
Final

***Cypress Knolls
Tentative Tract Map and
General Plan Amendment***

***Environmental Impact
Report- Responses to
Comments Volume***

Prepared for:

*The City of Marina
Development Services Department*

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Final – Response to Comments volume

*Cypress Knolls Tentative Tract Map and
General Plan Amendment*

Environmental Impact Report

SCH # 2004081113

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A. FINAL EIR

This environmental impact report (EIR), consisting of this volume, the Final EIR and Responses to Comments, and the Draft EIR published in August 2006, assesses the environmental impacts of the proposed Cypress Knolls Tentative Tract Map and General Plan Amendment, a project under consideration by the City of Marina (City). This EIR was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) of 1970 (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (14 California Code Regulations, §15000 et seq.) as amended in 1997.

The project is a request of the applicant, Front Porch, to consider the redevelopment and reuse of a portion of the former Patton Park family housing area on the former Fort Ord.

The purposes of this EIR are:

- To serve as an informational document which examines the likely environmental impacts of this project,
- To identify those environmental impacts that could be potentially significant if the project is approved,
- To develop mitigation measures to reduce significant impacts to the extent feasible,
- To identify feasible alternatives to the project that could avoid or reduce significant impacts,
- To provide a means for citizens to participate in the decision-making process.

A significant environmental effect is defined in CEQA as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the proposed development. Section I-Project Description in the Draft EIR describes CEQA requirements for impact analysis and disclosure. Section II-Executive Summary outlines the types of impacts and mitigation measures for this project.

The Draft EIR was circulated for agency and public review during a 45-day public review period ending October 2, 2006. Comments received by the City on the Draft EIR were reviewed by the City, and responses to comments are included in this Final EIR Response to Comments (RTC) volume. The Draft EIR and this RTC volume constitute the Final EIR. Copies of the Draft and Final EIR are available at the City of Marina Development Services Department, 3056 Del Monte Ave #205, Marina CA 93933.

The Final EIR will be forwarded to the City Council for consideration for certification under the provisions of CEQA. If the EIR is certified and adopted by the City Council, it may then proceed to make decisions on the discretionary actions required for approval of the Proposed Project. The mitigation measures identified in the EIR would be included as conditions of project approval and implemented and monitored under a Mitigation Monitoring Program.

It is not the purpose of an EIR to recommend either approval or denial of a project. CEQA requires the decision-makers to make a decision with knowledge of the potential environmental impacts of the project, and to balance the benefits of the proposed project against its potential environmental impacts. Although the EIR does not dictate the ultimate decision on the project, the decision-makers must consider the information in the EIR and address each significant effect identified in the EIR. For significant adverse environmental effects identified in the EIR, approval of the project must be accompanied by written findings, including the following possible findings:

- ❑ Changes or alterations in the project have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR,
- ❑ Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- ❑ Changes or alterations are within the responsibility and jurisdiction of another public agency and not the City. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Changes to the Draft EIR have been made with underlined italic text for additions and strike-through text for deletions and these changed pages are included in this FEIR Response to Comments Volume. The entire Table S Summary of Impacts and Mitigation Measures is included for ease of reference.

The corrections and added information in the Final EIR do not constitute new information, changed circumstances, or changes in project description that would increase the level of impacts or introduce significant new issues. Changes to the Project Description were anticipated in the DEIR page I-10 where it is stated that the final acreages and lot configurations will be determined at the time of final approvals. Revised project characteristics and corrected Monterey Peninsula College enrollment resulted in traffic impacts D-11 and D-14 becoming less than significant. Minor changes to mitigation measures F-1, F-2, F-3, F-4 and H-1(b) also occurred.

B. Miscellaneous Errata

The following are global changes made to the Draft EIR that are not reproduced separately in this volume:

- Crescent Avenue or Crescent Road is corrected to Crescent Street.
- The City of Marina Public Works Department is corrected to City of Marina Public Works Division.
- The land use acreage for the future potential park site is corrected to 16 acres.
- The land use acreage for the future potential senior center site is corrected to 3 acres.

C. List of Comment Letters Received by the City at the end of the October 2, 2006 deadline for comments on the DEIR

1. Marina Coast Water District
2. Amah Mutsun Tribal Band
3. Monterey Peninsula College
4. Monterey Peninsula Unified School District
5. Monterey Bay Unified Air Pollution Control District
9. Association of Monterey Bay Area Governments

D. List of Comment Letters Received by the City after the October 2, 2006 deadline for comments on the DEIR

6. California Department of Transportation
7. Transportation Agency for Monterey County
8. Monterey Peninsula College

Impact and Mitigation Measure Summary Table S

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-4: <u>California Avenue/Patton Parkway -- Intersection # 13:</u> The left turn warrant will be met for the northbound left turn movement from California Avenue to Patton Parkway based upon the AM peak volumes. This is a significant project impact.	Mitigation D-4: To mitigate the project's impact at this intersection, the following improvement would be required: • Add a left turn lane on the northbound California Avenue approach to Patton Parkway. This project is not currently included in the City's CIP or the FORA CIP. It is recommended that this improvement be added to the City's CIP and TIF, the project's contribution to which would mitigate this impact. If it is not added to the City's CIP and TIF, it is recommended that it be imposed as a condition of the project. It is recommended that this improvement be constructed at the time that the Patton Parkway extension is constructed.	Significant

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-7: <u>California Avenue/Imjin Parkway – Intersection # 21:</u> This intersection operates at LOS F under Background Conditions during the AM peak hour and the proposed project would increase the delay at this intersection 9.7 seconds, creating a significant project impact.	Mitigation D-7: Adding a right turn lane on the southbound California Avenue approach to Imjin Parkway would mitigate the project impact. This improvement is included in the City of Marina Capital Improvement Program as Traffic Intersection (TI) 25. The improvement is also included in the TIF, toward which the project will contribute. The Cypress Knolls project will pay its share of the cost of this improvement and mitigate its long-term impact through the payment of the TIF. However, this improvement is not scheduled to be constructed in the next five years, it is recommended that the City consider amending the CIP to plan for this improvement in the next five years. If the CIP is so amended, then the short-term and long-term impacts of the project would be less than significant. If the CIP is not so amended, then the short-term impacts of the project would be significant and unavoidable but the long-term impacts would be less than significant.	Significant

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-8: <u>Southbound Highway 1 Ramps/Imjin Parkway – Intersection # 16:</u> Under Cumulative Without Project Conditions, the Southbound Highway 1 Ramps/Imjin Parkway intersection would operate at LOS F during the AM and PM peak hours. The project would add traffic that would increase the average vehicle delay by 7.0 seconds during the AM peak hour and 7.4 seconds during the PM peak hour. This is a significant project impact.	Mitigation D-8: To mitigate the project's impact to the intersection, the following improvement would be required: Reconstruct the interchange to eliminate the intersection between the southbound off-ramp and the southbound on-ramp. This would require the construction of a loop ramp to serve one of these two movements. The reconstruction of the interchange is required to serve regional traffic increases at the Highway 1/Imjin Parkway interchange. Imposing an improvement of this magnitude on a single project is infeasible due to the costs associated with reconstructing the interchange as compared to the project's contribution to the need for reconstructing the interchange. It is therefore beyond the scope of this project. This improvement is included in the City of Marina Capital Improvement Program as an element of Roadway (R) 48 (Construct New Interchange). The Highway 1/Imjin Parkway interchange reconstruction project is not included in the City's TIF or the FORA CIP. The City's TIF includes the preparation of a Project Study Report for the Highway 1/Imjin Parkway interchange (PSR). The proposed project will pay its fair share of the costs of the PSR through its TIF payment. The PSR will evaluate alternative interchange designs to serve long-range traffic volumes at the interchange. Through the payment of the City's TIF, the project will contribute its fair share towards the development of a long-range improvement plan for the Highway 1/Imjin Parkway interchange.	Significant

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Impact	Mitigation Measure	Level of Impact After Mitigation
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Mitigation D-8 (cont.):

Should the funding for the improvements identified in the PSR be added to the City's TIF prior to the issuance of the building permits for this project, this project will pay its fair share of the costs of the improvements. However, because the improvement project has not been identified at this time and is unfunded, the project's incremental cumulative impact to the Southbound Highway 1 Ramps/Imjin Parkway intersection would be significant and unavoidable.

Significant

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-9: <u>2nd Avenue/Imjin Parkway – Intersection # 18:</u> This intersection would operate at LOS C during the weekday AM peak hour and LOS F during the weekday PM peak hour under Cumulative Without Project Conditions. The proposed project will increase the delay at the intersection during the Cumulative Condition PM peak hour by 4.4 seconds, creating a significant project impact.	Mitigation D-9: The additional improvements that would be required to achieve acceptable operations at this intersection with an at-grade intersection would not be feasible. The planned PSR for the Highway 1/Imjin Parkway intersection (which is TIF funded - the project will pay its share, as set forth above) will evaluate alternative designs for this intersection including the feasibility of grade separating Imjin Parkway and 2nd Avenue at this location. The improvements at the 2nd Avenue/Imjin Parkway intersection are linked to the Highway 1/Imjin Parkway interchange design project because of the close proximity between the two locations and because improvements at one location will affect design requirements at the other location. The improvements that would be required to mitigate the project's incremental cumulative impact to the 2nd Avenue/Imjin Parkway will be identified in the PSR. Should the funding for improvements identified in the PSR be added to the City's TIF prior to the issuance of the building permits for this project, this project will pay its fair share of the costs of the improvements. However, a funded improvement project that would mitigate the project's incremental cumulative impact to this intersection does not currently exist and cannot be developed until the PSR for the Highway 1/Imjin Parkway intersection is completed. Therefore, the project's incremental cumulative impact at this location is significant and unavoidable.	Significant

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-10: <u>Third Avenue/Imjin Parkway – Intersection # 19</u> would operate at LOS F during the AM and PM peak hours under Cumulative Without Project Conditions. The proposed project will increase the delay at the intersection by 22.3 seconds during the AM peak hour and 26.0 seconds during the PM peak hour, creating a significant impact.	Mitigation D-10: The following improvement would be required to mitigate the project's incremental cumulative impact on the Third Avenue / Imjin Parkway intersection: Add a right turn lane on the southbound Third Avenue approach to Imjin Parkway and modify the traffic signal at this intersection to include a right turn overlap phase. Construction of this improvement by the project would mitigate the project's incremental cumulative impact to this intersection. Based upon design plans prepared for Imjin Parkway, additional right-of-way on the west side of Third Avenue would be required to implement this improvement. Additional right-of-way 12 feet in width extending on the west side of Third Avenue for a distance of 400 feet would be required. The property located west of Third Avenue and north of Imjin Parkway is the site of the Monterey Peninsula College Fort Ord 12th Street Campus. The additional right turn lane on the southbound intersection approach is not currently in the City's CIP. The installation of a traffic signal at this intersection is included in the City's CIP and TIF. It is recommended that the additional right turn lane be added to the CIP and TIF.	Significant

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Impact	Mitigation Measure	Level of Impact After Mitigation
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Mitigation D-10 (cont.):

Should the right turn lane be incorporated into the City's CIP and TIF, payment of the TIF would mitigate the project's cumulative impact at this location. If the right turn lane is not added to the City's CIP and TIF, then the project's cumulative impact would be significant and unavoidable because, as this intersection already operates at unacceptable LOS, the costs associated with acquiring the necessary right of way for and constructing the right turn lane and the overall benefit provided would be disproportionate to the project's contribution to the need for constructing the turn lane.

Significant

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-11: Northbound Highway 1 North of Del Monte Boulevard North (Segment #1) would operate at LOS F during the PM peak hour under Cumulative Without Project Conditions. The proposed project would add trips to this highway segment, resulting in a significant impact.	Mitigation D-11: The following improvement would be required to mitigate the incremental project impact on this segment: • Add a third lane on northbound Highway 1 between the Del Monte North interchange and the Nashua Road-Molera Road interchange. This improvement is not currently included in long-range improvement plans for Highway 1. The Caltrans Route Concept Report for Highway 1 includes widening four lane segments of Highway 1 to six lanes. However, there is currently no funded improvement that would widen this segment of Highway 1. Additionally, this segment would operate at unacceptable levels without the Project and this improvement is required due to regional traffic with or without the Project. Moreover, the costs associated with constructing this improvement would be disproportionate to the project's contribution to the need for constructing the improvement. Therefore, the project's incremental cumulative impact to Highway 1 north of Del Monte Boulevard North would be a significant and unavoidable impact.	Significant and unavoidable

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-12: <u>Northbound Highway 1 South of Imjin Parkway (Segment #5)</u> would operate at LOS F during the PM peak hour under Cumulative Without Project Conditions. The proposed project would add trips to this highway segment, resulting in a significant impact.	Mitigation D-12: The following improvement would be required to mitigate the incremental project impact on this segment: • Add a fourth lane on northbound Highway 1 south of Imjin Parkway. This improvement is not currently included in long-range improvement plans for Highway 1. Widening Highway 1 beyond the existing 6-lane section south of Imjin Parkway is not anticipated in the Caltrans Route Concept Report for Highway 1. Additionally, this segment would operate at unacceptable levels without the Project and this improvement is required due to regional traffic with or without the Project. Moreover, the costs associated with constructing this improvement would be disproportionate to the project's contribution to the need for constructing the improvement. The project's impact to Highway 1 south of Imjin Parkway would be a significant and unavoidable impact.	Significant

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-13: <u>Southbound Highway 1 On-Ramp at Imjin Parkway (Segment #8)</u> would operate at LOS F during the AM and PM peak hours under Cumulative Without Project Conditions. The proposed project would add trips to this highway ramp, resulting in a significant impact.	Mitigation D-13: The following improvement would be required to mitigate the incremental cumulative project impact on this segment: Widen the southbound on-ramp to Highway 1 from Imjin Parkway to two-lanes. This improvement is included in the City of Marina Capital Improvement Program as an element of Roadway (R) 48 (Construct New Interchange). The Highway 1/Imjin Parkway interchange reconstruction project is not included in the City's TIF or the FORA CIP. The reconstruction of the interchange is required to serve regional traffic increases at the Highway 1/Imjin Parkway interchange. Additionally, this segment would operate at unacceptable levels without the Project. Moreover, the costs associated with constructing this improvement would be disproportionate to the project's contribution to the need for constructing the improvement. Accordingly, imposing an improvement of this magnitude on a single project is infeasible due to the costs associated with constructing the improvement and interchange. It is therefore beyond the scope of this project. Before any work can be done at the State highway interchange Caltrans will require a study to identify the long term design for the interchange and the interim measures that would be consistent with that design. The City's TIF includes the preparation of the PSR for the Highway 1/Imjin Parkway interchange.	Significant

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
	Mitigation D-13 (cont.): Through the payment of the City's TIF, the project will contribute its fair share towards the development of a long-range improvement plan for the Highway 1/Imjin Parkway interchange. Should the funding for the improvements identified in the PSR be added to the City's TIF prior to the issuance of the building permits for this project, this project will pay its fair share of the costs of the improvements. However, because the improvement project has not been identified at this time and is unfunded, the project's incremental cumulative impact to the southbound Highway 1 on-ramp at Imjin Parkway would be significant and unavoidable. The City's TIF includes the preparation of the PSR. The PSR will evaluate alternative interchange designs to serve long-range traffic volumes at the interchange.	Significant
Impact D-14: Imjin Parkway Between Highway 1 and 2nd Avenue (Segment #22) would operate at LOS C during the AM peak hour and LOS D during the PM peak hour under Cumulative Without Project Conditions. The proposed project would add trips to this street segment that would decrease the PM peak hour LOS to "E," resulting in a significant impact.	Mitigation D-14: The following improvement would be required to mitigate the incremental cumulative project impact on this segment: • Widen Imjin Parkway between Highway 1 and 2nd Avenue to 8 lanes. Such a project is not consistent with the City General Plan which calls for a six lane Imjin Parkway. Widening Imjin Parkway to 8 lanes is considered to be impractical and undesirable from a planning perspective and therefore infeasible. Therefore, the project's impact at this location is significant and unavoidable.	Significant

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Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-15: <u>Imjin Parkway Between 2nd Avenue and Imjin Road (Segments #23-26)</u> would operate at LOS F during the PM peak hour under Cumulative Without Project Conditions. Segment 23 between 2nd Avenue and 3rd Avenue would operate at LOS F during the AM peak hour under Cumulative Without Project Conditions. The proposed project would add trips to these street segments, resulting in a significant impact.	Mitigation D-15: The following improvement would be required to mitigate the incremental project impact on this segment: Widen Imjin Parkway between 2nd Avenue and Imjin Road to 6 lanes. This improvement is not included in the City's CIP or TIF program. Widening these segments of Imjin Parkway(between Second Avenue and California Avenue) to 6 lanes is included in the City's General Plan. The CIP and TIF do include intersection improvements to widen Imjin Parkway to 6 lanes at 2nd Avenue, California Avenue and Imjin Road. Widening at these intersections, but not the segments between the intersections, would leave gaps in the Imjin Parkway widening to 6 lanes at Third Avenue, Fourth Avenue and Abrams Drive (south). Accordingly, it would be appropriate in this case to incorporate the widening of Imjin Parkway to 6 lanes into the TIF program to avoid these gaps. Widening Imjiin Parkway to 6 lanes at the intersections of Third Avenue, Fourth Avenue and Abrams Drive (south) to provide a continuous 6 lane section of roadway would mitigate the project's incremental cumulative impact. If the Imjin widening is added to the City's CIP and TIF to close these gaps, payment of fees by the project developer to the TIF would mitigate the project's impact.	Significant

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Impact	Mitigation Measure	Level of Impact After Mitigation
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Mitigation D-15 (cont.):

It should be noted that widening to Imjin Parkway between California Avenue and Abrams Drive South is inconsistent with the General Plan. If the widening is not added to the City's CIP and TIF, then the project's cumulative impact would be significant and unavoidable because, as this segment already operates at unacceptable LOS, the costs associated with widening and the overall benefit provided from the widening would be disproportionate to the project's contribution to the need for constructing the widening.

Significant

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact E-1: Building demolition and construction activities for both project and program level components could occur within about 250 feet of any of the identified potential noise-sensitive receivers, and within 100 feet in many cases. Accordingly, construction noise constitutes a temporary significant impact.	Mitigation E-1: To mitigate significant construction phase noise impacts, comply with Marina Municipal Code Section 15.04.055, "Construction hours and noise" through implementation of the following: • Place Stationary Equipment and Staged Construction Equipment and Activities to Minimize Impacts. Consistent with reasonable construction logistics, any construction equipment staging areas should be placed at sites where the staging area and the associated primary location for ingress/egress are as isolated as possible from the noise-sensitive land uses most vulnerable to exposure to noise from staging activities. • Incorporate Site-specific Constraints on Construction Timing. Municipal Code Section 15.04.055 places constraints on construction timing based on typical diurnal patterns of noise sensitivity for standard residential areas. To the extent feasible, the noisiest construction activities planned near noise-sensitive land uses with different diurnal sensitivity patterns should be scheduled to reduce disturbance at these uses. • Provide Advanced Notification. In advance of the noisiest construction activities planned near occupied noise-sensitive uses, provide advance notice of the approximate schedule of such activities to the occupants and/or owners/operators of these uses.	Significant

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Impact	Mitigation Measure	Level of Impact After Mitigation
Impact E-4: The future cumulative traffic noise increases along California Avenue both north and south of Reindollar Avenue, and along Patton Parkway west of California Avenue represent significant cumulative impact upon receptors in those areas. Therefore both the project and program level project components are affected by this condition.	Mitigation E-4: The mitigation measure for the cumulative traffic noise impact along Patton Parkway is identical to that identified under Mitigation Measure E3. There are not any feasible procedures in place to fund and complete retrofit mitigation to address noise impacts related to future cumulative traffic noise increases along existing local roadways that are neither under Caltrans/FHWA jurisdiction nor meet their noise abatement criteria. The significant cumulative traffic noise increases along such existing roadways identified in this report are predicted along California Avenue north and south of Reindollar Avenue. Table E-5 shows that the estimated proportional project contributions to these increases are negligible – 0.1 to three percent. Therefore, it would be unreasonable to delegate a disproportionate mitigation responsibility to the project. Additionally, a fair share fee program to raise funds to perform retrofits does not currently exist. Accordingly, the future cumulative traffic noise increases identified along these segments of California Avenue are deemed significant and unavoidable.	Significant

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CLASS I. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
	Mitigation E-1 (cont.): • Maintain Equipment. Assure that the engines and exhaust systems of major combustion-engine-powered construction equipment be properly tuned and muffled according to manufacturers' specifications.	Significant
Impact F-7: Based on the information currently available, the potential for significant (albeit brief and sporadic) exposure of future project occupants to inhalable PM from these potential future burns cannot be ruled out. Accordingly, exposure of future project occupants to temporary/intermittent elevations in PM levels represents a potentially significant impact.	Mitigation F-7: For generation of or substantial contribution to a violation of a NAAQS or CAAQS for particulate matter neither the Applicant nor the City have authority to control the actions of the U.S. Army, BLM or UCSC regarding potential future prescribe burns within Fort Ord boundaries, nor over how or whether future occupants might choose to reduce their exposure to smoke from such events. Therefore, no feasible, effective and enforceable mitigation measure was identified, and this impact, though limited in occurrence, is considered significant and unavoidable.	Significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact A-2: The removal of trees in the Project site that do not contain nesting birds or bats will be subject to conditions in the City of Marina's Municipal Code, Chapter 12.04 and are potentially significant (Impacts J-1 through J-3). Removal of trees with active bird nests would conflict with the Migratory Bird Treaty Act and Section 3503.5 of the California Fish and Game Code. Removal of active maternity roosts of special status bats would conflict with Section 4700 of the California Fish and Game Code. Impacts related to nesting roosts would be significant as identified in Impact A-6 and A-7. Mature trees that will be retained on site would continue to provide habitat for raptors and bats.	Mitigation A-2: To mitigate significant impacts resulting from the removal of existing landscape trees (California native and exotic) the applicant shall prepare a Tree Protection and Compensation Plan pursuant to Mitigation Measure J1 and identify, in a tree replanting plan, the locations, numbers and sizes of trees to be planted pursuant to the City of Marina Tree ordinance.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
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**CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR
 AVOIDED**

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact A-4: The Project may result in the removal or disturbance of 4.36 acres of sand gilia, which is a federal and state listed plant. Although impacts to sand gilia were addressed and mitigated through the HMP, potential take under CESA of state listed plant species are not authorized under CESA through the HMP and requires a Section 2081 incidental take permit (ITP) from CDFG. Currently, the Fort Ord Reuse Authority is in the process of obtaining a base-wide Section 2081 ITP to mitigate for impacts to sand gilia within all development parcels within the former Fort Ord. Although the Project's impacts to sand gilia are not greater than those anticipated in the HMP, the Project potentially could conflict with CESA (a State law protecting biological resources); accordingly, until FORA obtains the base-wide Section 2081 ITP, impacts to sand gilia are considered significant and require mitigation	Mitigation A-4: Construction activities that may directly impact approximately 680 sand gilia individuals (approximately 4.36 acres) within the Project site are not anticipated to occur prior to FORA obtaining the base-wide Section 2081 ITP, which is expected to occur mid- to late summer 2007. In order to avoid potential impacts to sand gilia until the base-wide Section 2081 ITP is issued, the following mitigation measures shall be implemented prior to the commencement of any ground-disturbing activities within the Project site: • Protective fencing shall be placed in consultation with a qualified biologist so as to keep construction vehicles and personnel from impacting the sand gilia individuals; • Grading, excavating, and other activities that involve substantial soil disturbance shall be planned and carried out in consultation with a qualified hydrologist, engineer, or erosion control specialist, and shall utilize standard erosion control techniques to minimize erosion and sedimentation in the areas containing the sand gilia individuals. • No construction equipment shall be serviced or fueled outside of designated staging areas. • Irrigation systems shall be designed to minimize runoff or irrigation water into the areas of the sand gilia individuals.	Less than significant

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**CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR
AVOIDED**

Impact	Mitigation Measure	Level of Impact After Mitigation
	Mitigation A-4 (cont.): If construction activities must commence that will result in impacts to the identified areas containing sand gilia prior to issuance of the base-wide Section 2081 ITP, the following alternative mitigation measures (at the applicant's option) shall be implemented: • The Project site plan shall be redesigned to eliminate the loss of the approximately 680 sand gilia individuals and provide protection for the individuals in perpetuity. OR • The Project applicant shall obtain a project-specific Section 2081 ITP to mitigate for the take of 4.36 acres of sand gilia (approximately 680 individuals). The Project applicant would be required to comply with the Section 2081 ITP requirements, which may include conservation of existing populations and/or creation/enhancement of suitable sand gilia habitat.	Less than significant

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AVOIDED**

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact A-6: Raptors and their nests are protected by both federal and state regulations (MBTA and CDFG Code Sections 30503 and 3503.5), which protect birds of prey and their eggs and nests. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by CDFG. Any loss of fertile raptor eggs or nesting raptors, or any activities resulting in raptor nest abandonment, will constitute a significant impact. Construction activities such as tree removal or site grading that disturb a nesting raptor on-site or immediately adjacent to the construction site will constitute a significant impact.	Mitigation A-6: To mitigate potentially significant impacts to nesting raptors resulting from removal of trees during nesting season (the nesting season is March 1 to September 15), pre-construction (i.e. no more than 30 days prior to construction) surveys for active nests shall be conducted by a qualified biologist within 250 feet of proposed construction activities; pre-construction surveys are not necessary outside the nesting season. If active nests are found, a suitable construction buffer shall be established by a qualified biologist until the young of the year have fledged. Alternatively, construction activities that may affect nesting raptors can be timed to avoid the nesting season.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact A-7: Special status bats could have hibernation or maternity roosts in cavities of large trees and/or in abandoned buildings on the Project site. Should removal of occupied trees or abandoned buildings occur during the construction of the proposed Project, individual bats and their roosting habitat would be lost. The loss of special status bats and their roost sites would be considered a potentially significant impact.	Mitigation A-7: Prior to construction (e.g., building demolition and tree removal), a qualified biologist shall survey the Project site for the presence of special-status bat species. If special-status bat species are present, the following measures shall be implemented: 1. Removal of buildings that contain the bats shall not occur if maternity bat roosts are present (typically maternity roosts are present between April 15 and August 1; however, this timeframe does not apply to all species). 2. No building removal shall occur within 30 feet of the maternity roost until all young bats have fledged – as determined by a qualified biologist. 3. If special-status bats are present but there is not an active maternity roost, the building(s) containing the bats shall not be demolished or removed until the bats have been excluded using exclusionary devices under the supervision of a qualified bat specialist.	Less than significant
Impact B-1: Implementation of the Project may disturb land with some degree of potential to contain cultural resources. This impact is potentially significant.	Mitigation B-1: As a condition of Project approval the Project grading plans shall include a note that during construction, upon the first discovery of any archaeological resource or potential find, development activity shall be halted within 50 meters of the find until the potential resources can be evaluated by a qualified professional archaeologist and recommendations made.	Less than significant

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact C-2: Based on Department of Toxic Substances Control information, the potential exists for the potential hazardous materials or munitions to exist on the site that will require pre-construction training to ensure safety of workers. The potential presence of these materials does not affect the status of the findings in the FOST.	Mitigation C-2: Based Department of Toxic Substances Control information, prior to issuing of construction permits the project applicant shall confirm the status of pending resolution of the Army Track 1 Remedial Investigation and Feasibility Study dated June 21, 2004 related to potential MEC Track 1 site on the property and confirm with the Army any pre-construction training requirements applicable to this site.	Less than significant
Impact D-1: <u>Southbound Highway 1 Ramps/Imjin Parkway – Intersection # 16:</u> The project would add traffic to the southbound Highway 1 ramp approach to Imjin Parkway, which operates at LOS F under Existing Conditions. This is a significant project impact.	Mitigation D-1: To mitigate the project's impact to the intersection, the following improvement would be required: • Signalize the intersection. This improvement is included in the City of Marina Capital Improvement Program as Traffic Intersection (TI) 22. The improvement is also included in the TIF, toward which the project will contribute. The City is scheduled to construct this improvement in the 2007/2008 timeframe. The Cypress Knolls project will pay its share of the cost of this improvement and mitigate its impact through the payment of the TIF.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-2: <u>Third Avenue/Imjin Parkway – Intersection # 19:</u> The project would add traffic to the southbound and northbound Third Avenue approaches to Imjin Parkway. These approaches operate at LOS F under existing conditions during the AM and PM peak hours. The delay on the approaches currently operating at LOS F increase with project trips added to the intersection creating a significant project impact.	Mitigation D-2: Widening the southbound and northbound approaches to provide more lanes on these approaches would not mitigate the incremental delay caused by the project at this intersection. Signalization of the intersection would mitigate the incremental delay, but the peak hour volume traffic signal warrants would not be met at the intersection based on Existing Plus Project Condition AM and PM peak hour volumes. The City's Capital Improvement Program includes constructing a traffic signal at the intersection (TI 6). This improvement is included in the City's TIF. The project's payment of the City of Marina TIF will mitigate the project's impact at this location. However, traffic signals are not installed unless the need for the signal is established by an engineering study that includes an evaluation of peak hour and 8-hour volumes at the intersection. To mitigate the project's impact at this intersection prior to the installation of the signal, the following improvement would be required: • Modify the median opening at the Imjin Parkway/Third Avenue intersection to prohibit left turns and through movements from the Third Avenue approaches to Imjin Parkway.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
	Mitigation D-2 (cont.): It is recommended that these interim improvements be installed as part of the project. The median closure can be accomplished using channelizers so that the closure can be easily reversed in the future when the signal is installed. Left turn movements from the Third Avenue approaches can be accomplished by either turning right onto Imjin Parkway from Third Avenue and performing a u-turn movement at an another intersection along Imjin Parkway or by accessing the signalized intersection of Imjin Parkway and 2nd Avenue via the local street network (i.e., 12th Street or 9th Street). Closure of the median opening on Imjin Parkway at Third Avenue should be reassessed as new development in the area occurs.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

**CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR
AVOIDED**

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-3: <u>Fourth Avenue/Imjin Parkway – Intersection # 20:</u> The project will add traffic to the intersection that would cause the existing LOS F operations on the 4th Avenue approaches to worsen, resulting in a significant impact.	Mitigation D-3: Widening the southbound and northbound approaches to provide more lanes on these approaches will not mitigate the incremental delay caused by the project at this intersection. Signalization of the intersection would mitigate the incremental delay. The City's Capital Improvement Program includes constructing a traffic signal at the intersection (TI 9). This improvement is included in the City's TIF. The project's payment of the City of Marina TIF will mitigate the project's impact at this location. The peak hour volume traffic signal warrants would not be met at the intersection based on Existing Plus Project Condition AM and PM peak hour volumes. To mitigate the project's impact at this intersection prior to installation of the signal, the following improvement would be required: • Modify the median opening at the Imjin Parkway/Fourth Avenue intersection to prohibit left turns and through movements from the Fourth Avenue approaches to Imjin Parkway. It is recommended that these improvements be installed in conjunction with the project. The median closure can be accomplished using channelizers so that the closure can be easily reversed in the future. Left turn movements from the Fourth Avenue approaches can be accomplished by either turning right onto Imjin Parkway from Fourth Avenue and performing a u-turn movement at the another intersection along Imjin Parkway or by accessing the signalized intersection of Imjin Parkway and 2nd Avenue via the local street network (i.e., 12th Street or 9th Street).	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

**CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR
AVOIDED**

Impact	Mitigation Measure	Level of Impact After Mitigation
	Mitigation D-3 (cont.): Closure of the median opening on Imjin Parkway at Fourth Avenue should be reassessed by the City as new development in the area occurs.	Less than significant
Impact D-5: <u>Third Avenue/Imjin Parkway – Intersection # 19:</u> This intersection was analyzed assuming all turning movements are allowed. The project will cause the average delay experienced by vehicles on the Third Avenue approaches to Imjin Parkway, which operate at LOS F under Background Conditions, to increase. This is a significant project impact.	Mitigation D-5: The peak hour volume traffic signal warrant would be met during the PM peak hour. To mitigate the project's impact at this intersection, the following improvement would be required: • Signalize the intersection. The City's Capital Improvement Program includes constructing a traffic signal at the intersection (TI 6). This improvement is included in the City's TIF, and is anticipated to be constructed in the 2008/2009 timeframe. The project's payment of the City of Marina TIF will mitigate the project's impact at this location to less than significant.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact D-6: <u>Fourth Avenue/Imjin Parkway – Intersection # 20:</u> The project will add traffic to the intersection that would cause the existing LOS F operations on the 4th Avenue approaches to worsen, resulting in a significant impact.	Mitigation D-6: Signalization of the intersection would mitigate the incremental delay. The City's Capital Improvement Program includes constructing a traffic signal at the intersection (TI 9). This improvement is included in the City's TIF. The project's payment of the City of Marina TIF will mitigate the project's impact at this location. Background Plus Project peak hour volumes do not approach levels that would warrant the installation of a traffic signal. To mitigate the project's impact at this intersection prior to installation of the signal, the following improvement would be required: • Modify the median opening at the Imjin Parkway/Fourth Avenue intersection to prohibit left turns and through movements from the Fourth Avenue approaches to Imjin Parkway. It is recommended that these improvements be installed as a condition to the project. The median closure can be accomplished using channelizers so that the closure can be easily reversed in the future. Left turn movements from the Fourth Avenue approaches can be accomplished by either turning right onto Imjin Parkway from Fourth Avenue and performing a u-turn movement at the another intersection or by accessing the signalized intersection of Imjin Parkway and 2nd Avenue via the local street network (i.e., 12th Street or 9th Street). Closure of the median opening on Imjin Parkway at Fourth Avenue should be reassessed as new development in the area occurs.	Less than significant

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact E-2: Based on the predicted future exterior noise levels and their implications for potential exposure of building interiors for residential and program level anticipated land uses to traffic noise, this impact is deemed significant.	Mitigation E-2: To mitigate exposure of program level future land uses and project-level residential land uses to noise, implement the following for each project component noted: Incorporate an appropriate mix of design measures to provide acoustical control into the final project plans such as walls, fences, earth berms or landform and increased setback for the noise source in locations as follows: For program level future land uses, along those portions of the Imjin Parkway and California Avenue frontages of the 18-acre potential park parcel where such acoustical control measures could substantially interrupt the line of sight between those roadways and large portions of the parcel on the opposite side of the barrier. Based on guidance provided in paragraph 4.112 of the Noise Protection section of the City's General Plan (excerpted earlier in this section) and the relatively high degree of geometric flexibility currently available for mitigation on this parcel, berm or wall-topped berm construction is recommended for any such barriers. For project level residential land uses, along those proposed senior residential lots within about 150 feet of the centerline of California Avenue. Such barrier alignments are shown as two pink lines on the right side of Figure E-2, one below (southwest of) the proposed A Street (along proposed Lots 266 to 269), another above (northeast) of that proposed roadway (along proposed Lots 41 to 53).	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
	Mitigation E-2 (cont.): These barriers would mitigate the impact represented by receiver location N4 to less than significant. Wall-topped berms and/or substantial roadway-side landscaping and/or increased rear setbacks, as practical, should be applied here consistent with paragraph 4.112 of the Noise Protection section of the City's General Plan. Along the portion of the project site's northwestern boundary representing future senior residential lots that would be most exposed to traffic noise from SR 1, although retained trees along SR would reduce this impact. This proposed barrier alignment is shown as a single pink line on the left side of Figure E-2. This barrier would bound proposed Lots 542 to 564. It would mitigate the impact represented by receiver location N2b. Accordingly, the recommended mitigation measures for this impact reduce it to a less-than-significant level.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
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**CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR
 AVOIDED**

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact E-3: Based on the noise levels recorded at measurement site F3a, it is reasonable to expect that existing L_{dn} at residential locations north of the proposed Patton Parkway alignment (<i>i.e.</i>, existing conditions without a Patton Parkway, or any other roadway, adjacent to these residential locations) are generally below 50 dBA, probably somewhere on the order of 45-48 Dba. The modeled L_{dn} of 56 dBA under Baseline+Project conditions (<i>i.e.</i>, with Patton Parkway, plus traffic from the project and other approved but not yet constructed projects) would therefore represent an increase of well over five decibels, a significant noise increase.	Mitigation E-3: Project-Generated Traffic Noise Impacts at Off-Site Receptors: To mitigate project and future traffic noise levels, incorporate an appropriate mix of design measures to provide acoustical control into the final project plans such as walls, fences, earth berms or landform and increased setback for the noise source along the north side of Patton Parkway..	Less than significant

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact F-1: Projected construction phase PM₁₀ emissions would exceed the APCD's applicable significance threshold during site construction activities, resulting in a potentially significant impact.	Mitigation F-1: <u>Prepare a Fugitive Dust Control Plan to be reviewed and approved by the City, which should include the following as applicable:</u> • <u>Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.</u> • <u>Water all active construction areas as needed at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.</u> • <u>Prohibit all grading activities during periods of high wind (one-hour average speeds of over 3015 mph as measured at a height of approximately 10 feet above ground level within areas scheduled for grading).</u> • <u>Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).</u> • <u>Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.</u> • <u>Haul trucks shall maintain at least 2'0" of freeboard.</u> • <u>Cover all trucks hauling dirt, sand, or loose materials.</u> • <u>Plant vegetative ground cover in disturbed areas as soon as possible.</u>	Less than significant

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
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Mitigation F-1 (cont.):

Cover inactive storage piles.
Install wheel washers at the entrance to construction sites for all exiting trucks.
Sweep streets if visible soil material is carried out from the construction site
Construction-related vehicles and mobile equipment access routes shall be specified – and roadway and parking lot (re)paving shall be sequenced within the overall construction schedule – so that such vehicles and equipment can make the maximum practical use of paved internal roadways and parking lots, either existing or improved/reconfigured as part of the project.

Less than significant

~~Prepare an Erosion Control Plan to be reviewed and approved by the City, which should include the following as applicable:~~

- ~~• Water all active construction areas as needed. Frequency should be based on the type of operation, soil, and wind exposure.~~
- ~~• Prohibit all grading activities during periods of high wind (over 30 mph).~~
- ~~• Haul trucks shall maintain at least 2'0" of freeboard.~~
- ~~• Cover all trucks hauling dirt, sand, or loose materials.~~
- ~~• Plant vegetative ground cover in disturbed areas as soon as possible.~~

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
	Mitigation F-1 (cont.): •Cover inactive storage piles. •Install wheel washers at the entrance to construction sites for all exiting trucks. •Sweep streets if visible soil material is carried out from the construction site. •Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the APCD shall be visible to ensure compliance with Rule 402 (Nuisances).	Less than significant
Impact F-2: For PM₁₀, based on conservatively high assumptions regarding the proportion of wood-burning appliances, estimated wintertime emissions from area-wide sources are 94 pounds per day, resulting in total operational PM₁₀ emissions of 148 pounds per day. As shown in Table F-8, these emissions exceed the applicable significance criterion, resulting in a potentially significant impact.	Mitigation F-2: To mitigate PM₁₀ emissions related to residential fuel combustion, limit wood-burning appliances to wood fireplaces, and permit installation of such appliances into no more than 35 residential units. <u>For all other units, applicable building plans and permits shall exclude and prohibit all wood-burning appliances. This restriction shall be recorded on the Abstract of Title for these other units.</u>	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact F-3: Health impacts related to airborne lead exposure generated during project demolition activities represent a potentially significant impact.	Mitigation F-3: To mitigate the emission of airborne concentrations of lead compounds associated with project-related building demolition, implement the following APCD staff-recommended work practices contained in proposed Rule 439: • As necessary to prevent visible emissions, sufficiently wet the structure prior to removal. Continue wetting as necessary during active removal and the debris reduction process. • Demolish structure inward toward building pad. Laydown roof and walls so that they fall inward and not away from the building. • All removal activities must cease when wind speeds exceed 15 miles per hour. • <u>Prior to issuing the Project demolition permit, the City will contact the APCD to inquire whether the District has any additional information or requirements. If additional requirements have been adopted by the District and are legally required, those requirements will be made a condition of the demolition permit.</u>	Less than significant

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact F-4: Modeled predictions of construction related acrolein show a potentially significant impact based on APCD thresholds.	Mitigation F-4: To mitigate toxic Air Contaminant Emissions Related to Other Aspects of Project Construction, All pre-2003 model-year and older diesel-powered grading, construction and demolition equipment shall either be properly retrofitted with suitable diesel oxidation catalysts (DOCs) verified by the ARB and/or U.S. EPA, or operated with B20 biodiesel fuel working on the project; and the Project Applicant or the project's construction contractor shall maintain records of all purchases of DOCs or B20 biodiesel fuel associated with the preceding bulleted item until all project-related grading, construction and demolition work has concluded., before construction contracts are finalized, perform a follow-up assessment of acute health risk associated with acrolein based on more sophisticated dispersion modeling and, to the extent available at that time: • Updated PM emission factors (ARB is expected to release a substantial update to its OFF-ROAD model shortly); and • More specific construction activity parameters. • If such follow-up more detailed and exacting assessment (based on more exact construction parameter and updated PM emissions) shows impacts less than applicable standards, then no mitigation is necessary. If such assessment shows impacts greater than the applicable standard, or if the project proponent elects not to perform the assessment but rather proceed directly with the following mitigation, then the following would apply:	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

**CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR
AVOIDED**

Impact	Mitigation Measure	Level of Impact After Mitigation
	Mitigation F-4 (cont.): • Require a combination of off-road construction vehicle fleet characteristics, after-market retrofits, fuel types, additives and perhaps development phasing/duration that would reduce the acute acrolein hazard index below the significance threshold of one. The following measures would be expected to contribute to this reduction: • Use equipment with diesel engines newer than those shown in the first two data rows of Table F-10. • Use equipment with engines having experienced fewer preceding cumulative hours of use than those shown in the same data rows of Table F-10 (and therefore having experienced less deterioration of performance). • Install diesel oxidation catalysts on construction equipment that is compatible with but lacks such control devices, to reduce ROG (including acrolein) emission rates from diesel exhaust.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

**CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR
AVOIDED**

Impact	Mitigation Measure	Level of Impact After Mitigation
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Mitigation F-4 (cont.):

- ~~Substitute a biodiesel blend for conventional petroleum-based diesel fuels for use in compatible construction equipment to reduce PM emissions. (Such fuel might also generate a small reduction in acrolein emissions.) Currently, at least one major construction manufacturer has released approval for use of a five percent biodiesel blend (B05) for all of their equipment and has indicated the possibility of using blends up to B20 with many of their products. Note, however, that currently published authoritative data shows relatively modest acrolein emission reduction benefits from such blends.~~
- ~~Use an ARB-approved diesel fuel additive to reduce emissions of ROG (potentially including reductions in acrolein emissions). An additive which has already been used in California and is currently being evaluated by the ARB is Viscon, a product specifically mentioned by APCD staff as a viable emission reduction technique.~~

Less than significant

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact H-1: The existing water distribution system does not provide minimum fire flows necessary for public safety purposes for attached structures having over 3,600 square feet of floor area, nor for the larger structures such as apartments and the assisted living facility. This is a potentially significant impact.	Mitigation H-1(a): Project residences shall be provided with a combination of fire sprinkler systems and/or fire flow and/or other mechanisms approved by the Fire Chief to meet the standards of the Uniform Fire Code and the Fire Division of the Marina Public Safety Department.	Less than significant
	Mitigation H-1(b) To increase the performance of the water distribution system for fire flow purpose, provide a new connection between the system and the 16-inch well transmission line at Third Avenue and the California Road <u>Avenue</u> extension in a manner which will meet the minimum Project fire flow requirements determined by the Fire Safety Division of the Marina Public Safety Department. <u>In addition, to comply with MCWD policy, the applicant shall prepare an engineered Water Master Plan meeting MCWD requirements, wherein the Tract hydraulic design parameters and water delivery system characteristics and layout are presented, including replacement of old infrastructure, to the satisfaction of the MCWD and City Public Works Department.</u>	Less than significant
Impact I-1: The Proposed Project could have areas of localized flooding if the Project does not provide stormwater conveyances sized to accommodate the 100 year storm event runoff. This condition is a potentially significant impact due to flooding	Mitigation I-1: To mitigate potential 100-year storm flooding impacts final Tract grading and drainage plans shall create storm drains to convey a 100-year storm volume to the retention basin, acceptable to the City Public Works Department.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact J-1 The Project would remove existing mature trees and related landscape within the central area of the site resulting in a significant visual change as viewed from within the project and along the various public streets and access points into the site. This is a significant but mitigable impact.	Mitigation J-1: To mitigate significant impacts related to removal of existing trees within the project site, the applicant shall prepare a Tree Protection and Compensation Plan based on Marina Code requirements and based on detailed site surveys to identify trees to be protected, removed and replaced, and include fast growing local species, such as Monterey Cypress, and native Coast Live Oak. The Plan shall be reviewed and approved by the City Tree Committee.	Less than significant
Impact J-3 Selected trees located in the northern portion of the proposed apartment site and along California Avenue are significant to visual character and scenic resources of the Marina Planning Area by providing landscape screening of the project site. At present, these trees are planned to be retained. It is possible, however, that these trees will need to be removed at the time development immediately adjacent to these trees (e.g., when the apartments are constructed) occurs, depending upon the health of the trees at that time and the specifics of the development. This is a potentially significant but mitigable impact.	Mitigation J-3: If these trees are removed, a Tree Protection and Compensation Plan must be prepared based on Marina Code requirements as determined by the City Council per the City's Tree Protection Ordinance addressing the replacement and/or retention of these trees. The plan shall require replacement at ratio as required by the Marina Code and are recommend to consist of native Monterey Cypress and Coast Live Oaks and other appropriate trees.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

**CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR
AVOIDED**

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact K-1: The discharge of sediment or pollutants during construction into the proposed percolation ponds could affect water quality by introducing pollutants that could have an adverse effect on groundwater, a potentially significant impact.	Mitigation K-1: Compliance with the State General Construction Activity Permit, as recently modified by SWRCB resolution, and City standards applied uniformly to all projects over one acre would ensure that construction-related sediment or other contaminants that could adversely affect receiving water would be reduced to a less-than-significant impact.	Less than significant
Impact K-2: Urban stormwater runoff typically contains oil, grease, and heavy metals from vehicles and pesticides and herbicides from landscape areas. These runoff constituents carried in runoff could adversely affect receiving water quality (groundwater), a potentially significant impact.	Mitigation K-2: Proposed Project shall be required to meet the Best Management Practices (BMP) standards for operational phase stormwater runoff (construction phase runoff impacts are addressed in Impact and Mitigation K-1) and to maintain the on-site BMPs. The Proposed Project shall implement BMPs to manage water quality by providing on-site runoff treatment in line with the on-site infiltration system. With this mitigation, the Proposed Project's stormwater pollutant load would be minimal, and would result in a less-than-significant impact.	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES (Cont.)**

**CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT
SIGNIFICANT**

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact A-1: Implementation of the Proposed Project could result in the direct loss of maritime chaparral habitat, and developed/disturbed habitat. Impacts to developed/disturbed habitat are considered less-than-significant due to the dominance of non-native plant species and the associated low wildlife habitat value. Since maritime chaparral habitat is a HMP habitat, impacts to this habitat type of the former Fort Ord are anticipated and mitigated by the HMP. Therefore, impacts to maritime chaparral are considered less-than-significant and no mitigation is required.	None required	Less than significant
Impact A-3: The Project may result in the removal or disturbance of several special status plant species including Monterey spineflower, sandmat manzanita, Toro manzanita, Eastwood's golden fleece, and Monterey ceanothus. Impacts to these species were anticipated and accommodated by the HMP. Implementation of the HMP is considered mitigation for the impacts to HMP species. Therefore, impacts to these species are considered less-than-significant. The Project may also result in impacts to Kellogg's horkelia within the Project site. This species is a CNPS List 1B species. Although Kellogg's horkelia is not specifically addressed in the HMP, it occupies maritime chaparral habitat, a HMP habitat, and, therefore, would indirectly receive protection through the HMP; accordingly, impacts to Kellogg's horkelia would be less than significant.	None required	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES (Cont.)**

**CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT
SIGNIFICANT**

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact A-5: The Project may result in impacts to black legless lizards and California coast horned lizard, which would occur during the construction of the proposed Project. Mitigation for impacts to black legless lizards and their habitat is provided in the 1997 HMP through the set-aside and management of habitat reserve areas within the boundaries of the former Fort Ord. Since parties receiving lands on the former Fort Ord are required to comply with the mandates of the HMP as a condition of the land transfer, removal of potential habitat for black legless lizards through grading or other ground disturbance in the Project site would be considered a less-than-significant impact and no additional mitigation is required. Although the California coast horned lizard is not specifically addressed in the HMP, it occupies the same habitat as the black legless lizard and would indirectly receive protection through the HMP. Therefore, impacts to the black legless lizard and coast horned lizard and their habitat would not result in adverse effects to either species on former Fort Ord beyond what has already been accounted for in the HMP.	None required	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES (Cont.)**

CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT SIGNIFICANT

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact C-1: Based on the FOST and subsequent investigations within the former Fort Ord, it is not probable that a significant hazard exists on the site other than disposal of demolition generated materials from existing structures mitigated by Mitigation F-3.	Mitigated by Mitigation F-3	Less than significant
Impact D-11: <u>Northbound Highway 1 North of Del Monte Boulevard North (Segment #1)</u> would operate at LOS F <u>LOS E</u> during the PM peak hour under Cumulative Without Project Conditions. The proposed project would add trips to this highway segment <u>but would not change the operation from LOS E</u>, resulting in a <u>less than significant</u> impact.	None required	Less than significant
Impact D-14: <u>Imjin Parkway Between Highway 1 and 2nd Avenue (Segment #22)</u> would operate at LOS C during the AM peak hour and LOS D during the PM peak hour under Cumulative Without Project Conditions. The proposed project would add trips to this street segment, <u>but would not change the LOS D operation</u> that would decrease the PM peak hour LOS to "E," resulting in a <u>less than</u> significant impact.	None required	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES (Cont.)**

CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT SIGNIFICANT

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact F-5 Based on data reported by the U.S. Army's contractor for their initial prescribed burn, potential future prescribed burns within Fort Ord boundaries are not expected to expose future project occupants to significant increases in TAC exposure. Therefore, the exposure of future project residences to TACs is expected to constitute a less-than-significant impact.	None required	Less than significant
Impact F-6: Based on worst case modeling analysis derived from the EIR traffic report, the project's ambient CO concentration impacts are deemed less-than-significant.	None required	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES (Cont.)**

**CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT
SIGNIFICANT**

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact G-2: 45.51 AF/Y of FORA groundwater is projected to be available for use within Marina's portion of the Ord Community following total build-out of the Marina Heights, MCP and proposed Cypress Knolls redevelopment projects, assuming all three redevelopment projects completely build out and that no new water supplies become available for use in Ord-Marina. The total combined additional demand projected for the potential future City park and City senior center is approximately 30.24 AF/Y. Although that demand comes within the 45.51 AF/Y of available FORA groundwater, any project-level action to cause construction of the park or senior center will require further project-level CEQA review for these uses. Thus, development of the Proposed Project, combined with a program-level approval of the potential future City park and City senior center, would not create new water demand that exceeds available sources of supply. Accordingly, the Proposed Project, combined with the City's program-level approval of the potential future City park and City senior center, will have a less-than-significant program-level impact on water resources.	None required	Less than significant

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES (Cont.)**

CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT
SIGNIFICANT

Impact	Mitigation Measure	Level of Impact After Mitigation
Impact G-3: The City and MCWD have concluded that the 2,400 AF/Y of Augmentation Project water is a reasonably foreseeable probable future water supply that will be available to serve probable future projects. Based on the cumulative water demand projected to arise from existing development, the Proposed Project and probable future projects that are allowed under the current, adopted Reuse Plan, and the conclusion of MCWD's 2005 UWMP that the Regional Urban Water Augmentation Project is designed to support build-out under the development restrictions imposed by the current Reuse Plan for former Fort Ord, the City concludes that approval of the Proposed Project in combination with other probable future development will have a less-than-significant cumulative impact on water resources.	None required	Less than significant
Impact J-2 Based on the proposed tree removal and retention plan, the existing Cypress trees along the western perimeter of the proposed project site will be retained for their aesthetic and screening quality, however, as recommended by the arborist, they will be thinned to improve their health and viability. Accordingly, this impact would be less than significant.	None required	Less than significant

Changes to the Draft EIR

Based on the City's early Project analysis and EIR prepared for a similar project on this site, the following EIR topics were identified as necessary for study:

- Public Services (Recreation, Schools, Police, Fire, Solid Waste, Wastewater)
- Drainage
- Hazardous Materials
- Traffic and Circulation
- Noise
- Air Quality
- Water Resources Supply
- Water Quality
- Water Distribution and Fire Flows
- Energy
- Biological Resources
- Visual Resources
- Cultural Resources
- Population and Housing
- Geology and Soils
- Land Use

C. SITE LOCATION AND HISTORICAL BACKGROUND

The proposed Project site is located in the planned southwesterly quadrant of the City of Marina. The site is the northwesterly portion of the former Patton Park family housing area of the former Fort Ord. The site is east of Highway 1, west of the southern extension of California Avenue, and north of Imjin Parkway. The site is bordered on the north by the existing residential development accessed by Reindollar Avenue (see **Map 1– Project Location**).

The site comprises approximately 190 acres. The Project area is located on the northwest section of the former Fort Ord Army Base. Prior to its development as the Patton Park family housing area in the ~~early 1960's~~1970's, the area was used for various Army training operations. Development of the site included grading and construction of infrastructure, roads, parking, private driveways, and 460 residential units comprised of 230 duplex units with an adjacent elementary school. The Patton Park family housing area was occupied until the base was closed in 1993. Existing conditions and topography is shown on **Map 2- Existing Conditions**.

The northern portion of the Project site is adjacent to an existing single family residential area within the City of Marina. Most of this housing fronts on cul-de-sacs which are accessible from Reindollar Avenue. To the south, Monterey Peninsula College (MPC) owns five parcels at the 3rd Avenue and 12th Street intersection adjoining Cypress Knolls¹. In this location, MPC is in the initial stages of developing a physical plan for a education center distant from the main campus. As shown on EIR map 9 the parcels are designated as education facility on the Marina General Plan.

¹ Correspondence received from MPC dated September 27, 2006.



Project Location



Map
R-1

necessary entitlements and continue negotiations for transfer of the project site to the developer based on a new pro-forma for a 772-unit project.

The Proposed Project would redevelop for civilian use a portion of the now decommissioned former Fort Ord military installation. The closure of the Fort Ord Military Installation in 1991 initiated major losses of population and employment in the Cities of Marina and Seaside and elsewhere throughout the Monterey Peninsula.

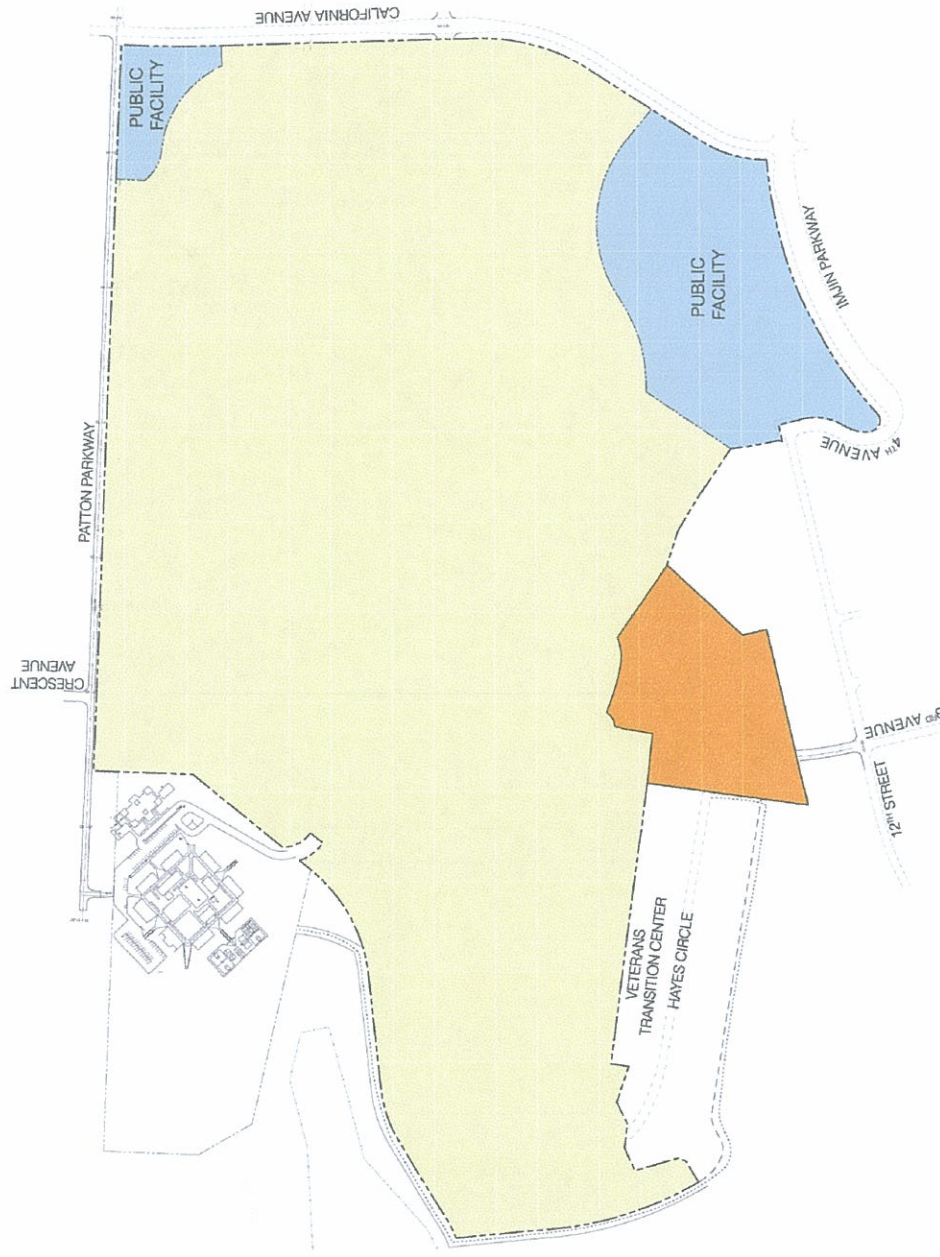
The remaining unused structures are rapidly deteriorating and the area has been declared blighted in the *Former Fort Ord Redevelopment Project (Number Three)*, City of Marina Redevelopment Agency (May 1999). Through the development of the proposed project area, the City of Marina generally desires to (see specific Project Objectives later in this Section I):

- Directly stimulate the local economy
- Create the maximum housing opportunities possible
- Rebuild and grow the local population

Implementation of these desires will improve the local tax base, which will help to facilitate local capital improvement programs, and serve as a catalyst for the future prosperity of the City, its residents, and its businesses.

~~Although the precise final boundaries of the Project will not be determined until the property is transferred from the FORA,~~ The anticipated future boundaries of the Project site have been established for planning purposes and are shown on **Map 3a-Revised General Plan Map Amendment and Map 3b-Revised Zoning Map Amendment**.

The approximately 190-acre Project site currently contains 460 residential units in 230 duplex configurations. The Project proposes to demolish all of these structures that are located on the portion of the site where the 712 residential units and their associated community facilities, and the potential assisted living facility, will be constructed. The approximately 12 structures on the portion of the site that is the subject of the General Plan Amendment and Re-zone to Open Space to facilitate the potential for a future park and senior center also may be demolished at the same time as the other structures for efficiency sake. The proposed illustrative project Tentative Tract Map (see **Map 4a-Revised Final EIR Tentative Tract Map and Map 4b-Conceptual Site Plan**) presently includes the items listed immediately below. The final exact acreages and lot configuration will be determined by the tentative and final map approvals; any changes between this illustrative map and the final tentative map that is considered for final approval are anticipated to be minor and not to affect the accuracy of this EIR's analysis.



Legend

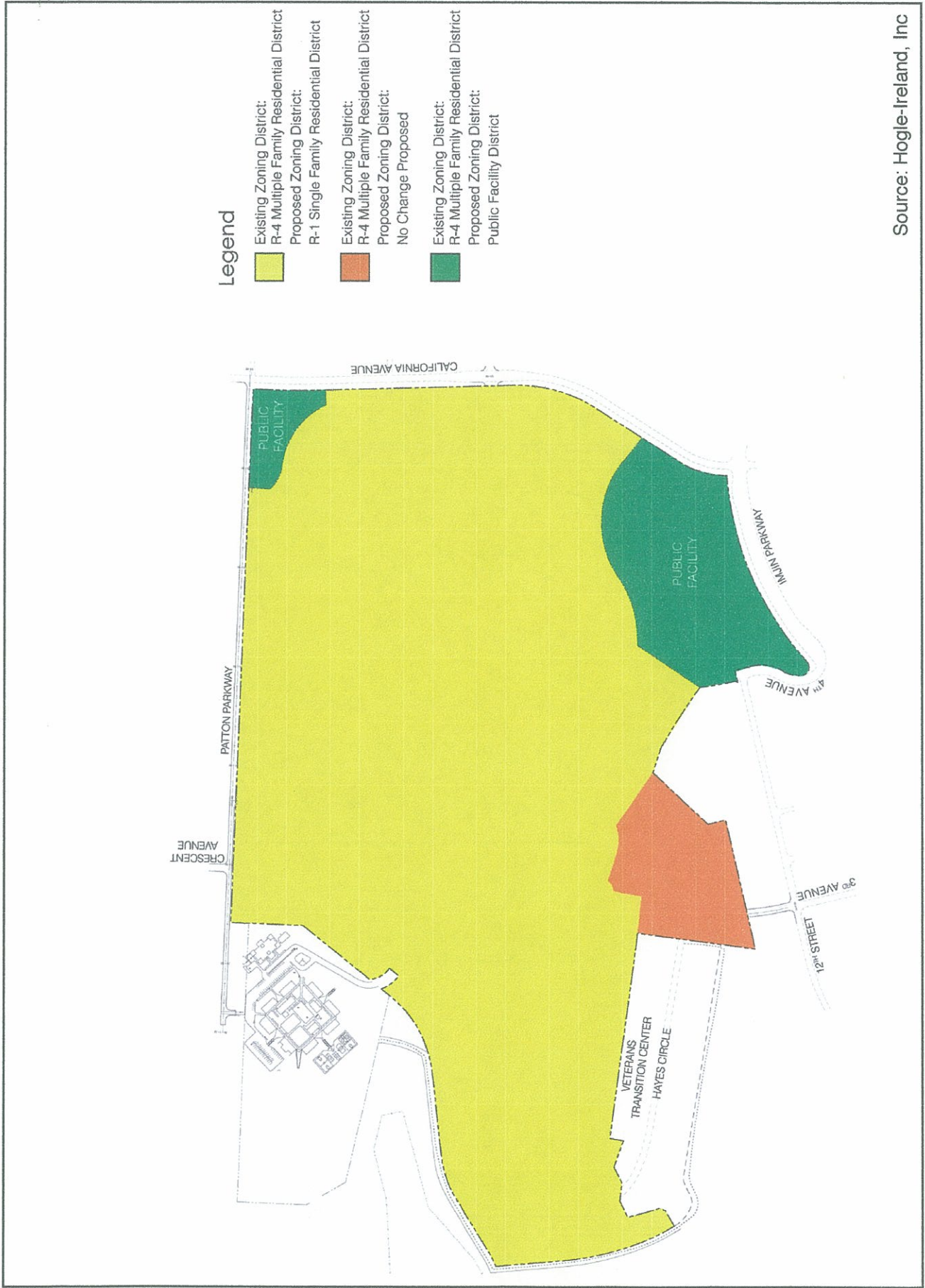
- Existing General Plan Land Use: Single Family Residential
- No Change Proposed
- Existing General Plan Land Use: Single Family Residential
- Proposed General Plan Land Use: Multi-family Residential
- Existing General Plan Land Use: Single Family Residential
- Proposed General Plan Land Use: Public Facility

Source: Hogle-Ireland, Inc

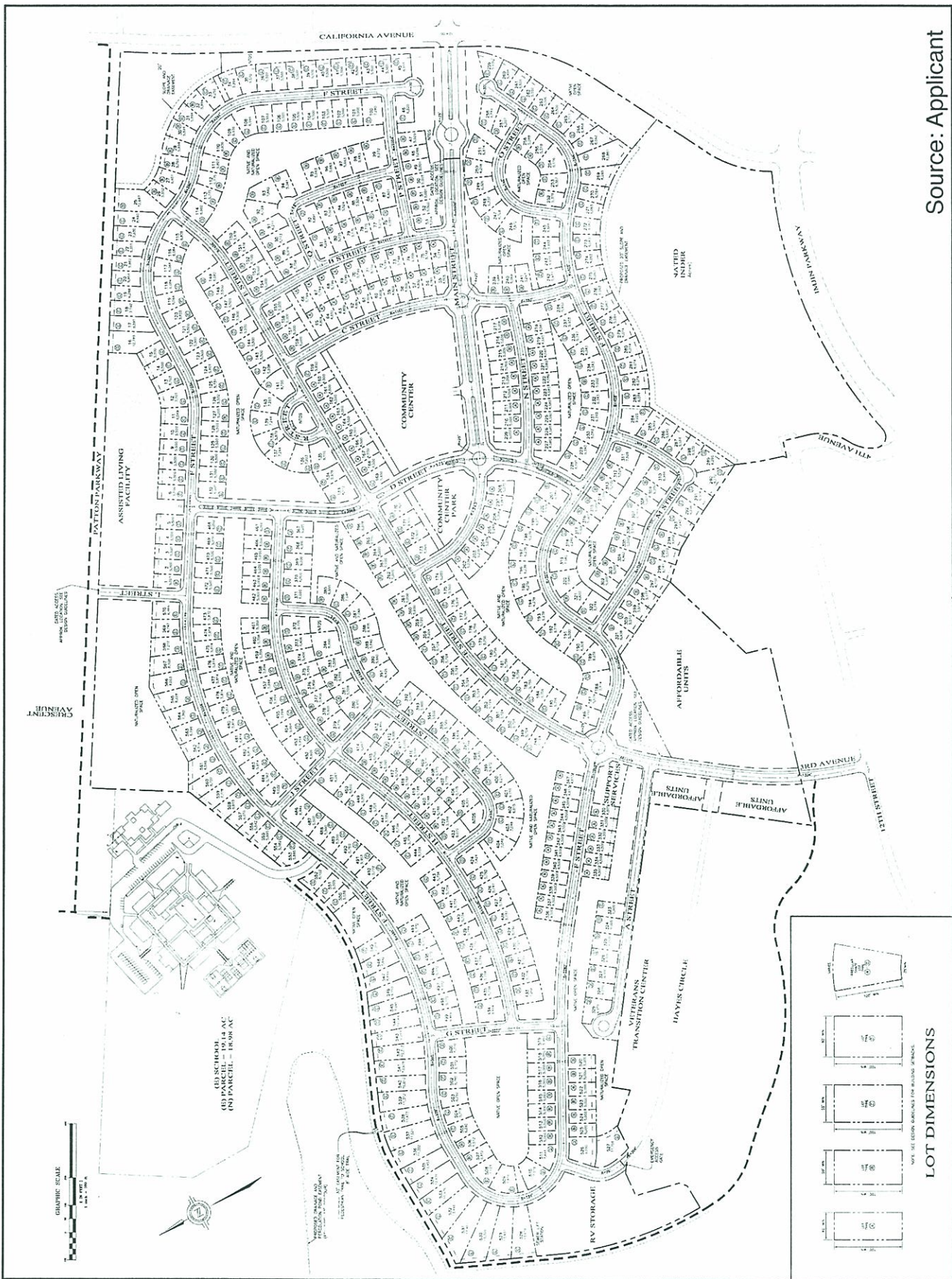
Revised General Plan Map Amendment



Figure R-3a



Source: Hogle-Ireland, Inc

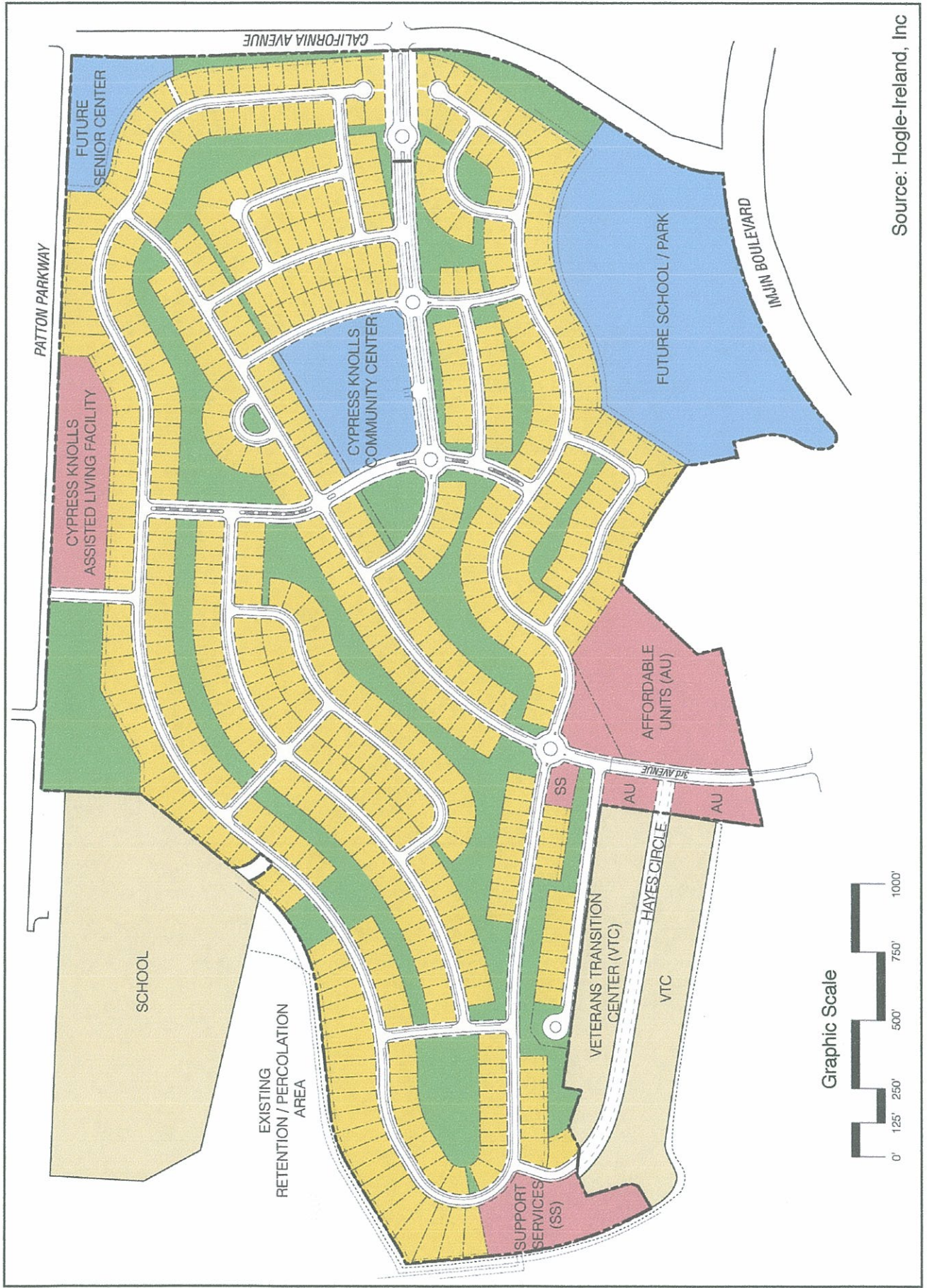


Source: Applicant



Map
R-4a

Revised Final EIR Tentative Tract Map



Source: Hogle-Ireland, Inc



Figure R-4b



Conceptual Site Plan

Residential units -712 Total Dwelling Units

- ~~596~~ 499 residential senior adult single family units (~~it is possible that up to 50 of these units could be in the form of attached or duplex units~~)
- ~~416~~ 213 affordable apartment units (a larger or smaller number of ~~apartment~~affordable units may get constructed, but in no event would the total number of single family adult units plus apartments exceed 712)
- An optional program of no more than 60 beds in an assisted living facility to be built at the developer's election

Affordable Housing-213 Total Affordable Housing (or 30% of Total Dwelling Units)

- 43 Very Low rental apartments
- 50 Low Income rental apartments
- 49 Moderate Income For sale Units
- 71 for sale Bridge homes/expected to be "duets" (150% Area Median Income)

Approximate Land Use Acreage-Tentative Tract

- 4 acres: Assisted Living Facility of 60 beds
- 79 acres: Residential Lots
- 34 acres: Right of Way
- 34 acres: Common area open space
- 8 acres: affordable housing (ownership cottage duplexes and Multi-family rentals)
- 5 acres: community center
- 3 acres: support services/RV storage
- 16 acres: City potential future park site (retained by City of Marina)
- 3 acres: site of potential future City Senior Center (retained by City of Marina)
- ~~85 acres—Residential Lots~~
- ~~34 acres—Right of Way~~
- ~~30 acres—Common Area Open space (interior and buffer areas)~~
- ~~4 acres—Assisted Living Facility~~
- ~~6 acres—Apartments~~
- ~~8 acres—Community Center Facilities (e.g., pool, tennis courts, fitness center, sundry shops, classrooms, arts center, etc.) to serve project residents; approximately 20,000 square feet of building area~~
- ~~4 acres—Support services parcel(storage and maintenance area for landscaping, repair and other equipment that will be used to serve and maintain the project community); likely will contain an approximately 2,500 square foot storage/maintenance building and a recreational vehicle storage area~~

The site improvements for the Tentative Tract subdivision will include demolition of existing streets that do not conform to current City engineering standards and construction of new streets (see **Figure P-1 Proposed Street Cross-sections**). New interior streets within the residential area will be constructed and a new intersection of Crescent Ave with the new Patton Parkway (Patton Parkway and Crescent Avenue extensions to be constructed by the City, likely by the middle to end of 2007) along the northern project boundary will be constructed. The location of Patton Parkway as well as future and existing bikepaths and trails surrounding the area are illustrated on **Figure P-2 Trails and Circulation**.

The project proposes to utilize a retention pond off-site adjacent to the project site's west boundary for the storage and treatment of stormwater runoff see **Map 75- Proposed**



Trails and Circulation

Figure P-2

NORTH

Stormwater Basin. The retention basin does not have any treatment facilities. Storm water collected in the basin is filtered by the natural process of percolation into the ground. The Project engineer has calculated the capacity of the existing basin as adequate for the proposed project under City engineering standards. The adequacy of the basin is addressed in section IV-I Drainage in this EIR.

The Project may be undertaken in phases, as yet unspecified. In the EIR, Assumptions about the rate of project buildout are conservative and yield a worst-case level of impact. It is possible that the final phasing of the project may be longer and, accordingly, lower the effects on the environment as in the case of construction stage noise and operational air quality emissions. Infrastructure to serve each phase will be constructed in a timely manner so as to ensure proper functioning of each phase, see **Map 6- Proposed Utility Plan**. Existing easements, and boundary information are shown on **Map 7- Boundary, Lots, Road Sections and Existing Easement Plan**

As stated earlier, It is anticipated that, simultaneously with considering entitlements for the senior residential units, the City also will consider program-level planning changes (a General Plan and zoning map amendment) to accommodate a potential future City park (approximately 18 acres) and City senior center (approximately 3 acres) (see Map 3). Because the Monterey Peninsula Unified School District has expressed some interest in using the 18-acre site for a school at some point in the future, this EIR analyzes (at a cumulative program level) the 18-acre site as a school in the cumulative (year 2025) scenario.

E. LIST OF INTENDED USES OF THIS EIR

This EIR is anticipated to be used to inform various agencies regarding the project, when such agencies consider discretionary actions involved with the proposed senior housing project and the program-level actions regarding a potential future City park and senior center, which could include (but are not necessarily limited to) the following:

City of Marina and Marina Redevelopment Agency

- Approval of a Disposition and Development Agreement with the Redevelopment Agency to address certain aspects of the Project such as phasing, funding of off-site infrastructure improvements, and the provision of municipal services.

City of Marina

- Conditional Use Permit(s) to allow for use of the site as proposed with a mix of residential unit types and densities, continuing care facilities and associated support services.
- Approval of a City General Plan and Zoning Ordinance map and/or text amendments, potentially including:
 - General Plan Map amendments for senior housing project: Redesignate the ~~approximately 4-acre Assisted Living Facility area and the approximately 86-acre Apartments~~ affordable housing area from Single Family Residential (5 units/acre) to Multi-Family Residential (15-35 units/acre)
 - General Plan text amendments³ ~~for the senior housing project to facilitate the Proposed project number/density of housing units, and the Project's design attributes:~~

"2.35 Excluding CSUMB and UC lands, the General Plan allows for up to ~~2,961~~ 3,193 units or primarily new and replacement housing on Marina's portion of former Fort Ord, including the already occupied Abrams B housing. Additional units developed by CSUMB ... and U.C. ... would eventually bring the total number of units that could be developed in South Marina to approximately ~~4,486~~ 4,718 (refer to Table 2.3). Former Fort Ord lands within Marina shall accommodate the following broad range of new housing types:

2.35.3 The ~~480~~ 712-unit Cypress Knolls senior housing project in Patton Park, consisting of the demolition of 460 existing duplex units and the construction of 460 replacement units, ~~20~~ 252 new units and potentially a 60-bed assisted living facility (2005-82)

□

³ Changes to the existing General Plan are shown by strike-through text followed by the amended text.

Table 2.3. South Marina Future Housing Potential (1)

<u>Plan Area (2)</u>	
<u>Marina Heights-Abrams Park (replacement/new units and rehabilitated multi-family units)</u>	<u>1,244</u>
<u>Cypress Knolls—Patton Park (replacement/new senior housing and new multi-family housing)</u>	<u>480</u> <u>712</u>
<u>University Villages</u>	<u>837</u>
<u>University Villages</u>	<u>400 (3)</u>
	<u>2,961</u>
<u>Subtotal</u>	<u>3,193</u>
<u>UC Multiple-Use Areas</u>	<u>330</u>
<u>CSUMB: Frederick-Schoonover Park</u>	<u>170</u>
<u>CSUMB: North Quad</u>	<u>1,025</u>
	<u>4,486</u>
<u>Total</u>	<u>4,718</u>
(1) <u>With the exception of 192 Abrams B units, Table 2.3 excludes approximately 1,690 1,685 units of former military family housing that has already been rehabilitated and is fully occupied (see section 2.34).</u> (2) <u>Refer to Figure 1.2 for locations of sub-areas.</u> (3) <u>These 400 units available only if approved within the framework of a specific plan pursuant to Section 2.35.5 (2004-42, 2005-82, 2005-128)</u>	

4.120 All oak trees shall be replaced and maintained with new trees of the same stock as those found onsite or in the site vicinity according to the following replacement formula: a minimum one-for-one (one replacement tree for each tree removed) where replacement trees are proposed to be the same diameter or greater than those to be removed; a minimum three-to-one (three replacement trees for each tree removed) for replacement trees of lesser diameter than those proposed for removal, unless, as determined by arborist, the site's specific environmental conditions would not sufficiently support a healthy oak habitat., with a All diameter measurements shall be taken at 4.5 feet from ground level. Replacement trees shall be a mixture of sizes.

5.27.2. Senior Citizen Housing. The Marina Redevelopment Agency will assist in the refurbishment combined replacement and new construction of about 480 712 units of former Fort Ord housing for use as a largely affordable consortium-care retirement community."

- Zoning Map amendments for assisted living facility: Rezone all areas outside of affordabel housing and potntial future senior center and park sites to R-1, Single-Family Residential.

- Zoning Text amendments for senior housing project:
Amend development standards in chapter 17.54 (amendments are in bold text):
The intent of the development standards for condominium/planned development projects is to permit greater flexibility and, consequently, more creative and imaginative design of the development of residential areas than generally is possible under conventional zoning regulations. The development standards are intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choice, a higher level of amenities, as well as to preserve and create useable open space for the residents of the city. **While flexibility in lot sizes, setbacks and building coverage are permitted to accommodate a master-planned project with unique design features and topography, the project must meet the standards for average density of the underlying zoning district. Such flexibility can be approved through the use permit process to ensure that open space and/or amenities are otherwise provided to compensate for such flexibility and the density requirements are met.**

Amend development standards in chapter 17.14 (amendments are in bold text):
The maximum building heights for public and quasi-public uses and buildings, including churches, firehouses, hospitals, 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 may be authorized up to forty (40) feet.

Amend development standards in chapter 17.44 (amendments are in bold text):
Through granting of a use permit, the following may be authorized: Community Center, private, with members who generally live or work in close proximity to the center and are well served by transit and/or a network of walking and bicycling trails to access the center: one parking space for each 400 square feet of area.

~~Amend development standards in Chapter 17.54 to allow for necessary flexibility for this planned unit development project, facilitating a Community Center up to 40 feet tall allowing the Community Center to have reduced parking so as to encourage project residents to walk, and permitting reduced perimeter landscape setbacks to permit a better design.~~

- ~~General Plan Map and zoning map amendments for program-level planning actions: Redesignate approximately 3 acre potential future Senior Center site from Single Family residential to ~~Open Space~~**Public Facility**. Redesignate approximately ~~168~~ acre potential future Park site from Single Family residential to ~~Open Space~~**Public Facility**. Rezoning the approximately 3-acre potential Senior Center site from R-4 to ~~P-FOS~~ and the approximately ~~168~~-acre potential Park site from R-4 to ~~OSP-F~~.~~
- Approval of a Development Agreement

- ❑ Approval of ~~Tentative or Vesting and Final Tract maps~~ Vesting Tentative and Final Maps
- ❑ Design Review Approval and Tree Removal Permit for all site improvements.

Fort Ord Reuse Authority

- ❑ Consistency Determination by FORA as a responsible agency under CEQA, of all legislative land use decisions and development entitlements pursuant to Chapter 8 of the Fort Ord Reuse Authority Master Resolution, including a determination that the project is consistent with the Fort Ord Reuse Plan.

Other Federal, State, Regional and Local Agencies

- California Department of Fish and Game (Take Permit per Fort Ord ~~HGP~~ HMP)
- Army Corp of Engineers (Clean Water Act and Section 404 Permit)
- Regional Water Quality Control Board (for NDPES permit for non-point source compliance relating to construction erosion and run-off, and infiltration of storm surface water into the site)
- California Highway Patrol (for implementation of transportation management associated with building removal)
- Marina Coast Water District (Conceptual Wet Utility Plans and Water Supply Assessment/ Verification of Supply, Water and Wastewater Project Master Plans and Design Plans for Utility Construction)
- Monterey Bay Unified Air Pollution Control District (Air Quality Permits relating to building deconstruction and in particular asbestos and lead based paint)

The purpose of this EIR is to analyze the Proposed Project and is intended to apply to any other approvals necessary or desirable to implement the proposed project.

F. PROJECT OBJECTIVES

The applicant's overall objective of the Cypress Knolls Project is to develop a successful safe and secure, pedestrian-friendly regional active senior living community, including housing, recreational amenities (such as pools, fitness center, sport courts, natural areas and trails, etc.) and support services, while providing the City of Marina and FORA with a successful base closure and reuse project.

The City and the City's Redevelopment Agency's objectives are as follows:

Implementation of Fort Ord Reuse Authority Act and Fort Ord Reuse Plan

- Fort Ord Reuse Plan Final Environmental Impact Report (Reuse Plan EIR) SCH #96013022
- Marina Draft General Plan Environmental Impact Report (General Plan EIR) SCH #1999031064
- ~~Urban Water Management Plan Environmental Impact Report, Marina Coast Water District~~ SCH #2003081142 Regional Urban Water Augmentation Plan EIR (December 2005): Marina Coast Water District Regional Urban Water Augmentation Project EIR SCH #2003081142
- Marina General Plan, 2005 and City of Marina General Plan Update Program Draft Technical Workbook, March 1998.
- Ford Ord Reuse Plan, 1997
- Staff report to the Marina Redevelopment Agency Board / Marina City Council on December 7, 2004

D. GENERAL REGULATORY SETTING

Fort Ord Reuse Plan: A 13-member board of elected representatives established by the California Legislature, the Fort Ord Reuse Authority (FORA) must prepare, adopt, finance and implement a plan for the land formerly occupied by Fort Ord, including the development of land use, transportation, and conservation strategies, and a five year capital improvement program. FORA Board Members represent the County of Monterey (three members) and the Cities of Marina (two members), Seaside (two members), Del Rey Oaks, Sand City, Carmel, Pacific Grove, Monterey and Salinas (one member each). "After the Board has adopted a Reuse Plan, an agency that is a member of FORA may adopt and rely on the Reuse Plan as its local general plan for the land in its jurisdiction that is also within the territory of the former Fort Ord. The Act indicates that all Fort Ord property that has been transferred from the federal government must be used in a manner consistent with the...Reuse Plan." (See FORA Reuse Plan, pg. 2-2.) The Fort Ord Reuse Plan developed by FORA was adopted in June of 1997. **Map 9** shows the General Plan Land Uses in the City of Marina, which conform to the land uses permitted in the FORA Reuse Plan. The Reuse Plan designates the Cypress Knolls site "SFD Medium Density Residential" which is intended primarily to permit single family and multiple family residential densities of 5-10 units per acre (gross). The proposed Cypress Knolls Project is in conformance with this Land Use designation. Refer to Section IV- O Land Use for a discussion of consistency with the Reuse Plan.

City of Marina General Plan. The Marina General Plan is composed of four primary elements: Community Land Use, Community Infrastructure, Community Design and Development, and Program and Implementation. The City's Housing Element is a separate document adopted in December 2004. It was since certified by the California Department of Housing and Urban Development as being in compliance with State law. The General Plan's Transportation Element is contained within the Community Infrastructure Element. See pp. 56, et seq. The General Plan's Public Health and Safety Element is a subchapter within the Community Design & Development Element. See pp. 117, et seq. The overall goal of the General Plan is to create a community which provides a high quality of life for all its residents; offers a broad range of housing, transportation and recreation choices; and which conserves irreplaceable natural resources. The Project site has a "Single Family Residential (5du/ac)" designation (Refer to **Map 9-City of Marina General Plan Land Use**). Refer to section IV-O Land Use and section IV-L subsection Population and Housing for an analysis of consistency with General Plan policies applicable to those topic areas.

Marina Zoning Ordinance: The Project site has a zoning designation of "R-4 (Multiple Family Residential District)." Refer to page I-9 for the proposed changes to the General Plan & Zoning Ordinance.

On the basis of environmental condition, the project site was placed in CERFA/DOD Environmental Condition of Property (ECP) category 4. ECP Category 4 includes parcels where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.³

In July 1999 a Phase 1 Environmental Site assessment was prepared by D and M Consulting Engineers of Monterey. This study confirmed the FOST findings on ordnance and explosives and lead/asbestos building materials, and noted that an underground storage tank for fuel was removed in 1989. Because the FOST was based on detailed investigations, and the FOST placed no restrictions on usage of the Project site related to the removed UST and ordnance/explosives, impacts from the UST and (OE) at the Project site would be less than significant. The site overlays part of the Fort Ord Landfill groundwater contamination plume. This plume is under remediation and would not affect site residents, in any case. The FOST confirms that the site is suitable for transfer to the City for reuse, i.e. urban development. Figure C-2 depicts the locations of the Army's water extraction and injection wells, treatment facility and pipelines around the Proposed Project Site. The Proposed Project development may require relocation of some water pipelines but would not affect the wells or treatment facility. The project includes coordination with the Army Corps of Engineers regarding the Corps' wells and pipelines prior to commencement of demolition. This is a less than significant impact.

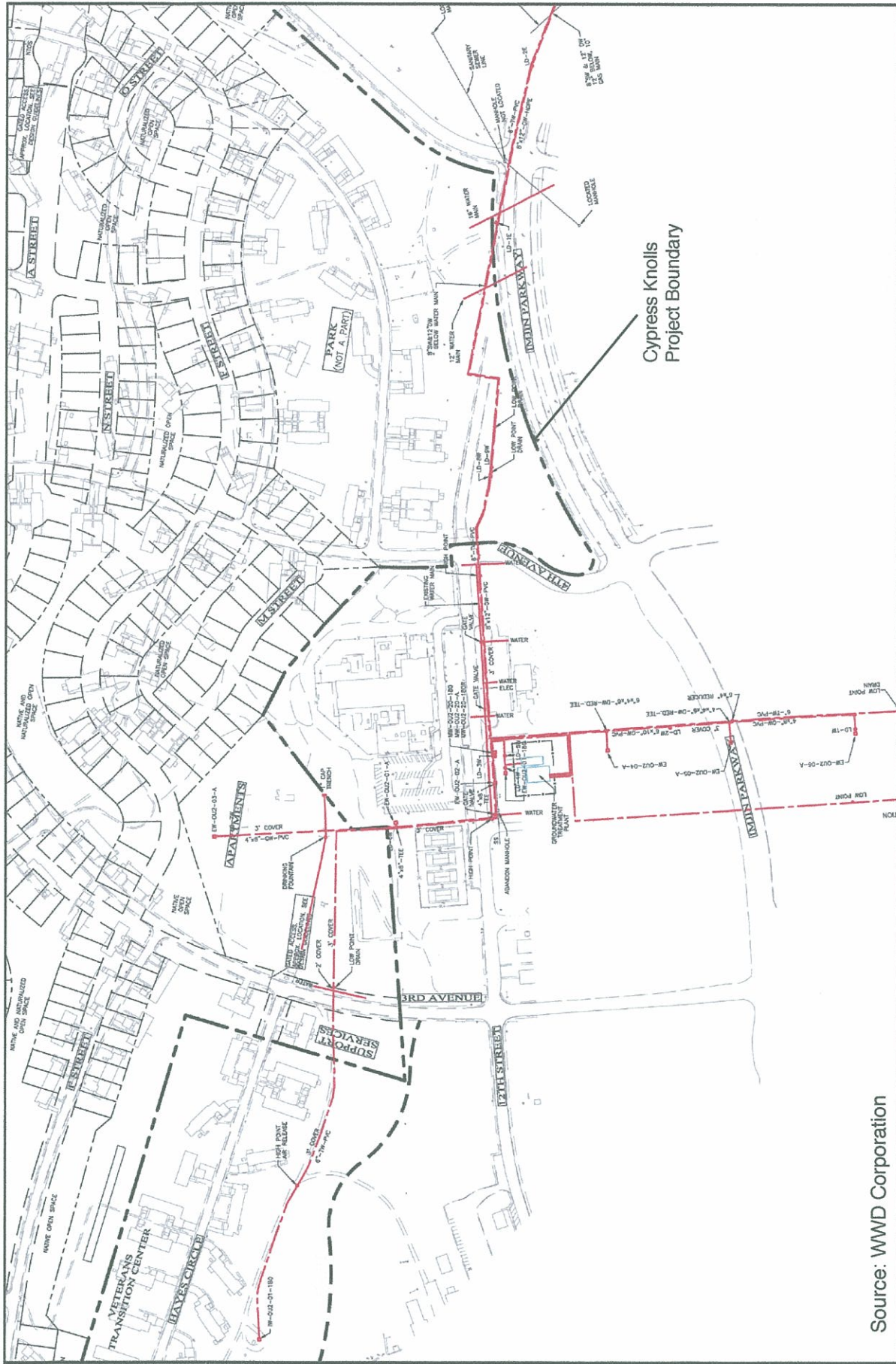
Government Code section 65962.5 requires the California Environmental Protection Agency (Cal/EPA) to develop, at least annually, an updated Hazardous Waste and Substances (Cortese) List. The Cortese List is a planning document used by the State, local agencies and developers to comply with the CEQA requirements in providing information about the location of hazardous materials release sites. DTSC is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. On June 5, 2003, the City received notification from the state Department of Toxic Substances Control (DTSC) that the project site was determined to not have a significant release of lead-based paint from structures or soils and that the property was safe for residential use. The project is not on the DTSC Hazardous Waste and Substances List (Cortese List)⁴

Location of Schools Relative to Source of Hazardous Emissions. In addition to an evaluation of potential site contamination issues, Public Resources Code Sections 21151.4, 21151.8, and 21151.2 require that no EIR be approved for a project involving the construction or alteration of a facility that might reasonably be anticipated to result in hazardous air emissions within one-quarter mile of a school unless the lead agency has consulted with the school district having jurisdiction regarding the potential impact of the project on the school (notice of availability of this Draft EIR was given to the local school district), or the school has been given written notification of the project not less than 30 days prior to approval of the EIR. This code section also requires that the CEQA document for a proposed school identify the presence of potential hazardous emission sources within one quarter mile of the proposed school.

3. Environmental Impacts

³ United States Army, *Finding of Suitability to Transfer (FOST), Patton park and Abrams Park Polygon*, Former Fort Ord, California, March 1998, refer to EIR Appendix E.

⁴ http://www.envirostor.dtsc.ca.gov/public/profile_report



Source: WWD Corporation

Figure
C-2



US Army's Water Extraction and Injection Wells, Treatment Facility and Pipelines

vehicles or pedestrians is prohibited, but crossing by pedestrians and motorists is permitted.

- Bike route (Class III) - Provides shared use of the roadway, designated by signs or permanent markings and shared with motorists.

Bike facilities

The majority of the roadways in close proximity to the Cypress Knolls project site do not have dedicated bicycle lanes. Existing bikeways in the project vicinity are shown on Traffic Technical Appendix Exhibit 4B. A Class 1 bikeway is located along Imjin Parkway from Imjin Road to Highway 1 and Class 2 bikeways are located along California Avenue from Imjin Parkway to its current terminus and along Second Avenue south of Imjin Parkway. The Monterey Bay Coastal bikeway is in close proximity along Del Monte Avenue/Highway 1.

Pedestrian facilities

The existing roads and associated pedestrian walkways in the former Fort Ord were designed to serve the needs of a military base. There are thus limited adequate existing pedestrian routes in the proximity of the proposed Cypress Knolls site. A sidewalk is provided on California Avenue between Imjin Parkway and Reindollar Avenue on the east west side of the road.

2.5 Existing Traffic Data

To establish existing traffic flow conditions, new traffic counts were conducted at the study intersections during the weekday AM (i.e. 7:00 – 9:00 am) and PM (i.e. 4:00 – 6:00 pm) peak hours. The date the intersection volumes were collected at each intersection are shown in *Traffic Appendix B (Technical Appendices Volume Appendix E.)* From the peak period traffic counts, the AM and PM peak hour turning movement volumes were identified.

Most of the intersections were counted in 2004. Counts were conducted at the following five intersections in 2005:

1. Imjin Parkway/Preston Drive (January 2005)
2. Imjin Parkway/2nd Avenue (February 2005)
3. California Avenue/Carmel Avenue (April 2005, PM peak hour)
4. Reindollar Avenue/Redwood Avenue (April 2005)
5. Del Monte Boulevard/Reindollar Avenue (March 2005)

Because all of the counts were not collected on the same day and in different years, the counts did not necessarily balance between intersections. The intersection traffic volumes were balanced between adjacent intersections along the arterial corridors to account for variations in the counts. Along each corridor, the intersection with the highest approach volume was selected as the controlling volume and volumes at the other intersections along the corridor were balanced between intersections to the controlling volume, regardless of the year that the count was collected. This provides a reasonable worst-case analysis as the highest volume of traffic observed over the last two years was used for the study. The existing peak hour traffic volumes are presented on Traffic Technical Appendix Exhibits 5A and 5B.

AM and PM peak period counts of Highway 1 traffic were performed in January of 2005 to establish existing traffic volumes on Highway 1. Peak period traffic counts collected at the ramp intersections at the Highway 1/Reservation Road and Highway 1/Del Monte Boulevard

different level of service standards.

The City of Marina has established LOS D as the general threshold for acceptable overall traffic operations for both signalized and unsignalized intersections. All study intersections and street segments are under City of Marina jurisdiction, except the Blanco Road/Reservation Road intersection and Highway 1 and its interchanges.

The County of Monterey has established LOS C as its level of service standard. The intersection of Reservation Road and Blanco Road is in the County of Monterey.

The Caltrans level of service standard is the transition between LOS C and LOS D. ~~Caltrans recognizes that achieving LOS C may not always be feasible in all situations, and LOS D is acceptable on a case-by-case basis.~~ Caltrans has jurisdiction over Highway 1 and the Highway 1 interchanges including the intersections at the Highway 1/Imjin Parkway interchange.

The Caltrans LOS C standard would normally apply to the State controlled facilities and the LOS C threshold would apply to the Reservation Road/Blanco Road intersection. However, the Transportation Agency for Monterey County (TAMC) has indicated that LOS D should be used to determine where the regional roadway network would be operating at unacceptable LOS. The regional road network includes all of the State highways and the Marina to Salinas corridor, which includes Reservation Road and Blanco Road. Objective 2 of Goal 1.1 Road and Highway Transportation of the 2005 Regional Transportation Plan states the following:

“Design facilities included in TAMC’s expenditure plan program of regional transportation projects to operate at LOS C, achieve at least LOS D on the regional roadway network by 2020, and maintain at least LOS D on regional roadways thereafter.”

It should also be noted that the LOS D standard is consistent with Caltrans’ long-range goals, as described in the Transportation Concept Report (TCR) for Highway 1. The TCR states the following:

“The ability to provide capacity to accommodate rising volumes has become increasingly difficult in California. Historically, District 5 targeted a peak hour concept of LOS C or better for state highways. However, in each county, current operations, existing development patterns, environmental values, local plans, and/or projected growth are such that achieving even LOS D will require major improvements and concerted efforts to manage demand. In some segments, the California Coastal Act prohibits additional capacity.”

Therefore, LOS D was used in this study as the minimally acceptable level of service for State and County facilities. It should be noted, however, that the conclusions of this report regarding the proposed project’s traffic impacts would not change even if LOS C were used as the minimally acceptable level of service for State and County facilities based upon the significance criteria used for this study, as described below.

According to Appendix G of the State CEQA Guidelines, a project would have a significant effect on the environment if it would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. In accordance with CEQA and agencies and professional standards, specific impact criteria have been applied to the study intersections and road segments to determine if the project specific increase in traffic is

LAND USE	ITE LAND USE CODE	PROJECT SIZE	PEAK HOUR TRIP RATES									
			AM PEAK HOUR					PM PEAK HOUR				
			DAILY TRIP RATES	PEAK HOUR RATES	% OF DAILY TRIPS	% IN	% OUT	PEAK HOUR RATE	% OF DAILY TRIPS	% IN	% OUT	
Senior Adult Housing - Detached	251	498 Units	3.71	0.20	5%	0.38	0.62	0.26	7%	0.61	0.39	
Senior Adult Housing - Townhome	251	72 Units	3.71	0.20	5%	0.38	0.62	0.26	7%	0.61	0.39	
Assisted Living	254	60 Beds	2.74	0.17	6%	0.73	0.27	0.38	14%	0.36	0.64	
Club Facility	495	20,000 SF	22.88	1.62	7%	0.61	0.39	1.64	7%	0.29	0.71	
Senior Apartments	252	92 Units	3.48	0.08	2%	0.45	0.55	0.11	3%	0.61	0.39	
Senior Duplex	251	50 Units	3.71	0.20	5%	0.38	0.62	0.26	7%	0.61	0.39	
City Park	SDTG	17.60 Acres	50.00	2.00	4%	0.50	0.50	4.00	8%	0.50	0.50	
K-8 School	552	850 Students	1.62	0.53	33%	0.55	0.45	0.15	9%	0.52	0.48	
Senior Center	495	6,000 SF	22.88	1.62	7%	0.61	0.39	1.64	7%	0.29	0.71	
722												
LAND USE	ITE LAND USE CODE	PROJECT SIZE	PROJECT TRIP GENERATION - PROJECT CONDITIONS									
			AM PEAK HOUR					PM PEAK HOUR				
			DAILY TRIPS	PEAK HOUR TRIPS	% OF DAILY TRIPS	TRIPS IN	TRIPS OUT	TOTAL PEAK HOUR	% OF DAILY TRIPS	TRIPS IN	TRIPS OUT	
Senior Adult Housing - Detached	251	498 Units	1,848	100	5%	38	62	129	7%	79	50	
Senior Adult Housing - Townhome	251	72 Units	267	14	5%	5	9	19	7%	11	7	
Assisted Living	254	60 Beds	164	10	6%	7	3	23	14%	8	15	
Club Facility	495	20,000 SF	458	32	7%	20	13	33	7%	10	23	
Senior Apartments	252	92 Units	320	7	2%	3	4	10	3%	6	4	
Senior Duplex	251	50 Units	186	10	5%	4	6	13	7%	8	5	
City Park	SDTG	18 Acres	880	35	4%	18	18	70	8%	35	35	
Senior Center	495	6,000 SF	137	10	7%	6	4	10	7%	3	7	
TOTAL PROJECT TRIPS -- PROJECT CONDITION			4,260	219	5%	101	118	307	7%	160	147	
LAND USE	ITE LAND USE CODE	PROJECT SIZE	PROJECT TRIP GENERATION - CUMULATIVE									
			AM PEAK HOUR					PM PEAK HOUR				
			DAILY TRIPS	PEAK HOUR TRIPS	% OF DAILY TRIPS	TRIPS IN	TRIPS OUT	TOTAL PEAK HOUR	% OF DAILY TRIPS	TRIPS IN	TRIPS OUT	
Senior Adult Housing - Detached	251	498 Units	1,848	100	5%	38	62	129	7%	79	50	
Senior Adult Housing - Townhome	251	72 Units	267	14	5%	5	9	19	7%	11	7	
Assisted Living	254	60 Beds	164	10	6%	7	3	23	14%	8	15	
Club Facility	495	20,000 SF	458	32	7%	20	13	33	7%	10	23	
Senior Apartments	252	92 Units	320	7	2%	3	4	10	3%	6	4	
Senior Duplex	251	50 Units	186	10	5%	4	6	13	7%	8	5	
City Park	SDTG	17.60 Acres	880	36	4%	18	18	70	8%	35	35	
K-8 School (Cumulative Project)	552	850 Students	1,377	451	33%	248	203	128	9%	66	61	
Senior Center	495	6,000 SF	137	10	7%	6	4	10	7%	3	7	
TOTAL PROJECT TRIPS -- CUMULATIVE CONDITION			5,637	670	12%	349	321	435	8%	227	208	

Notes:

1. Trip generation rates published by Institute of Transportation Engineers, "Trip Generation," 7th Edition, 2003, except City Park.
2. City Park trip rates from "San Diego Traffic Generators," San Diego Association of Governments, 1998.
3. Club Facility: 90% of the trips generated by this use will be modeled as internal trips and 10% as external trips.
4. Analysis of Existing Plus Project and Background Plus Project includes the trips generated by the park. Analysis of Cumulative Conditions includes the K-8 school.

Source: Higgins Associates

Project Trip Generation

Figure
RD-3

significant. If the improvement is not added to the City's CIP and TIF, the impact would remain significant and unavoidable.

Cumulative With Project Conditions – Road Segments

Cumulative Condition morning and evening peak hour volumes on the study street segments are tabulated on Traffic Technical Appendix Exhibit 8A. These are based upon turning volumes illustrated on Traffic Technical Appendix Exhibits 18A & 18B. Traffic Technical Appendix Exhibit 8A also tabulates corresponding street segment levels of service. The roadway segment level of service is based on the threshold volumes as shown in *Traffic Appendix A5* and the HCM 2000 methodologies. The weaving section level of service calculation worksheets are contained in *Traffic Appendix K*.

The project would significantly impact the following highway and road segments:

Segment #1: Northbound Highway 1 north of Del Monte North interchange;
Segment #5: Northbound Highway 1 south of Imjin Parkway;
Segment #8: Southbound Highway 1 off-ramp at Imjin Parkway;
Segment #22: Imjin Parkway between Highway 1 and 2nd Avenue;
Segment #23: Imjin Parkway between 2nd Avenue and Third Avenue;
Segment #24: Imjin Parkway between Third Avenue and Fourth Avenue;
Segment #25: Imjin Parkway between Fourth Avenue and California Avenue; and
Segment #26: Imjin Parkway between California Avenue and Imjin Road.

The following project impacts would occur at these locations:

Impact D-11: Northbound Highway 1 North of Del Monte Boulevard North (Segment #1) would operate at ~~LOS F~~ LOS E during the PM peak hour under Cumulative Without Project Conditions. The proposed project would add trips to this highway segment but would not change the operation from LOS E, resulting in a less than significant significant impact.

Mitigation D-11: ~~The following improvement would be required to mitigate the incremental project impact on this segment:~~

- ~~• Add a third lane on northbound Highway 1 between the Del Monte North interchange and the Nashua Road-Molera Road interchange.~~

~~This improvement is not currently included in long-range improvement plans for Highway 1. The Caltrans Route Concept Report for Highway 1 includes widening four-lane segments of Highway 1 to six lanes. However, there is currently no funded improvement that would widen this segment of Highway 1. Additionally, this segment would operate at unacceptable levels without the Project and this improvement is required due to regional traffic with or without the Project. Moreover, the costs associated with constructing this improvement would be disproportionate to the project's contribution to the need for constructing the improvement. Therefore, the project's incremental cumulative impact to Highway 1 north of Del Monte Boulevard North would be a significant and unavoidable impact.~~

Level of Significance: The revised FEIR project description results in the apartment land use changing to a mix of affordable residences with senior-only residency, thus reducing the project trip generation rate as shown on revised Figure D-3 (Figure RD-3 in the FEIR). In addition, trip generation for the planned education center on the Monterey Peninsula College project north of Imjin on 3^d Avenue has been reduced to reflect an enrollment of 682 based on current MPC information. Taking both these in to account, the reduced number of trips on this segment result in a less than significant Cumulative with Project impact. ~~(no feasible mitigation available):~~ Significant and unavoidable.

Impact D-12: Northbound Highway 1 South of Imjin Parkway (Segment #5) would operate at LOS F during the PM peak hour under Cumulative Without Project Conditions. The proposed project would add trips to this highway segment, resulting in a significant impact.

Mitigation D-12: The following improvement would be required to mitigate the incremental project impact on this segment:

- Add a fourth lane on northbound Highway 1 south of Imjin Parkway.

This improvement is not currently included in long-range improvement plans for Highway 1. Widening Highway 1 beyond the existing 6-lane section south of Imjin Parkway is not anticipated in the Caltrans Route Concept Report for Highway 1. Additionally, this segment would operate at unacceptable levels without the Project and this improvement is required due to regional traffic with or without the Project. Moreover, the costs associated with constructing this improvement would be disproportionate to the project's contribution to the need for constructing the improvement. The project's impact to Highway 1 south of Imjin Parkway would be a significant and unavoidable impact.

Level of Significance (no feasible mitigation available): Significant and unavoidable.

Impact D-13: Southbound Highway 1 On-Ramp at Imjin Parkway (Segment #8) would operate at LOS F during the AM and PM peak hours under Cumulative Without Project Conditions. The proposed project would add trips to this highway ramp, resulting in a significant impact.

Mitigation D-13: The following improvement would be required to mitigate the incremental cumulative project impact on this segment:

- Widen the southbound on-ramp to Highway 1 from Imjin Parkway to two-lanes.

This improvement is included in the City of Marina Capital Improvement Program as an element of Roadway (R) 48 (Construct New Interchange). The Highway 1/Imjin Parkway interchange reconstruction project is not included in the City's TIF or the FORA CIP.

The reconstruction of the interchange is required to serve regional traffic increases at the Highway 1/Imjin Parkway interchange. Additionally, this segment would operate at unacceptable levels without the Project. Moreover, the costs associated with constructing this improvement would be disproportionate to the project's contribution to the need for constructing the improvement. Accordingly, imposing an improvement of this

magnitude on a single project is infeasible due to the costs associated with constructing the improvement and interchange. It is therefore beyond the scope of this project.

Before any work can be done at the State highway interchange Caltrans will require a study to identify the long term design for the interchange and the interim measures that would be consistent with that design. The City's TIF includes the preparation of the PSR for the Highway 1/Imjin Parkway interchange. The City's TIF includes the preparation of the PSR. The PSR will evaluate alternative interchange designs to serve long-range traffic volumes at the interchange. Through the payment of the City's TIF, the project will contribute its fair share towards the development of a long-range improvement plan for the Highway 1/Imjin Parkway interchange. Should the funding for the improvements identified in the PSR be added to the City's TIF prior to the issuance of the building permits for this project, this project will pay its fair share of the costs of the improvements. However, because the improvement project has not been identified at this time and is unfunded, the project's incremental cumulative impact to the southbound Highway 1 on-ramp at Imjin Parkway would be significant and unavoidable.

Level of Significance after Mitigation: Significant and unavoidable.

Impact D-14: Imjin Parkway Between Highway 1 and 2nd Avenue (Segment #22) would operate at LOS C during the AM peak hour and LOS D during the PM peak hour under Cumulative Without Project Conditions. The proposed project would add trips to this street segment, but would not change the LOS D operation that would decrease the PM peak-hour LOS to "E," resulting in a less than significant impact.

Mitigation D-14: ~~The following improvement would be required to mitigate the incremental cumulative project impact on this segment:~~

~~• Widen Imjin Parkway between Highway 1 and 2nd Avenue to 8 lanes.~~

~~Such a project is not consistent with the City General Plan which calls for a six-lane Imjin Parkway. Widening Imjin Parkway to 8 lanes is considered to be impractical and undesirable from a planning perspective and therefore infeasible. Therefore, the project's impact at this location is significant and unavoidable.~~

Level of Significance: The revised FEIR project description results in the apartment land use changing to a mix of affordable residences with senior-only residency, thus reducing the project trip generation rate as shown of revised Figure D-3 (Figure RD-3 in the FEIR). In addition, trip generation for the planned education center on the Monterey Peninsula College project north of Imjin on 3rd Avenue has been reduced to reflect an enrollment of 682 based on current MPC information. Taking both these in to account, the reduced number of trips on this segment result in a less than significant Cumulative with Project impact. **(no feasible mitigation available):** Significant and unavoidable.

Impact D-15: Imjin Parkway Between 2nd Avenue and Imjin Road (Segments #23-26) would operate at LOS F during the PM peak hour under Cumulative Without Project Conditions. Segment 23 between 2nd Avenue and 3rd Avenue would operate at LOS F during the AM peak hour under Cumulative Without

operate at LOS E or F with the project's traffic, or

- Intersections or road segments that operate at LOS E or F where the volume-to-capacity (V/C) ratio would increase 0.05 or more with the project's traffic, or
- Intersections that operate at LOS E or F where delay would increase by 10 seconds or more with the project's traffic, or
- Unsignalized intersections which operate at LOS E or F where the reserve capacity would decrease by 50 or more with the project's traffic (based on the turning movement with the worst reserve capacity), or
- Project would generate substantial heavy duty truck traffic or generate substantial traffic along urban street canyons or near a major stationary source of CO.

2) Toxic Air Contaminants

(a) Project-generated TAC Emissions

(i) Sources Subject to Adopted APCD Regulations Intended to Assure Acceptable Exposure Levels

For project-related TAC sources subject to adopted APCD regulations intended to assure acceptable exposure levels, this analysis assumes compliance with those regulations and therefore less-than-significant TAC-related impacts. For sources of TAC emissions in general, the primary applicable APCD rule is Rule 1000. In the APCD CEQA *Air Quality Guidelines*, the APCD indicates that "Construction equipment or processes would not result in significant air quality impacts if they would comply with Rule 1000."⁷² The same conclusion is drawn for corresponding operational equipment and processes. For the purposes of this analysis, the same approach is applied to demolition-related asbestos emission impacts addressed under Rule 424.

(ii) Sources Specifically Addressed in APCD Guidelines/Recommendations Intended to Assure Acceptable Exposure Levels

For project-related TAC sources not subject to adopted APCD regulations but addressed in APCD guidelines/recommendations to assure acceptable exposure levels, noncompliance with those guidelines/recommendations will be considered a potentially significant impact. For the purposes of this analysis, lead exposure related to building demolition will be addressed in this fashion. On September 20, 2006, the APCD Board adopted Rule 439, which is now enforceable. This project will be required to comply with Rule 439. In this case, APCD staff has proposed a new "work practice rule" specifically to address proper lead abatement procedures during demolition activities—abatement procedures that have been demonstrated to avoid unacceptable lead levels in the air—but that rule has yet to be considered by the APCD Board for adoption, so it is not enforceable at this time.

(iii) Sources Subject Neither to Adopted APCD Regulations Nor APCD Guidelines/Recommendations Intended to Assure Acceptable Exposure Levels

For project-related TAC sources subject neither to adopted APCD regulations nor APCD guidelines/recommendations intended to assure acceptable exposure levels, exposure of sensitive receivers to levels exceeding applicable acute (1-hour) or chronic (annual) reference exposure levels (RELs) or cancer risk greater

has already been completed within one of these three areas -- Ranges 43-48. The next burn is planned for MRS-16, and will most likely be completed by 2007 (i.e., before the earliest likely initiation of occupancy of the project development). The third burn is proposed for Range 30A, near the south end of Fort Ord and about five miles south of the project site.

A U.S. Army representative has indicated that additional burns will likely be proposed in the future to clear additional areas where un-detonated munitions/explosives might be located.

All of those areas are likely to be in the southern portion of Fort Ord, and the typical area for each burn is likely to be smaller than that for Ranges 43-48. In addition, the Bureau of Land Management (BLM) expects to conduct periodic burns within Fort Ord to help replicate historical ecological conditions as part of the *Installation-Wide Multispecies Habitat Management Plan for Fort Ord*⁶⁰. Also, the University of California at Santa Cruz might perform a prescribed burn at the Fritzsche Army Airfield site (about one mile east-northeast of the project site) at some time in the future. These burns are likely to be short in duration (based on other burns that have occurred in the area). Additionally, advance notification of the burns generally occurs, which would give project residents the opportunity to remain indoors during the burn, temporarily relocate or otherwise avoid being exposed to smoke associated with the burn. Lastly, the U.S. Army currently offers hotel vouchers to potentially impacted residents to hotels located away from residential areas impacted by the smoke.

Impact F-7 -Based on the information currently available, the potential for significant (albeit brief and sporadic) exposure of future project occupants to inhalable PM from these potential future burns cannot be ruled out. Accordingly, exposure of future project occupants to temporary/intermittent elevations in PM levels represents a potentially significant impact.

Potential Inconsistency with Relevant Air Quality Plans

AMBAG⁶¹ indicates that:

"The combination of the existing and approved housing units in Monterey County (147,385) plus the 772 housing units/beds in the Cypress Knolls project is less than the regional forecasts for Monterey County (151,844). Therefore the Cypress Knolls Project is **consistent** with the 2004 regional forecasts and the Air Quality Management Plan."

Therefore, no impact is identified.

4. Mitigation Measures

Mitigation F1: To mitigate fugitive dust emissions related to project construction, the following shall be implemented:

Prepare a Fugitive Dust Control Plan to be reviewed and approved by the City, which should include the following as applicable:

Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.

Water all active construction areas as needed at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.

Prohibit all grading activities during periods of high wind (one-hour average speeds of over 3015 mph as measured at a height of approximately 10 feet above ground level within areas scheduled for grading).

Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).

Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.

Haul trucks shall maintain at least 2'0" of freeboard.

Cover all trucks hauling dirt, sand, or loose materials.

Plant vegetative ground cover in disturbed areas as soon as possible.

Cover inactive storage piles.

Install wheel washers at the entrance to construction sites for all exiting trucks.

Sweep streets if visible soil material is carried out from the construction site. Construction-related vehicles and mobile equipment access routes shall be specified – and roadway and parking lot (re)paving shall be sequenced within the overall construction schedule – so that such vehicles and equipment can make the maximum practical use of paved internal roadways and parking lots, either existing or improved/reconfigured as part of the project. Prepare an Erosion Control Plan to be reviewed and approved by the City, which should include the following as applicable:

- ~~Water all active construction areas as needed. Frequency should be based on the type of operation, soil, and wind exposure.~~
- ~~Prohibit all grading activities during periods of high wind (over 30 mph).~~
- ~~Haul trucks shall maintain at least 2'0" of freeboard.~~
- ~~Cover all trucks hauling dirt, sand, or loose materials.~~
- ~~Plant vegetative ground cover in disturbed areas as soon as possible.~~
- ~~Cover inactive storage piles.~~
- ~~Install wheel washers at the entrance to construction sites for all exiting trucks.~~
- ~~Sweep streets if visible soil material is carried out from the construction site.~~
 - ~~Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the APCD shall be visible to ensure compliance with Rule 402 (Nuisances).~~

Level of Significance After Implementation of the Mitigation Measures: Less than significant

Mitigation F-2: To mitigate PM₁₀ emissions related to residential fuel combustion, limit wood-burning appliances to wood fireplaces, and permit installation of such appliances into no more than 35 residential units. For all other units, applicable building plans and permits shall exclude and prohibit all wood-burning appliances. This restriction shall be recorded on the Abstract of Title for these other units.

Level of Significance After Implementation of the Mitigation Measures: Less than significant

Mitigation F-3: To mitigate the emission of airborne concentrations of lead compounds associated with project-related building demolition, implement the following APCD staff-

recommended work practices contained in proposed Rule 439:

- As necessary to prevent visible emissions, sufficiently wet the structure prior to removal. Continue wetting as necessary during active removal and the debris reduction process.
- Demolish structure inward toward building pad. Lay down roof and walls so that they fall inward and not away from the building.
- All removal activities must cease when wind speeds exceed 15 miles per hour.
- Prior to issuing the Project demolition permit, the City will contact the APCD to inquire whether the District has any additional information or requirements. If additional requirements have been adopted by the District and are legally required, those requirements will be made a condition of the demolition permit.

Level of Significance After Implementation of the Mitigation Measures: Less than significant

Mitigation F-4: To mitigate Toxic Air Contaminant emissions related to other aspects of Project Construction:

All pre-2003 model-year and older diesel-powered grading, construction and demolition equipment shall either be properly retrofitted with suitable diesel oxidation catalysts (DOCs) verified by the ARB and/or U.S. EPA, or operated with B20 biodiesel fuel working on the project; and

The Project Applicant or the project's construction contractor shall maintain records of all purchases of DOCs or B20 biodiesel fuel associated with the preceding bulleted item until all project-related grading, construction and demolition work has concluded., before construction contracts are finalized, perform a follow-up assessment of acute health risk associated with acrolein based on more sophisticated dispersion modeling and, to the extent available at that time:

- Updated PM emission factors (ARB is expected to release a substantial update to its OFF-ROAD model shortly); and
- More specific construction activity parameters.

If such follow-up more detailed and exacting assessment (based on more exact construction parameter and updated PM emissions) shows impacts less than applicable standards, then no mitigation is necessary. If such assessment shows impacts greater than the applicable standard, or if the project proponent elects not to perform the assessment but rather proceed directly with the following mitigation, then the following would apply:

- Require a combination of off road construction vehicle fleet characteristics, after-market retrofits, fuel types, additives and perhaps development phasing/duration that would reduce the acute acrolein hazard index below the significance threshold of one. The following measures would be expected to contribute to this reduction:
 - Use equipment with diesel engines newer than those shown in the first two data rows of Table F-10.
 - Use equipment with engines having experienced fewer preceding cumulative hours of use than those shown in the same data rows of Table F-10 (and therefore having experienced less deterioration of performance).

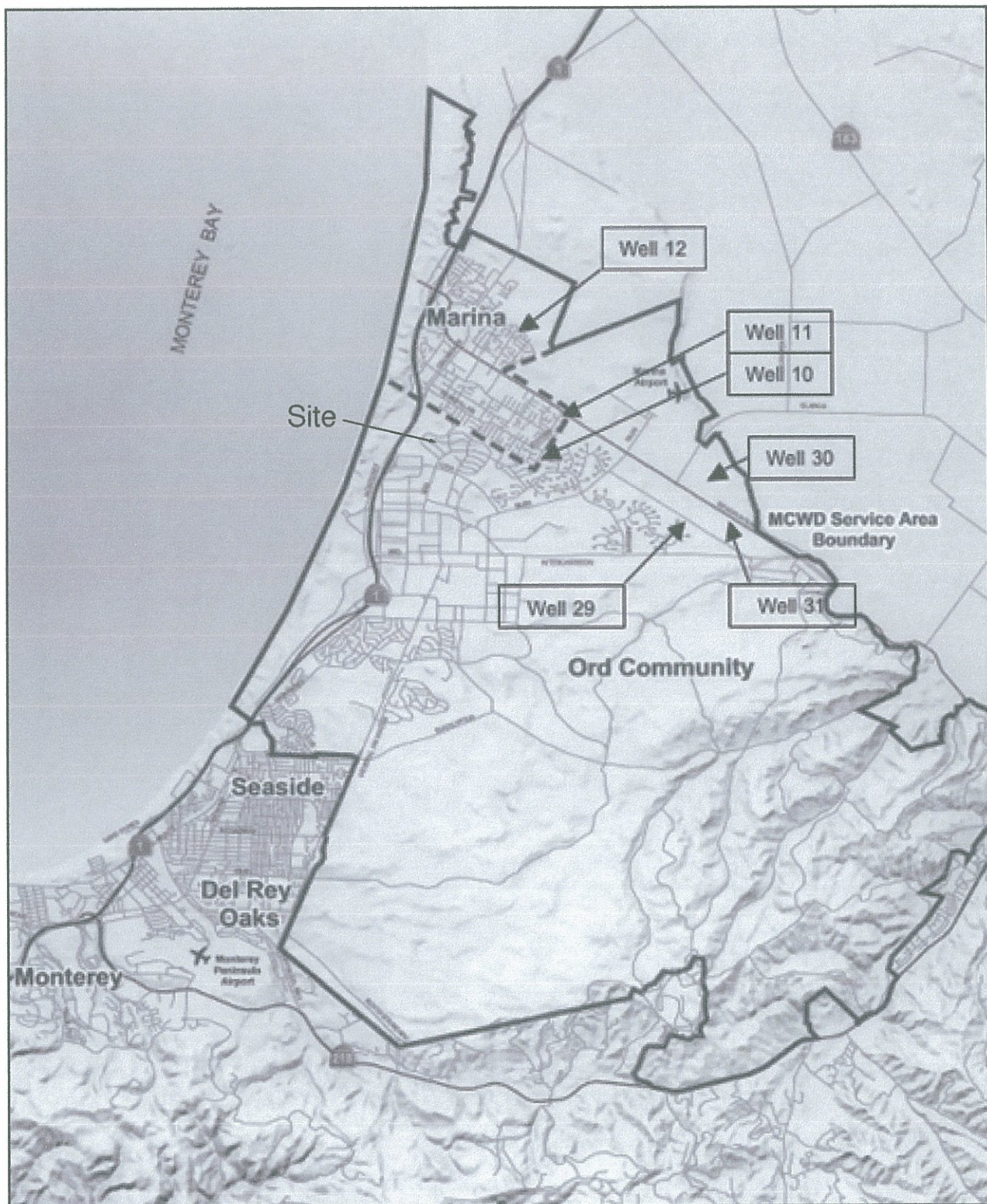
- ~~■ Install diesel oxidation catalysts on construction equipment that is compatible with but lacks such control devices, to reduce ROG (including acrolein) emission rates from diesel exhaust.~~
- ~~■ Substitute a biodiesel blend for conventional petroleum-based diesel fuels for use in compatible construction equipment to reduce PM emissions. (Such fuel might also generate a small reduction in acrolein emissions.) Currently, at least one major construction manufacturer has released approval for use of a five percent biodiesel blend (B05) for all of their equipment and has indicated the possibility of using blends up to B20 with many of their products. Note, however, that currently published authoritative data shows relatively modest acrolein emission reduction benefits from such blends.~~
- ~~■ Use an ARB-approved diesel fuel additive to reduce emissions of ROG (potentially including reductions in acrolein emissions). An additive which has already been used in California and is currently being evaluated by the ARB⁸² is Viscon, a product specifically mentioned by APCD staff as a viable emission reduction technique.~~

Level of Significance after Implementation of the Measures

Based on the APCD's acute acrolein risk screening spreadsheet discussed under the Method of Analysis heading presented earlier in this report, Table F-9 identifies two mitigation variations that achieve the acute risk reduction goal for assumed combinations of demolition equipment. For either of the variations, mitigation would need to meet or exceed these parameters. For instance, for Mitigation Variation 1 shown in Table F-9, any model year for off-road equipment equal to or more recent than the assumed 2000 model year would be deemed to satisfy the mitigation target if all other minimum equipment parameters shown for that mitigation scenario were met. Likewise, horsepower ratings and/or cumulative engine usage hours at or below the indicated levels would meet the mitigation targets. Any other combination of these parameters that can be demonstrated to meet the goal (e.g., as computed using the APCD risk screening spreadsheet) would be acceptable. This is true even for combinations that allow for poorer performance in one parameter (e.g., higher cumulative hours of usage for indicated equipment) if it is more than compensated for by improvements in other parameters.

Table F-9 shows that each of the two representative mitigation variations specifically considered for reducing the acute health risk from acrolein would be expected to reduce that risk to or below the significant hazard index threshold of one. Mitigation strategies such as these would also contribute to a reduction in criteria air pollutant and cancer risk impacts.

Based on the applicable APCD spreadsheet modeling technique, and assuming that cumulative horsepower ratings for all such equipment operating simultaneously within a relatively small area (e.g., associated with demolition at a single building site) did not exceed about 320 horsepower, an off-road-construction-fleet-average ROG emission rate of 0.16 grams per horsepower-hour or lower would be expected to keep worst-case acrolein exposure at the most exposed sensitive receptors below the significance threshold. That is the emissions rate (based on emissions data published by the ARB in January 2000) that the APCD's applicable spreadsheet assumes for year 2006 mobile equipment having a horsepower ratings of 120 to 175 horsepower (per piece of equipment). For a specific cluster of simultaneously-operating equipment, that rate could be higher if cumulative horsepower ratings for all clustered equipment were lower, but would need to be lower if those cumulative horsepower ratings were higher. Accordingly,



Marina Coast Water District Boundary
Map and Well Locations



Figure
RG-3

applicable standards will reduce safety hazards resulting from inadequate fire flows to less than significant levels.

Mitigation H1(b) To increase the performance of the water distribution system for fire flow purpose, provide a new connection between the system and the 16-inch well transmission line at Third Avenue and the California Road ~~Road~~ Avenue extension in a manner which will meet the minimum Project fire flow requirements determined by the Fire Safety Division of the Marina Public Safety Department. In addition, to comply with MCWD policy, the applicant shall prepare an engineered Water Master Plan meeting MCWD requirements, wherein the Tract hydraulic design parameters and water delivery system characteristics and layout are presented, including replacement of old infrastructure, to the satisfaction of the MCWD and City Public Works Department.

Level of Significance After Mitigation: The measure will improve the delivery of fire flow or domestic flow within the Project to meet Project fire flow requirements and will reduce any impacts to less than significant levels. The measure will also increase the reliability of the system by providing a connection independent of the existing connections supplying the Project. This connection will assure continued system operation should the aging existing system fail and will provide an alternate point of connections that improve flexibility during system outages caused by maintenance of system failure, thus reducing any cumulative impacts to less than significant levels as well.

3. Environmental Impacts

Significance Threshold

The project would have a significant impact if it resulted in any of the following impacts:

- Expose people or property to water related hazards such as flooding, or place within a 100-yr flood hazard area, structures, which would redirect flood flows; and
- Expose people or structures to a significant risk of loss, injury, or death involving flooding.

Project Impacts

Based on the FEMA Letter of Map Revision and FIRM map effective August 17,2006, no area of the Proposed Project site would be subject to flooding.

The redevelopment of the Project area will have no substantial impact on the flooding and the existing stormwater retention basin because there is adequate stormwater capacity in the existing basin and the new storm drainage system can be sized to accommodate post development flows.

Impact I-1: The Proposed Project could have areas of localized flooding if the Project does not provide stormwater conveyances sized to accommodate the 100 year storm event runoff. This condition is a potentially significant impact due to flooding.

Cumulative Impacts

The watershed for cumulative impact condition includes the project site, portions of the Marina Heights project to the east and portions of the developed City of Marina. The developed areas in the City have existing storm water retention and conveyances that are adequate for the essentially fully developed condition. When the Marina Heights project develops, storm drain improvement plans would as a matter of course be designed and integrated into the Cypress Knolls storm drain system, as part of City Public Works Public Improvement Plan review and approval. The sizing of conveyances for storm water would be determined at that time and no substantial cumulative impact is identified. In addition, because the site discharges all its stormwater to the basin, there is no off-site effect or impact on the stormwater conveyances.

4. Mitigation Measures

Mitigation I-1: To mitigate potential 100-year storm flooding impacts final Tract grading and drainage plans shall create storm drains to convey a 100-year storm volume to the retention basin, acceptable to the City Public Works Department, and Facilities to convey flows form storm runoff in accordance with the requirements of the FORA Storm Drain Plan and the requirements of the City of Marina Public Works Department.

Level of Significance After Implementation of the Mitigation Measures: The mitigation measure will eliminate the impact by providing for adequately sized stormwater conveyances.

There are currently four elementary schools and one middle school within the Marina city limits, exclusive of former Fort Ord. Marina Del Mar, Crumpton, Marina Vista and Olson elementary schools presently serve students in kindergarten through fifth grade. Los Arboles Middle School serves students in grades six through eight. Approximately 500 high school students from Marina attended Seaside High School in the City of Seaside until August 2006, when the interim Marina High School opened with 350 students.

In former Fort Ord, two existing school sites are located within the Marina Planning Area. A former elementary school is now used as an interim high school and is located immediately west of Cypress Knolls. The second, former Stilwell Elementary School, is located within Marina's adopted SOI, in Frederick-Schoonever Park. the Seaside area of Fort Ord.

The Fort Ord Reuse Plan calls for the eventual construction of one additional high school and elementary school to serve students residing on the former military base. The Reuse Plan designates two alternative sites for the high school, including one immediately south of Reservation Road. The City will be considering designating, through a General Plan and zoning map amendment to "Open Space" (a designation that would permit a park), an 18 acre site as a potential future park site simultaneously with its consideration of the senior residential portion of the Proposed Project. In the future, if the School District wishes to pursue another school site, the potential park site could be considered as at that time as a possible site.

• Environmental Impacts

Impact Significance Criteria

The Project would have a significant impact if it would result in substantial adverse physical effects associated with the need for new or physically altered school facilities, which are required to meet acceptable class size objectives contained in school district policy (CEQA Guidelines).

Project Impacts

The Project would be unlikely to directly add a significant number of students because the Project is designated predominantly as a senior housing community. Although the Project is not expected to generate many students, the Project will pay any school fees that may be required by law. Therefore, no project or cumulative impacts are identified.

Secondary or Indirect Effects

To the extent that the Project creates jobs in the community that bring new families to the City, students will be added to the District. However, since schools in the area are currently within planned capacity, secondary indirect impacts on the environment resulting from new school construction are not foreseeable.

No mitigation is required for school impacts found to be less than significant.

Consistency- The project is consistent with this policy (see 2.4.4, 2.8 and 2.31.5 above).

Section 3.3.1: Develop future areas of the city, and redevelop existing developed areas, in patterns and to densities that make the provision of frequent regional and local transit economically feasible.

Consistency- The project is comprehensively planned within the fabric of the Reuse Plan area to mix with other projects and regional circulation in a manner that encourages regional and local transit feasibility.

Section 3.3.2: To ensure the feasibility of future transit services, 80 percent or more of the city's residential growth shall be located within transit-served corridors designated in Figure 3.2 [of the General Plan]. Furthermore, all future residential development within 1,500 feet of designated transit routes shall be governed by minimum density requirements; [...] the minimum density for newly developing or redeveloping areas of the City shall be 7 units per gross acre (i.e. total development area excluding major roads, public facilities and open space, but including local streets and local open space features and amenities).

Consistency- The project is located between transit served corridors of California Ave and Del Monte Blvd. Portions of the project are further than 1,500 feet from these corridors, however most of the project is within 1,500 feet of these corridors. The overall project density is ~~4.88~~ approximately 5.7 units per acre. Section 3.3.2 needs to be read in conjunction with the corresponding land use designation on the Cypress Knolls Project site. The Proposed Project proposes increasing the density of the site over its current density and over what the General Plan currently calls for, which will further the above policy. Additionally, the City and the project applicants are working with Monterey-Salinas Transit to provide shuttle availability to the community to facilitate access to public transit, shopping, medical appointments, and other local travel to reduce the dependency on the private automobile. Additionally, the project provides interconnectivity through walking trails, sidewalks, and bicycle access. While the project does not precisely reach the goal of 7 units to the acre, it comes closer to reaching that goal than under the current General Plan. Adding additional units would be difficult given the topographical limitations on the site. In addition, increasing the number of units to the proposed level would create additional environmental impacts.

Section 3.3.4: Reduce the number and length of vehicular trips and limit overall traffic congestion by promoting land use patterns which allow for multipurpose trips and trip deferral during peak travel times.

Consistency- The project is consistent with this policy because retired person generally can defer travel at peak times, thus reducing congestion.

Section 3.3.5: Design the city to enable and encourage walking and biking as a major and safe means of travel.

Consistency- The project design encourages walking and biking and is consistent with his policy.

Section 3.3.8: Link existing and future areas of the City with an integrated system of roads, transit, footpaths and bikeways that connects neighborhoods, commercial areas, schools, parks, and other major community-serving destinations.

Consistency- The project is consistent with this policy linking streets to the existing infrastructure and providing a 30 foot easement for a pedestrian trail linking to the existing school (refer to section I-D Project Description and Map 3-Proposed project site plan).

Section 3.19 For both safety and quality-of-life purposes low travel speeds should be maintained on residential streets which do not serve as collector streets. Calming devices, such as speed bumps, narrowing of the street at intersections, stop signs, and roundabouts, should be used where necessary to discourage unrelated through travel or speeding vehicles.

Consistency- The project proposes traffic calming-devices including roundabouts and pedestrian crosswalks for the open space that will be raised and also function as speed bumps.

Section 3.38 So as to provide for safe, direct and pleasant pedestrian circulation, all new local residential and commercial streets shall comply with the following standards, unless more specific standards are provided elsewhere in the General Plan:

1. Sidewalks with a minimum width of 5 feet shall be provided on each side of residential streets, or on one side of cul-de-sacs and auto courts serving less than 7 units.

2. All new streets shall provide sidewalks separated from the residential roadway by a planting strip with a minimum width of 6 feet. The planting strip shall be landscaped with ground covers and street trees as provided for in the Community Development and Design Element.

Consistency- This General Plan standard is for public streets and sidewalks. The project streets and sidewalks will be private. Moreover, the City's Residential Design Standards¹ states sidewalks shall be a minimum of 4 feet in width. The project provides 5-foot wide sidewalks in most cases, but only 4.5 or 4.75 in some segments along roadways. The streets in the senior housing development are designed to separate the sidewalk from the roadway with a 5-foot planting strip, except where a bicycle lane is proposed. In that condition the planting strip is replaced with the bicycle lane. The planting strip is designed to be landscaped with a mixture of ground cover and street trees to respect the water conservation needs of the area. The senior housing development, however, includes substantial trails within its open space areas to provide an attractive alternative to pedestrian circulation along the streets. This feature of the trails is an unusual benefit not provided in most developments. These trails, combined with sidewalks separated by a well-landscaped five-foot planting strip, may make the project consistent with this policy as meeting the intent of providing safe, direct and pleasant pedestrian circulation.

Section 3.20 In order to provide greater visual and physical separation between moving vehicles and pedestrians and moving vehicles and residences, curbside landscaping consisting of street trees and low-maintenance groundcovers shall be incorporated into the design of future local residential streets.

¹ City of Marina, Part I: Standard Specifications, Part II: Design Standards, 2006 edition issued by the Public Works Division of the Community Development Department.

proposed along a perimeter circuit to promote biking fitness for the residents. Parking at intersections will be prohibited by marking the curbs and/or providing right-turn lanes as deemed appropriate for the senior community. Therefore, the project may be found to be consistent with the intent of this policy.

Section 4.27.3: Beyond the paved road widths listed here, the rights-of-way for local residential streets shall include: 11 feet back of the face of the curb on each side, 0.5 foot for the curb, a 6 foot landscape strip, and a 5 foot sidewalk adjoining the edge of the right-of-way. In the vicinity of schools and other areas of high pedestrian traffic, sidewalk width should be increased to 6 feet.

Consistency- Per the discussion immediately above under Section 4.27.1, pavement widths within the project will vary according the specific project needs of each residential area. The intent of the specific dimension requirements must be read in light of the fact that the project is designed with substantial trails and paths as alternative pedestrian and cycling routes. The precise requirements of this section, therefore, may be less important in light of those trails and paths. Additionally, this policy regarding specific dimensions for streets and related improvements only applies to public streets. The project streets will be private. Therefore, the project ~~may be found to be~~ is consistent with the intent of this policy. Refer also to the consistency discussion under 3.38 pertaining to sidewalk and parkway width.

FORA REUSE PLAN

Following is a list of policies and programs from the FORA Reuse Plan that are applicable to the Cypress Knolls Project²:

4.1.2.3 Residential Land Use Policies and Programs

City of Marina

Objective A: Establish a range of permissible housing densities for the Fort Ord area.

Residential Land Use Policy A-1: The City of Marina shall provide variable housing densities to ensure development of housing accessible to all economic segments of the community. Residential land uses shall be categorized according to the following densities:

Land Use Actual Density- Designation Units/Gross Acre

SFD Low Density Residential up to 5 Du/Ac

SFD Medium Density Residential 5 to 10 Du/Ac

MFD High Density Residential 10 to 20 Du/Ac

Residential Infill Opportunities 5 to 10 Du/Ac

Planned Development Mixed Use District 8 to 20 Du/Ac

Program A-1.1: Amend the City's General Plan and Zoning Code to designate former Fort Ord land at the permissible residential densities consistent with the Fort Ord Reuse Plan and appropriate to accommodate the housing types desired for the community.

Consistency- The City General Plan and the proposed project are consistent with this

² Reuse Plan Volume 2-Reuse Plan Elements, 1997, pages 235 to 240

Responses to Comments

letter 1**MARINA COAST WATER DISTRICT**

11 RESERVATION ROAD • MARINA, CA 93933-2099

Home Page: www.mcwd.org

TEL: (831) 384-6131 • FAX: (831) 384-2479

September 12, 2006

DIRECTORSDAVID W. BROWN
*President*HOWARD GUSTAFSON
*Vice-President*CHARLES H. SCHOLL
KENNETH K. NISHI
THOMAS P. MOORE

Ms. Jennifer Coile, AICP
Project Manager
Development Services Department
City of Marina,
3056 Del Monte Avenue, Suite 205
Marina, CA 93933

RECEIVED**SEP 18 2006**

Re: Cypress Knolls Draft Environmental Impact Report

STRATEGIC DEVELOPMENT CENTER

Dear Ms. Coile:

The Marina Coast Water District has reviewed the subject Environmental Impact Report, and raises no objections to the findings within the report. We do offer the following corrections and clarifications for the report:

Figure G-3, page IV-G7, the MCWD well locations are incorrect as shown. See Figure 1-1 in the Cypress Knolls Water Supply Assessment in Appendix B to the EIR for the correct well locations.

Section IV.G.2.d, Water Resources, Environmental Setting, Public Water Supplier, pages IV-G2 through IV-G22: much of this section is copied directly from the 2005 Marina Coast Water District Urban Water Management Plan (UWMP). It may have been easier to include the UWMP in its entirety as an appendix to the EIR, and discuss only project-specific items in Section IV.G.

Section IV.G.2.d(3), MCWD Existing 300 AF/Y Desalination Plant Supply, page IV-G17: In the discussion of the Desalination Agreement, the report states that the existing desalination plant yield of 300 acre-feet per year is not needed to meet the projected water demand of the Cypress Knolls, Marina Heights and Marina Community Partners projects. However, the water supply analysis upon which this statement is based uses the average water demand for the existing Marina-Ord Community. In dry (peak demand) year(s), the total expected water demand for the Marina-Ord Community would exceed its total water allocation. The discussion should instead point out that the phasing of these projects over time, coupled with the District's Water Augmentation Project Schedule (subject allocation by FORA to the Marina-Ord Community in an amount sufficient to cover the demands) makes it unlikely that the full water demand for the three developments will be realized before additional supply becomes available.

Responses to Letter 1 Marina Coast Water District

The commenter's statement that it has reviewed the DEIR has raises no objection to its findings is noted.

- 1.1 Figure 1-1 in Appendix B to the Draft EIR accurately depicts the location of MCWD wells. Figure G-3 is revised in the Final EIR to comport with Figure 1-1 in Appendix B to the Draft EIR.
- 1.2 The commenter notes that the City might have provided a less detailed description of existing water resource conditions and planning in the Draft EIR section IV-G Water Resources and relied instead on a Draft EIR appendix comprising MCWD's December 2005 Urban Water Management Plan. In preparing the Draft EIR, the City considered that approach. The City ultimately decided that it would be easier for the public and decisionmakers to read about the existing water resource conditions and water planning in the Water Resources Chapter itself, so that the information could be integrated as closely as possible into the Draft EIR's impact analyses. Note that MCWD's December 2005 Urban Water Management Plan is incorporated by reference into this EIR and has been, and remains, available for public review. See Draft EIR at III-3 to III-4. In the City's estimation this format was more conducive to providing for adequate information to the public and decisionmakers. For that reason the City decided to proceed with the method used in the Draft EIR.
- 1.3 The commenter notes the Draft EIR's conclusion that the City's 1,325 acre-foot per year ("afy") allocation of FORA groundwater will be sufficient to satisfy the future water demand projected to arise from completion of the Cypress Knolls, Marina Heights and Marina Community Partners redevelopment projects. However, the Draft EIR's conclusion is not based upon "average water demand for the existing Marina-Ord Community," as the commenter suggests. The Draft EIR's conclusion is based upon a comparison of the City's 1,325 afy allocation of FORA groundwater to: (1) actual and projected water demand from existing uses within the City's portion of former Fort Ord; (2) water demand specifically projected to arise from the Marina Heights project; (3) water demand specifically projected to arise from the MCP project; and (4) water demand specifically projected to arise from the Cypress Knolls project. See Draft EIR at IV-G25 to IV-G28. The water demand projected to arise from each of Marina Heights, MCP and Cypress Knolls is based on a detailed factual analysis of each project's exterior landscape design and irrigation systems and each project's interior design, including the numbers and types of water-using fixtures in each type of unit within each project. The deliberate integration of water conservation features into each project's fundamental design means that each project meets and exceeds the requirements of MCWD's new water conservation ordinance. Most, if not all, existing development within the Marina-Ord Community lacks the water conservation features built into the City's three new projects. Accordingly, the per-unit water demand from existing development in the Marina-Ord community will be higher both in dry years and on average than the per-unit water demand from the new Marina Heights, MCP and Cypress Knolls projects. No facts are cited that would compel a conclusion contrary to the City's analysis and conclusions, which analysis and conclusions show that overall water demand from existing development and the three new projects in the Marina-Ord Community will be met within the City's allocation of FORA groundwater within normal years, dry years and multiple dry years. The commenter correctly notes that new water supplies being developed under MCWD's Regional Urban Water Augmentation Project are projected to come on line starting in July 2008, which is well before build-out of the three new projects and the full development of their water demand. However, the City's allocation of FORA groundwater is more than sufficient to meet the projected demand from existing development in the Marina-Ord Community and from the three new redevelopment projects. The City's future share of water from the Augmentation Project would be used to serve planned future development.

Ms. Jennifer Coile
September 13, 2006
Page 2

Section IV.G.2.d(4), Water Supply Augmentation for the Ord Community, pages IV-G17 to IV-G21: Supply from the proposed Regional Urban Water Augmentation project has not been allocated by FORA to its member land use jurisdictions, and such action is not anticipated until some time closer to the target recycled water delivery in summer 2008. It is reasonable to assume that the City of Marina will receive a portion of that supply for the Marina-Ord Community when it comes available, but all references to this should be labeled as an expectation or assumption.

1.4

Section IV.G.2.d(6), Drinking Water Treatment and Water Quality Monitoring, page IV-G21: The District converted all groundwater disinfection systems from Chlorine to Sodium Hypochlorite in 2005.

1.5

Section IV.G.4.c(3) Program Level Impact Analysis, page IV-G29: It is disingenuous to suggest that the stated remaining Marina-Ord Community water allocation of 30.24 acre-feet per year might be allocated to the proposed city park or senior center adjacent to the Cypress Knolls project without also discussing the competing demands for that supply, which includes the remaining portion of the University Villages Specific Plan (108 acre-feet per year), and the proposed Monterey Peninsula College satellite campus (demand undetermined).

1.6

Section IV.H.2, Water Distribution and Fire Flows, Environmental Setting, Page IV-H1: The District's In-Tract policy requires all water and sewer infrastructure to be replaced as part of redevelopment projects on the former Fort Ord. Additionally, the District's Capital Improvement Plan includes projects specifically required to serve new developments on Fort Ord, including the new water main in California Avenue (now complete, adjacent to Cypress Knolls) and new water storage tanks in Pressure Zone A (scheduled for this FY). The discussion of fire flows identifies shortcomings within the existing system, which serves an unpopulated neighborhood. In several instances, it cites the high pressure measured at one fire hydrant, without noting that the hydrant is at the lowest elevation within the project footprint. To be relevant in this report, an analysis of the system after the required replacements are made must be included. Submittal of a water master plan, which includes such an analysis, is required before the MCWD will concur with a City building permit for a subdivision.

1.7

If you have any questions, please feel free to call me at (831) 883-5930.

Sincerely,


Andrew A. Sterbenz, P.E.
District Engineer

- 1.4 The commenter notes that FORA will allocate Augmentation Project water to the City and other FORA-member land-use jurisdictions in the future and that “[i]t is reasonable to assume that the City of Marina will receive a portion of that supply.” As explained in the Draft EIR, the City is not assuming it will receive any particular share of the Augmentation Project water in order to meet existing demand within the Marina-Ord Community and projected future demand from the Marina Heights, MCP and Cypress Knolls redevelopment projects. Rather, the City considers a future portion of the 2,400 afy of Augmentation Project water as a reasonably foreseeable planned future water supply to meet reasonably foreseeable planned future water demand from probable future development projects within the Marina-Ord Community. See, e.g., Draft EIR at IV-G18, IV-G28, IV-G29. As the Draft EIR explains, MCWD’s December 2005 Urban Water Management Plan concludes that “[t]he Regional Urban Water Augmentation Project is designed to support build-out under the development restrictions imposed by the current Reuse Plan for former Fort Ord,” including in the City’s portion of former Fort Ord. Draft EIR at IV-G30 to IV-G31.
- 1.5 The comment that MCWD has converted its groundwater disinfection systems from Chlorine to Hypochlorite is noted. No response necessary.
- 1.6 The commenter seems to misunderstand the Draft EIR’s program-level impact analysis for the potential future City park and City senior center. The program-level analysis is being performed because the City is not proposing any project-level action that would cause construction of the park or senior center and the creation of new water demand. The City is proposing only a general plan amendment and zoning change that would make any future project-level proposal to build a park or senior center adjacent to the Proposed Project consistent with the general plan land-use designation and zoning. However, construction of a park or senior center could not occur unless and until the City performed further, project-level environmental review on an actual, concrete proposal to build a park or senior center. There are no such concrete proposals at this time. That fact is clearly indicated in the Draft EIR (DEIR page IV-G29). Because no such proposals now exist, the City’s program-level review necessarily projected potential future water demand based on assumed landscaping and other water-related attributes for a potential future park and senior center. Those assumptions and the resulting projected water demand are specified in the Draft EIR. See Draft EIR at IV-G27. The total projected water demand for both uses is 30.24 afy (28 afy for the park and 2.24 afy for the senior center). The City then compared that potential future water demand to the amount of FORA groundwater projected to remain available after build-out of the Marina Heights, MCP and Cypress Knolls redevelopment projects, in addition to existing Marina-Ord Community uses. That remaining amount of FORA groundwater is projected to be 45.51 afy to 36.31 afy, depending on whether one subtracts the 9.2 afy of demand arising from a temporary concrete batch plant. See Draft EIR, Table G-8, at IV-G27. The EIR’s program-level analysis finds that either remaining amount of FORA groundwater would be sufficient to serve the potential future park and senior center and further finds that: “Although existing water supplies are available to serve these two potential future uses, it also is reasonably foreseeable that additional water supplies also will be available in the future to serve the City park and senior center, as well as other planned future land uses.” Draft EIR at IV-G29. Based on those findings, the MCWD’s conclusion that new water from its Augmentation Project is a reasonably foreseeable future water supply, and the fact that any future project-level proposal to construct the park or senior center will require further project-level CEQA review on water availability and other issues, the Draft EIR concludes that “the Proposed Project, combined with the City’s program-level approval of the potential future City park and City senior center, will have a less-than-significant program-level impact on water resources.”

The commenter appropriately notes that additional water demand, including demand from the non-MCP portion of the University Villages Project specific plan and Monterey Peninsula College, may arise in the future from construction of other potential future land uses beyond the potential future city park or senior center adjacent to the Proposed Project. The Draft

EIR's cumulative impacts analysis recognizes that water demand from actual development of those potential future land uses could not be satisfied from the City's existing allocation of FORA groundwater. The cumulative impacts analysis describes the expansive, longer-term supply-and-demand assessment contained in the MCWD's 2005 Urban Water Management Plan and finds that: "Based on the cumulative water demand projected to arise from existing development, the Proposed Project and probable future projects that are allowed under the current, adopted Reuse Plan, and the conclusion of MCWD's 2005 UWMP that '[t]he Regional Urban Water Augmentation Project is designed to support build-out under the development restrictions imposed by the current Reuse Plan for former Fort Ord,' the City concludes that approval of the Proposed Project in combination with other probable future development will have a less-than significant cumulative impact on water resources."

- 1.7 The District points out that the EIR water system analysis evaluated the existing water infrastructure. The EIR identifies inadequacies in the system and provides mitigation based on the data contained in Technical Appendix and concludes that with such mitigation measures, the impact is less than significant. A substitute mitigation measure would be to do as the District states, which is to replace the entire water distribution infrastructure in the tract as a condition of subdivision approval. Mitigation Measure H-1(a) at DEIR page IV-H2 requires that adequate fire flows be provided/constructed to meet standard safety requirements. The project tentative map conditions of approval also require the project applicant to meet with MCWD to discuss permit requirements and conditions prior to starting any construction work. The District also notes that it would require a Water Master Plan for the tract which would demonstrate the sufficiency of the new engineered water system prior to District sign-off on construction permits by the City. The District, correctly, does not state such a plan is required in the DEIR to make the CEQA document adequate. The EIR's analysis and identification of infrastructure deficiencies is adequate to define the impact. The Final EIR Table S and the corresponding description in section IV-H have been modified to include the District's recommended mitigation measure of developing an engineered Water Plan for the tract that demonstrates the provision of adequate pressure and fire flows to meet City and District standards by replacing the water system in the Tract

SEP-20-2006 16:09 FROM:VAL LOPEZ

9164815785

TO:18318849654

P.1

letter 2

**AMAH MUTSUN TRIBAL BAND
3095 EASTERN AVENUE #40
SACRAMENTO, CA 95821
(916) 481-5785**

DATE: 9/12/06

Dear Mr. (Ms) Elizabeth Caraker

Thank you for giving me the opportunity to review the development proposal for the General Plan - City of Marina. Your letter was dated 6/1/06. This site has not been identified as a known archaeological or prehistoric site. Based on our review of your development plan the category(ies) checked below identifies our findings and/or recommendation:

1. _____ We consider this site sacred or of significant cultural importance. We request consultation. Please contact me immediately.
2. _____ I believe this site has a high probability of containing archaeological resources. Consequently we are requesting that the entire site be surveyed and that a monitor be present to observe this project. Tribal members are available to consult regarding our position.
3. _____ I cannot ascertain how promising this type of locations and terrain are for the discovery of culturally important materials. As a general rule, we ask that where construction is to be completed within 300 feet of a natural waterway that a monitor be hired to observe construction within this area. Tribal members are available to consult regarding our position.
4. _____ Based on our review we have determined that it is doubtful that culturally important material will be located on this construction site. In the event that cultural material is found, please notify me immediately.
5. X The location of this site is outside of our traditional tribal boundaries. We suggest that you contact _____ as they may have knowledge and specific concerns of the site.

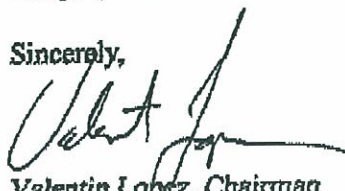
2.1

Additionally, we request that when a monitor is used, that only monitors who have been certified by a Registered Professional Archaeologist and whom is a member/consultant to the Heritage Resources Management Committee of the California Archaeologist Society be used. This request ensures professional, competent, and consistent monitoring of the site.

Our Tribal interest regarding these notifications is to ensure that construction companies are aware of and comply with the steps required by 26 CFR 800.13 (B). Archaeological resources that may be discovered during this project include; ceremonial sites, mythological sites, social/cultural meeting sites, resources gathering sites (i.e., basket materials and traditional food items, trails, historical events and sites and others). In the event that any of the above items are found I request that our Tribe be contacted immediately.

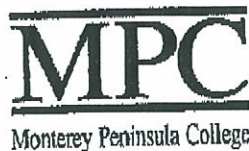
On behalf of the Amah Mutsun Tribal Band I want to thank you for the opportunity to review this proposal.

Sincerely,


Valentin Lopez, Chairman
Amah Mutsun Tribal Band

Responses to Letter 2- Amah Mutsun Tribal Band

2.1 The letter notes that the Amah Mutsun Tribal Band boundary does not include the Cypress Knolls site and no comment on the EIR is included.



980 Fremont Street, Monterey, California 93940-4799 • 831/646-4000 • FAX 831/655-2627

Douglas R. Garrison, Ed.D., Superintendent/President

letter 3

September 27, 2006

Ms. Jennifer Coile, AICP
City of Marina
Development Services Department
3056 Del Monte Avenue, #205
Marina, CA 93933

**Re: Cypress Knolls Draft EIR
REQUEST TO EXTEND THE PUBLIC REVIEW PERIOD FOR 30 DAYS**

Dear Ms. Coile:

This is a request to extend the public review period of the Cypress Knolls DEIR for an additional 30 days. This additional time would allow two critical actions to occur:

1. Time for Monterey Peninsula College (MPC) to consider the impacts Cypress Knolls has on our planned MPC education center located immediately south of the Cypress Knolls project site, and
2. Time for the City of Marina to consult with MPC regarding what I believe are unintended consequences of the Cypress Knolls proposed access through the center of our future MPC education center.

Monterey Peninsula College (MPC) owns approximately 21 acres immediately south of the Cypress Knolls project and north of Imjin Parkway. Third Avenue and 12th Street bisect our property. A map presenting the boundaries of our property is attached. The Cypress Knolls project proposes access from Third Avenue via Imjin Parkway, directly through the center of our future MPC education center.

At this time, MPC has conflicting data as to what agency actually owns Third Avenue and 12th Street. My staff is currently trying to obtain verification as to which agency has title to these facilities: MPC, City of Marina, Fort Ord Reuse Authority, or the United States Government.

The Cypress Knolls DEIR fails to acknowledge that MPC owns the 21 acres south of Cypress Knolls (Notice of Availability of Cypress Knolls DEIR; pg. 111-2/3 surrounding land uses; page 111-7 Map 10 Significant Planned Projects in the City of Marina; page IV-D 9 project access; etc.) In fact, other than one obscure reference in the traffic section of the DEIR (page IV-D 21) I can find no mention of MPC's plans for an education center site in the DEIR, even though the city general plan and the Fort Ord Reuse Plan both identify the site as an educational facility.

Responses to Letter 3- Monterey Peninsula College

- 3.1 The City was required to submit the DEIR to the State Clearinghouse for a 45-day review period. Pub. Res. Code § 21091(a). The City did so. The review period for the DEIR began on August 17, 2006, and ended on October 2, 2006; it was 46 days in length. The City went above and beyond the requirements of CEQA in its distribution of the notice of availability of the DEIR. In addition to providing the notice to persons and entities who had requested notice (Monterey Peninsula College had not), as required by CEQA Guidelines section 15087(a), or who had submitted comments on the NOP, the City provided notice of availability of the DEIR in three additional ways: 1) Posting at the site 2) advertisement in a newspaper of general circulation and 3) overnight delivery to all occupants and owners (based on the latest equalized assessment roll) of property contiguous to the Project boundaries. The *CEQA Guidelines* 15087(a) allows the lead agency to use any one of these methods; the City choose to exceed the minimum requirements and utilized all three methods.

The Commenter has indicated that as owner of 21 acres located to the south of the project, it should have received mailed notice of the availability of the DEIR. As set forth above, CEQA Guidelines section 15087(a) does not require mailing of notice to owners of contiguous property, as long as one of the other two noticing methods is used. Nevertheless, the City chose to do such mailing even though the City also posted the notice on site and published notice in the newspaper. Such mailing did not include Monterey Peninsula College because the latest equalized assessment roll provided to the City by Monterey County Assessor's Office in July 2006 showed the parcels in question (APN 031-251-001, -002, -003, and -004 as shown on the attached map) as owned by the United States Government, not Monterey Peninsula College. The transfer of the subject property to Monterey Peninsula College had not been reflected on that roll at the time of the NOA mailing. The City reasonably relied upon the latest assessment roll. Monterey Peninsula College has been aware of the Cypress Knolls project for some time. Its "*MPC – Fort Ord Education Center – Conveyed Parcels – Physical Master Plan*" dated March 14, 2006, references the Cypress Knolls project as a residential retirement community to the north of 12th Street. P. 14. In addition, at a meeting on June 28, 2006, representatives of MCP met with the then Project Manager for the Cypress Knolls project, Elizabeth Caraker, and obtained basic information about the project. MCP did not submit a request to receive notices regarding the project, and for that reason, its name was not placed on the list of interested parties. Nonetheless, during the first week of its availability (*i.e.* during the week of August 21, 2006), Ms. Caraker spoke with MCP representatives and directed them to the website where they could download the entire DEIR and its technical appendix.

For these reasons, the 45-day review period was not extended in response to MPC's request. MPC did submit a second letter after the close of the comment period. That letter is referenced herein as "letter 8". Even though the letter was submitted after the deadline, the City has chosen to respond pursuant to Public Resources Code section 21091(d)(2)(A). Because letter 8 is considerably more detailed than letter 3, the City has chosen to put its detailed responses in the responses to letter 8.

- 3.2 Refer to responses to letter 8, particularly response 8.4.
- 3.3 Refer to responses to letter 8, particularly responses 8.2 and 8.3.

DEIR Appendix A, Notice of Preparation, includes the list of agencies to which the notice of preparation was distributed. MPC is not on that list and subsequently did not receive an NOP. In addition, MPC has no record of receiving the Notice of Availability of the draft EIR that was released on or about January 31, 2005, or the earlier version of Notice of Availability that was released on or about August 13, 2004 (DEIR page I-5). I assume that since MPC was not on the NOP distribution list, MPC was not on the notice of availability distribution list as well. I am assuming this was an unintentional oversight.

Therefore, because MPC has been left out of both the planning process and CEQA process for Cypress Knolls, I request that the public review period for comments on the DEIR be extended for 30 days. In addition, we request a meeting as soon as possible between MPC staff, the city manager, the community development director, and the Cypress Knolls developer to discuss Cypress Knolls impacts on the MPC education center and to find a solution that benefits all parties.

I look forward to receiving your immediate response.

Sincerely,


Douglas R. Garrison, Ed.D.
Superintendent/President

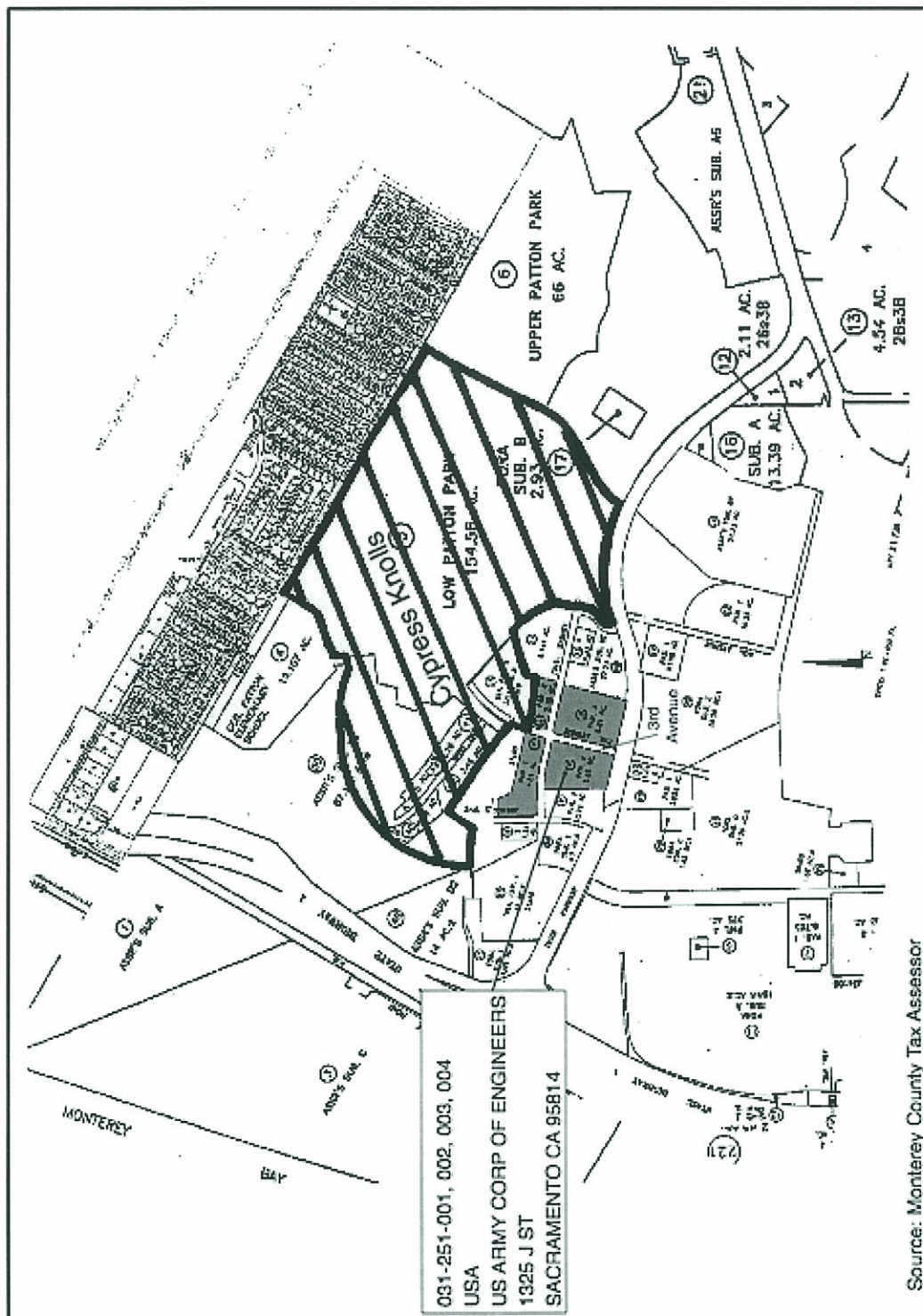
Enclosure: Map

copy: Douglas A. Yount, Director Strategic Development Center
Anthony Altfield, City Manager
Ila Mettee-McCutcheon, Mayor

Letter to City of Marina_CypressKnolls
September 2006

Governing Board: Dr. Jim Tunney, Chair; R. Lynn Davis, J.D., Vice Chair; Dr. Robert Infelise; Charles H. Page, J.D.; Dr. Loren Steck; and Ms. Renée Infelise, Student Trustee

- 3.4 Refer to response 3.1 above, and to the responses to letter 8, particularly response 8.2.
- 3.5 Refer to response 3.1 above, and to the responses to letter 8, particularly response 8.2.



July 2006 Assessment Roll Map for Project Area

letter 4

Monterey Peninsula Unified School District
700 Pacific Street P.O. Box 1031 Monterey, CA 93942-1031

September 26, 2006

Ms. Jennifer Coile, AICP
Project Manager-Cypress Knolls
City of Marina Strategic Development Center
3056 Del Monte Blvd. Suite 205
Marina, California 93933-3856

COMMENTS ON DRAFT EIR FOR CYPRESS KNOLLS

Dear Ms. Coile,

Thank you for meeting with us to discuss the project and the EIR.
The Monterey Peninsula Unified School District submits the following
comments on the Draft EIR.

1. Proposed Park-School Site

(a) The project description changes the "Park-School" lot to an
"Open Space-Potential Future Park" (see page I-11). The Notice of
Preparation and all earlier documents label this parcel as a
"Park-School" site. The school district believes this parcel is a
potential school site.

4.1

(b) This project proposes to change the General Plan designation
of this Park-School parcel from Residential to "Open Space". We
are informed by City staff that a school is not allowed in an Open
Space area. We believe that a "Public Facilities" or a similar
designation is essential to allow either a park or a school. Zoning
also should allow either a park or a school.

4.2

Responses to Letter 4- Monterey Peninsula Unified School District

- 4.1 As the Lead Agency, the only intention that the City has for the subject parcel located in the southeast segment of the site is to use it for a potential public park. The City owns that site and the site is identified in the City's adopted *Parks and Recreation Master Plan* and Capital Improvements Program: 2005-2020 (CIP) as a park site. However, because no plan has been developed for the park as of this time, the development and usage of the site as a public park has only been studied at a programmatic level. Once a park project is developed, subsequent environmental review will be completed on the site prior to the construction and operation of the public park. Development of the site as a school is not part of the project. For this reason, the City determined that a logical designation for the site was Open Space (which designation permits a public park). Therefore, the DEIR describes a General Plan / zoning change of the parcel to Open Space. Another appropriate designation for the park site is "PF" or "Public Facility District". Pursuant to Marina Municipal Code section 17.11.020(D), public recreational facilities are permitted uses within that district. Since either designation is appropriate for public parks, the City has chosen at this juncture to revise the General Plan Amendment and Zone change maps in the Final EIR as Maps R3a and R3b to designate the site as Public Facilities (PF). The PF designation would allow a park or a school. Should the District decide in the future to develop the park site as a school, the District would have to acquire the site from the City and complete all other necessary steps before developing a school at this location, including those set forth in response 4.3, below. Because the District had expressed some interest in the site for a fallback¹ school site at some time in the future, in order to be conservative, the City included the school in the cumulative condition analysis.
- 4.2 See Response 4.1.

¹The City's understanding is that the District's preferred site for a new school is in University Villages. However, at this point in time, the District is still ascertaining whether its preferred site is suitable.

page 2

(c) The EIR considers impacts from a park or school only under Cumulative conditions. The analysis should show the likely development of a school and joint-use park on that property under the Project and Existing Plus Project conditions.

4.3

2. Access to Marina High School

This project will eliminate Rendova Road, currently the only street access to Marina High School. We thank the city for its assistance in building a new access from Patton Parkway and Crescent Street. Once built, Second Avenue between Imjin Parkway and Patton Parkway will provide vehicle access from the south. City staff has confirmed the Second Avenue project is in the City's Five-Year Capital Improvement Program. The school district must insist that no closure of Rendova Road occur until the new access to Marina High School is in place from the south.

4.4

3. Patton Parkway/California Avenue Intersection

Please confirm the EIR analyzed the need for stop signs on California Avenue at Patton Parkway using traffic volumes at buildout of Marina High School (1,300 students), which is expected within ten years.

4.5

4. Assurance of Water Availability

Please confirm that water will be available should a school be built on the Cypress Knolls Park-School site prior to completion of the urban water augmentation project.

4.6

5. Existing Sewer Line from Marina High School

Marina High School's existing sewer line extends southwest from the school under the Cypress Knolls project. Please confirm this utility line will remain operational to serve the school. We understand the project may have to relocate and replace portions of this line.

4.7

6. Drainage and Storm Water Run Off

Please confirm there will be sufficient capacity for both Cypress Knolls and Marina High School in the retention basin west of Cypress Knolls and south of Marina High School.

4.8

4.3 The comment states that the public park was only studied in the cumulative condition scenario. This is incorrect. The DEIR did assume that a public park would be developed on the site and the impacts of that park on a program level were taken into account in the project level analysis. For example, the trips associated with the park (880 daily trips) were accounted for in the traffic analysis. See DEIR, p. IV-D17, Figure D-3. However, as explained in the EIR at pages I-13 and elsewhere, the City is considering (and therefore analyzing) the park at a programmatic level. At this point in time, the City has not developed plans to construct or operate the park, however the CIP shows park design as being slated for the 2013/14 fiscal year, and construction in occurring in the 2014 to 2020 time frame. Once the City has developed its capital improvement plans for the park, it will complete project level CEQA review before it proceeds with the construction. While the City does desire to construct a public park on the site in the future (again, subject to further CEQA review at the project level once park plans are developed), the City has no intention of constructing a school on the property. As Lead Agency, the City's sole intention with regard to the site is to eventually develop and operate a public park at that location. It would be speculative for the City to attempt to predict what the District might wish to develop on the City's property or when it might wish undertake such development or if the District would be able to accomplish such development. The comment suggests that the City should not only make these predictions, but that it should also describe the District's activities as part of the Proposed Project. This runs contrary to the requirement of CEQA that the project description should not include uncertain or speculative future activities. The City opted for a less speculative method of accounting for the District's potential interest in the site, namely, to consider a school in the cumulative project scenario. The City's treatment of school as a long-term (cumulative) project rather than a near-term project is supported by, among others, the following facts:

- The District is very early in the process of identifying candidate sites for a new school in the former Fort Ord area. The District has been involved in the planning process within the former Fort Ord and Patton Park. The District's Strategic Plan for 2003-2008 called for it to develop a plan, with input from local governments, for where and when facilities are needed. (See Strategy 6.1). In addition, the District was to prepare a 20-Year Capital Facilities Plan. To the City's knowledge, such plans have not been completed or shared with the City. The District is proposing that the District, area cities, and major developers enter into a Memorandum of Understanding in 2007 which would facilitate school siting efforts. The District has in the past indicated that a middle school may be needed in the future, and that the 18-acre site could be a candidate site for a new middle school. However, enrollment projections have not confirmed the need or timing for the middle school. The latest financing plans of the District suggest that it intends to expand one of the existing middle schools rather than using the 18-acre site as a middle school.
- To the City's knowledge the District is planning to develop an elementary school within the University Villages area. The City recently was advised that the District is considering the Cypress Knolls site as a potential fallback site if the University Villages site is determined to be infeasible.
- Before the District could commence the process to acquire the City's 18-acre park as a school site, the District would have to comply with numerous state Education Code and Public Resources Code requirements and would have to gain State Department of Education approval of the location as a candidate school site. The steps the District would have to go through include:
 - Determine that the site would not be disqualified by (a) having current or former hazardous waste, (b) having been identified as a hazardous release site by the Department of Toxic Substances Control, and (c) having pipelines that carry certain hazardous substances, etc. (Ed. Code § 17213 (a); see also Pub. Resources Code § 21151.8 (a)(1); 14 CCR § 15186 (c)(1).)
 - Conduct a public hearing before the District's governing board to determine whether the candidate site meets the criteria established by the State Department of Education (Ed. Code section 17211).
 - Complete CEQA review which requires consultation with responsible and trustee agencies, including the air pollution control district to determine whether the

candidate school site is within one quarter mile of any facility that might release any hazardous substances in to the air. (Ed. Code § 17213 (b); *see also* Pub. Resources Code § 21151.8 (a)(2); 14 CCR § 15186 (c)(2).)

- Make one of the following written findings: (1) consultation identified none of the facilities or pollution sources specified in Education Code section 17213(b); (2) the facilities or pollution sources exist, but one of the mitigating conditions listed in Education Code section 17213(c)(2) applies. (Ed. Code § 17213 (c); *see also* Pub. Resources Code § 21151.8 (a)(3); 14 CCR § 15186 (c)(3).)

Given the uncertainty as to whether the 18-acre site will ever be developed as a school, the DEIR's treatment of the potential future school as a cumulative project is conservative.

- 4.4 Marina High School currently only has one access point, Rendova Road, which meanders through the vacant Patton Parkway housing area of former Fort Ord. The High School at all times will have at least one vehicular access point. Patton Parkway from California Avenue west to the school boundary is scheduled to be completed in mid-2007 and will provide replacement access to the school. Project access for the Existing Plus Project and Background Plus Project conditions were modeled in the traffic study assuming that 2nd Avenue was not completed between Imjin Parkway and Del Monte Boulevard/Reindollar Avenue. The extension of 2nd Avenue between Imjin Parkway and Reindollar Avenue is a \$7 million CIP project for the City. The City is slated to expend \$850,000 for the completion of the engineering and design in the 2006/2007 fiscal year, and the construction is slated to be completed during the 2008/2009 fiscal year. In conjunction with the extension of 2nd Avenue to the north, Patton Parkway will be extended to the west to connect to 2nd Avenue providing an alternate access to the high school. Required project grading will close off Rendova Road, after Patton Parkway's completion. An eight foot wide pedestrian/bike trail along the western project boundary would provide a second access point (i.e., something not in existence now) to the school. This trail has been required as a planning measure and is not a mitigation measure for any significant environmental impact. The project Conditions of Approvals would ensure that the trail is open and connects to 3rd Avenue before Rendova Road is closed. The Traffic Impact Analysis prepared by Higgins Associates assumed the access to the school was as described above. For Existing Plus Project and Background Plus Project the high school is accessed via Patton Parkway and Crescent Avenue. The 2nd Avenue/Patton Parkway was not assume in the network. When the Patton Parkway/2nd Avenue connection is in place, the traffic flow will improve from what was projected in the EIR.
- 4.5 The intersection of California Avenue/Patton Parkway is identified in the DEIR and in the Traffic Impact Analysis (Appendix E) as Intersection No. 13. It was analyzed as a one-way stop, with the stop control on the Patton Parkway approach to California Avenue and no stop controls on California Avenue. Mitigation Measure D-4 requires that a left turn lane be added to California Avenue at the northbound approach to Patton Parkway. This lane is being designed in the Patton Parkway project and will be installed in 2007. With this improvement, EIR traffic analysis demonstrates that the future traffic would not warrant a three way stop at California Avenue and Patton Parkway. The City's traffic assumptions regarding Marina High School were based upon its existing operation. As stated on page III-1, the City's understanding is that the facility is currently being used as a combination high school (grades 9-10), evening adult school, and special education school for younger children. The comment references a plan to build out the school and increase enrollment to 1,300 students. The City has not been notified of any such project. To the contrary, at the October 19, 2006 "Neighbors Meeting" for the Cypress Knolls project, the Principal of the High School stated that the maximum enrollment would be 600 students. A review of the State Clearinghouse's CEQAnet Database revealed no project to increase enrollment at the school. The City assumes that at such time as the District approves a project which involves an increase in enrollment at the High School, the District will need to perform an intersection analyses to determine if a stop sign on California at the northbound and southbound approaches to Patton Parkway is warranted. In addition, the City's Public Works Division periodically completes stop sign warrants analysis in various portions of the City. Should the District believe that increases in school enrollment justify further additional improvements at the California Avenue/Patton Parkway intersection, the District should coordinate with the Public Works Division so that the intersection may be studied.

- 4.6 The commenter inquires about the availability of water to serve a new K-8 school, if such a school were developed in the future on the City's potential future park site adjacent to the Proposed Project. At this time, there is no specific proposal or location for this school. The answer to MPUSD's question therefore depends on a range of potential future events, including when development of such a school might actually be proposed, the specific design of such a school and the resulting water use projection that would apply to the specific design, and what kind of development proposals might have been approved by the City following the Proposed Project but before an actual school development proposal. As explained in the Draft EIR, 45.51 afy of the City's existing FORA groundwater allocation would remain available to serve new future uses in the Marina-Ord Community after satisfying existing demand and meeting new demand from build-out of the Marina Heights, Marina Community Partners and proposed Cypress Knolls projects. See Draft EIR at IV-G29. Of that 45.51 afy, the City assumes that potential future development of an 18-acre City park adjacent to the Proposed Project site would demand a projected 28 afy, leaving a projected 17.51 afy for a potential future City senior center or other future new uses in the Marina-Ord Community. Draft EIR at IV-G27, IV-G29.

Conversion of the future City park into a future K-8 school would change the water use on the park-school site. The actual resulting net water use for the converted site cannot be projected absent an actual, detailed development proposal specifying all the water-using features that will be constructed across the entire site. For the present projection exercise, the City assumes that a K-8 school would demand approximately 13.14 afy (assuming development of a school similar to Marina Del Mar Elementary School or Los Arboles Middle School). Assuming 13.14 afy of future school-park site demand, the City would have 32.37 afy of FORA groundwater available for future uses in the Marina-Ord Community. Thus, assuming that a K-8 school were developed at the potential future City park site adjacent to the Proposed Project prior to the availability of water from the Regional Urban Water Augmentation Project ("Augmentation Project") now being developed by Marina Coast Water District ("MCWD") with assistance from the Fort Ord Reuse Authority ("FORA"), supplying a potential future school with 13.14 afy of FORA groundwater would still leave some 32 afy of existing FORA groundwater available for a potential future City senior center and other future uses within the Marina-Ord Community.

Although the preceding projection analysis addresses the scenario proposed by the commenter, the City anticipates that the MCWD's Augmentation Project will make additional water supplies available to serve existing and future uses within the Marina-Ord Community prior to any firm proposal to actually construct a K-8 school at the City park site or elsewhere in the Marina-Ord Community. There is no actual proposal to construct a K-8 school at the potential future City park site nor, for that matter, has a specific location for the K-8 school been selected. As explained in the Draft EIR, the Augmentation Project is scheduled to make recycled water available for landscape irrigation uses starting in 2008 and to make potable water from desalinated seawater available starting in 2009. See Draft EIR at IV-G20 to IV-G21. Because the Proposed Project and other redevelopment projects, like the MCP and Marina Heights redevelopment projects, are designed to use the new recycled water in place of the existing potable FORA groundwater, the Augmentation Project is expected to free up potable FORA groundwater for City reallocation. See Draft EIR at IV-G27 to IV-G28. Any such reallocation water would add to whatever FORA groundwater was available through the City at the time of an actual future K-8 school construction proposal. The planned availability of potable water in 2009 from the Augmentation Project's seawater desalination component would further increase the future water supplies projected to be available to support an actual future K-8 school construction proposal.

Thus, regardless of whether Augmentation Project water becomes available within the Marina-Ord Community before an actual future K-8 school construction proposal, the City projects that sufficient water supplies would exist to serve development of a school at the park site adjacent to the Proposed Project.

- 4.7 The project is proposing to relocate the subject sewer line within the trail easement immediately west of the Proposed Project property and an approximate coterminous sewer easement will be established. When this sewer infrastructure is built, the sewer lines would be staged to maintain continuous service to the school. A project Condition of Approval will require the project to maintain sewer service to the school during all project related sewer construction work.

page 3

7. Sidewalks on California Avenue

Please confirm there will be a sidewalk on the west side of California Avenue between Imjin and Patton Parkway (see page IV-D 12). If stop signs are not installed at the California Avenue-Patton Parkway intersection, an off-street bike lane is needed on the west side of California so that pedestrians and cyclists may cross at the signalized California Avenue-Main Street intersection and then proceed north to Patton Parkway.

4.9

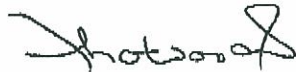
8. Schools Section

Page IV-L-11 states Stilwell School is in the Fredricks-Schoonover housing area. This is incorrect. Stilwell is in the Seaside area of Fort Ord.

4.10

4.11

It is essential that these issues are addressed before the Draft EIR is finalized. Please contact me if you have any questions at (831) 645-1227. I am the school district's sole point of contact in this matter.



Tom Woodruff
Chief Business Officer
Monterey Peninsula Unified School District

copies: John Lamb, MPUSD Superintendent
Doug Yount, Director, Marina SDC
Michael Shaw, Cypress Knolls representative
Bill Jennings, Front Porch

- 4.8 EIR Section IV-I on page IV-I1 states that the project and program level part of the Proposed Project were included in the stormwater basin calculations. In addition, the cumulative analysis section on page IV-I4 indicates that the basin calculation includes all tributary portions of the watershed draining to the basin, which does include the high school site. The EIR also concludes the basin has excess capacity with all the basin watershed considered. In addition, the Appendix C, Supplemental Report - Retention Basis Analysis, concludes on page 5 that the existing retention basin has adequate storage capacity for surface runoff generated in the tributary watershed.
- 4.9 A sidewalk is currently provided on the west side of California Avenue between Imjin Parkway and Reindollar Avenue (Patton Parkway is between Imjin Parkway and Reindollar Ave.). The EIR page IV-D24 is changed to indicate that the sidewalk on California Avenue is on the west side of the street.
- 4.10 Comment noted and correction made to page IV-L11 in the FEIR RTC volume.
- 4.11 The responses and corrections noted above address this comment.



MONTEREY BAY

Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

AIR POLLUTION CONTROL OFFICER
Douglas Gustin

letter 5

October 2, 2006

Ms. Jennifer Coile, AICP
City of Marina Development Services Department
3056 Del Monte Avenue, #205
Marina, CA 93933

Sent by Facsimile to:
(831) 384-7063.
Original by U.S. Mail.

SUBJECT: DEIR FOR CYPRESS KNOLLS

Dear Ms. Coile:

The District submits the following comments on the Draft EIR:

Demolition of 230 Duplexes of Former Patton Park

Please contact Mike Sheehan of the District's Compliance Division regarding District information and requirements prior to any demolition activity.

Environmental Issue. Page IV-F-1.

The U. S. Environmental Protection Agency and the California Air Resources Board establish standards for criteria air pollutants. They are not regionally established criteria.

Area Sources – ROG. Page IV-F-23.

The document specifies that for purposes of estimating emissions of ROG, the estimated number of people per residential unit was two, due to the fact that the residential development would be dominated by senior housing. Unless these residential units include a restrictive covenant prohibiting all but senior citizens, this assumption and its associated emissions should have been evaluated and compared to unrestricted housing availability in the development.

Construction / Fugitive Dust. Page IV-F-24.

To reduce the impacts of fugitive dust on residents, the District suggests that construction begin in the most upwind area of the project site. Otherwise, the first residents to occupy the residential units would be subjected to later phases of construction dust.

Rule 439, Work Practice Rule. Page IV-F-26.

Rule 439 was adopted by the District Air Board on September 20 and is enforceable.

5.1

5.2

5.3

5.4

5.5

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Responses to Letter 5- Monterey Bay Unified Air Pollution Control District

- 5.1 The DEIR Air Quality section addresses the demolition-related asbestos and lead impacts that relate to the Compliance Division's authority and interest. The EIR preparers communicated with Mike Sheehan (July 14, 2006) during that section's preparation. This comment effectively reiterates the APCD's recommended contact point for relevant rule compliance discussed in the DEIR. Future communications with Mike Sheehan regarding demolition issues would now occur within the context of the recent adoption of Rule 439, whose work practice provisions (as a proposed rule) were the basis for the DEIR's relevant demolition-related air quality mitigation measures. Prior to issuing the demolition permit, the City will again contact Mr. Sheehan to inquire whether the District has any additional information or requirements. If additional requirements have been adopted by the District and are required of the project, then those requirements will be made a condition of the demolition permit. This requirement has been added to the implementation of Mitigation Measure F-3 in the Mitigation Monitoring Plan.
- 5.2 The "regionally-established criteria" referred to in this comment are significance criteria for project-generated emissions established (for CEQA analysis purposes) by the applicable air district (in this case, the MBUAPCD), not ambient air quality standards (which appears to be how the commenter interpreted this phrase). The context within which this phrase occurs is in an introductory paragraph on page IV-F1, under the heading "1. Environmental Issue: is: "Any development project capable of generating air pollutant emissions exceeding regionally-established criteria is considered significant for purposes of CEQA analysis...." The term "criteria" is applied in the context of emissions (for which many air districts have established recommended CEQA significance thresholds) rather than concentrations (for which the federal and state agencies referred to by the commenter have established ambient air quality standards). The main body of the Air Quality section discusses both ambient air quality standards and CEQA significance thresholds in the appropriate contexts.
- 5.3 Condition of Approval No. 20 requires that the CC&Rs impose age restrictions to insure that the project remain a seniors only project. The CC&Rs will contain a provision that the age restriction may not be amended without the City's consent. In order to remain consistent with the General Plan, the project must a seniors project. The affordable housing units are also required by the Disposition and Development Agreement to have recorded age restrictions on the units.
- 5.4 The DEIR requires the implementation of Mitigation Measure F1, which consists of numerous steps to insure that fugitive dust not become airborne. (DEIR, pp. IV-F34 to IV-F35.) The DEIR concludes that the application of these measures, the impacts of fugitive dust will be less than significant. (DEIR, p. IV-F35.) The comment references the discussion of Particulate Matter on page IV-F24. As explained in the referenced paragraph, the DEIR's air quality analysis was prepared based on the assumption that the first phases of the project would be occupied while later phases are being constructed. While the District's suggestion about phasing the project such that the most upwind area is constructed first could result in minor reductions in the levels of fugitive dust experienced by occupants of the site during later phases of construction, given the fact that the impact has already been reduced to a level of insignificance, the City believes the further measure is not warranted. The sequencing of construction would likely be dependent on a number of factors, including infrastructure logistics. Often these logistics cannot be determined far in advance. Within this context, it would be prudent to rely on measures such as dust control that are not subject to the same constraints and uncertainties.
- 5.5 The rule adoption occurred after publication of the DEIR. The DEIR adequately addresses the requirements of Rule 439 in the context of lead abatement based on the then status of the rule (adoption pending) at the time of publication. In the context of the Cypress Knolls analysis, the primary implication of the rule's subsequent adoption is that corresponding control measures addressed in the DEIR as recommended mitigation measures are now – as the commenter indicates – enforceable under regulation. In the Final EIR, the following sentence will be added to page IV-F26, Paragraph 2)(a)(ii): Note: On September 20, 2006, the APCD Board adopted Rule 439, which is now enforceable. This project will be required to comply with Rule 439.

5.6

Mitigation Measure F-1. Fugitive Dust Measures.

The District suggests the following set of measures to reduce impacts of fugitive dust from construction activities.

- ♦ Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.
- ♦ Water graded / excavated areas at least twice daily. Frequency should be based on the type of operations, soil and wind exposure.
- ♦ Prohibit all grading activities during periods of high wind (over 15 mph)
- ♦ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
- ♦ Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.
- ♦ Haul trucks shall maintain at least 2'0" of freeboard.
- ♦ Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- ♦ Plant vegetative ground cover in disturbed areas as soon as possible.
- ♦ Cover inactive storage piles.
- ♦ Install wheel washers at the entrance to construction sites for all exiting trucks.
- ♦ Pave all roads at construction sites, as practicable.

5.7

Mitigation Measure F-2. Particulate Matter.

If the City plans to condition the project by prohibiting wood burning fireplaces to no more than 35 units, the Building Plans and the Building Permits should include this express condition on all but 35 units, and the restrictive covenant should be recorded on the Abstract of Title for each of the 737 applicable properties sold in Cypress Knolls.

5.9

Mitigation Measure F-3. Lead-based Emissions / Demolition.

The Air District's recently adopted Rule 439 should be substituted for the mitigation listed in the DEIR and is attached for your reference.

5.9

Mitigation Measure F-4. Diesel Risk.

Mitigation Measure F-4, as proposed, is vague. The Air District suggests the following mitigation as a substitute:

1. All pre-2003 model-year and older diesel-powered grading, construction and demolition equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters, or all grading, construction and demolition equipment working on the project shall be fueled with B20 biodiesel fuel;

5.10

2. The Project Applicant or his construction contractor shall maintain records of all purchases of diesel oxidation catalyst filters or B20 biodiesel fuel associated with item 1, above, until all grading, construction and demolition work has concluded; and

- 5.6 Many of these measures are identical or similar both to those that are included in the APCD's CEQA Air Quality Guidelines and those that were already included in the DEIR. However, the City will make the minor revisions necessary in order to conform Measure F1 to the text in APCD's Comment No. 5.6. The commenter's recommended measure regarding tree windbreaks is not expected to be applicable to project construction due to the existence of extensive arboreal and topographic barriers already present near the windward perimeter of the project site and expected to remain substantially intact during construction. However, most of the specific differences between the commenter's recommended mitigation list and corresponding measures already included in the DEIR have been included in the following revisions to DEIR Mitigation F1 incorporated by reference into the FEIR:

"Mitigation F1: To mitigate fugitive dust emissions related to project construction, the following shall be implemented:

Prepare an Fugitive Dust Control Plan to be reviewed and approved by the City, which should include the following as applicable:

- Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.
- Water all active construction areas as needed at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Prohibit all grading activities during periods of high wind (one-hour average speeds of over 3015 mph as measured at a height of approximately 10 feet above ground level within areas scheduled for grading).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.
- Haul trucks shall maintain at least 2'0" of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Sweep streets if visible soil material is carried out from the construction site

Construction-related vehicles and mobile equipment access routes shall be specified – and roadway and parking lot (re)paving shall be sequenced within the overall construction schedule – so that such vehicles and equipment can make the maximum practical use of paved internal roadways and parking lots, either existing or improved/reconfigured as part of the project.

- 5.7 The commenter's recommended modification to Mitigation Measure F-2 will be used to reinforce the applicable DEIR mitigation discussion as follows:

"Mitigation F-2: To mitigate PM₁₀ emissions related to residential fuel combustion, limit wood-burning appliances to wood fireplaces, and permit installation of such appliances into no more than 35 residential units. For all other units, applicable building plans and permits shall exclude and prohibit all wood-burning appliances. This restriction shall be recorded on the Abstract of Title for these other units."

- 5.8 See response to Comment 5.5. The applicable DEIR mitigation text is virtually identical to the Work Practice Standards presented in provision 3.2 of Rule 439 as adopted. The fact that these measures are now required by adopted regulation is acknowledged.
- 5.9 The intent of the EIR preparers in generating Mitigation Measure F-4 was to balance mitigation flexibility and effectiveness. The APCD's preference for their recommended mitigation language is acknowledged. Furthermore, the APCD is acknowledged as both the key reviewing agency for air quality impacts relating

to local land use development project proposals within its jurisdiction and as the promulgator of the methodology and recommended significance thresholds applied in evaluating Impact F4. This recommendation will be incorporated into the Final EIR and the Mitigation Monitoring Plan measure F-4, as follows:

"Mitigation F-4: To mitigate Toxic Air Contaminant emissions related to other aspects of Project Construction, the following measures shall be implemented:

All pre-2003 model-year and older diesel-powered grading, construction and demolition equipment shall either be properly retrofitted with suitable diesel oxidation catalysts (DOCs) verified by the ARB and/or U.S. EPA, or operated with B20 biodiesel fuel working on the project; and

The Project Applicant or the project's construction contractor shall maintain records of all purchases of DOCs or B20 biodiesel fuel associated with the preceding bulleted item until all project-related grading, construction and demolition work has concluded.

- 5.10 This recommendation will be incorporated into the Final EIR and the Mitigation Monitoring Plan measure F-4.

Traffic and Circulation.

Table F-7. PM10 Emissions Related to Construction

This table reported a total of worst case simultaneous construction emissions of 143 lbs./day. District staff estimate differs. Based data in the DEIR, including demolition of 230 duplex structures at approximately 1600 sq. feet each, staff estimates are somewhat higher, as shown in the revised Table F-7 below. The District calculated 168 lbs./day vs. 143 reported in DEIR Table F-7.

Revised Table F-7 PM10 EMISSIONS RELATED TO CONSTRUCTION		
Revised by MBUAPCD		
Construction Phase		Without Mitigation PM10 (lbs. /day)
Description		
1	Demolition	15
2	Site Grading	100
3	Construction	53
Worst-Case Simultaneous Total Emissions		168
Significant ?		Yes
Notes: MBUAPCD revision based on demolition of 230 duplex structures est. 1600 SF each. Construction impacts calculated with URBEMIS 8.7 for the winter of 2007		

5.11

- 5.11 The APCD's estimates of demolition and construction-related PM₁₀ emissions are acknowledged. The comment provides only very limited information regarding the assumptions used to generate those estimates.

Those APCD emission estimates include a value for demolition that is about 27% of the corresponding unmitigated value reported in the DEIR, a value for site grading that is about 78% of the corresponding DEIR value, and a value for building construction that is about 120% of the corresponding DEIR value. In other words, when these individual phases of construction are considered separately, the DEIR values are higher (more conservative) for two phases and lower for one phase.

The APCD's revised Table F-7 included in this comment – like the DEIR version of this table – shows emission values in units of pounds per day, corresponding to the units upon which the APCD's applicable significance criterion is based. A review of the APCD's revised version of this table suggests that its preparer assumed that demolition, site grading and construction activity would be occurring on the site simultaneously on a single day represented by their estimates.

The EIR preparers have provided original URBEMIS input files to the APCD to assist them in discerning how the approach discussed in the DEIR Air Quality Section's "Method of Analysis" discussion translated to specific model inputs. APCD staff (Jean Getchell, pers. comm., October 10, 2006) has subsequently expressed satisfaction with both the methodology and results of the DEIR assessment of this impact.

While there is variation between the DEIR's Table F-7 and the revised table submitted with comment, both tables conclude that the pounds per day of PM₁₀ emissions before mitigation will exceed the threshold of significance. Mitigation measure F-1 would mitigate these impacts to less than significant levels using either version of Table F-7. The APCD's table is included in the Final EIR within the comment letter, and can be considered by the public and the decision makers when this project is presented for consideration.

Page IV-F27. "It is likely that PM10 emissions would be reduced ..."

Mitigations proposed for construction PM10 in the DEIR are not assured or enforceable and District staff should be contacted regarding feasible and enforceable mitigations for these direct and significant adverse project air quality impacts.

Table F-8. Estimated Emissions of Pollutants from Project Operations.

DEIR table F-8 reported build-out year 2008 emissions from operation of the project, including area wide or site source emissions and emissions from vehicle travel generated by the project. The DEIR assumed the project would contain enforceable restrictions on occupancy by seniors only for 596 residential dwelling units. If the residential units proposed for senior housing are sold to the general public, the emissions specified in the DEIR would be substantially higher.

District staff recalculated the project's emissions using URBEMIS 8.7 for that eventuality. The results indicate a significant over threshold impact of 10 lbs./day ROG and 8.5 lbs/ day PM10 from project operations. These results are shown below in revised Table F-8). District staff should be contacted for feasible mitigations of these impacts.

Revised Table F-8 MBUAPCD ESTIMATED EMISSIONS OF KEY CRITERIA POLLUTANTS RELATED TO PROJECT OPERATIONS <i>(Revised by MBUAPCD staff)</i>				
		Emissions (lbs./Day)		
		Without Mitigation		
Parameter	Category	ROG	NOx	PM10
Estimated before Mitigation	Area-wide	62	20	0.5
	Vehicular Impacts	85	109	90
	TOTAL	147	129	90.5
	Threshold	137	137	82
	Significant ?	Yes	No	Yes
	Amount to be mitigated	10	-	8.5
Notes: Emission impacts for the winter of 2008, earliest build out year. Assumes 596 units NOT restricted to senior occupancy. Assumes 2.8 residents per dwelling unit. Other assumptions as reported in DEIR, including all natural gas heating.				

- 5.12 This comment might give the impression that the DEIR excerpt presented in its title relates to general PM₁₀ mitigation strategies (i.e., Mitigation Measure F-1). It does not. The language quoted in the underscored heading to Comment No. 5.12 is an excerpt from Footnote "b" to DEIR Table F-7. That entire footnote applies specifically to an estimate of PM₁₀ emissions related to demolition, with mitigation (Measure F-3) applied. It reads as follows:

"Pending consideration of approval of proposed APCD Rule 439, this analysis applies the practices proposed in that rule as mitigation measures. With the application of those measures, it is likely that PM₁₀ emissions would be reduced relative to the without-mitigation scenario." Nonetheless, in order to be conservative, Table F-7 did not attempt to quantify the reduction, but simply noted that the demolition emissions would be less than 55 pounds per day. Footnote b was added to explain this reasoning.

However, it initially appeared more likely (and the EIR preparers later confirmed) that the commenter intended to make a more general statement about mitigation of construction-related PM₁₀ emissions, notwithstanding the fact that the comment's title consists of an excerpt from the DEIR that does not directly relate to that subject. If that is the case, then the relevant portion of the DEIR to consider is Mitigation F-1. The specific measures included in Mitigation F-1 are primarily replicated or adapted from the Feasible Mitigation Measures sub-heading of Heading 8.2 (Mitigating Construction Emissions) in the APCD's own *CEQA Air Quality Guidelines* document and overlap substantially with the measures the commenter lists in Comment 5.6. In the response to Comment 5.6, the EIR preparers have generated a revised Mitigation F-1 that incorporates the substantive and applicable differences between the recommended measures in that comment and the DEIR's corresponding recommended measures. APCD staff (Jean Getchell, pers. comm., October 10, 2006) has indicated that integrating their recommended mitigation list – along with demolition-related particulate control (addressed in the DEIR under Mitigation F4) would satisfy staff's prior concerns regarding the adequacy of construction-related PM₁₀ mitigation.

All the measures are enforceable, and the City must comply with the mandates of Public Resources Code section 21081.6 and adopt a Mitigation Monitoring Plan that ensures their enforcement.

- 5.13 Refer to response 5.3 related to age restrictions to insure that the project remains a seniors-only project. While the APDC URBEMIS calculation for PM₁₀ shown on revised Table F-8 in the comment letter indicates a significant impact based on a non-senior trip generation rate for the project, the project will not have this level of impact due to the above referenced age restriction for the project.

5.14

Page IV-D.16. Project Trip Generation.

The DEIR estimated vehicle traffic generated by the project using 596 (546 detached single family residences and 50 town homes) assumed to be restricted to seniors. The trip rate for senior occupancy of single family detached dwelling units is 3.7 per day per unit, but increases to 9.57 per unit and Town homes rise from 3.7 to 5.9 per day without such restrictions, i.e. for general purpose occupancy.

Absent any assurances in the DEIR that these 596 units could be permanently restricted to such use, the very likely possibility exists that they would soon be converted to general purpose housing units through resale or sublease in the area's very tight housing market. This possibility should have been discussed in the DEIR. The potential traffic and related air quality impacts from such conversion are substantial, and should have been assessed in the DEIR.

To illustrate the magnitude of the possible increase in impacts should housing fail to be restricted to seniors, District staff calculated project vehicular trip generation without any restriction. The daily vehicle trips generated by the project would increase by 3,300 vehicle trips per day, or 71 percent, with the PM Peak hour trips (used for LOS impacts) increasing by 123 percent (See enclosed trip generation table for details.)

These substantial traffic increases would of course substantially increase the impacts of the traffic from those reported in the DEIR. The EIR should either: (a) propose a method to ensure enforceable senior restrictions on the 596 units or (b) identify and propose feasible mitigations for any significant new traffic LOS and air quality impacts resulting from the lack of an enforceable restriction on the age of the units occupants. Note that these operational impacts are in addition to those identified previously for construction of the project.

Thank you for the opportunity to review the document.

Yours truly,



Jean Getchell
Supervising Planner
Planning and Air Monitoring

Attachment: District Rule 439

cc: Mike Sheehan, Compliance Division
David Fairchild, Planning and Air Monitoring Division

5.14 Refer to responses 5.3 and 5.13.

Comparison of Cypress Knolls Project Vehicle Trip Generation
A. DEIR Project trips, with occupancy restricted to seniors
As reported in DEIR of August, 2006)

Land Use	ITE Code	Amount	Units	trip rates per unit				trips		
				ADT	PMPK	PMPK % IN	PMPK IN	ADT	PMPK	MPK IN
Adult Senior Single Fam. Detached	251	548	DU	3,710	0.260	0.610	0.159	2,026	142	87
Adult Senior Town homes	251	50	DU	3,710	0.260	0.610	0.159	186	13	8
Assisted Living	254	60	beds	2,74	0.38	0.36	0.137	164	23	8
Club	495	20	KSF	22.88	1.64	0.29	0.476	458	33	10
Apartments	220	116	DU	6,72	0.62	0.65	0.403	780	72	47
Park	SDT G	17.6	Acres	50	4	0.5	2,000	880	70	35
Senior Center	495	6	KSF	22.88	1.64	0.29	0.476	137	10	3
Total Vehicle Trips Generated with 596 DU restricted to adult seniors								4,630	363	197

B. Project trips, with unrestricted occupancy

As revised by MBUAPCD Staff October 2, 2006

Land Use	ITE Code	Amount	Units	trip rates per unit				trips		
				ADT	PMPK	PMPK % IN	PMPK IN	ADT	PMPK	PMPK IN
Detached Single Fam. residence	210	546	DU	9.570	1.053	0.640	0.674	5,225	575	368
Town home	220	50	DU	5.860	0.527	0.661	0.348	293	26	17
Assisted Living	254	60	beds	2.74	0.38	0.36	0.137	164	23	8
Club	495	20	KSF	22.88	1.64	0.29	0.476	458	33	10
Apartments	220	116	DU	6.72	0.62	0.65	0.403	780	72	47
Park	SDTG	17.6	Acres	50	4	0.5	2.000	880	70	35
Senior Center	495	6	KSF	22.88	1.64	0.29	0.476	137	10	3
Total Vehicle Trips Generated without senior restrictions :								7,937	809	488

NOTE

* The trip rates for these land uses changed to allow general purpose occupancy

Total Vehicle Trips Generated without senior restrictions :

Increase over DEIR trips	3,307	446	291
Percent increase over DEIR trips	71%	123%	148%

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION IV
PROHIBITIONS**

RULE 439 BUILDING REMOVALS

(Adopted 9-20-06)

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**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION IV
PROHIBITIONS**

PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit particulate emissions from the removal of buildings within the District.

1.2 Applicability

The provisions of this Rule shall apply to all building removals.

1.3 Exemptions

Reserved.

1.4 Effective Dates

This Rule, as originally adopted, is effective on September 20, 2006.

1.5 References

1.5.1 The provisions of this Rule derive from the standards for lead exposure in the California Air Resources Board's Risk Management Guidelines for New, Modified, and Existing Sources of Lead.

1.5.2 Referenced or related rules include: Rule 400 (Visible Emissions) and Rule 402 (Nuisances)

PART 2 DEFINITIONS

2.1 Building Removal

The deconstruction or demolition of any building.

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION IV
PROHIBITIONS**

2.2 Deconstruction

The manual removal of painted components including, but not limited to, wood siding, exterior trim, doors, window sashes and overhanging eaves prior to the destruction and removal of the building by either manual or mechanical means.

2.3 Demolition

The destruction and removal of a building by mechanical means.

PART 3 REQUIREMENTS AND STANDARDS

3.1 Visible Emissions

There shall be no visible emissions whatsoever from building removals.

3.2 Work Practice Standards

The following work practice standards shall be followed during building removals:

- 3.2.1 As necessary to prevent visible emissions, sufficiently wet the structure prior to removal. Continue wetting as necessary during active removal and the debris reduction process.
- 3.2.2 Demolish structure inward toward building pad. Laydown roof and walls so that they fall inward and not away from the building.
- 3.2.3 Commencement of removal activities are prohibited when the peak wind speed exceeds 15 miles per hour.

* * * * *

DEPARTMENT OF TRANSPORTATION

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September 28, 2006

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Jennifer Coile
City of Marina Development Services Department
2056 Del Monte Avenue, #205
Marina, CA 93933

Dear Ms. Coile:

COMMENTS TO CYPRESS KNOLLS DRAFT EIR

The California Department of Transportation (Department), District 5, Development Review, has reviewed the above referenced project and offers the following comments in response to your summary of impacts on transportation facilities.

1. Figure D-1b – Traffic Intersections Key – In this table, the Level of Service (LOS) threshold for ramps at the Highway 1/Imjin Parkway interchange incorrectly states that LOS D is acceptable. Another error was noticed in the document when it stated “LOS is determined on a case-by-case basis.” As indicated in previous correspondence, and as shown in our Guide for Preparing Traffic Studies, the Department endeavors to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. The analysis and associated mitigation should be based on the Department’s standard of LOS C/D. 6.1
2. Page 4-D7 – Pass-by rates are listed at 25 and 30 percent; the Department’s recommended pass-by rate is 15 percent. Deviation from this standard needs to be explained and justified prior to use in the analysis. 6.2
3. In some of our earliest correspondence regarding this project, we requested that the traffic study analyze the Reservation Road and Lightfighter interchanges with Highway 1. However, the study only analyzed the 12th/Imjin interchange...the narrative even acknowledging our request. For many reasons, not the least of which being congestion on Highway 1 at peak hours, it is incorrect to assume that Cypress Knolls motorists will only utilize the 12th/Imjin interchange. 6.3
4. There were several references to the technical appendices, yet these were not available for review in the traffic study or EIR. 6.4
5. Impact and Mitigation D-1 – The Department is pleased to see appropriate mitigation for impact D-1, the applicant being required to contribute a fair share toward the improvements at 12th Street/Imjin and Highway 1 interchange. There are, however, other impacts identified that according to the document cannot be mitigated (significant and unavoidable). It is unfortunate that the Marina Capitol Improvement Program does not include projects and locations that the 6.5

“Caltrans improves mobility across California”

- 6.1 The rationale for using LOS D as the level of service standard for State facilities is explained in Section 3.1 of the DEIR and Section 1.5 of the traffic study. The Transportation Agency for Monterey County (TAMC) has indicated that LOS D should be used to determine where the regional roadway network would be operating at unacceptable LOS. According to Section XV of Appendix G to the CEQA Guidelines, the appropriate inquiry in this regard is as follows: "Would the project: b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?" (Emph. added.) Thus, the standard established by TAMC in this 2005 Regional Transportation Plan is the appropriate benchmark. Moreover, as noted, the findings of the analysis with regards to the significance of the impacts of the project to State highway facilities would not change if the LOS C/D transition were used as the level of service standard for State facilities instead of LOS D. Nonetheless, the following sentence on in the fourth paragraph of Section 1.5 of the traffic study and on page IV-D 14 of the DEIR will be deleted from the text in the FEIR:

"Caltrans recognizes that achieving LOS C may not always be feasible in all situations, and LOS D is acceptable on a case-by-case basis."

- 6.2 Text on page 8 of the traffic study and on page IV-D-6 of the DEIR explains the pass-by reduction calculations. The pass-by trip reduction adjusts a project's trip generation to account for trips "captured" by the use from the existing traffic passing on the adjacent street. The trip generation estimate for a land use includes both new trips generated by the use and trips captured from existing traffic on the adjacent street network. The pass-by trip adjustment is usually only applied to commercial retail uses. The Cypress Knolls project does not contain any land uses that would be subject to the pass-by trip reduction. However, the background and cumulative projects include commercial retail projects. Higher than 15% pass-by rates were used for fast food restaurants (25%), convenience stores (30%) and the Marina University Villages commercial retail uses (20%). The percentages indicate the portion of the land use's trip generation that is captured from traffic already on the adjacent street network. The Institute of Transportation Engineers publishes the results of pass-by trip capture studies of developed uses and, as stated in the report, the rates used for this study are lower than rates published by ITE. For example, the PM peak hour ITE pass-by rate for shopping centers is 34%, the pass-by rate for fast food restaurants is 50% and the pass-by capture rate for convenience markets is 61%. As described above, pass-by of 25% were used for fast food restaurants, 30% for convenience stores and 20% for the Marina University Villages commercial retail uses. Therefore, the pass-by rates used for this study provide a reasonable worst-case evaluation of the trip generation associated with new development in the Marina area.

Caltrans was notified that the traffic analysis would utilize a pass-by capture rate greater than 15% in an email to Mr. John Olejnik, Caltrans District 5 Intergovernmental Relations, on March 29, 2006. The response to the email did not contain a comment to the pass-by trip assumptions other than to indicate that more input from Caltrans would be provided once the EIR/traffic study was received and that should Caltrans guidelines not be used, "that the analysis and results are technically comparable." The pass-by trip capture assumptions used for this study are well within limits documented in the professional literature and provide a reasonable worst-case analysis.

- 6.3 The Highway 1/Lightfighter interchange was analyzed in the traffic study prepared for the Marina University Villages project. The Marina University Villages traffic study was completed in 2004 using existing traffic volume data collected in 2003 and 2004. The list of background and cumulative projects included in the Marina University Villages traffic study is comparable to the list used for the Cypress Knolls study, although the list has been updated and now includes the Marina University Villages East Garrison projects as approved projects and Marina Station as a cumulative project among others. The findings documented in the University Villages study are described below.

The University Villages analysis found that northbound and southbound on-ramps and off-ramps at the interchange currently operate at LOS A or B. Under Background Conditions with Phase 1 of the University Villages project, the northbound off-ramp would operate at LOS D during the AM peak hour

and the southbound on-ramp would operate at LOS D during the PM peak hour. Otherwise, the ramps would operate at LOS C or better under Background Plus Phase 1 Marina University Villages.

Under Cumulative Conditions with buildout of Marina University Villages, the northbound off-ramp at the Highway 1/Lightfighter interchange would operate at LOS E during the AM and PM peak hours and the southbound on-ramp would operate at LOS F during the PM peak hour. LOS A operations would be experienced at the ramps on the north side of the interchange under Cumulative Conditions.

There is no reason to conclude that the Cypress Knolls project will add a “cumulatively considerable” amount of peak hour traffic to the Highway 1/Lightfighter Drive interchange. As stated in the Cypress Knolls report, traffic generated by the Cypress Knolls project was assigned to the Highway 1/Imjin Parkway/Twelve Street interchange to access Highway 1. This interchange is the closest interchange to the project and is located about one-half mile from the Imjin Parkway/3rd Avenue intersection. The Highway 1/Lightfighter interchange is located about 2 miles from the Imjin Parkway/3rd Avenue intersection and to access the Lightfighter interchange from Cypress Knolls would require travel on local streets. Second Avenue and Fourth Avenue provide the most direct routes between Cypress Knolls and the Lightfighter interchange. Travel on these local streets would not be without delays associated with traffic signal and stop controls and the overall travel time using the Highway 1/Imjin Parkway interchange would probably be shorter than traveling local streets to access the Highway 1/Lightfighter interchange. The land adjacent to Second and Third Avenues will be developed with the University Villages project and there will potentially be seven traffic signals on Second Avenue between Imjin Parkway and Lightfighter Drive. Fourth Avenue is routed through the CSUMB campus and will potentially have three all-way stop control intersections. In addition to traffic control along Second and Fourth, Cypress Knolls traffic would also be subject to delays at the signal and stop control intersections on Lightfighter Drive.

Moreover, as a senior community, it is unlikely that to the extent that any of the Cypress Knolls traffic utilizes the Lightfighter Drive/Highway 1 interchange that the trips would occur within the peak hours.

- 6.4 The City’s records show that the DEIR and the DEIR Technical Appendix, which included the traffic study in total with all worksheets and exhibits, was sent by overnight delivery to Caltrans District 5 with the NOA. In addition, the Technical Appendix volume was provided to the State Clearinghouse in digital format. Lastly, the DEIR and Technical Appendix was also available online as noted in the NOA.
- 6.5 Refer to response 7.2.

Cypress Knolls – Jennifer Coile
September 28, 2006
Page 2

Cypress Knolls development will add trips to, and not be accountable to mitigate.

6. In light of the above, it is important to ensure that the development pay regional transportation impact fees according to the FORA program and fee schedule.

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

Sincerely,



JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator

cc: Jim McKrell (D5)
Ron Lundquist (Monterey Co DPW)
Debbie Hale (TAMC)

- 6.6 The EIR traffic mitigation measures related to impact fee payment are consistent with the commenter's statement. In addition, the project is required to pay the FORA fees.

OCT-04-2006 WED 08:08 AM TAMC

FAX NO. 831 775 0897

P. 03

TAMC *letter 7*

TRANSPORTATION AGENCY
FOR MONTEREY COUNTY



Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways

October 3, 2006

Ms. Jennifer Coile
Project Manager, Cypress Knolls
City of Marina
Strategic Development Center
3056 Del Monte Avenue, #205
Marina, California 93933

**SUBJECT: Comments on the Draft Environmental Impact Report for the
Cypress Knolls Tentative Map and General Plan Amendment**

Dear Ms. Coile:

The Transportation Agency for Monterey County is the Regional Transportation Planning Agency and Congestion Management Agency for Monterey County. Transportation Agency staff has reviewed the Draft Environmental Impact Report for the Cypress Knolls Tentative Map and General Plan Amendment, which consists of the development of retirement housing and associated community center, affordable residential apartments, and an assisted living center within the former Fort Ord area. Transportation Agency staff offers the following comments for your consideration:

Regional Road and Highway Impacts

1. The documents indicates that access to the project site from regional roads includes Highway 1 north and south of the study area, Highway 101, Highway 156, and Highway 68. The Transportation Agency supports and considers payment of the Fort Ord Reuse Authority's development impact fee as sufficient mitigation of impacts to these regional highways. The Transportation Agency also supports this project's intentions to pay both the Fort Ord Reuse Authority's impact fees and the City of Marina's Traffic Impact Fee and will not be requesting payment of the Transportation Agency's regional development impact fee. 7.1
2. The Transportation Agency specifically recommends that this project pay its fair-share towards the full improvements to the Southbound Highway 1 On-Ramp at Imjin Parkway, and not just make a contribution to the development of a Project Study 7.2

- 7.1 Comment noted. The comment is consistent with EIR traffic mitigation measures related to impact fee payment.
- 7.2 With regard to Mitigation D-13, as noted in the comment, the Cypress Knolls project will pay its fair share of the Project Study Report so that the interchange improvements ("Long Term Improvements") can be studied and defined. In addition, if the Long Term Improvements are added to the TIF prior to the time when this project pulls building permits, the project will pay its fair share of those costs. However, since the Long Term Improvements and their costs are currently unknown, and the scope of available funding sources are also unknown, the City cannot simply mandate that any one project pay a portion of the costs. In order to be a valid traffic mitigation measure, a "fair share" based payment requirement must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.) The City is not in a position to work with other agencies and establish such a "reasonable plan of actual mitigation" until the Project Study Report is completed. Nonetheless, separate and apart from this project, the City has committed that within two years of completion of the Project Study Report process, the City shall prepare, and present publicly at a City Council meeting, a preliminary budget for the Long Term Improvements, a report on the status of funding available and funding projected for the Long Term Improvements. The City has further committed that no later than July 31 of 2015, the City Council will hold a public hearing to determine the status of the funding for the Long Term Improvements and whether the Long Term Improvements can be completed by the end of fiscal year 2020. If the improvements cannot be completed by that date, the City has committed to prepare a focused Supplemental Environmental Impact Report to study the intersection. With respect to the commenter's suggestion that the Final EIR clearly commit to add measures to the TIF, the City is legally precluded from pre-committing to modifying its TIF program in advance of complying with the AB1600 requirements. Consistent with the nexus limitations, the City has imposed upon the Cypress Knolls project all mitigation required as a direct result of this project. Consistent with the nexus requirements and the limitations of the *Anderson* decision and other cases which have reached the same conclusion, the City cannot create an *ad hoc* fee program to address cumulative traffic mitigation. Rather, such programs to address cumulative impacts must be part of a coordinated and reasonable plan of actual mitigation.

Report (as identified in mitigation measure D-13). The Transportation Agency also recommends that this project pay its fair-share for all other mitigations identified in this study, regardless if the improvements are included in the Fort Ord Reuse Authority's Capital Improvement Program or the City of Marina Traffic Impact Fee. If it is anticipated that the suggested mitigations will be added to the Capital Improvement Program and the City's Traffic Impact Fee program before the issuance a building permit, this needs to be clearly stated in the final document. In the event that a mitigation is not added to these programs, a fair-share contribution may need to be made for identified improvements outside of these programs. The final document should address this issue and discuss how mitigations will be handled as part and independent of the Capital Improvement Program and the Traffic Impact Fee program.

3. The document states that in some instances, the pass-by reduction factor that is used in the study is higher than the Caltrans' published recommendation of 15%. While it is noted that the pass-by rates that are used are still less than the ITE published rates, no mention is made as to why rates higher than those recommended by Caltrans are utilized in the study. The final document should provide a discussion as to why certain pass-by reduction factors were used and how the potential project impacts would change if Caltrans' recommended 15% pass-by rate were to be utilized.

Pedestrian, Bicycle, & Transit Travel

4. The Transportation Agency supports accommodation of alternative forms of transportation (rail, bus transit, bicycle and pedestrian transportation), both through the design of transportation facilities, and through the design and orientation of land uses. Our Agency requests that new developments on the project site consider the attached list of alternative measures and development principles to promote alternatives to automobile travel and accommodate access to the project site by transit, bicycle and foot. Also, it is recommended that Monterey-Salinas Transit's *Designing for Transit* Guideline Manual be used by new developments as a resource for accommodating transit access to the project site.
5. The sections of this document detailing transit systems and bikeway and pedestrian facilities should provide a discussion of planned facilities within the project site and how these will be connected to surrounding areas. The Transportation Agency specifically recommends the following:
- The document mentions that Monterey-Salinas Transit offers two bus routes that service the Cypress Knolls area, but does not offer direct connection to the project site. The final document should discuss how transit is made accessible to residents, workers, and travelers throughout the project site, how Monterey-Salinas Transit bus service will be accessed from the project site, and if any walkways or bike paths will be constructed or are currently available to ease travel to bus stops and encourage use of alternative modes of transportation.

- 7.3 Higher pass-by rates were used for this traffic study to avoid over-estimating travel demand on the road network. Documented studies indicate that pass-by capture rates for certain commercial retail uses are significantly higher than 15%. These uses include services stations, fast-food restaurants and convenience retail stores. Limiting the pass-by rate to 15% would over estimate traffic demands, overstate traffic demand and, potentially overstate project impacts. See also response to comment 6.2
- 7.4 The City and Project Proponent have considered measures to reduce reliance on the automobile in developing the Project Description. Due to the senior living aspect of the proposed project not all of the alternative measures in the list provided by TAMC are applicable or appropriate. However, the Proposed Project does include links to transit stop(s) using pedestrian and bicycle system improvements (refer to FEIR figure P-2). An in-facility shuttle also may be used within the project.
- 7.5 FEIR figure P-2 details the bicycle links to surrounding areas, including transit connection, and the pedestrian network surrounding the site. The pedestrian network within Cypress Knolls, detailed in the proposed Cypress Knolls Design Guidelines, is designed to reduce trips and connect smoothly to regional bike facilities and transit. An in-facility shuttle also may be used within the project. The project applicant is exploring with MST the possibility of providing a MST stop at the Cypress Knolls Community Center. If the Cypress Knolls community is gated, the transit stop (if provided) would be provided on Third Avenue near the affordable housing land use. The HOA is projected to have fewer than 25 employees engaged in maintenance, community center services and administration.

OCT-04-2006 WED 08:09 AM TAMC

FAX NO. 831 775 0897

P. 05

Comments on the Cypress Knolls DEIR

Page 3

- The document states that "the majority of the roadways in close proximity to the Cypress Knolls project site do not have dedicated bike lanes." The final document should provide a discussion of bike paths, lanes, and routes within the project site and explain if bicycle access will be connected to bike facilities in surrounding areas, such as along Imjin Parkway, California Avenue, Second Avenue, and the Monterey Bay Coastal Trail. In addition, the Transportation Agency supports the use of bicycle racks and lockers and recommends their inclusion throughout the project site.
- The document also states that there is "limited adequate existing pedestrian routes in the proximity of the proposed Cypress Knolls site." The final document should discuss planned walkways and pedestrian access throughout the project site and linkages to surrounding areas.

7.6

7.7

Thank you for the opportunity to review this document. If you have any questions, please contact Michael Zeller of my staff at (831) 775-0903.

Sincerely,



Debra L. Hale
Executive Director

CC: Dave Murray, California Department of Transportation (Caltrans) District 5
Ron Lundquist, Monterey County Department of Public Works
Rob Russell, City of Salinas
Carl Sedoryk, Monterey-Salinas Transit
Nicholas Papadakis, AMBAG
Douglas Quentin, Monterey Bay Unified Air Pollution Control District

ATT: Transportation Agency's Development Principles
List of Alternative Measures

- 7.6 Refer to FEIR figure P-2. The Proposed Project's Cypress Knolls Design Guidelines include designs for bike racks and siting criteria. The project is not an appropriate location for bike lockers.
- 7.7 Refer to FEIR figure P-2 and the DEIR discussion related to sidewalks in Section IV-O Land Use. The proposed sidewalk, path and bicycle improvements and connections are consistent with the City General Plan and Residential Design Standards and will satisfy General Plan policies 3.3.8 and 3.38. The Cypress Knolls Design Guidelines describe the network of planned trails and sidewalks in detail, plus the design of related amenities such as lighting and benches.

**Transportation Agency for Monterey County
Transportation-Related Principles for Community Development**

Mission

The Transportation Agency for Monterey County aims to develop and maintain a multi-modal transportation system that enhances the mobility, safety, access, environmental quality, and economic activities in Monterey County.

The purpose of the following set of principles is to reduce future impacts to Monterey County's regional transportation system, reduce the cost of transportation infrastructure, and improve the Transportation Agency's ability to meet Monterey County's regional transportation needs. Our agency recommends that new land use development in the county adhere to the following set of principles, which emphasize developing a land use pattern that is supportive of non-single occupant auto modes of transportation so as to maximize the carrying-capacity of Monterey County's existing regional transportation infrastructure.

1. Land Use

- ❖ 1.a Encourage mixed use developments to accommodate short trips by non-auto modes
- ❖ 1.b Encourage growth in areas where transportation infrastructure exists or is most cost-effective to extend
- ❖ 1.c Encourage a balance of employment and housing to reduce regional commute demands
- ❖ 1.d Encourage higher residential densities in core areas or around transit stops to support regular transit service throughout the region
- ❖ 1.e Encourage land use jurisdictions to utilize the Caltrans Traffic Impact Studies Guide or develop traffic impact study guidelines of their own when analyzing the impacts of growth on the regional transportation system
- ❖ 1.f Require new development to pay for its proportional impact to the transportation system, preferably via regional and local fee programs, or on-street project construction

2. Street Network Design

- ❖ 2.a Provide an interconnected street system for new development to facilitate short trips by non-auto modes of transportation using the following features:
 - 2.a.1 Provide a grid-based street network.
 - 2.a.2 Encourage short block lengths in new development
 - 2.a.3 Discourage cul-de-sac streets in new development unless they incorporate pedestrian and bike easements that reduce trip lengths
- ❖ 2.b Incorporate traffic calming features into the street network to slow the flow of traffic and enhance the pedestrian environment:
 - 2.b.1 Provide curb bulb-outs at intersections to reduce the length of pedestrian crossings
 - 2.b.2 Allow on street parking to slow the flow of cars and create pedestrian/auto buffer
 - 2.b.3 Provide landscaped buffers between pedestrians and motorized traffic and provide pedestrian-scale street lighting no more than 15 feet high

*Community Development Principles**Attachment 1*

- ❖ 2.c Design streets to accommodate all modes of transportation
 - 2.c.1 Incorporate sidewalks and bicycle lanes into new street construction
 - 2.c.2 Accommodate safe bicycle travel by providing on-street bicycle lanes and routes instead of separated bicycle paths
 - 2.c.3 Incorporate bus pullouts, transit stops, transit shelters and other transit amenities to serve new development according to the MST Designing for Transit Handbook

3. Site Design

- ❖ 3.a Orient buildings to face the street in new development to improve access for pedestrians from sidewalks
- ❖ 3.b Incorporate residential uses over commercial uses in commercial areas to encourage trips by foot, bike, or transit and improve access by each of these modes
- ❖ 3.b Incorporate reduced building setbacks, especially in commercial areas, to reduce the length of pedestrian trips and facilitate easy access
- ❖ 3.c Locate on-site parking to the rear of structures or underground
- ❖ 3.d Provide pedestrian facilities connecting building entrances with the street where parking is not provided to the rear of structures to enhance pedestrian access and safety
- ❖ 3.f Incorporate bicycle storage facilities into site plans to accommodate access by bicyclists

4. Transportation Demand Management

- ❖ 4.a Encourage telecommuting in non-residential development as a traffic mitigation measure
- ❖ 4.b Encourage flexible work schedules for employees as a traffic mitigation measure
- ❖ 4.c Encourage employers to utilize available rideshare programs or create their own
- ❖ 4.d Encourage employers to offer transit incentives to employees to mitigate traffic impacts
- ❖ 4.e Provide preferential carpool or vanpool parking in non-residential developments
- ❖ 4.e Encourage large employers to offer child care facilities as resources allow and encourage all employers to provide information on nearby child care resources
- ❖ 4.f Locate child care facilities near employment centers

*Samples of Alternative Measures**Attachment 2***SAMPLES OF ALTERNATIVE MEASURES**

1. Provide ridesharing, public transportation and nearby licensed child care facility information to tenants/buyers as part of move-in materials.
2. Print transit information on promotional materials.
3. Install bicycle amenities, such as bicycle racks and bicycle lanes.
4. Provide bus pullouts, pedestrian access, transit stops, shelters and amenities as part of the site plan.
5. Provide locked and secure transportation information centers or kiosks with bus route/schedule information, in common areas.
6. Provide pedestrian facilities linking transit stops and common areas.
7. Provide resources for site amenities that reduce vehicular trip making.
8. Park-and-ride facilities.
9. On-site childcare facilities.
10. Shuttle bus service, bus pools or improved transit service as part of the development.
11. Facilities to encourage telecommuting.
12. Pedestrian and bicycle system improvements.
13. Transit oriented design and/or pedestrian oriented design.
14. Provide preferential carpool/vanpool parking spaces.
15. Implement a parking surcharge for single occupant vehicles.
16. Provide shower/locker facilities.
17. Employ or appoint a transportation/rideshare coordinator.
18. Implement a rideshare program.
19. Provide incentives for employees to rideshare or take public transportation.
20. Implement compressed work schedules.

Samples of Alternative Measures

Attachment 2

SAMPLES OF STREET AND ROAD IMPROVEMENTS

1. Safety improvements
2. Traffic signal improvements.
3. Traffic signals.
4. Turning or auxiliary lanes.
5. Add travel lanes.
6. Improve highway interchange.
7. Construct interchange.
8. Construct new street or road.



Monterey Peninsula College

980 Fremont Street, Monterey, California 93940-4799 • 831/646-4000 • FAX 831/655-2627

Douglas R. Garrison, Ed.D., Superintendent/President

October 5, 2006

letter 8**RECEIVED**

Anthony Altfeld, City Manager
Douglas A. Yount, Director, Strategic Development Center
Jennifer Coile, AICP
City of Marina
Development Services Department
3056 Del Monte Avenue, #205
Marina, CA 93933

OCT 6 2006

STRATEGIC DEVELOPMENT CENTER**Re: Comments on Cypress Knolls Draft EIR**

Dear Mr. Altfeld, Mr. Yount, and Ms. Coile:

Thank you for meeting with my staff and consultants on October 2, 2006 to discuss our concerns about the Cypress Knolls project and its traffic impacts on our community college site. I appreciate your commitment to finding a solution that benefits all parties. I also thank you for your verbal commitment to extend the comment period on the draft EIR to October 6, 2006 so that our concerns can be addressed in the final EIR. We want to work with you on these issues and the meeting scheduled for next Tuesday will provide an opportunity to begin this collaboration. However, it is incumbent upon us to provide a formal response to the Cypress Knolls draft EIR; therefore, this letter is intended to officially communicate our concerns.

Monterey Peninsula College (MPC) owns approximately 21 acres immediately south of the Cypress Knolls project and north of Imjin Parkway. Third Avenue and 12th Street bisect our property. A map presenting the boundaries of our property is attached. The Cypress Knolls project proposes access from 3rd Avenue via Imjin Parkway, directly through the middle of our future community college satellite center. A master site plan for the center has been developed and planning for the first academic building is currently underway. We anticipate opening Phase I of the satellite center in the academic year 2008-09. The educational needs of the communities in the northern portion of our district, including the City of Marina, will be the primary focus of the center.

On behalf of the MPC Board of Trustees and the College, this letter outlines our primary concerns with the Cypress Knolls project located immediately north of our satellite center site. We may provide additional comments prior to the Marina City Council's consideration of this project, which we understand is scheduled for November 8, 2006.

1. **Future Notices.** Please include MPC on the distribution list for all future notices for development projects in the City of Marina. Please notify us for all public hearings associated with the Cypress Knolls project. Notices should be sent to Joe Bissell, Vice-President Administrative Services, Monterey Peninsula College, 980 Fremont St., Monterey, California 93940-4799.

8.1

Responses to letter 8- Monterey Peninsula College (received by the City after the end of the 45 DEIR comment period)

- 8.1 As clarification, the City did not extend the CEQA 45-day DEIR comment period for this EIR. Instead, the City is voluntarily responding to this and other letters received after the end of the 45-day period pursuant to Public Resources Code section 21091(d)(2)(A). MPC will be noticed on future hearings on this project as requested.

October 5, 2006

Anthony Altfeld, City Manager

Douglas A. Yount, Director, Strategic Development Center

Jennifer Coile, AICP

Page 2

2. **Agency Consultation Process.** We believe that the City of Marina should have included MPC in the planning and environmental review process for the Cypress Knolls project from the beginning, as providing transportation access to Cypress Knolls through our satellite center site would have significant impacts on the intended uses of our property and is certainly a concern to us.

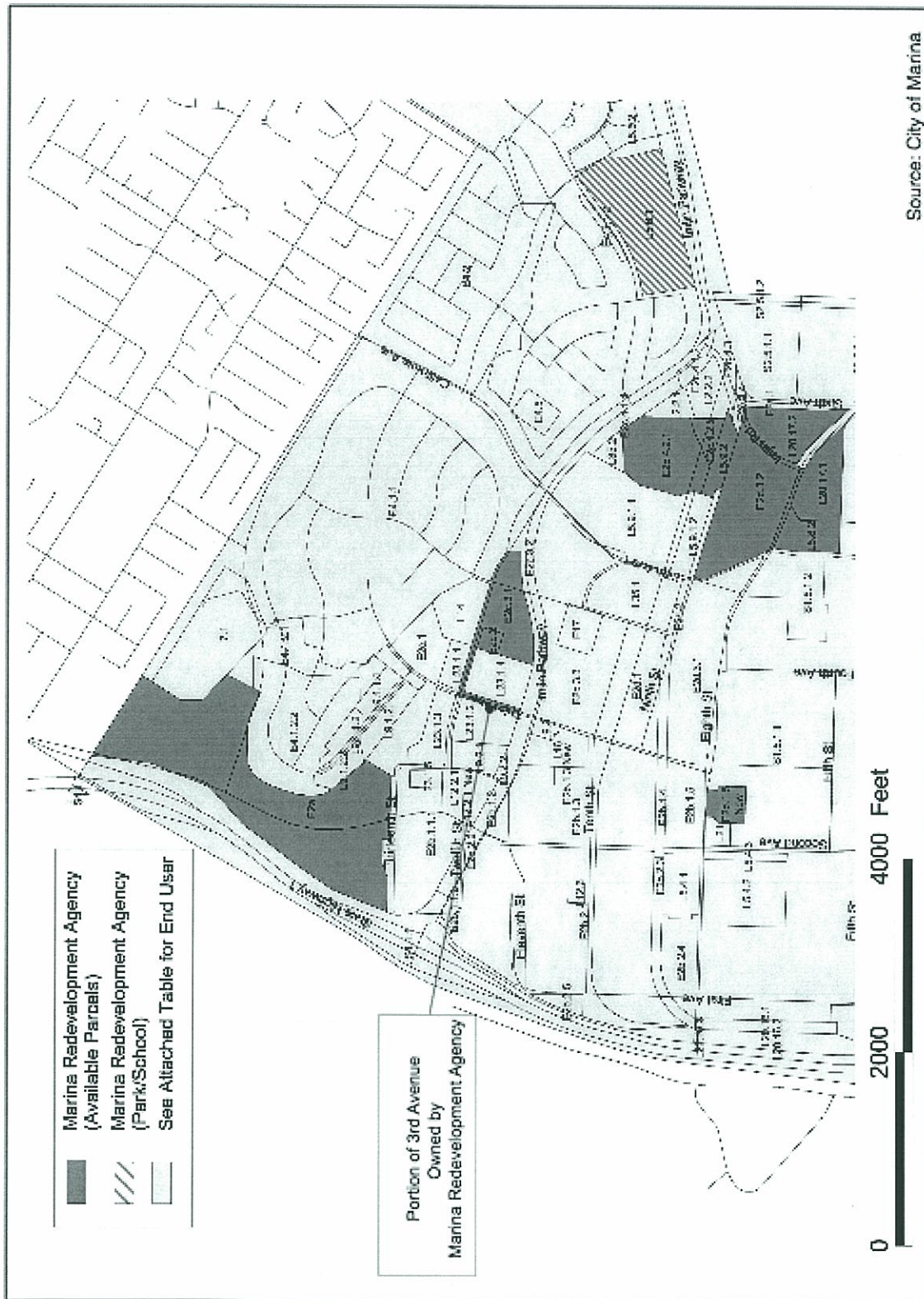
The Cypress Knolls draft EIR fails to acknowledge that MPC owns the 21 acres immediately south of Cypress Knolls (Notice of Availability of Cypress Knolls draft EIR; pg. 111-2/3 surrounding land uses; page 111-7 Map 10 Significant Planned Projects in the City of Marina; page IV-D 9 project access; etc.) In fact, other than two obscure references in the traffic section of the draft EIR (pages IV-D 21 and IV-D 31) there is no mention of MPC's plans for a community college site in the draft EIR, even though the City of Marina General Plan Land Use Plan (general plan Figure 2.2, page 23) identifies the site as "Education Proposed", with MPC noted.

The Notice of Preparation (Appendix A of the draft EIR) was sent to several agencies whose approval is neither required, nor do they have approval authority over property in the immediate vicinity. MPC was not given notice as required by CEQA guidelines section 15082, 15083, and 15087. Certainly the City of Marina can understand why MPC would be interested in development immediately north of our site, particularly a development whose proposed access will allow the majority of the Cypress Knolls traffic to be provided directly through the satellite center site. Even CSU Monterey Bay, whose facilities and property are not in the immediate vicinity, received notice. Because MPC was excluded from this process, we do want to make sure that our concerns about this project are adequately addressed in the final EIR, and that we are included early in the process on future projects.

3. **Acknowledge MPC Site as Adjacent Property.** Please make the appropriate revisions in the final EIR to acknowledge that MPC's satellite center site is located immediately south of the Cypress Knolls project (surrounding uses) and that the Cypress Knolls project proposes to use 3rd Avenue through the satellite center to access the project (project description).

4. **Pedestrian (Student) Safety.** We are planning for 3rd Avenue within the satellite center site to be an internal campus street with one lane in each direction. According to the traffic impact analysis in Appendix E of the Cypress Knolls Draft EIR, about 70 percent of the main components of the Cypress Knolls traffic (senior housing, apartments, and a portion of the club facility) will use the 3rd Avenue portion within our site (Appendix E, exhibits 10 and 11). This traffic impact equates to about 2,100 trips per day coming through our satellite center. Use of 3rd Avenue as a main entrance to Cypress Knolls splits the satellite center site in half and creates significant pedestrian safety and access issues with students crossing the road at various times throughout the day and evening. A transportation access road to Cypress Knolls that bisects our site is not conducive to the community college environment. This road will act as a barrier between areas of the satellite center that will be difficult, if not impossible, for the College to mitigate, and will change the intended uses of our site. We

- 8.2 The City concurs that good planning procedures include consultation and involvement with other agencies early in the project development process. In the case of Cypress Knolls, the subject property has been under consideration for re-development for senior housing since 1994. The initial project proposal and uncertified Final EIR dating to 1999 was under consideration even before the City's current General Plan update was adopted. The Cypress Knolls project has had a high public profile, including public hearings, press releases, etc for many years. However, the District had never previously requested to be noticed of any development or CEQA actions on the Project. The City's most recent NOP for the Cypress Knolls project was sent out in January of 2005. By contrast, MPC has not even begun the CEQA process for its project. As noted in Response 3.1, representative of MPC did meet with City staff on June 28, 2006. For reasons detailed in response 3.1, the City did not send MPC the Notice of Preparation (NOP) or Notice of Availability (NOA). However, within the first week of the release of the NOA, Ms. Caraker directed MPC staff to a website where they could download or review the DEIR and Technical Appendices. MPC is not a responsible or trustee agency for this project under CEQA, and therefore the City is not required to send MPC the NOP. (CEQA Guidelines section 15082(a).) CEQA Guidelines section 15083 includes no relevant mandatory noticing requirement. The City met its noticing obligations under CEQA Guidelines section 15087, as discussed in response 3.1. The current General Plan designates the MPC property as Educational Facility. That designation is clearly spelled out in the DEIR. The DEIR was not required to identify the owner of the site. At the cumulative buildout scenario, the EIR analyzes development of that land use designation as described on EIR pages IV-D26 to D35 based on the information that was available regarding MPC's project. Thus, the DEIR did assume that the project would exist for environmental review purposes, and indeed, it assumed a much higher student trip rate than what is actually proposed by MPC at this time.
- 8.3 As stated in response 8.2, the DEIR acknowledged the MPC site as adjacent property. The FEIR Project Description has been modified to clarify the location of the MPC property and Cypress Knolls access point. The map following this response shows the location of the City owned parcel overlaying 3rd Avenue.



City of Marina Redevelopment Agency Available Parcels September 6th, 2006



October 5, 2006

Anthony Altfeld, City Manager

Douglas A. Yount, Director, Strategic Development Center

Jennifer Coile, AICP

Page 3

request that the Cypress Knolls project be redesigned to eliminate access through our satellite center.

5. **Project Traffic Impacts.** The Cypress Knolls project traffic impacts would be cumulatively considerable (CEQA Guidelines section 15130), significant and unavoidable (infeasible to mitigate), resulting in unacceptable levels of service at the following intersections and roadway segments under the control of the City of Marina (draft EIR, pages II-3 through II-15):

- California Avenue/Patton Parkway (Intersection #13)
- California Avenue/Imjin Parkway (Intersection #21)
- 2nd Avenue/Imjin Parkway (Intersection #18)
- 3rd Avenue/Imjin Parkway (Intersection #19)
- Imjin Parkway between Highway 1 and 2nd Avenue (Segment #22)
- Imjin Parkway between 2nd Avenue and Imjin Road (Segment #23-26)

6. **12th Street/3rd Avenue.** The 12th Street/3rd Avenue intersection, which is located entirely within the satellite center site boundaries, was not evaluated in the draft EIR. The Cypress Knolls traffic at this intersection creates significant pedestrian safety and access issues with students crossing the road and would have impacts that would be detrimental to the learning environment. The EIR should be revised to address the impacts at this intersection. Again, we request that the Cypress Knolls project be redesigned to eliminate access through our satellite center via 3rd Avenue.

7. **Taking of MPC Property.** Mitigation measure D-10 requires adding a right turn lane on the southbound 3rd Avenue approach to Imjin Parkway, which would require about 12 feet by 400 feet (4,800 square feet) of additional right-of-way (draft EIR, pg. IV-D 31) from the MPC satellite center site. This proposal would have an adverse affect on the design of the center's first classroom building and plaza/drop off zone to be located in that area and the College is opposed to providing this additional right-of-way. There is no agreement between the City of Marina and MPC for provision of this additional right-of-way and MPC strongly disagrees with the proposal that the city takes this land to mitigate for the traffic impacts associated with the Cypress Knolls project. As previously discussed, the City has not consulted with the College on this proposed acquisition of right-of-way or any other aspect of this project. The final EIR should identify the residual impact of the Cypress Knolls project if adding the southbound right turn lane is not feasible.

Additionally, the mitigation measure notes, "The property located west of 3rd and north of Imjin Parkway is the site of the Monterey Peninsula College Fort Ord 12th Street Campus." This is one of the two mentions in the draft EIR that acknowledges the existence of our satellite center site. Please also note that the property located *east* of 3rd and north of Imjin is also within our satellite center site.

8.4 cont.

8.5

8.6

8.7

- 8.4 The Marina Redevelopment Agency is the owner of 3rd Avenue and of 12th Street, as shown on the attached map from the Marina Redevelopment Agency. 3rd Avenue was conveyed to the Agency by the Army to allow the City to control and guide circulation in the that part of the former Fort Ord, in particular as that circulation relates to the planned redevelopment of Lower Patton Park as Cypress Knolls. Therefore, MPC does not have direct authority over the future of 3rd Avenue in relation to the planned satellite campus. At the current time, the City has no plans to modify the alignment of Third Avenue. The City's traffic engineer has concluded that 3rd Avenue is adequate to handle the projected trips from the project, including the traffic from the affordable housing units. The City is open to discussing with MPC alternative sub-area road networks to serve the area between Cypress Knolls and Imjin Parkway that would provide satisfactory access to the sub-area. The EIR traffic study analyzed 3rd Avenue as a local street. Local streets are developed to City standards for widths, intersection geometry, vertical curves (line of sight) and sidewalks to implicitly make them safe for normal vehicles and pedestrian use. Therefore, the EIR did not identify a potentially unsafe condition on 3rd Avenue; that conclusion remains the same. From conversations with MPC, City understands that MPC has prepared a draft of its Fort Ord Education Center: Conveyed Parcels Physical Master Plan" dated March 14, 2006 and is just beginning the preparation of an environmental determination for the Education Center pursuant to CEQA. It would be expected that that document would address potential pedestrian and vehicular relationships in more detail based on the contemplated education center layout. The City Staff, traffic engineers, and representatives of the adjacent University Villages project have met with MPC representatives three times to address their concerns, and will continue to work with them to ensure efficient and safe traffic flow through the area. Another meeting is scheduled for October 23, 2006.
- 8.5 Comment noted. This comment correctly characterizes the potential cumulative traffic impact of this project when combined with all other planned traffic, including the traffic from the MPC Education Center. As explained in the Traffic Chapter of the EIR and in the Traffic Impact Analysis, the cumulative impact analysis is a "worst case" analysis.
- 8.6 The City's Traffic Engineers, Higgins & Associates, have analyzed the 12th Street/Third Avenue intersection to determine Cypress Knolls impacts to the intersection. The 12th Street/Third Avenue intersection currently operates at LOS A during the AM and PM peak hours. Under Cumulative Conditions, with Cypress Knolls developed, the 12th Street/3rd Avenue intersection would operate at LOS B during the AM and PM peak hour with its current intersection design and traffic control (all-way stop). Therefore, under all analysis scenarios the intersection would operate at satisfactory levels of service and impacts of the Cypress Knolls project to the intersection would not be significant.
- 8.7 The analysis of Cumulative Conditions has been revised given corrected enrollment figures for the MPC campus. The traffic analysis was prepared on the basis of annual enrollment figures for the campus, not semester enrollment. The college expects that a maximum of 682 students will be enrolled at the 12th Street campus on a semester basis. As the EIR page IV-D31 points out, "If the right turn lane is not added to the City's CIP and TIF, then the project's cumulative impact would be significant and unavoidable because, as this intersection already operates at unacceptable LOS, the costs associated with acquiring the necessary right of way for and constructing the right turn lane and the overall benefit provided would be disproportionate to the project's contribution to the need for constructing the turn lane." This clarifies that the intersection will operate at an unacceptable Level of Service without the project. Therefore, the turn lane improvement is not to mitigate project impacts alone, but regional traffic including MPC and Cypress Knolls. Refer also to response 8.4.

October 5, 2006
Anthony Altfeld, City Manager
Douglas A. Yount, Director, Strategic Development Center
Jennifer Coile, AICP
Page 4

8.8

8. **Affordable Apartments.** The proposed project includes approximately 116 affordable apartment units, which are not a part of the overall senior community planned as Cypress Knolls. The affordable apartment component of the project is proposed to be located on 3rd Avenue, immediately adjacent to our satellite center site, and outside of the Cypress Knolls senior gated community. Therefore, 100 percent of the apartment traffic would use our site for access. According to the traffic report (draft EIR, Appendix E, Exhibit 9) this equates to about 780 trips per day or 37 percent of the total Cypress Knolls project traffic projected to use our site for access. In the event the city chooses not to require the project be redesigned to eliminate access via 3rd Avenue, the city should require the project to be redesigned to move the apartments to another access via California Boulevard, Crescent Avenue, or 2nd Avenue, which would eliminate apartment traffic through the satellite center.

In closing, we request that the Cypress Knolls project be redesigned to eliminate access through our satellite center site. Providing access to the extension of 2nd Avenue, as is planned for in the general plan, could suffice as the main access to Cypress Knolls.

I look forward to receiving a copy of the final EIR, which would include your response to our comments. If you have any questions about the comments provided herein, please call me.

Sincerely,

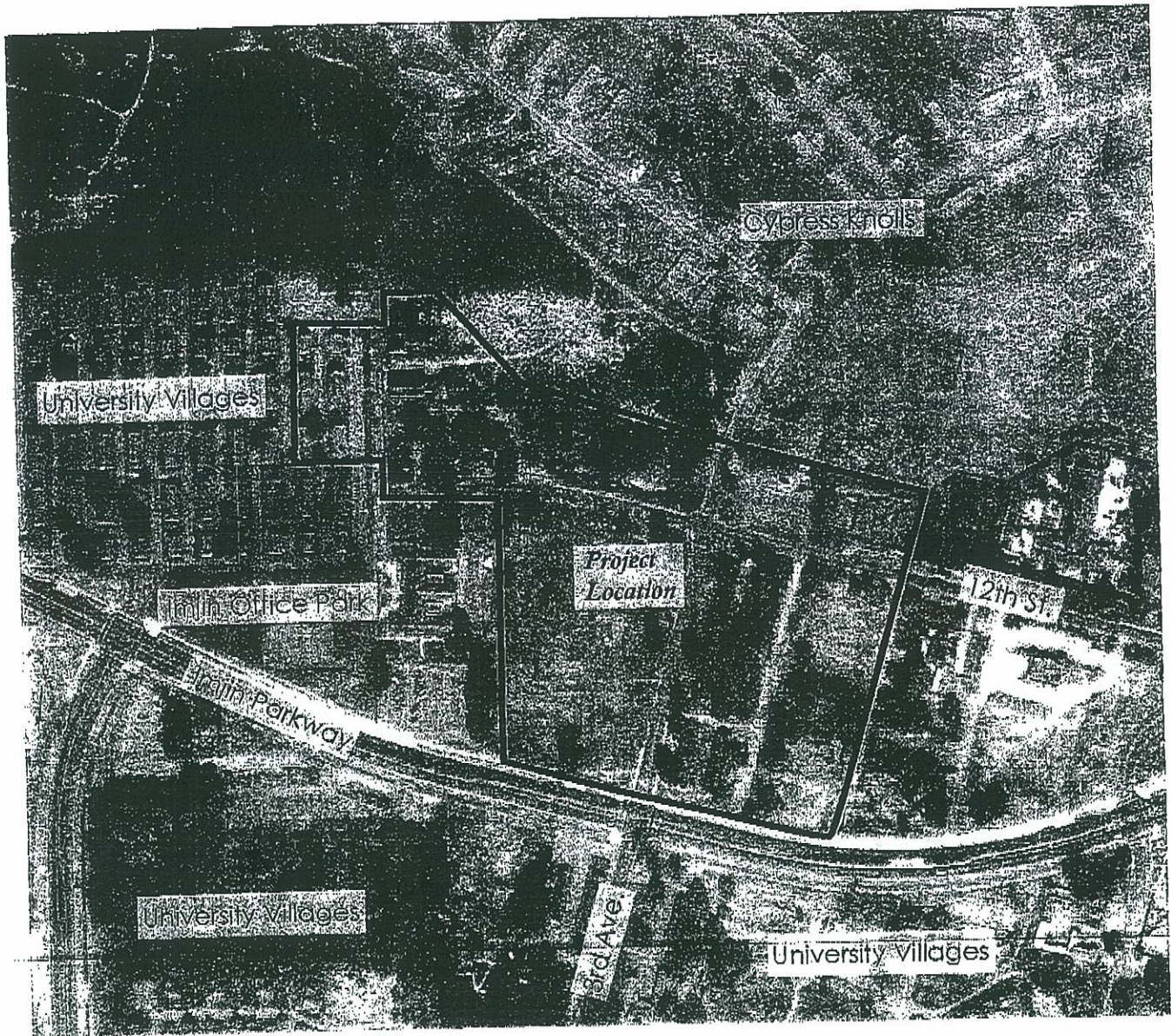


Douglas R. Garrison, Ed.D.
Superintendent/President

Enc.

cc: Ila Mettee-McCutchon, Mayor

8.8 Comment noted. Also, see response to comment 8.4.



Source: EMC Planning Group Inc, 2006, Earth Google 2005

Aerial Photograph 12 Street Site

AMBAG

ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

letter 9

September 14, 2006

Ms. Jennifer Coile
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

**Re: MCH# 20060813 – Draft Environmental Impact Report
Cypress Knolls DEIR**

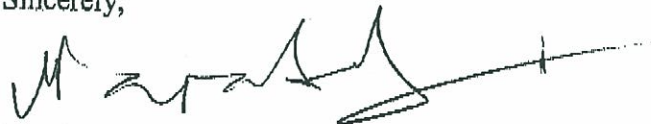
Dear Ms. Coile:

AMBAG's Regional Clearinghouse circulated a summary of notice of your environmental document to our member agencies and interested parties for review and comment.

The AMBAG Board of Directors considered the project on September 13, 2006 and has no comments at this time.

Thank you for complying with the Clearinghouse process.

Sincerely,



Nicolas Papadakis
Executive Director

RECEIVED**SEP 20 2006****STRATEGIC DEVELOPMENT CENTER**

Responses to letter 9- Association of Monterey Bay Area Governments

9.1 Comment noted.