRWMD
Sand City	\$20,000	9%	4%	MRWMD
Seaside	\$43,151	20%	8%	MRWMD
Pebble Beach Community Services District	\$20,000	9%	4%	MRWMD
Subtotal (MRWMD):	\$212,566	100%	41%	
Gonzales	\$20,000	6%	4%	SVSWA
Greenfield	\$25,157	8%	5%	SVSWA
King City	\$20,665	7%	4%	SVSWA
Salinas	\$211,143	68%	40%	SVSWA
Soledad	\$33,095	11%	6%	SVSWA
Subtotal (SVSWA):	\$310,060	100%	59%	
TOTAL (13 Agency Regional Approach):	\$522,626		100%	

** Working in coordination with the designated CalRecycle grant manager or other agency representatives as appropriate, the region may adjust these proposed expenditure areas, amounts, or priorities, consistent with grant expenditure eligibility requirements, as needed during the course of the grant term based on the needs of the region.

EXHIBIT D
MEMBER AGENCIES' ESTIMATED PROCURMENT REQUIRMENTS
OF ORGANIC MATERIAL

The list below indicates the annual recovered organic waste product procurement targets for each jurisdiction (city, county, or city and county) that will be in effect from January 1, 2022, through December 31, 2026 per CalRecycle.

Member Jurisdiction	Population (1/1/21 estimate)	% of Population	Annual Procurement Target (Tons of Organic Waste)	Tons of Compost (.58)	Cost /Ton Compost	Cost of Compost
Carmel-by-the-Sea	4,023	1%	322	187	\$ 28.00	\$ 5,229.28
Del Rey Oaks	1,670	0%	134	78	\$ 28.00	\$ 2,176.16
Marina	21,920	7%	1,754	1,017	\$ 28.00	\$ 28,484.96
Monterey	28,382	8%	2,271	1,317	\$ 28.00	\$ 36,881.04
Pacific Grove	15,536	5%	1,243	721	\$ 28.00	\$ 20,186.32
Sand City	385	0%	31	18	\$ 28.00	\$ 503.44
Seaside	32,121	10%	2,570	1,491	\$ 28.00	\$ 41,736.80
Pebble Beach CSD	4531	1%	362	210	\$ 28.00	\$ 5,878.88
Unincorporated County*						\$ -
Total MRWMD	108,568	32%	8,687	5,038		\$ 141,076.88

*Unincorporated County not participating in procurement portion of MOU
All product quoted as unbagged F.O.B MRWMD site.
Transportation costs are not included.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 4, 2024

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2024-, CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN CITY OFFICERS FROM COUNCIL DISTRICTS 2 AND 3 AND REQUESTING THAT THE COUNTY OF MONTEREY AGREE TO CONSOLIDATION OF SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON SAID DATE, AND REQUESTING THE COUNTY TO RENDER ANY AND ALL SERVICES IN CONNECTION WITH SAID CONSOLIDATED ELECTION; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUNDS AND THE CITY MANAGER TO EXECUTE AN AGREEMENT, SUBSTANTIALLY IN THE FORM ATTACHED HERETO, FOR THE PROVISION OF ELECTION SERVICES WITH MONTEREY COUNTY, SUBJECT TO FINAL REVIEW AND APPROVAL BY CITY ATTORNEY.

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2024-, calling for a general municipal election in the City of Marina on Tuesday, November 5, 2024, for the election of certain city officers; and
2. Requesting the County of Monterey agree to the consolidation of the election with the statewide general election and requesting the County Elections Department to render any and all services required to conduct the election; and
3. Authorizing the Finance Director to appropriate funds and the City Manager to execute a service agreement for the provision of election services between the City of Marina and Monterey County Elections Department/Registrar of Voters subject to final review and approval by City Attorney.

BACKGROUND:

The terms of Councilmember Kathy Biala and appointed Councilmember Jenny McAdams will expire as of November 2024. On December 17, 2019, the City Council adopted Ordinance 2019-04 amending Chapter 2.06 of the Marina Municipal Code entitled “Municipal Elections” to add Section 2.06.020 establishing a by-district electoral system for four City Council members, with the office of Mayor to continue to be separately elected. The November 5, 2024, general municipal election will be the second election held under the by-district electoral system for Council Districts 2 and 3.

ANALYSIS:

Pursuant to Elections Code (EC) Section 10002, the City may, by resolution, request the Board of Supervisors of the County to permit the County Elections Official to render specified services to the city or district relating to the conduct of an election.

Pursuant to EC §§12101 the first day for the City Council to call for an election and for the City Clerk to publish notice of the election, is July 3, 2024.

Pursuant to EC Section, 10403 the last day for the City Council to file with the Elections Department a resolution requesting consolidation of an election for candidates or measures is August 9, 2024.

Pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections.

Consistent with past practice, when the City's election is consolidated and the County be requested to render specified services in connection with said consolidated election, the County requires a contract for any and all services. The form of a contract for the November 5, 2024 General Municipal Election is attached as **EXHIBIT A**.

FISCAL IMPACT:

Should the City Council approve this request, adequate funding is included in the FY 2023-24 and FY 24-25 Budgets, and will be charged to General Fund, City Administration, Elections, Account No. 100.120.000.00-6370-170. The County Elections Department has estimated the cost to the City for the consolidation of the November 5, 2024 election to be between \$35,000 and \$45,000.

CONCLUSION:

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

Respectfully submitted,

Anita Sharp
Deputy City Clerk
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

SOURCE OF FUNDING:

Should the City Council approve this request, adequate funding is included in the FY 2023-24 and FY 2024-2025 Budgets and will be charged to General Fund, City Administration, Elections, Account No. 100.120.000.00-6370-170.

RESOLUTION ORDERING A GENERAL MUNICIPAL ELECTION IN THE CITY OF MARINA, REQUESTING THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE ELECTION

City of Marina

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city or district shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, the provisions of Section 2.06.010 of the Marina Municipal Code provide that the City of Marina's General Municipal Election shall be held on the same day as the Statewide General Election on the first Tuesday following the first Monday of November in every even-numbered year and the City Council may submit to the voters at the election such questions and or propositions as may be timely submitted; and

WHEREAS, on December 17, 2019, the City Council adopted Ordinance 2019-04 amending Chapter 2.06 of the Marina Municipal Code entitled "Municipal Elections" to add Section 2.06.020 establishing a by-district electoral system for four City Council members, with the office of Mayor to continue to be separately elected; and

WHEREAS, the November 5, 2024, general municipal election will be the second election held under a by-district electoral system for Council Districts 2 and 3; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

**Resolution No. 2024-
Page Two**

WHEREAS, pursuant to Elections Code Section 13307, whenever an election called by a district, city, or other political subdivision has offices to be filled, it is required to fix and determine the number of words that a candidate may submit on the candidate’s statement to be either 200 or 400 words and to determine if the candidate and or the political subdivision will pay the cost of the statement; and

WHEREAS, Elections Code Section 15651 requires the city or district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes (“tie votes”) for an office to be voted upon; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on November 5, 2024.

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the governing body of the City of Marina hereby orders an election be called and consolidated with any and all elections also called to be held on November 5, 2024, insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the City of Marina, and the City of Marina requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that said governing body hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services, and

BE IT FURTHER RESOLVED AND ORDERED that the Monterey County Elections Department conduct the election for the purpose of electing two Members to this Governing Board on the November 5, 2024, ballot:

SEATS OPEN	OFFICE	TERM
Kathy Biala	Councilmember- District 2	Full Term of Four Years
Jennifer McAdams	Councilmember- District 3	Full Term of Four Years

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Election Code Section 13307 the City of Marina has resolved that all costs of the Candidate’s statement be paid by the Candidate and that no candidate may submit a statement of over 200 words.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 15651(a), a tie vote shall be resolved by drawing lots.

BE IT FURTHER RESOLVED AND ORDERED that tie votes shall be determined by the City Council acting as the Election Board.

**Resolution No. 2024-
Page Two**

BE IT FURTHER RESOLVED AND ORDERED that the Deputy City Clerk is hereby designated as the Elections Officials and is directed to submit forthwith a certified copy of this resolution to the Board of Supervisors, to the Registrar of Voters and to the County Clerk of the County of Monterey. The Deputy City Clerk shall certify as to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

BE IT FURTHER RESOLVED AND ORDERED that the Deputy City Clerk is hereby authorized, instructed, and directed to coordinate with the Registrar of Voters of the County of Monterey to ensure that the election is conducted in conformance with the law, and is authorized to perform any and all steps deemed necessary or advisable to effectuate the purposes of this Resolution.

BE IT FURTHER RESOLVED AND ORDERED that in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections

BE IT FURTHER RESOLVED AND ORDERED that the Finance Director is authorized and directed to appropriate the necessary funds to pay for the cost of the election and the City Manager is authorized to execute an agreement for the provision of election services between the City of Marina and Monterey County, subject to review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina on this 4th day of June 2024, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTENTIONS: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

SIGNED: _____
Bruce C. Delgado, Mayor

ATTEST: _____
Anita Shepherd-Sharp, Deputy City Clerk

**SERVICE AGREEMENT FOR THE PROVISION OF ELECTION
SERVICES BETWEEN CITY OF MARINA AND
COUNTY OF MONTEREY DEPARTMENT OF ELECTIONS
NOVEMBER 5, 2024**

This Agreement, entered into this _____ day of _____ 2024, by and between City of Marina and County of Monterey Department of Elections (hereinafter referred to as the Department);

WHEREAS, it is necessary and desirable that the Department be retained for the purpose of conducting an election hereinafter described for the City of Marina (hereinafter referred to as the City);

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

SERVICES TO BE PERFORMED BY THE CITY:

- 1) No later than the 88th day prior to the election the City shall submit a resolution requesting the Department to conduct an election for the City on **NOVEMBER 5, 2024** and requesting election related services of the Department.
- 2) The City shall publish the Notice of Election and the Notice to File Declarations of Candidacy for the offices to be voted on, and/or the Notice to File Arguments for or against any measure.
- 3) The City shall submit to the Department in writing the exact number of offices to be voted on and the names and ballot designations of the candidates for those offices, and/or the exact ballot wording to be voted by no later than the 88th day prior to the election, or by the 83rd day prior to the election if Elections Code §§ 10225, 10229, and 10407 are applicable.
- 4) The City shall prepare and deliver to the Department the Voter Guide information containing, as applicable, candidates' statements of qualifications, ballot measure, tax rate statements, impartial analysis, arguments for or against and rebuttals thereto. The last day for the submission of primary arguments (300 words) and

impartial analysis shall be no later than **AUGUST 15, 2024**. The last day for the submission of rebuttal arguments (250 words) is **AUGUST 22, 2024**.

- 5) The City shall be responsible for reviewing and approving the language of the sample ballot and official ballot wording for candidates and measures.

SERVICES TO BE PERFORMED BY THE DEPARTMENT:

- 1) The Department shall select and contract with the sample and official ballot printer(s) on behalf of the City.
- 2) The Department shall prepare and deliver to the printer the official ballot information.
- 3) The Department shall issue, receive and process all ballots on behalf of the City matters.
- 4) The Department shall procure all necessary and appropriate polling place locations, hire polling place workers, and conduct the election in accordance with all applicable state, federal and local laws.
- 5) The Department shall prepare a Canvass of Votes Cast and submit a Certificate of Registrar of Voters to the City regarding the City matters.
- 6) The Department shall conduct other various and miscellaneous election activities as required including but not limited to all those required as the City's Election Official other than those described under "Services to be Performed by the City".

TERMS:

This Agreement shall be in effect for the performance of all services incident to the preparation and conduct of the election to be held on **NOVEMBER 5, 2024**.

The parties will use best efforts to perform services herein. However, in the event the Department is unable to perform services required under this Agreement that are beyond their control, including an employee strike, vendor conditions, natural disasters, war, or other similar conditions, the Department will be relieved of all obligations under this Agreement. The Department will provide reasonable notice, if practical, of any conditions beyond their control, including notice at least 60 days prior to **NOVEMBER 5, 2024** of vendor conditions affecting the election services. In the event a vendor does not perform, the Department will attempt to obtain substitute services.

CONSIDERATION:

In consideration of the performance of services and supplies provided by the Department, the City shall pay to the Department a sum equal to the actual cost of such services, expenses, and supplies related to the work performed on behalf of City. In the event that this Agreement is terminated prematurely, the City shall pay to the Department a sum equal to the actual cost of such services performed or supplies/expenses incurred as of the effective date of the termination.

The City shall make payment within 30 days of receipt of invoice from the Department.

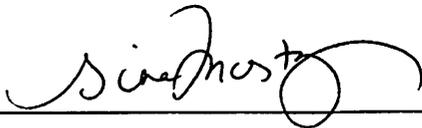
CITY:

Signature: _____ Date: _____

Print Name: Layne Long

Title: City Manager

COUNTY:

Signature:  _____ Date: 04/23/2024

Print Name: Gina Martinez

Title: County of Monterey, Registrar of Voters

ORDINANCE NO. 2024-06

**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.



DATE: MAY 24, 2024
TO: MARINA CITY COUNCIL
FROM: PUBLIC WORKS COMMISSION INTERVIEW PANEL
SUBJECT: RECOMMENDATION FOR APPOINTMENTS

We, the undersigned members of the Planning Commission Interview Panel, hereby make the following recommendation to the City Council for consideration to fill two (2) seats based on interviews conducted on May 24, 2024.

TWO APPOINTMENTS, TERM EXPIRING FEBRUARY 2026

1. Jaime Schrabeck
2. Joosik Choi



Bruce C. Delgado
Mayor

5/24/24

Date



Liesbeth Visscher
Mayor Pro Tem
Public Works Commission Liaison

05/24/2024

Date

City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.ci.marina.ca.us

<u>Office Use Only</u>	
Received On:	_____
Interview Date:	<u>5/24/24</u>
Registered Voter:	<u>Yes</u>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Application Valid Thru	

CANDIDATE FOR PUBLIC SERVICE APPOINTMENT

Committee/Commission Applying for: Public Works Commission

Section A - General Information

Name (last, first, middle): Schrabeck, Jaime, Devon

Home Address (address, city): _____ Marina, CA 93933

Home Phone: 831 _____ Business Phone: 831 _____ Fax Number: NA

E-Mail: _____

Employer: Precision Nails (Owner & Licensed Manicurist) Address: 26366 Carmel Rancho Lane, Suite B Carmel, CA 93923

Section B - Residency

Length of Residency in the City of Marina: 8 (yrs.) Length of Residency in Monterey County 48 (yrs.)

Are you a registered voter in Marina? X yes _____ no

Section C - Questionnaire

How many hours can you devote to the Commission / Committee per month? 20 (hrs.)

**Please include years or period of membership or service below.
If additional space needed, please feel free to attach additional pages to application.*

- 1) Educational Background: Ph.D. in Education (UC Davis); Multiple Subject Credential (CSU Fresno); BA in English Literature with History Minor (UC Davis); Manicurist Course (Career College - Seaside)
- 2) Occupational Experience: Owner and licensed manicurist of Precision Nails (since 1992); expert witness; continuing education provider; beauty industry advocate; event organizer; competition director; writer; named to multiple working groups & committees by the California Board of Barbering and Cosmetology
- 3) Professional or technical organization memberships: Professional Beauty Association and Carmel Chamber of Commerce

211 Hillcrest Avenue
Marina, California 93933
(831) 884-1278 (831) 384-9148 (fax)

4) Civic or Community experience, group memberships, or previous service appointments: _____
YWCA Board Member (2015-2018); volunteer for Sunset Center including Gala Planning Committee (2012-2015);
assistant logistics manager for Carmel International Film Festival (2017)

5) Experience and or knowledge pertaining to the area of interest: My experiences as a business owner, employer and educator inform my ability to collaborate with others and achieve organizational goals, like event planning, outreach and fundraising. I'm especially interested in applying my leadership skills within our community to increase engagement and welcome every resident and business to contribute to the improvement and well-being of the city of Marina.

I hereby place my signature below which constitutes that the information on this form are true and correct.



Signature

March 16, 2024

Date

211 Hillcrest Avenue
Marina, California 93933
(831) 884-1278 (831) 384-9148 (fax)



Verification of
Voter Registration

I, Jaime Devon Schrabek, hereby declare that I am a registered voter in the City of Marina at the address indicated below and that the following information is true and correct:

(Please Print or type)

Name: Jaime Devon Schrabek

Address: [REDACTED]

City: Marina, California 93933

Phone Number: (home) 831 [REDACTED] (work) 831 [REDACTED]

Fax Number (if any): NA

Email Address: jaime@precisionnails.com

Dated this 16 day of March, 2024.

[REDACTED]
Signature

<u>Monterey County Elections Department</u>	
<input checked="" type="checkbox"/>	Yes, registered voter of Marina
<input type="checkbox"/>	No, not a registered voter of Marina
<u>[Signature]</u> Signature of MCED Verifying	

INTERVIEW EVALUATION FORM
PUBLIC WORKS COMMISSION

APPLICANT

Name: Jaime Schrabec

Date: May 24, 2024

SECTION A

RESIDENCY IN CITY/COUNTY	COMMUNITY & CIVIC INVOLVEMENT	EDUCATIONAL EXPERIENCE	PROFESSIONAL EXPERIENCE	PARTICIPATION IN CITY EVENTS OR MEETINGS
Knowledge of area (10 pts)	Participation in City commissions and/or civic organizations (10 pts)	Application to field of City Operations (10 pts)	Understanding local municipal ordinances (10 pts)	Attendance or participation at past or current City Services & Improvement Commission Meetings (10 pts)

SECTION B – QUESTIONS (10 points each)

1. Why did you apply for this commission?	<i>Lived since 2015, not home yet. Not interested in fill needs.</i>
2. What do you see as the role of a Public Works Commission member?	<i>No homework, listen, try understand.</i>
3. What is your perception of the City's future and how can you facilitate it?	<i>Growing w/ construction more commercial.</i>
4. Do you have ideas for improvement to services offered or to enhance the over all appearance of Marina?	
5. Why are you the best choice for this position?	<i>Don't know she is. Enjoy w/ people. Need balance of people to work together. Have skill.</i>
Comments:	
Qualified: <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
Recommended for further consideration by City Council <input type="checkbox"/> yes <input type="checkbox"/> no	
Evaluated by: <i>3 Delgado</i>	

SECTION C - SCORING

Sec. A	Residency / Knowledge of Area	Involvement / Participation	Education Experience	Profession Experience	Attendance / Participation in meetings	Total Points for Section A
	7	6	10	7	6	36
Sec. B	Question 1	Question 2	Question 3	Question 4	Question 5	Total Points for Section B
	6	6	7	6	6	31

Grand Total 67

+ desires in Maine: Infrastructure does people crazy or gets people to love an area. My pen. rather. Monterey -
CV. City adapting to new businesses.

2) constraints. ^{what} Businesses + residents need to thrive. Ambassadors
No chamber of commerce

3) ^a residents engaged? Changing - more diverse than past w/
different education, life experiences,
walkable lifestyle. Need connectivity, encourage connections
3b. - greater understanding about marine, what is dynamic about it

INTERVIEW EVALUATION FORM
PUBLIC WORKS COMMISSION

APPLICANT

Name: Jaime Schrabec

Date: May 24, 2024

SECTION A

RESIDENCY IN CITY/COUNTY	COMMUNITY & CIVIC INVOLVEMENT	EDUCATIONAL EXPERIENCE	PROFESSIONAL EXPERIENCE	PARTICIPATION IN CITY EVENTS OR MEETINGS
Knowledge of area (10 pts)	Participation in City commissions and/or civic organizations (10 pts)	Application to field of City Operations (10 pts)	Understanding local municipal ordinances (10 pts)	Attendance or participation at past or current City Services & Improvement Commission Meetings (10 pts)

SECTION B – QUESTIONS (10 points each)

1. Why did you apply for this commission?	} <i>See separate sheet</i>
2. What do you see as the role of a Public Works Commission member?	
3. What is your perception of the City's future and how can you facilitate it?	
4. Do you have ideas for improvement to services offered or to enhance the over all appearance of Marina?	
5. Why are you the best choice for this position?	
Comments:	
Qualified: <input checked="" type="checkbox"/> yes () no	
Recommended for further consideration by City Council <input checked="" type="checkbox"/> yes () no	
Evaluated by: <u>Nesbeth Visscher</u>	

SECTION C - SCORING

Sec. A	Residency / Knowledge of Area <u>8</u>	Involvement / Participation <u>7</u>	Education Experience <u>7</u>	Profession Experience <u>9</u>	Attendance / Participation in meetings <u>7</u>	Total Points for Section A <u>38</u>
Sec. B	Question 1 <u>9</u>	Question 2 <u>9</u>	Question 3 <u>9</u>	Question 4 <u>9</u>	Question 5 <u>9</u>	Total Points for Section B <u>45</u>

Grand Total 83

INTERVIEW EVALUATION FORM PUBLIC WORKS COMMISSION

Applicant: Jaime Schragebeck

Date: May 24, 2024

Section B – QUESTIONS

1. Why did you apply for this commission?
Saw the email from the city, wants to be more involved. Likes communication, bringing people together. Has not been in a voluntary position in a few years, misses it. Marketing, outreach. Wants to do as much as she can to make it better.
2. What do you see as your role of a Public Works Commission member?
Get information, make recommendations for the council. Vet ideas. Collaborate with the Chamber of Commerce. Asks if there will be an introduction and training.
3. What is your perception of the City's future and how can you facilitate it?
The city is growing, and -as the only city on the peninsula- is embracing the growth. We are making ourselves more appealing. Very diverse and dynamic community. Would like to get to know people who have lived here forever. "Don't leave anyone behind."
4. Do you have ideas for improvement to services offered or to enhance the overall appearance of Marina?
*Not familiar with many parts of Marina, wants to walk there.
Where are the bike racks (that bikes can be chained to)?
Everything requires maintenance. Choose good quality materials.
The City of Salinas keeps a list of blighted properties, esp. commercial, but also residential.
See how we can get money/resources for that, maybe grants. Commercial buildings that had been sitting empty were converted to housing.*
5. Why are you the best choice for this position?
She is not sure that she is the best choice but wants to make an investment in the community. There will be a new PW Director; find out what the role of the commission is, make changes. Is it okay to do outreach? She works 3 days/week, has time, and can make time, wants to volunteer.

Comments:

Jaime and her husband attended the GPU workshop in the Community Center. There was no follow-up from the city.

Is interested in being an alternate for See Monterey and for the TAMC Bicycle & Pedestrian Facilities Advisory Committee.

Interviewed by: Liesbeth Visscher



City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.ci.marina.ca.us

Office Use Only	
Received On:	_____
Interview Date:	<u>5/24/25</u>
Registered Voter:	<u>Yes</u>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Application Valid Thru _____	

CANDIDATE FOR PUBLIC SERVICE APPOINTMENT

Committee/Commission Applying for: Public Works Commission

Section A - General Information

Name (last, first, middle): Choi, Joosik Samuel

Home Address (address, city): [Redacted] Marina

Home Phone: [Redacted] Business Phone: [Redacted] Fax Number: N/A

E-Mail: [Redacted]

Employer: DLI (Defense Language Instit) Address: POM, 1759 Lewis Rd, Monterey

Section B - Residency

Length of Residency in the City of Marina: 1 1/2 (yrs.) Length of Residency in Monterey County 6 (yrs.)

Are you a registered voter in Marina? yes no

Section C - Questionnaire

How many hours can you devote to the Commission / Committee per month? 10 (hrs.)

**Please include years or period of membership or service below.
If additional space needed, please feel free to attach additional pages to application.*

- 1) Educational Background: Masters Degrees on International Studies of Public Administration Post Graduated & Theological Studies.
- 2) Occupational Experience: Lecturing 6 years as an Assistant Professor at DLI, Served U.S. Army 20 years & Retired as a Chief Warrant Officer, Worked for the Gideons International in Korea as an Executive Director 6 years.
- 3) Professional or technical organization memberships: Korean-American Presbyterian Church, The Gideons International 15 years

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4) Civic or Community experience, group memberships, or previous service appointments: N/A
Member of ACOM

5) Experience and or knowledge pertaining to the area of interest: _____
Served as a Military Intelligence Field manager in Joint and Combined Forces.
Operated as a leader & Elders of Outreach ministry for local community in
the church.

I hereby place my signature below which constitutes that the information on this form are true and correct.


Signature

Apr. 1st 2024
Date

211 Hillcrest Avenue
Marina, California 93933
(831) 884-1278 (831) 384-9148 (fax)

INTERVIEW EVALUATION FORM PUBLIC WORKS COMMISSION

APPLICANT

Name: Joosik Choi

Date: May 24, 2024

SECTION A

RESIDENCY IN CITY/COUNTY	COMMUNITY & CIVIC INVOLVEMENT	EDUCATIONAL EXPERIENCE	PROFESSIONAL EXPERIENCE	PARTICIPATION IN CITY EVENTS OR MEETINGS
Knowledge of area (10 pts)	Participation in City commissions and/or civic organizations (10 pts)	Application to field of City Operations (10 pts)	Understanding local municipal ordinances (10 pts)	Attendance or participation at past or current City Services & Improvement Commission Meetings (10 pts)

SECTION B - QUESTIONS (10 points each)

1. Why did you apply for this commission?	<i>Some way to serve. Repay debt of teaching ESL.</i>
2. What do you see as the role of a Public Works Commission member?	<i>Listen to people's desires. Present to</i>
3. What is your perception of the City's future and how can you facilitate it?	<i>Dream for Marina. Good background</i>
4. Do you have ideas for improvement to services offered or to enhance the over all appearance of Marina?	<i>Clean trash, weeds, plant wild flowers</i>
5. Why are you the best choice for this position?	<i>Big heart, Good listener.</i>
Comments:	<i>20 yrs U.S. Army focus on education Experienced w/ complex complicated issues + quick problem solving make schools better</i>
Qualified: (<input checked="" type="checkbox"/>) yes () no	
Recommended for further consideration by City Council (<input checked="" type="checkbox"/>) yes () no	
Evaluated by:	<i>J. Delgado</i>

SECTION C - SCORING

Sec. A	Residency / Knowledge of Area	Involvement / Participation	Education Experience	Profession Experience	Attendance / Participation in meetings	Total Points for Section A
	6	6	9	9	6	36
Sec. B	Question 1	Question 2	Question 3	Question 4	Question 5	Total Points for Section B
	7	6	7	7	7	36

Grand Total 72

- 1) serve the community. Be a bridge.
- 2) commission. Better results.
- 3) to apply to ~~what~~ what Mainia. Improve Mainia H.S.
Connect 2 halves Mainia. Calif are only connectors.

INTERVIEW EVALUATION FORM
PUBLIC WORKS COMMISSION

APPLICANT

Name: Joosik Choi

Date: May 24, 2024

SECTION A

RESIDENCY IN CITY/COUNTY	COMMUNITY & CIVIC INVOLVEMENT	EDUCATIONAL EXPERIENCE	PROFESSIONAL EXPERIENCE	PARTICIPATION IN CITY EVENTS OR MEETINGS
Knowledge of area (10 pts)	Participation in City commissions and/or civic organizations (10 pts)	Application to field of City Operations (10 pts)	Understanding local municipal ordinances (10 pts)	Attendance or participation at past or current City Services & Improvement Commission Meetings (10 pts)

SECTION B – QUESTIONS (10 points each)

1. Why did you apply for this commission?	} See separate sheet
2. What do you see as the role of a Public Works Commission member?	
3. What is your perception of the City's future and how can you facilitate it?	
4. Do you have ideas for improvement to services offered or to enhance the over all appearance of Marina?	
5. Why are you the best choice for this position?	
Comments:	
Qualified: <input checked="" type="checkbox"/> yes () no	
Recommended for further consideration by City Council <input checked="" type="checkbox"/> yes () no	
Evaluated by: <u>Liesbeth Visscher</u>	

SECTION C - SCORING

Sec. A	Residency / Knowledge of Area <u>7</u>	Involvement / Participation <u>8</u>	Education Experience <u>9</u>	Profession Experience <u>9</u>	Attendance / Participation in meetings <u>7</u>	Total Points for Section A <u>40</u>
Sec. B	Question 1 <u>9</u>	Question 2 <u>9</u>	Question 3 <u>9</u>	Question 4 <u>9</u>	Question 5 <u>9</u>	Total Points for Section B <u>45</u>

Grand Total 85

INTERVIEW EVALUATION FORM PUBLIC WORKS COMMISSION

Applicant : Joosik Choi
Date : May 24, 2024

Section B – QUESTIONS

1. Why did you apply for this commission?
Joosik wants to serve, pay back debt to society. Served 20 years in the US Army. He was encouraged to apply when he heard that the mayor and the councilmembers get paid almost nothing.
2. What do you see as your role of a Public Works Commission member?
Form a bridge and fill the gaps between the residents and the staff. He is part of two different cultures. One is not better than the other, there are different experiences. He loves to listen.
3. What is your perception of the City's future and how can you facilitate it?
There is a lot of potential here. "Small stuff": pick up trash, pull weeds, take ownership of the city. If everyone would do that, it would make a big difference, the city would be beautiful. Lots of young folks will stay here, and they will have children. He is wondering what Marina high school needs. He walked there, looked at the buildings. If the school has good programs, it will attract students from inside and outside of Marina. We need a major road connection between north and south Marina; connect 2nd Ave and Del Monte Blvd.
4. Do you have ideas for improvement to services offered or to enhance the overall appearance of Marina?
There are many empty spaces that look abandoned. We need a new Civic Center, fire- and police station. We need a 24/7 Medical Center, a clinic for emergencies. It is very good that Marina had its own water and MCWD. If we listen, mingle together, there will be good energy and we can hit the same target. It takes time, but it is an effective way to reach the goal. Like in the army, you don't just listen to the soldiers, but also to their families. Problems need to be resolved in a short time, especially during combat! Bundle ideas, focus on one direction.
5. Why are you the best choice for this position?
He will listen to others and is willing to learn.

Comments:

*Considered utilities and routes in the military (lots of map reading).
He wants to get involved and attended several meetings (Special Council Meeting re potential Civic Center locations, Tree Committee Meeting, GPU Workshop). He listened and studied the issues.*

Interviewed by: Liesbeth Visscher



Honorable Mayor and Members
of the Marina City Council

Regular Meeting of the City Council on
June 4, 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

This item was continued from the Council's regular meeting on May 21, 2024. The complete staff report packet from the May 21, 2024, Council meeting date is attached following this staff report as **EXHIBIT A**. Additionally, the May 21, 2024 report packet and meeting video are available for review on the City's Agenda Center website.¹ Per Marina Municipal Code (MMC) [Sec. 17.40.270](#), the City Council shall render its decision on the appeal of a Coastal Development Permit (CDP) within sixty (60) days of receipt of the appeal. In this case, the appeal(s) was filed on April 16, 2024, and thus requires a decision of the City Council on or before June 15th. Resolution No. 2024- (**EXHIBIT B**) remains unchanged from its original form.

Staff refers Council to its May 21, 2024, staff report concerning this agenda item. Additionally, included as **EXHIBIT C** is a letter from MST that addresses four questions that were raised by the Council at its May 21st meeting, including:

- 1) Timing of the issuance of the City's CDP
- 2) SURF! Project CEQA Determinations
- 3) May 17 Letter from Coastal Commission staff to CPUC/CTC
- 4) Bus-on-Shoulder Alternative

CORRESPONDENCE

All correspondence received after the publication of the May 21st Council packet up until the time of the meeting is included as **EXHIBIT D** to this staff report, including letters received on May 21st by MST/TAMC and the Rail Division of the California Department of Transportation.

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.

¹ <https://www.cityofmarina.org/AgendaCenter/ViewFile/Agenda/05212024-534>

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 continues to recommend 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. The Resolution has not changed from its original form presented in the Council packet on May 21, 2024.

Prepared by:

Alyson Hunter, AICP
Planning Services Manager
City of Marina

Reviewed/Concur:

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

Layne Long
City Manager
City of Marina

May 14, 2024

Item No. **11d**Honorable Mayor and Members
of the Marina City CouncilRegular 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: _____

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



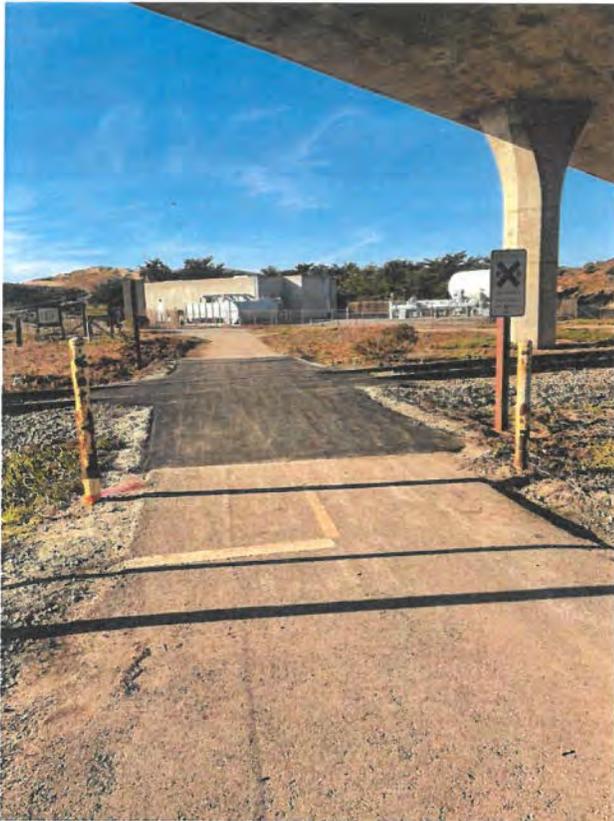


Exhibit B

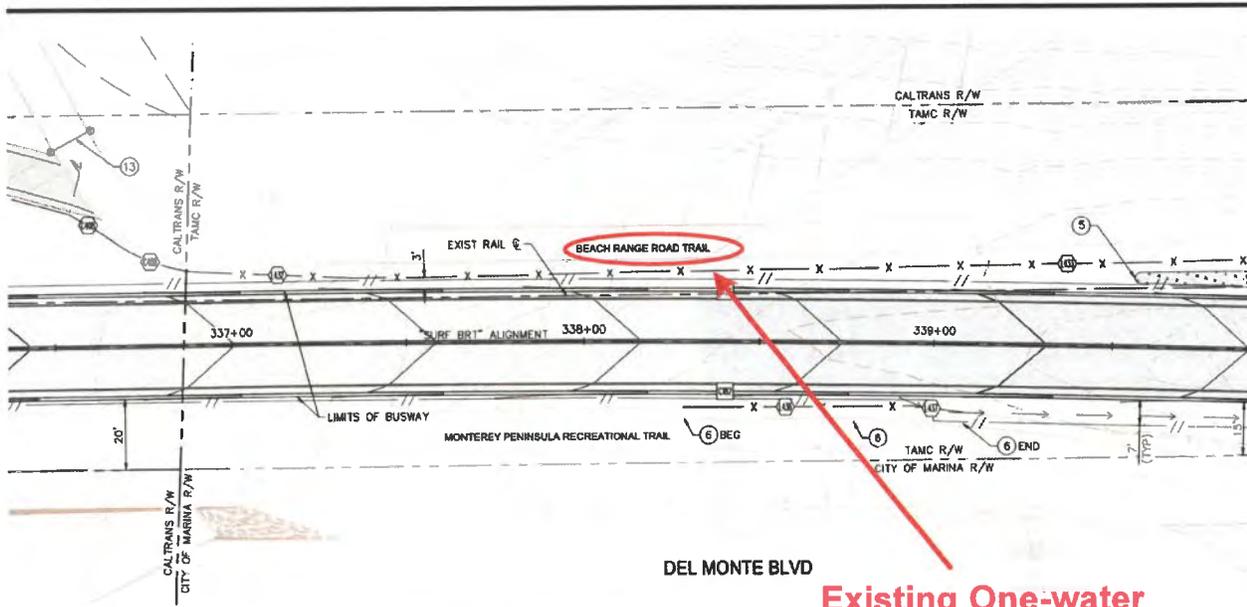
Popular recreational trail connection to the beach is proposed to be removed to accommodate the busway.



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

Looking South towards Sand City

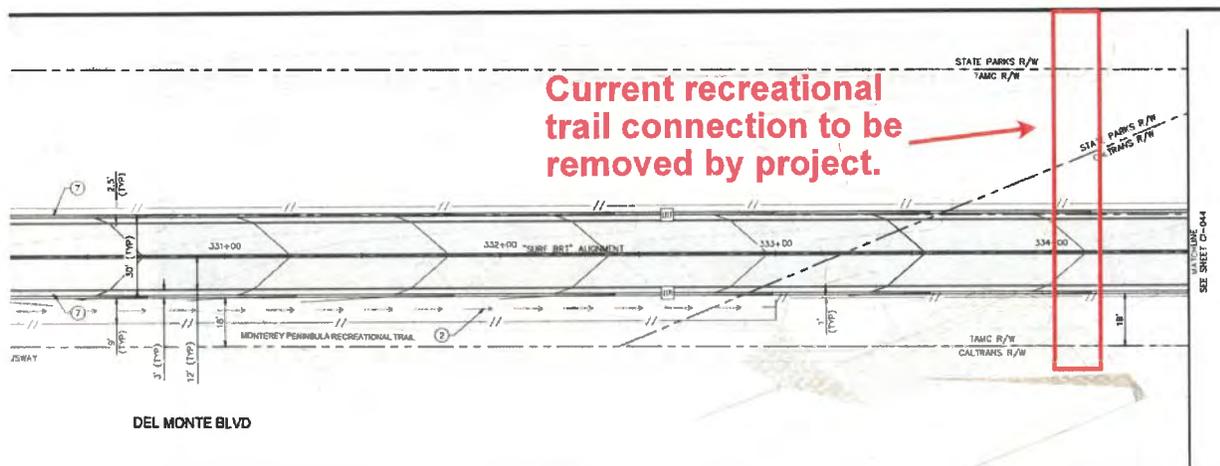
Exhibit C Site Plans



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

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 DM 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



Current recreational trail connection to be removed by project.

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.

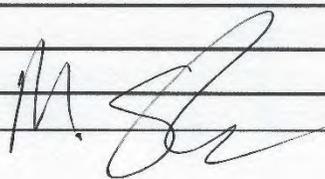
Appeal to: Planning Commission City Council
From Action of: PLANNING COMMISSION RESOLUTION NO. 2024-09
Date of Action : 4/11/24

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 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

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
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**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:
Michael Watson
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 Brylen.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:

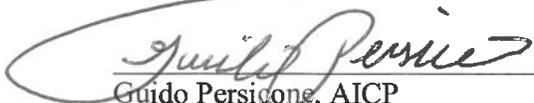
AYES, COMMISSIONERS: RANA, HUR, WOODSON, BARON

NOES, COMMISSIONERS: NONE

ABSENT, COMMISSIONERS: WALTON + ONE VACANCY

ABSTAIN, COMMISSIONERS: NONE

ATTEST:


Guido Persicone, AICP
Director, Community Development Dept.
City of Marina


Glenn Woodson, Chair

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

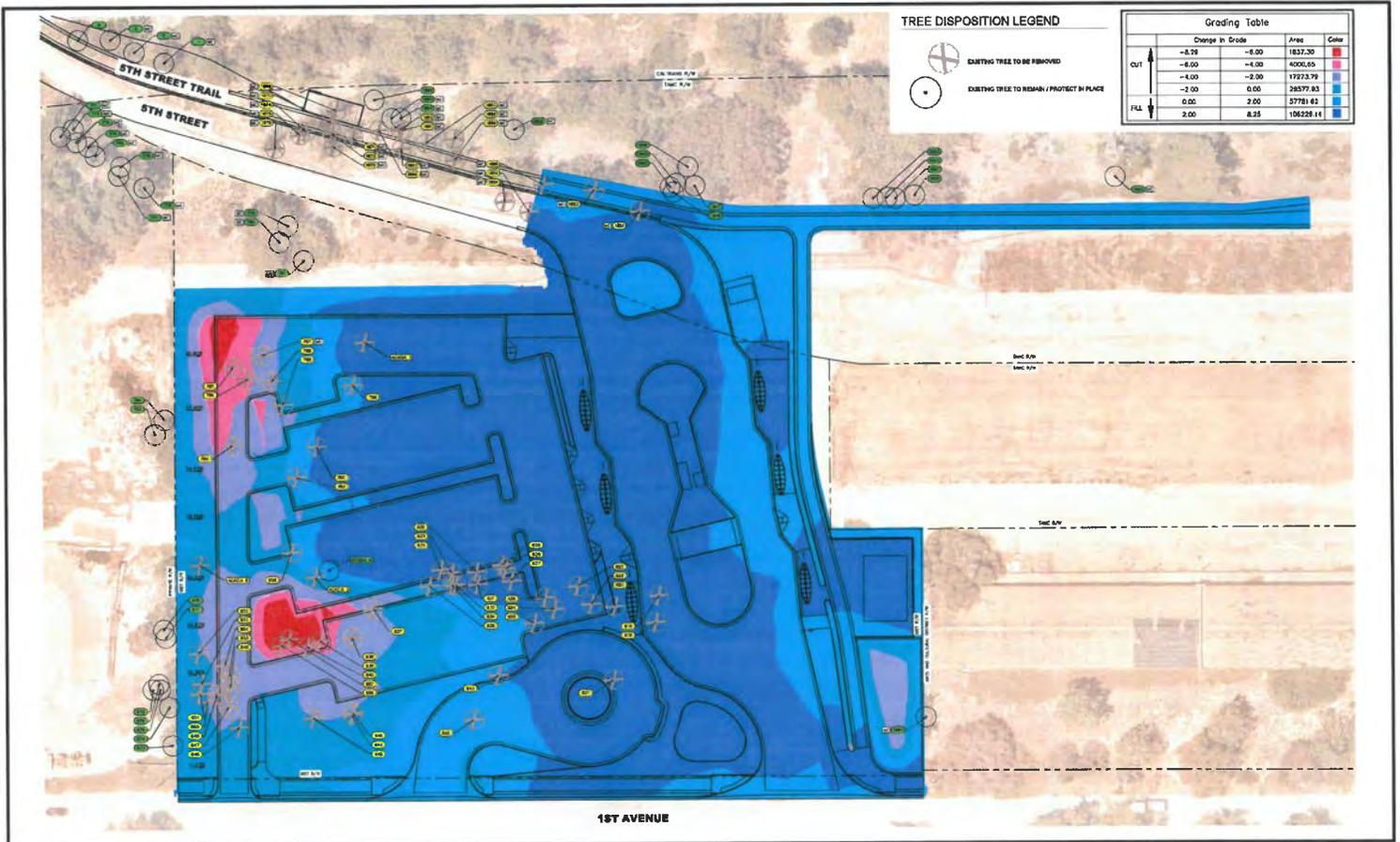


Exhibit B

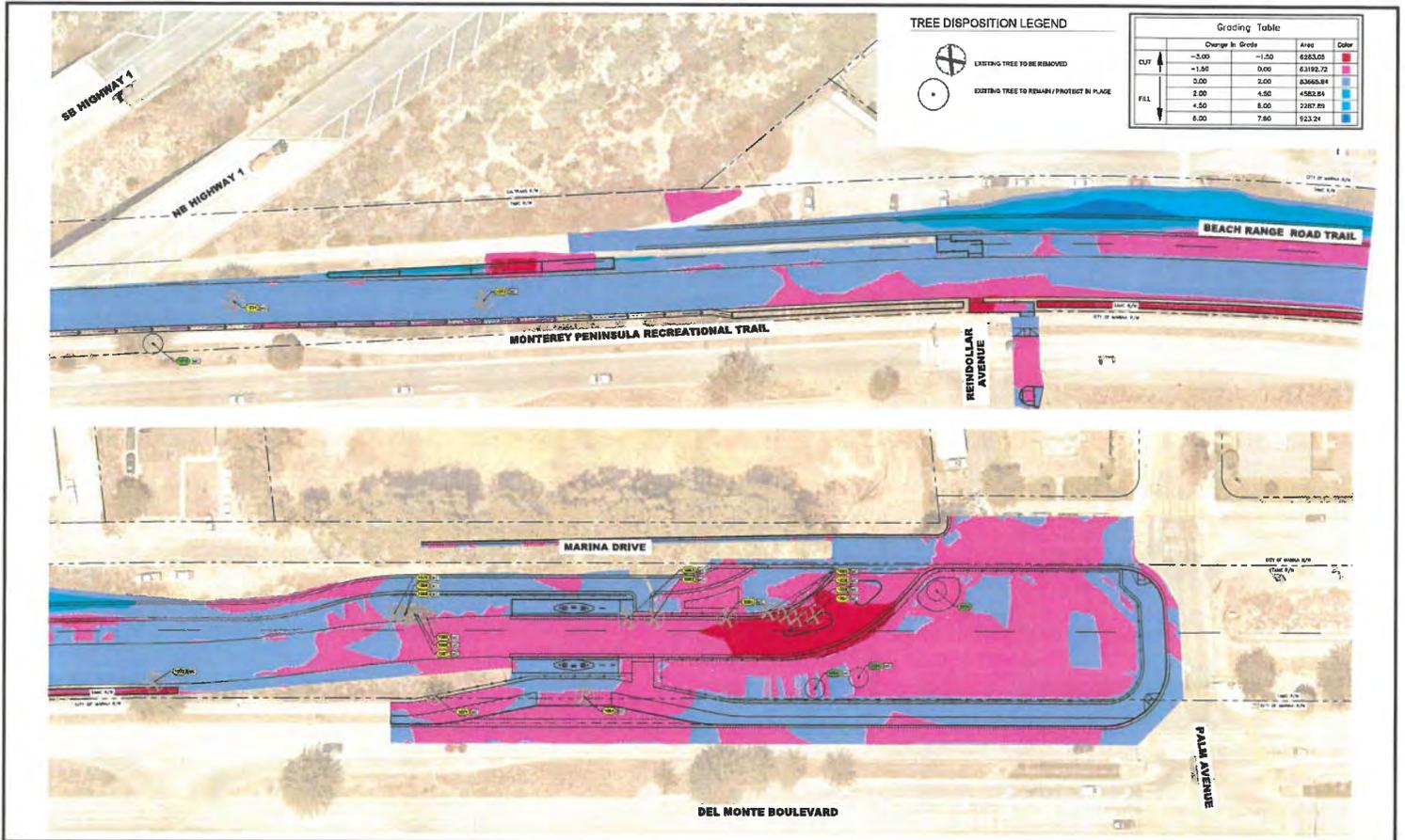


Exhibit B

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	23		23	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 6	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	56	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 sp.</i>	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

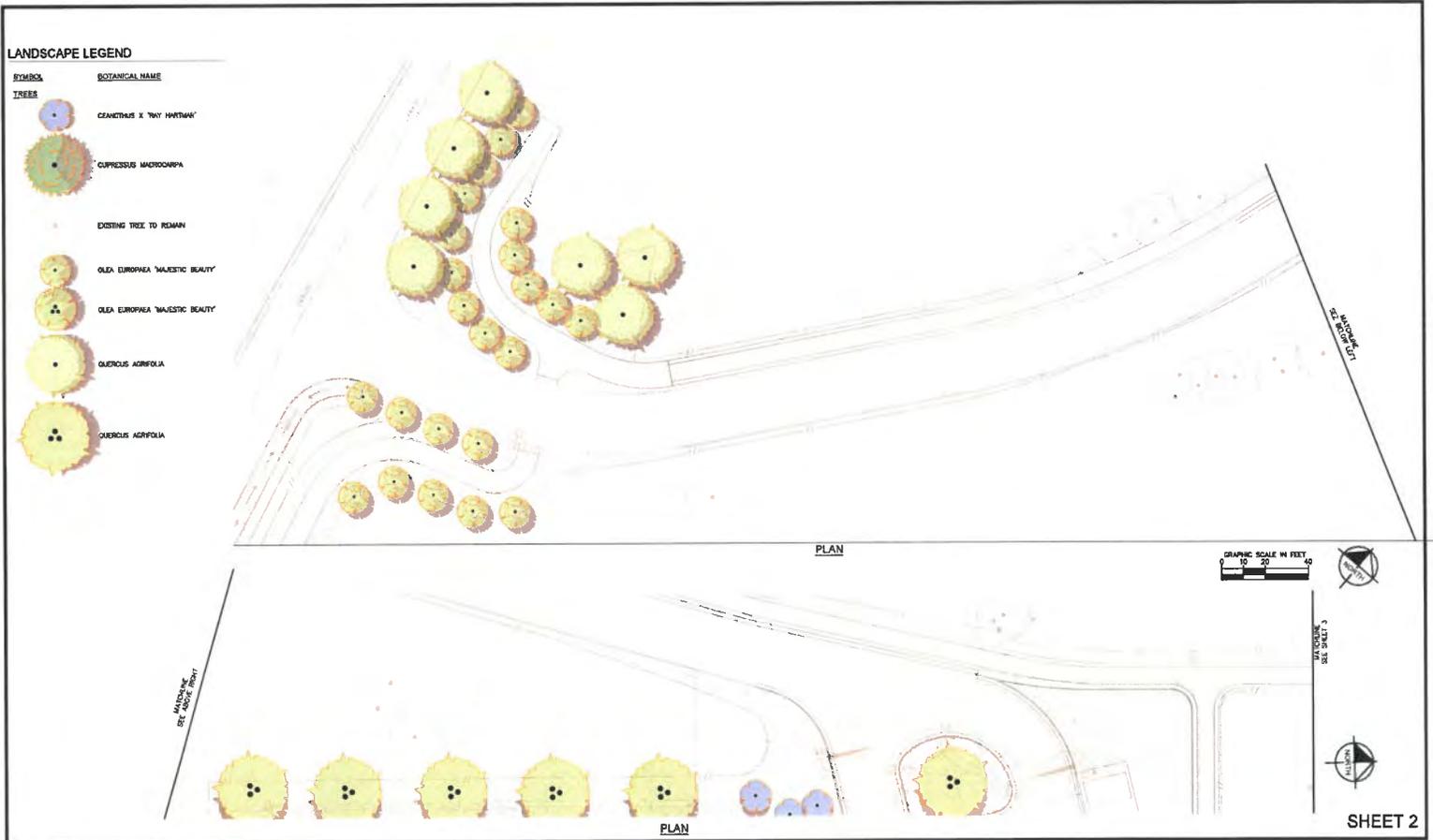
CITY OF MARINA LANDSCAPE LEGEND

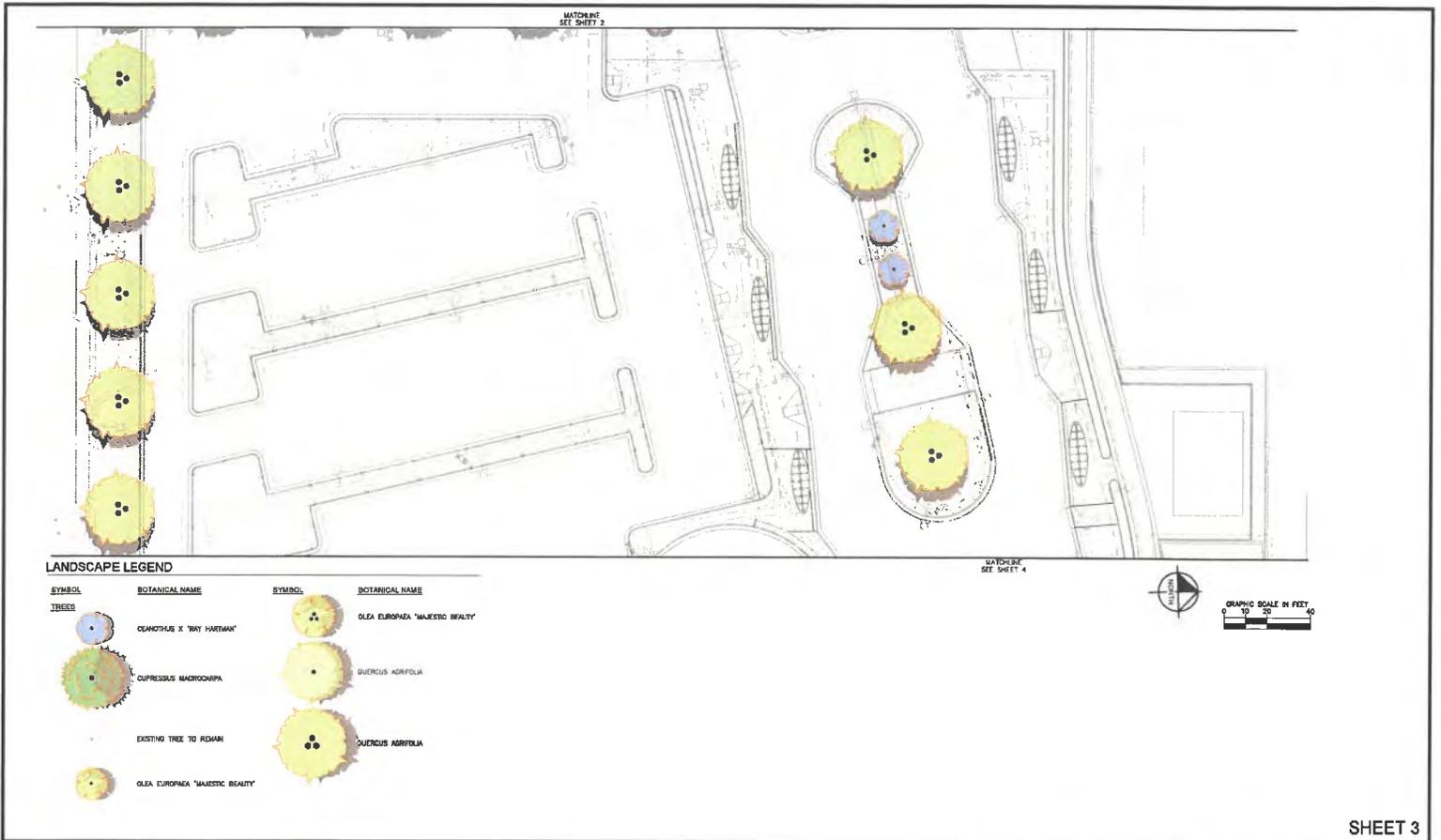
SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT	HEIGHT/SPREAD	CAL.	WINDSPEED	SIZE AT MATURITY
	29	CEANOETHUS X 'RAY HARTMAN' / RAY HARTMAN WILD LILAC	24" BOX	8'-11" HT. X 4'-5" SPRL.	2" CAL.	LOW	15'HT. X 15' HT SPRL.
	38	CUPRESSUS MACROCARPA / MONTEREY CYPRESS	36" BOX	9'-10" HT. X 4'-5" SPRL.	3" CAL.	MODERATE	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.	
	7	QUERCUS AGRIFOLIA / COAST LIVE OAK	15 GAL.	7"-8" HT. X 2'-3" SPRL.	1" CAL.	VERY LOW	60' HT. X 50' SPRL.
	18	QUERCUS AGRIFOLIA / COAST LIVE OAK	36" BOX	12-14" HT. X 5-6" 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. CEANOETHUS X 'RAY HARTMAN' IS LISTED ON THE MARINA TREE & GARDEN CLUB TREE LIST FOUND IN THE MARINA DOWNTOWN VITALIZATION SPECIFIC PLAN.
3. CEANOETHUS X 'RAY HARTMAN' HAS BEEN CHOSEN BASED ON THE FACT THAT IT PERFORMS WELL IN THE CITY OF MARINA'S 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



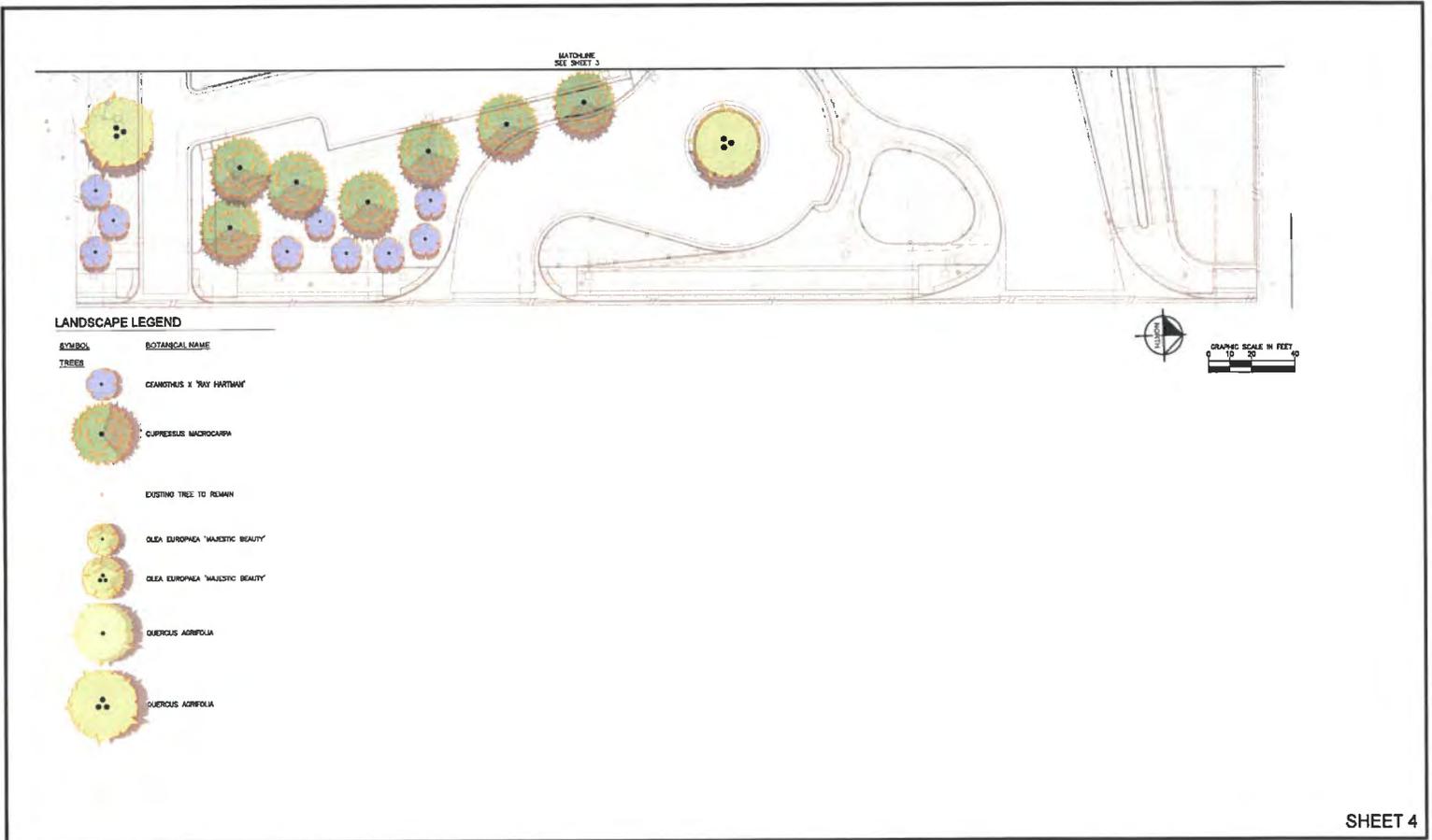


LANDSCAPE LEGEND

SYMBOL	BOTANICAL NAME	SYMBOL	BOTANICAL NAME
	CEANOTHUS X 'RAY HARTMAN'		OLEA EUROPAEA 'MAJESTIC BEAUTY'
	CUPRESSUS MACROCARPA		QUERCUS AGRIFOLIA
	EXISTING TREE TO REMAIN		QUERCUS AGRIFOLIA
	OLEA EUROPAEA 'MAJESTIC BEAUTY'		

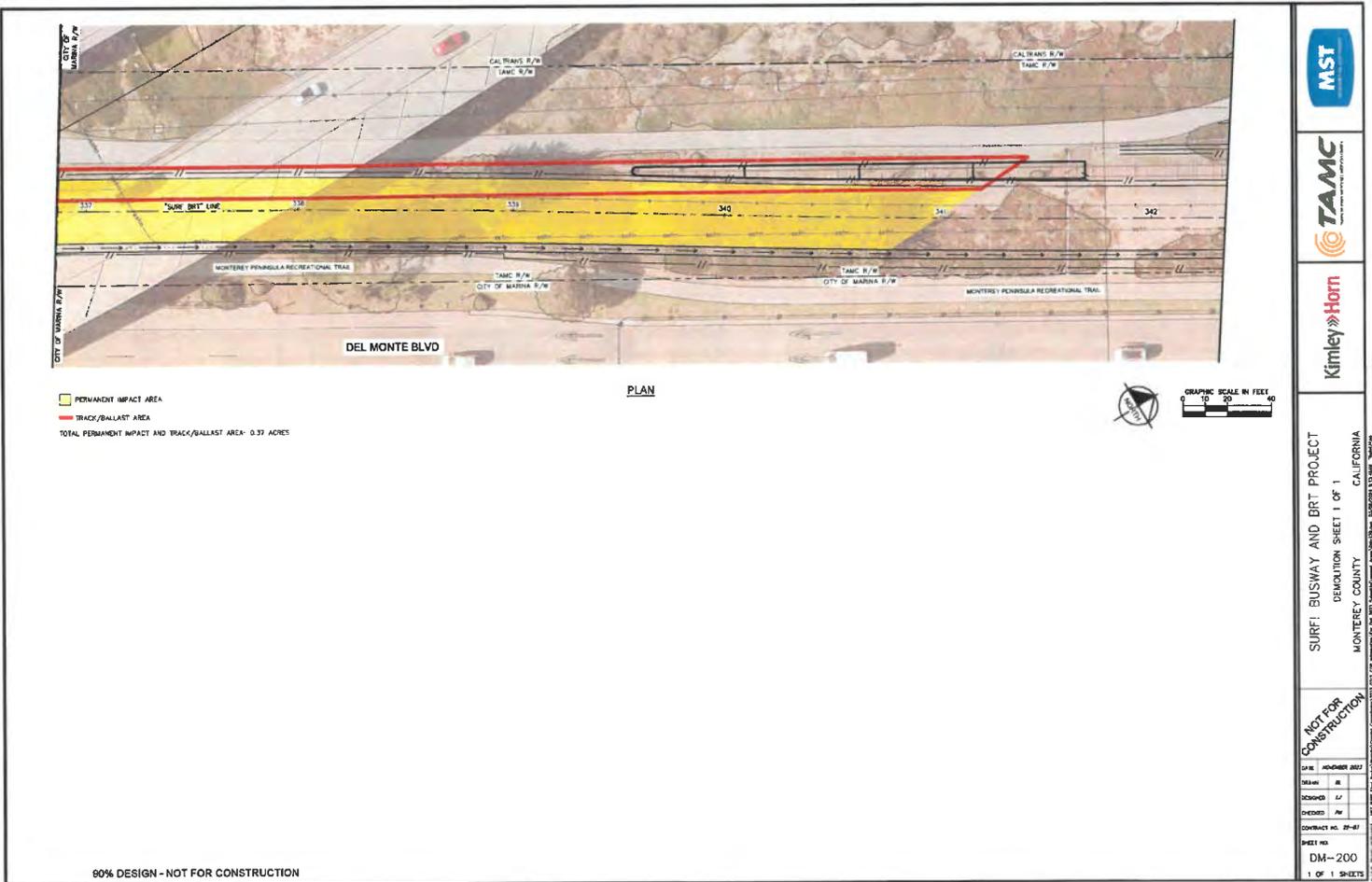


SHEET 3



SHEET 4

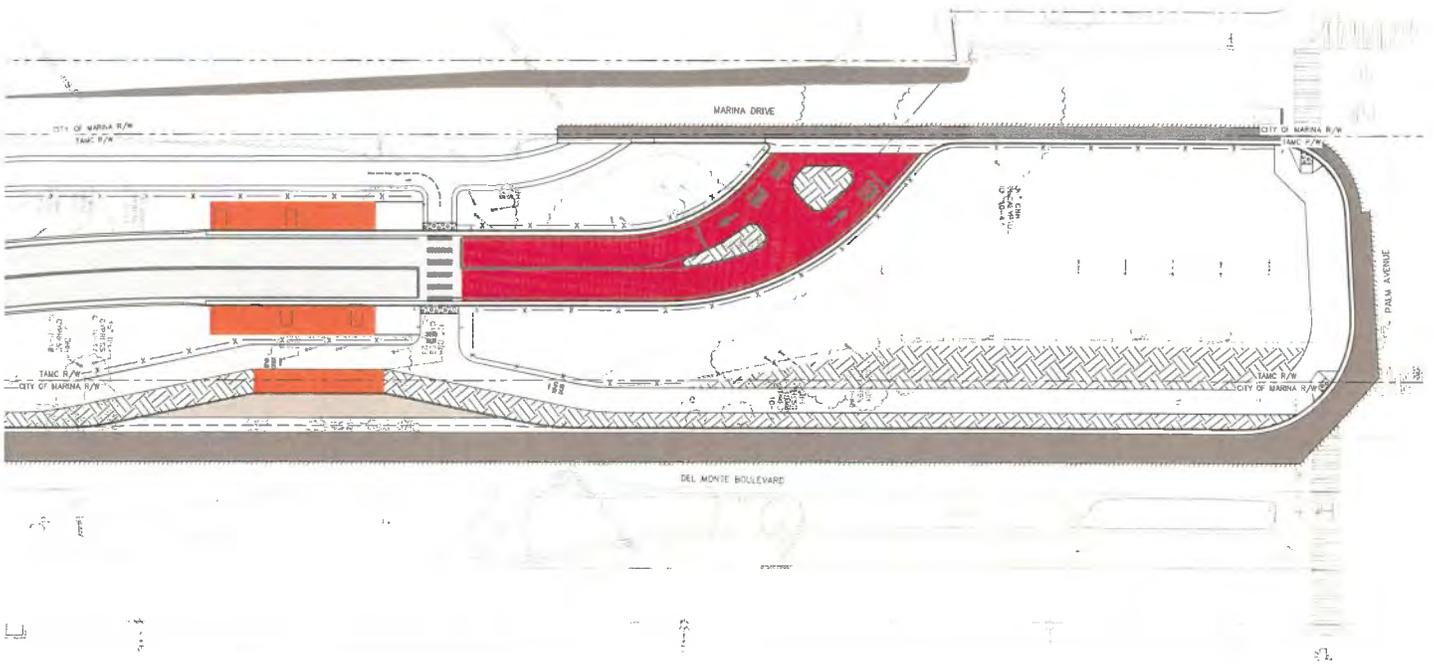




SURF: BUSWAY AND BRT PROJECT
 DEMOLITION SHEET 1 OF 1
 MONTEREY COUNTY, CALIFORNIA

NOT FOR CONSTRUCTION

DATE	NOVEMBER 2012
DRAWN BY	IR
CHECKED BY	LJ
DESIGNED BY	AV
CONTRACT NO.	DM-01
SHEET NO.	DM-200
1 OF 1 SHEETS	

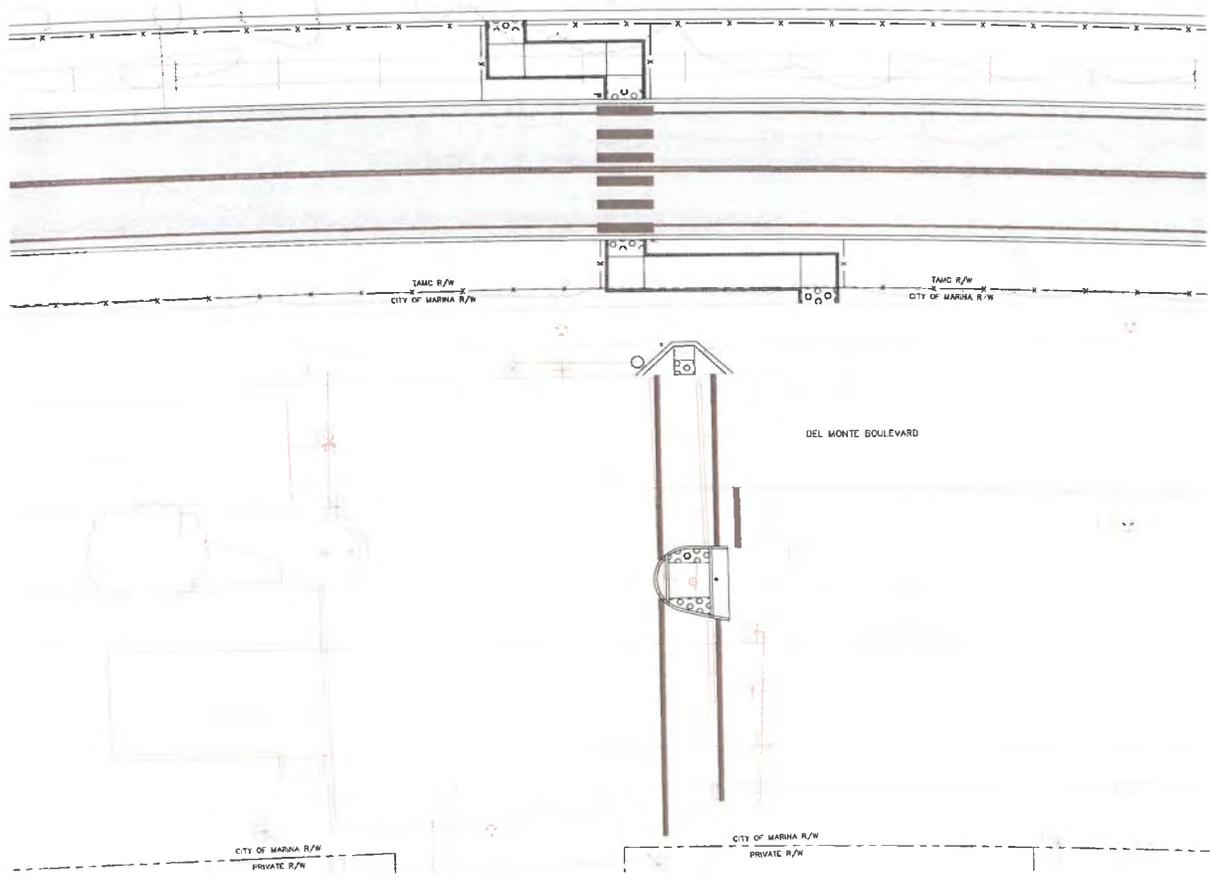


Source: Kimley Horn, 2022

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

 Not to scale



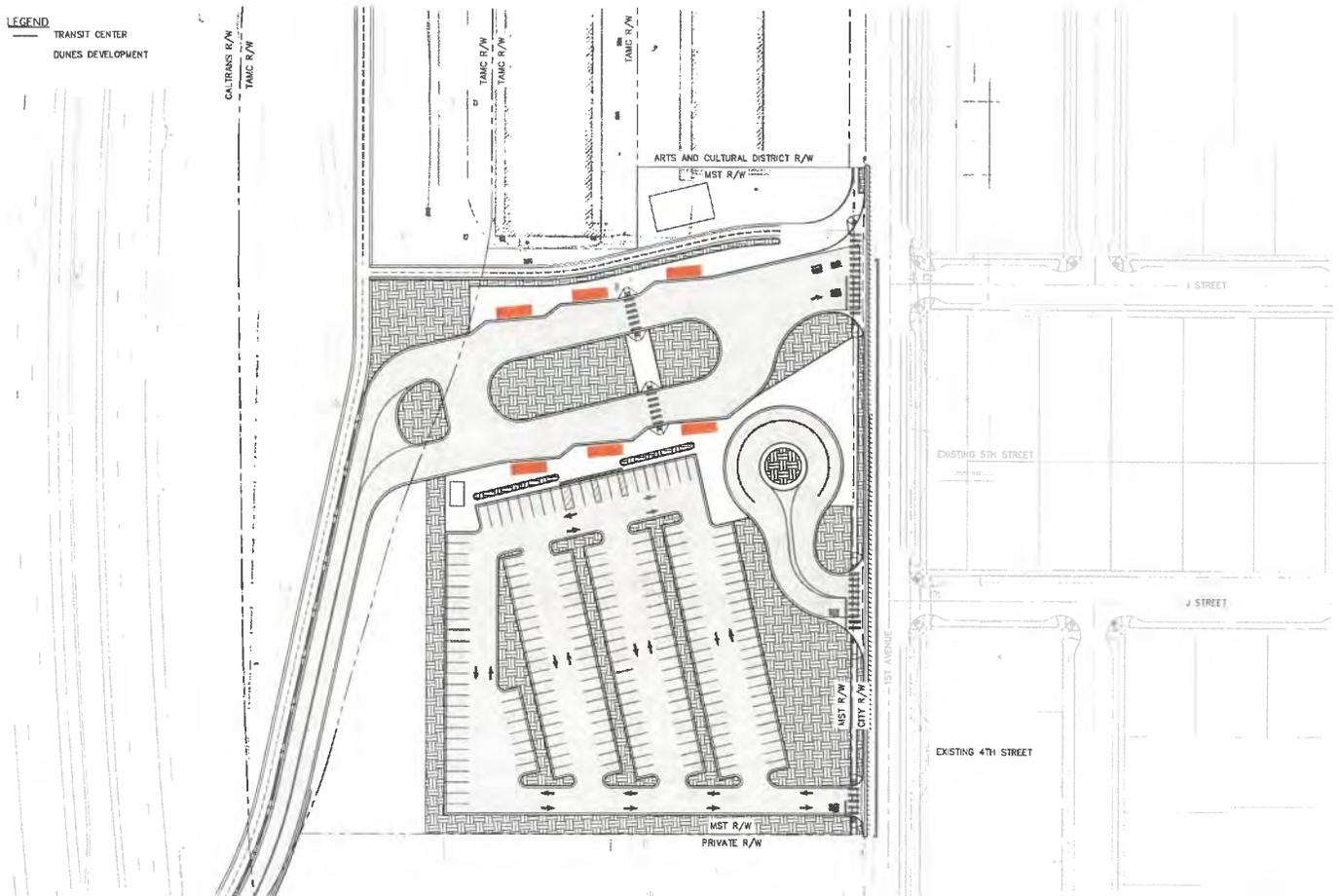


Source: Kimley Horn, 2022

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

 Not to scale





Source: Kimley Horn, 2022

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

 Not to scale



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**

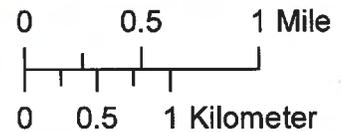


Exhibit C

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

Stop ID	Stop Name	Eastbound Passenger Boardings				TOTAL
		Weekdays			Weekends	
		AM Peak (6-9)	PM Peak (4-7)	All Other Times	All Day	
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	MARINATRANSITEXCHANGE2	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
		Weekdays			Weekends	
		AM Peak (6-9)	PM Peak (4-7)	All Other Times	All Day	
Stop ID	Stop Name					
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	MARINATRANSTIEXCHANGE GATE 3	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/RESERVATION RD.	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

Annual
 181,000 105,000
 76,000 48

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 x 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)	LDA	VMT or Trips	Emissions (grams/day)	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 = 17.3 miles
9.7 miles 1 way

VMT 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	CH4	N2O	CO2	CO2e
	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.

Seasc Emission Type	Emissions Rate (g/mile or g/trip)	VMT or Trips	Emissions (grams/day)	LDA
A CH4_IDLEX	0	347903.6364 Trip		0
A CH4_RUNEX	0.002750331	6018732.909 VMT		16553.50624
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	6018732.909 VMT		1583328285
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	6018732.909 VMT		31971.66374
A N2O_STREX	0.033223348	347903.6364 Trip		11558.52371

MTC, 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

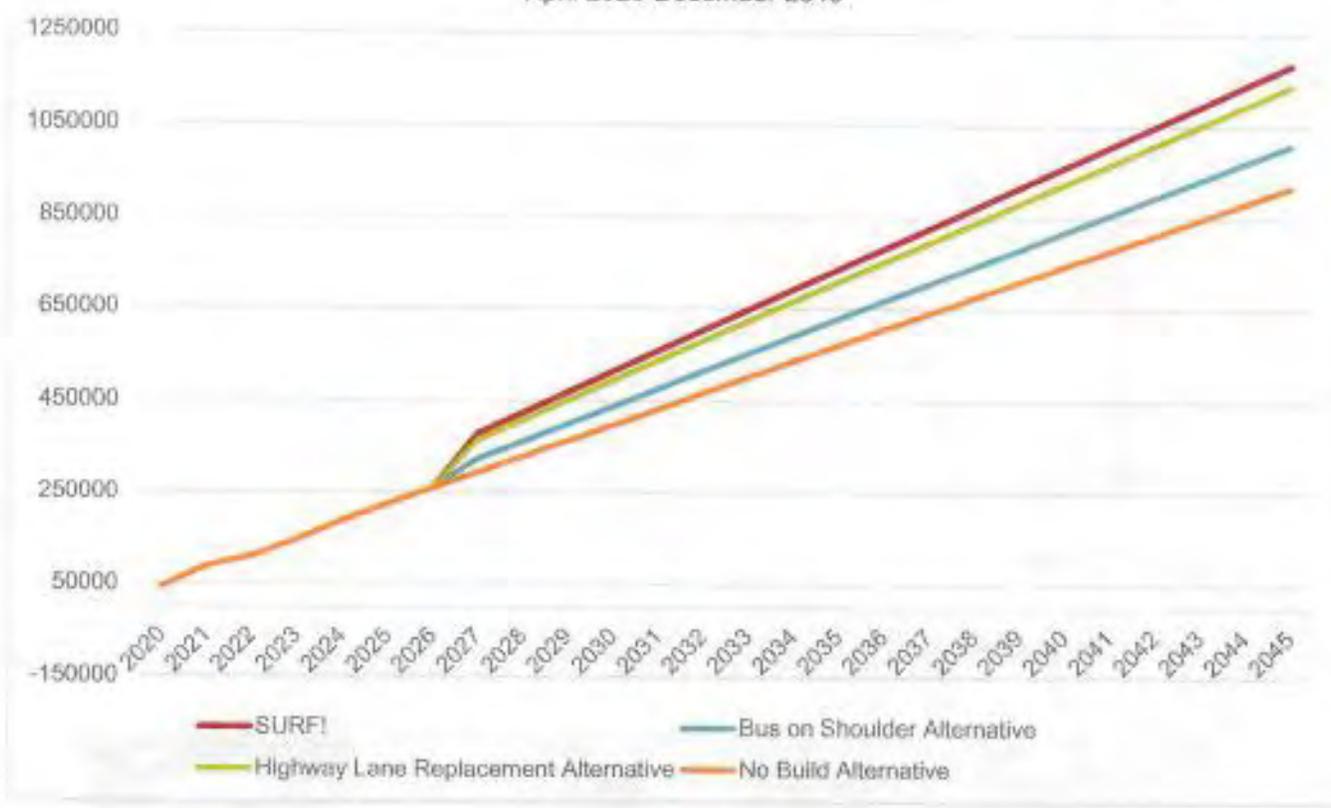


Table 2: Annual Ridership – Other SURF Lines without Line 20			
SURF! Project	2022	2027	2045
Commuters	19,454	66,311	150,374
All Other Passengers	58,504	177,412	366,736
Total	77,958	243,723	517,110
Delta Build to No Build	n/a	+54,790	+116,249
Bus on Shoulder Alt	2022	2027	2045
Commuters	19,454	56,544	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

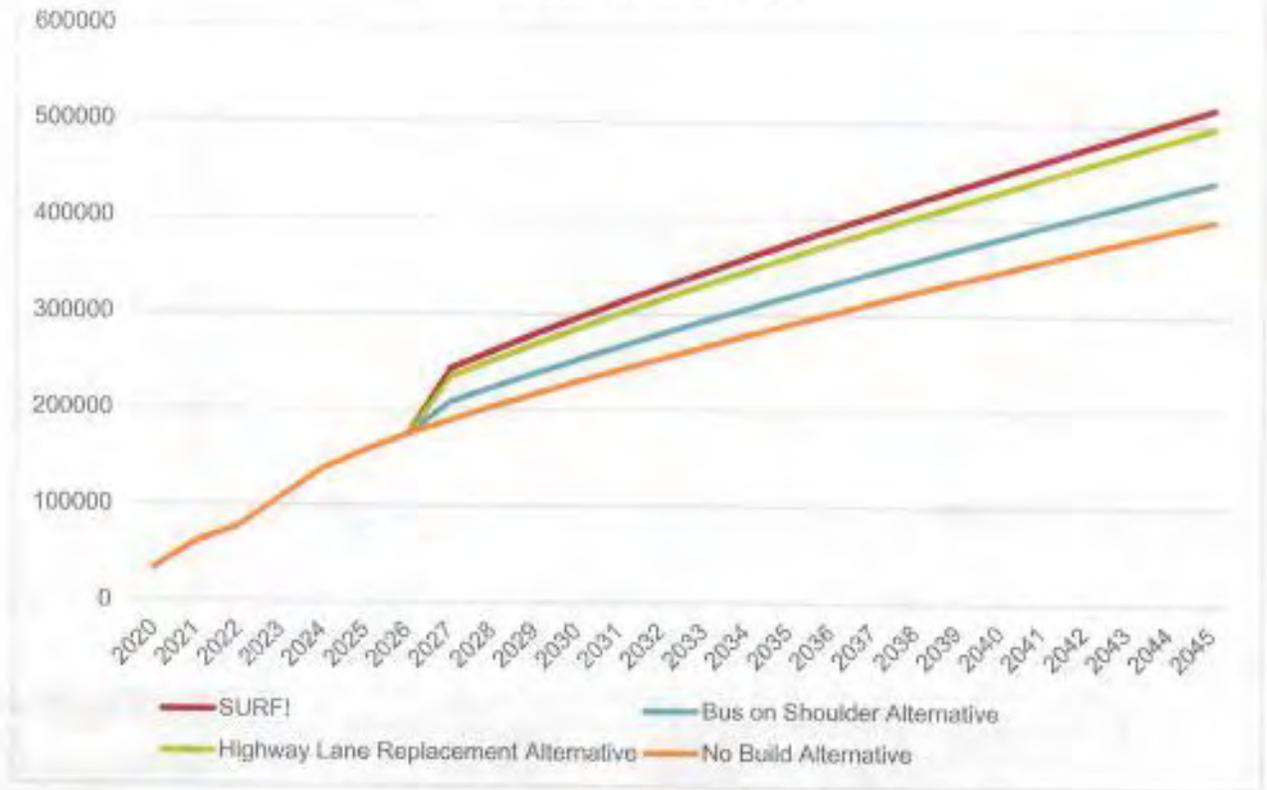
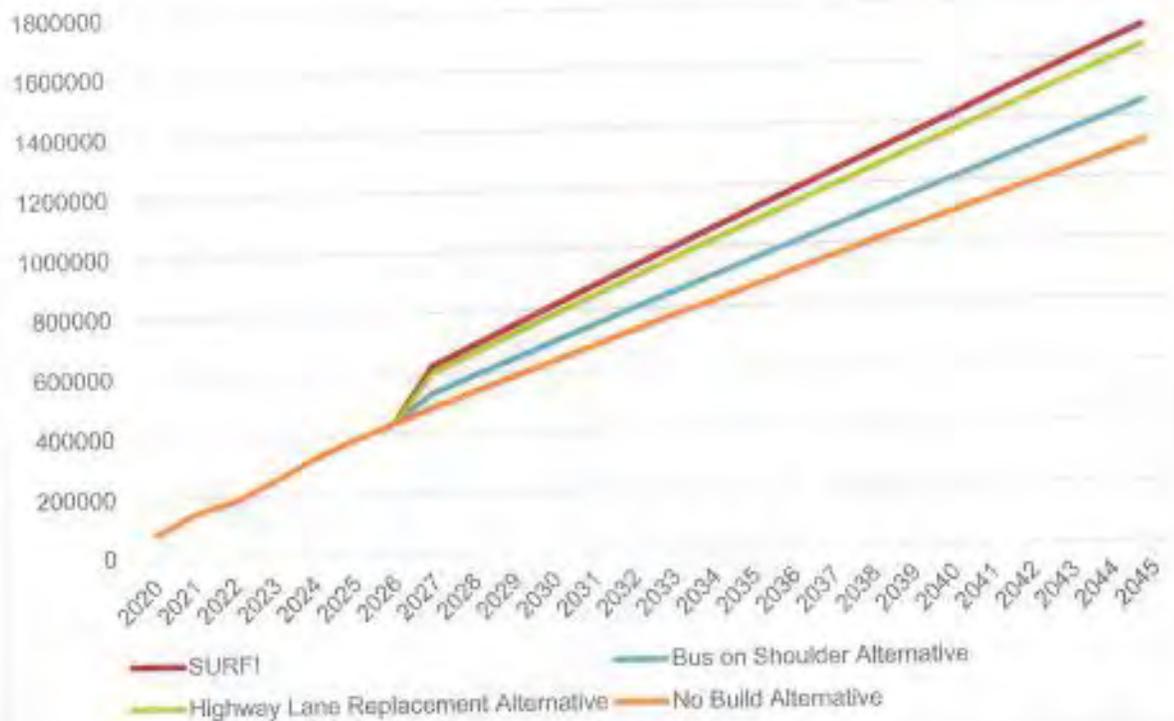


Table 3: Annual Ridership-- All SURF Lines between Marina and Sand City			
SURF! Project	2022	2027	2045
Commuters	56,740	186,370	526,353
All Other Passengers	131,512	437,440	1,175,980
Total	188,252	623,810	1,702,333
Delta Build to No Build	n/a	+140,236	+382,694
Bus on Shoulder Alt			
2022	2027	2045	
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.

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?

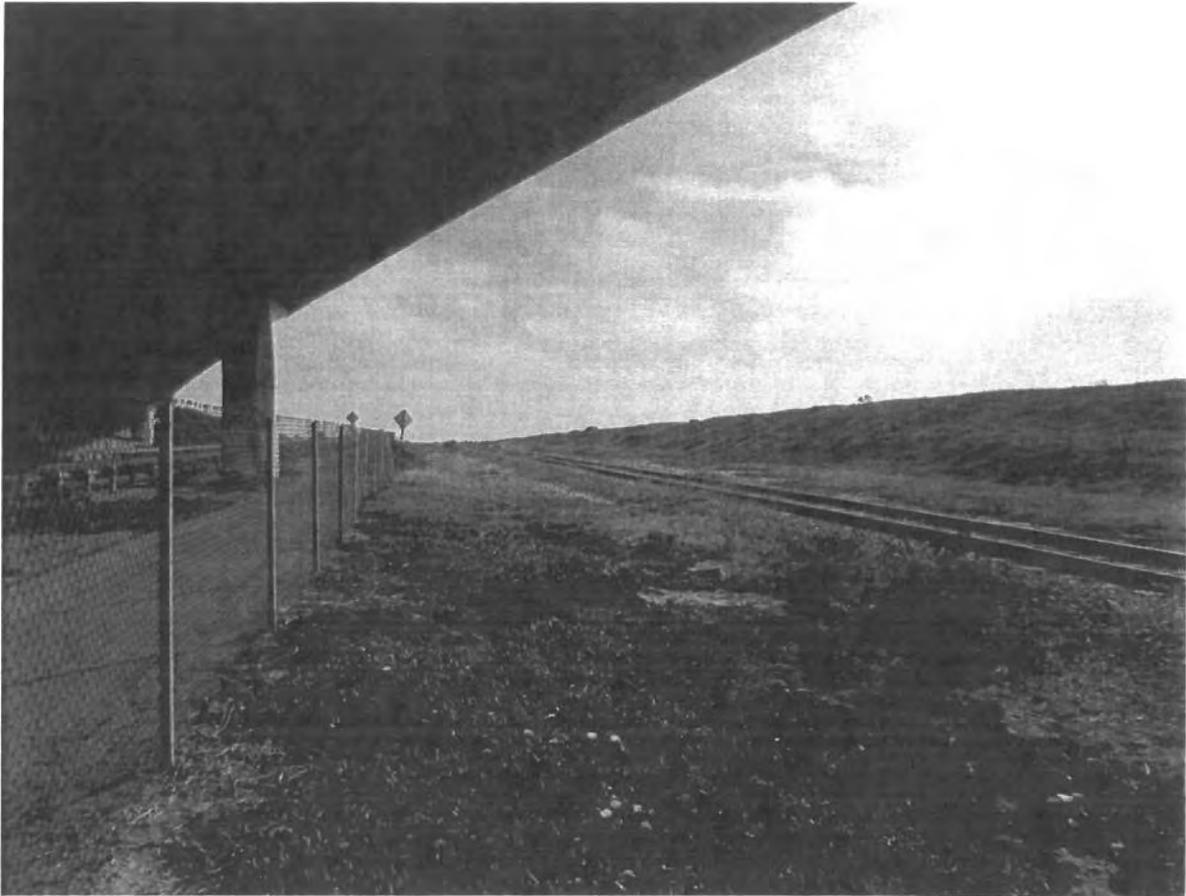


Figure 2 -- From Monterey Bay Recreation Trail in Marina. Two-Lane Busway to occupy narrow space between tracks and trail. How?



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

3-23-0288 (MST SURF! Busway)

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

3-23-0288 (MST SURF! Busway)

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.

3-23-0288 (MST SURF! Busway)

- 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

3-23-0288 (MST SURF! Busway)

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

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**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

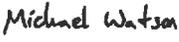
The Coastal Act protects public views "as a resource of public importance," where development is required to be sited and designed to protect views to and along the ocean, to be visually compatible with the character of surrounding area. The IS/MND suggests that although the views of coastal Fort Ord 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.

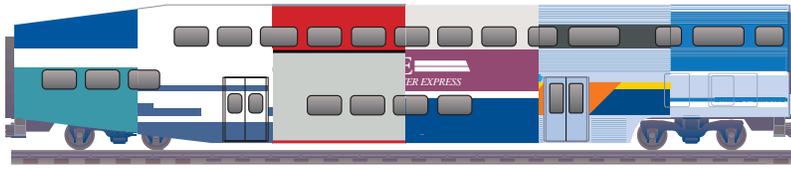
Best,

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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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 KFOW 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 KFOW 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 KFOW 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*

Resolution No. 2024-
Page Four

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:

Bruce Delgado, Mayor

ATTEST:

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 (*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.
- 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: _____

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



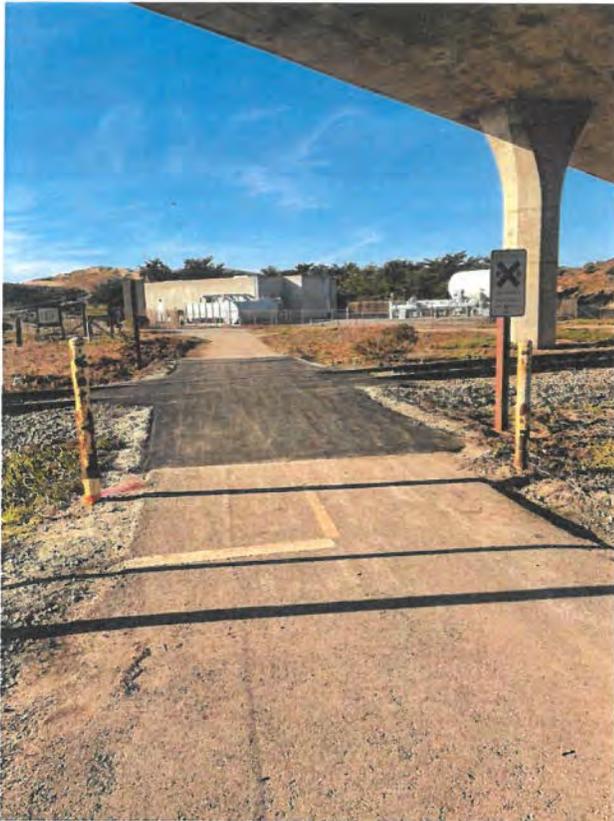


Exhibit B

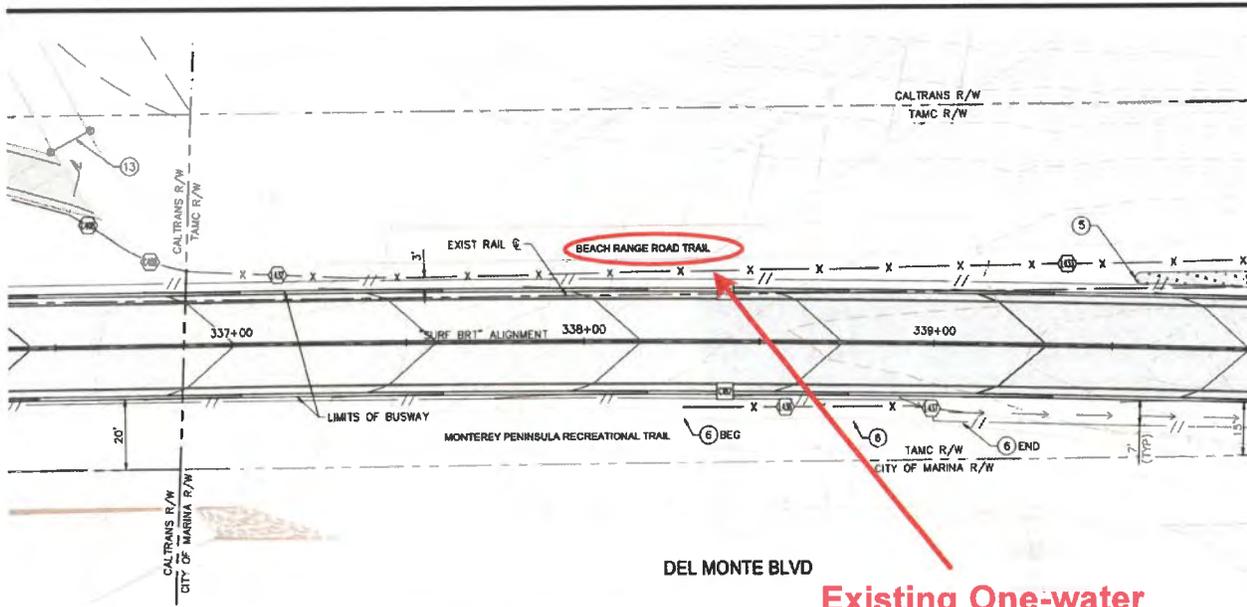
Popular recreational trail connection to the beach is proposed to be removed to accommodate the busway.



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

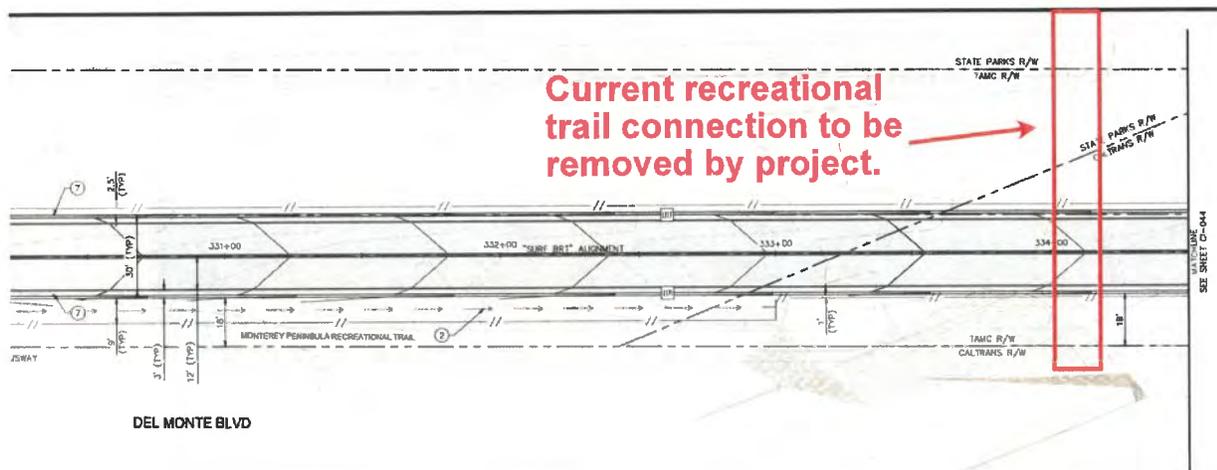


Existing One-water service road will become primary access to beach

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 DM 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

Current recreational trail connection to be removed by project.



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 DM 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.

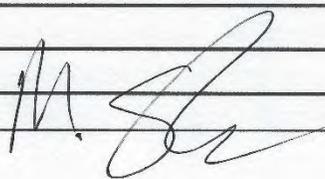
Appeal to: Planning Commission City Council
From Action of: PLANNING COMMISSION RESOLUTION NO. 2024-09
Date of Action : 4/11/24

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 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

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:
Michael Watson
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 Brylen.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

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:

Resolution No. 2024-
Page Two

- 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.;

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.”);

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.

Resolution No. 2024-
Page Three

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 KFOW 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 KFOW 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 KFOW 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;

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

Resolution No. 2024-
Page Four

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 4th day of June, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

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 \pm 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:

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

³ <https://mst.org/wp-content/media/Appendix-07-Final-Biological-Resources-Report.pdf>

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 (*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.

- 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 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

⁴ <https://mst.org/wp-content/media/Appendix-07-Final-Biological-Resources-Report.pdf>

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 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.
- 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:
- 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 C1

Appeal filed by Mason Clark on April 16, 2024

Exhibit C2

Appeal filed by Robert Solerno on behalf of Keep Fort Ord Wild (KFOW) on April 16, 2024



May 28, 2024

Mayor Delgado and Council Members
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

RE: SURF! Project Coastal Development Permit - Alternatives Studied and ESHA Impacts

Dear Mayor Delgado and Council Members:

At your meeting of May 21, 2024, while considering a Coastal Development Permit (CDP) for the SURF! Busway and Bus Rapid Transit Project (SURF! Project), Council members raised several questions within and outside the limitations of the Marina CDP area under consideration. City Council members raised questions relating to the entirety of the SURF! project and permit authority in the Coastal Commission and Sand City jurisdictional areas. This letter responds to those questions raised at the City Council meeting of May 21, 2024.

Because the project is approximately 6 miles in length with the majority of it within the coastal zone, the Coastal Commission, Sand City, and Marina have CDP review and permitting authority. The smallest area (0.37 acres) within the Coastal zone is located within the City of Marina jurisdiction.

1. Timing of Marina's CDP Decision

MST initiated dialogue and met with Central Coast office Coastal staff, City of Marina, and Sand City staff several times over the last four (4) years to discuss the appropriate approach to processing a CDP. Two options were available:

- a. Coastal Commission, Marina, and Sand City review and process MST's application for a CDP within their individual jurisdiction, or
- b. Cities agree to surrender local control of the CDP review in favor of the Coastal Commission in a combined permit.

After several discussions with City of Marina and Sand City staff with advice from Coastal staff, it was agreed that each jurisdiction should retain local control to review the CDP application materials within their respective jurisdiction. Additionally, Coastal staff

advised MST that the Cities should act on their portions of the CDP before being heard at a Coastal Commission meeting.

2. Bus-on-Shoulder Alternative

Council Member Brian McCarthy asked about the concept of a Highway 1 bus-on-shoulder alternative that was originally studied in 2018. Bus-on-shoulder operations have been implemented in other states and will be discontinued in June 2025 in Sand Diego, California. The bus-on-shoulder concept was not fully developed or designed in 2018 when MST studied its feasibility on Highway 1. However, during the process of answering questions about the SURF! Project and at the request of Coastal staff to evaluate this on-highway alternative, MST further designed and evaluated the concept and determined that a bus-on-shoulder project contains five (5) major fatal flaws:

- a. The bus-on-shoulder alternative impacts 44.0 acres of environmentally sensitive habitat area (ESHA), more than double the 20.27 acres for the SURF! Project,
- b. Caltrans is the owner-operator of Highway 1 and opposes the bus-on-shoulder alternative,
- c. California Highway Patrol (CHP) actively opposes bus-on-shoulder transit operations across California citing serious safety concerns,
- d. Bus-on-shoulder does not meet SURF! Project objectives to decrease transit travel time and increase on-time reliability, and
- e. There would be major visual impacts to coastal views in a scenic corridor.

After more than \$325,000 in consulting fees studying a range of on-highway alternatives, the SURF! Project is the least impactful of coastal resources, i.e. ESHA. The railroad corridor is a developed area and for more than 100 years was actively used and maintained. The corridor is mostly flat with less grading needed compared to all highway alternatives, which is why the SURF! Project impacts are fewer than the other alternatives.

All of MST's correspondence and documentation of these alternatives can be found on the SURF! Project page under "Informational Materials" here: <https://mst.org/about-mst/planning-development/surf/>

3. Coastal Commission Letter of May 17, 2024

On May 17, 2024, Coastal staff sent a letter to the California Transportation Commission and to the California Public Utilities Commission (CPUC) with questions about the appropriate use of the Monterey Branch Line citing Proposition 116 and CPUC railroad requirements as the concerns.

The first question regarding CPUC approval of the SURF! Project was resolved in July 2023 and again on Monday, May 20, 2024 when CPUC emailed MST that:

“The CPUC has decided to close out all the crossings on the Monterey branch line in order to match the FRA national rail crossing inventory database. The line is not connected to the national rail network and all crossings are closed in the FRA database. What this change means is that formal applications to the CPUC will be required in the future to reopen the rail line rather than GO 88’s.”

The email communication from CPUC was forwarded to Coastal staff.

On May 21, 2024, the Chairs of MST and TAMC sent a letter to Marina City Council, Sand City Council, and Coastal Commission regarding the issue raised about Prop 116. The Prop 116 concern was also addressed by DeLay & Laredo, Attorneys at Law on May 20, 2024. These letters were submitted to Council on May 21, 2024.

Regardless of the Coastal staff letter, Prop 116, and CPUC, MST has complied with the requirements of the City’s LCP with respect to the limited area under consideration by Council.

4. SURF! Project California Environmental Quality Act (CEQA) Determinations

As the lead-agency under CEQA, the MST Board of Directors adopted an Initial Study/Mitigated Negative Declaration (IS/MND) with Mitigation Monitoring Reporting Program (MMRP) SB 288 CEQA Exemption for the SURF! Project in July 2021. This action approved the SURF! Project and directed MST staff to obtain all necessary approvals and permits for the Project.

Although not necessary under the SB 288 or SB 922 CEQA exemptions, MST adopted the MMRP to help advance environmental restoration activities in close proximity to the Project. MST initially planned to prepare a more complicated Environmental Impact Report (EIR) under CEQA but through careful design and the legislature’s enactment of CEQA exemptions for transit priority projects, MST opted for the middle ground of an IS/MND and MMRP with support from the SB 288 exemption.

In March, MST took advantage of additional CEQA exemptions under SB 922 which further supported SB 288 priorities. These “Environmental Documents” are available online at: <https://mst.org/about-mst/planning-development/surf/>.

Regarding SB 922, there was a question about requirements for a project exceeding \$100M. At the time the MST Board of Directors adopted the SB 922 exemption, the Project was well under \$100M. Project costs have risen over the last several years but at nearly 100% design, the SURF! Project costs are still under \$100M. Projects over this amount are required to conduct a business case for the project, conduct a racial equity analysis of the project, and conduct and provide notice for public meetings about the project.

As a reminder, MST is a public agency with a vision of: Connecting communities. Creating opportunity. Being kind to our planet. Currently, over 1.5 million annual car trips are removed from area roadways by MST riders. These same riders reduce GHG by over 265 acres of forest sequestration monthly. No other project in Monterey County contributes more to reducing GHG or improving mobility than the SURF! Project.

Your approval of MST's SURF! Project Coastal Development Permit helps to accomplish these goals and serves Marina residents with high quality public transportation now and for generations to come.

Sincerely,

DocuSigned by:


58068D24671488

Carl Sedoryk

General Manager/CEO

From: Kahn, Kevin@Coastal
To: Alyson Hunter
Subject: RE: Draft meeting notes 5/14/24
Date: Wednesday, May 15, 2024 3:37:29 PM
Attachments: [image001.png](#)
[image002.png](#)
Importance: High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Alyson, one other thing to add to the City's list of thorny projects. We received your note about the appeal of the City's approval of the portion of the Surf busway through the City's jurisdiction. The primary spine of it is within the Commission's CDP jurisdiction through former Fort Ord lands, and we are shooting to take that to hearing in the near term. I can give you more details if you'd like, but we really think it best for the City to hold off on taking any action on that appeal until after the Commission's deliberations and decision on it. Any City appeal to us would just make the Commission's decision a bit more complex with various standards of review and project components, and the Commission's action can also give the City much better direction too about how it approaches the appeal. So we strongly suggest that you hold off on taking that appeal forward until the Commission makes a decision.

Let me know if any questions or want to chat more.

Kevin Kahn
District Manager
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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May 17, 2024

Kacey Ruggiero
California Transportation Commission
Assistant Deputy Director – Programming
State Transportation Improvement Program
Kacey.Ruggiero@catc.ca.gov

Eyitejumade “Ade” Sogbesan
California Public Utilities Commission
Rail Safety Division – Rail Crossings Engineering Branch
es3@cpuc.ca.gov

Subject: MST SURF! Busway Project

Dear Ms. Ruggiero and Mr. Sogbesan:

As you know, it has recently come to our attention that it is not clear that the proposed SURF! Busway project in Monterey County can proceed without certain California Transportation Commission (CTC) and California Public Utilities Commission (CPUC) determinations. We asked that the applicant (Monterey Salinas Transit) withdraw its coastal development permit (CDP) application to the California Coastal Commission so that it could take care of these CTC and CPUC requirements, because the deadline for the CDP application to be acted upon is September 27, 2024, but they would not agree to do so. Thus, since we are required to take this application forward by that date, we are contacting you to ask for CTC and CPUC determinations as to whether the project is (a) compatible with Proposition 116 funding requirements; and (b) compatible with the intended future use of the rail corridor for rail.¹

An essential component of any CDP application is proof of the applicant's legal ability to construct the project, and evidence of all required authorizations. In this case, it seems clear to us that (a) a busway is not allowed on land purchased for rail purposes through Proposition 116 funding (and in fact that legislation appears to explicitly prohibit a busway); and (b) even if it were allowed, it would appear that the busway now proposed would essentially preclude future rail development for a number of reasons. On the latter, as you may or may not be aware, the rail corridor in question is made up entirely of dune environmentally sensitive habitat area (ESHA), where only development dependent on the ESHA resource (i.e., habitat restoration and the like) is allowed pursuant to the Coastal Act. A busway does not so qualify, and thus the proposed

¹ On this point we note that CPUC informed the applicant on April 22, 2024 of the need for a corridor-wide diagnostic review to be able to resolve this question.

MST SURF! Busway Project

project is inconsistent with Coastal Act Section 30240. This fact would typically direct denial of the required CDP. We have informed the applicant of this determination for several years, but they have continued to propose the project.

If, notwithstanding this Coastal Act inconsistency, the project were to be approved because denial would lead to conflicts with other Coastal Act Chapter 3 policies, which is possible under certain very limited circumstances (that do not appear to apply here at the current time), then any such approval would limit the allowed development footprint, and would require everything else in the corridor to be enhanced/restored and deed restricted against any future development (in addition to significant additional offsite mitigation given there would be a loss of over 20 acres of dune ESHA in such a scenario). As such, from a Coastal Act permitting perspective, construction of the busway would almost assuredly preclude the addition of rail, and the only potential path forward for a rail project in the future would be in the footprint of the so-constructed busway project. Given the proposed configuration of the busway (e.g., crisscrossing the corridor), even that seems to be infeasible, notwithstanding it would also mean destroying the busway to do so. Put another way, the busway would not only appear to make a future rail project infeasible, but it would 'use up' any development potential that might be able to be considered under the Coastal Act and its ESHA provisions for the corridor, thus displacing any potential for rail in that corridor in the future.

Given the serious Coastal Act conformance issues of the project, we have continued to advocate to the applicant that it pursue other alternatives that do not use the proposed rail corridor alignment through dune ESHA (such as bus on highway shoulder, dedicated highway bus line during commute hours, bus on highway median, alternative inland of Highway 1 routings, etc.), but the applicant to date has not been interested in pursuing such alternatives, and continues to pursue the busway project in the ESHA rail corridor. While we understand and can address the Coastal Act ramifications of that applicant decision, and although we have our own opinions about the Proposition 116 and future rail feasibility questions, we recognize that these latter questions are directly within your purviews, and would like to have the benefit of your determinations on these questions as soon as possible. Given that we must publish a staff report and recommendation on this CDP application by August 23rd, we request the benefit of your response no later than June 23rd.

We would be happy to meet with you again to discuss this matter if it would help you in developing your determinations on the above questions. In any case, thank you again for your assistance in this matter.

Sincerely,



Kevin Kahn
District Manager
Central Coast District
California Coastal Commission

MST SURF! Busway Project

cc: Michelle Overmeyer, Monterey-Salinas Transit (applicant)
Todd Muck, Transportation Agency of Monterey County
Alyson Hunter, City of Marina
Zane Mortensen, City of Sand City



ATTORNEYS AT LAW

David C. Laredo
 Michael D. Laredo
 Frances M. Farina, *Of Counsel*

Telephone: 831.646.1502
 Facsimile: 831.646.0377

Paul R. De Lay (1919 - 2018)

TO: Interested Parties, Carl Sedoryk, GM, CEO; Lisa Rheinheimer, Ass't GM

FROM: Michael D. Laredo, General Counsel

DATE: May 20, 2024

RE: Proposition 116 and the TAMC Right-of-Way

This memorandum reviews the permissibility of the Monterey-Salinas Transit (MST) SURF! Busway and Bus Rapid Transit Project as an eligible project under the Proposition 116 program on the TAMC right-of-way. This memo addresses the legality of a busway on land purchased through Proposition 116 funding and if the SURF! Project precludes future rail development.

Based on our analysis, the SURF! Project is an eligible use of the TAMC right-of-way under Prop. 116 and is designed to preserve the corridor in support of future rail plans with minimal impacts. While the existing Monterey Branch Line track is generally in poor condition, construction of the SURF! Busway would not preclude future rail service. The 100-foot-wide TAMC corridor is generous enough to accommodate both the SURF! Bus line and future rail service

BACKGROUND

Historically, the Monterey Peninsula was served by passenger and freight rail on the Monterey Branch Line, running on tracks adjacent to Highway 1. There are no rail operations on the line today. As freight and passenger rail traffic declined nationwide, service on the line was cut back. Passenger service ended in 1971 and freight services went dormant in 1978. Over time, traffic on the line diminished and it fell into disrepair, and the remaining freight service on the branch line was discontinued in the 1990's.

In 1990, Proposition 116 enacted the Clean Air and Transportation Improvement Act designating \$1.99 billion for specific projects, purposes, and geographic jurisdictions, primarily for passenger rail capital projects. The statute grants to Monterey County seventeen million dollars (\$17,000,000) for eligible projects.¹ These funds were allocated to the Monterey County Transportation Commission for the following: (a) Extension of CalTrain service. (b) **Other rail projects** within Monterey County.

¹ Pub. Util. Code, § 99638.

In 2003, the Transportation Agency for Monterey County (TAMC) used \$9.3M of Prop. 116 funds to purchase 12.65 miles of the abandoned Monterey Branch Line in support of future rail service. There is nothing that precludes TAMC from allowing a bus-rapid transit operation as an “Other rail project” within the purchased right of way until local conditions progress to a point where intercity rail service would be viable. Further, the project description includes bus connections in support of the rail project.

In advance of securing funding for a rail project, TAMC has coordinated with MST to explore using the corridor for the SURF! Busway and Bus Rapid Transit Project to provide an alternative to Highway 1. The SURF! Busway and Bus Rapid Transit project, is part of a larger effort to reduce regional congestion along Highway 1 and enhance transit connections within the Monterey Peninsula. The SURF! project is a bus-only corridor in the Monterey Branch Line right-of-way, from Marina through Sand City and Seaside. The total length of the project is approximately 6 miles.

ANALYSIS

TAMC plans to restore the Monterey Branch line and implement light rail service to Monterey. The 2022 Monterey County Regional Transportation Plan unfunded project list includes the Monterey Peninsula Fixed Guideway project at an estimated \$270 million in 2022 dollars. The project anticipates two phases, where Phase 1 includes reconstruction of tracks, construction of stations, purchase of vehicles and operating costs for service between Monterey and Marina.

As there is no current funding to implement the light rail project, TAMC has coordinated with MST to implement the SURF! Project along the rail corridor to build ridership demand for future light rail transit. MST and TAMC have reviewed the requirements of Proposition 116 and the compatibility of rail and the SURF! Busway to coincide within the corridor. The parties have determined the following:

Compliance with Proposition 116:

The SURF! Project is an eligible use under Prop. 116 and is designed to preserve the TAMC corridor in support of future rail plans with minimal impacts. The SURF! Project is a fixed guideway bus rapid transit project with the majority of the project operating in the separated TAMC-owned right-of-way for public mass transportation including defined stations, traffic signal priority, and short headways.

Proposition 116 supports construction of exclusive busways such as the SURF! Project. Proposition 116 added the following definition to the California Public Utilities Code pertinent to this project:

For purposes of this part, the following terms have the following meanings, unless expressly stated otherwise:

[...]

*(j) “Rail project” means 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 project described in Section 99624.²*

² Pub. Util. Code, § 99602, emphasis added (see also CTC Guidelines: “Amendment to Resolution #G-90-23 Proposition 116 Rail Program Guidelines Resolution #G-91-19”).

In addition, the entity responsible for oversight of transportation projects, the State of California Department of Transportation (Caltrans), issued Prop 116 Program Guidelines to clarify the intent of the program: “to implement and maintain a cost-effective system of intercity rail services connecting the major population centers of the state and flexible enough to provide feeder services to or interface with future public or private transit systems such as high-speed rail lines, commuter and urban rail and other modal systems.”³

Caltrans included within its published Proposition 116 Implementation Guidelines the following definition: "Rail project" means 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 project described in Section 99624. The Caltrans Guidelines provide an expansive list of eligible Prop 116 projects that include:

Eligible project types include, but are not limited to, the following:

[...]

*9. **Design, construction or rehabilitation of exclusive busways** (facilities for the exclusive use by bus vehicles that are operated by a public entity or under authority of a commercial certificate of public convenience and necessity or transportation permit issued by the California Public Utilities Commission or Interstate Commerce Commission).⁴*

The SURF! Project includes design and construction of an exclusive busway as defined by Prop 116, within the public right-of-way for the exclusive use by bus vehicles operated by a public entity (MST).⁵

The SURF! Project is exclusively designed as a public mass transit guideway. A fixed Guideway Bus Rapid Transit Project, as defined by the Federal Transit Administration, (a) operates in a separated right-of-way dedicated for public transportation use during peak periods; (b) represents a substantial investment in a single route in a defined corridor or subarea; and (c) includes features that emulate the services provided by rail fixed guideway public transportation systems, including: (i) defined stations; (ii) traffic signal priority for public transportation vehicles; (iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and (iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.⁶

The SURF! Project has been designed specifically to meet all aspects of the Federal Transit Administration’s definition of a fixed Guideway Bus Rapid Transit Project. It is a fixed guideway bus rapid transit project with the majority of the project operating in a separated right-of-way (TAMC owned rail corridor) for public mass transportation including defined stations, traffic signal priority, and short headways.

³ “Proposition 116 Intercity Rail Program Guidelines”, December 14, 1989.

⁴ “Proposition 116 Intercity Rail Program Guidelines”, Section III(D)(9).

⁵ MST is a public entity established in state law by AB 644 (Caballero).

⁶ Definition of a “fixed-guideway” found in 49 U.S. Code § 5309.

Opponents incorrectly contend the SURF! Project is excluded as a “Bus-Carpool Transitway.”⁷ The SURF! Project is not a “bus-carpool transitway.” The SURF! Project does not incorporate a HOV or carpool lane and falls outside the “bus-carpool transitway” definition. Importantly, the phrase “exclusive public mass transit guideways” as used in article XIX of the Constitution does not include exclusive bus-carpool transitways.⁸ As discussed above, the Project is correctly defined as a fixed Guideway Bus Rapid Transit Project.

As such, the MST SURF! Project is clearly an eligible project as defined, and it is designed to preserve the TAMC rail corridor for future rail planning and operations with minimal impacts toward this effort so that a future intercity rail project is an option.

SURF! And Light Rail Compatibility:

MST has worked with TAMC to ensure the SURF! Project does not preclude future rail service to operate simultaneously with the Guideway Bus Rapid Transit Project. One of the SURF! Project objectives specifically supports future rail service: “Preserve long term planning options for future light rail within the corridor by retaining the rail lines and designing a project that does not preclude future rail and bus operations.”

The 100-foot-wide TAMC corridor could accommodate future rail where both modes of transportation co-exist in the TAMC corridor. In MST’s analysis, double tracking for rail requires 40 feet of space; the SURF! Busway requires 32 feet of space. The combination of both a double-rail track and the SURF! Busway leaves a remainder of 28 feet within the TAMC right-of-way, allowing plenty of space for both projects to coexist.

It is MST’s position that the SURF! Project will help increase ridership and the need to bring rail back to the Monterey Peninsula. Beyond ridership, critical structural and drainage infrastructure installed for the SURF! Busway would also benefit and be required for future light rail. Since the SURF! Project primarily lies within the east half of the TAMC Corridor, retaining walls are proposed along the Caltrans/TAMC right-of-way line. These retaining structures serve three purposes:

- Protect the existing rail along the SURF! Busway alignment.
- Protect the Monterey Peninsula Recreational Trail, preserving access to the Monterey Coastline.
- Create space for future light rail in the west half of the corridor.

Drainage ditches, pipes, inlets, and stormwater treatment basins are also installed along the busway. This drainage infrastructure could be retrofitted to satisfy any hydraulic or hydrologic requirements for the future light rail. Installation of this critical, supporting infrastructure for the SURF! Busway would yield a cost savings for the future light rail.

Importantly, there is nothing contained within the SURF! Project that excludes or preempts rail from returning into service. If anything, the SURF! Project increases the likelihood of rail service returning.

⁷ Bus-carpool transitway as cited in Attorney General Opinion No. 87-101.

⁸ Attorney General Opinion No. 87-101

Condition of Existing Rail:

MST and TAMC have taken an in-depth review of the existing rail conditions. A 2010 TAMC study found that the track within the Monterey Branch Line was in a state of disrepair and of an unusable condition. Over the intervening 14 years, conditions of the rail, supporting ties, and ballast within the Branch Line have only continued to worsen. The existing trackage is considered obsolete under Federal Rail Administration guidelines, unsafe for rail service, and not salvageable. The rail itself is of an incorrect gauge to support future intercity rail, the ancient wooden rail ties are obsolete, the ballast has structural problems, and the structural integrity of the entire rail line is undermined by decades of deferred maintenance, erosion, corrosion, and burrowing rodents.

In a 2022 letter from the CPUC, CPUC Staff states: “CPUC considers most of the Monterey rail line inactive since there hasn’t been a train in decades, trains cannot currently operate on the tracks, and it is not connected to the nationwide rail network...Use of the corridor for BRT in the meantime, and modification of the previous crossings, do not fall under CPUC jurisdiction and we would not be involved in the designs.”⁹

As such, MST agrees with TAMC’s assessment and has determined the railroad infrastructure requires demolition and complete reconstruction to meet modern safety standards in support of future passenger service. Any removal of the existing rail track for the SURF! Project can only be considered a benefit to a future rail project.

CONCLUSION

The MST SURF! Project is clearly an eligible use of the TAMC right-of-way under Prop. 116 and is designed to preserve the corridor in support of future rail plans with minimal impacts. While the existing Monterey Branch Line track is generally in poor condition, construction of the SURF! Busway would not preclude future rail service. The 100-foot-wide TAMC corridor is wide enough to accommodate both the SURF! Bus line and future rail service going forward. Proceeding with the SURF! Project helps lower cost and future hurdles for bringing rail back to the Monterey Peninsula.

⁹ July 27, 2022 correspondence from CPUC Senior Engineer, Felix Ko



May 21, 2024

City Councilmembers
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

City Councilmembers
City of Sand City
1 Pendergrass Way
Sand City, CA 93955

Kevin Kahn
District Manager
Central Coast District
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Subject: Joint Statement Regarding TAMC Use of the Monterey Branch Line for the MST SURF! Busway and Bus Rapid Transit Project

To Interested Parties:

A few members of the public have questioned the use of the Monterey Branch rail line for the new SURF! Busway and Bus Rapid Transit Project (SURF! Project). Their unfounded contention is that the SURF! Project is an ineligible use of Proposition 116 funds, that the Attorney General opined as to definition of exclusive public mass transit guideways, and the project does not have the required permissions from the California Public Utilities Commission (CPUC).

The Transportation Agency for Monterey County (TAMC) purchased the Monterey Branch rail corridor in 2003 from Union Pacific Railroad with Proposition 116 funds. The statute governing Prop 116 grants to Monterey County, titled "Allocation for rail projects in Monterey County," allocates \$17,000,000 for eligible projects. Public Utilities Code Section 99638 states that they may be used for "Extension of CalTrain service" or "**Other rail projects** within Monterey County".

Proposition 116 definitions pertinent to this project include:

"Rail project" means 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 project described in Section 99624.

In 2003, TAMC applied to the California Transportation Commission (CTC) for \$9,370,000 in Prop 116 funding, which CTC approved later that year. (CTC Resolution PA-03-06, Exhibit A). The project applied for and approved was the "San Francisco-Monterey Intercity Rail Service project" and the funds were to be used "for right of way acquisition" for that project. There is nothing that precludes TAMC from allowing a bus-rapid transit operation as an interim exclusive public mass transit guideway project within the purchased right of way until local conditions progress to a point where passenger rail service would be viable.

The SURF! Project includes design and construction of an exclusive busway, as defined by Prop 116, within the public right-of-way for the exclusive use by bus vehicles, and operated by Monterey-Salinas Transit (MST), a public entity established in state law by AB 644 (Caballero, 2009).

Opponents to the SURF! Project have cited the Attorney General Opinion No. 87-101 which clarifies language regarding "bus-carpool transitways" and concludes that they are not the same as "exclusive public mass transit guideways.". Within the cited opinion it is acknowledged that "bus-carpool transitways" was an early term for what are now referred to as "high occupancy vehicle," HOV, or carpool lanes. The SURF! Project does not include HOV or carpool lanes and again, conforms with state regulations.

These same opponents' argument against the SURF! Project rely upon a Webster's dictionary definition of guideway; however, the entity responsible for oversight of transportation projects, the State of California Department of Transportation (Caltrans), has included within its published Proposition 116 Implementation Guidelines the following definition:

"Rail project" means 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 project described in Section 99624. Eligible project types include, but are not limited to, the following: design, construction, or rehabilitation of **exclusive busways** (facilities for the exclusive use by bus vehicles that are operated by a public entity or under authority of a commercial certificate of public convenience and necessity or transportation permit issued by the California Public Utilities Commission or Interstate Commerce Commission).

The SURF! Busway and Bus Rapid Transit project as a precursor to future passenger rail service is supported by the Caltrans Division of Rail in both the 2018 State Rail Plan and the draft 2023 State Rail Plan. The initial service scenario (near-term, 2027) shows the SURF!

project within the TAMC-owned Monterey Branch Line corridor as a precursor to rail service. The State Rail Plan’s long-term vision service scenario (2050) shows a passenger rail service on the Monterey Branch Line, connecting “around the bay” to the Santa Cruz Branch Line, enabling a one-seat ride from the City of Monterey to the City of Santa Cruz in the full buildout scenario and connecting to intercity passenger service on the coast rail line at the community of Castroville.

Finally, the project opponents object that the busway project is ineligible because a small amount of existing rail track is being removed to build a safe and affordable busway, further claiming that TAMC and MST did not receive permission from CPUC to build this project within the right of way. A July 27, 2022 correspondence from CPUC Senior Engineer, Felix Ko, to TAMC staff states “CPUC considers most of the Monterey rail line inactive since there hasn’t been a train in decades, trains cannot currently operate on the tracks, and it is not connected to the nationwide rail network.... Use of the corridor for BRT in the meantime, and modification of the previous crossings, do not fall under CPUC jurisdiction and we would not be involved in the designs.”

It is important to note that a 2010 TAMC study found that the track within the Monterey Branch Line was in a state of disrepair and of an unusable condition. Over the intervening 14 years, conditions of the rail, supporting ties, and ballast within the Branch Line have only continued to worsen. The existing trackage is considered obsolete under Federal Rail Administration guidelines, unsafe for rail service, and not salvageable. The ancient wooden rail ties are obsolete, the ballast has structural problems, and the structural integrity of the entire rail line is undermined by decades of deferred maintenance, erosion, corrosion, and burrowing rodents.

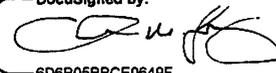
The MST SURF! Project is clearly an eligible project as defined by the State, and it is designed to preserve the TAMC rail corridor for future rail planning and operations with minimal impacts toward this effort, so that a future passenger rail project consistent with the State Rail Plan’s long-term vision for State rail service can be developed.

We are excited to see the SURF! Project operational in the coming years as the Project is a transformative generational investment in public transportation by helping existing and future transit rider access to jobs, educational opportunities, healthcare, and recreation on the coast.

Sincerely,

DocuSigned by:

28EF293D24A04EF...
Anna Velazquez
Chair
Monterey-Salinas Transit District

DocuSigned by:

6D6B05BBCE0649F...
Chris Lopez
Chair
Transportation Agency for Monterey County

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*Making Conservation
a California Way of Life.*

May 21, 2024

Bruce Delgado
Mayor
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Attn: Alyson Hunter, Planning Manager, ahunter@cityofmarina.org

Subject: Monterey Branch Line: Caltrans Support for Busway as Precursor for Passenger Rail

Dear Mayor Delgado:

On behalf of the Department of Transportation (Caltrans) Division of Rail, I write to support the SURF! Busway and Bus Rapid Transit project within the Monterey Branch Line corridor owned by the Transportation Agency for Monterey County (TAMC).

Caltrans has supported the near-term bus service as a precursor to eventual passenger rail service on the corridor in its 2018 State Rail Plan and the draft 2023 State Rail Plan. The initial service scenario (near-term (2027)) shows the Monterey-Salinas Transit (MST) SURF! Busway and Bus Rapid Transit project within the TAMC-owned Monterey Branch Line corridor as a precursor to rail service. Thanks to state Transit and Intercity Rail Capital Program (TIRCP) grant funding and local transportation sales tax ("Measure X"), the BRT project is now at 95% design and is ready to go to construction in October 2024, once the required permits have been approved. The State Rail Plan's long-term service vision (2050) shows passenger rail service on the Monterey Branch Line, connecting "around the bay" to the Santa Cruz Branch Line, enabling a one-seat ride from the City of Monterey to the City of Santa Cruz in the full buildout scenario and connecting to intercity passenger service on the coast rail line at the community of Castroville.

As an organization with a mission to provide a safe and reliable transportation network that serves all people and respects the environment, Caltrans supports projects that increase safety, cultivate excellence, enhance and connect the multimodal transportation network, strengthen stewardship and drive efficiency, lead climate action, and advance equity and livability in all communities.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Gradinger".

Kyle Gradinger
Chief, Division of Rail

c: Tanisha Taylor, Executive Director, California Transportation Commission
Todd A. Muck, Executive Director, Transportation Agency for Monterey
County
Carl Sedoryk, General Manager, Monterey-Salinas Transit District



Memorandum

To: Executive Committee
From: Todd Muck, Executive Director
Meeting Date: June 5, 2024
Subject: Prop 116 & Monterey Branch Line

RECOMMENDED ACTION:

RECOMMEND that the Board of Directors ratify actions necessary for Agency staff to contract with an appraisal firm to determine the fair-market value of the Monterey Branch Line corridor.

SUMMARY:

In 2003, the Transportation Agency purchased the Monterey Branch Line from Union Pacific Railroad using Proposition 116 bond funds granted by the State. The California Transportation Commission recently informed Agency staff that the ten-year deadline to begin service on the line has not been met and current proposed uses of the rail right-of-way are not consistent with the Proposition 116 guidelines. The Commission has proposed curative actions that would resolve the issue and allow the SURF! Busway and Bus Rapid Transit project to continue.

FINANCIAL IMPACT:

The Agency purchased the Monterey Branch Line using \$9,228,475 of Proposition 116 rail bond funds in 2003. California Transportation Commission staff are recommending the Agency pay a credit to the State for the fair-market value of the property in 2024 dollars to rectify the missed deadline to begin service. To determine the fair-market value of the corridor, the Agency will need to retain the services of an appraisal firm, which is expected to be under \$50,000, funded by rail lease revenues. Failure to do so would jeopardize the \$78 million in secured funding for the SURF! Busway and Bus Rapid Transit project.

DISCUSSION:

The Monterey Branch Line stretches 16 miles from Castroville to downtown Monterey. Originally used for freight and passenger rail, the line has been dormant since 1978 after the switch connecting the branch line to the mainline tracks in Castroville was removed. The Transportation Agency purchased the line from Union Pacific Railroad (UP) in 2003 for \$9.2 million using Proposition 116 funding granted by the State and approved by the California Transportation Commission (CTC).

In 2009, the TAMC Board adopted light rail as the preferred use for the Branch Line. The project was split into two phases: Phase 1 (Monterey to Marina) estimated at \$165 million, and Phase 2 (Marina to Castroville) estimated at \$40-50 million. However, funding constraints halted progress. TAMC's 2011 Alternatives Analysis reaffirmed light rail as the long-term goal but identified bus rapid transit (BRT) as a viable interim solution.

In 2018, Monterey-Salinas Transit (MST) and Santa Cruz Metro conducted the Monterey Bay Area Feasibility Study of Bus on Shoulder Operations, which concluded that utilizing the Monterey Branch

Additional Correspondence

Line for BRT would be more cost-effective than widening State Route 1. Consequently, MST and TAMC sought funds for the “SURF!” Busway and Bus Rapid Transit project, supported by \$15 million from TAMC's Measure X local transportation sales tax measure.

The Caltrans 2018 State Rail Plan, the TAMC 2021 Monterey Bay Area Rail Network Integration Study, and the draft Caltrans 2023 State Rail Plan all endorse the near-term bus service as a precursor to eventual rail service on the corridor. The long-term vision of those plans includes passenger rail connecting Monterey to Santa Cruz by 2050.

With the SURF! project set to begin construction in October 2024, questions arose about its eligibility for Proposition 116 funds. Preliminary legal review by the CTC concluded that the project did not meet Proposition 116's definition of a rail project and that TAMC missed the ten-year window to begin rail service as required by Proposition 116 guidelines. To resolve this, CTC proposed TAMC repay the purchase price at fair-market value through credits for other eligible rail projects. Eligible fund types and rail projects still need to be negotiated and agreed upon with CTC staff, but an example discussed was using the Agency's State Transportation Improvement Program funding on the Monterey County Rail Extension project as a credit toward that price. This course of action would allow the SURF! project to continue, provided that agreements can be in place in time for the project to receive its Coastal Commission permits, and the credit to be paid with investments the Agency would otherwise already be making in rail projects, meaning there would be no net loss of funding for rail projects in Monterey County.

The Coastal Commission has a September 2024 deadline to consider the Coastal permit for the SURF! project. To meet this, TAMC will likely need to appraise the Monterey Branch Line corridor to establish the fair-market value, which would be used as the basis for the amount of the credit. Executive Committee direction is needed to proceed with the appraisal and seek Board ratification at the June 2024 meeting. Concurrently, TAMC staff is working with CTC staff to determine if alternatives to fair-market valuation would satisfy the California Transportation Commission.

ATTACHMENTS:

None

WEB ATTACHMENTS:

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415.848.4801 Fax

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May 3, 2024

VIA ELECTRONIC MAIL ONLY

Tanisha Taylor
Executive Director
California Transportation Commission
1120 N Street, MS 52
Sacramento, CA 95814
Tanisha.Taylor@catc.ca.gov

Re: Use of Proposition 116 funds by Transportation Agency for Monterey County

Dear Ms. Taylor:

We write on behalf of the Museum of Handcar Technology regarding the Monterey Branch Line in Monterey County. The Monterey Branch Line is owned by the Transportation Agency for Monterey County (TAMC), which used funding from the California Transportation Commission (CTC), issued under Proposition 116 (Prop 116) for rail projects, to acquire the right-of-way in 2003.

In recent years, TAMC has been exploring a project to replace the existing rail line with what it refers to as the SURF! Busway project, rather than the rail project it had initially proposed. However, for the reasons discussed below, the SURF! Busway proposal and much of TAMC's associated activities are not permitted by the restrictions imposed by Prop 116 and the related funding agreements.

We understand that the CTC is generally aware of and looking into TAMC's conduct related to the Monterey Branch Line. This letter is provided to share our own research and provide relevant background materials. We anticipate that the CTC will agree with our conclusions that TAMC is prohibited from using the Monterey Branch Line for any busway project.

Factual and Legal Background

Prop 116, also known as the Clean Air and Transportation Improvement Act (Pub. Util. Code, § 99600 *et seq.*) was passed by voters by initiative in the June 5, 1990 election. The initiative authorized a general obligation bond of nearly two billion dollars (\$1,990,000,000), which was to be used to fund rail projects across the State through the issuance of grants from the CTC. (Pub. Util. Code, § 99690.5 [bond provision], 99620-99555 [grant provisions].) The findings and declarations adopted by the electorate state that: “[r]ail 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,” and that: “[f]or these reasons, it is appropriate to use state general obligation bonds to finance rail infrastructure.” (Pub. Util. Code, § 99601(a)-(b).)

The statute governing Prop 116 grants to Monterey County, titled “Allocation for rail projects in Monterey County,” allocates \$17,000,000 for eligible projects. (Pub. Util. Code, § 99638.) It also defines where those funds shall be allocated (Monterey County Transportation Commission (MCTC)), and what they may be used for (“Extension of CalTrain service” or “Other rail projects within Monterey County”). (*Ibid.*)

In 2003, TAMC submitted an application to the CTC for \$9,370,000 in Prop 116 funding, which CTC approved later that year. (CTC Resolution PA-03-06 (Exhibit A).)¹ The Project applied for and approved was the “San Francisco-Monterey Intercity Rail Service project” and the funds were to be used “for right of way acquisition” for that project. (*Id.*, ¶¶ 1.11, 2.1.) Later in 2003, TAMC purchased the Monterey Branch Line rail line from Union Pacific with the Prop 116 funds. (Exhibit B, TAMC Real Property Ownership Policies, June 22, 2016, p. 1.)

Rather than build the rail project it stated that it would, TAMC has spent the time since acquisition of the Monterey Branch Line seeking to replace the rail with a busway. This effort appears to have begun in or around 2011, when the agency hired consultants to prepare, and then update, a study evaluating “alternatives” to the rail project. (Monterey Peninsula Fixed Guideway Corridor Study, Exhibit C.) Additional studies have been prepared and revised in the time since, all to support a busway project to replace the rail project initially approved by the CTC, and all without returning to the CTC to report the changes.

TAMC has more recently been giving money, including revenues it received from its ownership of the Monterey Branch Line, to the Monterey-Salinas Transit District (MSTD) for it to study and then develop the busway project. (January 27, 2016 TAMC Memorandum (Exhibit D).)² The most recent study was completed in 2018. (Monterey Bay Area Feasibility Study of Bus on Shoulder Operations on State Route 1 and the Monterey Branch Line, (Exhibit E).) Among other things, it states that its analysis of how the Monterey Branch Line might be used “assumed that no rail would be removed as part of the project.” (*Id.* at p. 4-27.)

More recently, TAMC and MSTD have revealed they are, in fact, seeking to remove portions of the rail line. TAMC minutes from 2020 show internal concerns that the project, which had by then adopted its current name (the SURF! Busway), was proposing just this. (TAMC Final Rail Policy Committee Meeting Minutes of January 6, 2020 (Exhibit F), pp 2-3.) Conceptual plans prepared for the project in 2023 confirm that portions of the rail are proposed to be removed (January 2023 Conceptual Plans, (Exhibit G)), and video simulations on TAMC’s website of the

¹ All exhibits referenced in this letter are available at the following link:
<https://downeybrand.sharefile.com/d-sc0b0cb3b5f5b4c959f1f74785e7a7c43>

² Though TAMC has not addressed why it is giving money to another agency for the project, it may be because TAMC’s organic act only grants it authority to pursue rail projects. (Gov. Code, § 67931.) Funneling money to another agency, and giving over TAMC-owned right-of-way for it, likely violates the statute as well. However, we assume this issue is outside CTC’s jurisdiction.

project show that the Busway would remove and pave over the right of way currently occupied by the Monterey Branch Line (<https://www.tamcmonterey.org/surf-busway-and-bus-rapid-transit-project>).

In sum, over the past two decades, TAMC has sought to pivot the proposed project from the statutorily-mandated rail project to a busway that would remove the existing rail lines. For the reasons discussed below, there are numerous reasons why TAMC's past and proposed conduct is unlawful.

The Monterey Branch Line cannot be used for non-rail projects under Prop 116.

As discussed above, TAMC and now MSTD are seeking to develop the SURF! Busway project using the Monterey Branch Line. The project would involve use of the right-of-way, as well as removal of at least some track, with construction of a roadway over the former track location. In its efforts to seek a Coastal Development Permit for the busway project, TAMC told the Coastal Commission that Prop 116 and its funding agreement with CTC "allows for bus and passenger rail service." (June 23, 2023 Letter to Carl Sedoryk, (Exhibit H), p. 3.) However that claim was false. Because the Monterey Branch Line was acquired by TAMC using Prop 116 funds, any busway on this right-of-way is prohibited.

Prop 116 was titled "Rail Transportation Bond Act" when placed on the ballot as an initiative measure. (1990 Primary Election Ballot Pamphlet (Exhibit I), p. 3.) The electorate's findings and declarations state that "Rail transportation" projects benefit the environment, and therefore that bonds should be used "to finance rail infrastructure." (Pub. Util. Code, § 99601(a)-(b).) TAMC received funding to purchase the Monterey Branch Line under Public Utilities Code section 99368, titled "Allocation for rail projects in Monterey County." The provision states that funds can be allocated for two categories of projects: "(a) Extension of CalTrain service [and] (b) Other rail projects within Monterey County." (Pub. Util. Code, § 99638.)

"Rail project" is defined in the law to mean "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 [a rail project connecting Los Angeles and Long Beach Harbors with Downtown Los Angeles]." (Pub. Util. Code, § 99602(j).) The term "exclusive public mass transit guideway project" as used in that provision is also defined, to mean a transit capital improvement project as that term is "applied and used in 70 Op. Atty. Gen. 119" or a transit capital improvement that received certain funding allocations prior to 1989. (Pub. Util. Code, § 99602(e).)

The cited Attorney General opinion (Exhibit J) finds that the phrase as used in two provisions predating Prop 116 "does not include exclusive bus-carpool transitways." The Attorney General found the definition of "guideway" in the term to be of particular significance, as the term is defined to mean a track or similar apparatus "in which something is fitted so that the line of motion is controlled." (70 Op. Atty. Gen. 119 citing Webster's New Internat. Dict. (3d ed. 1971), pp. 793, 1009, 1388, 1836, 2428.) The opinion notes that, in contrast to guideways, on a bus-carpool transitway, "the vehicle operator would be able to maneuver the vehicle while on the transitway."

As such, a busway project is not within the allowable uses for which Prop 116 funding can be allocated. TAMC's efforts to make use of the property it acquired with Prop 116 funding to construct such a busway, and in fact to *remove* portions of the rail, violates both the letter and spirit of the law.

Prop 116 cannot be amended to allow a busway project.

In a March 27, 2024 staff report on TAMC's state and federal activities and proposed positions on draft legislation (Exhibit K), the agency seemed to acknowledge that the SURF! Busway proposal does not fall under the categories of projects eligible for funding under Prop 116. Rather than comply with the law, the report states that the agency may seek to amend the law to allow the project. More specifically, the staff report states, "TAMC may need to pursue legislation to clarify project eligibility for Proposition 116 funding." However, for the reasons discussed below, it is not legally possible for the Legislature to change the project eligibility requirements under Prop 116 as TAMC suggests.

"[U]nless an initiative measure expressly provides otherwise, an initiative measure may be amended or repealed only by the electorate." (*Rossi v. Brown* (1995) 9 Cal.4th 688, 715.) Here, Prop 116's provision governing amendment by Legislature states:

Except as otherwise provided in this part, the Legislature may amend this part, by statute passed in each house of the Legislature by rollcall vote entered in the journal, four-fifths of the membership concurring, if the statute is consistent with, and furthers the purposes of, this part. *No changes shall be made in the way in which funds are allocated pursuant to Chapter 3 (commencing with Section 99620), except pursuant to Section 99684.*

(Pub. Util. Code, § 99605 [emphasis added].) Chapter 3 contains the provisions of Prop 116 that control what types of projects can receive grant funding, including the provision discussed above limiting funding within Monterey County so that it must be used for rail projects. (Pub. Util. Code, § 99638.) This means that the funding restriction to rail projects cannot be changed except pursuant to Section 99684. That section allows for funds not expended by July 1, 2000 to be reallocated by the Legislature "for another rail project within the agency's jurisdiction," and thus cannot be used to allow funding for a non-rail project. As such, the Legislature cannot amend the funding restrictions to allow for additional project categories, even with the required four-fifths vote.

While TAMC could seek to amend the definition of a "rail project" to include non-rail projects such as the proposed busway, this would clearly not "further[] the purposes" of Prop 116 (Pub. Util. Code, § 99605), and would therefore also be impermissible under the law.

TAMC was required to commence rail operations more than a decade ago.

TAMC applied to the CTC for funding to purchase the Monterey Branch Line, and CTC approved of the funding in Resolution PA-03-06 (Exhibit A). As stated in paragraph 2.2 of Resolution PA-03-06, CTC placed a condition on the funding requiring that, "once the right of

way has been purchased, [TAMC] or its successor is limited to a ten-year period to start operations...” This was highlighted in the CTC’s approval memo as well. (August 5, 2003 CTC Approval Memorandum, Exhibit L, p. 4 [“A condition has been placed in the attached resolution that once the right of way has been purchased, TAMC or its successor, is limited to a ten-year period to start operations...”].) The “operations” that were required to commence within ten years were “intercity passenger rail service within the corridor.” (Resolution PA-03-06 (Exhibit A), ¶ 1.9.)

TAMC purchased the rail line from Union Pacific in 2003. (Exhibit B, TAMC Real Property Ownership Policies, June 22, 2016, p. 1.) As such, it was required to commence rail operations by 2013.

Not only has TAMC failed to commence rail operations, they now threaten to remove portions of the rail line and use the existing right-of-way for bus service, in flagrant violation of Prop 116. As such, by the plain and unambiguous terms of the Resolution, TAMC has stood in violation of the conditions placed on the Prop 116 funding it used to acquire the line.

While CTC can choose to excuse the timeliness of project commencement, it should make clear to TAMC that it is prohibited from using the right-of-way for the SURF! Busway or any purpose that would undermine or preclude the rail operations it was required to undertake more than a decade ago.

TAMC has been using profits from the Monterey Branch Line for improper purposes.

TAMC has been receiving profits from its ownership of the Monterey Branch line and using them for improper purposes. In 2009, TAMC requested \$131,525, which it stated was for diligence related to the project, and identification and remediation of hazardous waste in the project area. The funding was approved as an amendment to the prior CTC resolution approving the initial funds. (CTC Financial Vote List, September 9-10, 2009 (Exhibit M).) The associated financial resolution contains a provision governing how TAMC may use “revenues or profits from any non-governmental use” of the Monterey Branch Line. (*Id.*, ¶ 2.7.) Specifically, TAMC is required to use these revenues and profits “exclusively for the public transportation services for which the project was initially approved, either for capital improvement or maintenance and operational costs.” (*Ibid.*) If it does not do so, then it is required to pay the State back according to the percentage of State funding used to purchase the line. (*Ibid.*)

Since that time, TAMC has received revenues and profits from its ownership of the line. These include, but may not be limited to, revenue from an easement granted to a water company in 2019 (Exhibit N), and the revenues from its lease agreement with the City of Marina (Exhibit O). However, such revenues have *not* been used for “the public transportation services for which the project was initially approved,” as documents show that TAMC has instead siphoned them off to pay for the busway project that would actually *prevent* the initially-approved rail project by removing rail. (January 27, 2016 TAMC Memorandum re: Monterey-Salinas Transit Bus Study (Exhibit D) [“Approve allocation of \$65,000 of Monterey Branch Line lease revenues for busway study by [MSTD]”].) TAMC has stated that the use of Monterey Branch Line revenues “is restricted to expenses related to the Monterey Branch Line,” without disclosing that the proposal was funding something that would seek to remove the line. (*Ibid.*) As such, TAMC has

been using profits and revenues from its ownership of the Monterey Branch Line in a manner prohibited by its Prop 116 funding conditions.

TAMC's position that a busway project is necessary for a rail project is nonsensical.

Possibly in recognition of the legally questionable nature of its actions, TAMC in recent years has sought to construct a narrative in which the busway project does not preclude, and even supports, some future rail project. For instance, the Coastal Commission expressed concerns about the busway project and its impacts to the existing railroad tracks in early 2023. TAMC's response acknowledged plans for track removal in multiple locations. (Exhibit H.) However, it claimed that the project had planned the busway alignment "so that bus and passenger rail service can co-exist within the historic rail corridor," that they "provide symbiotic benefits," and that TAMC hoped that success of the busway "will help make the case for future rail service, showing the latent ridership demand for a transit service in its own separate right-of-way." (*Ibid.*)

However, TAMC's plans show quite clearly that the busway project would remove the existing rail and pave a roadway over it. TAMC has also now funded at least three studies evaluating the right-of-way, all of which were drafted by TAMC's consultants to support the idea that a busway, and not rail is the best use of the site. Even where the busway does not entirely cross over the existing rail, which it would in several places, the paved area is so close to the existing rail lines that it would not be possible to safely operate both vehicular traffic and a train.

Further, there is a finite demand for transportation along this corridor. If transportation is provided in one manner, then that *reduces* the need for additional services. TAMC's statements that providing bus service would increase demand for rail service make no sense, and have no factual or evidentiary support.

Given the above, TAMC's attempts to harmonize its statutory obligation to use the Monterey Branch Line for rail purposes with its efforts to use it for a busway project are disingenuous at best.

Conclusion

We appreciate the CTC's attention in this matter and would be happy to discuss any of this further at your request.

Sincerely,

DOWNEY BRAND LLP



Amy R. Higuera

cc: Kacey Ruggiero
Todd Clark
Mason Clark

4124476.1



June 4, 2024

To: Marina City Council

From: Keep Fort Ord Wild

RE: Item 11a Regular Meeting of the City Council on June 4, 2024

With this correspondence Keep Fort Ord Wild (KFOW) requests the City Council NOT follow staff recommendation and NOT uphold the PLANNING COMMISSION'S APPROVAL OF CDP 23-0004.

KFOW reiterates its objections to the SURF project contained in its 4-11-24 letter to the Planning Commission and 5-21-24 letter to the City Council.

KFOW also provides the following additional comments for the City Council:

- Comments by MST staff at and after the 5-21-24 City Council meeting regarding SURF project compliance with Proposition 116 have proven to be demonstrably false. The claims by MST staff that SURF complies with Proposition 116 have, in fact, been nullified by the subsequent actions of TAMC. At the 6-3-24 TAMC Rail Committee meeting TAMC Director Todd Muck admitted the SURF project's non-compliance with Proposition 116 as an incurable problem. At the same meeting, Muck also admitted on the record the current design of SURF will rip-up 1.75 miles of existing track. Thus, repeated claims by MST and TAMC over the last few years that rail was a "long-term vision" are false.

Additional Correspondence

- As a matter of record, KFOW informed TAMC and MST that SURF couldn't happen due to Proposition 116 requirements in February 2023. Since then, TAMC has distributed at least \$11.6 million to MST in public Measure X funds for the design and construction management of SURF. MST and TAMC staff knew the design would rip up long sections of track on the Monterey Branch Line. At the same time, they secured State and Federal grants based on the “rail as a long-term vision” narrative pretending SURF didn't meaningfully impact future rail plans when communicating with the various agencies. However, it is now clear rail is not and never has been a long-term vision of the SURF project.
- As a further demonstration of the SURF project’s incurable non-compliance with Proposition 116, TAMC is now considering a buyout of the Monterey Branch Line to rid the SURF project of any obligations to use the corridor for rail. KFOW notes this proposed strategy by TAMC is tantamount to total abandonment of any future rail along the Monterey Branch line. (See attached 6-5-24 agenda item for the TAMC Executive Committee.) As a practical matter TAMC would be buying out the whole Monterey Branch Line even though SURF only uses the southern portion of the Monterey Branch Line. The immense additional cost would be a raw deal for the public, in that TAMC would be buying out the whole Monterey Branch Line to only use a portion of it as a busway. The result would be the entire Monterey Branch Line rendered useless for rail. The City Council should carefully consider TAMC’s proposed action to buy out the Monterey Branch Line to enable SURF. Significant sections of the Monterey Branch Line not related to SURF run through Marina. What will happen to those other sections if not used for rail? Will they be developed for other uses, etc.?
- At the 5-21-24 City Council meeting Councilmember McCarthy raised the issue of the SB 922 exemption for SURF. At the time, MST staff insisted SURF was still under the \$100 million threshold. However, if TAMC proceeds with a plan to buy-out the Monterey Branch line the project cost will be well over \$100 million, and the project will be required to present a business case for the project as well as a racial equity analysis and additional public meetings.

Additional Correspondence

- For emphasis, KFOW reiterates the dramatic non-compliance of the SURF project with the Coastal Act. The California Coastal Commission has consistently informed MST for the past several years through a series of detailed letters SURF was not approvable under the Coastal Act. MST chose to ignore these letters and proceed with the same design of SURF it knew was impossible for multiple reasons.

Request:

The SURF project would be a detriment to the citizens of Marina damaging coastal ESHA, recreation, coastal access and the promised future of rail service. The true design and impacts of the SURF project have been misrepresented for years. The SURF project has deep, and incurable flaws as proposed and the solutions to salvage it are becoming more extreme and more expensive for citizens. For all the reasons above, attached and more the Marina City Council should NOT uphold the approval of PLANNING COMMISSION RESOLUTION NO. 2024-09 dated April 11, 2024.

Sincerely yours,

Michael Salerno

Spokesman, Keep Fort Ord Wild.



Notice of Proposed Increase in Water, Recycled Water, and Sewer Service Charges

The Board will hold a public hearing at the date and time below to decide on a proposed five-year schedule of water, recycled water, and sewer service charge increases.

Hearing on Monday, June 17, 2024, at 6:00 PM

Marina Coast Water District Boardroom, 920 2nd Avenue, Suite A, Marina, California

Proposed new water, sewer, and recycled water rates. Over the past several months, the Marina Coast Water District (District) has evaluated its operational and facility requirements for the next five years. We had three primary objectives: ensure that our rates remain fair for all customer classes, generate sufficient revenue to fund continued high-quality service for all customers, and fund critical facility improvements. After developing detailed financial and engineering plans, the District is proposing a number of rate adjustments that are described in this notice.

The proposed rate adjustments are designed to support about \$45 million in investment in water, sewer, and recycled water facilities over the next five years. This investment is needed to renew and replace critical facilities necessary to provide quality and reliable service to customers. The proposed rates will also fund ever-increasing water and sewer operational and maintenance costs, including engineering, operations, pumping, treatment repairs, and regulatory compliance replacements.

Fair Rates that Fund Quality Service for Customers. The impact of the rate adjustments in the first year (starting on July 1, 2024) will vary among customers, depending on the customer class (Single Family, Multifamily, and Nonresidential), meter size and water usage behavior. The variations are a result of structural changes to the rates, which were calculated based on a detailed analysis to ensure each customer pays their share of costs.

By providing adequate revenue, the proposed rates will ensure that the District can continue to provide quality service in the coming years.

Steps taken to increase efficiency and lower costs before considering rate increases. In the face of constantly rising operational, maintenance, and administrative costs, MCWD has taken ongoing action to keep costs down. For example:

- Obtained about \$9.9 million in grants in the last 5 years.
- Completed large facility projects in-house, saving time and money from outsourcing.
- Optimized water pump station operations to ensure the District maximizes pumping during the lowest-cost PG&E hours.
- Cross trained staff to perform water, sewer, and recycled water distribution, sewer collections, pumps, and mechanical functions, reducing the number of workers needed and allowing for quicker responses.
- Continued decrease in overtime cost without affecting the quality of service, and improved management of reserves to increase interest earnings.

FOR MORE INFORMATION

Call: (831) 384-6131 • Email: customerservice@mcwd.org.

Mail or In-Person: 11 Reservation Rd, Marina, 93933

Si usted necesita ayuda en español con esta noticia, por favor llame al (831) 384-6131.

PROPOSED ORD WATER RATES

		Proposed				
	Current	July 1, 2024	July 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028
Revenue Increase		COS ¹	10.0%	10.0%	6.0%	6.0%
Single Family Consumption Charge (\$/HCF)¹						
Tier 1 ²	\$4.90	\$6.79	\$7.47	\$8.22	\$8.71	\$9.23
Tier 2	\$9.55	\$10.37	\$11.41	\$12.55	\$13.30	\$14.10
Multi-Family and Non-Residential Consumption Charge (\$/HCF)						
Uniform Rate	(see above)	\$7.30	\$8.03	\$8.83	\$9.36	\$9.92
Fixed Monthly Service Charges						
5/8" & 3/4"	\$48.94	\$52.34	\$57.57	\$63.33	\$67.13	\$71.16
1"	\$68.76	\$78.61	\$86.47	\$95.12	\$100.83	\$106.87
1.5"	\$118.29	\$144.31	\$158.74	\$174.62	\$185.09	\$196.20
2"	\$177.74	\$223.14	\$245.45	\$270.00	\$286.20	\$303.37
3"	\$336.26	\$433.35	\$476.69	\$524.35	\$555.81	\$589.16
4"	\$514.60	\$669.85	\$736.84	\$810.52	\$859.15	\$910.70
6"	\$1,003.98	\$1,326.78	\$1,459.46	\$1,605.40	\$1,701.73	\$1,803.83
8"	\$2,000.75	\$2,115.09	\$2,326.60	\$2,559.26	\$2,712.81	\$2,875.58
10"	not applicable	\$3,691.72	\$4,060.89	\$4,466.98	\$4,735.00	\$5,019.10
12"	not applicable	\$5,531.12	\$6,084.23	\$6,692.66	\$7,094.21	\$7,519.87

¹COS Means Cost of Service. Rate revenue will increase by 10% in general but individual rate elements will vary due to structural changes. ²For the first 10 HCF per month.

PROPOSED MARINA WATER RATES

		Proposed				
	Current	July 1, 2024	July 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028
Revenue Increase		COS ¹	20.0%	20.0%	8.0%	8.0%
Single Family Consumption Charge (\$/HCF)¹						
Tier 1 ²	\$3.80	\$4.36	\$5.23	\$6.28	\$6.78	\$7.32
Tier 2	\$5.79	\$7.00	\$8.40	\$10.08	\$10.89	\$11.76
Multi-Family and Non-Residential Consumption Charge (\$/HCF)						
Uniform Rate	(see above)	\$4.64	\$5.57	\$6.68	\$7.22	\$7.79
Fixed Monthly Service Charges						
5/8" & 3/4"	\$28.34	\$42.29	\$50.75	\$60.90	\$65.77	\$71.03
1"	\$38.22	\$65.06	\$78.07	\$93.69	\$101.18	\$109.28
1.5"	\$62.91	\$122.01	\$146.41	\$175.69	\$189.75	\$204.93
2"	\$92.55	\$190.34	\$228.41	\$274.09	\$296.02	\$319.70
3"	\$171.56	\$372.56	\$447.07	\$536.49	\$579.41	\$625.76
4"	\$260.46	\$577.55	\$693.06	\$831.67	\$898.21	\$970.06
6"	\$507.39	\$1,146.99	\$1,376.39	\$1,651.67	\$1,783.80	\$1,926.50
8"	\$1,001.26	\$1,830.31	\$2,196.37	\$2,635.65	\$2,846.50	\$3,074.22
10"	not applicable	\$3,196.95	\$3,836.34	\$4,603.61	\$4,971.90	\$5,369.65
12"	not applicable	\$4,791.37	\$5,749.64	\$6,899.57	\$7,451.54	\$8,047.66

¹COS Means Cost of Service. Rate revenue will increase by 20% in general but individual rate elements will vary due to structural changes. ²For the first 10 HCF per month.

PROPOSED RECYCLED WATER RATES

		Proposed				
	Current	July 1, 2024	July 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028
Revenue Increase		5%	5%	5%	5%	5%
Consumption Charge (\$//HCF)						
Per HCF	\$6.76	\$7.10	\$7.46	\$7.83	\$8.22	\$8.63
Fixed Monthly Service Charges						
5/8" meter	\$52.50	\$55.13	\$57.89	\$60.78	\$63.82	\$67.01
3/4" meter	\$52.50	\$55.13	\$57.89	\$60.78	\$63.82	\$67.01
1" meter	\$74.44	\$78.16	\$82.07	\$86.17	\$90.48	\$95.00
1.5" meter	\$129.30	\$135.77	\$142.56	\$149.69	\$157.17	\$165.03
2" meter	\$195.14	\$204.90	\$215.15	\$225.91	\$237.21	\$249.07
3" meter	\$403.60	\$423.78	\$444.97	\$467.22	\$490.58	\$515.11
4" meter	\$710.82	\$746.36	\$783.68	\$822.86	\$864.00	\$907.20
6" meter	\$1,445.95	\$1,518.25	\$1,594.16	\$1,673.87	\$1,757.56	\$1,845.44
8" meter	\$3,091.75	\$3,246.34	\$3,408.66	\$3,579.09	\$3,758.04	\$3,945.94
10" meter	\$4,470.92	\$4,694.47	\$4,929.19	\$5,175.65	\$5,434.43	\$5,706.15
12" meter	\$5,636.92	\$5,918.77	\$6,214.71	\$6,525.45	\$6,851.72	\$7,194.31

PROPOSED ORD SEWER RATES

		Proposed				
	Current	July 1, 2024	July 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028
Revenue Increase		COS ¹	4%	4%	4%	4%
Fixed Monthly Charges (per EDU)	\$38.15	\$20.55	\$21.37	\$22.22	\$23.11	\$24.03
Flow-Based Charges (per HCF)	not applicable	\$4.02	\$4.18	\$4.35	\$4.52	\$4.70

¹COS Means Cost of Service. Rate revenue will increase by 4% in general but individual rate elements will vary due to structural changes.

PROPOSED MARINA SEWER RATES

		Proposed				
	Current	July 1, 2024	July 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028
Revenue Increase		COS ¹	15%	15%	10%	10%
Fixed Monthly Charges (per EDU)	\$17.98	\$9.45	\$10.87	\$12.50	\$13.75	\$15.13
Flow-Based Charges (per HCF)	not applicable	\$1.85	\$2.13	\$2.45	\$2.70	\$2.97

¹COS Means Cost of Service. Rate revenue will increase by 15% in general but individual rate elements will vary due to structural changes.

PROPOSED MONTHLY PRIVATE FIRE METER CHARGES

Ord Monthly Private Fire Meter Charge		
Meter Size	Current Charge	Proposed Effective July 1, 2024
1"	\$2.90	\$2.97
1.5"	\$8.45	\$8.65
2"	\$18.02	\$18.45
2.5"	\$32.39	\$33.16
3"	\$52.32	\$53.56
4"	\$111.49	\$114.13
6"	\$323.85	\$331.51
8"	\$690.15	\$706.48

Marina Monthly Private Fire Meter Charge		
Meter Size	Current Charge	Proposed Effective July 1, 2024
1"	\$2.02	\$2.07
1.5"	\$5.87	\$6.01
2"	\$12.52	\$12.82
2.5"	\$22.51	\$23.04
3"	\$36.37	\$37.23
4"	\$77.50	\$79.33
6"	\$225.12	\$230.45
8"	\$479.73	\$491.08

The District's fire meter rate is used to cover the costs attributed with accounts that have dedicated fire protection lines. The District does not measure or charge for the water consumed by a fire meter. The July 1, 2024 increase is based on a 2.4 percent increase in the Consumer Price Index (CPI) between February 2023 and February 2024. Private fire meter charges will be increased by the CPI each July 1 through July 2028.

PROPOSED WATER SHORTAGE SURCHARGE BY DROUGHT STAGE

Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
0%	10%	20%	30%	40%

Water Shortage Surcharges are a tool for reducing the potentially severe financial impacts associated with reduced water sales and increases in operating costs during a water shortage emergency or drought. The proposed Water Surcharges by drought stage (expressed as a percentage surcharge to the Consumption Charge) are the same for both Marina and Ord water cost centers.

The Water Shortage Surcharges are applied to the then-current Consumption Charges. The Drought stages are as declared by the District Board.

How Much Will My Water Bill Increase?

For billing purposes, the District has five separate service areas: Marina Water and Sewer, Ord Water and Sewer, and Recycled water. Each is charged the cost of serving that service area. Individual customers will pay more or less depending on the size of their meter and their usage of water.

The examples below are for demonstration purposes only and are calculated based on typical water users in a single-family home.

- ORD WATER: a typical single-family homeowner may see a \$14.83 per month increase.
- ORD SEWER: a typical single-family homeowner may see a \$2.50 per month increase.
- MARINA WATER: a typical single-family homeowner may see a \$17.34 per month increase.
- MARINA SEWER: a typical single-family homeowner may see a \$0.72 per month increase.

Please Contact Us with Questions or Comments

ADDRESS THE BOARD: Attend the public hearing on Monday, June 17th at 6:00 PM, Marina Coast Water District Boardroom, 920 2nd Avenue, Suite A, Marina, California.

PHONE: (831) 384-6131

EMAIL: customerservice@mcwd.org.

MAIL OR IN-PERSON: 11 Reservation Rd, Marina, 93933

HELPFUL NOTES FOR UNDERSTANDING HOW THE RATES WERE CALCULATED

WATER AND SEWER

COST OF SERVICE (COS): The proposed rates represent the cost to provide service to each class of customer, including the increase in rate revenue needed by the District. Because of structural changes to the rates, the bill impact in the first year will vary from customer to customer.

SEWER

Equivalent Dwelling Units (EDU). A portion of the sewer service charges are measured in Equivalent Dwelling Units or EDUs. One EDU represents the sewer demands of a typical residential dwelling unit. Some residential properties, such as multi-family units, may have more than one EDU. The EDU charge primarily recovers costs that do not vary based on the amount of wastewater that is collected and conveyed.

Flow-Based Charges. The proposed sewer rates include a new flow-based charge which is calculated based on each account's estimated indoor water usage. The indoor usage for residential customers is based on water usage during the months of December, January, and February when outdoor water use is minimal. The flow-based charges for non-residential customers is based on monthly water usage. As a result of including a flow-based charge, customers who use less indoor water will receive lower sewer bills.

WATER

Consumption Charge. Consumption charges are based on actual water usage and primarily recover costs that vary in response to the amount of water delivered by the District. Water purchase costs and energy costs are examples of such variable costs. Consumption charges also recover some fixed costs that are reasonably allocated based on water use.

Fixed Monthly Service Charge. About half of the District's fixed water utility costs are recovered through the fixed monthly service charge, which is charged to customers based on the size of their meter. A customer's meter size is a common method for estimating the capacity demands of individual accounts.

Hundred Cubic Feet (HCF) of Water. The consumption charge is measured in HCF. One HCF = 748 gallons of water.

RATE INCREASES NEEDED TO FUND IMPROVEMENTS AND OTHER COSTS OF SERVICE

The proposed rates are designed to adequately fund water and sewer management and maintenance costs, including engineering, operations, pumping, repairs, replacements, debt, and capital reinvestment in aging infrastructure. Without the proposed rate updates, the District will not have sufficient money to maintain quality service and continue essential water and sewer upgrades.

FULL RATE STUDY AVAILABLE FOR REVIEW

The rate study was conducted by an independent rate consultant and is available at www.mcwd.org/customer_service_rate_update_2024.php or at the District's offices at 11 Reservation Road, Marina, CA 93933.

EFFECTIVE DATE OF PROPOSED CHANGES

Absent a majority protest, the Board of Directors can adopt charges up to but no greater than the amounts shown in the proposed rate schedules. If adopted by the Board, the first proposed rate adjustment will be effective on July 1, 2024,



We are sending this notice to every property owner in the District as required by law, so some property owners will receive multiple notices.

PRSRT STD
US POSTAGE
PAID
UNICORN GROUP

MARINA COAST WATER DISTRICT
11 Reservation Rd., Marina, CA 93933
(831) 384-6131
www.mcwd.org
customerservice@mcwd.org

Board of Directors
Gail Morton, President
Jan Shriner, Vice President
Herbert Cortez, Director
Brad Imamura, Director
Thomas Moore, Director

General Manager
Remleh Scherzinger

Notice of Proposed Increase in Water, Recycled Water, and Sewer Service Charges

HOW TO PROTEST PROPOSED WATER, RECYCLED WATER AND SEWER RATES

Any affected property owner or tenant may submit a written protest to the proposed increases to the water, recycled water, or sewer service charges. If a majority of the affected property owners within the District's combined service area submit written protests, the proposed rate increases will not go into effect. A valid protest must: 1) be in writing; 2) state opposition to the proposed water, recycled water, and/or sewer rates; 3) state the location of the owner's parcel by County Assessor's Parcel Number (APN) or by the parcel's street address; 4) list the owner's name(s); 5) have an original signature; and 6) be received at or before the time of the above public hearing.

If the party signing the protest is not shown on the last equalized assessment tax roll of Monterey County as the owner of the parcel, then the protest must include sufficient written evidence that such party is the owner of the parcel by providing a deed or other appropriate information.

Protests may be mailed or personally delivered to: Marina Coast Water District, 11 Reservation Road, Marina, CA 93933. Protests can also be hand-delivered to the hearing at 920 2nd Avenue, Suite A, Marina, California. By law, the District will not accept email, fax, and photocopied protests.

All protests must be received prior to the conclusion of the public hearing, including all mailed protests. All protests received after the conclusion of the public hearing shall not be accepted.

This notice is only mailed to the property owner of record. The property owner is responsible for supplying the owner's tenant with this notice. Tenants may submit a written protest by the deadline specified in this notice, but only one protest per parcel shall be counted.

NOTICE: You are hereby notified, pursuant to Government Code, section 53759, that any judicial action or proceeding to attack, review, set aside, void, validate, or annul the Districts adoption of the proposed rates charges must be commenced within 120 days of the effective date or of the date of the final passage, adoption, or approval of the rates, whichever is later.

May 28, 2024

Item No. **13b**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 4, 2024

**THE CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2024-,
APPROVING THE BELOW MARKET RATE HOUSING AGREEMENT FOR
THE MARINA STATION DEVELOPMENT. THIS ACTION IS EXEMPT
FROM ENVIRONMENTAL REVIEW PER § 15162 OF THE CEQA
GUIDELINES.**

REQUEST

It is requested that the Marina City Council:

1. Approve Resolution 2024-, approving the Below Market Rate Housing Agreement for the Marina Station Development and finding the action exempt from environmental review per § 15162 of the CEQA Guidelines.

BACKGROUND:

The City of Marina and Creekbridge Homes, LLC (“Original Developer”) originally entered into a Development Agreement dated March 4, 2008, related to the Marina Station project (the "Development Agreement"). The Development Agreement provided the Original Developer the opportunity to develop a 320-acre site into a mixed-use project on either side of Del Monte Avenue at the northern boundary of the City of Marina. The Development Agreement stipulated the terms and conditions for development of 1,360 residential units (887 single family units and 473 multifamily units), approximately 60,000 square feet of retail space, approximately 144,000 square feet of office space, approximately 652,000 square feet of business park/industrial, parks and open space (the "Development"). The project approvals include requirements for the development of affordable housing.

The Development Agreement was entered into by the City of Marina and the Original Developer pursuant to Government Code Section 65864 and the Marina Municipal Code Chapter 4.04. The Development Agreement was approved by the City Council on March 4, 2008. At that regular meeting of March 4, 2008, the City Council certified the EIR, approved the General Plan Amendments, the Specific Plan, Zoning Ordinance Map Amendments, a Vesting Tentative Map (collectively the "Project Approvals"), Design Review and the Development Agreement for the Marina Station Project.

In 2022 the City Council approved the assignment of the Development Agreement to Third Millennium Partners and the First Amendment to the Development Agreement, which among, other amendments, extended the term of the Development Agreement.

The Development Agreement requires that, prior to recordation of the Final Map for the first phase of the development, the Developer and the City are to enter into a Below Market Rate Housing Agreement that obligates the Developer to provide affordable housing as part of the Development consistent with the terms of the City’s General Plan and Housing Element. The Below Market Rate Housing Agreement is to provide at a minimum that 20% of the residential units in the Development be affordable units with the following affordability categories:

Income Category	Percentage of Units	Number of Units
Very Low Income (income at or below 50% of AMI)	6%	82
Low Income (incomes greater than 50% but no more than 80% of AMI)	7%	95
Moderate Income (income greater than 80% but no more than 120% of AMI)	7%	95
		272

The Below Market Rate Housing Agreement provides that the Moderate Income Homes will be for sale homes and that the Very Low Income and Low-Income homes will be rentals.

The Below Market Rate Housing Agreement includes a phasing map for the Development setting forth the areas where the below market rate housing will be developed. The below market rate housing is disbursed throughout the development site as illustrated on Exhibit D to the Below Market Rate Housing Agreement.

The Below Market Rate Housing Agreement also includes development milestones that must be met by the Developer with regard to the development of the below market rate housing in order to ensure that the below market rate housing is developed in concurrently with the market rate housing. In accordance with the terms of the Below Market Rate Housing Agreement, if the Developer fails to construct the below market rate housing in accordance with the phasing plan and milestones, the City can refuse to issue additional certificates of occupancy for market rate homes. For example, if the Developer has not completed at least 19 Moderate Income Homes by the time that the City is asked to issue a certificate of occupancy for the 201st residential unit in the Development, the City can refuse to issue any additional certificates of occupancy until the appropriate number of below market rate homes are completed. In accordance with the milestone schedule, it is expected that first below market rate homes to be developed will be the Moderate Income Homes. Development of the very low- and low-income rental units will require the Developer to obtain various sources of public subsidies, so development of those units is expected after approximately 500 residential units are complete.

The Developer expects to transfer the portions of the property slated for the development of the very low- and low-income rental units to an affordable housing developer. The Below Market Rate Housing Agreement requires that the City approve any such developer.

The Below Market Rate Housing Agreement sets forth the specific requirements for the development and operation of the below market rate homes, including;

- procedures for setting the affordable purchase prices and rents.
- requirements that the Developer comply with the City’s adopted Below Market Rate Housing Policies and Procedures which include:
 - the procedures for the qualification of the purchasers or renters of the below market rate homes;
 - the requirements for resale restrictions for the ownership homes
 - the City’s local preference policy
 - compliance reporting procedures.
- Management and maintenance requirements.

Environmental Determination

On March 4, 2008, the City Council of the City of Marina certified the final environmental impact report for the Marina Station Project (State Clearing House Number 2005061056) ("EIR"). The EIR served as the environmental review for the Development and the Project Approvals and entitlements as well as for the approval of the Development Agreement. Section 15162 of the CEQA Guidelines states that if an EIR or negative declaration has been adopted for a project, no subsequent EIR is to be prepared unless there have been substantial changes to the project, substantial changes with respect to the circumstances under which the project is undertaken or new information of substantial importance shows that the project would have significant effects not discussed in the EIR. Since certification of the EIR there have been:

- (i) no substantial changes to the project which would require revisions to the EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified effects. The Below Market Rate Housing Agreement is consistent with the approvals granted in 2008 and does not significantly alter the Development or change the density or intensity of the uses approved for the Development such that there are new significant environmental effects;
- (ii) no substantial changes have occurred with respect to the circumstances under which the project is being undertaken which require revisions to the EIR due to new significant environmental effects or a substantial increase in the severity of a previously identified effect. There have been no significant changes in the areas surrounding the Development since the EIR was approved that involve new significant impacts; and
- (iii) no new information shows that the Development will
 - a. have any significant effects that were not discussed in the EIR;
 - b. that significant effects that were previously examined will be more severe;
 - c. mitigations measures or alternatives that were found infeasible would in fact be feasible and reduce one or more significant effects; or
 - d. new mitigation measures or alternatives that were not considered in the EIR would substantially reduce one or more significant effects of the Development on the environment.

Based on the above, no additional environmental analysis is required for the approval of the Below Market Rate Housing Agreement.

FISCAL IMPACT:

The approval of the Below Market Rate Housing Agreement will result in the following beneficial fiscal impacts to the City:

1. The project will be fiscally neutral or beneficial to the City based on an updated fiscal impact study that that was completed in 2022.
2. Development of the project as contemplated will result in increased property taxes benefiting the City as well as the other taxing entities.

Prepared by:

Karen Tiedemann, Goldfarb & Lipman
Special Counsel
City of Marina

REVIEW/CONCUR:

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

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING THE
BELOW MARKET RATE HOUSING AGREEMENT FOR THE MARINA STATION PROJECT

WHEREAS, Creekbridge Homes, LLC and the City previously entered into that certain Development Agreement dated as of March 4, 2008 (the "Development Agreement"), pursuant to which the City and Creekbridge Homes, LLC agreed to certain matters with respect to the development of a mixed use community with residential, commercial, office, industrial, public, cultural, recreation, and park land uses (the "Project") as more specifically provided for in the Marina Station Specific Plan adopted by the City of Marina; and

WHEREAS, the City approved the assignment of the Development Agreement to Third Millennium Partners ("Developer") in 2022;

WHEREAS, the City approved the First Amendment to the Development Agreement which, among other amendments extended the term of the Development Agreement until 2036;

WHEREAS, a part of the Project Approvals for the Project and as a requirement of the Development Agreement, the Developer is required to develop 20% of the residential units in the Project as affordable homes, affordable to Very Low Income, Low Income and Moderate Income Households; and

WHEREAS, the Development Agreement requires that the City and the Developer enter into a Below Market Rate Housing Agreement prior to the approval of the Final Map for the first phase of the Project; and

WHEREAS, the Developer and the City have negotiated the terms of the Below Market Rate Housing Agreement that is consistent with the City's General Plan, Housing Element, the Development Agreement and the Project Approvals; and

WHEREAS, based on the information provided in the staff report no new environmental review for the Project is required pursuant to CEQA Guidelines Section 15162 and the final environmental impact report for the Marina Station Project (State Clearing House Number 2005061056) shall serve as the environmental review for the approval of the Below Market Rate Housing Agreement.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Marina hereby approves the Below Market Rate Housing Agreement included herein as **Exhibit A** for the Marina Station project substantially in the form on file with the City Clerk and authorizes the City Manager to sign the Below Market Rate Housing Agreement on behalf of the City and to take all actions consistent with the Below Market Rate Housing Agreement to implement the terms of such Agreement.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 4th day of June 2024, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

**BELOW MARKET RATE HOUSING AGREEMENT
(Marina Station)**

This Below Market Rate Housing Agreement (the “Agreement”) is made and entered into as of _____, 2024 (the “Effective Date”), by and between the City of Marina, a municipal corporation (the “City”), and Third Millennium Partners, a California corporation (the “Developer”) (each individually a “Party” and together the “Parties”), with reference to the following facts.

RECITALS

A. Capitalized terms used but not defined in these recitals are as defined in Article 1 of this Agreement.

B. Pursuant to an assignment, 3rd Millennium Partners, a California corporation is the “Developer” under that certain Development Agreement for the Marina Station Project dated as of March 4, 2008 with the City, as amended by that certain First Amendment to Development Agreement dated as of November 18, 2022 and recorded with the Monterey County Clerk-Recorder on November 21, 2022 as Document Number 2022049372 (the “Development Agreement,” a copy of which is attached hereto as Exhibit A). The subject of the Development Agreement is the real property described and depicted in Exhibit B hereto (the “Property”). Developer’s development of the Property is known generally as the “Project” in the Development Agreement but specifically as the “Development” in Section 2.17 of the Development Agreement and also herein.

C. Pursuant to Section 2.17 of the Development Agreement, prior to the recordation of the final map for the first phase of the Development, Developer and the City shall enter into a Below Market Rate Housing Agreement that will obligate Developer to provide affordable housing as part of the Project consistent with the requirements of the City of Marina General Plan adopted by the City on October 31, 2000, as amended (the “General Plan”) and the Housing Element of the General Plan. The Below Market Rate Housing Agreement shall provide that a minimum of 20% of the 1360 residential units developed as part of the Project, excluding the "Carriage Apartments" as defined in the Marina Station Specific Plan adopted by the City on March 4, 2008 (the “Specific Plan”), shall be affordable units within the following definitions and categories: 6% shall be affordable to and occupied by Very Low-Income Households (less than or equal to fifty percent (50%) of Median Income), 7% shall be affordable to and occupied by Low-Income Households (households with incomes greater than 50% of Median Income and less than or equal to 80% of Median Income), and 7% shall be affordable to and occupied by Moderate-Income Households (households with incomes greater than 80% of Median income and less than or equal to 120% of Median Income). Median Income shall mean the median income level for Monterey County, adjusted for household size, as periodically published by the United States Department of Housing and Urban Development (“HUD”) and the California Department of Housing and Community Development (“HCD”).

D. Developer and the City therefore desire to enter this Agreement in furtherance of the provisions of Section 2.17 of the Development Agreement.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Developer and the City hereby agree as follows:

1. Definitions. When used in this Agreement, the following terms shall have the respective meanings assigned to them in this Section 1.

1.1 “50% AMI Household” or “Very Low-Income Household” means a household with an annual income which does not exceed fifty percent (50%) of Area Median Income, adjusted for Actual Household Size pursuant to HCD’s published income limits.

1.2 “50% Units” or “Very Low-Income Units” means the Units which are required to be occupied by 50% AMI Households.

1.3 “80% AMI Household” or “Low-Income Household” means a household with an annual income which is greater than fifty percent (50%) of Area Median Income but does not exceed eighty percent (80%) of Area Median Income, adjusted for Actual Household Size pursuant to HCD’s published income limits.

1.4 “80% Units” or “Low-Income Units” means the Units which are required to be occupied by 80% AMI Households.

1.5 “120% AMI Household” or “Moderate-Income Household” means a household with an annual income which is greater than eighty percent (80%) of Area Median Income but does not exceed one hundred and twenty percent (120%) of Area Median Income, adjusted for Actual Household Size pursuant to HCD’s published income limits.

1.6 “120% Units” or “Moderate-Income Units” means the Units which are required to be occupied by 120% AMI Households.

1.7 “Actual Household Size” means the actual number of persons in the applicable household.

1.8 “Adjusted for Household Size Appropriate for the Unit” means “adjusted for family size appropriate to the unit” as such term is used in Section 50052.5 or Section 50053 of the California Health and Safety Code, as applicable.

1.9 “Affordable Housing Cost-Moderate Income” means a Monthly Housing Cost equal to thirty-five percent (35%) times one hundred ten percent (110%) of the Area Median Income, Adjusted for Household Size Appropriate for the Unit.

1.10 “Affordable Purchase Price” means the maximum purchase price paid by an Income Eligible Household determined such that the buyer’s Monthly Housing Cost for such Unit will not exceed an Affordable Housing Cost-Moderate Income.

1.11 “Affordable Rent” means the applicable affordable rent for Income Eligible Households as provided in Sections 50052.5 and 50053 of the California Health and Safety Code as may be amended from time to time, as Adjusted for Household Size Appropriate for the Unit; provided however, that if a Rental Building is encumbered by a regulatory agreement in favor of the California Tax Credit Allocation Committee (“TCAC”), subject to the prior approval of the City Manager, the Developer may use the affordable rent as determined by TCAC (utilizing TCAC’s assumed household sizes) as the Affordable Rent for the Rental Unit.

1.12 “Agreement” means this Below Market Rate Housing Agreement.

1.13 “AMI” or “Area Median Income” or “Median Income” means the area median income for Monterey County as published and periodically updated by HCD pursuant to Health and Safety Code section 50093, adjusted for Actual Household Size.

1.14 “BMR Procedures” means, collectively, (a) the City of Marina Below Market Rate Rental Housing Program Administrative Policies and Procedures (Revised 2021) in effect as of the Effective Date, a copy of which are attached hereto as Exhibit C-1 (the “BMR Rental Procedures”), and (ii) the City of Marina Below Market Rate Homeownership Program Administrative Policies and Procedures (Revised 2021) in effect as of the Effective Date, a copy of which are attached hereto as Exhibit C-2 (the “BMR Homeownership Procedures”).

1.15 “City” is defined in the first paragraph of this Agreement.

1.16 “Default” is defined in Section 8.1.

1.17 “Developer” is defined in the first paragraph of this Agreement.

1.18 “Developer Property” means whatever portions of the Property Developer owns at any time during the Term of this Agreement (including the Rental Units and the For-Sale Units prior to their initial sales).

1.19 “Development” is defined in Recital B.

1.20 “Effective Date” is defined in the first paragraph of this Agreement.

1.21 “Financing Agreement” means collectively (i) any agreement that Developer enters pursuant to a governmental tax credit or other subsidy or loan program that is utilized to finance the construction and/or operation of the Development, and (ii) all statutes, regulations and other laws compliance with which is required as a condition of participation in such governmental tax credit or other subsidy or loan program.

1.22 “For-Sale Unit” means one of the 95 for-sale Units in the Development intended to be sold to at Affordable Purchase Prices.

1.23 “HCD” means the California Department of Housing and Community Development or any successor agency.

- 1.24** “Indemnitees” are defined in Section 9.1.
- 1.25** “Management Agent” is defined in Section 5.2.
- 1.26** “Income Eligible Household” shall mean a Very Low-Income Household, Low-Income Household or Moderate-Income Household, as applicable.
- 1.27** “Monthly Housing Cost” shall include all of the following costs associated with a For-Sale Unit: (a) Principal and interest on mortgage loans and any loan insurance fees associated therewith; (b) property taxes and assessments; (c) fire and casualty insurance covering replacement value of property improvements; and (d) any homeowners association fees; and (f) the Utility Allowance.
- 1.28** “Party” or “Parties” is defined in the first paragraph of this Agreement.
- 1.29** “Property” is defined in Recital B.
- 1.30** “Rental Building” means a building containing Rental Units
- 1.31** “Rental Unit” means one of the 177 Units in the Development occupied by an Income Eligible Household charged an Affordable Rent.
- 1.32** “Tenant” means a household legally occupying a Rental Unit pursuant to a valid lease with Developer or its assignee.
- 1.33** “Term” is defined in Section 7.2.
- 1.34** “Unit” means one of the affordable housing units constructed on the Property, all of which are subject to the affordability covenants of this Agreement. Units include both Rental Units and For-Sale Units.
- 1.35** “Utility Allowance” means an amount designated by the Monterey County Housing Authority as a reasonable estimate of the cost of utilities for an Income Eligible Household, for purposes of calculating the applicable Affordable Rent.

2. The Development; Affordability and Occupancy.

- 2.1** Developer shall develop 95 For-Sale Units in phases pursuant to and in accordance with the phasing plan attached hereto as Exhibit E. The For-Sale Units will be Townhomes. Each For-Sale Unit shall be sold to a Moderate-Income Household at an Affordable Purchase Price. Developer and City shall qualify each Moderate-Income Household in compliance with the BMR Homeownership Procedures. If Developer fails to construct the For-Sale Units in accordance with Exhibit E, the City shall have no obligation to issue certificates of occupancy for market rate units beyond the number set forth in Exhibit E.
- 2.2** Developer shall prepare a marketing plan for the For-Sale Units that demonstrates compliance with the BMR Homeownership Procedures. Developer shall provide the

marketing plan to the City one hundred eighty (180) days prior to marketing the For-Sale Units. The City shall approve or disapprove the marketing plan within thirty (30) days of receipt of the marketing plan, such approval not to be unreasonably withheld. If the City disapproves the marketing plan, the City shall state the reasons for such disapproval with specificity. The Developer shall resubmit the marketing plan addressing the City's reasons for disapproval. The City shall approve or disapprove the resubmitted marketing plan within fifteen (15) days of receipt. The Developer shall not market any of the For-Sale Units until the City has approved the marketing plan; provided however, that the City's failure to respond within any of the timeframes set forth in this Section 2.2 hereinabove shall be deemed to be approval.

2.3 Developer shall provide the City with advance written notice of each anticipated initial sale of a For-Sale Unit. Developer shall reasonably cooperate with the City in ensuring that each initial sale of a For-Sale Unit complies with the BMR Homeownership Procedures, including by ensuring that all City-required closing documents are signed, delivered and recorded (as applicable). Without limiting the foregoing, Developer acknowledges and agrees that it will ensure that each homebuyer executes a resale restriction agreement, a promissory note for the benefit of the City and a deed of trust as well as any other documents requested by the City and that any recordable documents are recorded in the priority directed by the City.

2.4 Developer shall develop 177 Rental Units in multiple Rental Buildings over multiple phases pursuant to and in accordance with the phasing plan attached hereto as Exhibit E. Eighty-two (82) Rental Units will be Very Low-Income Units, and 95 Rental Units will be Low-Income Units. Developer and City shall qualify each Income Eligible Household for the applicable Rental Unit in compliance with the BMR Rental Procedures. If Developer fails to construct the Rental Units in accordance with Exhibit E, the City shall have no obligation to issue certificates of occupancy for market rate units beyond the number set forth in Exhibit E.

2.5 Developer shall prepare a marketing plan for the Rental Units that demonstrates compliance with the BMR Rental Procedures. Developer shall provide the marketing plan to the City for approval at least one hundred eighty (180) days prior to marketing the Rental Units. The City shall approve or disapprove the marketing plan within thirty (30) days of receipt of the marketing plan, such approval not to be unreasonably withheld. If the City disapproves the marketing plan, the City shall state the reasons for such disapproval with specificity. The Developer shall resubmit the marketing plan addressing the City's reasons for disapproval. The City shall approve or disapprove the resubmitted marketing plan within fifteen (15) days of receipt. The Developer shall not market any of the Rental Units until the City has approved the marketing plan; provided however, that the City's failure to respond within any of the timeframes set forth in this Section 2.5 hereinabove shall be deemed to be approval.

2.6 Developer will establish, maintain and update waitlists for the Units in accordance with the BMR Procedures. The City shall have the right to request that Developer apply certain preferences or priorities in connection with such waitlists. To the extent that

preferences and priorities for occupancy are applied by the City to the Units pursuant to the BMR Procedures, such preferences and priorities shall not violate applicable law, including but not limited to, Federal and State Fair Housing Laws, and the City shall indemnify, defend and hold harmless Developer, its directors, officers, employees, agents and its successor and assigns ("Indemnified Parties") against all claims which arise from the implementation of any preferences and priorities imposed by the City, provided, however the City's indemnification obligation shall not extend to any claim arising from an Indemnified Party's negligence or willful misconduct or an Indemnified Party's failure to perform its obligations with respect to such preference and priority policy.

2.7 Developer intends to develop the For-Sale Units and Rental Units in accordance with Exhibit D hereto, which sets forth, by Development phase, the lot locations and numbers of each type of Unit (Very Low-Income, Low-Income and Moderate-Income), and the type of building in which the Units are located (Townhomes or Apartment Buildings). Developer may change the phasing only after obtaining the City's prior written consent, which consent will not be unreasonably withheld or delayed if the revised phasing provides the same number of Units and does not result in a significant delay in the development of the Units. The Developer shall, at least one year prior to the commencement of construction of any of the Units provide the City with notice of its intent to commence construction. The City may, no later than six (6) months prior to the projected commencement of construction date, give Developer notice of its desire to reconsider the affordability breakdown of the Units, in which event the City and the Developer shall meet to consider alternative income limits for the Units consistent with the City's housing policies and goals.

3. Monitoring and Compliance; City Approvals; City Staffing and Responsibilities

3.1 The City shall have the right, at its sole cost, to monitor the compliance of Developer with the terms of this Agreement and Developer shall, upon reasonable notice from the City, allow the City, at its sole cost, to inspect its books and records related to the rental and sale of the Units upon request, including its books and records related to the comparable market rate rents and purchase prices.

3.2 The City shall promptly and in good faith exercise all approval rights granted to it under this Agreement, consistent with the terms of the Development Agreement and this Agreement.

3.3 The City shall provide qualified staffing to timely perform its obligations under this Agreement.

4. Operation of the Development.

4.1 Residential Use. The Property and the Units shall be used only for residential purposes and home occupations as provided in the Marina Municipal Code, and the Units shall be operated and maintained as residences for the Term of this Agreement. No part of the Units shall be operated as transient housing in which the term of the lease or rental agreement is less than thirty (30) days.

4.2 BMR Procedures. Developer will operate the Development in conformance with the BMR Procedures, except as set out in Section 7.4 below.

4.3 Taxes and Assessments. Developer shall timely pay all real and personal property taxes, assessments and charges and all franchise, income, employment, old age benefit, withholding, sales, and other taxes assessed against it, or payable by it that may become a lien or charge against the Developer Property, subject to any applicable exemptions or right to contest; provided, however, that Developer shall have the right to contest in good faith, any such taxes, assessments, or charges. In the event Developer exercises its right to contest any tax, assessment, or charge against it, Developer, on final determination of the proceeding or contest, shall promptly pay or discharge any decision or judgment rendered against it, together with all costs, charges and interest.

5. Property Management.

5.1 Developer is responsible for all management functions with respect to the Rental Buildings.

5.2 To perform its management duties hereunder, Developer shall retain a professional property management company with demonstrated ability to operate affordable housing properties in order to provide decent, safe, and sanitary housing, approved by the City in its reasonable discretion (as approved, the “Management Agent”). Developer shall submit such information about the background, experience, and financial condition of any proposed Management Agent as is reasonably necessary for the City to determine whether the proposed Management Agent meets the standard for a qualified Management Agent set forth herein. Within thirty (30) days of such submission, the City in its reasonable discretion shall determine whether the proposed Management Agent meets that standard and notify Developer in writing, stating with reasonable specificity the basis for any disapproval.

5.3 The City reserves the right to conduct an annual (or more frequently, if deemed necessary by the City) review of the management practices and financial status of the Rental Buildings. The purpose of each periodic review will be to enable the City to determine if the Rental Buildings is being operated and managed in accordance with the requirements and standards of this Agreement. Developer shall cooperate with the City in such reviews.

5.4 If, as a result of a periodic review, the City determines in its reasonable discretion that any Rental Building is not being operated and managed in accordance with any of the material requirements and standards of this Agreement, the City shall deliver written notice to Developer, Developer’s senior mortgage lender of record (“Senior Lender”) and Developer’s tax credit investor limited partner (“Limited Partner”), if applicable, of the City’s intention to cause replacement of the Management Agent, including the reasons therefor. Within fifteen (15) days of receipt by Developer of such written notice, City staff and Developer (and Senior Lender and Limited Partner at each’s option) shall meet in good faith to consider methods for improving the financial and operating status of the Rental Buildings, including, without limitation, replacement of the Management Agent.

5.5 If, after such meeting, City staff recommends in writing the replacement of the Management Agent, Developer shall promptly dismiss the then Management Agent, terminating its contract as necessary, and shall appoint as the Management Agent a person or entity approved by the City pursuant to Section 5.2 above.

5.6 Any contract for the operation or management of the Rental Buildings entered into by Developer shall provide that the contract can be terminated as set forth above. Failure to remove the Management Agent in accordance with the provisions of this Section shall constitute Default under this Agreement, and the City may enforce this provision through legal proceedings as specified in Section 8.3.

6. Property Maintenance.

6.1 Developer shall, for the entire Term of this Agreement, maintain all interior and exterior improvements, including landscaping and protected trees, on the Rental Buildings, and prior to sale, the For-Sale Units, in accordance with all applicable laws, rules, ordinances, orders and regulations of all federal, state, county, municipal, and other governmental agencies and bodies having or claiming jurisdiction and all their respective departments, bureaus, and officials (collectively, “Applicable Standards”). Applicable Standards, which apply equally to other development projects in the City, include without limitation as of the date of this Agreement, the following maintenance conditions:

- i. Landscaping. Developer shall have landscape maintenance performed as needed. Developer shall adequately water the landscaping on the Developer Property and the Rental Buildings. No improperly maintained landscaping on the Developer Property or Rental Buildings shall be visible from public streets and/or rights of way.
- ii. Yard Area. No yard areas on the Developer Property or the Rental Buildings shall be left in an unmaintained condition. Unmaintained conditions include without limitation:
 - (1) broken or discarded furniture, appliances and other household equipment stored in yard areas for a period exceeding one (1) week;
 - (2) packing boxes, lumber trash, dirt and other debris in areas visible from public property or neighboring properties; and
 - (3) vehicles parked or stored in other than approved parking areas.
- iii. Building. The buildings located on the Developer Property and the Rental Buildings may not be left in an unmaintained condition. Unmaintained conditions include without limitation:
 - (1) violations of state law, uniform codes, or City ordinances;

- (2) conditions that constitute an unsightly appearance that detracts from the aesthetics or value of the Developer Property or the Rental Buildings or constitutes a private or public nuisance;
- (3) broken windows; and
- (4) graffiti left in place for a period exceeding seventy-two (72) hours.

iv. Sidewalks. Developer shall maintain, repair, and replace as necessary all public sidewalks adjacent to the Developer Property and the Rental Buildings.

6.2 In the event that Developer breaches any of the covenants contained in Section 6.1 and such Default continues for a period of ten (10) days after written notice from the City with respect to graffiti, debris, waste material, and general maintenance or thirty (30) days after written notice from the City with respect to landscaping and building improvements, then the City, in addition to whatever other remedy it may have at law or in equity, shall have the right to enter upon the Property and perform or cause to be performed all such acts and work necessary to cure the Default; provided, however, in either case that if such cure cannot reasonably be effectuated within the timeframe prescribed, the City shall prescribe a reasonable timeframe within which to complete the work. Pursuant to such right of entry, the City shall be permitted (but is not required) to enter upon the Property and perform all acts and work necessary to protect, maintain, and preserve the improvements and landscaped areas on the Property according the Applicable Standards, and to attach a lien on the Property, or to assess the Property, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by the City and/or costs of such cure, which amount shall be promptly paid by Developer to the City upon demand.

6.3 Notwithstanding anything herein to the contrary, upon the Developer's conveyance of a Rental Building or For-Sale Unit to a third party, Developer shall be relieved of its maintenance obligations hereunder with respect to such Rental Building or For-Sale Unit as applicable, and the applicable transferee shall assume such obligations therefor pursuant to the regulatory agreement.

7. Assignment; Term and Conflicts.

7.1 Assignment. This Agreement shall bind any successor, heir or assign of Developer throughout the Term, whether a change in interest occurs voluntarily or involuntarily, by operation of law or otherwise, except as expressly released by the City. Developer may not assign its obligations under this Agreement (other than to an affiliate) to any purchaser of a portion of the Developer Property designated for the development of For-Sale Units or the Rental Units without the written consent of the City, which consent may be provided by the City Manager in his or her reasonable discretion based on the prior experience of the proposed assignee and the proposed assignee's financial capacity. The City shall not approve any assignment unless any such assignee assumes all of the Developer's applicable obligations pursuant to the terms of a written assignment

and assumption agreement in a form approved by the City Attorney. No such assignment shall release the Developer unless the City specifically agrees to such release.

7.2 Term. The term of this Agreement (“Term”) commences on the Effective Date and ends upon the later of: (a) the issuance of a certificate of occupancy of the Rental Building containing the last Rental Unit required to be developed hereunder, and (b) the closing of the sale of the final For-Sale Unit.

7.3 Affordable Housing Covenants. Prior to the issuance of any building permits for the Rental Buildings, the City shall have recorded against each Rental Building a regulatory agreement in accordance with City Municipal Code Section 17.48.020.

7.4 Relationship of BMR Procedures, Agreement, and Financing Agreements. This Agreement, the BMR Procedures, and any applicable Financing Agreements independently regulate the Units in the Development. Developer agrees that the BMR Procedures governs the operation of the Units, except that in the event of any inconsistency between the BMR Procedures and this Agreement, this Agreement shall govern.

7.5 Notice of Financing Agreements. Upon execution, amendment, or termination of any Financing Agreement at any time during the term of this Agreement, Developer shall provide City with written notice and, as applicable, a copy of such agreement. Developer shall also provide City with sufficient information to provide any required notice to Senior Lender and Limited Partner.

8. Defaults

8.1 Failure by Developer to perform any obligation under this Agreement shall constitute a “Default” by Developer under this Agreement.

8.2 The City shall give written notice to Developer and Limited Partner (if applicable) specifying the nature of the violation giving rise to the Default. If the violation is not corrected to the satisfaction of City within a reasonable period of time, not longer than thirty (30) days after the date the notice is mailed, except as provided herein for specific Defaults, or within such further time as the City reasonably determines is necessary to correct the violation, the City may declare a Default under this Agreement by written notice to Developer. Notwithstanding anything to the contrary contained herein, the City agrees that any cure of any default made or tendered by the Limited Partner shall be deemed to be a cure by Developer, and shall be accepted or rejected on the same basis as if made or tendered by Developer; provided, however, that the Limited Partner shall not have any obligation to effectuate such cure.

8.3 The occurrence of any Default following the expiration of all applicable notice and cure periods will give the City the right to proceed with any and all remedies available at law and equity. The Parties acknowledge that damages alone would be an inadequate remedy for any breach of the provisions of this Agreement, and agree that the obligations of the Parties hereunder may be enforced in equity including, without limitation, specific performance and injunctive relief.

9. Indemnification.

9.1 To the fullest extent allowed by law, Developer shall indemnify and hold harmless City, its City Council, boards and commissions, officers, officials, agents, employees, servants, consultants and volunteers (hereinafter, "Indemnitees") from and against any liability, loss, damage, expense, and cost (including reasonable legal fees and costs of litigation or arbitration), resulting from injury to or death of any person, damage to property, or liability for other claims, stop notices, demands, causes of actions and actions, arising out of or in any way related to Developer's performance or nonperformance of its duties under this Agreement, or from negligent acts or omissions or willful misconduct of Developer, its agents, employees, contractors, or subcontractors. Developer shall, at his/her own cost and expense, defend any and all claims, actions, suits or legal proceedings that may be brought against the City or any of the Indemnitees (with counsel acceptable to City) in connection with this Agreement or arising out of Developer's performance or nonperformance of his/her duties and obligations hereunder, including all claims, demands, causes of action, liability or loss because of or arising out of, in whole or in part, the operation of the Property, Units, and/or the Development, except to the extent any of the foregoing is caused by the negligence or willful misconduct of the City or the City's agents, employees and independent contractors.

9.2 Each Party shall notify the other Party by phone as soon as possible and in writing within ten (10) business days of any claim or damage related to activities performed under this Agreement. The Parties shall cooperate with each other in the investigation and disposition of any claim arising out of the activities under this Agreement, provided that nothing shall require either Party to disclose any documents, records or communications that are protected under the attorney-client privilege or attorney work product privilege.

9.3 The provisions of this Section shall survive the expiration of the Terms and any release of part or all of the Property from the burdens of this Agreement.

10. Miscellaneous.

10.1 Entire Understanding of the Parties. This Agreement constitutes the entire Agreement between the Parties and no modification shall be binding unless reduced to writing and signed by the Parties. If there is any conflict between this Agreement and the Development Agreement, the more restrictive provision, as determined by the City in its reasonable discretion, shall control.

10.2 Each Party's Role in Drafting the Agreement. Each Party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither Party shall rely upon Civil Code Section 1654 in order to interpret any uncertainty in the meaning of the Agreement.

10.3 Governing Law and Venue. This Agreement shall be governed by the laws of the State of California. Venue shall be the County of Monterey.

10.4 Title of Parts and Sections. Any titles of the sections or subsections of this Agreement are inserted for convenience of reference only and shall be disregarded in interpreting any part of the Agreement's provisions.

10.5 Attorneys' Fees and Costs. In any action brought to enforce this Agreement, the prevailing party shall be entitled to all costs and expenses of suit, including reasonable attorneys' fees. This section shall be interpreted in accordance with California Civil Code Section 1717 and judicial decisions interpreting that statute.

10.6 Modifications, Approvals and Waivers. Any approval, modification or waiver issued by the City hereunder shall be in writing; provided that the City shall not unreasonably withhold its approval to any reasonable request made by Developer pursuant to Section 2 hereof. Without limiting the generality of the foregoing, the City recognizes that given the anticipated length of time during which the Developer will complete the Project, circumstances may change that would cause the Developer to seek the City's consent to grant a modification or waiver to a specific requirement set forth in this Agreement, and that the City will consider such request in its reasonable discretion. In connection therewith, the City Manager shall have full power and authority to grant any approval, modification or waiver on behalf of the City pursuant to a writing executed by the City Manager. Notwithstanding the foregoing, no waiver will be implied from any delay or failure by the City to take action on any breach or Default of Developer or to pursue any remedy permitted under this Agreement or applicable law. Any extension of time granted to Developer to perform any obligation under this Agreement shall not operate as a waiver or release from any of its obligations under this Agreement. Consent by the City to any act or omission by Developer shall not be construed to be consent to any other or subsequent act or omission or to waive the requirement for the City's written consent to future waivers.

10.7 Notices. Any notice requirement set forth herein shall be deemed to be satisfied one business day after deposit with federal express or another reputable overnight carrier or three (3) days after mailing of the notice first-class United States certified mail, postage prepaid, addressed to the appropriate Party as follows:

Developer:	Third Millennium Partners 5671 Santa Teresa Blvd., Suite 200 San Jose, CA 95123 Attention: Dustin Bogue, Partner and CEO With a copy to: Katten Muchin Rosenman LLP 2029 Century Park East, Suite 2600 Los Angeles, California 90067 Attention: David P. Cohen
City:	City of Marina 211 Hillcrest Avenue Marina, CA 93933 Attention: Layne Long, City Manager

10.8 Such written notices, demands and communications may be sent in the same manner to such other addresses as the affected Party may from time to time designate by mail as provided in this Section. Receipt shall be deemed to have occurred on the date shown on a written receipt as the date of delivery or refusal of delivery (or attempted delivery if undeliverable).

10.9 Severability. Except to the extent that it would frustrate the Parties' intent in entering into this Agreement, if any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions of this Agreement shall not in any way be affected or impaired thereby.

10.10 Multiple Originals: Counterparts. This Agreement may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts.

[signature page follows]

Approved as to form:

CITY OF MARINA:

[name]
[City Attorney]

Layne Long, City Manager

DEVELOPER:

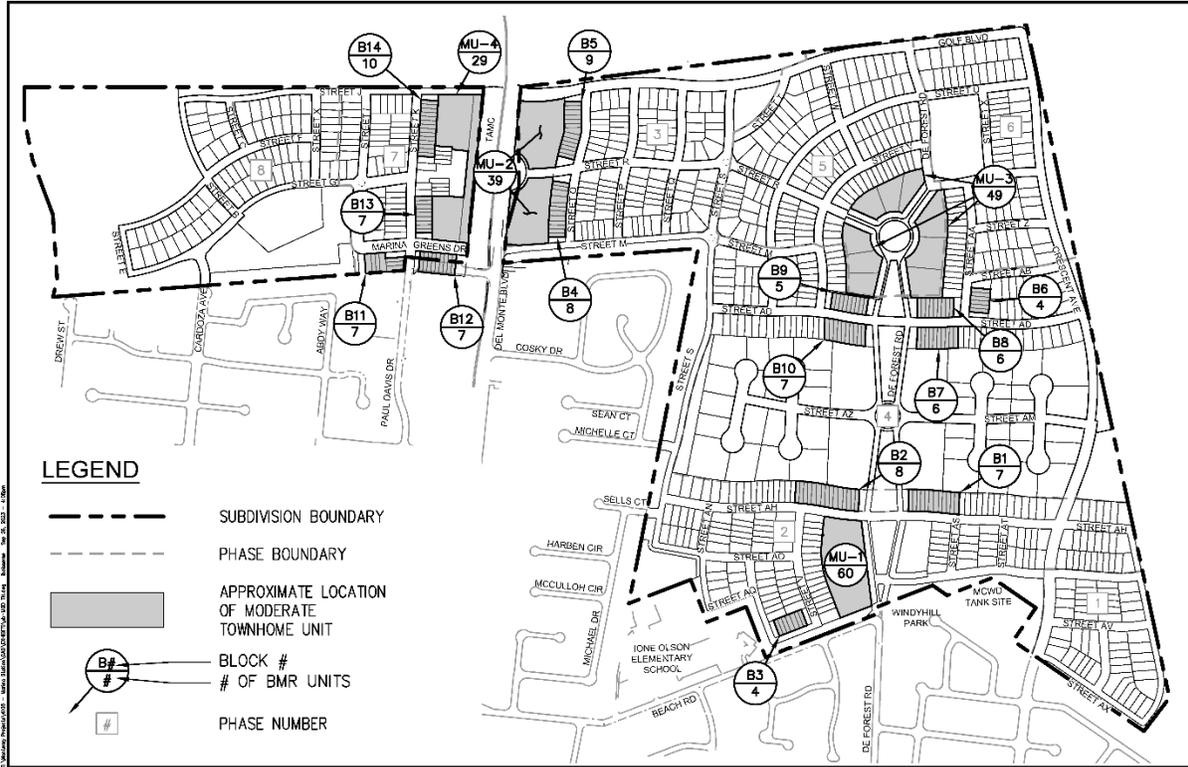
THIRD MILLENNIUM PARTNERS, a
California corporation

[name]
[title]

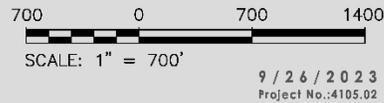
EXHIBIT A, THE DEVELOPMENT AGREEMENT

On file with the City of Marina Community Development Dept.

EXHIBIT B, THE PROPERTY



BMR AGREEMENT EXHIBIT
MARINA STATION
 MARINA, CALIFORNIA



Whitson
 ENGINEERS
 Civil Engineering
 Land Surveying
 4-Horn Court
 Monterey, California
 831.487.5253
 whitsonengr.com



EXHIBIT C-1, THE BMR RENTAL PROCEDURES

City of Marina BMR Rental Housing Program

<https://cityofmarina.org/DocumentCenter/View/13435/Rental-Program-BMR-Admin-Pols-and-Procedures-3121>

EXHIBIT C-2, THE BMR HOMEOWNERSHIP PROCEDURES

City of Marina BMR Homeownership Program

<https://cityofmarina.org/DocumentCenter/View/13434/Homeownership-BMR-Admin-Pols-and-Procedures-3121?bidId=>

EXHIBIT D, THE UNITS

PHASE	#	UNIT TYPE	AMI LEVEL	RENTAL/SALE	LOCATION BLOCK/PARCEL	
1 & 2	7	Towns	Mod	Sale	Block 1	
1 & 2	8	Towns	Mod	Sale	Block 2	
1 & 2	4	Towns	Mod	Sale	Block 3	19
1 & 2	35	Mixed Use	Low	Rental	MU-1	
1 & 2	25	Mixed Use	Very Low	Rental	MU-1	
sub-total	79					
3	8	Towns	Mod	Sale	Block 4	
3	9	Towns	Mod	Sale	Block 5	17
3	21	Mixed Use	Low	Rental	MU-2	
3	18	Mixed Use	Very Low	Rental	MU-2	
sub-total	56					
4	4	Towns	Mod	Sale	Block 6	
4	6	Towns	Mod	Sale	Block 7	
4	6	Towns	Mod	Sale	Block 8	
4	5	Towns	Mod	Sale	Block 9	28
4	7	Towns	Mod	Sale	Block 10	
sub-total	28					
5	24	Mixed Use	Low	Rental	MU-3	
5	25	Mixed Use	Very Low	Rental	MU-3	
sub-total	49					
7	7	Towns	Mod	Sale	Block 11	
7	7	Towns	Mod	Sale	Block 12	
7	7	Towns	Mod	Sale	Block 13	31
7	10	Towns	Mod	Sale	Block 14	
7	15	Mixed Use	Low	Rental	MU-4	
7	14	Mixed Use	Very Low	Rental	MU-4	
sub-total	60					
Total	272					95

	SALE	RENTAL	TOTAL
MOD	95	0	95
LOW	0	95	95
V. LOW	0	82	82
	95	177	272

EXHIBIT E, UNIT MILESTONES

MAP LOCATION	AMI	TYPE	OWNER/ RENTAL	# HOMES	BMR's TO BE COMPLETED PRIOR TO C of O FOR MARKET RATE UNIT #
B1 thru B3	Mod	TH	O	19	201
B4 thru B10	Mod	TH	O	45	506
MU1	Low	MF	R	32	726
	Very Low			28	
B11 thru B14	Mod	TH	O	31	887
MU2 thru MU4	Low	MF	R	63	1100
	Very Low			54	
				272	
	<i>Owner</i>	<i>95</i>			
	<i>Rental</i>	<i>177</i>			

- B1 thru B3 (19 Moderate Income Townhomes) must be complete before the issuance of the Certificate of Occupancy (“C of O”) for the 201st residential unit.
- B4 thru B10 (45 Moderate Income Townhomes) must be complete before the issuance of the C of O for the 506th residential unit.
- MU-1 (32 Low Income Units and 28 Very Low Income Units) must be complete before the issuance of the C of O for the 726th residential unit.
- B11 thru B 14 (31 Moderate Income Townhomes) must be complete before the issuance of C of O for the 887th residential unit.
- MU 2 thru 4 (63 Low Income Units and 54 Very Low Income Units) must be complete before the issuance of the C of O for the 1,100th residential unit.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 4, 2024

THE CITY COUNCIL OF THE CITY OF MARINA CONSIDER ADOPTING RESOLUTION NO. 2024-, MAKING FINDINGS AND APPROVING REVISIONS TO MITIGATION MEASURE 4.4-1 FOR THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MARINA STATION SPECIFIC PLAN. THIS ACTION IS EXEMPT FROM ENVIRONMENTAL REVIEW PER § 15162 OF THE CEQA GUIDELINES.

REQUEST:

It is requested that the Marina City Council:

1. Approve Resolution 2024-, making findings and approving revisions to Mitigation Measure 4.4-1 for the Final Environmental Impact Report for the Marina Station Specific Plan and find the action exempt from environmental review per § 15162 of the CEQA Guidelines.

BACKGROUND:

The City of Marina certified a Final Environmental Impact Report for the Marina Station Specific Plan (SCH 2005061056) on March 4, 2008, and approved the Marina Station Specific Plan. As part of the Certification of the Final Environmental Impact Report (“FEIR”), the City adopted certain mitigation measures to reduce significant environmental impacts identified in the FEIR and adopted a Mitigation Monitoring and Reporting Program (“MMRP”). The mitigation measures addressed a variety of issues including traffic impacts and measures to address the biological impacts of the Marina Station Project.

The FEIR identified that the “project would require grading, excavation, and other activities that would result in a permanent loss or disturbance of 51 acres of Monterey spineflower, a federally threatened plant species” as a significant impact that could be mitigated to a less than significant level with the following mitigation:

Mitigation 4.1.-1 The applicant shall mitigate for the loss of 51 acres of Monterey spineflower through a program of seed and/or soil bank salvage, establishment of a new spineflower restoration area at a 1:1 ration to the area impacted (either on- or off-site), and managing and monitoring to assure that there will be no net loss of spineflower affected by the project. A Restoration Plan shall be prepared by a qualified biologist outlining the details pertaining to onsite or offsite restoration areas, plant salvage, seeding, and planting specifications, and monitoring programs which describes annual monitoring efforts incorporating success criteria and contingency planning if success criteria are not met. The plan shall be completed and approved by the City and USFWS and funding secured prior to the issuance of any grading or building permit for the project and shall not terminate until there has been verification from a qualified biologist and City staff, in consultation with USFWS, that such measures have been successfully implemented. Possible restoration sites include the adjacent Armstrong Ranch, the coastal dunes scrub habitat west of Highway 1 within Monterey County Regional Parks land (Marina Dunes Reserve) or private ownership land south of the project site owned by the Monterey Regional Parks District adjacent to Locke Paddon Community Park, or an inland population of Monterey spineflower located along the Salinas River near Soledad. Restoration areas shall be preserved through establishment of a conservation easement.

In April 2008, Creekbridge Homes, LLC (“Original Developer”) and the Sierra Club, Ventana Chapter (“SCVC”) entered into an Agreement, Mutual Release and Covenant Not to Sue (“SCVC Agreement”) related to the Marina Station project (“Development”). The SCVC Agreement was entered into to avoid potential litigation from SCVC challenging the adequacy of the FEIR. As part of the SCVC Agreement, the Original Developer agreed to make some modifications to the Development including revisions to Phase 8 of the Development to preserve two wet meadows in that area consisting of approximately 28.5 acres. Additionally, the SCVC Agreement provided for revisions to mitigation measure 4.4-1 related to the preparation of a Restoration Plan pertaining to Monterey spineflower. The SCVC Agreement provided that the Original Developer would apply to the City to amend mitigation measure 4.4-1 to allow for the recording of the Final Map and construction on Phases 1 through 7 of the Development to occur prior to the Restoration Plan for the Monterey spineflower being approved by the City and the United States Fish and Wildlife Service (“USFWS”). The SCVC Agreement requires that the grading of Phase 8 of the Development cannot occur prior to the approval of the Restoration Plan.

The preservation of the wet meadows in Phase 8 of the Development provides a restoration area of the spineflower within the project site. The 28.5 acres in Phase 8 along with additional 79.78 acres of restoration area directly north of Phase 8 of the Development site would result in a mitigation area of approximately 108 acres which in SCVC estimation, in accordance with its comments on the FEIR, would be sufficient to mitigate the 51 acres of spineflower habitat that would be lost as a result of the Development.

The City, as part of the approval of the tentative map for the Development approved revisions to the Development in Phase 8 consistent with the SCVC Agreement preserving the wet meadows and creating an additional 28.5 acres of habitat area for the spineflower that will be incorporated into the conservation easement (“Easement”) covering the lands to the north, outside of the Project boundary. As a result of the revisions to Phase 8 of the Development and the additional 28.5 acres of habitat area created by those revisions with the project site and the 79.78 acres to the north for a total of 108 acres of conserved mitigation areas, the approval of the Restoration Plan by the City and the USFWS before approval of the Final Map and building permits is no longer necessary to mitigate the significant environmental impact identified in the FEIR related to the loss of 51 acres of spineflower habitat. As noted in the FEIR, the intent of the mitigation measure 4.4-1 as originally drafted was to ensure that prior to commencement of construction, habitat restoration areas were identified in the Restoration Plan.¹ Those habitat restoration areas are now clearly identified within the Development itself as part of Phase 8.

Third Millenium Partners, the current developer of the Development contracted with Denise Duffy & Associates (“DD&A”) to prepare the Restoration Plan. The final Restoration Plan, dated April 25, 2024 was approved by the SCVC on May 1, 2024. It should be noted that the original certification of the FEIR as well as the SCVC Agreement identified DD&A as the “biologist of record” and as being uniquely qualified to prepare follow up documents required by the MMRP including the Restoration Plan. City staff has also reviewed the Restoration Plan and has determined that it meets the requirements of the FEIR. However, obtaining USFWS review and approval of the Restoration Plan will take additional time. Third Millenium Partners is seeking approval of the Final Map and intends to start grading Phase 1/2 of the project. Revisions of Mitigation measure 4.4-1 as proposed below will continue to mitigate the impact of the Development on the spineflower to a less than significant level.

¹ Marina Station Specific Plan Final Environmental Impact Report, pg. 62.

Staff is proposing that Mitigation measure 4.4-1 be amended to read as follows (new language underlined and bolded):

Mitigation 4.1.-1 The applicant shall mitigate for the loss of 51 acres of Monterey spineflower through a program of seed and/or soil bank salvage, establishment of a new spineflower restoration area at a 1:1 ration to the area impacted (either on- or off-site), and managing and monitoring to assure that there will be no net loss of spineflower affected by the project. A Restoration Plan shall be prepared by a qualified biologist outlining the details pertaining to onsite or offsite restoration areas, plant salvage, seeding, and planting specifications, and monitoring programs which describes annual monitoring efforts incorporating success criteria and contingency planning if success criteria are not met. The plan shall be completed and approved by the City and USFWS, **as applicable**, and funding secured prior to the issuance of any grading or building permit for **Phase 8 of the project** and shall not terminate until there has been verification from a qualified biologist and City staff, in consultation with USFWS, that such measures have been successfully implemented. Possible restoration sites includes the adjacent Armstrong Ranch, the coastal dunes scrub habitat west of Highway 1 within Monterey County Regional Parks land (Marina Dunes Reserve) or private ownership land south of the project site owned by the Monterey Regional Parks District adjacent to Locke Paddon Community Park, or an inland population of Monterey spineflower located along the Salinas River near Soledad **or the wet meadows area located in Phase 8 of the project**. Restoration areas shall be preserved through establishment of a conservation easement.

Environmental Determination

On March 4, 2008, the City Council of the City of Marina certified the final environmental impact report for the Marina Station Project (State Clearing House Number 2005061056). The FEIR served as the environmental review for the Development and the Project Approvals and entitlements. Section 15162 of the CEQA Guidelines states that if an FEIR or negative declaration has been adopted for a project, no subsequent FEIR is to be prepared unless there have been substantial changes to the project, substantial changes with respect to the circumstances under which the project is undertaken or new information of substantial importance shows that the project would have significant effects not discussed in the FEIR. Since certification of the FEIR there have been:

- (i) no substantial changes to the project which would require revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified effects. The revision to the mitigation measure is consistent with prior approvals for the project, including the approval of the tentative map that revised Phase 8 to provide an additional 28.5 acres of habitat restoration area and does not result in new significant environmental effects but rather provides assurances as to the implementation of the mitigation measure consistent with the findings in the FEIR;
- (ii) no substantial changes have occurred with respect to the circumstances under which the project is being undertaken which require revisions to the FEIR due to new significant environmental effects or a substantial increase in the severity of a previously identified effect. There have been no significant changes in the areas surrounding the Development since the FEIR was approved that involve new significant impacts; and
- (iii) no new information shows that the Development will
 - a. have any significant effects that were not discussed in the FEIR;
 - b. that significant effects that were previously examined will be more severe;

- c. mitigations measures or alternatives that were found infeasible would in fact be feasible and reduce one or more significant effects; or
- d. new mitigation measures or alternatives that were not considered in the FEIR would substantially reduce one or more significant effects of the Development on the environment.

Based on the above, no additional environmental analysis is required for the approval of the revised mitigation measure.

FISCAL IMPACT:

The approval of the revised mitigation measure will not have fiscal impact on the City.

Prepared by:

Karen Tiedemann, Goldfarb & Lipman
Special Counsel
City of Marina

REVIEW/CONCUR:

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

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA MAKING FINDINGS
AND APPROVING REVISIONS TO MITIGATION MEASURE 4.4-1 OF THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE MARINA STATION SPECIFIC PLAN

WHEREAS, the City Council for the City of Marina (the “City Council”) certified a Final Environmental Impact Report for the Marina Station Specific Plan (SCH 2005061056) on March 4, 2008 (“FEIR”) and approved the Marina Station Specific Plan as well as certain entitlements for the Marina Station development project (“Project”);

WHEREAS, the City Council as part of the certification of the FEIR pursuant to Resolution No. 2008-41 adopted certain mitigation measures and adopted a mitigation monitoring and reporting program (“MMRP”); and

WHEREAS, the mitigation measures adopted by the City Council included Mitigation Measure 4.4-1 related to the preparation and approval of a Restoration Plan for the Monterey spineflower; and

WHEREAS, subsequent to the certification of the FEIR and the adoption of the mitigation measures and the MMRP, changes were made to the Project to retain approximately 28.5 acres of wet meadow area within Phase 8 of the Project to provide additional habitat restoration area including for the Monterey spineflower; and

WHEREAS, as a result of the revisions to the Project and the preservation of the 28.5 acres of wet meadow area in Phase 8 along with the Project developer’s agreement to provide an additional 79.78 acres of restoration area immediately north of Phase 8, approximately 108 acres of restoration area is being provided to address the biological impacts of the Project including the impacts on the Monterey spineflower; and

WHEREAS, the Project developer has prepared a Restoration Plan that addresses the requirements of the mitigation measures included in the MMRP; and

WHEREAS, the approval of the Restoration Plan by the United States Fish and Wildlife Service prior to the approval of Final Map and building permits for the Project is no longer necessary since the inclusion of the additional restoration areas in Phase 8 of the Project as well as the dedication of the 79.78 acres of restoration land by the Project developer north of Phase 8 of the Project resulting in approximately 108 acres of restoration area; and

WHEREAS, the City Council, based on information provided in the staff report and at the publicly noticed City Council meeting, has determined that revision of Mitigation Measure 4.4-1 as proposed below will continue to reduce the significant impacts identified in the FEIR to less than significant and will not create any new significant impacts or increase the severity of any already identified impacts in the EIR; and

WHEREAS, On March 4, 2008, the City Council of the City of Marina certified the final environmental impact report for the Marina Station Project (State Clearing House Number 2005061056). The FEIR served as the environmental review for the Development and the Project Approvals and entitlements. Section 15162 of the CEQA Guidelines states that if an FEIR or negative declaration has been adopted for a project, no subsequent FEIR is to be prepared unless there have been substantial changes to the project, substantial changes with respect to the circumstances under which the project is undertaken or new information of substantial importance shows that the project would have significant effects not discussed in the FEIR.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Marina hereby approves revisions to Mitigation Measure 4.4-1, including in the MMRP to read as follows:

Mitigation 4.1.-1 The applicant shall mitigate for the loss of 51 acres of Monterey spineflower through a program of seed and/or soil bank salvage, establishment of a new spineflower restoration area at a 1:1 ration to the area impacted (either on- or off-site), and managing and monitoring to assure that there will be no net loss of spineflower affected by the project. A Restoration Plan shall be prepared by a qualified biologist outlining the details pertaining to onsite or offsite restoration areas, plant salvage, seeding, and planting specifications, and monitoring programs which describes annual monitoring efforts incorporating success criteria and contingency planning if success criteria are not met. The plan shall be completed and approved by the City and USFWS, **as applicable**, and funding secured prior to the issuance of any grading or building permit for **Phase 8 of** the project and shall not terminate until there has been verification from a qualified biologist and City staff, in consultation with USFWS, that such measures have been successfully implemented. Possible restoration sites includes the adjacent Armstrong Ranch, the coastal dunes scrub habitat west of Highway 1 within Monterey County Regional Parks land (Marina Dunes Reserve) or private ownership land south of the project site owned by the Monterey Regional Parks District adjacent to Locke Paddon Community Park, ~~or~~ an inland population of Monterey spineflower located along the Salinas River near Soledad **or the wet meadows area located in Phase 8 of the project.** Restoration areas shall be preserved through the establishment of a conservation easement.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 4th day of June 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

May 29, 2024

Agenda Item: **13d**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 4, 2024

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2024-,
RECEIVING AN UPDATE ON SEA HAVEN AND GLORYA JEAN TATE
FINAL PARK DESIGNS AND CONSIDER TRANSFERRING CAPITAL
PROJECT FUNDS BETWEEN SEA HAVEN AND GLORYA JEAN TATE
PARKS CAPITAL PROJECT ACCOUNTS.**

REQUEST:

It is requested that the City Council consider approving and adopting Resolution No. 2024-, for the following actions:

1. Approve final design of Sea Haven Park including relocating playground equipment originally purchased for Sea Haven Park to Glorya Jean Tate Park.
2. Approve final design of Glorya Jean Tate Park.
3. Approving transferring the needed unexpended fund balance of approximately \$1,813,136 from Glorya Jean Tate Park (Capital Project # QLP2119) to Sea Haven Community Park (Capital Project # QLP 2016).

BACKGROUND:

In 2005 the City of Marina adopted a Parks and Recreation Facilities Master Plan. One of the key goals of this plan was to, "Prioritize the improvement of existing parks and development of new parks." The City Council has prioritized the funding, design, and construction of city parks including the new Sea Haven Park and Dunes City Park and the renovation of the existing Glorya Jean Tate Park, Windy Hill Park, and Preston Park.

The funding for these parks improvements primarily comes from the Park Impact fee which is charged to each new residential building permit that is issued and is approximately \$10,500 per single family unit. This fee provides for the development of new parks impacted by the new homes being built.

Many public meetings and open houses have been held for improvements to city parks, particularly, Sea Haven, Glorya Jean Tate and Dunes City Park. An open house on parks design was held on November 13th, 2018. At the open house, community members viewed plan sheets that showed the existing parks and bubble diagrams containing elements identified in master plans.

The parks concept plans were presented to a joint Public Works Commission and Recreation and Cultural Services Commission on February 21, 2019. The Commissioners received the presentation, heard comments from the public, and made recommendations for changes.

On April 9, 2019, the City Council passed Resolution 2019-36, receiving presentations on various park concept plans and provided comments. The revised concept plan for Glorya Jean-Tate Park served as a basis for the pump track and future park improvement designs. In subsequent meetings the council has approved final design plans for Sea Haven and Glorya Jean Tate Parks.

ANALYSIS:

Sea Haven Park

Wathens Castanos Developers (WCD), the developer for Sea Haven is responsible for the construction of Sea Haven Park. The developer committed to funding \$3.0 million towards the construction of this park (\$2.1 million provided by the developer and \$0.9 million provided by the city through park impact fee reimbursements). The initial projected costs of the park came in higher, so the city agreed to pay for the purchase and installation of playground equipment in the park. The city council approved \$1.8 million (Capital Project #QLP 2016) for an additional city contribution to this park to cover playground and other improvements.

In December 2023 WCD went out to bid for construction of Sea Haven Park and their bid prices came back at \$4,524,071, approximately \$1.5 million over their established budget of \$3.0 million. This excluded the playground equipment which the City had already purchased. The City requested that WCD increase their budgeted amount for the park, which they declined and instead they recommended value engineering park amenities to close the gap. Their proposal includes, changing pickleball courts from standard painted concrete to asphalt, reduction of trail and pathway system around the park, reducing parking lot spaces, park amenities, and the open lawn play area.

The council can either approve the value engineering options or approve transferring in additional funds to close the gap.

Glorya Jean Tate Park

City Council has approved the design plans for Glorya Jean Tate Park and preparation of bidding documents. Our park consultant Verde has given us an updated total project estimate of \$6,186,864 for completion of the park including construction costs, soft costs, and playground equipment. This results in a savings of \$1,813,136 from what has been budgeted for the park.

The Glorya Jean Tate Park Improvements, Phase 2, shown on Illustrative plan, **EXHIBIT B**, highlights the following park elements;

- Dog Park, sectioned to separate the smaller dogs from that of the larger dogs.
- Basketball court, two pickleball courts, exercise area and horseshoe/cornhole court.
- Picnic areas, open turf area and walkways in and around the park.
- Play area, using play equipment initially procured for the Sea Haven Community Park. “**EXHIBITS C and D**” show the playground layout and playground equipment profile, respectively.
- Additional Park entrances at Reservation Road and along Cardoza Avenue.
- Additional parking will be provided by restriping the east side of Cardoza Avenue.

RECOMMENDATION:

Staff proposes relocating the original playground equipment that was purchased for Sea Haven Park and is sitting in boxes at our corporation yard to Glorya Jean Tate Park. This equipment and installation are budgeted at \$1.5 million and this amount is already budgeted in the Glorya Jean Tate budget. Additionally, the playground manufacturer will start increasing our installation costs if we keep delaying installation of the equipment.

Staff also proposes purchasing new playground equipment for Sea Haven park and keeping that budget around \$1 million dollars, which is already funded with Capital Project #QLP 2016.

Additionally, staff recommends transferring the needed unexpended fund balance of approximately \$1,813,136 from Glorya Jean Tate Park (Capital Project # QLP 2119) to Sea Haven Community Park (Capital Project # 2016) to close the funding gap of \$1,438,799.

Over the past several months City staff and WCP Developers have worked together to make modest adjustments to the park to reduce the funding gap. These adjustments reduced the gap by \$85,272 resulting in a fund gap of \$1,438,799.

City staff also worked with Verde and Kompan to check viability of locating the play equipment purchased for the Sea Haven Community Park at the Glorya Jean Tate Park playground area.

The relocation of the playground equipment purchased for Sea Haven Community Park to Glorya Jean Tate Park was determined to be a viable option which would enhance the Glorya Jean Tate Park while also reducing the cost of the Sea Haven Community Park project as there is opportunity to redesign a less expensive playground for Sea Haven Community Park.

FISCAL IMPACT:

There is no additional impact to the General Fund. The proposal shifts excess fund balance from the Glorya Jean Tate Park (Capital Project QLP 2119) to Sea Haven Park (Capital Project # 2016) to bridge the funding gap in the Sea Haven Park.

California Environmental Quality Act (CEQA)

This presentation and providing design input for Glorya Jean Tate Park Improvements Phase 2 is not a project as defined by the California Environmental Quality Act (CEQA) per Article 20 Section 15378 and under General Rule Article 5 Section 15061.

CONCLUSION:

This request is submitted to the City Council for consideration and input.

Respectfully submitted,

Andrea M. Willer, Ed. D.
Recreation & Cultural Services 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 RECEIVING AN UPDATE ON SEA HAVEN AND GLORYA JEAN TATE FINAL PARK DESIGNS AND CONSIDER TRANSFERRING FUNDS BETWEEN SEA HAVEN AND GLORYA JEAN TATE PARKS CAPITAL PROJECTS ACCOUNTS.

WHEREAS, one of the key goals of the City of Marina Parks and Recreation Facilities Master Plan is to, “prioritize the improvement of existing parks and development of new parks.”; and

WHEREAS, the City Council has prioritized the funding, design, and construction of new city parks public and renovating existing city parks; and

WHEREAS, the parks concept plans were presented to a joint Public Works Commission and Recreation and Cultural Services Commission on February 21, 2019. The Commissioners received the presentation, heard comments from the public, and made recommendations for changes; and

WHEREAS, on April 9, 2019, the City Council passed Resolution 2019-36, receiving presentations on park concept plans for Sea Haven Park and provided comments; and

WHEREAS, on August 3, 2022, the City Council passed Resolution 2022-104 approving amendment No. 1 to the On Call Landscape Architectural Services with Verde Design, Inc. to allow the design and preparation of bidding documents for the Glorya Jean Tate Park Improvements, Phase 2; and

WHEREAS, on January 26, 2023 a community outreach meeting was held to collect input on the proposed playground equipment. Early this year the City staff worked with Verde and Kompan to check viability of the play equipment purchased for the Sea Haven Park for the Glorya Jean Tate Park playground area; and

WHEREAS, the Glorya Jean Tate Park Improvements, Phase 2 project (QLP 2119) is included in the Capital Improvement Program with a budget of \$8M; and

WHEREAS, the Sea Haven Community Park has a funding gap of approximately \$1,438,799; and

WHEREAS, presentation and providing design input for Glorya Jean Tate Park Improvements Phase 2 and Sea Haven Park is not a project as defined by the California Environmental Quality Act (CEQA) per Article 20 Section 15378 and under General Rule Article 5 Section 15061; and

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

1. Approve final design of Sea Haven Park including relocating playground equipment originally purchased for Sea Haven Park to Glorya Jean Tate Park.
2. Approve final design for Glorya Jean Tate Park.
3. Approve transferring the needed unexpended fund balance of approximately \$1,813,136 from Glorya Jean Tate Park (Capital Project # QLP 2119) to Sea Haven Community Park project Capital Project # 2016).

Resolution No. 2024-
Page Two

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 4th day of June 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

Glorya Jean Tate Park Update

June 4, 2024

City Council



Timeline

- **June 21, 2005** – City Council adopts Parks & Recreation Facilities Master Plan, including Glorya Jean Tate Park
- **Nov. 13, 2018** – Public is invited to provide input on initial concept
- **Feb. 21, 2019** – Public Works Commission and Recreation & Cultural Services Commission approves preliminary plan with input
- **April 9, 2019** – City Council approves park concept with input
- **Oct. 17, 2023** – Phase I (Restrooms & Pump Track) are completed



Timeline (Cont.)

- **Aug. 3, 2022** – City Council approves Verde Designs, Inc. to proceed with design for Phase 2
- **Dec. 2, 2023** – Public is invited to provide input on initial concept
- **June 4, 2024** – City Council receives presentation for Glorya Jean Tate Park, Phase 2 @ 30% design



Glorya Jean Tate Park – Illustrative Plan



Fiscal Impact

- Glorya Jean Tate Park Improvements, Phase 2 project is included in the Capital Improvement Program with a budget of \$8M
- Estimated total cost to date is \$6,186,864
- Estimated fund balance is \$1,813,136



Recommendation to Install Sea Haven Play Equipment at Glorya Jean Tate Park

- **Nov. 14, 2022** – The City purchased playground equipment for the Sea Haven Community Park playground (\$1,530,352)
- **Dec. 2, 2024** – WCP Developers (Sea Haven Community) informed City staff that the Sea Haven Community Park estimates were \$1.5M over budget, excluding the playground
- One strategy to reduce this funding gap is to install this play equipment at Glorya Jean Tate Park playground, and design a less expensive (\$1M) playground for Sea Haven Community Park



Glorya Jean Tate Park – Equipment List

Glorya Jean Tate Park
Equipment List

EXHIBIT D



A1- Swings B1- Inclusive Twister C1 - Zipline (w/ Platforms)

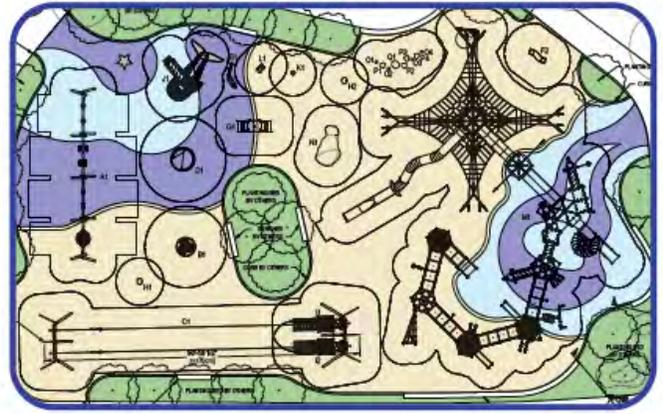
D1- Universal Carousel E1- Music Panel F1- Starsurfer

G1- Ocean Seesaw H1&2- Spinner Bowls J1- Robinia Baby Whale

K1- Jr. Spica L1- Dolphin Springer

M1- Ramped Giant w/ Net

N1- Sandstone Arch O1-4, P1-4, Q1- Stepping Stones



Sea Haven Community Park Project Funding Gap

- Sea Haven Community Park project estimates exceed the developer's contribution of \$3M by \$1,524,071, excluding the playground equipment
- The City was able to reduce this gap by \$85,272 with modest changes to the original park design, resulting in a fund gap of \$1,438,799
- The City is responsible to fund the playground
- Staff recommends designing a new playground not to exceed \$1M
- Total funding gap estimated at \$2,438,799



Closing the Gap

- Total funding gap estimated at \$2,438,799
- Staff recommends the following strategy
 - Transfer existing playground equipment and expense to Glorya Jean Tate Park project and design a new, less expensive playground at Sea Haven Community Park
 - Transfer anticipated fund balance of \$1,813,136 from Glorya Jean Tate Park project to Sea Haven Community Park project
 - Transfer \$625,663 from Public Facilities Impact Fees to the Sea Haven Community Park project



Recommended Motion

I move to approve programming for Glorya Jean Tate Park per 30% illustrative plan, relocating playground equipment purchased for Sea Haven Community Park project to Glorya Jean Tate Park project, transferring \$1,813,136 from Glorya Jean Tate Park project (QLP 2119) to Sea Haven Community Park project (QLP 2016), transferring \$625,663 from Public Facility Impact Fees (Fund215) to Sea haven Community Park project (QLP 2016).





Illustrative Plan
Glorya Jean Tate Park
 City of Marina
 Marina, Cardoza Ave.

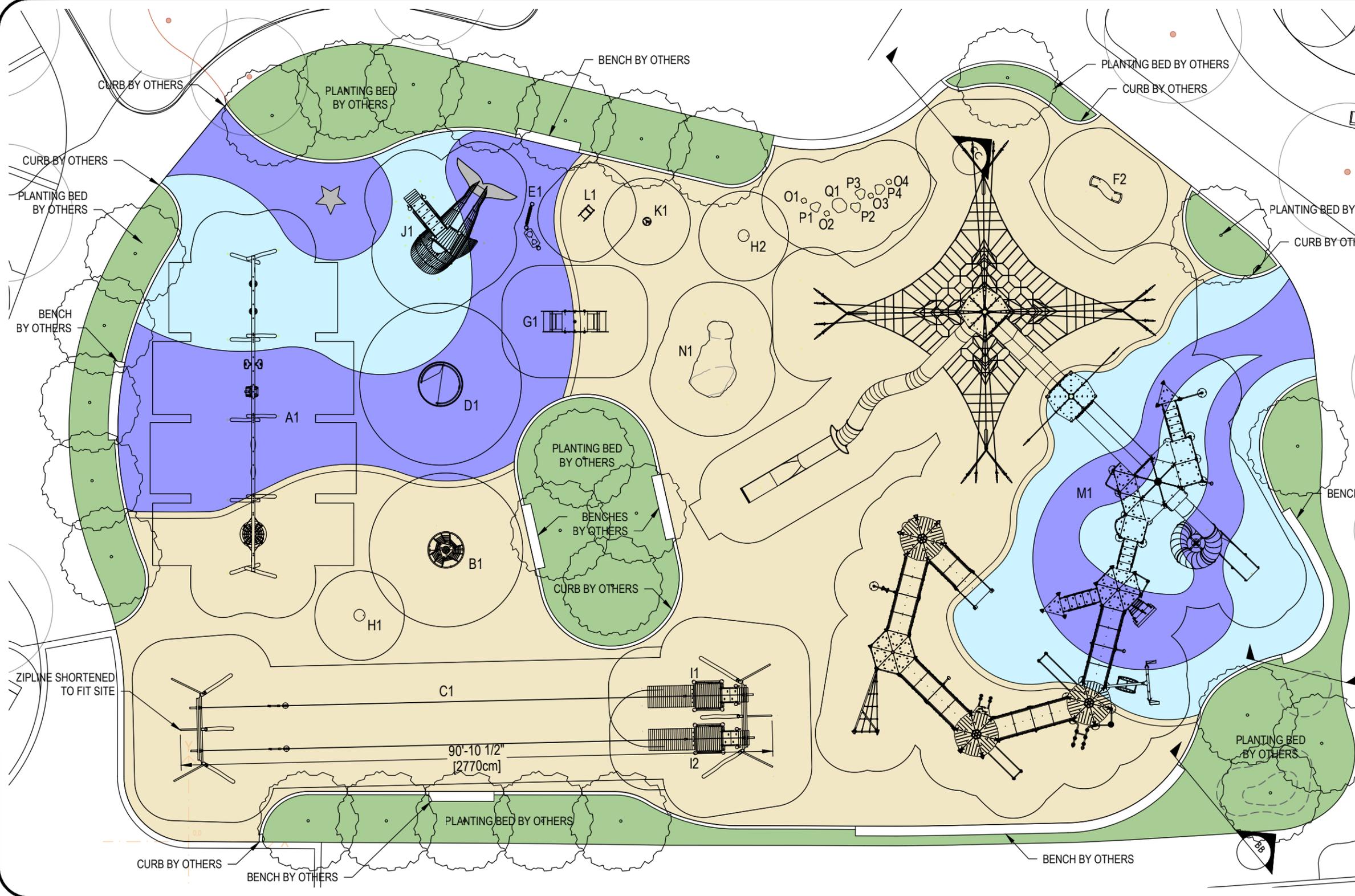


Project Number: 2207300
 May 21, 2024



LANDSCAPE ARCHITECTURE
 CIVIL ENGINEERING
 SPORT PLANNING & DESIGN
 2455 The Alameda, Ste. 200
 Santa Clara, CA 95050
 tel: 408.985.7200
 fax: 408.985.7260
 www.verdedesigninc.com

EXHIBIT C



SURFACING TOTALS

TOTAL PLAYGROUND AREA: 16,806 SF

EWf SAFETY SURFACING: 11,082 SF

PIP TOTAL: 5724 SF + 220 LF TURNDOWN

LIGHT BLUE PIP SAFETY SURFACING: 2,667 SF + 120 LF TURNDOWN @ APPX 12" (SEE MANUFACTURER DETAIL)

DARK BLUE PIP SAFETY SURFACING: 3,030 SF + 100 LF TURNDOWN @ APPX 12" (SEE MANUFACTURER DETAIL)

GRAY PIP SAFETY SURFACING: 27 SF

6-INCH OFFSET BETWEEN BORDER AND USE ZONE REFLECTS INDUSTRY BEST PRACTICE TO ACCOMMODATE REAL WORLD CONSTRUCTION TOLERANCES. FAILURE TO DO SO CAN RESULT IN NON-COMPLIANT INSTALLATION CONDITIONS I.E. ASTM & CPSC.

USE ZONES MUST BE CLEAR OF ALL OBSTRUCTIONS.

PLAYGROUND SITE MUST MEET SURFACING REQUIREMENTS AS PER ASTM F1292

STEPPING FORMS FOR 5-12 AGE GROUP SHALL BE NO GREATER THAN 18" FROM EDGE TO EDGE PER ASTM1487.8.15.6

ADA ACCESSIBLE PATH TO SITE IS REQUIRED, PER 2010 ADA STANDARDS (SECTION 206)

QUALIFYING ADA RAMP FOR ACCESSIBLE PATH TRANSITION INTO PLAY AREAS WITH ACCESSIBLE LOOSE FILL SURFACING IS REQUIRED. MAINTENANCE OF SURFACING IS THE RESPONSIBILITY OF THE SITE OWNER/OPERATOR.

#	Product Number	Product Name	M.F.H.	Count
A	NRO899348	Custom 4-Bay Swing	7' 9"	1
B	COR203301-xx12	Inclusive Twister	7' 4"	1
C	NRO883-xx01	Double Zipline, Flat Space	6' 11"	1
D	PCM157-xx03	Universal Carousel	1' 3"	1
E	NRO613-xx01	Music Play Panel 2	0' 0"	1
F	GXY935000-xx17	Starsurfer	2' 4"	1
G	M18701-xxP	Ocean Seesaw	3' 3"	1
H	ELE400024-xx17BL	Spinner Bowl	2' 0"	2
I	NRO899793	Zipline Platform	2' 11"	2
J	KRS8200553	Robinia Baby Whale	4' 10"	1
K	ELE400158-xx17F	Junior Spica	0' 7"	1
L	PCM103-xx01	Dolphin	1' 4"	1

#	Product Number	Product Name	M.F.H.	Count
M	KNS8500326C+PCTG200715	Custom Ocean Giant & Skywalk	9' 4"	1
N	CB005	IDS Sandstone Arch	5' 10"	1
O	SF-002-SM	IDS Stepping Rock- Small	1' 6"	4
P	SF-002-MD	IDS Stepping Rock- Medium	1' 6"	4
Q	SF-002-LG	IDS Stepping Rock- Large	1' 6"	1

Gloria Jean Tate Playground

Marina, CA
Site Plan



MANUFACTURER'S SHOP DRAWING:

FOR USE BY CONTRACTOR, ENGINEER, OR DESIGN PROFESSIONAL OF RECORD. SEE SIGNED SALES PROPOSAL FOR COMPLETE SCOPE TO BE PROVIDED BY KOMPAN OR REPRESENTING AGENCY. CONFIRM FINAL PLAN AND SCOPE WITH KOMPAN SALES REP OR PROJECT MANAGER PRIOR TO USE FOR REVIEW, PERMITTING, OR CONSTRUCTION.

TO BE READ CONTINGENTLY WITH KOMPAN'S STANDARDS FOR SITE PREPARATION, MATERIALS AND INSTALLATION PROCESSES. PROVIDED AFTER EQUIPMENT PURCHASE. A COMPLIANT PLAYGROUND TO KOMPAN'S STANDARDS MUST SATISFY ALL REQUIREMENTS IN THE CODE OF CONDUCT.

SLAB BY OTHERS UNLESS OTHERWISE NOTED. FOR SURFACE MOUNT OPTIONS, THE CONCRETE REQUIREMENTS MAY BE UP TO 5\"/>

DIMENSIONS OF PLAY AREA, SIZE AND ORIENTATION, LOCATIONS OF ALL EXISTING UTILITIES, EQUIPMENT AND SITE FURNISHINGS TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION.

PREPARED AND PRINTED IN USA BY KOMPAN © 2024 KOMPAN, INC. AUSTIN, TX, USA 800-426-9788

SALES REPRESENTATIVE			SHEET	
Doris Harpain			K1.0	
REVIEW BY	DRAWN BY	DATE		
DESIGN	JulLem	-		
REV. NO.	REV. BY	REV. DATE	REVISION NOTES	
5	JulLem	01 May 24	Layout & Surfacing	

LAYOUT IS IN ACCORDANCE WITH ASTM F1487

Glorya Jean Tate Park Equipment List

EXHIBIT D



A1- Swings



B1- Inclusive Twister



C1 - Zipline (w/ Platforms)



D1- Universal Carousel



E1- Music Panel



F1- Starsurfer



G1- Ocean Seesaw



H1&2- Spinner Bowls



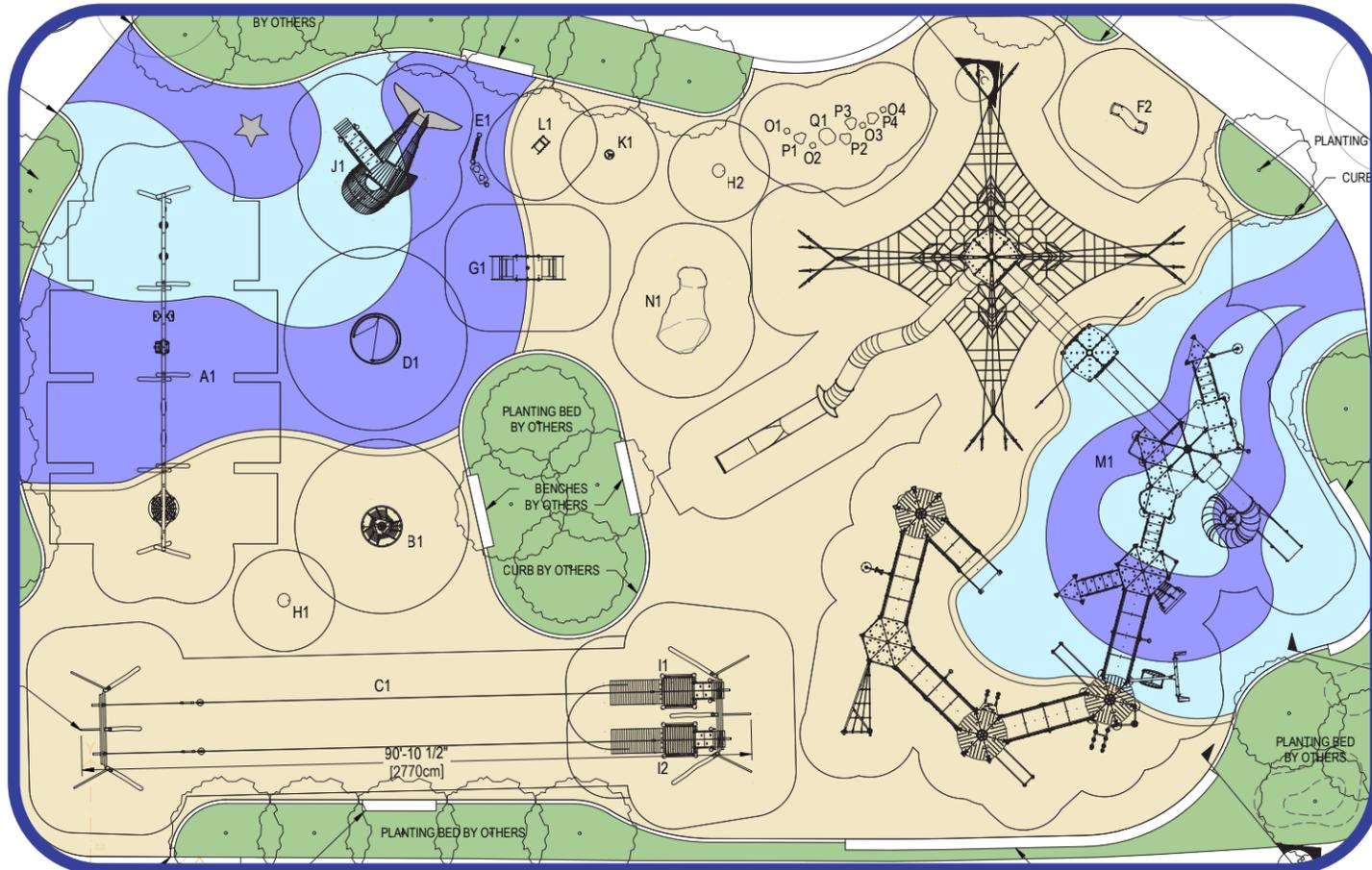
J1- Robinia Baby Whale



K1- Jr. Spica



L1- Dolphin Springer



M1- Ramped Giant w/ Net



N1- Sandstone Arch



O1-4, P1-4, Q1- Stepping Stones

CITY PARK AT SEA HAVEN

SITE PLAN - MARINA, CA

CONCEPT TREE LEGEND

- SHADE TREE**
Cupressus macrocarpa / Monterey Cypress
Quercus agrifolia / Coast Live Oak Multi-Trunk
Quercus suber / Cork Oak
- SCREEN TREE**
Cupressus macrocarpa / Monterey Cypress
Celtis parviflora / Australian Willow
Melaleuca stypheloides / Prickly Leaved Paperbark
Quercus agrifolia / Coast Live Oak
- ACCENT TREE**
Arbutus x 'Marina' / Arbutus Multi-Trunk
Metrosideros excelsa / New Zealand Christmas Tree
Prunus cerasifera / Thundercloud / Thundercloud Plum
- (E) CYPRESS TO REMAIN
- (E) PINE TO REMAIN
- (E) VARIOUS TREE TO REMAIN

KEY LEGEND

- PARKING LOT WITH LIGHTING
- PLAYGROUND AREA (1 ACRE)
- RESTROOMS (4 STALLS, 180 / HR)
- PICNIC / BBQ
- PAVED TRAIL (0.3 MI.)
- NATURAL / SEEDED (NO IRRIGATION)
- OPEN TURF AREA (UNMARKED, 60YD X 110YD)
- SMALL DOG PARK (0.2 ACRES)
- LARGE DOG PARK (0.75 ACRES)
- DISC GOLF (6 HOLES)
- SECONDARY TRAILS
- PLAZA / FARMER'S MARKET
- PLAY EQUIPMENT (OPTION ADD BY OTHERS)
- PICKLEBALL (4 COURTS, BY OTHERS)

PARKING

OFF-STREET PARKING:	63 SPACES
ADA PARKING:	6 SPACES
TOTAL	69 SPACES



JUNE 15, 2021

May 28, 2024

Item No. **13f**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 4, 2024

**CITY COUNCIL BRIEFING ON THE ESTABLISHMENT OF AN ENHANCED
INFRASTRUCTURE FINANCING DISTRICT (EIFD) WITH THE COUNTY OF
MONTEREY AND THE CITY OF MARINA FOR THE JOBY AVIATION
MANUFACTURING FACILITY.**

REQUEST:

It is recommended that the City Council accept a briefing on the status and next steps in establishment of an EIFD with the County of Monterey and the City of Marina for the Joby Aviation manufacturing facility.

BACKGROUND:

Per prior direction from the City Council, City staff and the City's consultant team have been working with the County of Monterey and Joby Aviation on the expansion of their manufacturing facility at the City's airport. As was previously reported, Joby Aviation announced they will be constructing their main production facility in Dayton, Ohio. However, they also announced their intention to construct a new 226,000 square foot advanced manufacturing facility estimated to cost approximately \$50 million in Marina and have broken ground on their new manufacturing facility. Joby Aviation was also awarded a California Competes Grant from the State for \$9.8 million for their new advanced manufacturing facility in Marina.

ANALYSIS:

Joby Aviation requested the City and Monterey County form an Enhanced Infrastructure Financing District (EIFD) to allow new revenues (primarily Property taxes and VLF revenues) created by their expanded manufacturing facility to be distributed back to them to help defray the costs of constructing and equipping the new manufacturing facility. An analysis of these revenues has been prepared by Keyser Martson and Associates and attached to this report (**EXHIBIT A**). A portion of the new property tax revenues created by their new facilities are proposed to be annually allocated back to Joby Aviation for a 25-year term. Annually this amount is approximately \$162,000 and proposed to be split between the City of Marina and Monterey County. Over the 25-year term it is estimated to total approximately \$5.1 million.

The next step in the formation of the EIFD is to prepare a report required under the County's recently adopted EIFD Policy. The report will formally request that the County participate in the EIFD with the City and outline the proposed County contribution of net new property tax revenues from the project to the EIFD. The report will also provide information regarding the benefits of the new Joby Aviation manufacturing facility to the County. As indicated by the report prepared by Keyser Marston and Associates, the annual direct, indirect and induced economic impacts for the County of Monterey will be approximately \$243 million annually.

City staff and the City's Consultant team have been in contact with County staff about the proposed EIFD for the Joby Aviation manufacturing facility and the required report.

FISCAL IMPACT

The project is estimated to generate 360 jobs in Marina with a combined \$45 million in annual employee payroll, including both on-site jobs and off-site jobs that are supported by business-to-business and employee spending. The project is estimated to be fiscally neutral to the City's General Fund after the City makes a proposed contribution of 60% of net new property taxes and property tax in-lieu of VLF to the EIFD.

CONCLUSION:

This briefing is submitted to update the City Council regarding the proposed EIFD.

Respectfully submitted,

Layne Long
City Manager
City of Marina

Table 1
Estimate of EIFD Revenues
Joby Aviation Facility EIFD
City of Marina

DRAFT

EIFD Revenue Estimate						
		A.	B.	C.	D.	E.
		Gross Annual Property Tax Available	Percent of Property Tax Share Contributed	Annual EIFD Revenue	EIFD Revenues 30-Year	
					Cumulative Net Total with 2% Escalation ⁽¹⁾	30-Year Net Present Value (6% discount) ⁽¹⁾
					Table 4	Table 4
City of Marina						
Property Tax	Table 5	\$54,000		\$32,400	\$1,518,000	\$583,000
Prop Tax In-Lieu of VLF	Table 9	<u>\$81,000</u>		<u>\$48,600</u>	<u>\$1,971,000</u>	<u>\$811,000</u>
Subtotal		\$135,000	60%	\$81,000	\$3,489,000	\$1,394,000
County of Monterey						
Property Tax	Table 5	\$121,000		\$60,500	\$2,163,000	\$949,000
Prop Tax In-Lieu of VLF	Table 9	<u>\$41,000</u>		<u>\$20,500</u>	<u>\$832,000</u>	<u>\$342,000</u>
Subtotal		\$162,000	50%	\$81,000	\$2,994,000	\$1,291,000
Combined Total		\$297,000		\$162,000	\$6,483,000	\$2,685,000

Assumptions

- * \$50 Million Assessed Value (\$20 Million for building, \$30 Million Equipment), per Joby.
- * City Participation: 60% of property tax and VLF revenues.
- * County Participation: 50% of property tax and VLF revenues with a maximum equal to City contribution (per EIFD policy).
- * Term: 30 years based on assumed ground lease term. Assumes County approves five-year extension of 25-year term per EIFD policy.

Note:

(1) County share of property taxes is reduced after Successor Agency dissolves, resulting in a lower cumulative and net present value contribution compared to the City.

Table 2
City and County General Fund Revenues, Net of EIFD Contribution
Joby Aviation Facility EIFD
Marina, CA

DRAFT

Estimated Annual City and County General Fund Revenues							
		City of Marina			County of Monterey		
		Gross	Less: EIFD	Net Retained	Gross	Less: EIFD	Net Retained
General Fund Revenues							
Property Tax	Table 1	\$54,000	(\$32,400)	\$21,600	\$121,000	(\$60,500)	\$60,500
Property Tax In-Lieu of VLF	Table 1	\$81,000	(\$48,600)	\$32,400	\$41,000	(\$20,500)	\$20,500
Subtotal		\$135,000	(\$81,000)	\$54,000	\$162,000	(\$81,000)	\$81,000
Business License [high uncertainty]	Table 10	65,000	n/a	\$65,000	n/a	\$0	n/a
Annual Revenue Total		200,000	(\$81,000)	\$119,000	\$162,000	(\$81,000)	\$81,000

Table 3
Summary of Projected City of Marina and County of Monterey Economic Impacts
Joby Aviation Facility EIFD
Marina, CA

DRAFT

Estimated Annual Economic Impacts			
	City of Marina	County of Monterey	
	Annual Direct, Indirect and Induced Economic Impacts	Annual Direct, Indirect and Induced Economic Impacts	
Annual Economic Output	\$219	\$243	\$M/Yr
Annual Employee Compensation	\$45	\$58	\$M/Yr
Employment	360	507	Jobs

Note: See Table 11 and 12 for supporting analysis. Indirect and Induced impacts are derived from employee spending and business purchases in the local economy. Employee compensation includes value of benefits.

Key Assumptions

- 1) Completion and operation of 222,000 SF facility and utilization at capacity.
- 2) 300 on-site direct jobs based on preliminary estimates for the project.
- 3) Use of economic multipliers for Monterey County from the IMPLAN group applicable to the aircraft manufacturing industry to estimate indirect and induced impacts.