



Monterey 2031 General Plan Update Environmental Impact Report

Volume 2a: Technical Appendix A

February 9, 2024

PUBLIC REVIEW DRAFT

SCH #2023080034



THE CITY OF
MONTEREY

Monterey 2031
General Plan Update
Environmental Impact Report

Volume 2a

February 9, 2024

Public Review Draft

Prepared for the City of Monterey

Prepared by

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Urban and Regional Planners

In association with:

Kimberly-Horn Associates

Salter



A

APPENDIX

**NOP AND COMMENT
LETTERS**

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NOTICE OF PREPARATION

Program Environmental Impact Report Monterey General Plan Update

Date August 2, 2023

To Reviewing Agencies, Interested Parties, and Organizations

Subject Notice of Preparation of a Draft Environmental Impact Report for the Monterey 2031 General Plan Update and Scheduling of a Scoping Meeting on August 7, 2023

The City of Monterey will be the Lead Agency and will prepare a programmatic Environmental Impact Report (EIR) for the Monterey 2031 General Plan Update (the Project). The Project, its location, and potential environmental effects are described below.

Public agencies and members of the general public are invited to provide comments in writing as to the scope and content of the EIR. Specifically, the City needs to know the views of Responsible and Trustee Agencies as to the potentially significant environmental issues, reasonable alternatives, and mitigation measures that are germane to each agency's statutory responsibilities in connection with the Project. Responsible Agencies will need to use the EIR prepared by the City when considering permits or other approvals for the Project.

Due to the time limits mandated by State law, responses must be sent at the earliest possible date, but no later than the close of the NOP review period, which runs as follows: August 2, 2023 through September 4, 2023. Please send written responses to Christy Sabdo, Associate Planner, City of Monterey at the address shown below. Public agencies providing comments are requested to include a contact person for the agency.

PROJECT TITLE: City of Monterey 2031 General Plan Update

LEAD AGENCY CONTACT:

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PROJECT LOCATION AND CONTEXT:

Located in northern Monterey County, about 19 miles west of Salinas, 29 miles north of Big Sur, and 120 miles south of San Francisco, as shown in Figure 1, the City of Monterey is a coastal community of about 27,000 residents with a rich historic background and a distinctive small-town feel. The city occupies 8.7 square miles of land between the southern shore of Monterey Bay and the forested ridgeline of the foothills, bordered by the City of Pacific Grove to the northwest and the City of Seaside to the northeast. Known for its stunning natural scenery and world-renowned attractions like the Monterey Bay Aquarium, Cannery Row, and Fisherman's Wharf, tourism is a pillar of the local economy. Monterey is also home to four educational institutions—U.S. Naval Postgraduate School, Monterey Peninsula College, Middlebury Institute of International Studies, and the U.S. Army Defense Language Institute Foreign Language Center-- the region's largest hospital (Community Hospital of the Monterey Peninsula), and Monterey Peninsula's largest shopping center (Del Monte Center). Monterey's enviable quality of life continues to make the community an attractive place to live.

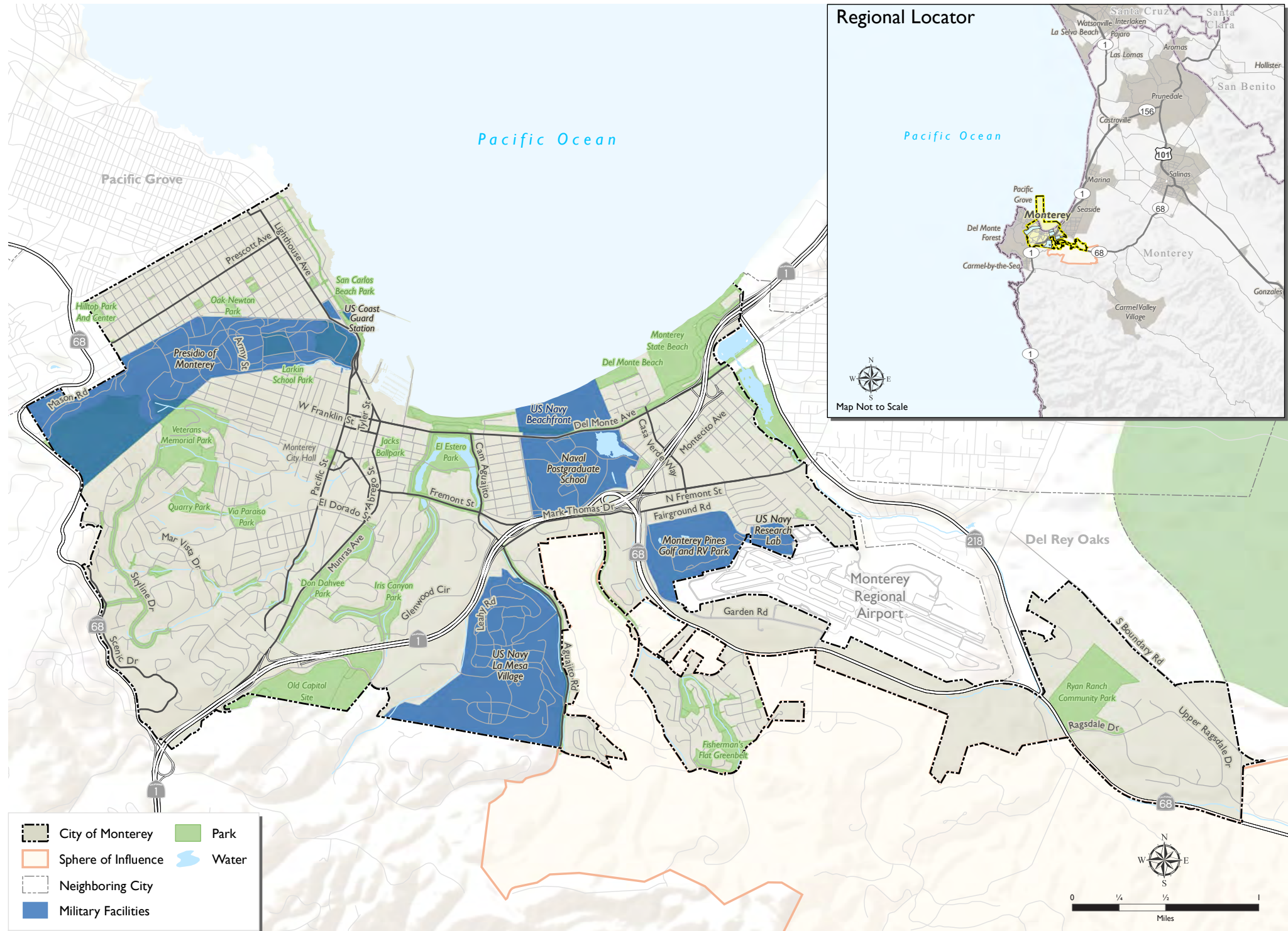
Regional access is provided by California State Route 1 (Highway 1), a north-south highway that runs through the center of Monterey, as well as California State Route 68 (Highway 68), an east-west highway that serves as a major route between Salinas and Monterey Peninsula. Monterey-Salinas Transit (MST) provides connections at the Monterey Transit Plaza to the Salinas Transit Center and other neighboring communities, including Pacific Grove, Carmel Valley, Seaside, and Marina. Adjacent to the City to the east is the Monterey Regional Airport, a commercial service airport offering direct service to several destinations and connecting service to numerous cities worldwide.

Environmental Setting

The setting of the planning area is largely urbanized; however, natural resources are an integral part of the city's setting, economy, and physical development. Monterey features an array of natural habitats and protected areas that are home to abundant wildlife, from marine wildlife and ecosystems, to the coastal beaches, rocky bluffs, and sand dunes, to upland oak and pine forests and chaparral habitats. Notable flora and fauna that occur in the area include the Monterey pine, Monterey cypress, Hutchinson's larkspur, Tidestrom's lupine, Gairdner's yampah, the San Joaquin kit fox, the Salinas kangaroo rat, and the silver-sided legless lizard as well as numerous other rare, threatened, and endangered species.

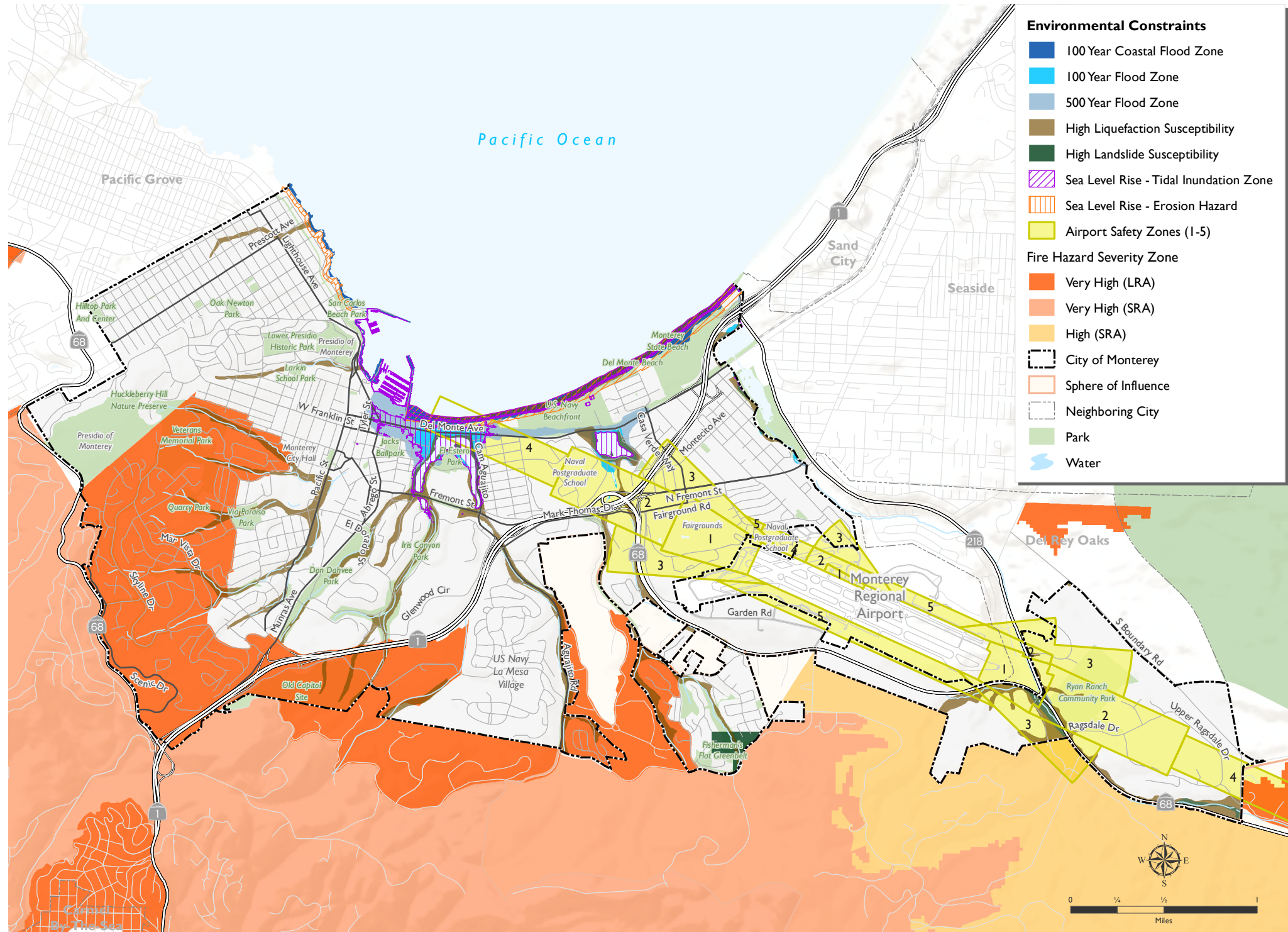
While the natural setting of Monterey helps define the character of the community, it also holds potential for natural hazards that pose risk to human life and property. As shown in Figure 2, upland areas in the south and southwest of the city are classified as Very High Fire Hazard Severity Zones by California Department of Forestry and Fire Protection (CalFire), based on the presence of vegetation that is highly flammable and extremely dry during the summer months. There are areas of high liquefaction risk along the course of creeks that drain from the hills to the Bay, and there is an area of high landslide susceptibility in the hills near Fisherman's Flats Greenbelt. Low lying areas downtown and along Del Monte Avenue are subject to flooding and coastal inundation. Coastal erosion is common along much of the Monterey coastline, which could increase with sea level rise.

Figure I: Planning Area



Data Source: City of Monterey, 2022; Monterey County GIS, 2022; Dyett & Bhatia, 2022.

Figure 2: Environmental Hazards



Data Source: Very High Fire Hazard Severity Zones in LRA, Recommended by CAL FIRE, 2007; Fire Hazard Severity Zones in SRA, Adopted by CAL FIRE, 2007; National Flood Hazard Layer, FEMA 1971; Liquefaction Data, County of Monterey, 2014; Landslide Layer, County of Monterey, 2018; Monterey Regional Airport Land Use Compatibility Plan, 2019; City of Monterey, 2022; Monterey County GIS, 2022; Dyett & Bhatia, 2022.

PROJECT DESCRIPTION:

The Proposed Project involves updates to the Housing, Land Use, and Safety Elements of the City of Monterey General Plan to address emerging issues and new State laws. Key project components are summarized below.

Draft Housing Element

Under State law, each city and county in California must plan to accommodate its share of the regional housing need - called the Regional Housing Needs Allocation (RHNA) - for the coming 8-year planning period, which runs from December 15, 2023, through December 15, 2031. The State determines the estimated need for new housing in each region of California, based on population projections and other factors including rates of vacancy, overcrowding, and cost-burden. The various regional planning agencies then allocate a target to each city or town within their jurisdiction, considering factors such as access to jobs, good schools, and healthy environmental conditions. RHNA is split into four categories representing different levels of affordability, based on area median income (AMI) in the county. The affordability categories are as follows:

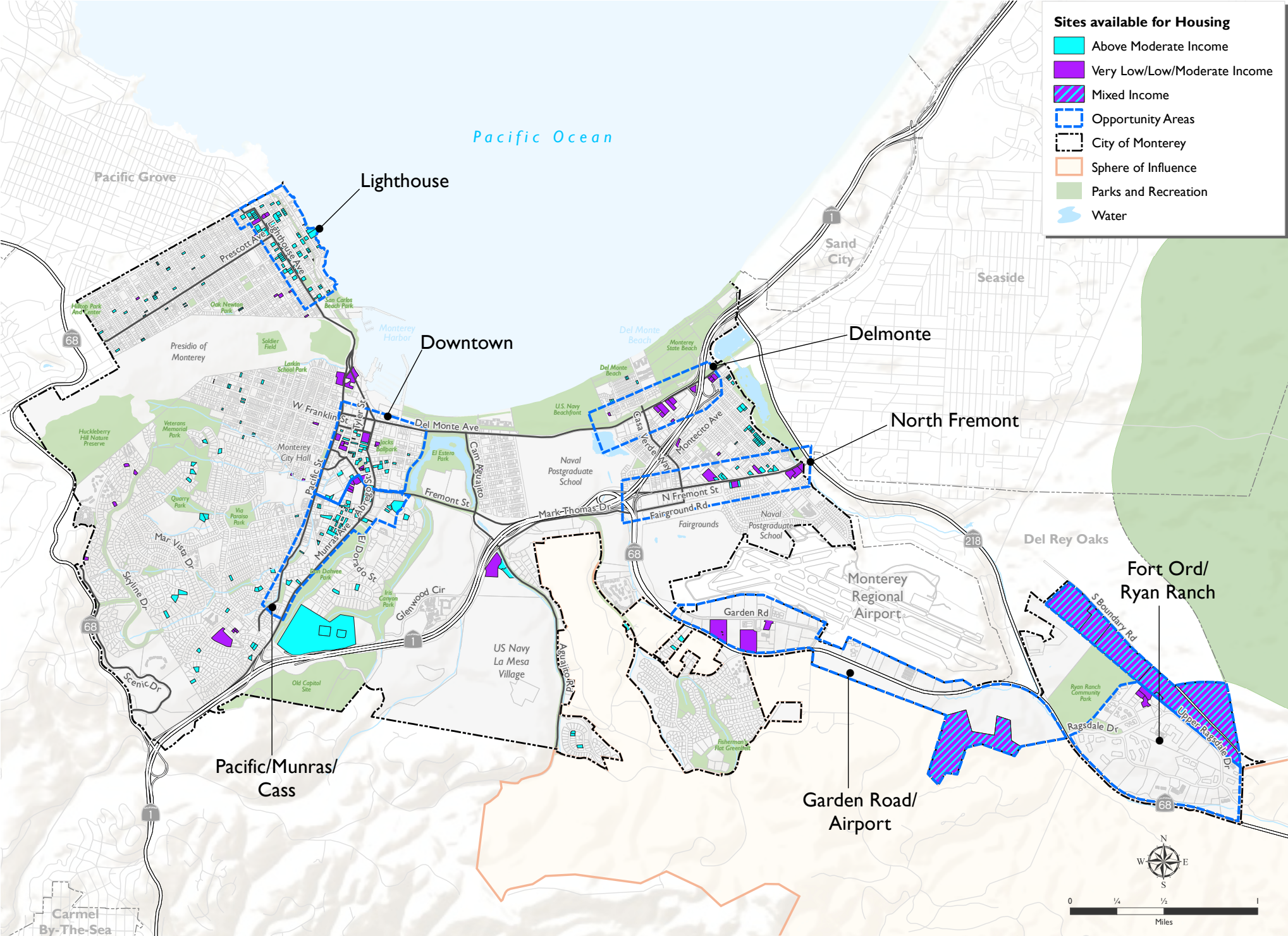
- Very Low Income - Households making less than 50 percent of AMI
- Low Income - Households making 50-80 percent of AMI
- Moderate Income - Households making 80-120 percent of AMI
- Above Moderate Income - Households making more than 120 percent of AMI

Amid the ongoing housing crisis in California, Monterey is required to plan for at least 3,654 new housing units between 2023 and 2031, including 1,177 Very Low-Income units, 769 Low Income units, 462 Moderate income units, and 1,246 Above Moderate units. As required by State law, the Draft Housing Element will include an inventory of sites available for housing and a projection of the realistic capacity of the inventory for housing. The Draft Housing Element will also include a Housing Action Plan, organized around communitywide housing goals. Each goal will be supported by policies and implementing programs that describe actions the City will take to help meet its RHNA obligations.

On June 20, 2023, the Monterey City Council approved a preliminary inventory of sites for housing, developed with extensive community input and shown on Figure 3. Together with development proposals currently in the pipeline and expected to be approved and constructed within the planning period, the inventory has a total projected capacity for 5,802 new homes, which is sufficient to meet the City’s assessed share of the regional housing need at all income levels with a buffer. The inventory assumes a combination of strategies to ensure the City meets its RHNA obligations, including:

- Infill development on vacant and underutilized properties downtown and along commercial corridors, including North Fremont Street, Garden Road, Lighthouse Avenue, Del Monte Avenue, Munras Avenue, and Abrego Street;
- Preparation of a specific plan to guide future residential and mixed-use development in the Fort Ord/Ryan Ranch area, identify infrastructure needs and financing mechanisms, and establish measures to ensure sustainable development and adequate resource protection;
- Facilitating construction of accessory dwelling units (ADUs) and junior ADUs that provide affordable housing options on existing residential properties throughout the community; and
- Development or redevelopment of several larger sites to increase the range of housing options available in Monterey.

Figure 3: Preliminary Housing Sites Inventory



Data Source: City of Monterey, 2022; Monterey County GIS, 2022; Dyett & Bhatia, 2022.

The projected capacity of the sites, summarized in Table 1 by area, is based on a survey of recently constructed projects in Monterey and surrounding communities, conducted to establish average as-built densities that represent the realistic capacity of sites included in the inventory.

Table 1 – Summary of RHNA Capacity Projections

<i>Income Category</i>	<i>Very Low, Low, and Moderate</i>		<i>Above Moderate</i>		<i>Subtotal</i>
	<i>Vacant</i>	<i>Non-vacant</i>	<i>Vacant</i>	<i>Non-vacant</i>	
<i>Opportunity Area</i>					
Downtown	0	216		241	457
North Fremont	0	218	24	86	328
Garden Road	0	356	0	0	356
Lighthouse	0	31	11	254	296
Pacific/Munras/Cass	0	38	0	92	130
Del Monte	0	126	0	0	126
Fort Ord/Ryan Ranch		420		1,680	2,100
Vacant Low Density Residential			111		111
Vacant High Density Residential	33				33
ADUs		120			120
Educational Workforce Overlay		100			100
Pipeline projects	108		383		491
County Courthouse Site		130			130
50-acre MCSD Site	290		350		640
590 Perry Lane Site				50	50
Elk's Lodge Site		94			94
Del Monte Shopping Center				150	150
Heritage Harbor Office Complex		90			90
Subtotal	431	1,939	879	2,553	5,802
Total by RHNA Category		2,370		3,432	5,802
Inclusionary Requirement (20%) ¹				244	
Adjusted Total RHNA²		2,614		3,188	5,802
RHNA		2,408		1,246	3,654
Buffer		206		1,942	1,498
		8.56%		155.84%	

¹ Infill sites that do not meet the site suitability criteria established by the State are assumed to develop with market rate housing and that capacity has been assigned to above moderate income households. However, the City has adopted an Inclusionary Ordinance which requires that 20 percent of new units in projects of six or more units be affordable to moderate and low income households. Therefore, 20 percent of the total above moderate infill development capacity has been reallocated to moderate, low, and very low-income households.

² Adjusted Total RHNA is the sum of Total by RHNA Category and the Inclusionary Requirement.

Draft Safety, Land Use, and Circulation Elements

As an urbanized community, nestled between the California coast and the Santa Lucia Mountains, integrating new housing into the fabric of Monterey will require a thoughtful approach to land use and community design. In parallel with the Housing Element Update, State law triggers requirements to incorporate new data on natural hazards and climate change into the Safety Element along with actions to strengthen community resilience and emergency evacuation capacity. At the same time, the Land Use Element will be updated to ensure consistency with the newly adopted Monterey Regional Airport Land Use Compatibility Plan, and the Circulation Element will be updated to incorporate strategies for multi-modal mobility and roadway safety, comply with new State law, and introduce new guidelines and metrics for evaluating transportation impacts.

PROBABLE ENVIRONMENTAL IMPACTS OF THE PROJECT

The Program EIR will evaluate potentially significant environmental impacts associated with the adoption and implementation of the Project. Consistent with the State CEQA Guidelines (Appendix G), the following environmental resource categories will be analyzed in relation to the Project:

- Aesthetics and Visual Resources
- Agricultural and Forest Resources
- Air Quality
- Biological Resources
- Historic, Cultural, and Tribal Cultural Resources
- Energy, Climate Change, and Greenhouse Gas Emissions
- Geology, Soils and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use, Population, and Housing
- Noise and Vibration
- Public Facilities and Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

All of the resource categories listed above will be considered in the EIR; however, given the local context of Monterey, the following issues will be central to the environmental analysis:

- Adequate water supply to serve the projected future population of Monterey upon implementation of the Project is a critical consideration, and a Water Supply Assessment will be requested from water purveyors Cal Am (i.e., all City properties except Fort Ord property) and the Marina Coast Water District (e.g., Fort Ord property in City of Monterey) to inform the analysis in the EIR. The potential environmental impacts that could result from the construction of water and sewer infrastructure needed to support the population at buildout will also be analyzed.
- Given the presence of historic resources throughout the city, the potential for new development to adversely affect historic resources will require careful consideration. Additionally, there are many properties in the city which are "age-eligible" for historic designation, meaning they are over 50 years old and require some level of evaluation to determine whether or not they are historically significant. Impacts to these potentially historic resources will also need to be analyzed.
- Monterey contains natural habitats and protected areas that are home to a wealth of flora and fauna. As such, the EIR will need to evaluate potential impacts to biological resources, particularly in the south and southeast of the city where significant new housing and mixed-use development is envisioned. Rigorous analysis will be required to identify potential

impacts and inform mitigation strategies that can reduce or avoid significant environmental impacts.

- Portions of the former Fort Ord Military Base were found to have Unexploded Ordnances (UXO), and while the site has been cleared of UXO to a level that permits light industrial uses, the EIR will need to identify areas that have not yet received approval for residential use and recommend mitigation as appropriate.
- With major transportation routes, including Highway 1 and Highway 68, running through Monterey, the potential for adverse air quality and noise effects on sensitive populations such as children and seniors will need to be evaluated closely.
- Potential impacts related to airport hazards and noise in the vicinity of the Monterey Regional Airport will need careful assessment.
- Areas along the coastline and near El Estero Park, Del Monte Lake, and Laguna Grande Park are subject to flooding, tidal inundation, and coastal erosion. Careful consideration of risk in view of these conditions will be required.
- With parts of Monterey located in Very High and High Fire Hazard Severity Zones delineated by CalFire, parts of the community are subject to wildfire risk and associated impacts will need to be analyzed and mitigated.

Resources categories for which it can be clearly demonstrated that no significant impacts would result from Project implementation may be "scoped out" of the EIR analysis, pursuant to CEQA Section 15082. Accordingly, given that there are no mineral extraction operations or mineral resources of economic value classified under the Surface Mining and Geology Act within the City, it is assumed that mineral resources will be discussed briefly in the EIR and "scoped out."

SCOPING MEETING:

A scoping meeting will be conducted on Monday August 7, 2023, to collect oral comments from agencies and members of the public regarding the scope and content of the EIR in accordance with CEQA Section 21083.9.

EIR Scoping Meeting on the Monterey General Plan Update

Monday August 7, 2023, from 6:00p.m. to 8:30p.m.

Monterey Conference Center
1 Portola Plaza, Monterey, CA 93940

For project information, please visit the Project website:
haveyoursaymonterey.org/monterey2031

Please contact Christy Sabdo at (831) 646-3758 or sabdo@monterey.org with any questions regarding this notice or the scoping meeting.

Levi Hill, Planning Manager

Date

**NATIVE AMERICAN HERITAGE COMMISSION**

August 2, 2023

Christy Sabdo
City of Monterey
570 Pacific St.
Monterey, CA 93940

Re: 2023080034, Monterey 2031 General Plan Update, Monterey County

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Dear Ms. Sabdo:

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

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

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

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

AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation if Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

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

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

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

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

Cody.Campagne@nahc.ca.gov

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

RE: Notice of Preparation of a Draft EIR for the City of Monterey 2031 General Plan Update

Jensen, Fiona <JensenF1@co.monterey.ca.us>

Tue 8/22/2023 1:05 PM

To:Christy Sabdo <sabdo@monterey.org>

Hi Chirsty,

On behalf of the Monterey County Airport Land Use Commission, please refer to the Draft General Plan update to the ALUC for a consistency determination with the 2019 Monterey Regional Airport Land Use Compatibility Plan (ALUCP). Along with the application materials, the City will be required to prepare and submit a comprehensive justification letter detailing why the Draft General Plan Update is consistent with the ALUCP.

Thank you,

Fionna Jensen

Senior Planner

County of Monterey, Housing and Community Development (HCD)

1441 Schilling Place, 2nd Floor, Salinas CA 93901

Main: [(831)%20755-5025](831) 755-5025 | Direct: [(831)-796-6407](831) 796-6407 | [Accela Citizens Access](#)



From: Christy Sabdo <sabdo@monterey.org>

Sent: Wednesday, August 2, 2023 11:11 AM

To: Christy Sabdo <sabdo@monterey.org>

Subject: Notice of Preparation of a Draft EIR for the City of Monterey 2031 General Plan Update

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

Hello -

The City of Monterey will be the Lead Agency and will prepare a programmatic Environmental Impact Report (EIR) for the Monterey 2031 General Plan Update (Proposed Project). The Proposed Project involves updates to the Housing, Land Use, and Safety Elements of the City of Monterey General Plan to address emerging issues and new State laws.

Public agencies and members of the general public are invited to provide comments in writing as to the scope and content of the EIR. Specifically, the City needs to know the views of Responsible and Trustee Agencies as to the potentially significant environmental issues, reasonable alternatives, and mitigation measures that are germane to each agency's statutory responsibilities in connection with the Project. Responsible Agencies will need to use the EIR prepared by the City when considering permits or other approvals for the Project.

NOP Review Period - Due to the time limits mandated by State law, responses must be sent at the earliest possible date, but no later than the close of the NOP review period, which runs as follows: **August 2, 2023 through September 4, 2023**. Please send written responses to Christy Sabdo, Associate

Planner, City of Monterey at the address shown in the attached NOP. Public agencies providing comments are requested to include a contact person for the agency.

EIR Scoping Meeting and Draft Housing Element Open House to be held **Monday, August 7, 2023 from 6 - 8:30pm** at the Monterey Conference Center, 1 Portola Plaza, Monterey.

Registration is encouraged, but not required at: https://www.eventbrite.com/e/youre-invited-to-a-community-open-house-tickets-681797192757?aff=oddtcreator&utm_source=postcard&utm_medium=mailer&utm_campaign=monterey-open-house-080723

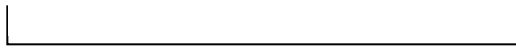
See attached Notice of Preparation.

For more information, please visit the Monterey 2031 Project website: <https://haveyoursaymonterey.org/monterey2031>

Respectfully,
Christy

Christy Sabdo, AICP

Associate Planner | City of Monterey
570 Pacific Street | Monterey, CA 93940
831-646-3885 (main) | 831-646-3758 (direct) |
sabdo@monterey.org | [have your say](#) | [city website](#)



www.monterey.org

[**NOTICE:** This message originated outside of the City of Monterey mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]



**DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY MONTEREY
271 STONE ROAD
MONTEREY CA 93943-5189**

**IN REPLY REFER TO:
11011
Ser N00/115
August 29, 2023**

Ms. Christy Sabdo
Associate Planner
City of Monterey
570 Pacific Street
Monterey, CA 93940

Dear Ms. Sabdo:

Thank you for providing Naval Support Activity Monterey (NSAM) the opportunity to respond to the Notice of Preparation Program Environmental Impact Report (PEIR) related to the Monterey General Plan Update. NSAM understands the City's State mandated requirement to establish areas of interest for potential residential development to address the increasing demand for affordable housing. NSAM anticipates minimal mission impact within the areas proposed in Figure 3: Preliminary Housing Sites Inventory of the Notice of Preparation of the PEIR (page 6), however there are additional items for consideration if build-out of specific housing areas should occur.

For the City of Monterey's awareness, the proposed area for Very Low/ Low/ Moderate/Above Moderate Income housing adjacent and north of the La Mesa Village Military Housing Complex property is primarily accessible via Allan Drive which transverses through US Navy property. The existing perpetual easement for Allan Drive is held by the County of Monterey and its assigns under specific conditions of responsibility. If the City were to acquire or assume the premises from the County and change land uses in this area, the Navy would require formal documentation illustrating the City of Monterey is the new Grantee for the existing easement. The easement language is enclosed for your reference should there be a need for a change in Grantees.

Additionally, Del Monte Ave. and Aguajito Rd. act as the prime commuting corridors to the Naval Support Activity Monterey properties. As noted in the Notice of Preparation, considerations and thorough analysis are requested for traffic impacts and air quality along these thoroughfares.

1011
Ser N00/115
August 29, 2023

If you have further questions, please contact Ms. Marlana Brown, Community Planning Liaison Officer, at marlana.brown@nps.edu.

Sincerely,

A handwritten signature in black ink, appearing to be 'F. Dale', written over a circular stamp or mark.

F. DALE
Captain, U.S. Navy
Commanding Officer

Enclosures: 1. Notice of Preparation
2. Monterey-Post Graduate School Easement NoyR-95732

MONTEREY - POSTGRADUATE SCHOOL
EASEMENT NOy(R)-95732
TO: COUNTY OF MONTEREY

DO2/1

PERPET.

114

06-3900-4509

CB

RECORDED 9/22/65
 Reel 425, page 393,
O.R. Monterey County

GRANT OF EASEMENT

THIS INDENTURE, made the 19th day of August, 1965 between the United States of America, herein called the Government, acting by and through the Department of the Navy, and the County of Monterey, a political subdivision of the State of California, herein called the Grantee.

WHEREAS, the Government owns that certain real property known and identified as the U. S. Naval Postgraduate School, Monterey, California, herein called the Station; and

WHEREAS, the Grantee has requested the conveyance of an easement for the construction, use, maintenance, operation, repair and replacement of a road over and across that portion of the Station hereinafter described; and

WHEREAS, the Secretary of the Navy has found that the grant of such easement on the terms and conditions hereinafter stated is not incompatible with the public interest:

NOW, this Indenture witnesseth that, in consideration of the mutual benefits to be derived therefrom, the Government, pursuant to the authority of Title 10, United States Code, Section 2668, hereby grants unto the said County of Monterey and its assigns, in perpetuity from the date hereof, an easement for the construction, use, maintenance, operation, repair and replacement of a road, hereinafter called the Road, such easement to be confined to that portion of the Station, herein called the Premises, which is described as follows:

Situate in Rancho Aguajito, Monterey County, California and being a portion of that certain Station more particularly described as follows:

BEGINNING at a point on the southwesterly right of way line of Aguajito Road, a road 80 feet wide, from which Monument 4874 as said monument is shown on that map entitled, "Licensed Surveyor's Map of Jacks Ranch", filed April 27, 1939, in Volume 3 of Surveys, at Page 168, Records of Monterey County, California, bears South $84^{\circ} 33' 55''$ East, 118.68 feet distant; thence leaving said southwesterly right of way line:

- (1) South $47^{\circ} 07' 20''$ West, 86.09 feet; thence
- (2) South $86^{\circ} 28' 30''$ West, 228.96 feet; thence
- (3) North $72^{\circ} 11' 05''$ West, 96.88 feet; thence
- (4) North $43^{\circ} 00' 35''$ West, 94.82 feet; thence
- (5) South $12^{\circ} 11' 50''$ West, 108.20 feet to Engineer's Station 10 \neq 57.79 and 13 feet North of centerline of Boulevard "A"; thence parallel to the centerline of Boulevard "A" and 13 feet North measured radially
- (6) Westerly on the arc of a circular curve to the left, the center of which bears South $23^{\circ} 26' 05''$ West, 198.00 feet distant, through a central angle of $25^{\circ} 47' 10''$ for a distance of 83.26 feet to Engineer's Station 9 \neq 74.53; thence leaving Boulevard "A", but not tangent thereto

AA

Doc. 9606 P/A 1-00004-04 by
 Code 002/1 File 3H44
 Encl. AttyGen Opinion of.....
 Micro 09904 To BUDOCKS. 9-10-65

Note: 2.37 acres is incorrect
as per HVS. (See Engr file.)
This was called to attention
of RE D but it was determined
it would involve too much
work to have area @ Cd to
Navy + issue new Espt. 9/10/65
Actual acreage: 2.05 ly

NOY(R)-95732

- (7) North $12^{\circ} 46' 40''$ East, 139.94 feet; thence
- (8) North $61^{\circ} 06' 55''$ West, 106.49 feet to the intersection with the southerly property line of that certain 3.84 acre parcel conveyed by the State of California to the County of Monterey by deed dated August 3, 1964 and recorded in Reel 357 of Official Records, at Page 304, Records of Monterey County, California; thence along said southerly property line
- (9) South $89^{\circ} 59' 50''$ East, 20.00 feet to the most southeasterly corner of said 3.84 acre parcel and United States Navy Monument M-147; thence along the easterly line of aforesaid 3.84 acre parcel
- (10) North $2^{\circ} 52' 40''$ West, 150.00 feet; thence leaving said easterly line
- (11) South $65^{\circ} 59' 50''$ East, 147.08 feet; thence
- (12) South $46^{\circ} 49' 40''$ East, 276.54 feet; thence
- (13) North $77^{\circ} 18' 15''$ East, 183.06 feet to the intersection with the southwesterly right of way line of said Aguajito Road; thence curving on a non-tangent curve along said southwesterly right of way line
- (14) Southwesterly on the arc of a circular curve to the left, the center of which bears North $37^{\circ} 30' 15''$ East, 1350.00 feet distant, through a central angle of $4^{\circ} 50' 53''$ for a distance of 114.23 feet to the place of beginning.

CONTAINING an area of 2.37 acres of land, more or less.

THIS EASEMENT is granted subject to the following terms and conditions:

1. All work in connection with the construction, operation, repair and use of the Road shall be done without cost or expense to the Department of the Navy and in accordance with plans previously approved by the Director, Western Division, Bureau of Yards and Docks, hereinafter referred to as the Director.
2. The Grantee shall maintain the Premises and the Road in good condition at all times and shall promptly make all repairs thereto which may be necessary for the preservation of the condition of the Premises and the continued operation and maintenance of the Road.
3. The Grantee's rights hereunder shall be subject to such reasonable rules and regulations as may be promulgated by the Government to insure that the exercise of such rights shall not interfere with the Government activities at the Station.
4. Upon termination of the easement granted herein, if desired by the Government, the Grantee, at its expense, shall remove any and all improvements installed or constructed hereunder and restore the Premises to the same or as good condition as that which existed prior to the exercise by the Grantee of its rights hereunder, such restoration to be effected to the satisfaction of the Director.

5. The Government reserves the right to make such connections between the Road herein authorized and other roads on the Station as the Government may consider necessary, and also reserves to itself rights of way for all purpose across, over and/or under the right of way herein granted; provided, however, that such rights shall be used in a manner that will not unreasonably interfere with the use and enjoyment by the Grantee of the easement rights granted herein.

6. That all or any part of the right of way herein granted may be terminated for failure on the part of the Grantee to comply with any of the terms and conditions of this grant; upon abandonment of the rights granted herein; or upon nonuse of such rights for a period of two consecutive years.

IN WITNESS WHEREOF, the Government, acting by and through the Department of the Navy, has caused this instrument to be executed the day and year first above written.


THE UNITED STATES OF AMERICA

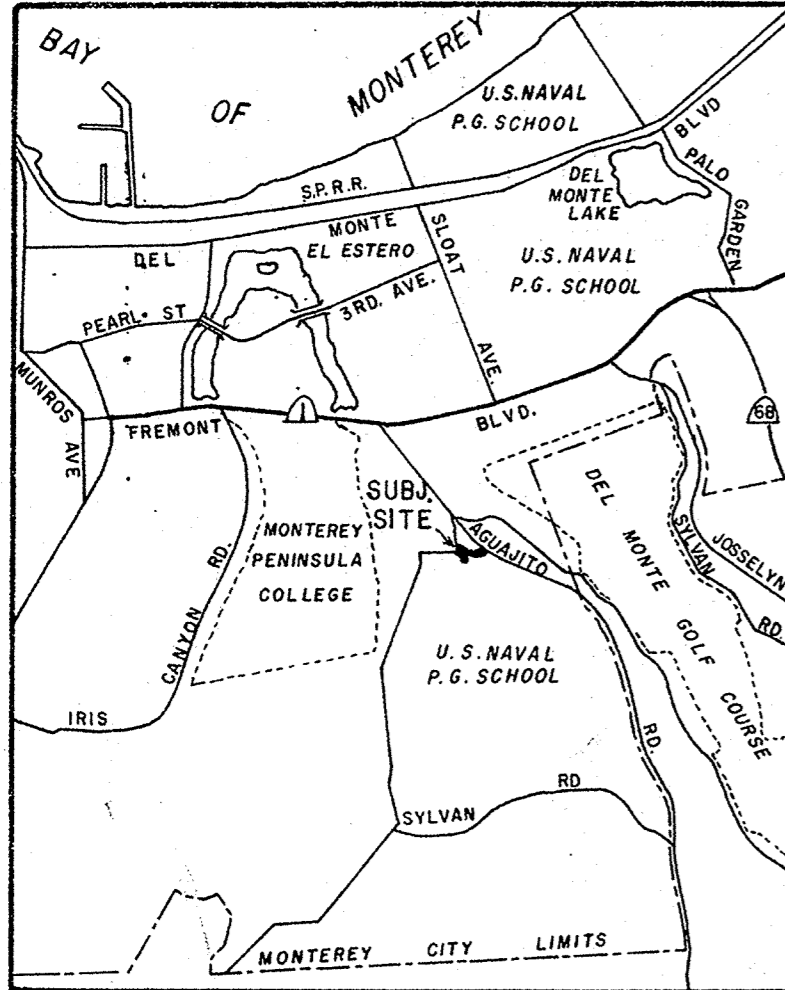
By 

H. W. FLIPPEN, CDR, CEC, USN
By direction of the Chief, Bureau of Yards and Docks, acting under the direction of the Secretary of the Navy

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN MATEO)

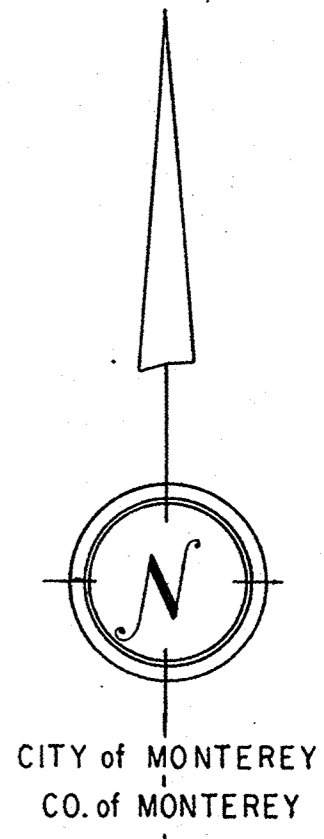
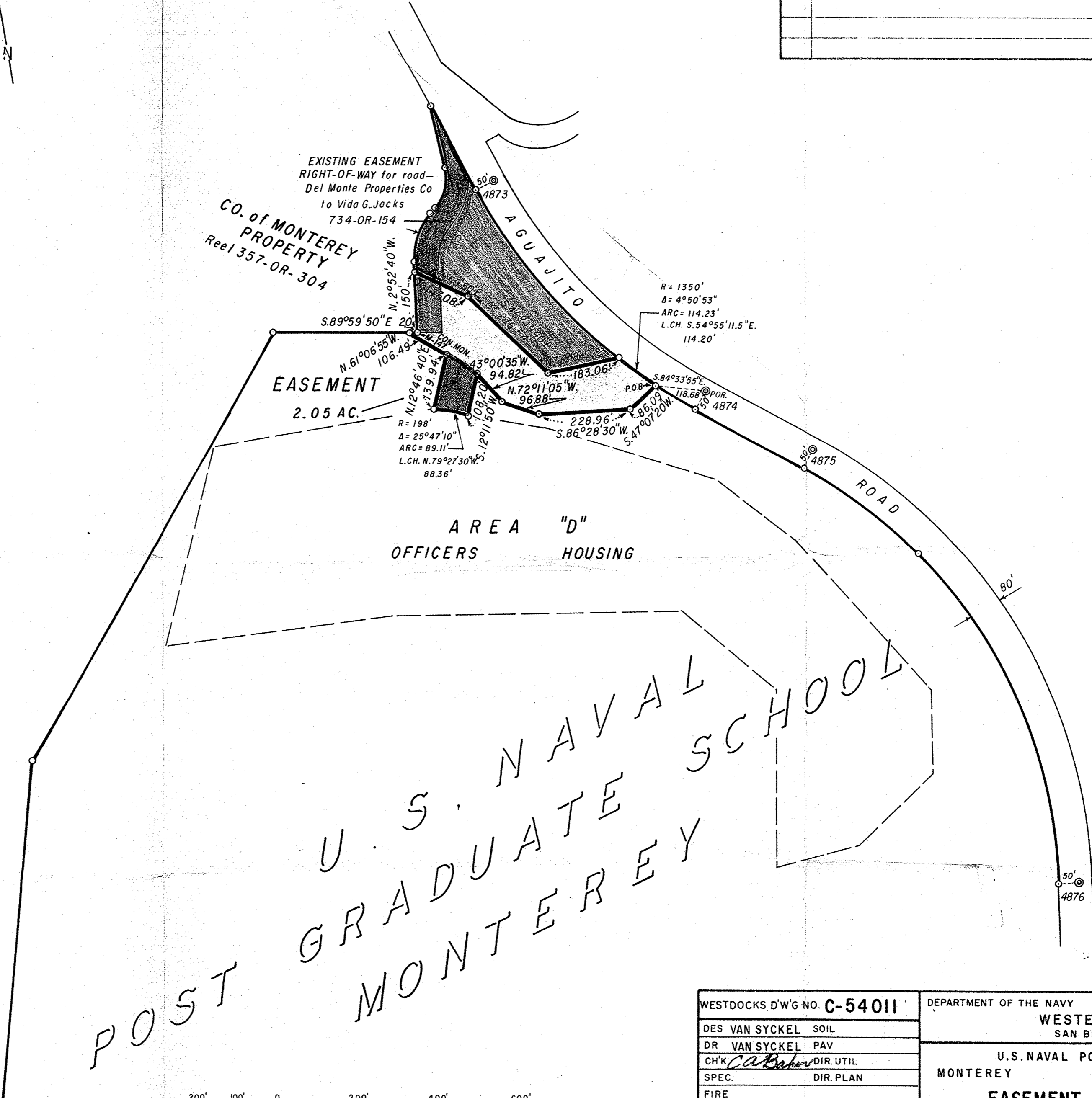
On this 19th day of August, in the year 1965, before me, Madelon M. Moriarty, a Notary Public in and for said County and State, personally appeared H. W. Flippen, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same on behalf of the United States of America in accordance with authority granted to him.


Notary Public in and for said County and State.
My Commission expires September 11, 1967



0 800' 1600' 2640'
SCALE—GRAPHIC
VICINITY MAP

REVISIONS			
SYM.	DESCRIPTION	DATE	APPROVED



POST GRADUATE SCHOOL
MONTEREY

200' 100' 0 200' 400' 600'
SCALE—GRAPHIC

WESTDOCKS D'W'G NO. C-54011		DEPARTMENT OF THE NAVY BUREAU OF YARDS & DOCKS	
DES VAN SYCKEL SOIL		WESTERN DIVISION	
DR VAN SYCKEL PAV		SAN BRUNO, CALIFORNIA	
CH'K <i>CA Behr</i> DIR. UTIL		U.S. NAVAL POST GRADUATE SCHOOL	
SPEC. DIR. PLAN		MONTEREY CALIFORNIA	
FIRE		EASEMENT FOR ROAD R/W TO COUNTY OF MONTEREY	
ENG. IN CHG.			
DIRECTOR		SIZE	CODE IDENT. NO.
APPROVED <i>[Signature]</i> DATE <i>7/6/65</i>		C	Y & D DRAWING NO.
FOR WESTDOCKS FOR CHIEF OF BUREAU		SCALE 1"=200'	SPEC NBy
SATISFACTORY TO <i>[Signature]</i>		SHEET	OF
TITLE: <i>[Signature]</i> DATE:			

September 1, 2023

City of Monterey

Attn: Christy Sabdo, AICP, Associate Planner

570 Pacific Street

Monterey, CA 93940

Via email: sabdo@monterey.org

SUBJECT: Comments on Notice of Preparation of a Draft Environmental Impact Report for the Monterey 2031 General Plan Update

Dear Ms. Sabdo:

The Transportation Agency for Monterey County (TAMC) is the Regional Transportation Planning and Congestion Management Agency for Monterey County. Agency staff reviewed the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Monterey 2031 General Plan Update and offers the following comments for your consideration:

1. TAMC supports the development of a detailed Traffic Impact Analysis to inform the EIR about the impacts on local and regional road networks. We support the detailed analysis of the General Plan's proposed Travel Demand Management (TDM) strategies.
2. TAMC recommends the City include policy language that supports the maximum use of the Monterey Coastal Trail and provides clear direction to policy makers regarding the use of new technologies. For example, it should not be classified as a recreation trail because that could potentially limit the types of electric mobility options allowed on the facility.
3. Please include a description of the intended future uses of the Monterey Branch Line. Appropriate policies should be included in support of current and proposed projects for this corridor including the SURF! Busway and Rapid Transit project from Marina to Sand City. Long-term plans on the branch line include a light rail service between Monterey and Marina and round-the-bay passenger rail service to Santa Cruz as shown in the Monterey Bay Area Rail Network Integration Study and the State of California's 2023 Rail Plan. Adequate infrastructure needed to support future rail service to Monterey and appropriate buffers should be included in the mobility element.
4. The document should include a discussion regarding the need for free transit service (i.e., the MST Trolley service) is expected to be needed to provide certain levels of service. Appropriate policies should be included requiring secured/dedicated funding sources for these transit

services if the service is a prerequisite for other mobility issues (e.g., parking supply and environmental impacts of vehicles).

5. Please include the proposed Fort Ord Regional Trail and Greenway (FORTAG) in the plan as this trail would provide bicycle and pedestrian connections to the city.

Our Agency looks forward to providing comments on the draft environmental impact report. If you have any questions, please contact Aaron Hernandez of my staff at 831-775-4412 or aaron@tamcmonterey.org.

Sincerely,



Todd A. Muck
Executive Director

California Department of Transportation

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



September 5, 2023

MON/Var
SCH#2023080034

Christy Sabdo, AICP
Associate Planner
City of Monterey
570 Pacific Street
Monterey, CA 93940

COMMENTS FOR THE CITY OF MONTEREY 2031 GENERAL PLAN UPDATE NOTICE OF PREPARATION (NOP) – MONTEREY, CA

Dear Ms. Sabdo:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the public comment period for the City of Monterey 2031 General Plan Update. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and State planning priorities.

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

Caltrans has the following comments:

Traffic Impact Studies

- New developments resulting from the general plan update should provide a Vehicle Miles Traveled (VMT) based Traffic Impact Study (TIS). Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.

- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.
- Any improvements within Caltrans' Right-of-Way (R/W) from future development projects will be required to comply with Caltrans Highway Design Manual guidelines and standards.
- Any pedestrian facility enhancements from future housing development projects that are within Caltrans' R/W will need to comply with Caltrans Design Information Bulletin (DIB) 82-06.

Complete Streets and Mobility Network

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

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

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

Land Use and Smart Growth

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

improvements at intersections and interchanges where the agencies have joint jurisdiction.

Right-of-Way

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

Climate Adaptation

Climate change's impact on the State Highway System (SHS) and local roadways should be addressed given the forecasted regional increase in wildfires, precipitation, and storm surge. The SHS is the backbone of most county-level evacuation plans and often provides the only high-capacity evacuation routes from communities. Further, the SHS serves as the main access routes for emergency responders, and may serve as a physical line of defense such as a firebreak or an embankment against floodwaters, etc.

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

Sincerely,

Christopher Bjornstad

Chris Bjornstad
Associate Transportation Planner
District 5 Local Development Review



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 11, 2023

Christy Sabdo, AICP, Associate Planner
City of Monterey
570 Pacific Street
Monterey, CA 93940
sabdo@monterey.org
(831) 646-3758

**Subject: City of Monterey 2031 General Plan Update (Project)
Notice of Preparation (NOP)
SCH No.: 2023080034**

Dear Christy Sabdo:

The California Department of Fish and Wildlife (CDFW) received a notice of preparation (NOP) for a Draft Environmental Impact Report (DEIR) from the City of Monterey for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. While the comment period may have ended, CDFW would appreciate if you would still consider our comments.

CDFW ROLE

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

Conserving California's Wildlife Since 1870

Christy Sabdo, AICP, Associate Planner
City of Monterey
Page 2

specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: City of Monterey

Objective: The Proposed Project involves updates to the Housing, Safety, Land Use, and Circulation Elements of the City of Monterey General Plan. The Proposed Project is both a policy document and an implementation tool for implementing the City's General Plan. It contains goals, policies, and programs to guide future housing development of up to 5,802 units within the approximately 8.7-square-mile Planning Area that encompasses the entire city. Implementation will include amendments to the City's Municipal Code.

Location: City of Monterey

Timeframe: Unspecified

Christy Sabdo, AICP, Associate Planner
City of Monterey
Page 3

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Monterey in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document for this Project.

The NOP indicates that the DEIR for the Project will consider potential environmental effects of the proposed Project to determine the level of significance of the environmental effect and will analyze these potential effects to the detail necessary to make a determination on the level of significance. The DEIR will also identify and evaluate alternatives to the proposed Project. When a DEIR is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation.

Special-Status Species

Based on aerial imagery and species occurrence records from the California Natural Diversity Database (CNDDDB) (CDFW 2023a), the proposed Planning Area is known to and/or has the potential to support special-status species, and these resources need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special status species including, but not limited to, the State endangered and federally endangered Monterey clover (*Trifolium trichocalyx*), the State and federally endangered Hickman's cinquefoil (*Potentilla hickmanii*), the State endangered seaside bird's-beak (*Cordylanthus rigidus ssp. Littoralis*), the State candidate endangered Western bumble bee (*Bombus occidentali*), the State threatened Monterey gilia (*Gilia tenuiflora ssp. Arenaria*), the State threatened and fully protected California black rail (*Laterallus jamaicensis coturniculus*), and the species of special concern American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), Northern California legless lizard (*Anniella pulchra*), Western snowy plover (*Charadrius nivosus*), Monterey shrew (*Sorex ornatus salarii*), and yellow rail (*Coturnicops noveboracensis*).

Special-Status Plant Species

There is potential for multiple special status plant species to occur within the Planning Area (CDFW 2023a). CDFW recommends that the DEIR for the General Plan update include a cumulative impacts analysis of the reasonably foreseeable future projects to be implemented within the Plan Area on all special-status plant species. CDFW also recommends that each project site for projects implemented within the Planning Area be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities"

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Page 4

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>) during biological technical studies completed in support of the future CEQA documents tiered from this General Plan. CDFW recommends that the plant surveys be floristic and utilize a known reference site for each plant listed above in order to provide for a high level of confidence in the effort and results.

CDFW recommends special status plant species be avoided whenever possible by delineating and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW and/or the USFWS be conducted to determine permitting needs.

Western bumble bee (*Bombus occidentali*)

Western bumble bee (WBB) has the potential to be found in most locations on or within the vicinity of the Planning Area. WBB was once commonly found in the western United States, Canada, North Dakota, and throughout Alaska, however, it now appears to be absent from most of these areas as there has been a 93% decline in occupancy in the last two decades. WBB primarily nest in late February through late October underground in abandoned small mammal burrows but may be found under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014, Hatfield et al. 2015). Overwintering sites utilized by WBB mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Therefore, potential ground disturbance and vegetation removal associated with future projects implemented under this General Plan may significantly impact local WBB populations.

CDFW recommends that the DEIR for the General Plan update include a cumulative impacts analysis of the reasonably foreseeable future projects to be implemented within the Plan Area. In addition, CDFW recommends that a qualified biologist conduct focused surveys for WBB and their requisite habitat features using the CDFW survey protocol during their colony active period (highest detection probability) from April to September (CDFW 2023b) as part of the biological technical studies conducted in support of the future CEQA documents for projects tiered from this General Plan. CDFW recommends that the future CEQA documents then evaluate impacts resulting from potential ground- and vegetation-disturbing activities that may result from any future project. If WBB need to be captured or handled as part of the survey effort, please note that a 2081(a) Memorandum of Understanding (MOU) with CDFW will be needed (CDFW 2023b).

Christy Sabdo, AICP, Associate Planner
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California black rail (*Laterallus jamaicensis coturniculus*)

Occurrences of California black rail (CBR) have been documented within the Planning Area according to the California Natural Diversity Database (CNDDDB) (CDFW 2023a). The majority of recorded populations for this species have been found from San Pablo Bay to southern California and Arizona. CBR live predominately near water in marsh areas where plants such as pickleweed, gumplant, alkali bulrush, and cattails are found (Evens et al. 1991; Conway and Sulzman 2007). They typically place their nests a couple of inches above shallow water, on moist soil, or among dense vegetation (Spautz et al. 2005).

CDFW recommends that a desk level habitat assessment for CBR be conducted by a qualified biologist knowledgeable with CBR as part of the DEIR prepared for this General Plan update and that any potentially suitable habitat areas be included as part of a cumulative impacts analysis conducted for this species for the reasonably foreseeable future projects to be tiered from this General Plan. CDFW then recommends that future project sites be surveyed by a qualified biologist for the potential presence of this species as part of the biological technical studies conducted in support of the future CEQA document. If the species is found, CDFW should be consulted to identify and implement appropriate avoidance and minimization measures to avoid any impacts to this species. CBR is fully protected, therefore, no “take”, incidental or otherwise, can be authorized by CDFW.

States Species of Special Concern

American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), Northern California legless lizard (*Anniella pulchra*), Western Snowy Plover (*Charadrius nivosus*), Monterey shrew (*Sorex ornatus salarius*), and yellow rail (*Coturnicops noveboracensis*) have the potential to occur within the General Plan Planning area. These species have been documented to occur within and surrounding the Planning area, which supports requisite habitat elements (CDFW 2023a). Each of these species should be included in the cumulative impacts analysis conducted as part of this General Plan update with specific recommendations for focused surveys conducted by a qualified biologist for future projects tiered from this General Plan.

Nesting birds

CDFW recommends that all projects tiered from this General Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 15 through September 15), each future project applicant is responsible for ensuring that implementation of their project does not result in a violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

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To evaluate future project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct an assessment of nesting habitat during biological surveys in support of each project's CEQA document, and then conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around each future project site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from each future project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

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

Cumulative Impacts

Given that a General Plan serves primarily as a planning tool and that future project-level CEQA documents are expected to be tiered from it, CDFW recommends that a cumulative impact analysis be conducted for all potential biological resources that will either be significantly or potentially significantly impacted by implementation of the General Plan, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the any future project, even if those impacts are expected to be relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, Section 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Filing Fees

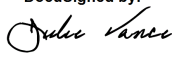
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, Section 753.5; Fish & G. Code, Section 711.4; Pub. Resources Code, Section 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Monterey in identifying, analyzing, and mitigating the implementation of the General Plan's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83E09FE08945A...
Julie A. Vance
Regional Manager

ec:

CESA R4CESA@wildlife.ca.gov

Christy Sabdo, AICP, Associate Planner
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REFERENCES

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<https://www.wildlife.ca.gov/Data/BIOS>.
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- Spautz, H., N. Nur, and D. Stralberg. 2005. California Black Rail (*Laterallus jamaicensis coturniculus*) Distribution and Abundance in Relation to Habitat and Landscape Features in the San Francisco Bay Estuary. USDA Forest Service.

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Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

PROJECT: City of Monterey 2031 General Plan Update (Project)

SCH No.: 2023080034

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation measure: Special-Status Plant Species	
Botanical Surveys	
Mitigation measure: Western bumble bee	
Western bumble bee Habitat Assessment	
Mitigation measure: California black rail	
California black rail Habitat Assessment	

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Mitigation measure: States Species of Special Concern	
State Species of Special Concern Habitat Assessment	
Mitigation: Nesting Birds	
Nesting Bird Habitat Assessment	

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: Ruth Roy Email: _____

Topic: _____

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

I appreciate the environmental considerations you are including in your planning. It is very important to retain the historical heritage of our city and the natural beauty.
Thank you

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: Nick McIlroy Email: nickryem@gmail.com

Topic: EIR Scoping

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

I'm hopeful that increased density is mitigated with increased multi-modal transportation, continued investment in commercial (so preserving mixed-use) in the downtown and other business districts and preserving open space / habitat.
Thanks!

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: ROBERT EVANS

Email: BOBEVANS13@CMLC.COM

Topic: H2O

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

HOW DOES RMPWMD & MONTEREY FIT

IN TO THE WATER SUPPLY PORTION OF THE EIR?

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: CURT TIPTON

Email: william-nipoo@amed.com

Topic: EIR

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

Need TO use UPDATE.

FEMA DATA NOT FROM 2017.

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: Amanda Freese Email: apreece24@gmail.com

Topic: General Housing Element EIR

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

Coast
Horned
Lizard

More special status species - Yadon's rein orchid, Mont Pine forest, Black Oystercatcher, Sandmat manzanita - in Fort Ord parcel. Either lots of mitigation or develop elsewhere.

Hydrology - reconnect El Estero to ocean, SLR adaptation for Del Monte Ave - there have been some planning docs related to MIS in the past.

Should really push for all infill projects first. Ratio of affordable to higher-income homes in the Fort Ord village project area seems less than ideal. More low-income if we're going to lose important habitat please.

But thanks for all of your work! We'll all benefit from your efforts!

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: Joseph Escalante Email: roddeyoseph@yahoo.com

Topic: _____

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

With the current water restrictions and the proposed 2025 plan for that which can change, what is the immediate proposed solution. How can we expect to be able to build anything such as an ADU if we have this problem?

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: Laura Fenwick Email: lauraadame@aol.com

Topic: _____

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

Water - Has the desal plant been approved? Is the waste-recycle plan going forward? I would like to be sure the water issue is addressed.

Parking - I did not see any info on how parking would be addressed. Will garage / parking spaces be added?

Is there a plan on how housing would be allocated? And to provide to low income people but ~~not~~ once they are in, not ~~penalize~~ them for evict making more money — incremental rent increases

How will the new housing be paid for and who owns it? Will it be private housing (with incentives to landlords) or public housing?

How will oversight be conducted.

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: Diana Owens Email: celticdlo@gmail.com
Topic: Emergency Preparedness

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

Hello + thank you for the presentation.
What is the status of the emergency
preparedness plan for Monterey &
the county?

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: Adam Pinterits Email: adam@ncar.com
Topic: _____

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

MONTEREY 2031 COMMUNITY OPEN HOUSE

General Plan Update



Name: S. Weber Email: sweber 9338@mpc.edu

Topic: Environmental impact of overpopulation

ENVIRONMENTAL IMPACT REPORT SCOPING COMMENTS

Please fill out this card to let us know about environmental issues that should be analyzed in the EIR as well as solutions to address them. You can also submit comments by email to Christy Sabdo, Associate Planner, at sabdo@monterey.org. Comments will be accepted until 5:00pm September 4, 2023

Is there a Waste Management plan
in place to deal with all the new
houses / garbage / recycling and
green waste that will come out of
all those 73,000 houses?

I really appreciate all the good work you
are putting into fulfilling these mandates!

A small, stylized handwritten signature or mark.


LandWatch comments on the City of Monterey Public Review Draft Housing Element

Michael DeLapa <execdir@landwatch.org>

Tue 8/22/2023 3:55 PM

To:Christy Sabdo <sabdo@monterey.org>;Oncall Planning <planning@monterey.org>

Cc:Kimberly Cole <cole@monterey.org>;City Clerk's Office Team <cityclerk@monterey.org>

 2 attachments (3 MB)

LandWatch comments on Monterey HE.pdf; EcoDataLab Fort Ord Housing Site Comments.pdf;

You don't often get email from execdir@landwatch.org. [Learn why this is important](#)

RE: Comments on the City of Monterey Draft Housing Element and on the Scope of Its CEQA Review

City of Monterey Housing Team:

LandWatch has reviewed the [City of Monterey Public Review Draft Housing Element](#). We support your ambitious goal to “increase housing supply and facilitate production of at least 3,654 new homes by 2031.” LandWatch supports almost all of the policies and programs that the City proposes. Many of the programs would simplify project permitting and reduce housing costs. Our detailed comments (attached) propose modifications to some programs to make them even more effective.

Although in other instances the City has shown leadership in addressing climate change and other environmental impacts, the plan to locate 2,100 housing units on the former Fort Ord — approximately 60% of the City's RHNA allocation — is a significant step backward. Allowing sprawl development of this magnitude would contribute to significant climate impacts by inducing vehicle miles travelled. It would also impinge on sensitive biological resources, disturb a hazardous materials site, and worsen groundwater overdraft. Indeed, there is no available water supply for Fort Ord development because Marina Coast Water District has no committed plan to supply water and is bound by a settlement agreement not to supply additional hookups with non-groundwater sources for residential projects in Fort Ord.

Other cities – Pacific Grove, Sand City, and Carmel among them – will meet their RHNA obligations without this kind of sprawl by focusing on infill. Monterey can as well. LandWatch's analysis demonstrates that expanding onto open space on the former Fort Ord is unnecessary if the City simply recognizes that its own analysis provides sufficient high density sites for both affordable and market rate units.

Because meeting the City's RHNA does not require providing sites for 2,100 units on the former Fort Ord, we ask that the Housing Element EIR assess potentially feasible alternatives to the proposed Fort Ord development.

We attach specific comments on the draft Housing Element as well as

- References to supporting materials from the Campus Town EIR and MCWD/LandWatch/Keep Fort Ord Wild legal settlement.
- Analysis of Monterey Site Inventory showing feasible alternative to Fort Ord sprawl
- Ben Gould, President, EcoDataLab, letter to Michael DeLapa, August 22, 2023.

- Map of biological resources on the City's properties on the former Fort Ord

Please confirm receipt of LandWatch's comments.

Best regards,

Michael

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

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

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[**NOTICE:** This message originated outside of the City of Monterey mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

August 7, 2023

City of Monterey
580 Pacific Street
Monterey, CA 93940

RE: Comments on the City of Monterey Draft Housing Element and on the Scope of Its CEQA Review

City of Monterey Housing Team:

LandWatch has reviewed the [City of Monterey Public Review Draft Housing Element](#). We support your ambitious goal to “increase housing supply and facilitate production of at least 3,654 new homes by 2031.” LandWatch supports almost all of the policies and programs that the City proposes. Many of the programs would simplify project permitting and reduce housing costs. Our detailed comments below propose modifications to some programs to make them even more effective.

Although in other instances the City has shown leadership in addressing climate change and other environmental impacts, the plan to locate 2,100 housing units on the former Fort Ord – approximately 60% of the City’s RHNA allocation – is a significant step backward. Allowing sprawl development of this magnitude would contribute to significant climate impacts by inducing vehicle miles travelled. It would also impinge on sensitive biological resources, disturb a hazardous materials site, and worsen groundwater overdraft. Indeed, there is no available water supply for Fort Ord development because Marina Coast Water District has no committed plan to supply water and is bound by a settlement agreement not to supply additional hookups with non-groundwater sources for residential projects in Fort Ord.

Other cities – Pacific Grove, Sand City, and Carmel among them – will meet their RHNA obligations without this kind of sprawl by focusing on infill. Monterey can as well. LandWatch’s analysis demonstrates that expanding onto open space on the former Fort Ord is unnecessary if the City simply recognizes that its own analysis provides sufficient high density sites for both affordable and market rate units.

Because meeting the City's RHNA does not require providing sites for 2,100 units on the former Fort Ord, we ask that the Housing Element EIR assess potentially feasible alternatives to the proposed Fort Ord development.

- A. The Site Inventory cannot legally rely on Fort Ord sites due to the lack of any plan for water supply; and it should not rely on Fort Ord sites due to biological resource, VMT, and hazardous materials impacts that must be assessed and mitigated through conditions or alternatives.**

We are concerned with the policies and programs being relied upon to provide an adequate site inventory, which rely heavily on sprawl development into the former Fort Ord. Specifically of concern is **Policy 1.3** and **Program 1-H**;

- *Policy 1.3 recognizing that infill development alone will not be sufficient to meet the City's RHNA obligations, plan holistically to integrate new housing in context sensitive ways on larger vacant properties in the southeast of Monterey to take advantage of opportunities where they exist.*
- **Program 1-H Fort Ord/Ryan Ranch Specific Plan**, with its "Objective: 2,100 new housing units, including 210 homes affordable to moderate-income households and 210 homes affordable to lower income households"

The goal to site 2,100 new units in that Fort Ord/Ryan Ranch Specific plan, represents nearly 60% of the 3,654-unit Regional Housing Needs Allocation (RHNA) for the 6th Cycle Housing Element Update. LandWatch would support development on Ryan Ranch where basic infrastructure is in place. However, to the extent that the City relies on sites on vacant, greenfield land on the former Fort Ord, it will need to identify and mitigate significant environmental impacts to biological resources, hazardous materials, water resources, and Vehicle Miles Traveled – impacts that would not occur on infill properties and non-vacant land in the urbanized portions of the City. Inclusion of Fort Ord areas as future residential growth areas in this 6th Cycle housing element would require substantial CEQA review of these impacts and evaluation of alternative development scenarios to avoid or lessen these impacts.

- 1. The City cannot legally rely on Fort Ord sites due to lack of a planned water supply.**

As for water, properties on the former Fort Ord proposed for residential service by MCWD can only be served by non-groundwater sources due to the 6,160-unit cap on new residential units served by groundwater, a limitation that does not apply to land within the already urbanized areas of the City. The rationale for this limitation is the well-known

condition of overdraft and seawater intrusion caused by excessive coastal area groundwater pumping.

As the City of Seaside acknowledged in its approval of the Campus Town project, after approval of the Campus Town project itself, there were only 10 units remaining in the 6,160 unit cap. ([Campus Town FEIR](#), pp. 3-169 to 3-170.) That unit cap remains in force despite the termination of the Fort Ord Reuse Agency by virtue of a [settlement agreement between MCWD, LandWatch, and Keep Fort Ord Wild](#).

The Site Inventory admits without any analysis that the City is on notice of this settlement agreement from an earlier letter from LandWatch, even while it admits that at most there are “water credits” for only 240 units.

Fort Ord also has water credits sufficient for 240 new homes today, making it one of the more feasible locations for housing development in the near term, although the City has received correspondence from land Watch about a settlement agreement applicable to the site that may affect development potential.

(Draft HE, p. 3-16.) However, in order to count a site in its inventory, the City must demonstrate that utilities, including water supply, are either available or planned:

Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development.

(Gov. Code, § 65583.2(b)(5)(B).) Clearly there is no existing “mandatory program or plan” to supply water for 2,100 units in Fort Ord, since the Site inventory admits that there is at most some unspecified source of “water credits” to support *only 240 units*. And any agreement with the now defunct Fort Ord Reuse Agency for “water credits” is no longer an enforceable “mandatory program or plan.” Indeed, the only applicable mandatory program at this point is the LandWatch-MCWD-Keep for Ord Wild settlement agreement, which *bars* MCWD from supplying any further groundwater-based water supply hookups after the next ten units are entitled to MCWD water anywhere in the former Fort Ord. And MCWD does not have a “mandatory program or plan” to provide a *non*-groundwater supply to Monterey for its Fort Ord land.

In sum, the discussion of the Fort Ord water supply issue in the draft Housing Element is insufficient. At bottom, the City simply cannot count on the Fort Ord sites because there is no water supply available or committed through a mandatory program or plan.

Even if there were a committed plan to supply water to Fort Ord development, the City would have to disclose significant groundwater impacts in a CEQA review of the Housing Element, including the cumulative impacts associated with depletion of the aquifer, lowering groundwater levels, and seawater intrusion. There is no current committed mitigation for these impacts.

2. The City should not rely on Fort Ord sites due to hazardous materials.

Moreover, if this 6th Cycle housing element were to include Fort Ord sites, the City would need to address site contamination by hazardous materials. (See HE, p. 3-16 [“the presence of unexploded ordnance requires remediation before residential development can take place”].) First, the Environmental Services Cooperative Agreement (ESCA) requires that any amount of soil over 10 cubic yards remain on the same parcel it comes from (see [Fort Ord Cleanup](#)). Second, there are a number of questions that would have to be addressed in a CEQA review of the Housing Element if it relies on residential development of Fort Ord land:

- Were the areas being proposed for residential development in housing elements also designated for residential development in the Fort Ord Reuse Plan?
- Was the level of Army cleanup of Fort Ord soils guided by the then-intended uses for specific areas? For example, were areas intended for residential use cleaned up to a higher level than areas intended for industrial use?
- Has the soil on lands now being proposed for residential development in housing elements been contaminated?
- If the soils in areas now being proposed for residential use in housing elements were previously contaminated, were the soils cleaned up before the land was transferred to the City?
 - If it was [cleaned up](#),
 - Was it cleaned up to a level suitable for residential use, or just for other uses (e.g., industrial or commercial use)? If not, on whom would the cost of incremental cleanup to residential standards fall?
 - What restrictions remain on the use of the land, e.g.,
 - allowable use limitations
 - off-site transport of soils,
 - excavation protocols
 - additional testing and cleanup for excavated sites
 - construction worker protections,
 - capping soils

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

If any of the land proposed for residential development in Fort Ord has been contaminated and has not been fully cleaned up for residential uses without restrictions, or if there are additional costs associated with land use restrictions, then an EIR for a Housing Element that includes Fort Ord lands should evaluate alternatives to developing this land. Alternatives should include (1) siting development on uncontaminated sites, including urban infill sites in the already urbanized portions of Monterey, and (2) where contaminated sites are used, minimizing the development footprint by using clustered, compact development instead of low-density development.

3. The City should not rely on Fort Ord sites due to biological resource impacts.

The Fort Ord sites contain sensitive biological resources, including special status species, to which development would cause significant impacts. If the City includes Fort Ord land in the Site Inventory, the City would be required to assess those impacts in the Housing Element EIR and to propose mitigation or alternatives to avoid or reduce impacts found to be significant. The attached map identifies some of the biological resource constraints.

Rein Orchids: Populations of three species of rein orchid occurs in the Pine Woods (see map). Two of these species have special status.

- a. Yadon's piperia (*Piperia yadonii*) – CRPR Rank 1B.1 - ESA endangered
- b. Michael's piperia (*Piperia michaelii*) – CRPR Rank 4.2
- c. Denseflower Piperia (*Piperia elongata*) – no special status

Wetlands and vernal pools: A large natural wetland exists on the western edge of the city's Fort Ord land. The area indicated in the attached map was inundated in May 2023. Several native plant species occur there that are indicators of vernal pools and other wetlands. Impacts to this wetland would need to be mitigated through protection of equivalent wetland elsewhere. However, given the presence of a vernal pool specialist (Hickman's

popcornflower), an equivalent protectable wetland is unlikely to be available. So, it is unlikely that this wetland could be allowed to be developed or impacted by surrounding development.

Wetland species present include:

- d. *Brodiaea hyacinthina* (white brodiaea)
- e. *Brodiaea terrestris* (Dwarf brodiaea)
- f. *Cyperus eragrostis* (tall flatsedge)
- g. *Eleocharis macrostachya* (pale spikerush)
- h. *Isolepis cernua* (slender clubrush)
- i. *Juncus bufonius* (Toad rush)
- j. *Juncus phaeocephalus* (Brown-headed rush)
- k. *Plagiobothrys chorisianus* var. *hickmanii* (Hickman's popcornflower) – CRPR Rank 4.2
- l. *Triglochin scilloides* (flowering-quillwort)
- m. *Trifolium variegatum* (White-tipped clover)

Sensitive Natural Communities: Sensitive Natural Communities are jointly defined by the California Department of Fish & Wildlife (CDFW) and the California Native Plant Society (CNPS) as the formal means of defining rare plant communities as recognized by State law. A number of SNCs and preliminarily SNCs occur in the City's Fort Ord lands. They have not been precisely mapped, but the attached map provides an indication based on mapping by the CalVeg program. Some interpretation is necessary. In particular, any plant community on Fort Ord with a prominent *Arctostaphylos* (manzanita) species is a current or pending SNC named for that species. In turn, most areas mapped as a form of "chaparral" in the City's Fort Ord land would contain prominent *Arctostaphylos* and be considered sensitive under state law. The expected SNCs include:

- n. 37.321.00: *Arctostaphylos hookeri* Alliance (possible in area)
- o. 37.318.00: *Arctostaphylos pumila* Alliance
- p. 37.211.12: *Ceanothus cuneatus* – (*Arctostaphylos* spp.) Maritime
- q. 45.570.04: *Juncus phaeocephalus* Association
- r. 41.080.01: *Leymus triticoides* Association
- s. 42.005.00: *Trifolium variegatum* Alliance
- t. Pending: *Arctostaphylos tomentosa* Alliance

Other rare plant listings: Within the above SNCs in the City's lands on Fort Ord, several plant species occur that themselves have their own special status at the species or subspecies level. A partial list is:

- u. *Arctostaphylos hookeri* ssp. *hookeri* (Hooker's manzanita) – CRPR 1B.2
- v. *Arctostaphylos montereyensis* (Toro manzanita) – CRPR 1B.2
- w. *Arctostaphylos pumila* (Sandmat manzanita) – CRPR 1B.2
- x. *Ceanothus rigidus* (Monterey ceanothus) – CRPR 4.2
- y. *Chorizanthe douglasii* (Douglas' spineflower) – CRPR 4.3
- z. *Chorizanthe pungens* var. *pungens* (Monterey spineflower) – CRPR 1B.2 – ESA threatened
- aa. *Ericameria fasciculata* (Eastwood's golden fleece) – CRPR 1B.1

California Tiger Salamander: Most of the City's Fort Ord lands are within 2 km of a known breeding pool for California Tiger Salamander (CTS) – see map. The closest land is approximately 950 m away from a known breeding pool. All lands are with 2 km of either known or potential breeding pools (USFWS Biological Opinion 2017).

Although the Army's disposal of the land to the City for development purposes is addressed by the Fort Ord Habitat Management Plan (1997), it does not exempt the city from compliance with other applicable state and federal laws and regulations (USFWS Biological Opinion 2017).

It is possible that the city would need to acquire an Incidental Take Permit from the State and that a condition of this permit would be setting aside land in a conservation easement to mitigate the loss of upland CTS habitat. This is what occurred at East Garrison in 2013 in relation to development near known CTS breeding habitat.

Steep slopes: Slopes steeper than 25% occur on a substantial portion of the City's Fort Ord lands. These slopes and a substantial toe area beneath them would be difficult to develop, both from a regulatory and physical perspective.

4. The City should not rely on Fort Ord sites due to increased vehicle miles traveled and associated climate change impacts.

Both the Office of Planning and Research and the City of Monterey have previously recognized that VMT that is not at least 15% below the regional average is a significant

transportation impact under SB 743. To meet current GHG reduction targets, the California Air Resources Board now requires that local Climate Action Plans result in “VMT per capita reduced 25 percent below 2019 levels by 2030 and 30 percent below 2019 levels by 2045.”¹

As the attached letter from Ben Gould of EcoDataLab demonstrates, residential development on the Former Fort Ord would likely cause significant transportation impacts in the form of vehicle miles travelled well *above* the regional average. VMT represents the largest source of GHG in the County and thus the largest cause of climate change impacts.

The 2022 AB 32 Scoping Plan holds local governments accountable to avoid sprawl:

Local government efforts to reduce greenhouse gas (GHG) emissions within their jurisdiction are critical to achieving the State’s long-term climate goals, and can also provide important cobenefits, such as improved air quality, local economic benefits, healthier and more sustainable communities, and improved quality of life. Indeed, a substantial portion of California’s GHG reduction potential comes from activities over which local governments have authority or influence.²

CARB identifies VMT reduction as one of the three most priority efforts that local governments can take to align their policies with the AB 32 Scoping Plan.³ An agency cannot find its plans consistent with AB 32, and thus cannot find GHG impacts less than significant, without taking steps to minimize VMT. Minimizing VMT requires that jurisdictions “[p]reserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert ‘greenfield’ land to urban uses (e.g., green belts, strategic conservation easements).”⁴

5. CEQA disclosures and alternatives

¹ California Air Resources Board, 2022 AB 32 Scoping Plan, November 2022, App. D, p. 16.

² Id., App. D, p. 1.

³ Id., App. D, p. 9.

⁴ Id., App. D, p. 12.

In sum, there are substantial habitat, water supply, hazardous materials, and VMT constraints on Fort Ord development sites. If the City chooses to include any vacant Fort Ord land in the Housing Element site inventory, the EIR for its Housing Element must disclose the significant impacts related to habitat, water supply, VMT, and hazardous materials and must propose and evaluate alternatives that avoids or minimizes the use of Fort Ord land in order to reduce those impacts.

B. The City has a feasible alternative to reliance on Fort Ord land and this alternative is already implicit in the Site Inventory.

As explained below, the City could meet its RHNA requirements without relying on the Fort Ord sites. Accordingly, we suggest that Program 1-H be revised to call for a specific plan just for the Ryan Ranch sites, and not the Fort Ord sites. Omission of Fort Ord sites will greatly simplify the required CEQA review of the Housing Element. However, even if the City does decide to include some Fort Ord sites and, as is inevitable, there are potentially significant environmental impacts from this greenfield sprawl, CEQA requires that the City evaluate alternatives that would reduce or avoid these impacts. (14 C.C.R. § 15126.6.)

As set out in the attached analysis, such an alternative is feasible.

The attached analysis starts with the bottom line from Table 3-4 in the Site Inventory, which aggregates the affordable and above moderate-income unit sites the Site Inventory identifies for each opportunity area or other site. It then first subtracts the 2,100 units that the Site inventory collectively assigns to nine parcels identified as "Ryan Ranch/Fort Ord" without disaggregating the units by parcel. It then adds back the units assumed for the three Ryan Ranch parcels, making the same assumption about the realistic development capacity per acre as the Site Inventory makes for the nine parcels in Fort Ord and Ryan Ranch. The point of these two steps was to net out the assumed Fort Ord units from the Site Inventory's bottom line totals.

The analysis then determines whether there is a surplus or shortage for the high-density sites available for very low, low, and moderate-income units (collectively, "affordable units"). It also determines if there is a surplus or a shortage for the lower density sites available *only* for above moderate-income units, assuming that the above moderate-income units could only be built on lower density sites. However, as discussed below, the above moderate-income units could also be built on high-density sites, so the "shortage" of low-density sites for above moderate-income units can be made up using any surplus of high-density sites.

After elimination of the Fort Ord sites, with no further revisions to the Site Inventory's assumptions, there would be a 377-unit shortage in affordable unit sites, but there would continue to be a 478-unit surplus in above moderate-income unit sites and an overall surplus of 101 units.

However, the Site Inventory's analysis does not accurately identify all high-density sites available for affordable units. The Site Inventory is in fact internally inconsistent because it states that high-density sites along commercial corridors and the Downtown area are all available for affordable units (p. 3-7), but it then fails to count all of the high-density sites toward affordable units in the Lighthouse, North Fremont, and Downtown opportunity areas and in the Del Monte Shopping Center site. (HE, pp. 3-11, 12, 17, 24.) Instead, the Site Inventory arbitrarily assigns some of the units in high-density sites to above moderate-income units and reduces the number available to affordable units. This makes no sense because any urban infill site meeting the Mullin density of 20 units per acre is presumptively eligible for affordable unit development. And, indeed, the Site Inventory does assume all units could be affordable at other opportunity areas on commercial corridors and at other large sites outside of the opportunity areas that can attain Mullin densities. (HE, pp. 3-13 [Garden Road], 3-15 [Del Monte corridor], 3-17 [Elks Lodge, County Courthouse].) The fact that some currently unknown portion of these sites might instead be used for above moderate-income units does not mean that the City should arbitrarily conclude that they will be. At this point, the City's job is to identify sufficient sites for affordable units and separately to verify that there will be sufficient sites for above moderate-income units.

Accordingly, the attached analysis corrects the allocation of units as between high-density sites that *can* accommodate affordable units and lower-density sites that *can only* accommodate above moderate-income units. The analysis makes this correction in the Lighthouse, North Fremont, and Downtown opportunity areas and in the Del Monte Shopping Center site where some units were unnecessarily restricted to the above moderate-income category even though these sites could be developed at sufficient density to support either affordable or above moderate-income units. The Site Inventory states that commercial corridor sites are assumed to accommodate 29 units per acre and Downtown sites are assumed to accommodate 55 units per acre. (Draft HE, p. 3-7.) The Site Inventory states that any site attaining the Mullin densities, which for Monterey are 20 units per acre, should be counted toward the very low and low income unit RHNA. (Draft HE, p. 3-7.) Thus, all of the sites in the Lighthouse, North Fremont, and Downtown opportunity areas and in the Del Monte Shopping Center can accommodate affordable units, and none are restricted to above moderate-income units. Indeed, this assumption was made for all of the other high-density sites, including the Garden Row and Del Monte

corridor opportunity areas and the County Courthouse, and Elks Lodge sites. (Draft HE, pp. 3-13, 3-15, 3-17.)

Next, the analysis adds units that could be developed on seven City-owned parking lots that are within the opportunity areas. The City owns 25 parking lots with a total acreage of 37 acres. Nine of those 25 parking lots (8 acres) are located within the Opportunity Areas. Of those nine, seven parking lots (7 acres) are not listed in the Site Inventory. All of these locations are in a commercial corridor and within 0.5 mile distance to a major public transit stop. Those in the Lighthouse opportunity area are assumed to be developable at 29 units per acre and those in the Downtown area at 55 units per acre, per the Site Inventory assumptions. (HE, p. 3-7.) The following parking lots should be included in the Site Inventory:

Lighthouse Opportunity Area at 29DU/AC:

- Foam St. & David Ave. 1.1 Acre (32 units)
- Wave/CR1: 2.26 Acre (66 units)

Total: 98 units

Downtown Opportunity Area at 55 DU/AC:

- Lighthouse Ave. & Municipal Wharf 2: 1.32 Acre (73 units)
- Tyler St. & Franklin St.: 0.647 Acre (35 units)
- Tyler St. & Franklin St.: 1.38 Acre (71 units)
- #1 Jefferson St. & Calle Principal: 0.32 Acre (17 units)
- # 2 Jefferson St. & Calle Principal: 0.19 Acre (10 units)

Total: 206 units

Grand Total: 304 potential units

All of these parking lot units are at densities that qualify them to be counted toward affordable units.

Finally, the analysis determines the shortage or surplus of units on (1) sites that *can* qualify for affordable units and (2) sites that *can only* qualify for above moderate-income units. The analysis demonstrates that these adjustments to the Site Inventory, all but one of which were actually called for by the Site Inventory's own logic of treating high-density sites as suitable for affordable housing, result in a surplus of 663 sites suitable for affordable units and a shortage of 258 sites that are suitable *only* for above moderate-income units.

However, a "shortage" of sites that are suitable *only* for building above moderate-income units does not mean that there are insufficient sites for these units *because they can also be*

built on high-density sites, which can support either affordable or above moderate-income unit sites. Thus, the important constraint in developing the Site Inventory is first to identify sufficient sites for affordable units. If, as the analysis shows, there is a surplus of high-density affordable unit sites, then some of that surplus can be used to accommodate above moderate-income unit sites. Thus, the City may seek in its Site Inventory to selectively identify some of the high-density sites for above moderate-income units to demonstrate that there will be sufficient sites for both affordable and above moderate-income sites. Since there is an overall surplus of 405 units, this should be possible. The attached analysis shows that if 300 high-density units are allocated to above moderate income units, there would be a 363-unit surplus of affordable units and a 42-unit surplus of above moderate income sites.

However, we recommend that the City forego the arbitrary allocation of high-density sites as between affordable and above moderate-income units and simply note that up to 663 units on the high-density sites may be developed for above moderate-income units without reducing available sites for affordable units below the RHNA. In practice, the City is required to track the use of the high-density sites identified as suitable for affordable units by non-affordable units in the future to ensure compliance with the no-net-loss rule (Gov. Code, § 65863), and the City proposes to do this through Program 6-A (HE, p. 4-19.) The City could rezone additional sites or adopt a program to restrict available high-density sites to affordable units if 663 of the available high-density sites were to be developed with above moderate-income units.

In sum, simply by consistently recognizing that all of its high-density sites are available to affordable units, the City can meet its RHNA goals without development on Fort Ord – even without adding additional parking lot sites. City-owned parking lots provide an additional buffer. If the Site Inventory were to include all of the City-owned parking lots within the opportunity areas, there would be an additional 304 units as a buffer. This figure is conservative since it is based on the 29-unit per acre density assumed for commercial corridor opportunity areas and the 55-unit per acre density assumed for the Downtown opportunity area, whereas Policy 1-G proposes affordable housing development on two City-owned parking lots at up to 100 units per acre. Furthermore, the City owns another 16 parking lots totaling 29 acres, some of which are partially within the opportunity sites. Some of these sites could also be identified for high-density housing in the Site Inventory, creating an even larger buffer.

Finally, even if some additional sites were needed from Fort Ord for a larger buffer, it is clear that the City does not need all 2,100 sites assumed in the Site Inventory, of which only 20% are assumed to be affordable. At most, the City might need a few hundred additional sites. Limiting Fort Ord development to a few hundred tightly clustered high-

density units contiguous to Ryan Ranch might avoid significant biological resource impacts and minimize impacts related to water and hazardous materials.

Accordingly, the City must evaluate at least two alternatives to mitigate effects of the greenfield sprawl that would be caused by sprawl onto Fort Ord: (1) an alternative that forgoes any development on Fort Ord and (2) an alternative that develops only a few hundred units, tightly clustered in an area of minimal biological resource impacts.

Please consider the points made above to be comments on the Notice of Preparation of the EIR for the General Plan Update.

C. Comments on policies and programs

1. Program 1-B Multi-Family Residential Overlay Amendments.

LandWatch supports the proposal for the MFR overlay areas to increase densities from 30 to 50 units per acre and to remove the requirement for covered parking. The overlay district was intended to facilitate conversion of industrial Zoned areas to housing and provides “development standards that are somewhat less stringent than otherwise applicable to multi-family development.” (HE, p. C33.)

We recommend that the program include expansion of the MFR overlay from the Garden Road area to all of the opportunity areas identified in the Site Inventory in order to encourage MFR development in these areas. There appears to be no reason to impose more stringent development standards outside the Garden Road area.

The proposal to “consider establishing a minimum density for the area when adequate water supply becomes available” should be clarified by deleting the phrase “when adequate water supplies become available.” As the Housing Element acknowledges, when water supplies are limited, units cannot be built. (HE, p. C-33.) However, the City can consider and establish minimum densities in advance of the expected availability of additional water supplies (e.g., the Pure Water Monterey Expansion in 2025), and it should do so.

2. Program 1-C Specific Plan Updates.

LandWatch supports the systematic review and updating of the existing Downtown, North Fremont, and Lighthouse Avenue specific plans to increase permitted density and height and to liberalize parking mandates. This work should be coordinated with Program 2-D, which calls for establishing objective development standards for specific plan areas and other areas.

3. Program 1-D Permit Streamlining Pilot Project.

LandWatch strongly supports the proposed pilot project to streamline permitting to fast track *infill* projects, particularly the proposal for by-right ministerial permitting. We recommend that the pilot program area include not just the Downtown opportunity area but also the North Fremont, Lighthouse, and Del Monte opportunity areas where the Site Inventory identifies similar concentrations of infill MFR sites and similar opportunities to fast track housing projects.

We recommend that the City use this pilot program to move toward an eventual system of by-right ministerial permitting for multi-family infill development in all zones that permit any residential uses. Qualifying developments that meet the objective zoning, design review, and use standards should be permitted through ministerial review and without any requirement for a conditional use or other discretionary permit.

Qualifying projects should be limited to infill sites, e.g., as defined by Government Code Section 65913.4(a)(2) [SB 35] or Public Resources Code Section 21094.5(e)(1)(B) [CEQA infill exemption]. Limiting the program to infill sites should simplify CEQA review for the adoption of the program itself.

The City should continue to require discretionary review of projects on specified sites that are environmentally sensitive, e.g., habitat for endangered, rare or threatened species; farmland of statewide and local importance; wetlands; earthquake/seismic hazard zones; federal, state, and local preserved lands, NCCP and HCP plan areas, and conservation easements; riparian areas; Department of Toxic Substances Control (DTSC) facilities and sites; landslide hazard, flood plains and, floodways; and wildfire hazard as determined by the Department of Forestry and Fire Protection. (See, e.g., Gov. Code § 65913.4(a)(6)(B) through (K) [sites excluded from ministerial permitting in SB 35].)

The City could address concerns for gentrification and historic resources by continuing to require discretionary review for projects on existing affordable housing, mobile home sites, or historic resources. (See, e.g., Gov. Code § 65913.4(a)(7), (10) [SB 35].)

Application, design review, and expiration terms could be based on the language used to implement SB 35. (Gov. Code § 65913.4(b), (c), (e).)

Ministerial permitting of residential projects in infill areas of Monterey is appropriate because CEQA review should be accomplished at the program rather than the project level. That is, CEQA review should take place when the City amends its General Plan or zoning code, not when a developer comes to the City with a conforming project.

4. Program 1-E Education Workforce Housing Overlay.

LandWatch strongly supports this program, which would provide by-right permitting of school district housing. By-right permitting is a logical extension of AB 2295, which already limits project review to objective standards.

5. Program 1-F Congregational Overlay.

LandWatch strongly supports this program to provide by-right ministerial permitting to housing projects undertaken by faith-based communities on 12 identified sites.

We suggest that the City consider expanding the program to include other *infill* sites where MFR housing is undertaken by religious institutions. Qualifying sites could be identified using the criteria in SB 35, which applies only to infill projects on sites that are not environmentally sensitive and that do not eliminate historic resources or existing affordable housing. (See Gov. Code § 65913.4(a).)

6. Program 1-G Surplus Municipal Parking Facilities.

LandWatch supports using City-owned lots for housing. As discussed above, there are many more City-owned lots that could be made available.

7. Program 1-H Fort Ord/Ryan Ranch Specific Plan.

As detailed above, the City cannot legally and should not, as a prudential matter, rely on Fort Ord sites to meet its RHNA obligations. Accordingly, Program 1-H should be limited to Ryan Ranch.

8. Program 2-B Permit Thresholds for Multi-Family Projects.

LandWatch supports the proposal to provide at least the same level of liberality in MFR permitting as afforded to other projects, including the elimination of use permits and non-objective development and design reviews.

We understand that the objective of this Program is to remove barriers to smaller MFR projects. Other programs applicable to larger MFR projects should also result in by-right or streamlined permitting of MFR projects.

9. Program 2-C ARC Review.

LandWatch supports this program to eliminate subjective design review. By itself the program should streamline permitting somewhat.

The City should move toward exclusive reuse of objective standards for both design review and development review. Objective standards are an important prerequisite for by-right permitting, which should be expanded to apply to essentially all MFR infill projects.

10. Program 2-D Revise Adopted Plans with Objective Standards.

LandWatch supports revising existing specific plans to ensure that development standards are objective. It is not clear from the language of the program that the intent is to establish that *all* applicable policies and standards be objective. The program should be clarified to provide that it will eliminate all subjective development and design review policies and standards in these specific plan areas.

The City should also consider eliminating subjective development standards and policies for infill housing projects outside these specific plan areas.

11. Program 2-E Revise Parking Requirements.

LandWatch supports liberalizing parking mandates, including going beyond the parking mandate reductions now required by state law. Where possible, the City should reduce or eliminate parking requirements.

The City should also consider requiring that new development unbundle parking so that tenants pay for it separately. Unbundling parking can substantially reduce demand for parking and reduces VMT.

12. Program 2-F Update Density Bonus Ordinance and Program 3-C Local Density Bonus.

Program 2-F proposes to revise the local ordinance to comply with new state mandates, and Program 3-C proposes to offer additional bonus for small lot consolidations. We support both programs.

In preparation to accommodate proposals under AB 2011 and SB 6, we also recommend extending the density bonus program to all commercial zones.

We also recommend that the implementing ordinance for the State Density Bonus Law include an additional density bonus that goes beyond the state requirements in order to more effectively promote affordable housing development. For example, the City could provide a local density bonus greater than the state DBL bonus, e.g., a 50% bonus for projects providing 8% very low-income units instead of the state DBL's 27.5% bonus. Such an approach is being taken by Sand City, which is proposing a 250% density bonus as long as 15% of the units are affordable to lower income households. In addition, the City could increase the number of concessions given at specified levels of affordability beyond the number mandated by the State DBL.

13. Program 2-I Inclusionary Zoning.

Program 2-I proposes to amend the inclusionary housing ordinance to mandate that its existing 20% affordability requirement be met by providing 10% very low and low income units and 10% moderate income units, which the housing element states is the typical practice.

LandWatch suggests that there is no need for this program if the existing practice already attains its objective.

Furthermore, adoption of any amendment to an inclusionary housing ordinance after September 15, 2017 that mandates more than 15% affordable units, as does Monterey's, will make the amended ordinance subject to HCD review and may require the City to prepare an economic feasibility study and to limit the affordable mandate to 15%. (Gov. Code, § 65850.01.) Sometimes it is best to leave well enough alone.

14. Program 2-J Water Distribution Policy and Program 2-K Addressing Water Supply Constraints.

Program 2-J should be amended to reflect the fact that the Cal-Am has in fact entered the water purchase agreement for the Pure Water Monterey Expansion and that there will be sufficient water supplies to accommodate the City's RHNA.

Program 2-K should be amended to clarify that the City does not support, or at least does not take a position on, Cal-Am's controversial effort to impose an unnecessary and very expensive desalination project on its ratepayers. At minimum, the first bullet point should be revised as follows:

Support efforts by the Monterey Peninsula Water Management District (MPWMD) and the California American Water Company (Cal-Am) to pursue the Sand City

desalination plant, Pebble Beach water recycling facility, and new lawful rights in the Carmel River;

Thank you for this opportunity to comment.

Regards,

Michael DeLapa
Executive Director

Attachments

Analysis of Monterey Site Inventory showing feasible alternative to Fort Ord sprawl

Ben Gould, President, EcoDataLab, letter to Michael DeLapa, August 22, 2023.

Map of biological resources

Analysis of Monterey Site Inventory showing feasible alternative to Fort Ord sprawl

	Mullin density sites available for any units including Very Low, Low, and Moderate Income units	Lower density sites not available for VL and L income units	total sites
Starting balance: Adjusted Total RHNA based on draft Housing Element Site Inventory from Table 3-4 (3rd line from bottom of table)	2,440	3,362	5,802
less aggregate Ryan Ranch/Ford Ord units from Table 3-4 (note that Site Inventory assigns the units collectively to 9 parcels identified as "Ryan Ranch/Fort Ord" without disaggregating the units by parcel)	(420)	(1,680)	(2,100)
add back Ryan Ranch units , assuming 3.3 acres are available (APNs 259-041) with a realistic development capacity (RDC) at 54% of 30 units per acre, which is the average RDC used in the Site Inventory for the Ryan Ranch/Fort Ord sites	11	42	53
subtotal - non-Fort Ord units in draft Housing Element site Inventory	2,031	1,724	3,755
RHNA requirement (from Table 3-4, second line from bottom of table)	2,408	1,246	3,654
(shortage)/surplus before adding additional sites and adjusting for consistent treatment of high density sites as available for affordable units	(377)	478	101
North Fremont opportunity area adjustment: The Site Inventory discussion allocates 328 units to this high-density area along a commercial corridor. (p. 3-11.) But it counts 110 units as above moderate income and only counts 218 units as affordable, even though the Site Inventory states that any site attaining Mullin densities should be counted toward the VL and L income unit RHNA. (p. 3-7.) Since the entire area is assumed to exceed Mullin densities, all units can be counted toward affordable units or above moderate income units. Accordingly, the Site Inventory could reallocate the 110 above moderate income units to identify them as available for affordable units.	110	(110)	-
Lighthouse opportunity area adjustment - The Site Inventory allocates 296 units to this high-density area along a commercial corridor. (p. 3-12) But it counts 265 units as above moderate income units and only counts 31 units as affordable, even though the Site Inventory states that any site attaining Mullin densities should be counted toward the VL and L income unit RHNA. (p. 3-7.) Commercial corridor sites are assumed to accommodate 29 units per acre. (p. 3-7.) Since the entire area is assumed to exceed Mullin densities, all units can be counted toward affordable units or above moderate income units. Accordingly, the Site inventory could identify the 265 above moderate income units as affordable units instead.	265	(265)	-
Del Monte Shopping Center adjustment - The Site Inventory allocates 150 units to this 48 acre site, of which 120 are counted toward above moderate income units and only 30 counted toward affordable units. (p. 3-17.) The Site Inventory states that sites that can attain Mullin densities are counted toward affordable income units. (p. 3-7.) Other large sites outside of the Opportunity Areas that can attain Mullin densities are counted toward affordable units, including the Elks Lodge and County Courthouse sites. (p. 3-17.) Since the entire area is assumed to exceed Mullin densities, all units can be counted toward affordable units or above moderate income units. Accordingly, the Site inventory could identify the 120 above moderate income as affordable units instead of above moderate income units.	120	(120)	-
Downtown opportunity area adjustment - The Site Inventory allocates 457 units to the Downtown area, of which 241 are above moderate income units and only 216 are affordable units. (p. 3-24.) The Site Inventory assumes that the RDC for the Downtown area is 55 units per acre based on survey results. (p. 3-7.) Since the entire area is assumed to substantially exceed Mullin densities (p. 3-7), all units can be counted toward affordable units or above moderate income units. The Site Inventory could identify the 241 above moderate income units as affordable units instead.	241	-241	-
(shortage)/overage after reallocations of high density sites to affordable units	359	(258)	101
add units on additional City owned parking lots within opportunity areas. (7 additional lots in Downtown area developed at 55 units per acre)	304	-	304
(shortage)/overage after all adjustments - additional parking lots and reallocations of high density sites to affordable units	663	(258)	405
assume 300 above moderate income units are identified in high density areas	-300	300	-
(shortage)/overage	363	42	405



August 22, 2023

Dear Michael DeLapa,

Per your request, EcoDataLab has reviewed and analyzed the City of Monterey's proposal to include the Ryan Ranch and Fort Ord site ("Fort Ord") as a Tier 1 Opportunity Site for its 2023 Housing Element. Based on our analysis, I believe that new development at Fort Ord is likely to have per-capita vehicle miles traveled (VMT) which are *higher* than the countywide average, and that this increase in VMT would constitute a significant impact under CEQA using the City of Monterey's adopted VMT policy.

EcoDataLab uses state-of-the-art research and data to help communities understand their complete carbon footprints and take the most effective actions to reduce environmental impacts. We have partnered with the CoolClimate Network at UC Berkeley to develop models of household behavior, including VMT and energy use, to predict consumption-based emissions. Our model outputs and findings are used by over a dozen cities and counties across the US and Canada to understand and address their consumption-based emissions, including San Francisco¹, Seattle², and New York City³.

For this analysis of the Fort Ord site, we used our Household VMT model and US Census data to determine per capita household VMT for Monterey County and for existing communities near Fort Ord. Because our methodology evaluates only household VMT, and it includes all household trips (including non-home trips), it is not directly comparable to the methods used to develop or evaluate VMT impacts for CEQA analysis. Our methodology cannot predict or determine CEQA impacts. However, it can provide a useful comparison of household VMT across a county, and in doing so can allow for a reasonable approximation of the direction and magnitude of household VMT in a proposed development compared to the countywide average.

A map of our modeled outputs for Monterey County household VMT is included in Figure 1.

¹ <https://escholarship.org/uc/item/4k19r6z7>

² <https://www.seattle.gov/environment/climate-change/climate-planning/performance-monitoring#consumptionemissions>

³ <https://climate.cityofnewyork.us/wp-content/uploads/2023/04/NYC-Household-Consumption-GHG-Emissions-Inventory.pdf>

Data: Vehicle Miles Traveled (VMT) per household

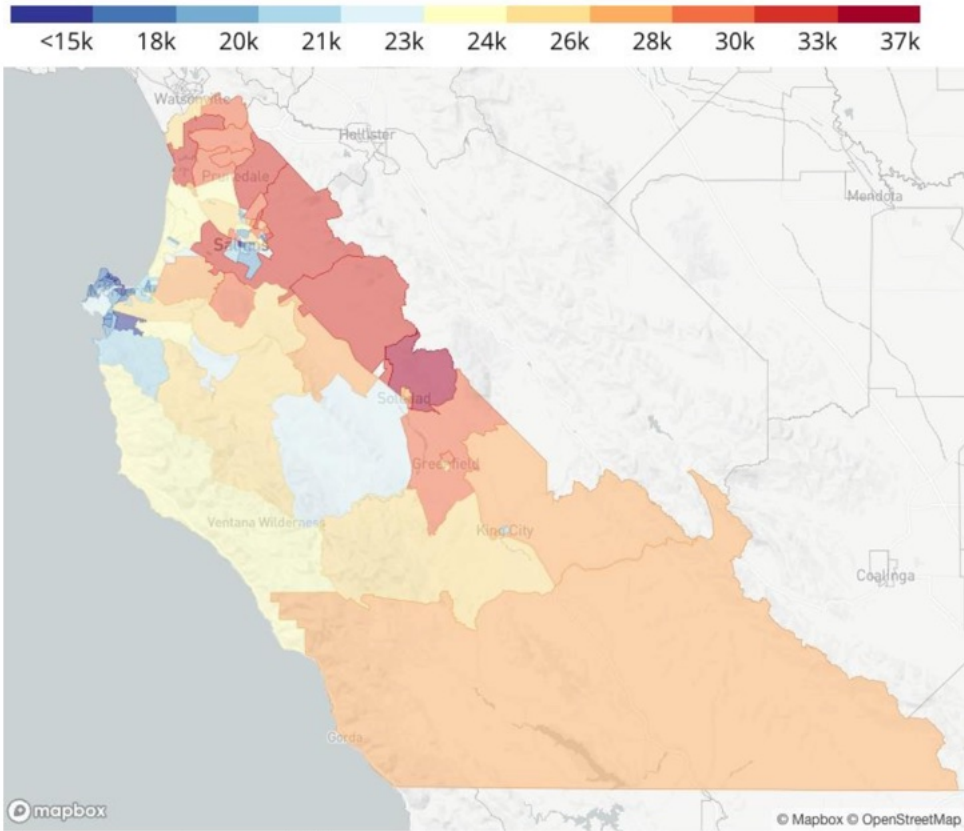


Figure 1. Monterey County Household VMT map (2021)

Countywide, the average household VMT is estimated at 24,904 miles per household. The City of Monterey has adopted per capita VMT metrics, not per household, and so these VMT estimates must be divided by household size to calculate VMT per capita. (Mapped VMT per capita data was not immediately available).

Figure 2 shows household size data across the county.

Data: Household size

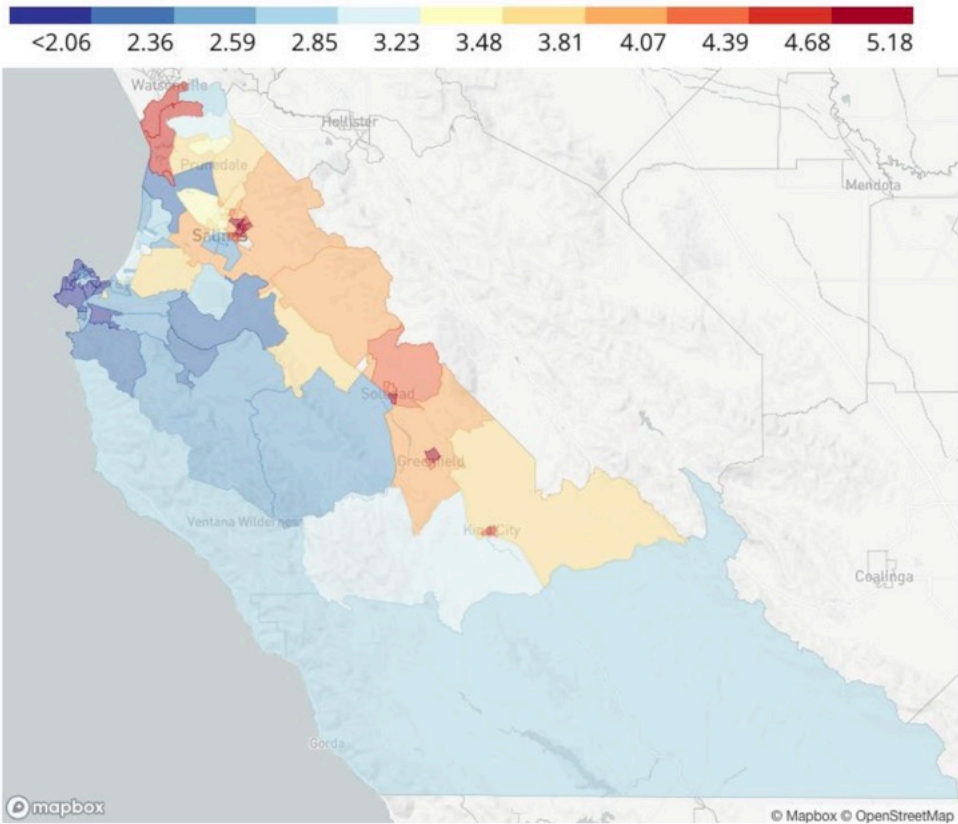


Figure 2. Monterey County Household Size Map (2021)

The average household size in Monterey County is 3.14, for a total of 7,931 VMT per capita.

We evaluated two Census tracts adjacent to the proposed Fort Ord site to determine their present-day estimated VMT per capita.

Census tract 06053013200 ("13200") is a geographically large tract stretching from Cabrillo Highway on the west to Laureles Grade Road on the east, bordered to the north by Fort Ord and the Monterey Regional Airport.

Census tract 06053013400 ("13400") is a geographically compact tract of the Del Rey



Oaks neighborhood, tracking Canyon Del Rey boulevard from N Fremont St to the Monterey Salinas Highway. It is bordered to the north by the city of Seaside, to the east by the Fort Ord site, and to the southwest by the Monterey Regional Airport. It is immediately north of 13200. Images of tracts 13200 and 13400 are attached.

The average household VMT, household size, and average per capita VMT for these census tracts and Monterey County are in Table 1.

Table 1. Per Capita VMT Breakdown by tract

Location	Per Household VMT	Household Size	Per Capita VMT	% Difference from County
Monterey County	24,904	3.14	7,931	-
Tract 13200	24,765	2.58	9,599	+21%
Tract 13400	23,375	2.5	9,350	+18%

Both of these neighboring tracts have significantly higher per capita VMT than the county average under our Household VMT model.

In addition to these modeled estimates, the Fort Ord site is roughly 5 miles or further from major destinations like Downtown Monterey, the Del Monte Shopping Center, and the Edgewater Shopping Center, and still further from many major employers. Due to this geographic distance, adults living at the Fort Ord site may not be able to live ordinary lives without driving an average of roughly 10+ miles per day to visit common destinations. The City's threshold of significance is 9.7 VMT per capita.

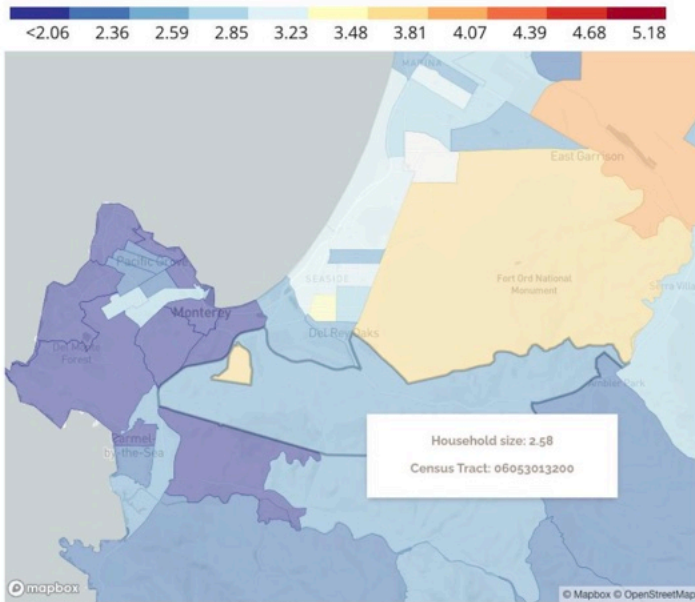
Based upon these analyses, it seems likely that new development near Fort Ord would exceed CEQA thresholds for significant impacts from VMT. I encourage you to urge the City to evaluate alternative locations for new housing, closer to key destinations and with greater access to transit and bicycle infrastructure that will reduce the need for automobile ownership and usage.

Sincerely,

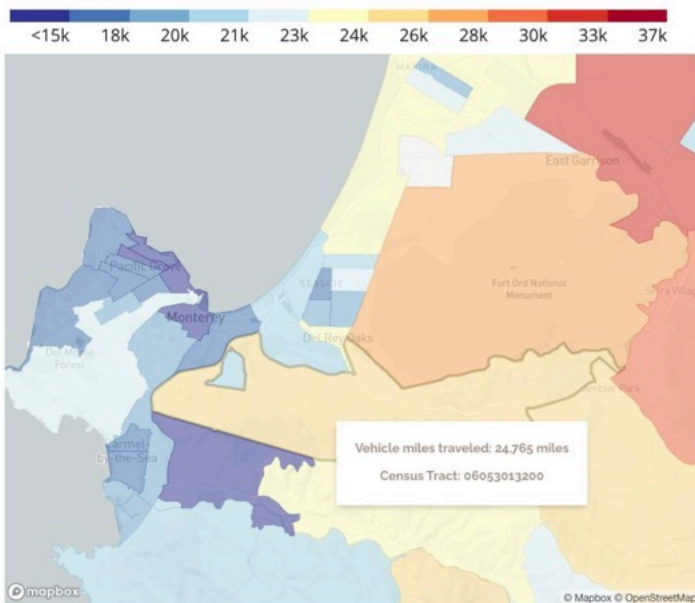
Ben Gould, MPP, MS
President, EcoDataLab

Attachments: Census Tract-level VMT and Household Size Maps

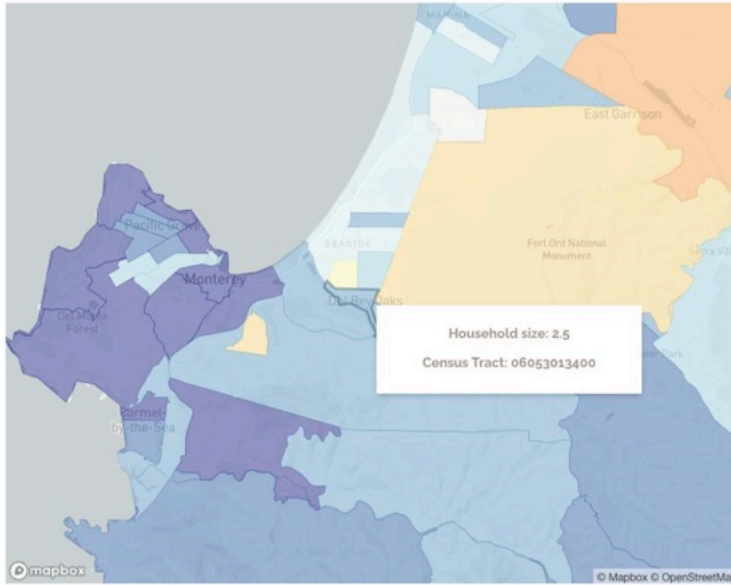
Data: Household size



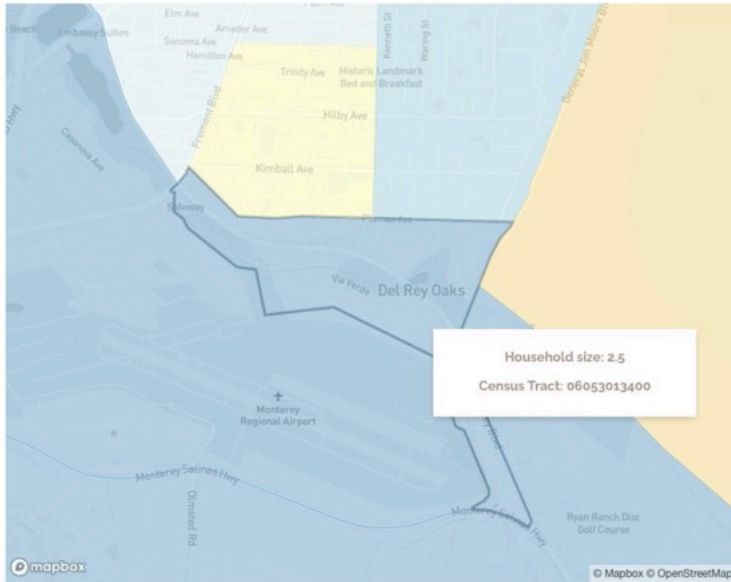
Data: Vehicle Miles Traveled (VMT) per household



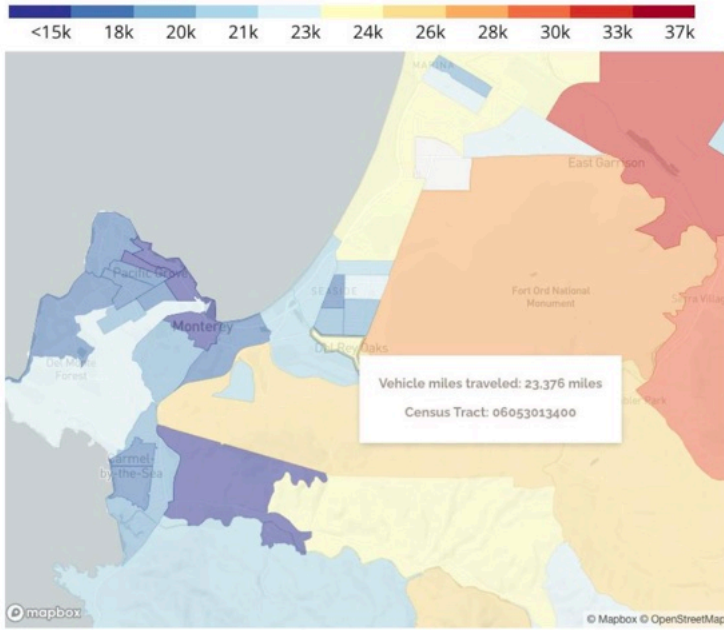
Data: Household size



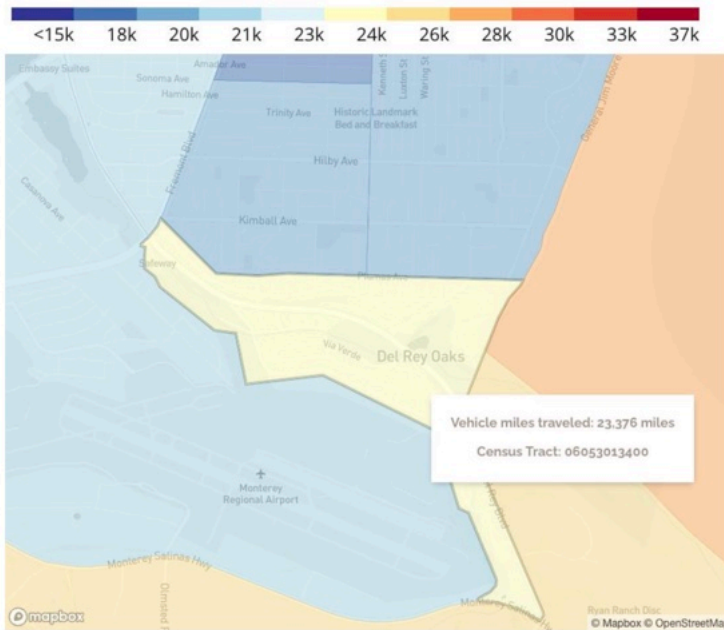
Data: Household size



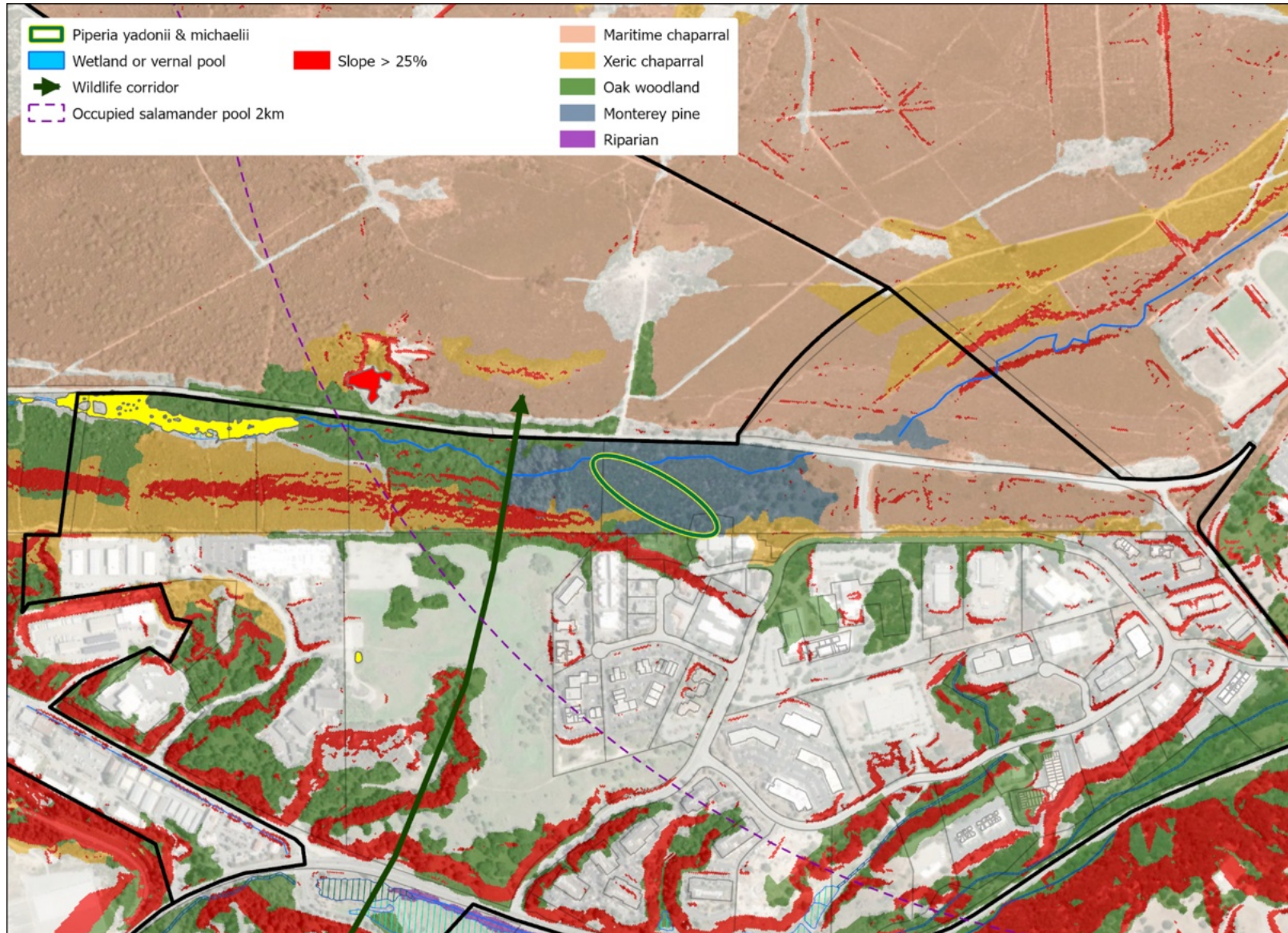
Data: Vehicle Miles Traveled (VMT) per household



Data: Vehicle Miles Traveled (VMT) per household



Map of biological resources





Campus Town Specific Plan

Final Environmental Impact Report

SCH#2018021079

prepared by

City of Seaside

Community and Economic Development Department
440 Harcourt Avenue
Seaside, California 93955

Contact: Kurt Overmeyer, Economic Development Manager

prepared with the assistance of

Rincon Consultants, Inc.

437 Figueroa Avenue, Suite 203
Monterey, California 93940

February 2020

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RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

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1 Introduction

1.1 Final EIR Contents

This Final Environmental Impact Report (Final EIR) is an informational document prepared by the City of Seaside to evaluate the potential environmental impacts of the proposed Campus Town Specific Plan and associated entitlements (“Proposed Project” or “Project”). The Final EIR becomes final upon certification by the City’s decision-making body, consequently, additional modifications to the Final EIR may be provided up until the time of certification.

As prescribed by the California Environmental Quality Act (CEQA) *Guidelines* Sections 15088 and 15132, the lead agency, the City of Seaside, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and to prepare written responses to those comments. This document, together with the Draft EIR (incorporated by reference) comprise the Final EIR for this Project. This Final EIR includes individual responses to each letter received during the public review period for the Draft EIR. In accordance with CEQA *Guidelines* Section 15088(c), the written responses describe the disposition of significant environmental issues raised.

The City of Seaside has provided a good faith effort to respond to all significant environmental issues raised by the comments. The Final EIR also includes amendments to the Draft EIR consisting of changes suggested by certain comments, as well as minor clarifications, corrections, or revisions to the Draft EIR. The Final EIR includes the following contents:

- Section 1: Introduction
- Section 2: Topical Responses
- Section 3: Responses to Comments on the Draft EIR; which also includes a list of all commenters and public comment letters
- Section 4: Amendments to the Draft EIR
- Section 5: References
- Appendices; which includes revised appendices as well as new appendices

1.2 Draft EIR Public Review Process

The City published and distributed a Notice of Availability of the Draft EIR in accordance with *CEQA Guidelines* Section 15087 on July 8, 2019. The public comment period closed on August 22, 2019. The Draft EIR was made available on the City’s website, as well as at four locations in the City Seaside open to the public, including:

- Oldemeyer Center, 986 Hilby Avenue, Seaside, California
- City of Seaside, Planning Division, 440 Harcourt Avenue, Seaside, California
- Seaside Branch Library, 550 Harcourt Avenue, Seaside, California
- Seaside Creates, 656 Broadway Avenue, Seaside, California

1.3 EIR Certification Process and Project Approval

In accordance with the requirements of CEQA (*CEQA Guidelines* Section 15090), the City will consider certifying the Final EIR as having been prepared in compliance with CEQA. Following Final EIR certification, the City will consider making findings of fact for each significant impact (*CEQA Guidelines* Section 15091), adopting a mitigation monitoring and reporting program (*CEQA Guidelines* Section 15097), and approving the Proposed Project or an Alternative (*CEQA Guidelines* Section 15092).

1.4 Draft EIR Recirculation Not Required

CEQA Guidelines Section 15088.5 requires Draft EIR recirculation when “significant new information.” Significant new information is defined as including:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comments, responses, and Draft EIR amendments presented in this document do not constitute such “significant new information;” instead, they clarify, amplify, or make insignificant modifications to the Draft EIR. For example, none of the comments, responses, and Draft EIR amendments disclose new or substantially more severe significant environmental effects of the Proposed Project, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Draft EIR that would clearly lessen the Proposed Project’s significant effects.

2 Topical Response

This section presents a detailed response to comments related to hydrology and water quality, where commenters provided similar general statements of concern on this topic. Responses to specific comment letters may refer the commenter to the topical response presented herein.

As a general introduction, it should be noted that the Final EIR's conclusions on the character and significance level of environmental impacts are supported by substantial evidence, which is presented in the Draft EIR and further clarified in this Response to Comments document. The City acknowledges that some commenters disagree with some conclusions in the Draft EIR. Consistent with the intent of CEQA and the CEQA *Guidelines* for its implementation, this Final EIR also includes the differing opinions presented by the commenters. As stated in the CEQA *Guidelines* (Section 15151), disagreement among commenters, including experts, does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts; this is done in this Response to Comments document.

2.1 Water Master Response

I. Summary of Draft EIR Comments

There are three recurring issues relating to water raised by the comments to the Draft EIR. First, several commenters raise concerns regarding the 6,600 acre-feet per year (AFY) FORA water allocation. Second, several commenters argue that the Draft EIR fails to address seawater intrusion and water supply reliability. Third, the comments assert that the 6,660 AFY FORA water allocation does not represent a "water right" and that it does not represent "wet," or actual available water. This Master Water Response will address these recurring issues, and responses to individual comments may refer to this Master Water Response for more detailed analysis of the issues raised therein.

A number of commenters have also asked for highly detailed regional water planning data associated with this specific project. However, pursuant to CEQA *Guidelines* Section 15204 subdivision (a), "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters." "An EIR need not include all information available on a subject. An EIR should be 'analytic rather than encyclopedic' and should emphasize portions 'useful to the decision-makers and the public.'" (Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners (1993) 18 Cal.App.4th 729, 748.)

With respect specifically to water issues, as the Supreme Court has explained, "CEQA...does not require a city or county, each time a new land use development comes up for approval to reinvent the water planning wheel...When an individual land use project requires CEQA evaluation, the urban water management plan's information and analysis may be incorporated in the water supply and demand assessment." (Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal.4th 412.) Additionally, it is beyond the scope of the EIR to provide the regional water balance data and analyses requested by the commenters. (Watsonville Pilots Association v. City of

Watsonville (2010) 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”].)

Commenters are advised to review the Draft EIR Section 4.9, *Hydrology and Water Quality*; Section 4.16, *Utilities and Service Systems*; Draft EIR Appendix M (Water Supply Assessment); and the Marina Coast Water District’s 2015 Urban Water Management Plan (“UWMP”) which was incorporated by reference. In addition, please see the responses to individual comments raising water-related issue.

II. Water Reliability

This master response addresses the comments and questions about the Project’s proposed water source, including its history. As explained in greater detail below, the 6,600 AFY FORA Allocation is a reliable source of water, and the Draft EIR has disclosed sufficient information for the decision-makers and general public to make informed decisions regarding the Project.

Many of the comments take issue with the EIR’s use of the 6,600 AFY FORA Water Allocation. The 6,600 AFY allocation is derived from the 1984 peak and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin, not including pumping from a non-potable golf course well (Draft EIR Section 4.16.1). Under the “Agreement between the United States of America and the Monterey County Water Resources Agency concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency, Agreement No. A-06404”, dated September 21, 1993, the District (successor to the United States) may withdraw up to 6,600 AFY from the Salinas Valley Groundwater Basin for use in the District’s Ord Community service area. Use of the 6,600 AFY allocations is supported by (1) the statutory baseline procedures provided under Public Resources Code Section 21083.8.1 (Draft EIR Sections 3.3 and 4.16.1), and (2) MCWRA’s Long-Term Management Plan and the groundwater sustainability planning process which are designed to ensure the reliability of the 6,600 AFY (Draft EIR page 4.16-20; Appendix M1, Section 5.3 [“Reliability of Water Supply and the Regional 6,600 AFY Allocation”]). Furthermore, many individual water users, utilize significantly less water than allocated.¹ For example, in 2017, only 1,598.33 AFY was utilized, despite nearly 4,316.44 AFY being allocated out of the 6,600 AFY.

The project is located in the Monterey Subbasin which is north of the Seaside Subbasin (or, interchangeably, “Subareas”). As discussed on Draft EIR page 4.16-1, “[t]he Plan Area is served by MCWD” and “[a]ll of MCWD’s wells are located within the Monterey Subbasin....” (Draft EIR page 4.16-11). MCWD’s wells utilize the 400-foot Aquifer and the 900-foot Deep-Aquifer (Draft EIR page 4.16-1).

A. Monterey Subbasin – Background Information

This master response summarizes basic publicly available information about the Monterey Subbasin as background for its discussions about reliability.

The Monterey Subbasin is located in northern coastal Monterey County and is a subbasin of the greater Salinas Valley Groundwater Basin (“Salinas Valley Basin”) (Draft EIR page 4.9-2). The broader Salinas Valley Basin lies between the San Joaquin Valley and the Pacific Ocean, stretching from the headwaters of the Salinas River to its mouth at the Monterey Bay. The Salinas Valley drains approximately 5,000 square miles (Draft EIR Figure 4.9-2).

¹ <https://www.fora.org/Reports/AR/AnnualReport2019-Full.pdf>.

The Monterey Subbasin underlies the City of Marina, a portion of the Ord Community, and a portion of the City of Seaside (including the Project). The Subbasin extends from the Pacific Ocean to the Sierra de Salinas Mountains. It borders the 180/400 Foot Aquifer Subbasin to its northeast and the Seaside Basin to the southwest, underlying 30,854 acres of land in total. (See Draft EIR Figure 4.16-2.) The Monterey Subbasin includes portions of three aquifers: the 180-foot Aquifer, the 400-foot Aquifer, and the 900-foot Aquifer (also known as the Deep Aquifer). It is believed that the 180- and 400-foot Aquifers are recharged laterally from the East Side Subbasin and the Forebay Subbasin. (See MCWD, 2015 Urban Water Management Plan at page 37 [June 2016] [“2015 Plan”].)² In addition, the 180- and 400-foot Aquifers are connected hydraulically at certain locations and may be recharging the 900-foot Aquifer, which shows seasonal variations similar to the aquifers above. (Id.) As discussed below, the Monterey Subbasin is designated by the state as a medium-priority basin, which pursuant to the Sustainable Groundwater Management Act (“SGMA”), must be managed pursuant one or more groundwater sustainability plans that must be adopted and submitted for review by the Department of Water Resources prior to January 31, 2022.

The Marina Coast Water District (“MCWD”) is a county water district formed in 1960. MCWD withdraws about 4,200 acre-feet of groundwater per year (“AFY”) from the Monterey Subbasin. MCWD’s pumping equates to a tiny fraction, less than one percent, of the 524,000 AFY total average annual Salinas Valley Basin withdrawals (2015 Plan: page 38). On average, 25 percent of total Salinas Valley Groundwater Basin withdrawals occur in the Pressure Subarea, which includes the Monterey Subbasin. (See Brown and Caldwell, State of Salinas River Groundwater Basin Report at ES-8 [December 10, 2014] [“State of Basin Report”].)³ MCWD owns and operates three wells in its Central Marina service area and five in its Ord Community service area, all of which are within the Monterey Subbasin (Draft EIR page 4.9-5; Appendix M, pages 22–23). MCWD well locations are shown in Figure 2.2 of the 2015 Urban Water Management Plan. (See 2015 Plan at pages 9 and 45 [MCWD Wells -10, -11, and -12 draw from the Deep Aquifer].)

B. Monterey Subbasin – Historical Management

The reliability of the 6,600 AFY FORA Allocation has been insured by the long-term management and planning of the Monterey Subbasin.

MCWRA’s role in the management of the Monterey Subbasin dates back to the late 1940s (see GMP page 1-3). In 2006, MCWRA developed a groundwater management plan to address groundwater challenges and develop future groundwater projects in the Salinas Valley Basin (see GMP page 1-8). MCWRA implemented a groundwater monitoring network, precluded new pumping from the aquifers primarily impacted by seawater intrusion, actively managed surface water for groundwater recharge purposes, and developed water recycling projects to deliver recycled water in-lieu of groundwater (see GMP pages 1-3, 1-8, 4-2 and Draft EIR page 4.16-20).

In February 2019, MCWRA more fully integrated surface water planning into its groundwater management, adopting the Salinas River Long-Term Management Plan (“LTMP”)⁴ (see Draft EIR pages 4.16-19 through 20). The LTMP sets forth strategies, both currently employed and future goals, which are designed to manage the Salinas River and its interaction with groundwater resources within the Salinas Valley. Key strategies discussed in the LTMP are:

² Available at https://www.mcwd.org/docs/agenda_minutes/2016-06-06_board/Item%2011-A%20-%20MCWD%20Draft%202015%20UWMP%20v20160520.pdf.

³ Available at https://digitalcommons.csumb.edu/hornbeck_cgb_6_a/21/.

⁴ Available at <http://www.salinaserivermanagementprogram.org/>.

- Enhancing on- and off-channel groundwater percolation zones. (LTMP page 4-6.)
- Establishing a geographic planning framework for the Salinas River that includes groundwater management considerations. (LTMP page 4-6.)
- Studying the interaction between Salinas River surface flow and groundwater. (LTMP page 4-14.)

C. Monterey Subbasin – Statutory Requirements for Management

The reliability of the 6,600 AFY FORA Allocation is further ensured by compliance with statutory requirements for groundwater management.

SGMA requires that groundwater basins in California be managed sustainably by 2040 (see Water Code Sections 10720-10736.6). Consistent with SGMA’s requirements, the Salinas Valley Groundwater Sustainability Agency (“SVBGSA”) was created as a groundwater sustainability agency (“GSA”) for much of the Salinas Valley Basin (see Draft EIR page 4.16-20). In the Monterey Subbasin, the MCWD also elected to be a GSA within its jurisdictional boundaries. Both GSAs are developing groundwater sustainability plans (“GSP”) for the portions of the Subbasin within their respective jurisdictional areas, which plans are due in 2022.⁵ The two GSAs will also be required by SGMA to enter into a coordination agreement to coordinate their respective GSPs for the Subbasin (see Water Code Section 10727[b][3]). SVBGSA will also coordinate its GSP for the Monterey Subbasin with the GSPs it is developing for five other subbasins within the Salinas Valley Basin under SVBGSA’s jurisdiction⁶ (see SVBGSA, Draft Salinas Valley: Valley-Wide Integrated Groundwater Sustainability Plan at page 1 [January 2019]).⁷

D. Seaside Subbasin – Background Information

Prior to 2016, the Project area was considered by California’s Department of Water Resources to be underlain by the “Seaside Area Subbasin.” However, in 2016, boundaries were revised such that the previous “Seaside Area Subbasin” was divided into the above-described Monterey Subbasin and the Seaside Subbasin. MCWD does not operate any wells in the Seaside Subbasin. However, the Seaside Subbasin underlies the Bayonet and Black Horse golf courses, on which some of the recycled water and storage in lieu programs will occur under Mitigation Measure UTIL-1.

The Seaside Subbasin is located in northern coastal Monterey County. It underlies the City of Seaside, as well as the Cities of Sand City, Del Rey Oaks, Monterey, and portions of unincorporated county areas, including the southern portions of the former Fort Ord and the Laguna Seca Area. The boundaries of the Seaside Subbasin are, generally, the Pacific Ocean to the west, the Salinas Valley to the north, the Toro Park area to the east, and Highways 68 and 218 to the south (see Draft EIR Figure 4.16-2). There are several subareas of the Seaside Basin, including the Coastal subarea and the Laguna Seca subarea. In total, the Seaside Basin contains 52,030 acre-feet of usable storage. The Seaside Basin is technically a subbasin of the broader Salinas Valley Basin, but for clarity we refer to it herein as the Seaside Subbasin. It is one of approximately two dozen groundwater basins in California that have been adjudicated by the courts and are now subject to judicial management.

⁵ The Monterey Subbasin is not subject to critical overdraft.

⁶ SVBGSA’s draft GSP for the 180/400-foot Aquifer Subbasin, which adjoins the Monterey Subbasin to the north and is impacted by significant seawater intrusion, proposes demand management actions, including a voluntary fallowing program and mandated pumping restrictions. See SVBGSA, Draft Chapter 9, Projects and Management Actions, 180/400-Foot Aquifer Subbasin GSP at 10, 16 (August 2019). Available at <https://svbgsa.org/groundwater-sustainability-plan/180-400-ft-aquifer>.

⁷ Available at <https://svbgsa.org/groundwater-sustainability-plan/180-400-ft-aquifer>.

Consequently, the basin is not required to be managed pursuant to a groundwater sustainability plan under SGMA. Through adjudication the court determined that the Seaside Subbasin has a safe yield of approximately 2,581 to 2,913 AFY (Draft EIR page 4.9-2).

E. Seaside Subbasin – Groundwater Management

As discussed in the Draft EIR, all of MCWD’s wells are located within the Monterey Subbasin, and the Seaside Basin is immediately south of the Monterey Subbasin. The Seaside Basin is managed by the Monterey Superior Court, with the assistance of the Seaside Groundwater Seaside Basin Watermaster, pursuant a court order issued in 2006, amended in 2007, in the case *California American Water Company v. City of Seaside*, Monterey Superior Court, Case No. M66343. Following an action filed on August 14, 2003, plaintiff California American Water Company (“Cal-Am”) filed a complaint against Seaside (and other defendants), requesting a declaration of the parties’ individual and collective rights to groundwater and seeking a mandatory and prohibitory injunction requiring the reasonable use and coordinated management of groundwater within the Seaside Basin, pursuant to Article X, section 2 of the California Constitution. The parties litigated the issues at trial. Following trial, an initial decision was entered by Judge Randall on March 22, 2006. On February 9, 2007, Judge Randall entered the amended decision in the action (“Seaside Decision”)⁸ governing water rights in the Seaside Basin. The court determined it was appropriate and prudent to adopt a physical solution (see *Cal. Am. Water v. City of Seaside* [Ct. App. 2010] 183 Cal. App. 4th 471, 480 citing *City of Lodi v. East Bay Municipal Utility Dist.* [1936] 7 Cal.2d 316, 341).⁹ The Seaside Decision established the Seaside Groundwater Basin Watermaster (“Seaside Watermaster”) to assist in the implementation of that Decision and the ongoing management of the Seaside Basin. The Seaside Watermaster is responsible for assessing administrative budget and replenishment assessments to finance its administrative activities and Seaside Basin replenishment. The Seaside Decision also reserves continuing jurisdiction to the Court to modify the Decision as appropriate and to resolve any dispute. The Seaside Decision continues to control groundwater management in the Seaside Subbasin today.

In addition to establishing the Seaside Basin Watermaster, the Seaside Decision implemented a management strategy to cure overdraft pumping within the basin, monitor for any indications of seawater intrusion, and improve groundwater conditions, all while allowing groundwater users to continue their activities in a reasonable manner.

First, the Seaside Decision mandated reductions in the allowed annual production. These reductions are implemented through a series of 10 percent triennial reductions in allowed annual production until the total Seaside production is no more than the natural safe yield. The Seaside Decision calculated the Operating Safe Yield¹⁰ of the Seaside Basin to be 5,600 acre feet (4,611 acre feet in the Coastal Subarea and 989 acre feet in the Laguna Seca Subarea). Under the present framework the Seaside Basin’s Operating Safe Yield will be brought down to 3,000 AFY by 2021—significantly

⁸ Available at <http://www.seasidebasinwatermaster.org/Other/Amended%20Decision0207.pdf>.

⁹ “A physical solution is an equitable remedy designed to alleviate overdrafts and the consequential depletion of water resources in a particular area, consistent with the constitutional mandate to prevent waste and unreasonable water use and to maximize the beneficial use of this state’s limited resource. (Cal. Const., art. X, § 2.) Courts are vested with not only the power but also the affirmative duty to suggest a physical solution where necessary, and it has ‘the power to enforce such solution regardless of whether the parties agree.’”

¹⁰ The Seaside Decision differentiates between the Seaside Basin’s Natural Safe Yield (“the quantity of groundwater existing in the Seaside Basin that occurs solely as a result of Natural Replenishment”) and Operating Safe Yield (“the maximum amount of Groundwater resulting from Natural Replenishment that this Decision, based upon historical usage, allows to be produced from each Subarea for a finite period of years, unless such level of production is found to cause Material Injury”).

closer to the Natural Safe Yield (determined in the Seaside Decision to be between 2,581 and 2,913 acre feet).

Beyond implementing this system of reductions, the Seaside Decision allows for various means of replenishment. To begin, the Seaside Decision instructs the Seaside Watermaster to levy “replenishment assessments” on each acre foot of production by a producer in excess of their respective share of the safe yield (see Seaside Decision Section III. L.1.j.iii; pages 32-34).

Replenishment assessments are not imposed upon production under an Alternative Production Allocation (“APA”) if the production remains within the fixed amount established for that producer. (Id.) The Seaside Decisions requires that the amount of the assessment must cover the cost of artificial replenishment in an amount necessary to offset that producer’s production in excess of their share of the safe yield. (Id.) The replenishment assessment is determined annually based upon the Seaside Watermaster’s estimate of the cost of providing non-native water to replenish the Seaside Basin. (Id.)

Finally, the Seaside Decision required the Seaside Watermaster to prepare a comprehensive program to monitor the Seaside Basin to ensure that it remains protected and managed as a perpetual source of water. This program, the Seaside Basin Monitoring and Management Program (“M&MP”),¹¹ monitors current overdraft conditions, as well as the threat of seawater intrusion into the basin’s coastal subarea. Since the entry of the Seaside Decision, Seaside Basin’s groundwater levels have declined as expected (given the continued overdraft while production is gradually reduced over time to match safe yield), but no seawater intrusion has been detected. Moreover, there are plans underway (discussed below) to further reduce demand on the basin and thereby allow the basin’s groundwater levels to recover (see Seaside Basin Watermaster Annual Report – 2018).¹² Were seawater intrusion to be detected by the M&MP in the interim, the M&MP prescribes an aggressive plan to address the problem (see M&MP page 4).

1. Seaside Basin Replenishment Through the Monterey Peninsula Water Supply Project

The ultimate goal in securing the long-term health of the Seaside Basin is to ensure production is reduced and prior overdraft pumping is offset through replenishment to stabilize groundwater levels. The California American Water Company (“Cal-Am”), the single largest user of the Seaside Basin’s groundwater, is developing the Monterey Peninsula Water Supply Project. This project includes groundwater replenishment using water from the Pure Water Monterey (PWM) Project and surplus winter water supplies from the Carmel River, together with a proposed a desalination plant and associated conveyance facilities (see broader discussion within the Seaside Watermaster’s Request for Status Conference and Adjudication Background Report and Update, May 23, 2016, page 18).¹³ Cal-Am has entered an agreement with the Seaside Basin Watermaster, which commits the company to reduce its production from the Seaside Basin by 700 AFY of desalinated water for a period of at least 25 years once the full project comes online (Id. page 19). This will replenish the Seaside Basin in an amount equal to Cal-Am’s historic overpumping since the entry of the Seaside Decision (Id.).

¹¹ Available at <http://www.seasidebasinwatermaster.org/Other/Implementation%20Plan%20031307.pdf>.

¹² Available at <http://www.seasidebasinwatermaster.org/Other/2018%20Annual%20Report.pdf>.

¹³ Available at <http://www.seasidebasinwatermaster.org/Other/REPORT.PDF>.

2. Seaside’s Pumping and Storage Rights Under the Seaside Decision

The Seaside Decision allocated the allowed annual production between the parties. It also established two “classes” of adjudicated production rights: Alternative Production Allocation (“APA”), which generally reflects the characteristics of an overlying groundwater right under the common law, and Standard Production Allocation (“SPA”), which generally reflects the characteristics of an appropriative groundwater right under the common law. Seaside enjoys both APA and SPA in the Seaside Basin. It produces groundwater from the Seaside Basin for irrigation of its two golf courses—the Bayonet and Blackhorse Golf Courses—that overlie the Seaside Basin from its APA, while it serves water to its municipal water system from its SPA.

In 2010, the Seaside Watermaster also issued a Declaration of Total Useable Storage Space in which it allotted to Seaside a maximum storage amount of 2,361 acre-feet in the Seaside Basin, roughly 7.4 percent of the Seaside Basin’s total usable storage allocation (see Seaside Watermaster’s Declaration of Total Usable Storage Space, February 3, 2010).¹⁴ Recently, Seaside applied to the Court for approval of an in-lieu storage program.¹⁵ The program would allow Seaside to substitute recycled water, derived from the PWM Project and supplied by MCWD, for irrigation of the golf courses in lieu of the current use of approximately 450 AFY of groundwater produced from the Seaside Basin. Such substitution will achieve replenishment and storage of water in the Seaside Basin, and the quantity of recycled water applied annually at the golf courses would establish the amount of water “stored” annually in the Seaside Basin via in lieu storage. Seaside would recover the stored water through its wells and then deliver the recovered water to MCWD for use within its water system. The program would add several hundred acre-feet of additional reliable supply to offset deficiencies in FORA Allocation to serve demands within the Seaside portion of the Ord Community. Additionally, this storage capacity increases water supply reliability by providing a water buffer during drought conditions with the use of banked water supplies during wet years.

Water Supply under Mitigation Measure UTIL-1 includes advance-treated recycled water derived from the Pure Water Monterey Project (“PWM Project”), which is nearing completion (Draft EIR page 4.16-6; Draft EIR Appendix M pages 24 and A-2). The recycled water will be used to offset existing uses of potable groundwater within MCWD’s service area, thereby liberating MCWD’s potable supply under Mitigation Measure UTIL-1. Water from the PWM Project would be utilized at Seaside’s Blackhorse and Bayonet Golf Courses in lieu of the current use of potable groundwater from the Seaside Basin. This substitution will establish stored groundwater within the Seaside Basin through in lieu storage methods, which stored water would then be recovered by Seaside, the majority of which would then be delivered to MCWD to augment its water supply portfolio.

The in-lieu storage program found in UTIL-1 will also include a groundwater storage capacity of up to 2,361 AF. This “bank” of water storage will be used to ensure reliable water offsets even when, due to weather or other causes, a single-year’s water use at the Project exceeds a single year’s water storage (see Seaside’s Motion for Approval of In Lieu Groundwater Storage Program, September 4, 2019, page 9).

F. Other Relevant Regional Water Agreements

There are numerous other regional water agreements and programs that will further ensure the reliability of the 6,600 AFY FORA Allocation.

¹⁴ Available at <http://www.seasidebasinwatermaster.org/Other/Declaration%20of%20Total%20Usable%20Storage%20Space.pdf>.

¹⁵ Seaside’s Motion for Approval of In Lieu Groundwater Storage Program, Sept. 4, 2019. Available at <http://www.seasidebasinwatermaster.org/Other/Motion%20for%20In%20Lieu%20Storage%20Program.pdf>.

With the regional goals of improving water supply reliability and quality, a number of water agencies, environmental interests, and municipalities formed the Greater Monterey County Regional Water Management Group and produced an “Integrated Regional Water Management Plan” (“IRWMP”) in 2013 (see Draft EIR pages 7-21 and 7-28). The effort integrates water planning across the County and assists in directing funding to supported water supply and quality projects.¹⁶ The IRWMP promotes infrastructure projects and water supply reliability projects within the Salinas Valley Basin, such as MCWRA’s Salinas Valley Water Project, designed to address seawater intrusion.¹⁷ Other relevant regional agreements include the following:

- Water/Wastewater Facilities Agreement entered into by MCWD and FORA, dated March 13, 1998. Through this agreement, MCWD agreed to take conveyance of Fort Ord’s water and wastewater facilities and to cause to be built additional water and sewer facilities as needed by the Fort Ord Base Reuse Plan (see Draft EIR pages 4.16-3 and 7-28).
- Pure Water Delivery and Supply Project entered into by MCWD and Monterey One Water, dated April 8, 2016. Through this agreement, MCWD secured up to 1,427 AFY of future recycled water supplies needed for the Fort Ord Community that Monterey One Water is developing as a part of Monterey One Water’s PWM Project (see WSA Appendix A pages A-1–3).

III. Seawater Intrusion

Some comments asserted that the 6,660 AFY FORA Allocation is not reliable because the groundwater supply is in “overdraft,” which in turn can result in seawater intrusion. The below information describes seawater intrusion issues in the area. As discussed in the Draft EIR, “MCWD’s wells in Central Marina, although near the coast, are in the Deep Aquifer within the Monterey Subbasin (DWR, Bulletin 118, Basin No. 3-004.10) of the broader Salinas Groundwater Basin, which has not experienced signs of seawater intrusion and is considered to have reliable quality” (Draft EIR page 4.16-19).

This response will provide a brief overview of CEQA’s legal requirements, and additional information regarding the history and current state of seawater intrusion in the Project region.

A. CEQA Requirements

Multiple comments assert that the Draft EIR is insufficient because it fails to address overdraft conditions of the entire groundwater basin surrounding the Project and that it fails to address the current issues of seawater intrusion and mitigate any effects. These comments misconstrue the requirements of CEQA. This EIR is not required to address existing, region-wide concerns. (*Watsonville Pilots Association v. City of Watsonville* [2010] 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”].) In *Watsonville* the Petitioner argued that a Final EIR failed to “pinpoint a solution” to a regional problem with groundwater overdraft. The court held that “[t]he purpose of an EIR is to identify and discuss the impact of the proposed project on the existing environment. The Final EIR concludes that the impact of the new development contemplated by the 2030 General Plan will be offset by decreased water usage associated with the conversion of farmland and the City’s water conservation measures. Thus, the overdraft problem will remain but will not be exacerbated by the proposed project.” (*Ibid.*)

¹⁶ Available at <http://www.greatermontereyirwmp.org/>.

¹⁷ Available at <http://www.greatermontereyirwmp.org/projects/completed/>.

Additionally, CEQA “does not require a city or county, each time a new land use development comes up for approval, to reinvent the water planning wheel” (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova [2007] 40 Cal.4th 412, 434). Several courts have similarly held that a project-level EIR is not required to engage in region-wide water balancing (see Friends of Kings River v. County of Fresno [2014] Case No. F068818 [“Petitioner has failed to show that a postmining water balance is necessary to understand the Project’s impacts on water consumption or potential contamination. Consequently, we reject its argument that the project description is inadequate because it lacks a postmining water balance calculation.”]; Mount Shasta Bioregional Ecology Center v. County of Siskiyou (2012) 210 Cal.App.4th 184, 222).

B. History and Current State of Seawater Intrusion

Seawater intrusion has driven groundwater management in the greater Salinas Valley Basin and the Monterey Subbasin for more than seventy years. Discovered in 1930, seawater intruded a mile inland into the 180-foot Aquifer by 1946, prompting the creation of the Monterey County Flood Control and Water Conservation District, which later became the Monterey County Water Resources Agency (“MCWRA”) in 1947 (see MCWRA, Monterey County Groundwater Management Plan at 1-3 [May 2006] [“GMP”]).¹⁸ The agency built Nacimiento Dam in 1957 and San Antonio Dam in 1965, operating the dams to control seasonal flood waters and release them to the Salinas River to recharge groundwater. (Id.) Unfortunately, seawater continued to advance, reaching four miles inland into the 180-foot Aquifer and two miles inland into the 400-foot Aquifer by 1970. (Id. at 3-14.) By 2015, the saline front extended 8 miles inland at its furthest in the 180-foot Aquifer and 3 miles inland in the 400-foot Aquifer (State of Basin pages 5-6 and 5-8). In 2019, the 2019 Salinas River Long-Term Management Plan stated that current ‘seawater intrusion extends approximately 7 miles inland within the 180-foot aquifer and 4 miles inland in the 400-foot Aquifer’ (Draft EIR page 4.9-5; Draft EIR Appendix M1 page 29).

MCWD no longer pumps from the 180-foot Aquifer. MCWRA, in coordination with other local agencies, has since developed additional efforts to combat seawater intrusion, including the Castroville Seawater Intrusion Program that delivers recycled and seasonal flows diverted from the Salinas River for irrigation in lieu of pumped groundwater. Seawater intrusion continues to occur in the 180-foot and 400-foot Aquifers within some portions of the Monterey Subbasin; however, available data suggests that the rate of seawater intrusion advance peaked from 1997 to 1999 (see State of Basin page 6-3). Reductions in the rate of seawater intrusion since 1999 are attributable in part to the Castroville Seawater Intrusion Project (Id. at 5-6.) and the Salinas Valley Water Project (“SVWP”) (see 2015 Plan page 43). The SVWP modified infrastructure and operations of Nacimiento and San Antonio reservoirs to supply additional water to the coast, further lowering coastal groundwater pumping. (Id.) In addition, groundwater conditions may have improved behind the seawater intrusion front, with fresh water mounding in a coastal shallow aquifer. (Id. at pp. 45, 48.) The mounding in the shallow aquifer may help cap deeper aquifers, preventing further seawater intrusion (Id. at p. 48; MCWD, 2015 Plan Appendix E page E-20 (June 2016)).¹⁹ The current extent of seawater intrusion can be seen on maps provided by MCWRA.²⁰ There have been no indications of seawater intrusion in the 900-foot Aquifer (Draft EIR Appendix M page 29). Intrusion could be possible at pumping rates two to five times the baseline rate, but such increases are not anticipated.

¹⁸ Available at <https://www.co.monterey.ca.us/home/showdocument?id=22563>.

¹⁹ Available at https://www.mcwd.org/docs/engr_files/MCWD%202015%20UWMP%20Appendices_Final.pdf.

²⁰ Available at <https://www.co.monterey.ca.us/government/government-links/water-resources-agency/documents/seawater-intrusion-maps#wra>.

(Id.) To protect the resource, MCWD also operates a monitoring well within the 900-foot Aquifer to identify any early signs of seawater intrusion into that aquifer (Draft EIR page 4.9-5; see also 2015 Plan page 48).

Seawater intrusion is not an immediate threat to MCWD's groundwater supplies (Draft EIR page 4.9-25; Draft EIR Appendix M page 29). Historically, all of MCWD's wells pumped groundwater from the 180- and 400-foot Aquifers (see 2015 Plan page 45). As its wells began to show signs of seawater intrusion, MCWD transitioned to deeper wells between 1960 and 1992 (Id.; Draft EIR page 4.16-1).

Today, MCWD pumps groundwater from wells in the 400-foot (from the four inland Ord Community wells) and 900-foot (from one Ord Community well and three Central Marina wells) Aquifers. (Id.) As stated above, several factors have addressed immediate concerns over seawater intrusion into MCWD's wells: (a) MCWD no longer pumps from the 180-foot Aquifer, (b) surface and recycled water projects have reduced coastal groundwater pumping thereby slowing seawater intrusion rates, (c) freshwater mounding is beginning to occur in the shallow aquifer, and (d) no seawater intrusion has been discovered in the 900-foot Aquifer, nor is pumping occurring at a rate at which intrusion is anticipated. Moreover, additional groundwater management for the Monterey Subbasin will be set forth by 2022 pursuant to SGMA. SGMA requires that the groundwater sustainability plans developed for the Monterey Subbasin control "significant and unreasonable" seawater intrusion by 2040 (see Water Code Section 10721[x][3] [2019]).

IV. Water Rights

Multiple comments expressed concerns that the 6,600 AFY FORA Allocation is not a "water right," and that this figure does not represent "wet water." As an initial matter, the Draft EIR does not focus on "water rights," but rather, as directed by *CEQA Guidelines* Section 15204(a) "the possible impacts on the environment." To the extent that comments relating to "water rights" implicate impacts on the environment, those impacts are discussed above in the reliability and seawater intrusion sections. Regardless, this master response will address the legal status of the 6,600 AFY FORA Allocation.

A. *U.S. Army's 1993 MCWRA Annexation Agreement*

As part of the Fort Ord redevelopment effort, on or about September 21, 1993, the Army entered into Contract No. A-6404 with the MCWRA for annexation of the former Fort Ord lands into MCWRA Zone 2 and 2A (hereafter, "Annexation Agreement.")²¹ (Draft EIR page 4.16-1; Draft EIR Appendix M1 page 22). The Annexation Agreement is the basis for the Army's pumping limitation of 6,600 of water from the Salinas Valley Basin and of that, no more than 5,200 AFY may be pumped from the 180- and 400-foot Aquifers therein ("FORA Allocation"). The 6,600 acre-feet per year figure is derived from the 1984 peak and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin, not including pumping from a non-potable golf course well (MCWRA 1993) (Draft EIR page 4.16-1).

On or about October 23, 2001, the Army quitclaimed its water and wastewater infrastructure to the Fort Ord Reuse Authority ("FORA") and issued two easements to FORA. The easements to FORA required that FORA ensure that all owners of property at the former Fort Ord continue to be provided an equitable supply of water at equitable rates. In turn, the FORA Board divided the FORA

²¹ Agreement No. A-06404, Agreement Between the United States of American and the Monterey County Water Resources Agency Concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency, Sept. 21, 1993.

Allocation among the land use jurisdictions in the Fort Ord Community, including Seaside (Draft EIR Appendix M1 Table 3-3).

Seaside obtained 1,012.5 AFY of the FORA Allocation, of which it has previously sub-allocated 831.9 AFY to other projects (Draft EIR page 4.16.-21; Draft EIR Appendix M1 Table 5-2). The Campus Town Project will add 441.6 AFY of potable water demand (Ibid). Seaside may allocate the remaining 180.6 AFY to the Campus Town Project, leaving a deficit of 261 AFY in supply. (Id.) Therefore, MCWD and Seaside are developing new strategies to establish additional potable water supplies to meet Campus Town Project's potable water demand through the substitution of recycled water to free potable water supplies as discussed in Mitigation Measure UTIL-1 and the Campus Town Water Supply Assessment and further addressed below (Id. page 24).

B. Legal Nature of the FORA Allocation

Several comment letters have misconstrued the nature of the FORA Allocation, mistaking it for a "water right" instead of a limitation to a pre-existing water right. The following describes the difference between a water right and the FORA Allocation (a regulatory limit on groundwater extractions). It also addresses the FORA Allocation's amount and permanence.

Regulatory or judicial allocations are a common groundwater management tool employed to limit groundwater production. The FORA Allocation limits the amount of groundwater that may be withdrawn from the Salinas Valley Basin to service the Ord Community (see Annexation Agreement page 5). The Army and MCWRA agreed to the annexation of Fort Ord to the MCWRA and set the FORA Allocation as a step in a series of regional efforts to manage seawater intrusion by reducing coastal groundwater pumping (Id. page 4-5; see also Annexation Assembly and Evaluation Report for the Annexation of Fort Ord by the Monterey County Water Resources Agency at 2, 10 [September 10, 1993] ["Annexation Report"]). Thus, the FORA Allocation should not be confused with a water right. Rather, it is a demand management arrangement. By contrast, the water rights supporting Fort Ord, and now the Ord Community, originate from the common law. Originally, the Army's right to supply groundwater to Fort Ord arose from federal water rights, among other possible claims. (Id.) MCWD possesses groundwater rights that it relies on to serve the Ord Community under other doctrines discussed below.

Understanding the FORA Allocation's nature as a demand management arrangement illuminates how the FORA Allocation's amount was derived. The Army voluntarily agreed to the FORA Allocation as a cap on groundwater production at the Fort. The 6,600 AFY and 5,200 AFY were set to the "annual peak (1984) and recent average (1988-1992) amounts" respectively (Id. page 5). The FORA Allocation limited the Army to pumping only the recent average (5,200 AFY) from the 180- and 400-foot Aquifers. Should the Army need additional supply up to its peak use, the FORA Allocation contemplated a new well into the 900-foot Aquifer to supply the 1,400 AFY difference (see Annexation Report page 8). Therefore, the FORA Allocation limited the Army to average pumping in the aquifers most effected by seawater intrusion. Shifting peak groundwater pumping to the 900-foot Aquifer was an additional seawater intrusion management action intended to protect the most effected aquifers. Lastly, the Annexation Agreement's terms do not support the conclusion the FORA Allocation was intended to be temporary.

C. MCWD's Groundwater Rights in the Monterey Subbasin

Several comment letters challenge the adequacy of MCWD's groundwater supply to serve the proposed Campus Town water supply. Commenters have raised concerns about the legality of the FORA Allocation. However, MCWD has groundwater rights for the reasons discussed below. Several comment letters also contend that MCWD may be enjoined from production because of an alleged junior priority of its water rights and the overdraft condition of the groundwater supply. There are several bases for MCWD's rights to the 6,600 AFY FORA Allocation, set forth below.

1. Perfected Appropriative Rights

MCWD has perfected appropriative groundwater rights. Appropriative rights arise from actual beneficial use (see *City of Barstow v. Mojave Water Agency* (2000) 99 Cal. Rptr. 2d 294, 304). No further action, including that by a court or agency, is required by California law to establish an appropriative groundwater right. An appropriative right is junior in priority to overlying groundwater right, but an appropriator may make use of any surplus water available in the basin (see *City of Pasadena v City of Alhambra* (Cal. 1949) 33 Cal. 2d 908, 925-26).

MCWD owns and operates three wells in its Central Marina service area and five in its Ord Community service area, all of which are within the Monterey Subbasin. By pumping groundwater and providing it for domestic use, MCWD has perfected appropriative groundwater rights. The Monterey Subbasin is not presently subject to a groundwater basin adjudication or other legal action to enjoin groundwater use. Thus, there is no present legal restriction on MCWD's ability to extract groundwater for reasonable beneficial use.

Accordingly, comments asserting that the 6,600 AFY is not a water "right" miss the mark. MCWD's water rights exist without it taking any action, and because the groundwater basin is not currently adjudicated, there is no present legal restriction on its ability to extract groundwater.

2. Groundwater Rights Pursuant to a Future Adjudication

Even if the Monterey Subbasin were adjudicated, MCWD would have several legal bases to continue production from the subbasin. A comprehensive groundwater adjudication determines all groundwater rights and priorities in a basin (see Code of Civ. Proc. Sections 830 et seq.).

3. Prescriptive Rights

First, MCWD could assert a claim of prescriptive rights through an adjudication. Prescriptive rights arise when an appropriator continues to pump during times of overdraft for a period in excess of five years (see *City of Santa Maria v. Adam* (Ct. App. 2012) 149 Cal. Rptr. 3d 491, 502). To establish prescriptive rights, the appropriator's pumping must be continuous over at least a five-year prescriptive period, adverse and hostile, open and notorious and under claim of right, and there must be either actual or constructive notice of the overdraft to the overlying water rights holders (*Santa Maria*, 149 Cal. Rptr. at 511-12). Such a claim is supported within the Monterey Subbasin for the benefit of MCWD. First, the subbasin's overdraft status establishes the adverse and hostile element of a prescription claim (see *City of Los Angeles v. San Fernando* (1975) 123 Cal. Rptr. 1, 63; GMP at 4-3). Second, at least constructive notice of the overdraft would be established from the general public awareness of depleted groundwater conditions, seawater intrusion in the northern portions of the subbasin, newspaper articles, groundwater reports, and MCWRA's groundwater management efforts. Constructive notice of this type is sufficient to satisfy the notice element of a prescription claim (*Id* at 62; *Santa Maria*, 149 Cal. Rptr. 3d at 513-14). Finally, MCWD's continual use

of groundwater to serve its customers for more than a half century would satisfy the continuous pumping requirement for prescription. Thus, MCWD would have support for a claim of prescriptive rights in an adjudication, securing MCWD's domestic supply even under overdraft conditions.

4. Subordination

In an adjudication, a court may also subordinate the priority of unexercised groundwater rights to the priority of MCWD's groundwater rights. California courts have developed the doctrine of subordination, originally used in the surface water context, to balance the need for certainty against unexercised water rights. (*In re: Waters of Long Valley Creek Stream System v. Ramelli* (Cal. 1979) 158 Cal. Rptr. 350.)

To date, courts have not applied the same principle to subordinate dormant overlying groundwater rights. However, the Supreme Court has indicated that the subordination principle applied in Long Valley for surface water may need to be applied in the future to subordinate dormant overlying rights "to harmonize water shortages with a fair allocation of future use" (see *Mojave*, 99 Cal. Rptr. 2d at 311 n.13). Further, as part of a recent groundwater basin adjudication reform law, the legislature explicitly permitted the court to apply the principles set forth in Long Valley within a comprehensive groundwater basin adjudication (see Code of Civ. Proc. Section 830[b][7]).

MCWD presently exercises its groundwater rights for the benefit of its 33,000 customers. A court acting in equity would likely confirm MCWD's groundwater supply against uncertain future demands.

5. Doctrine of Intervening Public Use

Finally, MCWD could protect the right to its water supply against injunctive relief through the doctrine of intervening public use. When a public water supplier pumps groundwater within an overdrafted groundwater basin, the water supplier may choose to pay just compensation instead of ceasing pumping. (See *Wright v. Goleta Water Dist.* [Ct. App. 1985] 219 Cal. Rptr. 740, 751; 1 Cal. Water Law and Policy Section 9.04 [2018].) MCWD is a county water district and supplies groundwater to public uses within its service area. If a senior groundwater right holder sought to enjoin MCWD's junior groundwater pumping, MCWD could simply pay compensation under this doctrine rather than cease its groundwater use.

In sum, MCWD has several bases to establish its rights to continue groundwater production from the Monterey Subbasin, including prescription and subordination claims. Moreover, MCWD may protect itself from an injunction against its pumping by paying compensation to any senior water rights holder.

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3 Responses to Comments on the Draft EIR

This section includes comments received during the circulation of the Draft Environmental Impact Report (EIR) prepared for the Campus Town Specific Plan and associated entitlements (“Proposed Project” or “Project”).

The Draft EIR was circulated for a 45-day public review period that began on July 8, 2019 and ended on August 22, 2019. The City of Seaside received 18 comment letters on the Draft EIR. The commenters and the page number on which each commenter’s letter appear are listed below.

Letter No. and Commenter	Page No.
1 Gregory Ford, Colonel, U.S. Army Office of the Garrison Commander	3-3
2 William Collins, Environmental Coordinator, U.S. Army Fort Ord BRAC Field Office	3-36
3 Mary Israel, Senior Planner, Fort Ord Reuse Authority	3-44
4 Chris Bjornstad, Transportation Planner, California Department of Transportation District 5	3-54
5 Debra Hale, Executive Director, Transportation Agency for Monterey County	3-61
6 Kevin Saunders, Executive Director and VP, California State University, Monterey Bay	3-72
7 Lisa Rheinheimer, Director of Planning and Marketing, Monterey-Salinas Transit	3-83
8 Hanna Muegge, Air Quality Planner, Monterey Bay Air Resources District	3-87
9 Michael Salerno, Spokesman, Keep Fort Ord Wild	3-94
10 Michael DeLapa, Executive Director, LandWatch	3-142
11 John Farrow, M R Wolfe & Associates, P.C.	3-192
12 Andrew Sterbenz, PE, Senior Project Manager, Schaaf & Wheeler Consulting Civil Engineers	3-196
13 Steven Herum, Attorney-at-Law, Herum Crabtree Suntag Attorneys	3-292
14 Paul Petrovich, Petrovich Development Company, LLC	3-468
15 David Lessikar	3-473
16 David Lessikar	3-478
17 Fred Watson	3-480
18 Fred Watson	3-482

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

Where a comment resulted in a change to the Draft EIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underlined font) where text is added. These changes in text are also included in Section 4, *Amendments to the Draft EIR*.

In support of the responses provided in the section, as well as the revisions provided in Section 4, the following appendices have been included as part of this Final EIR:

- Appendix E: Revised Air Quality, Greenhouse Gas, and Energy Modeling
- Appendix K: Revised Transportation Analysis
- Appendix N: NOP Distribution List and Read Receipts
- Appendix O: Arborist Report
- Appendix P: Greenhouse Gas Reduction Plan
- Appendix Q: Construction Health Risk Assessment
- Appendix R: Supplementary Greenhouse Gas Emissions Analysis Memorandum
- Appendix S: Historic Resources Evaluation Memorandum



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, US ARMY GARRISON, PRESIDIO OF MONTEREY
1759 LEWIS ROAD, SUITE 210
MONTEREY, CA 93944-3223

Office of the Garrison Commander

Kurt Overmeyer
440 Harcourt Avenue
Seaside, CA 93955

Dear Mr. Overmeyer,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the City of Seaside's Campus Town Specific Plan (Plan) in Seaside, CA which you prepared in compliance with the California Environmental Quality Act. As described in the Draft EIR, the proposed Plan would result in development of up to: 1,485 housing units, 250 hotel rooms, 75 youth hostel beds, 150,000 square feet of retail, dining, and entertainment uses, 50,000 square feet of office or flex space, park/recreation areas and supporting infrastructure on land in Seaside, CA which had been part of the former Fort Ord.

The Plan is proposed for areas directly adjacent to U.S. Army (Army) owned and actively used property. Some elements of the Plan propose use of this Army property. The Army has discretionary approval authority over proposed projects on Army lands and would need to determine if the proposed use is of value to, and consistent with, the Army mission. Army decision making would require analysis under the National Environmental Policy Act and Federal implementing regulations and a contractual real estate agreement as prescribed by Army Regulation 405-80.

Enclosed are the Army's more detailed comments on the Draft EIR.

The POC for this letter is Joelle Lobo at 831-242-7829 or joelle.l.lobo.civ@mail.mil.

Sincerely,


Gregory J. Ford
Colonel, US Army
Commanding

1.1

General Comments

General-1

The project description and conceptual drawings show elements of the proposed Plan on Army owned and occupied property. Prior to the Army issuing any outgrants, the Army would have to determine the value of the proposed element to, and consistency with, Army mission.

The Army has discretionary approval authority over proposed projects on Army lands. If determined to have value to the Army and to be consistent with Army mission, any proposed work on Army owned property would require analysis under the National Environmental Policy Act (NEPA) and Federal implementing regulations. Any outgrant would require a contractual real estate agreement, as prescribed by Army Regulation (AR) 405-80. The analysis would be used during decision-making with regard to the proposed action.

Any outgrants needed with the roadways or stormwater system must be consistent with other regional plans. The Cities/regional groups would need to resolve any inconsistencies in proposed roadways and/or infrastructure, prior to issuing Army outgrants.

General-2

Elements of the proposed Plan appear to be inconsistent with the Fort Ord Reuse Authority (FORA) plan to widening Gigling Road. To facilitate an Army decision on proposed use of Army lands, recommend coordination and consolidated planning with FORA regarding elements of the proposed Plan that overlap with FORA's proposed widening of Gigling Road, including the timing or phasing of proposed actions and comprehensive planning to result in minimal disruption of Army resources.

Executive Summary

Page ES-2, Project Location

The Draft EIR refers to the, "Department of Defense – Defense Manpower Data Center." Please use the term "Department of Defense Center, Monterey Bay" in reference to this Army owned building that borders the proposed Plan to the south. There is no Department of Defense Army Hospital; please remove reference to a hospital.

Page ES-3, Project Overview

Paragraph 1 states 3.3 acres of private open space within a 122 acre development. Please include the acreage requirement, if any, to provide open space for a development within the City of Seaside.



1.1
(cont'd)

1.2

1.3

1.4

Page ES-5, Off-Site Improvements

Paragraph 1 states a new fire station would be constructed and operational before the closure of the existing fire station. The Draft EIR indicates construction is anticipated to begin in April 2021. When does the City of Seaside expect a new fire station to be operational to allow closure (demolition) of the existing fire station? Will the developer be responsible for financing and constructing the new fire station?

1.5

Page ES-5, Project Construction

The 13-year project construction timeframe is approximate. Although seemingly apparent, the Draft EIR should explain in detail that the phased develop could be accelerated or decelerated depending on the availability of resources (e.g. funding, water) and the economy.

1.6

Page ES-28, Impact Hydrology and Water Quality-3

Hydrology and Water Quality Impact 3c concludes that the project would not “substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the additional of impervious surface, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.”

1.7

The Army is conducting a feasibility study for disconnecting its existing storm water drainage system that outfalls to the ocean. Discontinuing that system would bring the capacity of the existing system to zero. Since a portion of the proposed Plan area drains to the Army owned outfall, the Army does not agree with the statement that the proposed development will not exceed the capacity of existing system. The potential for discontinuing the Army owned outfall should be discussed in Sections 2.4, 4.9, and other applicable areas of the Draft EIR.

Page ES-30 and ES-31, Noise Mitigation

Noise mitigation measures implemented for clearing the land (Surplus II) to make way for Campus Town were not very effective. Fugitive dust, ground shaking, and noise became very annoying/irritating to the people working in the office buildings near those properties. Workplaces became uncomfortable resulting in an adverse impact to productivity. Potential residual impacts for the proposed Plan would be “Less than significant” only if the project proponent and their contractors achieve a higher noise control standard than demonstrated in the land clearing phase by implementing more effective mitigation measures. Those noise mitigation measures, with an explanation of how they will be made effective, need to be specified in this EIR.

1.8

Page ES-32, Impact Transportation-3

The statement “Less than significant” impact appears to be correct as long as Gigling Road, Parker Flats Cut-Off, and the residential streets remain two-lane roads. Widening these roads may change the finding.

1.9

Page ES-33, Utilities and Service Systems-1

The Draft EIR and water study state that the connection of the Bayonet/Blackhorse Golf Course to the recycled water system would create an in-lieu storage of up to 450 acre-feet per year (AFY). This amount appears to be unrealistically high based on other local golf course conversions to recycled water.

1.10

Chapter 2. Project Description

Page 2-2, Section 2.2.1, Setting and Location

The Draft EIR refers to the Department of Defense – Defense Manpower Data Center. Please use the term Department of Defense Center, Monterey Bay in reference to this Army owned building that borders the proposed Plan to the south. There is no Department of Defense Army Hospital; please remove reference to a hospital.

1.11

Page 2-2, Section 2.2.2, Existing Site Characteristics and Land Use

In the first paragraph, the Draft EIR states, "The Plan Area is developed primarily with abandoned U.S. Army buildings...." Please clarify that the buildings within the Plan area are no longer owned by the Army and have been the property of the City of Seaside since transfer after the closure of Fort Ord. Please update similar references throughout the document.

Page 2-2, Section 2.2.2, Existing Site Characteristics and Land Use

Second paragraph, in December 2018, FORA began demolition of the buildings in the plan area, not the Army. Please make this correction here and throughout the document.

Page 2-2, Section 2.2.2, Existing Site Characteristics and Land Use

The first paragraph in this section states one cafeteria and two armories. The second paragraph states that FORA has demolished two mess halls and four armories. Recommend reviewing for consistency.

Pages 2-12 and 2-13, Figures 2-4 and 2-5, Campus Town Specific Plan Conceptual Phase 1 and 2

The conceptual drawings shows elements of the proposed Plan on Army owned and actively used property. Reference General Comment-1 regarding Army approval, real estate, and NEPA requirements.

1.12

Page 2-18, Section 2.4.5.1, Water System

Recommend including who would be creating and providing the recycled water.

1.13

Page 2-18, Section 2.4.5.2, Storm Water System

It appears that one of the proposed stormwater basins is outside the proposed Plan area and is part of CSUMB's stormwater master plan. According to CSUMB's plan, it appears the basin would not have additional capacity to handle Campus Town's stormwater.

1.14

Page 2-18, Section 2.4.5.2, Storm Water System

This section and Section 4.9 should discuss the Army owned stormwater outfall that currently drains a portion of the proposed Plan area, potential disconnection of the outfall, and potential impact of its closure on the proposed Plan area.

1.15

Pages 2-19 and 2-21, Figures 2-7 and 2-8, Conceptual Recycled Water System Plan and Conceptual Stormwater System

These figures contains small and unclear text that not readable. Recommend including a legible versions of these figures so elements of the project can be clearly understood.

1.16

Page 2-21, Figure 2-8, Conceptual Stormwater System

It is unclear from the figure if the Plan proposes to use or tie into the storm drain along Gigling Road. The storm drain along Gigling Road is part of a system that may potentially be disconnected and therefore new connections may not tie into the system. If any elements of the Plan would drain to the Army owned outfall, future coordination with the Army for stormwater management would be required.

1.17

Page 2-22, Section 2.4.6, Off-Site Improvements, Infrastructure, and Utilities

This section may need to be revised and the environmental analysis modified if the preferred location for the new fire station is sited further away from the proposed development area (e.g. CSUMB Campus).

1.18

Page 2-22, Section 2.4.6.1, Multimodal Transportation – Public Roads, Bicycle Lanes and Pedestrian Facilities

Elements of the proposed Plan discussed in this section, such as a roundabout at the intersection of General Jim Moore Boulevard and Gigling Road, and bicycle lane along Gigling Road, are proposed to occur on Army owned and actively used property. Reference General Comment-1 regarding Army approval, real estate, and NEPA requirements.

1.19

Page 2-22, Section 2.4.6.1, Multimodal Transportation – Public Roads, Bicycle Lanes and Pedestrian Facilities

Will the roads be designated bicycle boulevards or will the roads be widened to add bicycle lanes? Currently the roads are too narrow to accommodate a bicycle lane and traffic speeds are currently too high for bicycles to safely transit with cars.

Chapter 3. Environmental Setting

Page 3-2, Section 3.2 Plan Area Setting

In the third paragraph, the Draft EIR states, "The Plan Area is mostly developed with U.S. Army Buildings...." Please clarify that the buildings within the Plan area are no longer Army owned buildings and have been the property of the City of Seaside since transfer after the closure of Fort Ord. Please update similar references throughout the document.

1.20

Chapter 4. Environmental Impact Analysis

Page 4-5, Table 4-1, Pending Projects in the Vicinity of the Plan Area

This table shows a project to widening Gigling Road as "Approved, not built." Real estate on both sides of a portion of Gigling Road are owned and actively used by the U.S. Army. Widening of Gigling Road would require Army approval. Reference General Comments-1 and 2 regarding Army approval, real estate, NEPA requirements and coordination with FORA.

1.21

Pages 4-5 and 4-6, Infill Site

Text needs to be revised. Many of the structures identified no longer exist. Please update throughout the document.

1.22

Page 4.2-10, Section 4.2.2, Clean Water Act Section 402

This section appears to contain a lot of information unnecessary for the Air Quality section. Consider removing this language.

1.23

Page 4.3-5, Section 4.3.1.d, Special Status Plants

Federally threatened Monterey spineflower is known to exist within 100 feet from the proposed Plan area. Provide data on how and when surveys for Federally and State threatened and endangered species were conducted within the Plan area.

1.24

Page 4.3-6, Section 4.3.2.d, Special Status Wildlife

California Tiger salamanders and Mountain lions (*Puma concolor*, foraging only) may have a potential to exist within the project area. Recommend including throughout.

Page 4.3-9, Section 4.3.1.a, U.S. Fish and Wildlife Service

Multiple Biological Opinions have been issued for the disposal and reuse of Fort Ord.

1.25

Page 4.9-1, Section 4.9.1.a, Hydrologic Setting

Second paragraph should specifically mention the Army's existing stormwater drainage system that outfalls to the ocean and that it discharges to Monterey Bay National Marine Sanctuary. This change should also be made throughout the document wherever it is mentioned that the stormwater drainage system discharges to the Pacific Ocean.

1.26

Page 4.9-23, Section 4.9.3.b, Project Impacts and Mitigation Measures, HWQ-3

There are more than one recycled water projects. Recommend this document analyze the alternative of transferring stormwater run-off to a local recycled water project in addition to the use of percolation ponds. Including analysis of alternate techniques will allow more flexibility and enhance cost effectiveness.

Page 4.9-23, Section 4.9.3.b, Project Impacts and Mitigation Measures, Impact HWQ-3

Paragraph one states, "Runoff that doesn't infiltrate would be captured in the City's storm drain system and ultimately discharged to the Pacific Ocean." Portions of the Plan area currently are part of a system that is anticipated to be disconnected. If any

elements of the proposed Plan area drain into the Army owned system, future coordination with the Army for stormwater management would be required.

↑ 1.26
(cont'd)

Page 4.9-23, Section 4.9.3.b, Project Impacts and Mitigation Measures, Impact HWQ-3

There are two known areas where the proposed Plan will alter current stormwater runoff from Army property. The City of Seaside has recommended construction of percolation ponds on Army property to manage these areas. These additional ponds should be included in the project description and impact analysis. Reference General Comment-1 regarding Army approval, real estate, and NEPA requirements.

1.27

Page 4.10-1 through 4.10-10, Section 4.10-2.c, Land Use and Community Design Element Goals and Policies

The EIR is consistent with local general, land use and transportation plans; and the Fort Ord Regional Urban Design Guide. Nonetheless, specific goals and policies should be re-evaluated as follows:

1.28

- Goal LU-5 appears to be speculative as to how the EIR and/or proposed project in and of themselves can actually "...provide quality water supply..." The local water purveyors and the regional water augmentation project(s) are the resource providers for the supply.
- Policy LU-5.4 – Identify in detail how to implement mandatory water recycling and expand the program beyond irrigation.
- Policy UD-3.1 –Roberts Lake is well outside of proposed Plan area and would not be visible.
- Policy ED-1.4 – Should be expanded to "Create a favorable environment in the Gigling Road/Surplus II Area...compatible with CSUMB's academic environment..." including the Army facilities and their residential community neighbors.
- Goal C-3 – Greater incentives and more effective measures need to be implemented. Increasing bicycle lanes and providing multi-modal transportation are only successful when people use these systems.
- Goal COS-2 – Similar comment to the one for Goal LU-5 above.

Page 4.10-10 through 4.10-22, Section 4.10-2.c, Public/Institutional Land Use Designation

Many of the goals and policies listed are commendable and highly desirable, however may be very difficult to achieve in the projected 13-year timeframe. A detailed and fully resourced implementation plan is essential for success. This EIR needs to analyze cumulative and holistic environmental impacts associated with phased development over decades, not years. The closure process for Fort Ord began 25 years ago and remains on-going. Furthermore, the EIR should completely assess the long-term environmental impacts of siting new development, especially high-density, mixed-use development adjacent to Department of Defense and Army real property assets.

1.29

Page 4.12-1 through 4.12-13, Section 4.12, Population and Housing

Good historical information is provided but the majority of it is not required to conclude or determine the potential environmental impacts. The population on the former Fort Ord is documented at 30,000 - 35,000 persons during the peak years of operation. Campus Town does not come close to meeting or exceeding those former population numbers. The potential environmental impact of less-than-significant is appropriate in the short term. Supplemental environmental impact analysis should be undertaken if the population is projected to increase significantly from the time when the military base operated. Table 4.12-7 seems to indicate that increase is projected to occur after 2034.

1.30

Page 4.13-13, Section 4.13.3, Impact Analysis, Police Protection

The existing amount of law enforcement appears to be inadequate, based upon the difficulty of policing non-military users of major thoroughfares located on the Ord Military Community and civilian personnel who are not affiliated with the Department of Defense but who reside within military privatized housing neighborhoods. The use of the existing 1.2 police officers per 1,000 residents ratio appears, therefore, to be an inadequate ratio to create safe and effective policing of future civilian traffic, domestic relations, and commercial use, consistent with the Plan development.

1.31

Page 4.14, Section 4.14, Transportation

A more robust and clear description of the analysis is needed to understand how significant transportation related impacts would not be incurred by the proposed Plan.

1.32

Page 4.14-1 through 4-14-28, Section 4.14.1c, Existing Transit Service

The MST also provides two special shuttle buses that serve stops along the boundary of the Plan Area. MST RIDES is an ADA Paratransit Service and MST On Call. Both services operate during the daytime throughout the entire week.

Page 4.14-18, Section 4.14.3.b, Project Impacts and Mitigation Measures, Impact T-1 – Transit Impacts and Bicycle Impacts

A new bus stop is proposed for General Jim Moore Blvd between Lightfighter Drive and Gigling Road. The Army owns a portion of this section of road. Additionally, new bike paths are proposed throughout the proposed Plan area. Reference General Comment-1 regarding Army approval, real estate and NEPA requirements.

Chapter 6

Page 6-10, Utilities and Service Systems

Clarify what is meant by, “the new development associated with the Proposed Project would ...increase the generation of ...stormwater.” Per the CC RWQCB Post-Construction Requirements, infiltration conditions must meet or exceed pre-project infiltration conditions

1.33

Section 6.4 - Alternative 2

Alternative 2 presents little potential significant impacts of major concern and appears to be the best environmental alternative.

1.34

Section 6.5 – Alternative 3

Alternative 3 although apparently consistent with the City of Seaside General Plan 2004 would increase potential environmental impacts by a minimum of 25 percent. That percentage could increase for land use density/intensity, traffic/transportation, water usage, and the resultant needs for public services. This alternative requires a complete analysis of the cumulative impacts for further consideration.

Appendices

Appendix K, Page 24

Traffic backs-up now on General Jim Moore Boulevard and Gigling Road. The intersections at Chapel Drive, Carentan Road, General Jim Moore Boulevard, and Normandy Road become congested during the peak commuting hours of the school year (Marshall Elementary School and the Dual Language Academy). The proposed Plan could present an adverse impact to the vehicular Level of Service (LOS). Traffic analysis needs to look at potential changes in circulation and increase usage of Parker Flats Cutoff and use of residential streets throughout Marshall Park.

1.35

Appendix K

The use of Vehicle Miles Traveled (VTM) vs. the more familiar LOS method raises a question. The AMBAG travel model to estimate VMT is based upon a region-wide service area. How does using that estimate compare with the known LOS designations at various intersections within the Plan Area? Intersections of interest are the near Marshall Elementary School (i.e. General Jim Moore Boulevard and Normandy Road plus ones adjacent to family housing areas). A comparative analysis between the LOS vs. VMT might result a need for additional environmental mitigations such as upgrades to the infrastructure.

1.36

Appendix K

The Army is generally supportive, in concept, of infrastructure upgrades such as the conceptual roundabout at General Jim Moore Boulevard and Gigling Road, plus another discussed at General Jim Moore Boulevard and Normandy Road. Intersection Evaluation Control is needed to determine the best way of managing traffic flows along Gigling Road (i.e. roundabouts vs. signalization). Note, however, any development on Army land must be useful to, and consistent with Army mission, supported by NEPA analysis and appropriate real estate agreement, after ensuring consistency in plans for the roadway(s). Improvements/upgrades need to occur before starting the Campus Town development project. Sequencing these improvements helps maintain better traffic flows and reduce congestion throughout the construction period.

1.37

Appendix K

Request an Intersection Control Evaluation Report for both the General Jim Moore/Gigling and General Jim Moore/Normandy intersections. The Draft EIR document calls for signalized intersections in some places and roundabouts in others. The project proponents are proposing changes to the intersections that are outside their jurisdictions. The Army, which owns both intersections, should have access to the information driving these recommended/planned changes in order to make a decision.

1.38

Appendix K

If the Army agrees to the changes proposed for both the General Jim Moore/Gigling and General Jim Moore/Normandy intersections, the Army prefers the construction work to be done at the intersections prior to any buildout of the project to avoid the liability of a significant increase in the number of users on the roads and intersections that are not capable of handling them, nor the inconvenience of the increased traffic being diverted during the construction of the intersection improvements.

1.39

Appendix K

The text in Appendix K calls for signal timing changes at Normandy/General Jim Moore intersection. The traffic control system infrastructure at that intersection is at the end of its useful life and is essentially impossible to reprogram. The infrastructure is deficient and likely incapable of supporting new technology. The entire intersection needs improvements. The Intersection Control Evaluation Report (referenced in the above comment) will be essential in determining the best path forward for both intersections. The Army needs clarification on the improvements listed in Table 16 and elsewhere throughout the document.

1.40

Appendix K

The section on VMT is not clear. We are interpreting AMBAG's threshold VMT for the region as based on the tri-county average. The lower number provided in the text may be Monterey County average, but that is unclear. It is not apparent where the MXD+ Trip Reduction or Pass-by Trip Reduction are defined, calculated, or explained in the document. Additionally, does Seaside have its own adopted VMT policy that would be applicable to this analysis?

1.41

The Army requests an in person meeting in order to obtain a clearer understanding of the traffic impacts of this project and why this document is presenting no impact to traffic with the addition of nearly 1,500 homes. The statement about traffic data is insufficient. Request clarification of the statement, "Results from the AMBAG model were provided by TJKM for use in this analysis. Additional information about the model, any changes that were made, and how the data was extracted can be found in the model documentation provided by TJKM as part of the Draft Seaside 2040 General Plan." Additional information about the model, any changes that were made, and how the data was extracted should be presented in the EIR. If the results presented are not reproducible, the Army cannot verify the accuracy and should not accept liability for increased traffic on its property outside of its control.

1.42

Letter 1

COMMENTER: Gregory Ford, Colonel, U.S. Army Office of the Garrison Commander

DATE: Received on or about August 20, 2019 (comment undated)

Response 1.1

The commenter states that the Specific Plan proposes to use Army property, and the Army has discretionary approval over proposed projects on Army lands. Army decision-making would require analysis under the National Environmental Policy Act (NEPA) and federal regulations, as well as a contractual real estate agreement as prescribed by Army Regulation 405-80.

This comment is noted. The commenter is correct that NEPA review would be required per 40 Code of Federal Regulations 1508.18 via the Army's federal discretionary action to approve elements of the Specific Plan relating to the use of Army property, such as infrastructure improvements that occur outside the Plan Area on adjacent Army-owned lands. This has been clarified in Section 4, *Amendments to the Draft EIR*, on Draft EIR page 2-25 as follows:

Other approvals from other agencies may include:

- Disposition and Development Agreement
- FORA Consistency Determination
- Infrastructure Agreement with MCWD
- MCWD Water Supply Verification Report
- MCWD Annexation
- Approvals from California State University Monterey Bay (CSUMB) for any off-site improvements on CSUMB property
- Approvals from the United States Department of the Army for any off-site improvements on Army property and applicable NEPA review

For additional information regarding stormwater drainage and retention on Army property, refer to Response 1.7. The Project would ideally use off-site stormwater facilities; however, if the Project does not gain approval to use off-site facilities, an on-site retention option has been designed. For additional information regarding roadways, refer to Response 1.2, Response 1.9, Response 1.19, Response 1.21, Response 1.32, and Response 1.35 through Response 1.42.

Response 1.2

The commenter states that the Project appears to be inconsistent with the Fort Ord Reuse Authority (FORA) plan to widen Gigling Road and recommends coordination and planning with FORA regarding overlapping plan elements, including the timing and phasing of actions. However, the commenter appears to take a different position in Comment 1.9 below, which appears to be advocating for keeping Gigling Road as two lanes.

FORA previously considered a plan to widen Gigling Road from two to four lanes. This plan would have widened Gigling Road to the south of its current alignment, onto Army property and not into the Plan Area. As such, the Proposed Project would not preclude FORA from doing this if they so

choose. However, a recent FORA study indicated that Gigling Road is not required to be expanded to four lanes (FORA 2019b).

Response 1.3

The commenter requests that the reference on page ES-2 to “Department of Defense – Defense Manpower Data Center” be revised to “Department of Defense Center, Monterey Bay,” and that references to a Department of Defense Army hospital be removed, as this does not exist.

In response to this comment, page ES-2 of the Draft EIR has been revised as followed:

...Department of Defense-~~Defense Manpower Data Center, Monterey Bay~~, and former Fort Ord land; and is bounded to the south by Gigling Road, and Ord Military Community housing ~~and the United States Department of Defense Army Hospital~~.

Response 1.4

The commenter requests the open space acreage requirement for a development within the City of Seaside, if any, be included. The Project proposes a Specific Plan, which will provide the open space requirements for the Project (please refer to Draft EIR Appendix B). The Plan Area consists of approximately 122 acres. Of this acreage, approximately 7 acres are developed with existing uses that are anticipated to continue, leaving approximately 115 acres available for development. Of this developable acreage, the Specific Plan designates approximately 46 acres exclusively for residential use and approximately 18 acres for mixed-uses that could include residential use. The Specific Plan anticipates the provision of approximately 9 acres of publicly-accessible open space, including Greens, Squares, Plazas, Pocket Parks, and Playgrounds (all as defined in the Specific Plan) and 3.3 acres of privately managed open space, which would be open to the public. See also the Conceptual Open Space Plan Diagram (Figure 2.6) and Section 3.4 of the Specific Plan (Appendix B to the Draft EIR). The proposed Vesting Tentative Map (VTM) covers approximately 110 acres, of which approximately 8.6 acres would be publicly accessible open space and 3.3 acres would be private open space.

Response 1.5

The commenter asks when the new fire station will be operational to allow closure and demolition of the existing fire station and if the developer is responsible for financing and constructing the new fire station.

Regarding the timing of construction of the new fire station, Section 2.4.6 of the Draft EIR states (bolding added for emphasis):

While no specific site or development plan has been selected for this fire station, for the purposes of this environmental analysis it has been assumed that **a new 15,000 square foot fire station would be constructed and operational before the closure of the existing fire station** and located on an approximately two-acre site in proximity to the Plan Area.

Fire stations were added as a permissible use to allow the current facility to continue operating as a conforming use in the CC Sub-Area until a new off-site facility is operational (please refer to Draft EIR Appendix B, Section 4.5.1.10). However, further clarification to the use restrictions in the Specific Plan have been proposed to the Specific Plan. More specifically, Section 4.5.1 of Appendix B has been revised to note:

Within the CC Sub-area, no building permit for any non-fire station use shall be issued for the land located on the east side General Jim Moore Boulevard between Lightfighter Drive and Gigling Road that currently house the existing fire station, until replacement fire services are operational.

The fire station project is being planned by the Marina, California State University, Monterey Bay (CSUMB), Seaside, and Presidio of Monterey fire chiefs; however, there is no formal proposal at this time.

Response 1.6

The commenter suggests that the Draft EIR detail how the phased development could be accelerated or decelerated depending on the availability of resources and the economy.

This potential is acknowledged in Section 2.4.1 of the Draft EIR, which states that “[t]he actual rate and amount of development (up to the maximums) could differ; buildout is dependent on market conditions,” among other variables such as birth rates, death rates, and availability of resources. (Draft EIR page 2-11; Final EIR Chap. 4, pages ES-3 and 2-11.)

A reasonable buildout of 13 years is assumed based upon the project applicant’s experience with similar projects. KB South Bay has over 40 years of building experience, having constructed hundreds of projects of the same scope and complexity as Campus Town, including residential, commercial, office and industrial development throughout California.

Response 1.7

The commenter notes that the Army is conducting a feasibility study for removing its storm drainage outfall to the ocean, which would reduce the capacity of the existing system. The commenter claims that a portion of the Plan Area drains to the outfall, which would exceed the capacity of the system. The commenter requests that the discontinuation of the outfall be discussed in Sections 2.4, 4.9, and other sections of the EIR.

The Proposed Project would retain and infiltrate stormwater associated with a 100-year storm event. The Project would ideally use adjacent off-site stormwater infiltration facilities; however, if the Project does not gain approval to use off-site facilities, an on-site retention option has been designed. Please refer to Draft EIR Section 2.4.5.2 and Section 4.9, Impact HWQ-3. As stated on page 4.9-23 of the Draft EIR:

The Proposed Project seeks to manage rainfall at the source by infiltrating stormwater as close to the source as practicable. Sandy dune soils with moderate to high percolation rates underlay most of the site and provide an opportunity to infiltrate on a lot by lot basis. Preliminary modeling, detailed in the Campus Town PSWCP (Appendix K), demonstrates that rainfall runoff up to the 100-year event can be infiltrated on each lot without producing runoff that would normally be tributary to a storm drain system. Nearly all public hardscape would be comprised of detached sidewalks that drain to landscape areas. Such measures would reduce the risk of erosion, siltation, polluted runoff, and flooding by capturing and recharging runoff on-site.

Runoff generated from streets and public hardscape areas within the Plan Area would be tributary to the on-site storm drain system. Drainage basins are proposed in the Plan Area’s topographic low points: at 1st Avenue, in a portion of the “tree save” area; and at the General

Jim Moore Boulevard/Lightfighter Drive intersection. The proposed storm drain pipe network would collect runoff from all internal residential streets and convey stormwater to these basin areas, which would be designed to provide retention up to the 100-year storm event. As per the Campus Town PSWCP, approximately 39 percent of the site is projected to contribute runoff to the storm drain system. Water that enters the storm drain system would be tributary to an infiltration basin located within the Plan Area. Four infiltration basins would be constructed, with two on either side of General Jim Moore Boulevard. Approximately 840 distributed drainage management areas have been identified for runoff retention of individual lots and street areas in the Plan Area.

Accordingly, the Proposed Project would not contribute stormwater flow onto Army property, even in a 100-year storm event. The Proposed Project would substantially reduce the existing amount of stormwater flowing to the existing downstream Army system. The result would be a reduced impact on future downstream facilities resulting from the Proposed Project.

In addition, please see Response 1.27 below, which also addresses drainage pattern alterations associated with the Proposed Project and, as stated in the Draft EIR, concludes that the measures outlined in the Preliminary Post-Construction Stormwater Control Plan ensure that the Proposed Project would comply with NPDES, County, and City requirements related to stormwater runoff and water quality, such that substantial adverse impacts would not occur. As described above, and contrary to commenter's assertion, the Project would not drain to an Army outfall, and future capacity of the Army system does not need to be analyzed further in the EIR for the Proposed Project.

Response 1.8

The commenter states that land clearing activities (Surplus II building removal) were not very effective and that fugitive dust, ground shaking, and noise at adjacent office buildings were annoying. The commenter requests a higher noise control standard for the Proposed Project be specified in the EIR.

It is unknown if the Surplus II land clearing construction described by the commenter utilized noise, fugitive dust, or vibration related mitigation measures. However, no noise, vibration, or air quality complaints were received by the City or FORA (who implemented the demolition program) during the demolition process (Said 2019).

Construction noise impacts and mitigation measures are discussed in Section 4.11, *Noise*, of the Draft EIR. Required mitigation includes equipment modifications to reduce noise, sound barriers, and the provision of a disturbance coordinator who is responsible for responding to construction noise complaints. This measure includes performance standards, including equipment power sources, vehicle idling duration, audibility requirements, noise level adjustments, and required dBA reductions.

Vibration reduction measures are also included as Mitigation Measure N-2, which prohibits construction within 100 feet of academic structures while classes are occurring. This measure includes performance standards tied to measured VdB at a distance of 50 feet from vibration sources and minimum distance setbacks.

As described in Draft EIR Section 4.2, *Air Quality*, existing regulations also limit release of fugitive dust, including Seaside Municipal Code Section 17.30.080, as well as the SWPPP requirements. This

includes BMPs such as watering to stabilize soils, halting construction activities with wind in excess of 25 mph, re-vegetation requirements and hydroseeding.

With implementation of the identified mitigation, the EIR presents substantial evidence that construction activities associated with the Proposed Project would not exceed established thresholds. Therefore, no revisions to the Draft EIR are warranted.

Response 1.9

The commenter states that if Gigling Road, Parker Flats Cut-Off, and residential streets remain two-lane roads and are not widened, then the less than significant conclusion under Impact T-3 appears to be correct.

Refer to Response 1.2. As noted therein, the Project would not widen Gigling Road but would not preclude FORA from doing so if they so choose. The Project similarly would not widen Parker Flats Cut-Off or nearby residential streets. As noted under Impact T-1 in Section 4.14, *Transportation*, implementation of the Proposed Project would create new bicycle facilities and would thus have a beneficial impact on bicycle circulation and access in comparison to existing conditions. Furthermore, implementation of the Proposed Project would create new pedestrian facilities and would have a beneficial impact on pedestrian circulation and access.

Response 1.10

The commenter states the opinion that the connection of the Bayonet/Blackhorse Golf Course to recycled water would not likely create 450 acre-feet per year (AFY) of potable water, based on other local golf course conversions to recycled water.

In response to this concern, it is important to note that the cited text is in Mitigation Measure UTIL-1, *Water Offset Programs*, which requires that the City implement programs to secure at least 261 AFY of additional water needed for the Project (refer to the revised measure provided in Section 4, *Amendments to the Draft EIR*). Mitigation Measure UTIL-1 identifies programs that the City *may implement* to meet this requirement. In doing so, the mitigation measure states that the Bayonet and Blackhorse Golf Course's in lieu storage and recovery program would replace "up to" 450 AFY as recycled water supplies increase. As such, the mitigation language accurately describes that the Bayonet and Blackhorse Golf Course's in lieu storage and recovery program as one of multiple programs which the City may implement to meet the requirements of Mitigation Measure UTIL-1.

Recently, the Court approved Seaside's in lieu storage program (Seaside's Motion for Approval of In Lieu Groundwater Storage Program, Sept. 4, 2019, available online at <http://www.seasidebasinwatermaster.org/Other/Motion%20for%20In%20Lieu%20Storage%20Program.pdf>; Order on Motion signed October 25, 2019), which allows Seaside to substitute recycled water, derived from the PWM Project and supplied by MCWD, for irrigation of the golf courses in lieu of the current use of approximately 450 AFY of groundwater produced from the Seaside Basin. This substitution replenishes and stores water in the Seaside Basin, and the quantity of recycled water applied annually at the golf courses establishes the amount of water "stored" annually in the Seaside Basin via in lieu storage. Seaside may recover the stored water through its wells and then deliver the recovered water to MCWD for use within its water system. The program adds several hundred acre-feet (AF) of additional reliable supply to serve demands within the Seaside portion of the Ord Community.

It is also important to note that the Monterey One Water (M1W, formerly Monterey Regional Water Pollution Control Agency) Pure Water Monterey (PWM) Groundwater Replenishment Project, which would be the source for golf course irrigation, produces advanced treated water for injection into the Seaside Groundwater Basin for indirect potable reuse. As such, the water could be used as irrigation for 100 percent of the golf course irrigation needs, without impacting turf quality. In 2016, Marina Coast Water District (MCWD) and M1W entered into an agreement allowing to participate in the PWM Project. MCWD is completing construction of the transmission main, which will be used to deliver advanced treated water for both groundwater injection and for urban irrigation.

Response 1.11

The commenter requests various minor text revisions to the Draft EIR Project Description.

The requested revisions have been made to page 2-2 of the Draft EIR:

~~...Department of Defense Defense Manpower Data Center, Monterey Bay, and former Fort Ord land; and is bounded to the south by Gigling Road, and Ord Military Community housing and the United States Department of Defense Army Hospital....~~ [page 2-2]

The former U.S. Army buildings are currently the property of the City of Seaside, with the exception of those within Surplus II, which are the property of the Successor Agency to the Seaside Redevelopment Agency. [page 2-2 footnote on “abandoned U.S. Army buildings”]

In December 2018 ~~the Army~~ FORA began demolition of these buildings... [page 2-2]

During preparation of this EIR, FORA has removed most buildings in the Plan Area that had been identified for demolition (including Surplus II buildings: ten rolling-pin buildings between Malmedy Road and 6th Avenue, ~~two mess halls~~ one cafeteria, five administrative buildings, one gymnasium, and ~~four~~ two armory buildings); the eight hammerhead buildings have not been demolished (FORA 2019b). [page 2-2]

Response 1.12

The commenter states that Figures 2-4 and 2-5 show Army-owned property and references Comment 1.1 regarding Army approval and NEPA requirements.

Please refer to Response 1.1 regarding Army approval requirements.

Response 1.13

The commenter recommends including information regarding who would create and provide recycled water in the EIR *Project Description* (Draft EIR Section 2), and refers to text on page 2-18 in Section 2.4.5.1 of the Draft EIR.

Section 2.4.6.2, *Recycled Water*, states that MCWD owns and maintains recycled water infrastructure in General Jim Moore Boulevard, and that the Proposed Project would install a recycled water main branching east and west from the MCWD main line in General Jim Moore Boulevard from 1st Avenue to 7th Avenue. Recycled water system plans are further provided in Figure 2-7, presented on page 2-19 of the Draft EIR.

Response 1.14

The commenter states that an off-site stormwater basin that is outside the Plan Area and on the CSUMB campus would not have capacity for the Project's stormwater.

Section 2.4.5.2, *Storm Water System*, states that detention basins would be designed to accommodate up to the 100-year storm event. The Project would ideally use adjacent off-site stormwater infiltration facilities; however, if the Project does not gain approval to use off-site facilities, an on-site retention option has been designed. Footnote 6 on page 2-18 acknowledges that one proposed detention basin is outside the Plan Area and within the CSUMB campus boundaries. The detention basin located on the CSUMB property would be implemented only if acceptable agreements are reached with CSUMB for the use of that basin, and would be in addition to detention basins included in the CSUMB Master Plan. If agreements are not reached with CSUMB, the Project would construct an alternative facility within the Plan Area as depicted in Project Stormwater Control Plan Figure 5 "Alternative Basin Locations," submitted with the Project tentative map application, which would eliminate the need for a Project-related CSUMB basin.

The Project would provide appropriate stormwater detention capacity to accommodate 100-year flows. Page 2-10 of the Draft EIR states that Project detention basins have been sized using criteria identified by the Central Coast Regional Water Quality Control Board (RWQCB) as well as the FORA Stormwater Master Plan (KB Bakewell Seaside Venture II 2018), and that a Storm Drain Master Plan showing the proposed storm drainage system can be found in the VTM, provided as Appendix C to the Draft EIR.

As described in Response 1.7, the Proposed Project would disconnect the existing stormwater system within the Plan Area boundaries and retain and infiltrate stormwater associated with a 100-year storm event on-site. The Project would ideally use adjacent off-site stormwater facilities; however, if the Project does not gain approval to use off-site facilities, an on-site retention option has been designed.

Response 1.15

The commenter requests that Section 4.9 of the Draft EIR discuss the Army-owned stormwater outfall, and consider potential impacts of its disconnection.

The Project would not utilize the Army's existing outfall. Response 1.7 and Response 1.14, above, describe that stormwater would be retained. The Project would ideally use adjacent off-site stormwater infiltration facilities; however, if the Project does not gain approval to use off-site facilities, an on-site retention option has been designed. The Project stormwater system would not contribute to and would significantly reduce the overall existing amount of stormwater flowing to the existing Army system; the result is a reduced impact on the downstream facilities required for any future outfall disconnect.

To the extent this comment contemplates the effect of the potential disconnection of the Army-owned stormwater outfall on the drainage of the Plan Area *before* development, or if no development takes place, those effects are not the required subject of the EIR impact analysis because they are not environmental effects *caused* by the Project.

Response 1.16

The commenter requests legible versions of Figure 2-7 and 2-8 be included. Figure 2-7 and Figure 2-8 of the Draft EIR have been revised for legibility. Please refer to Section 4, *Amendments to the Draft*

EIR, for the revised versions of these figures. Additionally, more detailed information was included in Draft EIR Appendix C.

Response 1.17

The commenter requests clarity regarding storm drains along Gigling Road, and requests coordination with the Army regarding elements of the Plan that would drain to the Army-owned outfall.

The Project proposes a bypass pipe to direct flows from Army property to the existing Gigling Road system. Specifically, the proposed U.S. Defense Facility runoff options are to disconnect from the system and provide an infiltration basin along Gigling Road on Army property, or to install a new pipe that connects the U.S. Defense Facility to an existing storm drain stub at the intersection of General Jim Moore Boulevard and Gigling Road. The Project proposes no changes to the Gigling Road storm drains (refer to Impact HWQ-3 of the Draft EIR on pages 4.9-22 through 4.9-24).

Gigling Road upgrades are being planned by FORA, separately from the Proposed Project. As previously stated, the Plan would not drain to the Army-owned outfall, even in a 100-year storm event; to the contrary, the Project would reduce the existing amount of stormwater flowing to the existing downstream Army system.

Please refer to Response 1.7 regarding stormwater drainage from the Plan Area onto Army property, including use of the outfall. The Proposed Project would disconnect the existing stormwater system within the Plan Area boundaries and retain and infiltrate stormwater associated with a 100-year storm event on-site. The Project would ideally use off-site stormwater facilities; however, if the Project does not gain approval to use off-site facilities, an on-site retention option has been designed.

Response 1.18

The commenter notes that revisions to the EIR would be required if the new fire station is sited far from the Plan Area.

Please refer to Response 1.5. At this time, the exact location of the new fire station is unknown, and a project-specific analysis of the new fire station may be required. The EIR acknowledges that construction of a new or expanded fire station will require compliance with CEQA, but the potential effects of the new fire station were analyzed “to the extent feasible based on available information, but without engaging in speculation” (Draft EIR page ES-5).

Section 2.4.6 of the Draft EIR at page 2-22 states:

While no specific site or development plan has been selected for this fire station, for the purposes of this environmental analysis it has been assumed that a new 15,000 square foot fire station would be constructed and operational before the closure of the existing fire station and located on an approximately two-acre site in proximity to the Plan Area.

The construction and operation of all these off-site improvements, infrastructure, and utilities have been analyzed in this EIR as part of the Proposed Project.

Please see Response 1.5 regarding the timing of the new fire station.

Response 1.19

The commenter states that a roundabout at the General Jim Moore Boulevard/Gigling Road intersection and a bicycle lane on Gigling Road are proposed to occur on Army-owned property and references Comment 1.1 regarding Army approval and NEPA requirements. The commenter asks if the roads will be designated as bicycle boulevards or widened to add bicycle lanes, as asserts that the roads are too narrow and traffic speeds are too high for safe bicycle use.

The bicycle lane on Gigling Road would not be on Army property. To clarify the location of this facility, the following revision has been made to the Draft EIR Section 2.4.6.1:

Bicycle lanes would be provided on key streets including Lightfighter Drive, Malmedy Road, 6th Avenue, Gigling Road (under the Pacific Gas and Electric easement on the north side of the roadway), and General Jim Moore Boulevard, to connect existing and planned bicycle routes in the surrounding area.

The proposed roundabout at General Jim Moore Boulevard and Gigling Road would require Army approval. If the Army does not approve the roundabout, this intersection would remain as a signalized intersection. Pedestrians and bicyclists would use the existing pedestrian crossing, or other existing crossings to the north of the intersection.

Proposed bicycle lanes would be separated from the roadway, and road widening is not proposed as part of these improvements. Speed limits within the Plan Area would be reduced to increase bicycle safety, and sharrows would be provided to indicate shared vehicle/bicycle routes. Complete street design principals would be utilized to ensure safety of pedestrian and bicycle facilities. Please refer to Appendix B of the Draft EIR, Section 1.9.5, for a detailed description of planned bikeways. As noted under Impact T-1 in Section 4.14, *Transportation*, implementation of the Proposed Project would create new bicycle facilities and would thus have a beneficial impact on bicycle circulation and access in comparison to existing conditions. Furthermore, implementation of the Proposed Project would create new pedestrian facilities and would have a beneficial impact on pedestrian circulation and access.

Please refer to Response 1.1 regarding Army approval requirements.

Response 1.20

The commenter requests clarification on page 3-2 of the Draft EIR that buildings in the Plan Area are no longer owned by the Army and are the property of the City of Seaside.

In response to this comment, Section 3.2 of the Draft EIR has been revised as follows:

The Plan Area is mostly developed with former U.S. Army buildings that are mostly vacant and severely dilapidated and currently the property of the City of Seaside, with the exception of those within Surplus II, which are the property of the Successor Agency to the Seaside Redevelopment Agency.

Similar revisions have been made throughout the Draft EIR, as needed (refer to Section 4, *Amendments to the Draft EIR*).

Response 1.21

The commenter states that Table 4-1 of the Draft EIR shows widening Gigling Road as approved but not built, indicates that Army approval would be required to widen this roadway, and references Comment 1.1 regarding Army approval and NEPA requirements.

Please refer to Response 1.2 regarding FORA plans to widen Gigling Road, and Response 1.1 regarding Army approval requirements.

Response 1.22

The commenter requests that pages 4-5 and 4-6 of the Draft EIR be revised to indicate which referenced structures no longer exist.

In response to this comment, Section 4 of the Draft EIR has been revised as follows:

The infill site ~~has been~~ was previously developed ~~ment~~ with structures and uses associated with Fort Ord, which included 18 barracks buildings (totaling approximately 702,200 sf), five administration buildings (totaling approximately 33,300 sf), two armories (approximately 12,200 sf each), one cafeteria (approximately 11,400 sf), and one gymnasium (approximately 21,000 sf) with an adjacent small metal structure. Of these, only eight barracks buildings remain.

This is consistent with Section 2.2.2 of the Draft EIR, which states:

During preparation of this EIR, FORA has removed most buildings in the Plan Area that had been identified for demolition (including Surplus II buildings: ten rolling-pin buildings between Malmedy Road and 6th Avenue, ~~two mess halls~~ one cafeteria, five administrative buildings, one gymnasium, and ~~four~~ two armory buildings); the eight hammerhead buildings have not been demolished (FORA 2019b).

Response 1.23

The commenter suggests deleting information in the Clean Water Act Section 402 discussion in Section 4.2 of the Draft EIR that does not relate to the air quality section.

Information on the Clean Water Act Section 402 is included in Section 4.2 of the Draft EIR because the construction Best Management Practices (BMP) required as part of the Stormwater Pollution Prevention Plan (SWPPP) under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit indirectly serve to reduce fugitive dust emissions during construction activities. As explained on Draft EIR page 4.2-11, "Although intended to reduce pollutants in stormwater runoff, these Construction BMPs also serve to reduce fugitive dust emissions during construction activities."

Response 1.24

The commenter states Monterey spineflower is known to exist within 100 feet of the Plan Area and requests data on how surveys for special-status species were conducted in the Plan Area. The commenter also suggests discussions of California tiger salamanders and mountain lions (*Puma concolor*) be included in Section 4.3 of the Draft EIR.

The Draft EIR addressed potential impacts to rare plants through a habitat assessment and identified Monterey spineflower as a species with potential to occur in the Plan Area. This is a

typical process for CEQA-level review, as rare plant surveys are seasonally dependent, and may not coincide with the environmental review process. Furthermore, actual impacts to rare plants are best determined during the blooming period in the year prior to construction, and therefore, mitigation in the Draft EIR requires rare plant surveys, and compensatory mitigation for any plants that would be adversely affected by Project development (please refer to Mitigation Measures BIO-1[a], BIO-1[b], and BIO-1[c]).

California tiger salamander was evaluated (see Appendix G to the Draft EIR) and excluded from consideration based on the lack of breed habitat or accessible upland habitat in the Plan Area.

California mountain lion is not a special status species requiring evaluation in the Draft EIR. That said, California mountain lions were not observed on the site during the site reconnaissance survey completed on November 11 and 18, 2018 (see Draft EIR page 4.3-4). To the extent California mountain lions are in the area, they are unlikely to be present in the Plan Area or use the site as a wildlife corridor, given the Plan Area's previous use and disturbance, and its proximity to existing developed areas.

Response 1.25

The commenter notes that Biological Opinions for the disposal and reuse of Fort Ord have been issued.

The United States Army Corps of Engineers (USACE) initiated Section 7 consultation with the United States Fish and Wildlife Service (USFWS) on May 3, 1993, and on October 19, 1993 USFWS issued a Biological Opinion for the disposal and reuse of Fort Ord. Subsequent consultation and conferences were issued on: January 31, 1997; April 11, 1997; March 30, 1999; October 22, 2002; March 14, 2005; August 3, 2011; April 28, 2014; May 28, 2015; June 7, 2017; and February 22, 2019.

The majority of activities driving these consultations relate to cleanup and remediation on the Fort Ord National Monument, which is outside the Plan Area. The Programmatic Biological Opinion issued in 2019 finds that no jeopardy to federally listed species (plants or animals) or critical habitats would result from the Army's activities on Fort Ord. These Biological Opinions cover the Army's clean up and property transfer but do not cover existing or future recipients of Fort Ord lands. This supplementary information does not pertain to the analysis provided in the Draft EIR, Section 4.3, *Biological Resources*.

Response 1.26

The commenter requests that the Army's stormwater outfall to the Monterey Bay National Marine Sanctuary be mentioned in Section 4.9.1(a) and throughout the EIR. The commenter also recommends an alternative of transferring stormwater to a local recycled water project in addition to the percolation ponds. The commenter states portions of the Plan Area are connected to a storm drain system that will be disconnected and coordination with the Army for stormwater management is required.

The Draft EIR notes that the Storm Water Master Plan prepared as part of FORA's obligations defined in the 1997 BRP "provides guidelines for meeting the FORA obligation for on-site infiltration so that no further discharges occur to the Monterey Bay National Marine Sanctuary" (Draft EIR page 4.9-13) and that "Monterey Bay is a national marine sanctuary" (Draft EIR page 4.16-4). The Draft EIR therefore properly discloses that outfalls to the ocean discharge to the Sanctuary.

To clarify, runoff from the Plan Area does not currently flow onto Army property and the Project would not create runoff onto Army property. The Project would continue to develop facilities to accommodate or direct downstream historical runoff from Army property.

Design of proposed off-site facilities on Army property or that would connect to Army property off-site from the Specific Plan would be coordinated with the Army to ensure they are acceptable to the Army. In addition, design of proposed on-site facilities would be coordinated with the Army to ensure that Project plans are incorporated into the Army's feasibility study for system disconnection. If agreement cannot be reached with the Army regarding the location and/or design of off-site facilities on Army property, the on-site facilities would be designed to accommodate the flow that would otherwise be retained and infiltrated on Army property. See Response 1.7 and Response 1.14, above, regarding disconnection of the Army system.

Furthermore, the comment suggests an "alternative of transferring stormwater run-off to a local recycled water project in addition to the use percolation ponds." The suggestion is not considered feasible at this time, and would not reduce or avoid a significant impact. However, the Proposed Project would not preclude implementation of such a program in the future, if desired by decision-makers. Brian True at MCWD, Senior Civil Engineer, was contacted on October 16, 2019 about such an option (True 2019), and stated that they cannot handle that volume of stormwater at this time. More specifically, MCWD stated:

After carefully evaluating the information and estimating the capacities of MCWD's infrastructure that would be needed to achieve the concept's objectives, I have to conclude that the idea is not particularly feasible without installing additional stormwater management features for which there is no land, no money, and no regulatory guarantee of success. (in terms of being able to use the return flows in the desired manner).

The concept appears to fail mainly because the largest diameter MCWD sanitary sewer pipeline that would stand a chance of carrying stormwater flows in addition to the normal daily load is the N-S aligned 30-inch SS pipeline that parallels 1st Avenue, heading to the HWY 1 crossing north of 8th Street (the crossing occurs at the west edge of the VA-DoD Health Care facility's parking lot), passing through MCWD's flume into the M1W interceptor on the flow's way to the M1W treatment facility north of Marina. Even at the large (for this jurisdiction) diameter available – 30-inches – the estimated flow rates from the basins generated by the modelled storm event would far outstrip the pipes capacity for several hours of such a rain event. Such an operational scenario suggests that large basins be installed to hold the flow and feed the stormwater into the 30-inch sanitary sewer facility in some controlled manner. As noted above, there is little space or money available to achieve such system additions and modifications.

Response 1.27

The commenter notes that there are two areas where the Specific Plan would alter stormwater runoff *from Army property* (i.e., not stormwater from the Plan Area), and requests that City-recommended percolation ponds in these locations be analyzed in the EIR.

The comment is not referencing the Project's stormwater flows, rather it is referencing the U.S. Defense facility and the U.S. Army exchange service facility stormwater flows which currently run through the site. Runoff from within the Plan Area does not currently flow onto Army property and the Project would not create runoff onto Army property. Rather, runoff from off-site Army property flows into the Plan Area. The Plan Area would continue to accept and accommodate this Army runoff. As noted in Comment 1.7, the Army is currently "conducting a feasibility study for

disconnecting its existing stormwater drainage system that outfalls to the ocean.” The Project would ideally use off-site stormwater facilities; however, if the Project does not gain approval to use off-site facilities, an on-site retention option has been designed.

As part of this feasibility study, there are currently two options for addressing runoff from the existing U.S. Defense facility: (1) disconnection from the system and provision of an infiltration basin along Gigling Road on Army property, outside the Specific Plan boundary; or (2) installation of a new pipe connecting the U.S. Defense Facility to the existing storm drain system at the intersection of General Jim Moore Boulevard and Gigling Road. The infiltration basin would be located near Gigling Road and within areas that do not include sensitive biological areas and are not anticipated to have significant environmental impacts. Similarly, if a new pipeline is instead constructed to direct runoff from the U.S. Defense facility to the existing storm drain system, the pipeline would be located within the public road in disturbed areas. Other potential pipeline alignments through the Plan Area could also be implemented.

In the other area where runoff from Army property would be potentially accommodated, a portion of the U.S. Army Exchange Service facility discharges stormwater towards the intersection of 1st Avenue and Lightfighter Drive. An off-site basin would intercept and infiltrate the facility’s 100-year runoff volume on Army property adjacent to 1st Avenue and the Campus Town development. In the event no agreement can be reached with the Army on a stormwater design, a basin could be located within the Specific Plan to accommodate flows from Army property. Implementation of either option would be subject to requirements of the MS4 General Permit and Seaside Municipal Code BMPs to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects; as such, significant environmental impacts associated with stormwater drainage design features would not occur.

As described in the Draft EIR Impact HWQ-3, the measures outlined in the Preliminary Post-Construction Stormwater Control Plan ensure that the Proposed Project would comply with NPDES, County, and City requirements related to stormwater runoff and water quality, and substantial adverse impacts associated with drainage pattern alterations would not occur.

Response 1.28

The commenter requests re-evaluation of consistency with Goal LU-5, Policy LU-5.4, Policy UD-3.1, Policy ED-1.4, Goal C-3, and Goal COS-2 in Section 4.10 of the Draft EIR.

Consistency with Goal LU-5 and COS-2 were discussed in detail in the Draft EIR (pages 4.10-31 and 4.10-37), as outlined in greater detail below. Please also see Draft EIR Section 4.16, Impact UTIL-1 for more detailed discussion of water supply and proposed mitigation measure UTIL-1.

Consistent. The Proposed Project would utilize recycled water to irrigate public street landscape medians, public open space, and landscaping for commercial/flex sites and residential front yards. Additionally, the Proposed Project would be designed to meet modern water conservation. As described in Section 4.16, Utilities and Service Systems, of this EIR the utilization of recycled water by the Proposed Project would ensure water supplies are preserved, and upgrading or expanding water infrastructure facilities would not be required. [Policy LU-5.1]

Consistent. The Marina Coast Water District has provided a Water Supply Assessment of the Proposed Project and have determined that by implementing strategies to increase recycled

water use that the Proposed Project can be built in such a way that additional water reserves are provided. [Policy LU-5.2]

Consistent. Chapter 3, *Public Realm Standards and Guidelines*, of the Specific Plan sets forth a landscape plan that includes street trees and shrubs that are largely California natives with low water requirements, which would reduce water usage at the public open space area envisioned by the Specific Plan. In addition, the Proposed Project would comply with Section 17.30.040(G) of the Seaside Municipal Code, which requires the use of water-efficient irrigation systems unless infeasible. The Project is designed to comply with the Water Efficient Landscape Ordinance and would use a water-efficient irrigation system in irrigated parks and open space areas. Furthermore, the Specific Plan requires that development adhere to the requirements of Title 24, which includes standards for water-conserving plumbing and fixtures. In addition, the Proposed Project would comply with Section 17.30.040(G) of the Seaside Municipal Code, which requires the use of water-efficient irrigation systems unless infeasible. The Proposed Project would utilize recycled water to irrigate public street landscape medians, public open space, and landscaping for commercial/flex sites and residential front yards. The Project would use water-efficient irrigation systems. Therefore, the Proposed Project would be consistent with Policy LU-5.3. [Policy LU-5.3]

Consistent. Chapter 5, *Infrastructure*, of the Specific Plan requires the installation of a recycled water main in Lightfighter Drive from 1st Avenue to General Jim Moore Boulevard and adjacent to Gigling Road from General Jim Moore Boulevard to 7th Avenue. Following installation of this recycled water main, recycled water would be used to irrigate public street landscape medians, public parks, opens space, and landscaping for commercial/flex sites and residential front yards. Recycled water may also be provided for domestic (toilets, floor sinks, and other applicable uses allowed under the California Building Code) use by multi-family residential units. Therefore, the Proposed Project would be consistent with Policy LU-5.4. [Policy LU-5.4]

Provisions for recycled water have been expressly included in Section 5.2.2.2 of the Specific Plan. This includes use of recycled water for toilets, floor sinks, and other applicable recycled water uses allowed under the California Building Code. Furthermore, recycled water use regulations are currently subject to regulatory change, it may be in the near future that recycled water may be used for potable purposes, depending upon the level of treatment. Therefore, given potential near-term changes in these statewide regulations, the City believes mandating such provisions beyond what is currently proposed to be infeasible from a policy perspective. .

Regarding Policy UD-3.1, this comment is noted. No revisions are required, as Roberts Lake is not specifically discussed in Section 4.10, *Land Use and Planning*, of the Draft EIR.

Policy ED-1.4 discusses the creation of a favorable environment in the Gigling Road/Surplus II Area to establish quality urban development compatible with CSUMB's academic environment, provide employment opportunities with high pay and benefits for community residents, new high density rental and ownership housing opportunities and generate revenue to support City services. The Project and its objectives inherently address this goal. The Project objectives include (as stated in Section 2.3 of the Draft EIR):

- **Objective 1:** To develop a variety of building types and uses, including entertainment, retail, housing, visitor lodging, and employment space with sufficient resident population in proximity to proposed commercial uses to support a viable Mixed Use Urban Village.

- **Objective 2:** Provide shopping, employment, and housing opportunities for households of various sizes and income levels, in close proximity to one another and the CSUMB campus, and to reduce vehicle miles traveled on a per capita basis.
- **Objective 3:** Centrally focus commercial development, typical of historic main streets.
- **Objective 4:** To create a vibrant multi-modal transportation network, including improvements which encourage pedestrian and bicycle activity.
- **Objective 5:** To expand the City of Seaside’s retail and employment opportunities, including the creation of employment space and live/work space capable of supporting startup businesses.
- **Objective 6:** To create a project, including a land use mix and phasing, that is responsive to market demand and results in an economically viable development that can support the infrastructure investment needed to transform the Plan Area to civilian use.

Regarding Goal C-3, the Draft EIR (pages 4.10-34 and 4.10-35) states:

Consistent. The Proposed Project would establish a mixed use area that supports higher-density housing, shopping, services, jobs, office, and open space. The Plan Area is served by five Monterey-Salinas Transit District bus routes that stop in or along the boundary of the Plan Area (Routes 12, 18, 67, 74, and 75). [Policy C-3.3]

Consistent. The Specific Plan includes policies to implement a multi-modal transportation network on-site through the design of complete streets for all forms of mobility and the consideration of safety for pedestrians and bicyclists as well as vehicle occupants. The Specific Plan also includes goals and policies to develop well-designed, pedestrian-oriented streetscapes and create a walkable community by providing motorized intersection density at a minimum of 235 intersections per square mile. [Policy C-3.4]

The planned density and limited vehicle amenities would encourage residents of the Plan Area to utilize alternative modes of transportation. The increased availability of bicycle, pedestrian, and transit options would also encourage residents to use these methods of transportation.

The EIR appropriately evaluated the policies listed above, as referenced by the commenter. Additionally, the commenter does not identify a deficiency in the EIR analysis or explain why re-evaluation of these policies is needed.

Response 1.29

The commenter states that implementation of stated goals and policies may be very difficult in a 13-year timeframe and a detailed implementation plan is needed given the Ford Ord closure process which started 25 years ago. The commenter states the EIR should analyze cumulative impacts over decades instead of years and should analyze cumulative development adjacent to Army property.

Regarding selection of the buildout year, an EIR can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1036). Similar issues were raised in *San Francisco Tomorrow v. City & County of San Francisco* (2014) Case No. A137753, in which Petitioners alleged that “They first challenge the description of the project’s duration, arguing it was ambiguous as having changed from the pre-EIR application which identified construction of new residences and a neighborhood core occurring ‘[o]ver a period of 15 to 30 years’ to the Draft EIR and responses to comments that identified a duration of ‘approximately 20 years,’ but also referenced a 30-year term for the development agreement and a

pedestrian wind study that used a 30-year time frame.” The Court in *San Francisco Tomorrow* rejected this argument stating:

CEQA does not require a project description to identify a specific completion date. (See Guidelines, § 15124.) Rather, CEQA requires that the EIR contain “an accurate, stable and finite project description...” (County of Inyo, *supra*, 71 Cal.App.3d at p. 199.)... there is no significant discrepancy in the length or duration of the project.

The EIR here consistently assumed that construction of the project would last for 20 years. It used the 20-year estimate to analyze potential impacts that might be dependent on the duration of the project, including its analysis of priority policies, land use, aesthetics, population and housing, direct temporary population growth, transportation, noise, air quality, greenhouse gasses, recreation, utilities, public services, biological resources, geology, hydrology, and hazardous materials. It used the 20-year duration in responding to comments.

The EIR also acknowledged the possibility that full development could take longer than 20 years. However, it made the reasonable assumption of a 20-year construction period. As explained in footnotes in the DEIR and the FEIR describing the phasing and construction of the project “over an approximately 20-year period”: “The Project Sponsor expects the phasing of the Proposed Project to occur over 20 years, but the full development could extend for a longer period. Consequently, the [d]evelopment [a]greement would likely cover a 30-year projected buildout.” The FEIR also acknowledges that “[s]ince preparation of the NOP [Notice of Preparation] in May 2009, several modifications have been made to the Proposed Project. Buildout of the Proposed Project has been reduced from 30 to 20 years.”

The 30-year duration of the development agreement is not inconsistent with the EIR estimate that the project will take 20 years to complete. The 20-year project duration is a reasonable description of the length of time it will take to complete construction and development of the project and to facilitate a realistic evaluation of project impacts over that period for EIR purposes.

As noted in Section 2.4.1 of the Draft EIR, buildout of the Proposed Project would be dependent on market conditions, birth rates, death rates, availability of resources, and regulatory processes from Federal, State and local regulations. The 13-year timeframe was identified as a reasonable buildout timeframe based upon the project applicant’s experience with similar projects. KB South Bay has over 40 years of building experience, having constructed hundreds of projects of the same scope and complexity as Campus Town. The Bakewell Company has over 40 years of development experience doing a variety of projects including residential, commercial, office and industrial development throughout California. Furthermore, unlike the closure of Fort Ord, this Project has a specific developer, which is ready to implement the proposed development. The Specific Plan also incorporated an implementation plan, in Section 6 (see Draft EIR Appendix B).

Cumulative impacts are discussed throughout Section 4 of the Draft EIR, following individual impact analyses. In addition, Section 4.10 of the Draft EIR discusses potential land use conflicts between the Proposed Project and surrounding land uses, as well as consistency with land use plans and policies applicable to the Plan Area. The Draft EIR reasonably concludes that “cumulative impacts related to dividing an established community would be less than significant,” that the Project “would not have a cumulatively considerable contribution to a significant cumulative impact related to physically dividing an established community,” and that “the Proposed Project in combination with other development envisioned by the *Draft Seaside 2040* would not result in significant cumulative impact with respect to consistency with land use plans” (Draft EIR page 4.10-61).

Response 1.30

The commenter states that the Project would not meet or exceed the historic use of Fort Ord (30,000 to 35,000 people), and the less than significant conclusion is accurate in the short term, but supplemental analysis should be conducted if the population is projected to increase significantly, which is shown to occur in 2034.

This comment is noted; the commenter agrees with the conclusions provided in the Draft EIR. Refer also to Section 4.12.3(c) of the Draft EIR, which discusses impacts from increased population, including in the cumulative year scenario. Please also note that Draft EIR Table 4.12-7 contains population rates for the City of Seaside, and is not directly comparable to the former historic population of Fort Ord referenced in the comment.

Response 1.31

The commenter states that the existing amount of law enforcement appears inadequate, and the use of a 1.2 police officers per 1,000 residents ratio appears to be inadequate.

Under CEQA, and per the Draft EIR significance criteria, a project would have a significant impact on the environment if it would result in substantial adverse impacts associated with the provision of new or altered police facilities (Draft EIR Section 4.13.3). The Draft EIR concludes that the Proposed Project would not result in substantial adverse impacts associated with the provision of new or altered police facilities.

The Seaside Police Department (SPD) service ratio of 1.2 sworn officers per 1,000 residents was calculated based on the number of sworn officers within the SPD (40 sworn officers) and the population of the City of Seaside (34,120 residents) (City of Seaside 2017; DOF 2018).

Project-related impacts are discussed in Section 4.13.3(c) of the Draft EIR, which include increased demand for police services, whether new police facilities would be needed, and new personnel that would be required to maintain service to the City and provide adequate service to the Plan Area. The Draft EIR states:

To maintain the existing ratio of 1.2 officers per 1,000 residents, the Proposed Project would require 5.9 new police officers to be added to the SPD. The population generated by the Proposed Project would contribute to increased police service demands.

Existing police facilities are not meeting the accommodation requirements of existing officers and personnel. In order to provide the additional SPD staffing for both the current population of Seaside and maintain response times, as well as additional future population from buildout of the Proposed Project, expansion of the existing SPD facilities or construction of a new SPD facility could be required (Pridgen 2019). (Draft EIR at page 4.13-15)

The Draft EIR discusses the potential for expanded SPD facilities, noting that an evaluation of the environmental impacts of implementation of the expanded SPD facilities “is not feasible at this time, given that a location and other design details are unknown, but given the likely location of the new police station on an infill site, environmental impacts are unlikely to be significant” (Draft EIR page 4.13-15). The Draft EIR concludes that the Proposed Project would generate additional demand; however, the construction of such facilities is not anticipated to result in significant environmental impacts. Therefore, the Proposed Project would have a less than significant impact. See Draft EIR, Impact PS-1, for additional details.

Response 1.32

The commenter requests a robust and clear description of the transportation analysis, states that Monterey-Salinas Transit (MST) also provides two special shuttle buses along the boundary of the Plan Area, states that MST RIDES is an ADA Paratransit Service and MST On-Call operating during the daytime during the week, and refers to Comment 1.1 regarding Army approval and NEPA requirements related to General Jim Moore Boulevard improvements.

The commenter does not identify any specific deficiencies in the Draft EIR transportation. Section 4.14.1 and Section 4.14.2 of the Draft EIR provide the existing setting and regulatory setting for the transportation analysis, which the impact discussion in Section 4.14.3 relies upon to reach significance conclusions. The MST paratransit service (RIDES) is described in Section 4.14.1(c) of the Draft EIR (note this text has been revised in response to Comment 7.2).

If the proposed location of a new bus stop along General Jim Moore Boulevard between Lightfighter Drive and Gigling Road is denied by the Army, the proposed bus stop would be relocated farther north on City property. Please refer to Response 1.1 regarding Army approval requirements.

Response 1.33

The commenter requests clarification regarding stormwater increases as a result of the Project, and states that infiltration conditions must meet or exceed pre-project infiltration conditions.

The commenter cites text on page 6-10 in Section 6, *Alternatives*, of the Draft EIR which states that the Project would increase the generation of stormwater; it is important to note that the cited text is comparing the No Project Alternative to the Proposed Project, and is discussing factors which contribute to increases in stormwater volume. The text on Draft EIR page 4.9-18 accurately explains that “Development of the Proposed Project would result in a net increase of impervious surfaces from approximately 31 to 52 percent of the Plan Area (as detailed in the Preliminary Post-Construction Stormwater Control Plan for Campus Town, Appendix I).” However, the Project would capture and infiltrate this stormwater on site (or immediately adjacent thereto). The Proposed Project would be consistent with existing stormwater capture regulations.

The impact analysis provided Section 4.9.3 of the Draft EIR identifies project design features and best management practices that would be implemented toward Project compliance with the cited RWQCB’s Post-Construction Requirements for post-project infiltration conditions to meet pre-project infiltration conditions. The analysis provided on pages 4.9-19 and 4.9-20 describes that all residential and commercial lots under the Proposed Project would be required to retain stormwater on-site, and runoff generated from streets and public hardscape areas would be tributary to the on-site storm drain system. The Project would ideally use adjacent off-site stormwater infiltration facilities; however, if the Project does not gain approval to use off-site facilities, an on-site retention option has been designed. In addition to the approximately 837 distributed drainage management areas from individual lots, additional drainage management areas have been identified for runoff retention of street areas. As described in the Draft EIR (page 4.9-20), proposed drainage basins are located at the low points within the Plan Area, including at 1st Avenue, in a portion of the “tree save” area, and at the intersection of General Jim Moore Boulevard and Lightfighter Drive.

Response 1.34

The commenter states that Alternative 2 appears to be the best environmental alternative, and alleges that Alternative 3 would increase environmental impacts by at least 25 percent and requires a complete cumulative analysis.

The commenter's preference for Alternative 2 is noted. While Alternative 2 was determined to be environmentally superior because of reduced on-site impacts, different Alternatives offer different trade-offs. For example, Alternative 3 was determined to have greater regional benefits related to VMT. As discussed in the Draft EIR (page 6-34):

Alternative 3 would result in a 25 percent increase in residents and approximately double the number of employees as the Proposed Project. Alternative 3 includes residential development near regional destinations like the CSUMB campus and other nearby potential job sites, resulting in a lower average VMT rate than the average region-wide VMT rate. Providing housing near jobs increases the likelihood that trips can remain within a local area, thus shortening travel distances and increasing residents' ability to accomplish some travel needs by walking, cycling, or using short-distance transit.

The Alternatives analysis already includes consideration of cumulative impacts.

Response 1.35

The commenter requests that traffic analysis considers potential changes in circulation and increased usage of Parker Flats Cutoff and use of residential streets throughout Marshall Park to identify potentially adverse impacts to Level of Service (LOS).

Senate Bill (SB) 743, signed by Governor Jerry Brown in 2013, changes the way transportation impacts are to be identified under the CEQA. Specifically, the legislation directed the State of California's Office of Planning and Research (OPR) to look at different metrics for identifying transportation impacts and make corresponding revisions to the CEQA *Guidelines*. Following several years of draft proposals and related public comments, OPR settled upon vehicle miles traveled (VMT) as the preferred metric for assessing passenger vehicle related impacts and issued revised CEQA *Guidelines* in December 2018 along with a Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018) to assist practitioners in implementing the CEQA *Guidelines* revisions to use VMT as the new metric. Under the revised CEQA *Guidelines*, LOS is no longer to be used as a metric for determining significant environmental impacts, and an analysis of VMT will be required.

An operations analysis at major intersections are provided for informational purposes only. The operations analysis includes the evaluation of intersections along Gigling Road at General Jim Moore Boulevard, Malmedy Road, Parker Flats Cutoff, and Seventh Avenue; and General Jim Moore Boulevard and Normandy Road. Most of the Project traffic will use General Jim Moore Boulevard and Gigling Road because it is a faster and more direct route than traveling via Parker Flats Cutoff and Normandy Road. Therefore, additional transportation analysis along Normandy Road and Parker Flats Cutoff was not conducted because the slower and less direct route is unlikely to experience much Project traffic (approximately 40 to 50 peak hour vehicles).

Response 1.36

The commenter requests additional information regarding the comparison between VMT and LOS.

The commenter is correct that the Association of Monterey Bay Area Governments (AMBAG) travel demand model was used to estimate the Project and regional VMT. The VMT specifications used for the Transportation Analysis are summarized in Draft EIR Appendix K, Chapter 4. LOS calculations were performed for informational purposes and are provided in the Draft EIR Appendix K, Chapter 9, for reference. However, VMT and LOS methods cannot be directly compared because they are different metrics. VMT is a metric that accounts for the number of vehicle trips generated plus the length or distance of those trips, while LOS is a metric that assigns a letter rating to street network/intersection performance. The typical application in cities is to measure the average amount of delay experienced by vehicle drivers at an intersection during the most congested time of day and assign a grade of A to F as described in the Draft EIR Appendix K. Because the performance measures use different metrics they cannot be compared.

Response 1.37

The commenter expresses support for infrastructure upgrades and notes that any development to Army land must be useful to, and consistent with Army mission, supported by NEPA analysis and appropriate real estate agreement, after ensuring consistency in plans for the roadway(s). Please refer to Response 1.1 regarding Army approval requirements.

The commenter also states that transportation improvements should be completed before construction of the Project to maintain traffic flows and reduce congestion. Infrastructure improvements would be completed on a phased basis as necessary to accommodate occupancy of each Project phase. As stated in Response 5.5, the City anticipates that both roundabouts (at General Jim Moore Boulevard/Lightfighter Drive and General Jim Moore Boulevard/Gigling Road) will be completed before the completion of Phase 1 of the Project, subject to the Army's approval process. Please also see Draft EIR Appendix K, Chapter 7 and 9, for discussion of intersection signalization and roundabouts.

Please also note that the Project includes a construction traffic management plan, as discussed on Draft EIR page 4.14-20, which includes:

- Identify proposed truck routes to be used
- Specify construction hours, including limits on the number of truck trips during the AM and PM peak traffic periods (7:00 – 9:00 AM and 4:00 – 6:00 PM), if conditions demonstrate the need
- Include a parking management plan for ensuring that construction worker parking results in minimal disruption to surrounding uses
- Include a public information and signage plan to inform student, faculty and staff of the planned construction activities, roadway changes/closures, and parking changes
- Store construction materials only in designated areas that minimize impacts to nearby roadways
- Limit the number of lane closures during peak hours to the extent possible. Inform the Campus at least two weeks before any partial road closure
- Use Caltrans certified flag persons for any temporary lane closures to minimize impacts to traffic flow, and to ensure safe access into and out of the project sites
- Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones
- To minimize disruption of emergency vehicle access, affected jurisdictions (Campus Police, City Police, County Sheriff, and City Fire Department) will be consulted to identify detours for emergency vehicles, which will then be posted by the construction contractor

- Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary
- Coordinate with other projects under construction near the project site, so an integrated approach to construction-related traffic is developed and implemented

Response 1.38

The commenter requests an Intersection Control Evaluation (ICE) be completed at General Jim Moore Boulevard/Gigling Road and General Jim Moore Boulevard/Normandy Road. The Project proposes one roundabout within the Army's jurisdiction at General Jim Moore Boulevard/Gigling Road and the Army requests additional information, such as an ICE, to assist them in reviewing the roundabout concept. An evaluation of this roundabout using LOS is provided in Draft EIR Appendix K, Chapter 9.

The commenter states the proposed intersection improvements are outside the Project proponent's jurisdiction. Please refer to Response 1.1 regarding Army approval requirements on proposed projects within Army lands, and the locations of proposed infrastructure improvements in public (not Army) rights-of-way.

Response 1.39

The commenter states that the Army prefers the construction work at General Jim Moore Boulevard/Gigling Road and General Jim Moore Boulevard/Normandy Road be done prior to any buildout of the Plan.

This comment is noted. The City anticipates that construction of roundabouts at General Jim Moore Boulevard at Lightfighter Drive and Gigling Road would be completed before the completion of Phase 1 of the Project. As stated in the Draft EIR (page 4.2-17, footnote 11), the City does not anticipate that widening General Jim Moore Boulevard at Normandy Road will be necessary; however, it is included in this analysis to provide a conservative estimate of air quality impacts.

Response 1.40

The commenter states the traffic control system infrastructure at the Normandy Road and General Jim Moore Boulevard intersection is deficient and unlikely to support new signal timing technology as proposed. It is important to note that this recommendation in the Transportation Analysis is not a required mitigation measure to reduce identified impacts to less than significant. The traffic control system infrastructure is only a part of the LOS analysis, which was included for informational purposes only. The EIR uses the VMT methodology to analyze the Project transportation impact under CEQA. Please refer to Response 1.35 and Response 1.36 regarding the discussion of LOS. Additionally, the City is working with TAMC to complete a corridor study of General Jim Moore Boulevard that will inform traffic controls along this roadway. Independent planning of improvements along this corridor is underway.

The commenter requests clarification on the improvements listed in Draft EIR Appendix K, Table 16, and elsewhere in the document, and requests an ICE be completed at Normandy Road/General Jim Moore Boulevard. The improvements listed in Draft EIR Appendix K, Table 16, are discussed in the text following Table 16. Any infrastructure upgrades or improvements that may be built with the addition of the Project may be included as part of the Conditions of Approval or Development

Agreement; however, the City does not plan to require widening or the addition of asphalt as recommended in the Appendix K LOS analysis.

Response 1.41

The commenter states the VMT discussion is not clear and inquires if the City of Seaside has its own adopted VMT policy.

The City is in the process of updating its General Plan that will include a transition from vehicle LOS to VMT. Currently, the City of Seaside does not have its own adopted VMT policy, but has reviewed the criteria and recommendations from OPR's CEQA *Guidelines* for transitioning to VMT and have incorporated relevant portions of those guidelines in the analysis for the Project.

The traffic analysis uses two VMT metrics to evaluate potential VMT impacts: 1) 15 percent below the AMBAG (Santa Cruz, San Benito, and Monterey Counties) region-generated VMT per service population, and 2) the threshold for the Project's effect on VMT per service population (using the boundary VMT with the AMBAG region) is less than or equal to the respective Existing Conditions, Buildout Year (2034) Conditions, and Cumulative (2040) Conditions without the Project VMT per service population. (See Draft EIR Section 4.14.3.)

The Commenter also states that the MXD+ Trip Reduction and Pass-by Trip Reduction are not defined, calculated, or explained. Draft EIR Appendix K included Table 6, which presents the peak hour trip generation summary for the Plan, as well as the MXD+ Trip Reductions, and the Pass-By Trip Reductions. As discussed in Draft EIR, Appendix K, page 49:

To capture the effect of the proposed land use mix on peak hour vehicle trip generation, the proposed Plan trip generation was estimated using the MainStreet web-based transportation analysis method. MainStreet creates adjustments to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition method of applying rates to the individual land uses and summing the results, which has been shown to overestimate traffic generation for mixed-use developments (MXDs) by an average of 35 percent. Specifically, MainStreet accounts for the balanced mix of land uses, compact design, good neighborhood connectivity and walkability, and location efficiency of the proposed Plan. Further documentation on MainStreet may be found in Appendix C. Appendix C also includes a brief explanation of the land use types considered for use in the trip generation estimates.

Table 6 presents the peak hour trip generation summary for the Plan. It includes the base trip generation estimates and the mixed-use reductions estimated by the MainStreet model. The Plan's external vehicle trip generation (amount of traffic added to the streets) is approximately 1,086 morning peak-hour trips (387 inbound trips and 699 outbound trips) and 1,561 evening peak-hour trips (875 inbound trips and 687 outbound trips).

The MXD+ model is based upon two earlier trip generation studies including (1) the National Cooperative Highway Research program (NCHRP) Report 684, and (2) the US EPA sponsored Report "Traffic Generated by Mixed-Use Developments – A Six- Region Study Using Consistent Built Environmental Measures" which in turn was based upon a study of 239 Mixed Use Developments and verified through 27 mixed use sites across the U.S. The MXD+ model combines the datasets and factors from both of these models. Please refer to Response 5.2 for additional details, including regarding MainStreet and trip reductions. Additional technical information is available in Revised Appendix K.

Response 1.42

The commenter requests an in-person meeting to discuss traffic impacts, questions how the addition of 1,500 homes does not have an impact on traffic, and requests additional information regarding the AMBAG travel model that was used to forecast the VMT.

The City met with the Army on December 18, 2019 to discuss the Project. Please refer to Response 1.35 as to why adverse effects to LOS are no longer considered CEQA environmental impacts and why VMT is used to identify the environmental effects from transportation. The Draft EIR does not evaluate transportation impacts based on the amount of delay that is added to various study intersections. The Project proposes residential development near regional destinations like the CSUMB campus and other nearby potential job sites resulting in a lower average VMT rate than the average regionwide VMT rate.

As discussed in Draft EIR Section 2.3, the Proposed Project and the associated objectives are also designed to address statewide planning efforts. The legislature has adopted findings that “the lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California... (3) Among the consequences of those actions are.... reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5(a)). The State Legislature has also acknowledged that there is a “need to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance to mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing interests” (Gov. Code Section 65088.4 [SB743 (2013)]).

The commenter also requests the additional information regarding the AMBAG model and any changes that were made. The AMBAG model was not modified for the analysis; as such, no model documentation to disclose such changes has been provided by transportation planning firm Tammen, Johnson, Kinzel, and Mimiaga (“TJKM”).



DEPARTMENT OF THE ARMY
FORT ORD OFFICE, ARMY BASE REALIGNMENT AND CLOSURE
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MONTEREY, CALIFORNIA 93944-5008

REPLY TO
ATTENTION OF

AUG 13 2019

Fort Ord BRAC Field Office

Kurt Overmeyer
Economic Development Department
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Dear Mr. Overmeyer:

Thank you for the opportunity to comment on draft Environmental Impact Report for the proposed Campus Town Specific Plan project, dated July 2019. We would like to provide clarifications on the Army's environmental restoration work that is described in Section 4.8 Hazards and Hazardous Materials.

2.1

Section 4.8.1 Setting, a. Hazardous Materials. (Page 4.8-1.) Third paragraph includes a statement, "Between 1917 and closure of the Fort Ord base in 1994, the Plan Area operated as infantry, artillery, and cavalry training grounds." While these types of military training occurred on the former Fort Ord in general, the available information does not support that the Campus Town Plan Area property was actually used for the listed activities. Recommend revising the statement to describe the general historical use of Fort Ord, rather than the Campus Town Plan Area.

Section 4.8.1 Setting, a. Hazardous Materials. (Page 4.8-2.) Fourth paragraph ends with information that the Army published a Finding of Suitability for Early Transfer (FOSET) for the Plan Area. As described elsewhere, the Campus Town Plan Area is made up of several parcels. Five of the parcels (Parcels L37, L32.4.1.2, L2.4.3.1, L2.4.3.2 and L2.4.2) were transferred based on the cited 2001 FOSET under the "early transfer" process described in the paragraph. Please note that the Army has subsequently determined that all necessary response actions have been taken, and provided the required warranty under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

2.2

We would like to also note that Parcel F5.2, which is shown as a part of the Campus Town Plan Area, is designated as "retained" by the Department of the Army. Parcel L36 is in the process of being transferred to Fort Ord Reuse Authority (FORA).

2.3

Other parcels within the Campus Town Plan Area have been given the determination that all necessary response actions have been taken under CERCLA.

Section 4.8.1 Setting, a. Hazardous Materials. (Page 4.8-2.) Sixth paragraph (and elsewhere in the document) indicates that the Army is the party implementing the building removal project within the Surplus II area. The building removal project was undertaken by FORA. Please correct the information.

2.4

Section 4.8.1 Setting, a. Hazardous Materials. (Page 4.8-4.) Ninth paragraph that indicates that the Army is required to dispose of materials such as polychlorinated biphenyls (PCBs) prior to



the demolition of buildings in the Surplus II area is inaccurate. The building removal project was undertaken by FORA. Please strike the statement.

↑
2.4
(cont'd)

Impact HAZ-3. (Page 4.8-16.) In this section, it is suggested the Army is required to remove materials such as asbestos, lead-based paint and PCBs as part of the CERCLA response actions. The building removal project in the Surplus II area is not a CERCLA response action. Please delete the statements that cite the Army as a responsible party with regard to the building removal project.

Section 4.8.1 Setting, a. Hazardous Materials. (Page 4.8-2.) Seventh paragraph includes a statement indicating that FORA is responsible for "hazardous investigation site and soil excavation area... to the east of General Jim Moore Boulevard and north of Gigling Road." That site is Installation Restoration Program (IRP) Site 10. The investigation for soil and groundwater contamination at IRP Site 10 is a part of the Army's remedial action under CERCLA. The remedial action is complete. Since FORA is not responsible for the CERCLA remedial action at IRP Site 10, please correct the statement.

2.5

Section 4.8.1 Setting, a. Hazardous Materials. (Page 4.8-5.) Second to the final paragraph. The text indicates that a groundwater monitoring well located in the Campus Town Plan Area, north of Gigling Road and west of Malmedy Road, had a detection of carbon tetrachloride at 0.18 milligram per liter (mg/L) in 2010 and 2011. One of the Army's groundwater monitoring wells (MW-10-04-180) was located in this area with monitoring data in the cited timeframe. While carbon tetrachloride was detected in this monitoring well, all detections have been below the maximum contaminant level of 0.5 micrograms per liter (µg/L). Please check information and update the text. Please contact the Army if you have any questions.

2.6

Again, thank you for the opportunity to provide comments on the proposed project. Please feel free to contact me at (831) 242-7920 if you have any questions.

Sincerely,



William Collins
Base Realignment and Closure
Environmental Coordinator

Letter 2

COMMENTER: William Collins, Environmental Coordinator, U.S. Army Fort Ord BRAC Field Office

DATE: August 13, 2019

Response 2.1

The commenter recommends revising page 4.8-1 of the Draft EIR from discussing military training in the Plan Area to generally describing the historical use of Fort Ord.

In response to this comment, page 4.8-1, paragraph 4, of the Draft EIR has been revised as follows:

The Plan Area has remnant hazardous materials from historic military uses at the former Fort Ord base. Between 1917 and closure of the Fort Ord base in 1994, various areas of the Plan area was Fort Ord base were operated as infantry, artillery, and cavalry training grounds. The Plan Area was utilized for a fire training center, housing, training, and recreation.

The 1995 Basewide Remedial Investigation/Feasibility Study for Fort Ord (Harding Law Associates [HLA] 1995) indicates that there is one Hazard Investigation Site/Operable Unit (OU10) present within the Plan Area which includes a Solid Waste Management Unit (SWMU14).

In addition, see Response 2.5 for a discussion of historic activities within the Plan Area.

Response 2.2

The commenter requests that the EIR note the Army has determined all necessary response actions were taken in reference to the 2001 Finding of Suitability for Early Transfer (FOSET) required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

In response to this comment, page 4.8-2, paragraph 1, of the Draft EIR has been revised as follows to clearly indicate the overall former use of Fort Ord and the specific Fort Ord uses that addressed hazardous materials.

In December 2001, the Army published a FOSET (U.S. Army 2001) for four parcels located within the Plan Area which makes these required findings for early property transfer. The four parcels are shown in Figure 4.8-1 and described as follows:

- Parcels L2.4.3.1 and L2.4.3.2 include an approximately 1.3-acre site located in the Plan Area, southwest of Colonel Durham Street and 7th Avenue.
- Parcel L32.4.1.2 (formerly a portion of L32.4.1) includes an irregularly shaped approximately 16-acre site in the Plan Area, north of Gigling Road, at Malmedy Road.
- Parcel L37 includes an approximately 5-acre site in the Plan Area located northwest of Gigling Road and 6th Avenue.

These parcels are shown on Figure 4.8-1. As shown therein, not all portions of the Plan Area have been approved for early transfer. It should be noted that Parcel L2.4.2 was also included for early transfer; however, this parcel is located to the east, outside of the Plan Area.

In May 2003, the Army published FOST Track 0 (U.S. Army 2003) for numerous parcels located within the Plan Area which makes findings for property transfer. Nine of these parcels are

present in the Plan Area and are shown in Figure 4.8-1, they include: L19.3, L19.2, L1.1, L23.6, L15.1, L19.4, L32.4.1.1, L7.8, and L7.9 (U.S. Army 2003). It should be noted that Parcels L36, L32.2.2, and L32.3 were also included for transfer with FOST Track 0; however, these parcels are not a part of the Plan Area.

One of these parcels was identified as ECP Category 1, a parcel where no release or disposal of hazardous substances or petroleum products has occurred: L19.3. Eight of these parcels were identified as ECP Category 4, a parcel where a release, migration or disposal of hazardous substances has occurred, and all removal or remedial actions have been taken. ECP Category 4 parcels include: L19.2, L1.1, L23.6, L15.1, L19.4, L32.4.1.1, L7.8, and L7.9.

Plate 12 of FOST Track 0 also indicates that USTs and /or ASTs were formerly present of the following parcels: L32.4.1.1 (2 USTs), L37 (2 ASTs), and IRP 10 (2 ASTs and 2 USTs) as shown in Figure 4.8-1 and described below.

- One UST at Parcel L32.4.1.1 is identified as UST 4430 and was utilized to store diesel fuel from 1954-1992. This 3,000-gallon UST was reportedly closed in place in April 1992 and closure was approved by Monterey County Department of Health in January 1994 (U.S. Army 2003).
- The second UST at Parcel L32.4.1.1 is identified as UST 4440 and was utilized to store diesel fuel since 1954. This 3,000-gallon UST was reportedly closed and closure was approved by Monterey County Department of Health April 1994 (MCDH 1994). It is not known if this tank was closed in place or removed.
- Two ASTs (4460.1 and 4460.2) at parcel L37 were located near building 4460, and as of 2001 the ASTs were empty and inactive (U.S. Army 2001). No additional information regarding the previous use of these tanks or assessment/remediation action in the area was located in the FOST Track 0 or FOSET 2 documents.
- Two ASTs at parcel F2.3.3 (IRP 10) were identified further in a 1990 document discussed later in this report. No additional information regarding the previous use of these tanks or assessment/remediation action in the area was located in the FOST Track 0 or FOSET 2 documents.
- Two USTs at parcel F2.3.3 (IRP 10) were identified further in a 1990 document discussed later in this report. The USTs (4400.1 and 4400.2) were closed by Monterey County Department of Health on December 1995 (MCDH 1995). It is not known if these tanks were closed in place or removed.
- Parcels F2.3.2, F2.3.3, and F2.3.4 Plan Area parcels, located along General Jim Moore Boulevard could not be located in the baseline, FOST Track 0, or FOSET 2 documents. However, these parcels were deeded to the City of Seaside as follows: The 2008 quitclaim deed (DACA05-9-07-512) for parcel F2.3.3 (Site 1/burn pit) indicates that the burn pit area was remediated to EPA satisfaction in 1996 (U.S. Army 2012). However, the deed does not indicate if the USTs at this location were removed or if the area in the vicinity of the USTs and ASTS was assessed for potential fuel impacts.
- The 2008 quitclaim deed (DACA05-9-08-526) for parcels F2.3.2 and F2.3.4 (east of General Jim Moore Boulevard) indicates that the nearby burn pit area was remediated to EPA satisfaction in 1996 (U.S. Army 2012). However, the deed does not indicate if assessments were ever completed onsite.

The changes reflected above would not result in alterations to the degree of impact or significance conclusions presented in the Draft EIR because the underlying information was already used to analyze the Hazards and Hazardous Materials Impacts. Therefore, the changes do not constitute significant new information that would trigger Draft EIR recirculation under CEQA *Guidelines* Section 15088.5. Rather, the changes serve to clarify and strengthen the content of the EIR. Additionally, Impact HAZ-3 (beginning on page 4.8-16 of the Draft EIR) discusses the existing hazardous materials contamination in the Plan Area. Remediation activities are already underway to address these existing conditions.

Response 2.3

The commenter states that Parcel F5.2 is designated as “retained” by the Army and Parcel L36 is in the process of being transferred to FORA.

This comment is noted. Parcel F5.2 is included in the Plan Area, but is not part of the Project, and is not proposed for modification. Parcel F5.2 is owned by the Army national guard. Parcel F5.2 is shown on Figure 4.8-1 (revised), provided in Section 4, *Amendments to the Draft EIR*.

Response 2.4

The commenter notes that building removal and disposal of hazardous materials was undertaken by FORA and not the Army. The commenter states that other parcels in the Plan Area have been given the determination that all necessary response actions have been taken under CERCLA.

In response to this comment, the following revisions have been made to Section 4.8 of the Draft EIR:

In December 2018 the Army FORA began demolition of these buildings and remediation of the Surplus II Area... [page 4.8-2]

Removal and off-site disposal of hazardous wastes by the Army FORA is required prior to demolition of existing contaminated buildings.... [page 4.8-4]

Although hazardous materials such as asbestos, lead-based paint, universal waste, and PCBs are currently present in the remaining hammerhead buildings in the Plan Area, the Army FORA is required to remediate and safely dispose of them as part of the Superfund cleanup process, even though the land has already been transferred for future Campus Town development (FORA 1997b). This type of demolition and remediation activity in the Surplus II Area has been previously approved pursuant to the FORA Capital Improvements Program.

For soil and groundwater impacts, the USEPA oversees the remediation process, and the Army must also submit findings to the CalEPA. Remediation of hazardous materials will occur in accordance with the RA-ROD. Although the former Fort Ord base is a listed Superfund site, concentrations of contaminants in the Plan Area would not exceed State regulatory limits after this remediation process. Therefore, under implementation of the Proposed Project, residents, employees, visitors, and other people in the Plan Area would not be exposed to hazardous concentrations of remnant materials from the Fort Ord site. [page 4.8-16]

Response 2.5

The commenter notes that hazardous investigation of soil and groundwater east of General Jim Moore Boulevard are part of the Army's remedial action and not FORA.

In response to this comment, page 4.8-2, paragraph 7, of the Draft EIR has been revised to clarify that the Army is responsible for the cleanup of Site 10 – Burn Pit and to provide additional clarification regarding the presence of aboveground storage tanks (AST)/underground storage tanks (UST) at the Fire Station/Burn Pit Area:

In the Plan Area, the Army is responsible for the cleanup at the Site 10 hazardous investigation site identified in Figure 4.8-1, to the east of General Jim Moore Boulevard and north of Gigling Road.

~~In the Plan Area, FORA is also responsible for cleaning up hazardous materials at military buildings on the Surplus II site, as well as at the hazardous investigation site and soil excavation area identified in Figure 4.8-1 to the east of General Jim Moore Boulevard and north of Gigling Road.~~

The changes reflected above would not result in alterations to the degree of impact or significance conclusions presented in the Draft EIR because the identity of the agency responsible for the cleanup does not alter the impact analysis. The Draft EIR addresses Site 10, and describes it as “the hazardous investigation site and soil excavation area identified in Figure 4.8-1 to the east of General Jim Moore Boulevard and north of Gigling Road” (Draft EIR page 4.8-2). Therefore, these changes do not constitute significant new information that would trigger Draft EIR recirculation under CEQA *Guidelines* Section 15088.5.

Additionally, the following background regarding Site 10 is included herein for informational purposes, but does not result in alterations to the Draft EIR degree of impact or significance conclusions:

The existing fire station is located within the Plan Area, east of General Jim Moore Boulevard (former North-South Road). The fire station includes Building 4400, a fire drill burn pit, tower, and two USTs located east of Building 4400 (fire station structure). The fuel UST were installed in 1984, contained diesel and unleaded fuel, and were utilized to fuel fire department vehicles. These USTs were located approximately 200 feet north of the burn pit. Prior to 1984, a 500-gallon AST was utilized to fuel vehicles and may have contained leaded gasoline. The AST was located approximately 150 north of the burn pit (EA Engineering, Science, and Technology Western Division 1990).

Site 10 includes a former burn pit (SWMU14 or FTO-014) located south of the former Fort Ord Fire Station within the Main Garrison. Site 10 is located at the northeast corner of General Jim Moore Boulevard and Gigling Road. It was reported that flammable liquids were utilized at the burn pit, specifically jet fuel (JP-4), gasoline, diesel, solvents, and waste oil (potentially containing solvents and polychlorinated biphenyls [PCBs]) (HLA 1995 and Harding ESE 2002). The 2002 Draft Final Field Investigation and Data Review Solid Waste Management Units report indicates that FTO-014, at Site 10 was investigated, remediated, and backfilled in 1995 (Harding ESE 2002). The 1996 Site 10 IA Confirmation Report was reportedly submitted to United States Environmental Protection Agency (USEPA) and USEPA reportedly concurred with the remediation and no further action was required (Harding ESE 2002).

The 1996 Interim Action Confirmation Report for Site 10 (Burn Pit/IRP 10) indicates that soils at the burn pit and associated drainage swale were removed from the parcel and no other chemicals were identified for cleanup. This report also indicates that six groundwater wells (MW-10-01-180, MW-10-02-180, MW-10-03-180, MW-10-04-180, MW-10-05-180, MW-10-06-180) had previously been installed onsite and groundwater was not found to be impacted by the burn pit contaminants of concern (HLA 1996).

The June 27, 2007 No Further Action Letter from the California Department of Toxic Substances Control (DTSC) regarding the former onsite burn pit indicates: "DTSC concurs that all of the soil containing contaminants of concern exceeding Target Cleanup Concentrations (TCCs) were removed [from the burn pit] except for arsenic." DTSC's letter goes on to state that although arsenic is above the TCCs, it is not above the arsenic background threshold concentration of 3.1 mg/kg. It should be noted that in March 2019, the SWRCB began a perfluorooctanoic acid (PFOA)/perfluorooctanesulfonic acid (PFOS) Phased Investigation Approach to investigate the presence of PFOA and PFOS in groundwater. PFOA/PFOS are chemicals that were utilized to produce grease and stain-resistant coatings for consumer products and also in the production of firefighting foams. The initial Phase of this statewide investigation will begin at airports and landfills where contamination is likely from their use in fire training/fire responses at airports and from consumer products that end up in landfills (SWRCB 2019a). Phase II of this investigation may include Industrial sites, wastewater treatment facilities, and non-airport fire training facilities (SWRCB 2019b). Since Site 10 is a non-airport fire training facility that may have used these firefighting foams, the SWRCB may decide to investigate the presence of PFOA/PFOS in drinking water in the future.

The September 27, 2019 Basewide Review of Historical Activities and Groundwater Monitoring at Operable Unit 2 Former Fort Ord, completed for the Army, recommends that groundwater testing for PFOA/PFOS be performed at a groundwater monitoring well located downgradient from Site 10 (MW-OU2-29-180) (Ahtna Environmental 2019). This report further states that this groundwater well is located 1.7 miles downgradient of the Burn Pit and is located within a similar aquifer (Upper 180-Foot Aquifer). The Army report also states that based on the results of this downgradient groundwater assessment, it may be necessary to perform additional groundwater testing between Site 10 and monitoring well MW-OU2-29-180.

Response 2.6

The commenter notes that the Army's groundwater monitoring well (MW-10-04-180) did detect carbon tetrachloride but not above the maximum contaminant level of 0.5 micrograms per liter, while the EIR reports a detection of 0.18 milligrams per liter.

In response to this comment, page 4.8-5, paragraph 2, of the Draft EIR has been revised as follows:

Groundwater in and near the Plan Area is tested periodically for contaminants resulting from former military use. One groundwater testing well (MW-10-04-180) is located in the Plan Area, to the north of Gigling Road and west of Malmedy Road. The most recent groundwater testing at this well, on September 14, 2011~~in 2010 and 2011~~, identified carbon tetrachloride as the only detectable volatile organic chemical (VOC) contaminant (up to 0.18 0.14 micrograms milligram per liter [µmg/L]) (State Water Resources Control Board [SWRCB]-~~2011~~ 2019). This ~~volatile organic chemical (VOC)~~ was produced "to make refrigerants and propellants for aerosol cans, as a solvent for oils, fats, lacquers, varnishes, rubber waxes, and resins, and as a grain fumigant and a dry cleaning agent" (USEPA 2016). For reference, California's maximum contaminant level (MCL) for carbon tetrachloride in drinking water is 0.0005 mg/L (or 0.5 µg/L). This groundwater

monitoring well, and other wells formerly located at Site 10, have been abandoned (Ahtna Environmental 2019a).

The changes reflected above would not result in alterations to the degree of impact or significance conclusions presented in the Draft EIR because the change reflect a *lower* level of tetrachloride contamination. Therefore, these changes do not constitute significant new information that would trigger Draft EIR recirculation under CEQA *Guidelines* Section 15088.5.



FORT ORD REUSE AUTHORITY

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Kurt Overmeyer
Community and Economic Development Department
City of Seaside
440 Harcourt Avenue
Seaside, California 93955

Subject: Public Review of Campus Town Specific Plan Draft Environmental Impact Report

Dear Mr. Overmeyer,

We have reviewed the Campus Town Specific Plan Draft Environmental Impact Report (EIR) SCH #2108021079 in terms of Land Use/Designation/Density, Habitat Management Plan (HMP) Implementation, Base Reuse Plan (BRP) Policies and Programs, the FORA Development Resource and Management Plan (DRMP), and the Regional Urban Design Guidelines (RUDG). We do not have record of receiving the Notice of Preparation (NOP) and, as a responsible agency, we are concerned that we may have been overlooked in the distribution. Had we received the NOP, we would have sent a response. Thank you for including FORA in the Draft EIR distribution.

3.1

As you know, at its August 10, 2018 meeting the FORA Board found the City of Seaside's Zoning Code update to be consistent with the BRP. The Campus Town Specific Plan area is zoned for Commercial Mixed Use and this Specific Plan makes no change to land use. The land use identified in the BRP for the Campus Town Specific Plan area was "Planned Development/Mixed Use District" with maximum Gross FAR to .35 and Density to 20 dwelling units per acre. The Seaside General Plan and Zoning Code and Map zone the property as "Commercial Mixed Use" with maximum Gross FAR to 2.0 and Density to 25 dwelling units per acre. Commercial Mixed Use is intended to accommodate retail stores, restaurants and similar uses together with residential units in the context of pedestrian-oriented development.

3.2

The FORA Board found the 2009-2014 version of Seaside's Housing Element to be consistent with the BRP. However, the discussion in the Draft EIR appears to relate to a version of the Housing Element that has not been reviewed by FORA and has not been found to be consistent with the BRP. Contrary to what is stated in the Draft EIR at page 4.12-7, the area addressed in this Specific Plan was not identified as one of the "vacant or underutilized" areas (City of Seaside staff report Item No.13, City Council Agenda Packet January 27, 2011). The nearest parcel identified in Table 44 in the Appendix and in Figure 9, Vacant and Underutilized Sites, Map 3 of 3 of the Seaside Housing Element is COE Parcel E.18.1.3, which is slightly more than 40 acres in size. (That parcel was categorized as Park-Open Space in the BRP land use map, but the 2004 Seaside General Plan changed the land use designation for the parcel to high-density residential. Seaside's 2009-2014 Housing Element and 2018 Zoning Code and Map update are in conformity with the high-density housing designation.) The Campus Town Specific Plan Draft EIR erroneously counts its own parcels as part of the vacant or underutilized sites identified as "capable of accommodating 1,471 residential units."

The Campus Town Specific Plan Draft EIR does not clearly acknowledge the Fort Ord Multispecies Habitat Conservation Plan (HCP) as the permitting structure for the HMP. On page

3.3

4.3-12, the Draft EIR erroneously states that the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife “generally accepted adherence to the HMP conditions as sufficient to avoid and mitigate impacts to Federally listed species within designated development areas of the former Fort Ord.” That statement is true only with respect to developments within the *developed footprint* of former Fort Ord. Development projects sited in designated development areas outside of the already developed footprint of the former Fort Ord typically require the obtaining of individual take permits, in addition to compliance with the conditions of the HMP. The HCP will convey base wide permits for most listed species in the area and, for some extant projects, is anticipated to take over permit requirements. It will be a vehicle for Campus Town to develop open areas that may be home to Smith’s Blue Butterfly (*Euphilotes enoptes smithi*, Federally endangered) or sand gilia (*Gilia tenuiflora ssp. arenaria*, State threatened, Federally endangered). The HCP Public Draft is about to be released through the national office of USFWS, and the project has full support of the FORA Board of Directors (most recent unanimous vote to proceed taken October 12, 2018). It is anticipated that the HCP will be fully approved and functioning in 2020.

3.3
(cont'd)

FORA understands that the Campus Town Specific Plan Draft EIR is proposed to tier off the BRP. It makes sense to build on the foundation of the BRP’s campus-oriented planning. The guiding policies for erosion, A-2 and A-6, are noted on page 4.9-13. Hydrology and Water Quality Policies A-1, C-1, C-2, C-4 and C-5 are also noted. However, the Draft EIR does not directly or fully address certain policies and programs regarding safe yield from the Salinas Valley Groundwater Basin and the Seaside Groundwater Basin. These include the following:

3.4

“Hydrology and Water Quality Policy C-3: The MCWRA and the City/County shall cooperate with MCWRA and MPWMD to mitigate prevent further seawater intrusion based on the Salinas Valley Basin Management Plan, to the extent feasible.

Program C-3.1: The City/County shall continue work with the MCWRA and MPWMD to estimate the current safe yields within the context of the Salinas Valley Basin Management Plan for those portions of the former Fort Ord overlying the Salinas Valley and Seaside groundwater basins, to determine available water supplies.

Program C-3.2: The City/County shall work with the MCWRA and MPWMD appropriate agencies to determine the extent of seawater intrusion into the Salinas Valley and Seaside groundwater basins in the context of the Salinas Valley Basin Management Plan and shall participate in developing and implementing measures to prevent further intrusion.”

The BRP Final EIR states that: “These programs and policies serve to define the local jurisdictions’ involvement in future water supply planning for former Fort Ord, identify potential water supply sources on- and off-site, and affirm the local jurisdictions’ commitment to preventing further harm to the local aquifers. They also ensure that water supply remains the primary constraining factor for ultimate buildout of the proposed project, by limiting development in accordance with the availability of secured supplies” (FEIR pg. 4-55). In FORA’s Resolution #97-6, the Board of Directors found cumulative impacts to local water supply significant and unavoidable. Although jurisdictions were called upon to make mitigation efforts such as are described in Hydrology and Water Quality Programs C-3.1 and C-3.2, the FORA Board adopted a “statement of overriding considerations that the benefits of the Reuse Plan outweigh any and all potential unavoidable adverse effects of the Reuse Plan.” (FORA, June 13, 1997).

Hydrology and Water Quality Programs C-3.1 and C-3.2 were brought into the Seaside General Plan (which FORA found to be consistent with the BRP in 2004) in the form of policies COS-2.1

and COS-3.1. In making its findings with respect to that General Plan, the Seaside City Council determined that, even with implementation of mitigation measures such as WR9 (calling for working with the regional water resource agencies to “find a solution to halt seawater intrusion toward Seaside”) cumulative impacts to water supply would be significant and unavoidable. Accordingly, Seaside adopted a statement of overriding considerations relating to the cumulative impacts associated with water supply.

3.4
(cont'd)

The Seaside Campus Town Draft EIR states, “within the amended decision governing the Seaside Basin, the court determined the safe yield for the adjudicated Seaside subarea as a range of approximately 2,581 to 2,913 AFY. The court defined an operation safe yield (OSY) as the maximum amount of groundwater that should be allowed to be produced from the basin in a given year. An initial OSY was set at 5,600 AFY; with overdraft conditions in the basin it was mandated that groundwater pumping from the basin be reduced by 2,600 AFY by 2021.” At the same time that pumping of groundwater from the Seaside Basin must be reduced, the Campus Town project joins several in-progress developments, entitled developments, and planned housing in the area as new users that will place increased demands on the available groundwater. With nearly half of the Campus Town project’s 441.6 AFY potable water requirement planned to be drawn from the Seaside Groundwater Basin, convincing evidence to support the proposed finding of no significant cumulative environmental effects on potable water usage is required. The Marina Coast Water District Water Supply Assessment contained in Appendix M does not adequately address the issues of water consumption estimates for past, present and future projects in the area or sufficiently analyze cumulative impacts to support the proposed finding of no significant cumulative environmental effects for potable water usage. Further, we understand that MCWD contends that Appendix M does not accurately portray the district’s current assessment.

3.5

The Util-1 Water Offset Program indicates that the primary supplemental source of potable water will be from Bayonet and Blackhorse Golf Course, by watering the golf course with Monterey One Water recycled water (thus freeing-up potable water that would otherwise be used for golf course irrigation). The BRP Final EIR recognized that “the Seaside groundwater basin supplies an additional 400 afy of water, which is used for the City of Seaside golf course.” (BRP Vol IV, pg. 4-49) The use of this potable water in Campus Town, rather than as golf course irrigation, is aligned with the BRP programmatic vision of regional water usage. References to water supplied through this offset program should describe the source as “Seaside Basin groundwater” rather than “existing potable water” to make it clear that the water will come from a source that is not on the site of the former Fort Ord (and not of MCWD’s Fort Ord water rights). The Campus Town Draft EIR should include other supporting documentation for the “in lieu” use of Seaside Basin groundwater, including recent reports from the court/Watermaster regarding the Seaside Basin groundwater adjudication.

3.6

Section 3.11.5.4 (b) of Volume I of the BRP outlines the Residential Development Program to prevent using up scarce resource availability. The DRMP of the BRP was cautious to place limitations on residential development to save capacity for industrial/commercial land uses and prevent residential growth from over-use of potable water supply at the former Fort Ord. “Based on the existing potable water supply of 6,600 AFY, the total resident population limit at the former Fort Ord was estimated to be 37,370. Based on the existing potable water supply of 6,600 AFY, the total new residential units within the former Fort Ord shall not exceed 6,160 so that when combined with replacement or occupancy of the 1,813 existing units the total residential units shall not exceed 7,973 (excluding CSUMB and POM Annex housing). FORA’s DRMP does not attempt to allocate residential units to the land use jurisdictions.” Residential unit counts on entitled projects are monitored through FORA’s Capital Improvement Program. A

3.7

grand total of 6,230 units of new and existing/replacement residential units are currently entitled (however, 712 entitled units for Cypress Knolls is under an expired contract and may be rescinded). The 1,485 new residential units planned in the Campus Town Specific Plan will not exceed the BRP DRMP cap. Further, although the cap was derived from an existing potable water supply of 6,600 AFY, the DRMP allows the cap to be exceeded when the subject project can demonstrate the availability of off-site water sources. The number of residential units to be served by off-site water should be stated as an absolute number, so that in administering the Residential Development Program FORA can accurately track how many units intended to be subject to the cap have been or are programmed to be constructed.

3.7
(cont'd)

The Specific Plan does a thorough job aligning the proposed project with the Regional Urban Design Guidelines (RUDG). The proposed project involves a variety of block sizes. Smaller blocks with pedestrian connections break up larger blocks of development and surface parking with parks and plazas. The Specific Plan also includes a gateway element to the Fort Ord National Monument at a sports park. As is stated in the Draft EIR, "The Specific Plan contains numerous regulations to ensure high standards of visual character upon buildout. This includes detailed standards and guidelines for thoroughfare designs, including landscaping and street trees, sidewalks, and setbacks (Specific Plan Section 3.3), a network of open space and parks (Specific Plan Section 3.4), landscaping standards and guidelines (Specific Plan Section 3.5), and streetscape standards and guidelines (Specific Plan Section 3.6). The Specific Plan also includes detailed Urban Standards and Guidelines, which address Building Type (Specific Plan Section 4.6.2) and Frontages (Specific Plan Section 4.6.3). The Specific Plan also includes detailed Architectural Standards and Guidelines, including Building Composition, Roof Guidelines, Building Facades, Colors and Materials, Entrances, Shopfronts, Encroachments and Projections, Passageways, Windows, Private Open Space, Walls, Hedges, and Fences, and regulations to block views of mechanical equipment and solid waste facilities, architectural lighting, and Sign Standards (Specific Plan Section 4.7)."

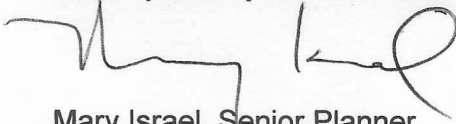
3.8

The Draft EIR also requires planting new drought-tolerant street trees and high-quality landscaping where it is currently lacking. The Campus Town Specific Plan appears to adhere to most of the RUDG checklist.

However, the EIR depends on the RUDG for comparison on transportation when it should not. The BRP Final EIR, rather than to the RUDG, is a more appropriate source for guidance on significance about roadway development (Campus Town DEIR, pg. 4.14-10). Gigling Road is identified as a "key facility" in the BRP Final EIR and is intended to be upgraded to a 4-lane arterial. A new transportation study is underway to support CIP and mid-year budget decisions here at FORA, and perhaps that will help better illuminate the traffic needs for Gigling Road.

3.9

Thank you for your attention to these matters,



Mary Israel, Senior Planner

Letter 3

COMMENTER: Mary Israel, Senior Planner, Fort Ord Reuse Authority

DATE: August 22, 2019

Response 3.1

The commenter states that they have no record of receiving the Notice of Preparation (NOP) for the Project.

Copies of the NOP were distributed to Jonathan Brinkmann, Principal Planner, and Peter Said, Project Manager of FORA electronically on March 1, 2018. A read receipt was received from Jonathan Brinkmann's email on March 1, 2018 and is included as Appendix N. Additionally, the City submitted a Notice of Completion of the NOP to the State Clearinghouse, and requested review by FORA (see Draft EIR Appendix A, page 10). The State Clearinghouse then distributes the documents to the individual agencies.

Response 3.2

The commenter states that the FORA Board found the City of Seaside's Zoning Code update was consistent with the Base Reuse Plan (BRP), with the Plan Area zoned for Commercial Mixed Use. The commenter further states that discussion in the Draft EIR appears to discuss a version of the Housing Element that has not been reviewed by FORA or found to be consistent with the BRP, and alleges the Draft EIR incorrectly states that the Plan Area is identified as a "vacant or underutilized" area.

The Draft EIR discusses both the existing (2009-2014) and proposed (2015-2023) Housing Elements. As discussed on Draft EIR page 4.12-7:

The Housing Element identifies and prioritizes the housing needs of the City and determines ways to best meet these needs, while balancing community objectives and resources. The City *adopted the 2009-2014 Housing Element* in August 2010 as part of the State's fourth Housing Element planning cycle (California Department of Housing and Community Development [HCD] 2003).

In addition to the existing 2004 General Plan, the Draft EIR discusses the Draft Seaside 2040 General Plan, and the proposed updated Housing Element,¹ although this document had not yet been adopted. As further discussed on Draft EIR page 4.12-7:

The City of Seaside is currently in the process of updating their General Plan, Draft Seaside 2040. Policies contained under Goal LUD-2 illustrate the City's intent to increase job opportunities in the city, including striving for at least a 1 to 1 ratio of jobs per employed residents and creating at least one new employment-designated area in the Plan Area. In addition, policies contained under Goal LUD-3 aim to increase resident and visitor access to shops and services and to decrease retail leakage by promoting new retail and commercial activity in the city.

¹ Please note the Housing Element Update has been separated from Draft Seaside 2040, and a separate CEQA process is underway. The draft CEQA document was released for public review in October 2019, and the Housing Element Update was adopted by the Seaside City Council on December 19, 2019.

As also stated in Section 4.10 of the Draft EIR:

The 2004 General Plan was reviewed for consistency with the BRP and certified by FORA as consistent, and *Draft Seaside 2040* is required to be consistent with the Fort Ord BRP. As discussed in greater detail below, the Proposed Project is consistent with 2004 General Plan and *Draft Seaside 2040* goals and policies; therefore, the Proposed Project is presumed consistent with the Fort Ord BRP.

Therefore, consistency with currently approved plans, including the adopted Housing Element and Fort Ord BRP, has been considered within the Draft EIR. The Draft EIR concluded the Project is consistent with these plans.

The commenter also alleges that Draft EIR page 4.12-7 identifies the Plan Area in the Housing Element as being designated as “vacant and underutilized.” The commenter also alleges that “The Campus Town Specific Plan Draft EIR erroneously counts its own parcels as part of the vacant or underutilized sites identified as ‘capable of accommodating 1,471 residential units.’” Text on Draft EIR pages 4.12-7 and 4.12-11 have been revised as follows:

[T]he City’s 2015-2023 Housing Element Technical Appendix identifies available sites for residential development, which include the Plan Area. (HE-App-~~11958~~.) According to the 2009-2014 Housing Element, “[r]ecent acquisition of land in the former Fort Ord area has given the City new opportunities for residential and nonresidential development.” (HE-4.) ~~Also, the “former Fort Ord site could accommodate a large number of high density residential units and is available for development.” (HE App 83.)~~

These revisions do not change the impact analysis on Draft EIR page 4.12-11. Furthermore, Project impacts are based upon the underlying physical conditions, not their designations in a General Plan. (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 338. The Draft EIR accurately stated that “the Plan Area contains vacant, extant buildings, originally part of the Fort Ord base...” (Draft EIR page 4.10-25).

The 2015-2023 Housing Element Technical Appendix is available online at:

<https://www.ci.seaside.ca.us/DocumentCenter/View/10089/Draft-Housing-Technical-Appendix-October-2019>.

Response 3.3

The commenter states that the Draft EIR does not clearly acknowledge the Fort Ord Multispecies Habitat Conservation Plan (HCP) as the permitting structure for the Habitat Management Plan (HMP). According to the commenter, the Draft EIR incorrectly states that USFWS and California Department of Fish and Wildlife (CDFW) generally accept adherence to the HMP as sufficient to avoid and mitigate impacts of development in the former Fort Ord, and that the HCP Public Draft will be released through USFWS and is anticipated to be approved and functioning in 2020.

While the draft HCP was released for public review in November 2019, this occurred after the publication of the Draft EIR. As such, the Draft EIR was unable to utilize the HCP for any analysis or mitigation guidance. Additionally, CEQA does not require discussion of consistency with draft plans, such as the draft HCP. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134.) The statement in the Draft EIR regarding general acceptance of the HMP conditions for avoiding or mitigating impacts was only intended to indicate the intent of requiring mitigation consistent with the HMP. The discussion concluded that these are Project-specific determinations, and individual

permits may still be required. Page 4.3-12 of the Draft EIR has been revised as shown below for clarification.

Given that the HCP has not yet been finalized, USFWS has generally accepted adherence to the HMP conditions as sufficient to avoid and mitigate impacts to Federally listed species within previously developed footprint within designated development areas of the former Fort Ord. CDFW has generally accepted adherence to the HMP conditions as sufficient to avoid and mitigate impacts to non-listed sensitive species within previously developed footprint within designated development areas.

The Draft EIR provides CEQA Mitigation Measures BIO-1(a) through BIO-1(h) that minimize impacts on listed and other special status species, including requiring pre-construction surveys for special status species, and development of avoidance and minimization measures as necessary. The EIR presents analyses supporting the conclusion that with implementation of these mitigation measures, impacts to listed and other special status species would be less than significant. Among other requirements, these mitigation measures require consultation with CDFW and USFWS, as appropriate, during mitigation measure implementation. The EIR may also reasonably assume that future development projects would also comply with applicable laws such as the federal and state Endangered Species Acts.

Response 3.4

The commenter states that “FORA understands that the Campus Town Specific Plan Draft EIR is proposed to tier off the BRP.” The Draft EIR utilizes a statutory baseline procedure, as contemplated under Pub. Res. Code § 21083.8.1 and *CEQA Guidelines* §§ 15125(b) and 15229 (Draft EIR Section 3.3).

The commenter also states the Draft EIR does not directly or fully address certain policies and programs regarding safe yield from the Salinas Valley Groundwater Basin (SVGB) and Seaside Groundwater Basin, including Base Reuse Plan Policy C-3, Program C-3.1, and Program C-3.2, and Seaside General Plan Policies COS-2.1 and COS-3.1. See Draft EIR page 4.10-37 for discussion of Seaside General Plan Goal COS-2.

As explained on Draft EIR page 4.10-3: “Under FORA's procedures, consistency of legislative land use decision with the BRP is based upon consistency with the provisions of the general plan, certified as consistent with the BRP” (FORA Resolution 04-6, Section 8.01.020(g)). Furthermore, as the EIR explains “the analysis below provides a brief overview of the most relevant policies from the various planning documents. However, the City’s consistency conclusions are based upon the planning documents as a whole.”

The policies cited by the commenter are either procedural in nature, or are broad planning goals, which are part of the long-term city-wide planning process. Policy COS-2.1 states “Work with regional and local water providers to ensure that adequate supplies of water are available to meet existing development and future growth.” Policy COS-3.1 states “Eliminate long-term groundwater overdrafting as soon as feasible.”

As is evident from the WSA included in Draft EIR Appendix M, and the mitigation measures shown under Mitigation Measure UTIL-1, the City has worked with water providers to ensure adequate water supplies and to address overdraft. Additionally, many of the implementing measures are inherently incorporated into the Project, such as Implementation Plan COS-3.1.2, Aquifer Recharge Areas. As discussed on Draft EIR page 4.10-48 under LUD-21:

As described in the Preliminary Post-Construction Stormwater Control Plan for Campus Town, the Proposed Project would provide a low-impact development approach that includes on-lot retention for individual lots. Sandy dune soils with moderate to high percolation rates underlay most of the site and provide an opportunity to infiltrate on a lot by lot basis. Rainfall runoff, up to the 100-year event, can be infiltrated on each lot without producing runoff that would normally be tributary to a storm drain system. [See also Impact HWQ-2.]

Furthermore, it is not the purpose of CEQA to fix existing environmental deficiencies (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”]).

Response 3.5

The commenter first references the Draft EIR discussion of the “Seaside Subbasin Groundwater Adjudication” on Draft EIR page 4.16-11, and states that “half of the Campus Town project’s 441.6 AFY potable water requirement planned to be drawn from the Seaside Groundwater Basin.” The commenter also states that the Specific Plan would contribute to cumulative groundwater demand and states that “convincing evidence to support the proposed finding of no significant cumulative environmental effects on potable water usage is required.” Similarly, the commenter claims that the Water Supply Assessment (WSA) does not adequately address issues of water consumption estimates for past, present, and future projects in the area to support a finding of no significant cumulative environmental effects because there are “several in progress developments...that will place increased demands on the available groundwater.”

As explained in the Draft EIR “The Plan Area is served by MCWD” and “All of MCWD’s wells *are located within the Monterey Subbasin...*” (Draft EIR page 4.16-1 and 11). To the extent that the commenter is referencing the water supply under Mitigation Measure UTIL-1, this includes potable water offset programs and in-lieu storage programs, *which replace existing potable water uses within the Seaside sub-basin with recycled water uses*. This approach is consistent with CEQA (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1091 [upholding analysis where the urban project relied upon water which was offset from prior agricultural uses]).

Furthermore, the EIR and WSA included consideration of past, present and future projects in Table 4.16-1, *Marina Coast Water District Projected Cumulative Water Demand – Ord Community*, which are based upon historic water consumption and projected water use in the Urban Water Management Plan (Draft EIR page 4.16-3; Appendix M1, Section 3.2). Furthermore, the Draft EIR concluded, without mitigation measures, the Project would have significant impacts under existing *and cumulative conditions* (Draft EIR pages 4.16-19 through 21, and 4.16-28). More specifically, the Draft EIR concluded that:

The City has an existing potable water allocation of Salinas Valley Groundwater of 1,012.5 AFY (from the 6,600 AFY regional allocation), and has previously sub-allocated 831.2 AFY to other projects, leaving 181.3 AFY available. Based on the calculations in the WSA, the available water supply of 181.3 AFY is not sufficient to meet the Proposed Project’s potable water demand of 441.6 AFY. If groundwater pumping were to be increased to meet this demand without mitigation, this would potentially result in seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium, etc.)... Therefore, impacts associated with potable water supply, including groundwater are considered significant.

To address the discrepancy between the Proposed Project's 441.6 AFY of potable water demand and the 181.3 AFY of available potable water supply, several in-lieu storage and offset programs have been identified. Mitigation Measure UTIL-1 has been proposed to address the 261 AFY potable water supply shortfall...

Mitigation Measure UTIL-1, *Water Offset Programs*, identifies four water supply offset programs available to secure the supply for the Proposed Project. The WSA, which is included as Appendix M to the Draft EIR and is part of the CEQA document for the Proposed Project, also refers to the water supply offset options identified in Mitigation Measure UTIL-1, and concludes that sufficient water supply would be available for the Proposed Project if offsets are implemented in accordance with the CEQA analysis and mitigation requirements prior to issuance of a final VT. The analysis of water supply availability and impacts of the Proposed Project to water supply availability is consistent with CEQA requirements. Furthermore, utilizing the 6,600 AFY allocation is consistent with the Project's statutory baseline, and the MCWRA's Long Term management Plan (Draft EIR page 4.16-20).

Please see the Water Master Response in Section 2, *Topical Responses*, for further discussion of the legal requirements of CEQA, water management in the Project region, content of the Project's WSA, and conclusions of the analysis related to water supply. Please refer to Response 12.1 regarding the provision of two versions of the WSA in Draft EIR Appendix M. Section 4.16.2(b) (page 4.16-10) of the Draft EIR describes the changes to the Updated WSA "to provide more detailed information on the water offset programs (Mitigation Measure UTIL-1 below) and to correct several minor errors (e.g., incorrect street addresses) and provide additional background information."

Response 3.6

The commenter states that the use of potable water for the Specific Plan and recycled water for the Bayonet and Blackhorse Golf Course is aligned with the BRP's vision, and recommends that "Seaside Basin groundwater" be used rather than "existing potable water" to make it clear what the source of the water is. The commenter further requests the Draft EIR include other supporting documentation for the use of Seaside Basin groundwater, including annual reports.

In 2010, the Seaside Watermaster also issued a Declaration of Total Useable Storage Space in which it allotted to Seaside a maximum storage amount of 2,361 acre-feet in the Seaside Basin, roughly 7.4 percent of the Seaside Basin's total usable storage allocation (See Seaside Watermaster's Declaration of Total Usable Storage Space, Feb. 3, 2010).² Recently, Seaside applied to the Court for approval of an in lieu storage program.³ The program would allow Seaside to substitute recycled water, derived from the PWM Project and supplied by MCWD, for irrigation of the golf courses in lieu of the current use of approximately 450 AFY of groundwater produced from the Seaside Basin. Such substitution would achieve replenishment and storage of water in the Seaside Basin, and the quantity of recycled water applied annually at the golf courses would establish the amount of water "stored" annually in the Seaside Basin via in lieu storage. Seaside would recover the stored water through its wells and then deliver the recovered water to MCWD for use within its water system. See the Water Master Response for discussion of the Seaside Groundwater Basin adjudication judgment.

² Available at <http://www.seasidebasinwatermaster.org/Other/Declaration%20of%20Total%20Usable%20Storage%20Space.pdf>.

³ Seaside's Motion for Approval of In Lieu Groundwater Storage Program, Sept. 4, 2019. Available at <http://www.seasidebasinwatermaster.org/Other/Motion%20for%20In%20Lieu%20Storage%20Program.pdf>.

Response 3.7

The commenter states that the 1,485 new units under the Specific Plan would not exceed the BRP residential unit cap. The commenter states the Development and Resource Management Plan (DRMP) allows the water supply cap to be exceeded when a project demonstrates the availability of off-site water sources. The commenter states the number of units to be served by off-site water should be specified in the Draft EIR for FORA tracking purposes. Please refer to Response 10.4 regarding the FORA unit cap.

This comment does not address the adequacy of the EIR or CEQA process; therefore, no further response is warranted. Nevertheless, the comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 3.8

The commenter notes that the Specific Plan aligns the Project with the Regional Urban Design Guidelines (RUDG) and summarizes Specific Plan design requirements. The commenter additionally notes that the Draft EIR requires new drought-tolerant street trees and high-quality landscaping.

The comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 3.9

The commenter states the EIR depends on the RUDG for comparison on transportation when it should not, and that the BRP Final EIR is a more appropriate source. The commenter also states a new transportation study that is currently under way to support CIP and mid-year budget decisions at FORA may better illuminate the traffic needs for Gigling Road.

Refer to Response 1.2 regarding widening Gigling Road. FORA previously considered a plan to widen Gigling Road from two to four lanes. This plan would have widened Gigling Road to the south of its current alignment, onto Army property and not into the Plan Area. As such, the Proposed Project would not preclude FORA from doing this if they so choose. However, a recent FORA study indicated that Gigling Road is not required to be expanded to four lanes (FORA 2019b). Additionally, a Final EIR is not intended to be a policy document, rather it is an analytical document addressing the environmental impacts of the underlying approval (i.e., the Base Reuse Plan and the RUDG). The Specific Plan does not propose any changes to Gigling Road, except for at the intersection of General Jim Moore Boulevard and Gigling Road. While the Transportation Analysis assumes roadway modifications included in the Specific Plan would occur as a result of the Project, none of these roadway changes require road widening or lane additions. Furthermore, the EIR transportation impact analysis is based upon Vehicle Miles Traveled (VMT), and would not be affected by localized roadway widening. Therefore, the EIR does not depend on the RUDG for the transportation impact analysis.

DEPARTMENT OF TRANSPORTATION

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Letter 4



Making Conservation
a California Way of Life.

August 20, 2019

MON-1-82.885
SCH#2018021079

Kurt Overmeyer
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Dear Mr. Overmeyer:

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)-CAMPUS TOWN
SPECIFIC PLAN SEASIDE, CA

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the Campus Town Specific Plan DEIR which plans to construct 1,485 housing units, 250 hotel rooms, 75 youth hostel beds, 150,000 square feet of retail, dining, entertainment uses, 50,000 square feet of office, flex, makerspace, and light industrial space, as well as park/recreational areas, and supporting infrastructure. Caltrans offers the following comments in response to the DEIR:

4.1

1. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Projects that support smart growth principles which include improvements to pedestrian, bicycle, and transit infrastructure (or other key Transportation Demand Strategies) are supported by Caltrans and are consistent with our mission, vision, and goals.

4.2

2. The Fort Orde Reuse Authority (FORA) collects development impact fees to help fund transportation projects of regional significance to address project long-range traffic impacts. Caltrans supports the Campus Town payment of the adopted FORA development impact fees as required to mitigate any cumulative impacts for future development projects.

4.3

3. The DEIR discloses project-specific impacts to the State highway system but no discussion on appropriate mitigation measures, if any. There might be opportunity to make operational improvements to freeway ramps (such as ramp meters) that

improve overall operations. We look forward to working with you to determine the feasibility of these improvements.

↑
4.3
(cont'd)

4. Caltrans would like to review the background for the Freeway Segment LOS calculations, including the software files found in Appendix H.

4.4

5. Traffic counts for State Route 1 (SR1) ramps and interchanges in the project area were not included in the Appendix. Providing these, with the methodologies used for merging and weaving for a complete review of the DEIR, are appropriate.

4.5

6. Caltrans typically utilizes the Highway Capacity Manual for intersection and ramp queuing analysis. Please provide us with the Poisson distribution software files for review along with the justification for using the Poisson methods in the Ramp Queuing section. Also, please provide the Synchro files that handle the interchanges and mainline Queuing Evaluation from Appendix 1. The Synchro models provided to Caltrans appear to be for only for the local street network and do not model the full SR1 interchanges or mainline, therefore a complete review was not possible.

4.6

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 549-3157 or email christopher.bjornstad@dot.ca.gov.

Sincerely,



Chris Bjornstad
Transportation Planner
District 5 Development Review

Letter 4

COMMENTER: Chris Bjornstad, Transportation Planner, California Department of Transportation District 5

DATE: August 20, 2019

Response 4.1

The commenter expresses support for local development that is consistent with State priorities, include smart growth principles, and include improvements to bicycle, pedestrian, and transit infrastructure.

As discussed in Draft EIR Section 2.3, the underlying purpose of the Proposed Project is to prepare a specific plan to provide for market-responsive housing in the University Village District between the CSUMB campus and Gigling Road. This is designated a Planned Development Mixed Use District to encourage a vibrant village with significant retail, personal and business services mixed with housing. This includes Project objectives of reducing VMT on a per capita basis and creating a multi-modal transportation network, including improvements to encourage pedestrian and bicycle activity.

The Proposed Project and the associated objectives are also designed to address statewide planning efforts. The legislature has adopted findings that “the lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California... (3) Among the consequences of those actions are.... reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5(a)).

Response 4.2

The commenter expresses support of the Project paying the adopted FORA development impact fees for cumulative impacts for future development projects.

As stated in Section 4.14, *Transportation*, of the Draft EIR, all transportation impacts of the Proposed Project would be less than significant and no mitigation is required. The project applicant would be required to pay applicable transportation fees as a regulatory requirement, regardless of whether traffic impacts are considered to be significant.

Response 4.3

The commenter asserts that the Draft EIR discloses Project-specific impacts to the State highway system. The commenter does not accurately summarize the Draft EIR significance conclusions. As stated in Section 4.14 of the Draft EIR, all transportation impacts, including to state highways, would not be significant.

The commenter states that the Draft EIR does not include mitigation measures for impacts to State highways, such as improving freeway ramps.

All transportation impacts were determined to be less than significant; consequently, no mitigation measures are required. Furthermore, the Draft EIR analyzes freeway off-ramp queuing with and without the Proposed Project in Table 4.14-6 on page 4.14-28 of the Draft EIR. The Draft EIR states the Proposed Project would not result in a worse deficiency or less capacity when cumulative impacts are analyzed with the Specific Plan and finds that cumulative impacts would be less than

significant on page 4.14-27 of the Draft EIR. More information regarding the method used to analyze freeway operations and off-ramp queues can be found in Draft EIR Appendix K, the Campus Town Transportation Analysis, on pages 83-87.

Additionally, it should be noted that “automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment” (Pub. Res. Code Section 21099(b)(2); CEQA *Guidelines* Section 15064.3(a)).

Response 4.4

The commenter requests that Caltrans review the background LOS calculation files in Draft EIR Appendix H.

Senate Bill 743 of 2013 changed the way transportation analyses are conducted under CEQA. Instead of the traditional Level of Service analysis, CEQA now requires a VMT analysis. Despite this new requirement, even though an evaluation of LOS is no longer required under CEQA because it is not an environmental impact, the Transportation Analysis still evaluated the Proposed Project’s traffic impacts utilizing LOS. The Draft EIR Appendix K Transportation Analysis presents both a VMT and LOS transportation analysis. Please refer to Draft EIR Appendix K, *Study Area and Analysis Scenarios*, for more information.

Nevertheless, the EIR Transportation Analysis (Appendix K, pages 84-85) has been revised as follows to include the addition of background conditions for freeway segment LOS calculations (this is also provided in Section 4, *Amendments to the Draft EIR*).

Background with Plan Conditions

Freeway volumes for the Background and Background with Plan Conditions were developed as described in **Chapter 7**. Future operations of freeway mainline segments in Monterey County were evaluated using level of service and percent of Plan traffic added to each roadway segment.

Table 20 and **Table 21** presents the summary for the Background and Background with Plan Conditions freeway operations, and freeway merge and diverge operations, respectively. All segments operate below LOS C under without Plan and with Plan Conditions, except northbound State Route 1 between Lightfighter Drive and Del Monte Boulevard during the AM peak hour and southbound State Route 1 between Lightfighter Drive and Del Monte Boulevard during the PM peak hour. **Appendix H** includes the freeway density calculations and levels of service.

Table 20 Background with Plan Freeway Level of Service

Segment	Dir. ¹	Capacity	Peak Hour ²	Background Conditions			Background with Plan Conditions		
				Density ³	LOS ⁴	Density ³	Plan Trips	Plan Percent of Capacity	LOS ⁴
1 State Route 1 between Lightfighter Drive and Del Monte Boulevard	NB	7,050	AM	21.7	C	21.9	39	0.5%	C
			PM	35.0	E	35.9	88	1.2%	E
	SB	7,050	AM	39.4	E	40.4	70	1.0%	E
			PM	24.8	C	25.2	69	1.0%	C
2 State Route 1 between Del Monte Boulevard and Canyon Del Rey Boulevard	NB	4,700	AM	32.4	D	32.9	39	0.8%	D
			PM	>45.0	F	>45.0	87	1.8%	F
	SB	4,700	AM	>45.0	F	>45.0	70	1.5%	F
			PM	38.7	E	39.9	69	1.5%	E

Notes: **Bold** text indicates freeway segment operates at unacceptable level of service.

1. NB = northbound; SB = southbound

2. AM = morning peak hour; PM = evening peak hour

3. Density is measured in passenger cars per mile per lane.

4. Level of service based on density.

Source: Fehr & Peers, 2019.

Table 21 Background with Plan Freeway Merge and Diverge Level of Service

Segment	Type	Number of Lanes	Peak Hour	Existing		Existing with Plan	
				Density (vphpl)	LOS	Density (vphpl)	LOS
State Route 1 - Northbound							
<u>Canyon Del Rey On-Ramp</u>	<u>Merge</u>	<u>2</u>	<u>AM</u> <u>PM</u>	<u>31.67</u> <u>--</u>	<u>D</u> <u>F</u>	<u>32.0</u> <u>--</u>	<u>D</u> <u>F</u>
<u>Fremont/Del Monte Off-Ramp</u>	<u>Diverge</u>	<u>2</u>	<u>AM</u> <u>PM</u>	<u>36.7</u> <u>--</u>	<u>E</u> <u>F</u>	<u>37.1</u> <u>--</u>	<u>E</u> <u>F</u>
<u>Fremont/Del Monte On-Ramp</u>	<u>Merge</u>	<u>2</u>	<u>AM</u> <u>PM</u>	<u>21.7</u> <u>35.9</u>	<u>C</u> <u>E</u>	<u>21.9</u> <u>36.8</u>	<u>C</u> <u>E</u>
<u>Lightfighter Off-Ramp</u>	<u>Diverge</u>	<u>3</u>	<u>AM</u> <u>PM</u>	<u>27.6</u> <u>35.6</u>	<u>CD</u> <u>E</u>	<u>27.9</u> <u>36.1</u>	<u>C</u> <u>E</u>
State Route 1 - Southbound							
<u>Lightfighter On-Ramp</u>	<u>Merge</u>	<u>3</u>	<u>AM</u> <u>PM</u>	<u>36.8</u> <u>29.1</u>	<u>E</u> <u>D</u>	<u>37.4</u> <u>29.7</u>	<u>E</u> <u>D</u>
<u>Fremont/Del Monte Off-Ramp</u>	<u>Diverge</u>	<u>3</u>	<u>AM</u> <u>PM</u>	<u>39.4</u> <u>24.8</u>	<u>E</u> <u>C</u>	<u>40.4</u> <u>25.2</u>	<u>E</u> <u>C</u>
<u>Fremont/Del Monte On-Ramp</u>	<u>Merge</u>	<u>2</u>	<u>AM</u> <u>PM</u>	<u>--</u> <u>35.5</u>	<u>F</u> <u>E</u>	<u>--</u> <u>36.1</u>	<u>F</u> <u>E</u>
<u>Canyon Del Rey Off-Ramp</u>	<u>Diverge</u>	<u>2</u>	<u>AM</u> <u>PM</u>	<u>--</u> <u>40.0</u>	<u>F</u> <u>E</u>	<u>--</u> <u>--</u>	<u>F</u> <u>F</u>

Note: **Bold** font indicates LOS F conditions.

Source: Fehr & Peers, 2019.

The changes reflected above would not result in alterations to the degree of impact or conclusions presented in the Draft EIR, and therefore do not constitute significant new information that would trigger Draft EIR recirculation under CEQA *Guidelines* Section 15088.5. Recirculation is required where there is “significant new information,” but new information is not “significant” unless it “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project.” (CEQA *Guidelines* Section 15088.5[a].) LOS impacts are no longer considered impacts on the environment, and therefore any new information regarding LOS are by definition not “significant” and do not require recirculation.

Analysis software files were provided directly to Caltrans by Fehr & Peers on December 30, 2019.

Response 4.5

The commenter states that traffic counts on State Route (SR) 1 were not included in the traffic appendix and requests they be provided along with methodologies for merging and weaving.

Transportation impacts were analyzed in Section 4.14 of the Draft EIR and are based on the Campus Town Specific Plan Transportation Analysis, included as Appendix K to the Draft EIR. In consultation

with City of Seaside staff, the transportation study area was selected to include intersections likely to be affected by traffic generated by the Proposed Project, which included an analysis of State Route 1 at two intersections: 1) State Route 1 between Lightfighter Drive and Del Monte Boulevard; and 2) State Route 1 between Del Monte Boulevard and Canyon Del Rey Boulevard (Draft EIR Appendix K, page 8).

Given the interchange spacing and ramp configurations among the mainline segments studied in the Draft EIR, Fehr & Peers completed a capacity analysis to assess the overall freeway mainline and ramp operations to identify potential deficiencies. This analysis provides a good indication of the merging and diverging operations; for example, if a freeway mainline is not at capacity, then the merging vehicles would not be affected. Appendix K has been revised to include information regarding merge and diverge operations for informational purposes. Please refer to Section 4, *Amendments to the Draft EIR*, for these revisions.

Traffic counts for SR 1 ramps and interchanges are provided in Appendix A of the Draft EIR's Appendix K.

Response 4.6

The commenter states Caltrans typically utilizes the Highway Capacity Manual for intersection and ramp queuing analysis and requests to be provided with the Poisson distribution software files for review along with the justification for using the Poisson methods in the Ramp Queuing section. The commenter also requests Synchro files from Appendix I of the Transportation Analysis (Appendix K to the Draft EIR) including files for SR 1, and states that the Synchro models provided to Caltrans appear to be only for the local street network and not the full SR 1 and mainline, so that complete review was not possible.

Draft EIR Appendix K (Campus Town Transportation Analysis) summarizes the freeway ramp queuing analysis calculated in Synchro using the 2010 Highway Capacity Manual outputs at the off-ramps with signalized terminal intersections. The Highway Capacity Software spreadsheet, which has been approved and used in multiple Caltrans districts, was used to calculate density on freeway segments, as Synchro is not able to evaluate freeway density and LOS. The reference to the use of Poisson's distribution is a typo that has since been corrected on pages 85 and 86 of Appendix K, to note that Synchro was utilized use the 2010 HCM outputs. The requested Synchro files were provided by Fehr & Peers to the commenter on December 30, 2019.



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August 19, 2019

Kurt Overmeyer
Economic Development Manager
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

SUBJECT: Comments on the Campus Town Specific Plan Draft Environmental Impact Report

Dear Mr. Overmeyer:

The Transportation Agency for Monterey County (TAMC) is the Regional Transportation Planning and Congestion Management Agency for Monterey County. TAMC staff have reviewed the Draft Environmental Impact Report (DEIR) for the Campus Town Specific Plan.

5.1

The Campus Town Project proposes the construction and operation of up to 1,485 housing units; 250 hotel rooms; 75 youth hostel beds; 150,000 square feet (sf) of retail, dining, and entertainment uses; 50,000 sf of office, flex, makerspace, and light industrial uses; as well as approximately nine acres of private open space. The project is located south of the Cal State Monterey Bay Campus, on the former Fort Ord Army Base near the freeway interchange at Lightfighter Avenue and Highway 1. The draft document contains many provisions that support alternative modes of transportation and TAMC appreciates the efforts made to integrate bicycle and pedestrian facilities.

TAMC staff offers the following comments regarding the DEIR:

Regional Road and Highway Impacts

1. The total new development for this project is estimated to generate 2,647 combined AM and PM peak hour trips, with an applied magnitude of about 30% trip reduction. TAMC requests that a quantifiable justification is offered for this degree of trip reduction.
2. **TAMC predicts that the trip distribution analysis underestimates the impact of the project on Highway 1 to the south.** The DEIR Transportation Analysis's assigned only a 10% trip distribution towards the Monterey Peninsula during the AM peak. A development of this magnitude with a trip generation of 1,327 trips during AM peak should anticipate contributing more than 108 AM southbound trips on Highway 1. A 2018 study that TAMC and Monterey-Salinas Transit conducted established that the Average Annual Daily Traffic along Highway 1 between Fremont Blvd in Seaside to Imjin Parkway is 83,000 – the highest segment of traffic volumes in Monterey County in 2015. This study was conducted to establish the feasibility of a bus rapid transit system to parallel the Highway 1 during peak hours. TAMC and Monterey-Salinas Transit have moved forward into the design and environmental process for the Highway 1 Rapid Bus Corridor project.

5.2

3. The Fremont Street and Highway 1 interchange was not considered in the DEIR's Transportation Analysis section. TAMC asks that the direct transportation impacts to this interchange be evaluated and appropriate fare-share payments be made to mitigate impacts that result from this project.
4. To mitigate cumulative impacts to the regional transportation system, TAMC supports and considers payment of the Ford Ord Reuse Authority's (FORA) development impact fee as sufficient mitigation of impacts to regional facilities for projects located within the boundary of the former Fort Ord. Upon the closure of the FORA, payment towards the Transportation Agency's Regional Development Impact Fee will be accepted as mitigation.

5.3

Bicycle and Pedestrian Impacts

5. TAMC strongly supports the policy in Section 2.4.6.1 of the Campus Town Specific Plan to implement roundabouts to slow vehicles and improve multi-modal transportation near the project site. TAMC believes it is a good policy that helps achieve the project's Objective # 4 to create a vibrant multi-modal transportation network for pedestrians and bicyclists.
6. The transportation section of the DEIR should explain the intended timeline of constructing the roundabouts at General Jim Moore Blvd./ Lightfighter Drive and General Jim Moore Blvd./ Gigling Road in relation to the Campus Town development. This detail is crucial for evaluating how pedestrians and bicyclists can safely travel between both sides of the Campus Town project across General Jim Moore Blvd during and after construction of the Campus Town Project.
7. TAMC requests the inclusion of an Intersection Control Evaluation (ICE) in the Transportation Analysis section for these two intersections:
 - Lightfighter Dr./ 1st Ave
 - Lightfighter Dr./ 2nd Ave

5.4

5.5

5.6

TAMC believes Lightfighter Drive is a barrier to walking and bicycling. Therefore, the intended timeline of construction for the Campus Town Project and the intersection improvements is critical for evaluation pedestrian and bicycle safety.

8. To accomplish Objective # 4, the development should place a premium on safe and accessible pedestrian access to the site from intersections and crosswalks, sidewalks, and bicycle facilities. The project site should also be designed with sidewalks that connect to external facilities and provide access to transit stops. As per Caltrans standards, bicycle lanes should be constructed to the left of any right-hand turn lanes included in the development or constructed off-site as mitigation. Also, the document should address the need for any new roadways be designed to accommodate bicycles with adequate pavement for bike travel, with specific dimensions clearly identified, particularly along major arterials.
9. TAMC supports the integration of Complete Streets design in the Campus Town Specific Plan to support comfortable and safe travel of bicyclists and pedestrians. TAMC requests that further information and mapping is provided regarding supportive infrastructure to encourage bicyclists and pedestrians, such as the placement of bike parking and/or lockers. Bicycle racks should be placed near building entrances, and the development should consider

5.7

installing bike lockers and adequate lighting to improve safety and visibility.

10. TAMC encourages the integration of bulb-outs at crosswalks to slow traffic and reduce the crosswalk length, especially along major arterials such as Colonel Durham Street and Gigling Road.

↑
5.7
(cont'd)

Transit Impacts

11. TAMC supports the proposed projects intent to implement and design new transit facilities in the Project Area with guidance from Monterey-Salinas Transit. Monterey-Salinas Transit's *Designing for Transit* Guideline Manual should be used as a resource for accommodating the existing (Transit Lines 12, 18, 74, and 75) and potential future transit access to the project site.

5.8

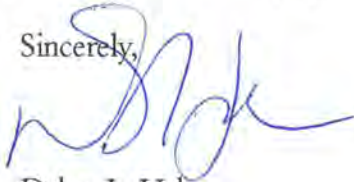
Additionally, the Agency offers the following minor edit:

Figure 4.14-3 inaccurately portrays the Fort Ord Regional Trail and Greenway (FORTAG) alignment. Enclosed is a geographic file (.kmz) containing the current alignment. TAMC recommends coordination regarding FORTAG with Stefania Castillo, Transportation Planner, at stefania@tamcmonterey.org.

5.9

Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact Madilyn Jacobsen of my staff at 831-775-4402 or madilyn@tamcmonterey.org.

Sincerely,



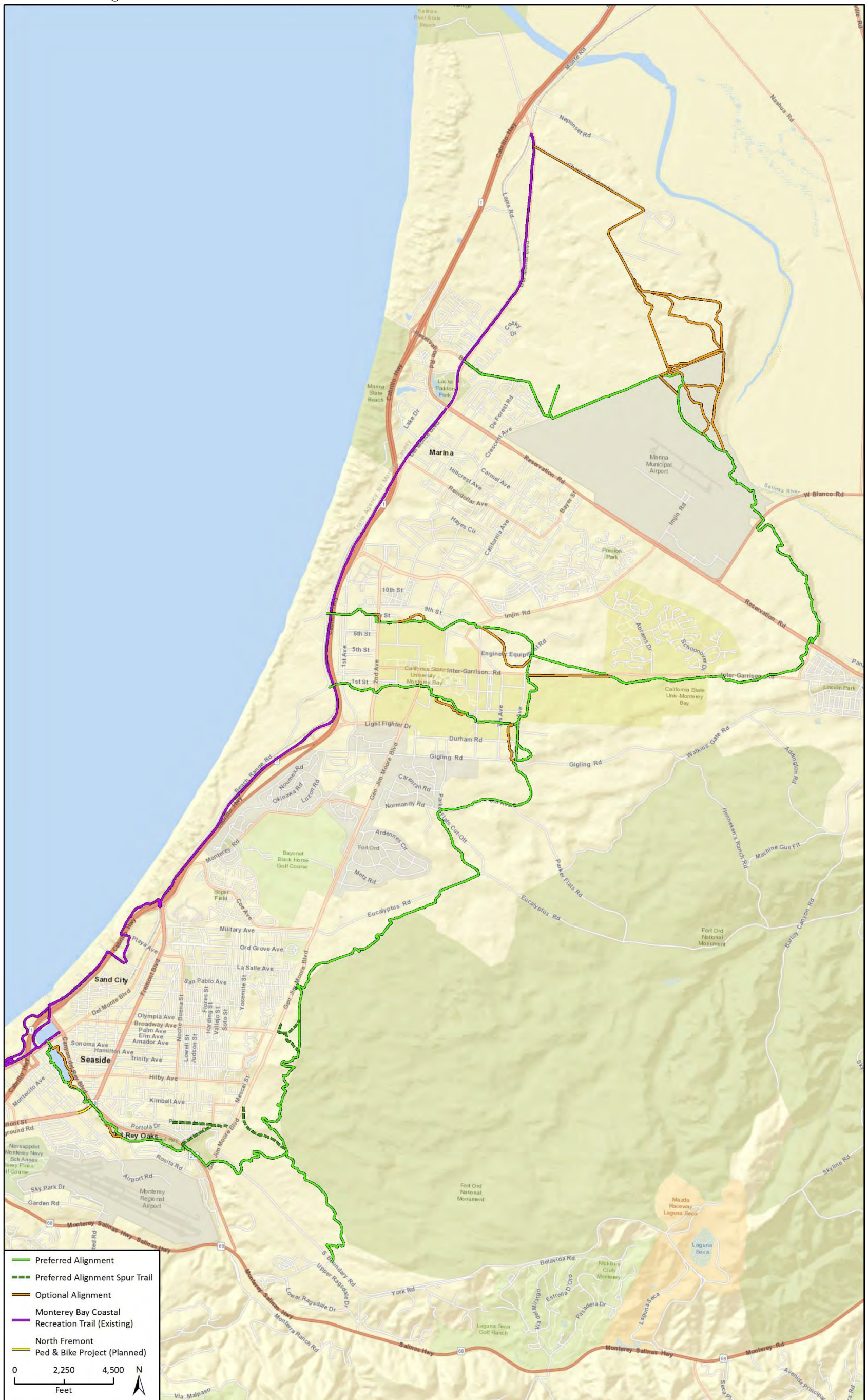
Debra L. Hale
Executive Director

Enclosures:

- FORTAG Alignment (.kmz)
- FORTAG Alignment (.pdf)

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Figure 1 FORTAG Alignment



Imagery provided by ESRI and its licensors © 2019.
Additional data provided by Alta, 2019.

Fig 1. FORTAG Proposed Alignment

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Letter 5

COMMENTER: Debra Hale, Executive Director, Transportation Agency for Monterey County

DATE: August 19, 2019

Response 5.1

The commenter summarizes the Proposed Project and notes that the Specific Plan supports alternative modes of transportation.

The comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 5.2

The commenter requests that a quantifiable justification be offered for the assumed 30 percent trip reduction and states that the trip distribution analysis underestimates the impact of the Project on SR 1.

The commenter is referencing the Peak Hour Trip Generation discussion in Draft EIR Appendix K, page 50, which is part of the vehicular Level of Service (LOS) analysis. As discussed in Appendix K, Senate Bill (SB) 743, signed by Governor Jerry Brown in 2013, changes the way transportation impacts are identified under CEQA. SB 743 codified PRC Section 21099(b)(2) which generally states that "automobile delay, as described solely by [LOS]" or similar measures of vehicular capacity or traffic congestion "shall not be considered a significant impact on the environment." The CEQA *Guidelines* were updated in December 2018 consistent with SB 743, such that vehicular LOS will no longer be used as a determinant of significant environmental impacts related to transportation, and instead the analysis will focus upon VMT (Draft EIR, Appendix K, page i).

The commenter appears to be referencing the AM and PM peak hour ITE rates from Appendix K, Table 6. As an initial matter, the EIR does not assume a 30 percent trip reduction, the rate is slightly less than 26 percent (for combined AM and PM peak hour rate reductions) in comparison to the ITE trip generation rates. As discussed in Draft EIR, Appendix K, page 49:

To capture the effect of the proposed land use mix on peak hour vehicle trip generation, the proposed Plan trip generation was estimated using the MainStreet web-based transportation analysis method. MainStreet creates adjustments to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition method of applying rates to the individual land uses and summing the results, *which has been shown to overestimate traffic generation for mixed-use developments (MXDs) by an average of 35 percent*. [Please also see Final EIR Section 4, revisions to Draft EIR Appendix C to Appendix K, *Traffic Impact Study*.] Specifically, MainStreet accounts for the balanced mix of land uses, compact design, good neighborhood connectivity and walkability, and location efficiency of the proposed Plan. Further documentation on MainStreet may be found in Appendix C. Appendix C also includes a brief explanation of the land use types considered for use in the trip generation estimates.

Table 6 presents the peak hour trip generation summary for the Plan. It includes the base trip generation estimates and the mixed-use reductions estimated by the MainStreet model. The Plan's external vehicle trip generation (amount of traffic added to the streets) is approximately

1,086 morning peak-hour trips (387 inbound trips and 699 outbound trips) and 1,561 evening peak-hour trips (875 inbound trips and 687 outbound trips).

Please refer to Response 1.41 regarding the MXD+ model. Additional justification for use of the MXD+ model is also provided in Appendix C to the Draft EIR Appendix K, Transportation Analysis.

A MainStreet summary has also been added as Appendix L to Draft EIR Appendix K, which can be viewed in Section 4, *Amendments to the Draft EIR*. Trip reductions associated with the LOS calculations were performed for informational purposes and are provided in Draft EIR Appendix K, Chapter 9, for reference.

The commenter appears to be referencing the trip distribution discussion in Appendix K, Figure 8, which is associated with the vehicular LOS analysis. As noted above, this analysis was not used for the purposes of CEQA. Given the Plan Area's proximity to the CSUMB campus, it was assumed that a large portion of the trips would access CSUMB and fewer trips were assumed to travel further to the north and south. However, approximately 40 percent of the trip generation is estimated to travel to the south of the Plan Area using SR 1 (10 percent) and General Jim Moore Boulevard (30 percent). Please refer to Draft EIR Appendix K, Figure 8 for these trip assignments. The majority of the Plan Area is located to the east of General Jim Moore Boulevard, a primary north-south corridor, and vehicles would need to travel through General Jim Moore Boulevard to access SR 1. Therefore, a larger percentage of trips were assumed to use General Jim Moore Boulevard to access south Seaside and other locations compared to SR 1, and no revisions are required to the assumed trip distributions.

Response 5.3

The commenter states that the Fremont Street and SR 1 interchange was not considered in the vehicular LOS transportation analysis and requests this interchange be evaluated and fair share payments be included as mitigation. The commenter also requests payment of the FORA and TAMC development impact fees.

As noted in Response 5.2, vehicular LOS is no longer considered an environmental impact under CEQA. The Project is not anticipated to contribute a significant number of trips to the interchange of Fremont Street and SR 1, which is located nearly five miles south of the Plan Area, and would have minimal trip distribution/generation from the Project, as discussed in Response 5.2. This interchange would be used to access south Seaside and Sand City. Project trips would be more likely to use General Jim Moore Boulevard than SR 1, so on-ramps and off-ramps would not be utilized. Thus, an evaluation at these ramps was not necessary and mitigation is not required. Nevertheless, the project applicant would be required to pay applicable transportation fees as a regulatory requirement, regardless of whether traffic impacts are considered to be significant.

Response 5.4

The commenter expresses support for implementing roundabouts to improve multi-modal transportation near the Plan Area. The comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 5.5

The commenter requests that the EIR explain the intended timeline of roundabout construction at General Jim Moore Boulevard/Lightfighter Drive and General Jim Moore Boulevard/Gigling Road intersections. The commenter states that the construction timeline for improvements is critical for evaluating pedestrian and bicycle safety.

The City anticipates that both roundabouts will be constructed before the completion of Phase 1 of the Project, subject to the Army's approval process. As stated on page 4.14-26 of the Draft EIR, the two roundabouts would replace signaled intersections and are intended to reduce traffic speeds through the Plan Area and the CSUMB campus. These roundabouts are intended to calm traffic, encourage slower-moving traffic, and are designed to substantially decrease existing traffic-related hazards. Please refer to the Draft EIR, page 4.10-57.

Please also note that the Project includes a construction traffic management plan, as discussed on in the Construction traffic analysis on Draft EIR page 4.14-20, which includes:

- Identify proposed truck routes to be used
- Specify construction hours, including limits on the number of truck trips during the AM and PM peak traffic periods (7:00 – 9:00 AM and 4:00 – 6:00 PM), if conditions demonstrate the need
- Include a parking management plan for ensuring that construction worker parking results in minimal disruption to surrounding uses
- Include a public information and signage plan to inform student, faculty and staff of the planned construction activities, roadway changes/closures, and parking changes
- Store construction materials only in designated areas that minimize impacts to nearby roadways
- Limit the number of lane closures during peak hours to the extent possible. Inform the Campus at least two weeks before any partial road closure
- Use Caltrans certified flag persons for any temporary lane closures to minimize impacts to traffic flow, and to ensure safe access into and out of the project sites
- Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones
- To minimize disruption of emergency vehicle access, affected jurisdictions (Campus Police, City Police, County Sheriff, and City Fire Department) will be consulted to identify detours for emergency vehicles, which will then be posted by the construction contractor
- Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary
- Coordinate with under construction near the project site, so an integrated approach to construction-related traffic is developed and implemented

The construction analysis further notes that the Proposed Project would be subject to a standard condition of approval that requires the applicant to develop a construction management plan in accordance with the latest version of the California Manual on Uniform Traffic Control Devices (MUTCD). As part of these requirements, there are provisions for coordination with local emergency services, training for flagman for emergency vehicles traveling through the work zone, temporary lane separators that have sloping sides to facilitates crossover by emergency vehicles, and vehicle storage and staging areas for emergency vehicles. MUTCD requirements also provide for construction work during off-peak hours and flaggers. Among these requirements, are provisions for

“Detour for Bike Lanes on Roads with Closure of One Travel Direction.” There would be no significant impacts to any modes of transportation as a result of construction activities.

Response 5.6

The commenter requests the inclusion of Intersection Control Evaluations (ICE) for the intersections of Lightfighter Drive with First Avenue and Second Avenue. The commenter states that the construction timeline for improvements is critical for evaluating pedestrian and bicycle safety.

According to the US Department of Transportation’s Primer on ICE, ICE is a framework and approach used to objectively screen alternatives and identify an optimal geometric and control solution for an intersection. Agencies can choose to adopt ICE policies, which are generally applicable to intersections along State highways or any intersection project that will utilize Federal or State funds.⁴ ICE is not required for intersection projects off the State system and involving funding other than Federal or State.

The Project does not propose any major intersection geometry modifications at either intersection, aside from modifications to the south legs that provide direct access to the Plan Area. The Project may update traffic signal equipment at these intersections if determined necessary by the Conditions of Approval. Roundabouts or other substantive changes to the traffic control or geometry at the locations referenced by the commenter are not being considered as part of the Project. Additionally, as described in Draft EIR pages 4.14-18 and 4.14-19, the Project would improve existing bicycle and pedestrian facilities in comparison to existing conditions. Therefore, an ICE was not completed as part of the Final EIR.

Furthermore, the commenter is referencing existing conditions, and it is not the purpose of CEQA to fix existing environmental issues. (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”].)

Response 5.7

The commenter states that the Project should be designed with sidewalks to connect to external facilities and provide access to transit stops, and include bicycle lanes to the left of any right-turn lanes constructed in the development or as off-site mitigation. The commenter requests further information and mapping for bicycle and pedestrian infrastructure. The commenter also requests the document address the need for any new roadways to be designed to accommodate bicycles with adequate pavement for bike travel with specific dimensions clearly identified. Finally, the commenter encourages bulb-outs at crosswalks to slow traffic and reduce crosswalk length.

The Draft EIR concludes that impacts to pedestrians and bicyclists would be less than significant, consequently no mitigation measures are required (see Draft EIR, Impact T-1). The Project analyzes pedestrian impacts and states the Proposed Project’s street grid network and off-street paths to CSUMB would increase utilization of sidewalks and that would improve pedestrian connections to transit stops. Furthermore, the Project integrates complete streets and bicycle and pedestrian improvements to promote multimodal travel, including street design features such as bulb outs, bicycle lanes, and bicycle routes. General dimension guidance for complete streets is provided, and specific dimensions will be determined during engineering design of the Project.

⁴ U.S. Department of Transportation, Federal Highway Administration, Primer on Intersection Control Evaluation (ICE), <https://safety.fhwa.dot.gov/intersection/ice/fhwasa18076/fhwasa18076.pdf>, accessed on November 20, 2019.

The Project also supports providing supportive infrastructure and mapping to encourage cyclists and pedestrians. On-site bicycle and pedestrian amenities will be provided as the Project is constructed. The Project incorporates high-quality and attractive pedestrian amenities on commercial area streets, including bus shelters, waste/recycling receptacles, bike racks, benches, and other similar amenities (Draft EIR, page 4.10-44). Refer to the Specific Plan, Chapter 3, *Public Realm Standards and Guidelines*, for more information on pedestrian and bicycle facilities.

In response to the commenter's request for roadway designs to accommodate bicycles with adequate pavement and with specific dimensions clearly identified, the Specific Plan states lanes dedicated for bicyclists will have special lane markings, pavement legends, and signage. The lanes will be at least five feet wide. Please refer to page 21 of the Specific Plan (Draft EIR Appendix B) for a discussion of the class of bikeways that will be incorporated into the Plan Area. The remainder of the comment pertains to a preference for Complete Streets design and the use bulb-outs and does not address the adequacy of the EIR or CEQA process. Therefore, no further response is required.

Response 5.8

The commenter recommends using the MST *Designing for Transit* Guideline Manual as a resource for accommodating the existing (Transit Lines 12, 18, 74, and 75) and potential future transit access to the site.

This comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 5.9

The commenter provides the correct Fort Ord Regional Trail and Greenway (FORTAG) alignment with an attached geographic file of the current alignment and requests that Figure 4.14-3 be updated.

Figure 4.14-3 has been revised with the correct FORTAG alignment. Please refer to Section 4, *Amendments to the Draft EIR*, to view this figure.



Letter 6

OFFICE OF THE VICE PRESIDENT
ADMINISTRATION AND FINANCE
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831-582-3339 fax
csumb.edu

August 22, 2019

Kurt Overmeyer
City of Seaside
Economic Development Program Manager
440 Harcourt Avenue
Seaside, CA 93955

Re: CSUMB Comment Letter on the Campus Town Draft Environmental Impact Report

Dear Mr. Overmeyer:

Thank you for the opportunity to comment on the Campus Town Draft Environmental Impact Report (DEIR). As the Project's neighbor located directly adjacent and to the north, our communities have the opportunity to mutually benefit from and or be impacted by each other's developments. Project objective 2 *"Provide shopping, employment, and housing opportunities for households of various sizes and income levels, in close proximity to one another and the CSUMB campus, and to reduce vehicle miles traveled on a per capita basis"* and objective 4 *"Create a vibrant multi-modal transportation network, including improvements which encourage pedestrian and bicycle activity"* directly support CSU Monterey Bay's own Master Plan goals to create a bike and pedestrian prioritized campus.

6.1

In regards to the DEIR, we submit the following comments which were largely reflected in the attached 10/18/18 letter submitted on the Draft Campus Town Tentative Map (Attachment A).

6.2

1. Storm water

a. Impact HWQ-3 "Development under the Proposed Project would alter drainage patterns and increase runoff in the Plan Area, but would not result in substantial erosion or siltation on or off site, result in increased flooding on or off site, exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional polluted runoff. Impacts would be less than significant (pg 39)."

i. We note that according to Appendix I Campus Town Preliminary Post Construction Stormwater Control Plan was only prepared for 837 residential lots (not the full project being analyzed by the DEIR) and Figure 4.2 SCM Site Map (east) Preliminary Stormwater Control Plan, shows Infiltration Basin E-2 designed on campus property. As discussed with Seaside staff, the campus has not provided approval for storm water discharge on to campus property for partial or full buildout of the project.

<ul style="list-style-type: none"> b. System Disconnection – As noted in the attached, CSUMB expects the project to disconnect its existing stormwater system from that of the campus. 	↑ 6.2 (cont'd)
<p>2. Vesting Tentative Map (pg 77-78)</p>	
<ul style="list-style-type: none"> a. Future Monterey Bay Charter School - As noted in the 2017 Draft CSU Monterey Bay Master Plan, the campus plans to include the Monterey Bay Charter School (MBCS) on campus-owned site directly north of the project between 6th and 7th avenues. The campus would like to work closely with the City and Project proponent on the ultimate design and use of the two parcels proposed for housing within the MBCS Plan Area. The development of these parcels has the potential to impact the K-8 school in terms of noise, circulation and safety of the students. 	6.3
<p>3. Transportation</p>	
<ul style="list-style-type: none"> a. Multimodal objectives – Pathway designation changes - The campus asks that the project reevaluate the cyclist and pedestrian safety impacts involved in reducing proposed class I and IV (separated or off-road) pathways to class II and III (in roadway) pathways. It is imperative that Campus Town and CSUMB communities can safely travel by non-motorized transport between the two projects. As noted above, the Specific plan states two objectives (2 and 4) which closely align with those of the campus and support connecting the two projects for non-automobile traffic to reduce vehicle miles traveled. This reclassification has the potential to decrease the safety and connectivity of cyclists between the two projects, thereby reducing bicycle traffic (especially for children and new cyclists) and increasing vehicle trips. The campus asks that the Project re-evaluate and reconsider the safety impacts of the on street class II and III bikeways over those of class I and IV bikeways in an effort to further reduce VMT by promoting a safe connection between the two projects especially along Lightfighter Drive, Gigling Road, and General Jim Moore Boulevard. 	6.4
<ul style="list-style-type: none"> b. Roundabouts versus signalized intersections – Please clarify if the project proposes to construct roundabouts or signals at future intersections. There is a discrepancy between documents and appendices. As noted in the previous letter, the campus will need to coordinate on the development of all transportation improvements on roadways abutting campus property or requiring right of ways from the University. 	6.5
<ul style="list-style-type: none"> c. FORTAG 	
<ul style="list-style-type: none"> i. Malmedy Road - The campus appreciates the redesign of Malmedy Road (Attachment B – drawing provided to CSUMB) to include a separated Class IV trail connection through the project. We also note that FORTAG is included in Specific Plan Figure 2.9 Conceptual Bicycle and Trail Network Diagram (pg 37) and it shows 3 future trail connections to the North (2) and South (1). ii. Figure 4.14-2 Existing and Planned Bicycle Facilities Network (pg 465) – This DEIR figure shows Malmedy Road as a Class II bikeway and Lightfighter Drive as a class IV bikeway. This is inconsistent with the figure noted above. 	6.6
<ul style="list-style-type: none"> d. Transit 	
<ul style="list-style-type: none"> i. CSUMB Routes - Note that Figure 4.14-1 bus routes on campus are a mixture of current and past routes. 	6.7 ↓

- ii. **CSUMB Transit Pass** – Note that CSUMB’s transit pass for ID card holders noted on Page 4.14-4 is free 'at time of boarding'.

↑ 6.7
(cont'd)

Thank you again for the opportunity to provide input on the Project and DEIR analysis.

Sincerely,



Kevin Saunders
Executive Director University Corporation at Monterey Bay
& VP for Administration & Finance



October 18, 2018

Kurt Overmeyer
City of Seaside
Economic Development Program Manager
440 Harcourt Avenue
Seaside, CA 93955

Re: Draft Campus Town Tentative Map First Submittal

Dear Mr. Overmeyer:

CSU Monterey Bay (CSUMB) appreciates the City of Seaside honoring our request to provide early input on the Campus Town Project (Project) by sharing the 68-page Draft Campus Town Tentative Map First Submittal document dated July 2018 (Draft Map) for review. As Seaside's neighbor, located directly north and adjacent to the the Project, we feel strongly that we will mutually benefit from a high quality and well thought out project. With that in mind, CSUMB offers the following input on the Draft Map.

1. CSUMB Property Ownership

CSUMB would like to clarify that it owns property considered in the drawings for use as part of the Project. All relevant maps should indicate the accurate project boundary and that CSUMB owns the areas noted below. Any use of CSUMB property would require close design coordination and the attainment of campus easements (a lengthy process).

- a. Assessor's Parcel Number (APN) 031-101-012 property
- b. The Lightfighter Drive curve between General Jim Moore Boulevard and Colonel Durham Road (which may be considered for widening), APN 031-151-035
- c. The north side of General Jim Moore Boulevard and Lightfighter Drive intersection with campus entry monument (which may need to be relocated with intersection expansion), APN 031-101-044
- d. North of Colonel Durham Road at 6th Avenue between 6th and 7th avenues, APN 031-261-002

2. Off Site Stormwater

The University has made significant investment to protect water quality by implementing its 2006 Stormwater Master Plan and percolating its stormwater on campus. In addition, in order

to maintain its waiver from the Central Coast Regional Water Quality Control Board’s General Permit, CSUMB requests the Project disconnect from the existing storm drain system which discharges stormwater north through CSUMB at 6th and 7th avenues and Colonel Durham Road (page 59) and that the Project not plan any future stormwater discharge onto campus property as contemplated (pages 26, 44, 59, 63 and 67).

3. Coordination - University Planning Area

The Fort Ord Base Reuse Plan (BRP) identifies the southern perimeter of CSUMB as a “University Planning Area” in order to “coordinate all of the surrounding land planning and development issues that will involve coordination with the Campus. This Planning Area includes four districts: 1) Gateway Regional Entertainment Center; 3) POM Annex Retail and Services; 4) University Village with DFAS (now the Project); and 5) Community Park (BRP V1, pg 162, section 3.9.2).” CSUMB anticipates working closely with the Seaside Main Gate and Campus Town projects to address issues that will result from shared borders and the Fort Ord entrance. The development should also consider the University’s recent draft Master Plan document during the design of this project.

4. BRP Fort Ord Gateway - Lightfighter Drive Gateway Corridor Specific Plan

CSUMB has two southern campus entrances along Lightfighter Drive located at 2nd Avenue and General Jim Moore Boulevard. We anticipate working closely with the City of Seaside and its developers to coordinate issues related to the development of Gateway Corridor Specific Plan and to provide for an “integrated, well-designed gateway design concept to the former Fort Ord and CSUMB” (BRP, Vol 1, pg 165). We suggest a coordinated approach to addressing issues such as design aesthetics, pedestrian safety, shared utilities and meeting the intents of the BRP measures noted below, will best be met by working closely together.

a. “To achieve the community design vision, the City of Seaside shall implement” four measures which includes coordinating “...development within this district with the preparation of a Gateway Corridor Specific Plan that provides for an integrated gateway design concept to the former Fort Ord and CSUMB” (BRP, V1, pg 165, section 4).

e. In order to protect the visual qualities of the State Highway 1 Scenic corridor (which we interpret to include Lightfighter Drive) Seaside shall designate “a scenic corridor design overlay area between State Highway 1 and Del Monte Boulevard/General Jim Moore Boulevard” (BRP, V1, pg 165, section 5b).

2. Regional bike and pedestrian connections – The Fort Ord Rec Trail and Greenway (FORTAG) and

CSUMB has incorporated the proposed 30+ mile FORTAG regional network of paved recreational trails and greenways connecting communities to open space into its Draft Master Plan Update (attached map). The University considers the trail an important strategy for facilitating local and regional active transportation as well as reducing single occupant vehicle

travel. We note that the Draft Map does not show the FORTAG and recommend its inclusion in future project maps.

Furthermore, CSUMB strongly encourages Seaside and its developers to do their part to facilitate FORTAG connections through Campus Town, and the proposed Main Gate development, including the design of off-road paved trail connections through the Campus Town site, connecting existing and future alignments to the south in the City of Seaside, with the two Major Spurs through the campus' Southern Oak Woodland area. The FORTAG project has outlined measures that CSUMB encourages the project to implement in order to create a connected network accessible to all riders (including children, the elderly and those with disabilities). These design measures include: physical landscaped buffers separating trail users from vehicle traffic, accessible grade changes at project borders and protected trail crossings through medians.

CSUMB encourages the project to include the Monterey College of Law as an additional stakeholder to facilitate these trail connections through the Project site. We hope the Project will also provide a safe connection south across Gigling Road, to connect the trail with the future FORTAG Major Spur along the PG&E high voltage line corridor; a safer separated path along the east side of General Jim Moore Boulevard (page 9 -11) than the sidewalk shown adjacent to the roadway.

3. CSUMB – Campus Town Housing Interface

The Project proposes housing on the north side of Colonel Durham adjacent to CSUMB's Southern Oak Woodland, which currently includes sensitive species, existing trails, alignments for the two proposed FORTAG Major Spurs, a disc golf course and a ropes course. It is important to the campus that this interface be designed as a safe public transition space between the campus and housing neighborhoods, including pedestrian circulation and coordination between the campus and project on designs related to items such as fences, lighting, grade changes, trail access and design around the presence of Campus Town resident pets.

4. Campus-serving Utilities

In future drawings, please note CSUMB serving electric and natural gas connections as follows:

- a. North of the General Jim Moore Boulevard and Lightfighter Drive – PG&E provides CSUMB electric power east of the intersection via overhead electric power and provides gas connection to the west. Additionally there is a PG&E overhead electric line easement providing service to CSUMB and Marina along the length of 7th Avenue (page 46 and 68).
- b. 6th Avenue and Colonel Durham Road - PG&E provides CSUMB with an electric connection underground via an easement and by overhead lines on 6th Avenue from the Gigling Road Substation to the CSUMB boundary. Campus owned Natural Gas ends at an underground-capped vault in this intersection. There is also an abandoned gas line indicated as existing to the northeast of the intersection (pages 57-58).

5. **BRP Project Objectives - The University Village District (Campus Town)**

According to the BRP, the University Village District is to benefit from “surrounding activity generated by CSUMB” and “provide an important gateway function for CSUMB as well as significant concentration of neighborhood retail, business and personal services” (BRP, V1, pg 165). CSUMB strongly supports the “General Development Character and Design Objectives” (BRP, V1,pg 165) referenced below that would help create a village center, gateway to the campus and provide high quality and connected pedestrian access.

1. Promote a pattern of development that subdivides the large land resource into blocks to allow for convenience and publicly accessible circulation in a manner that creates an Urban Village Character with a mix of uses and a lively streetscape.
2. Create a central focus for the Village where retail and service uses are concentrated in a fine grain typical of historic “main-streets.”
3. Provide well-designed, pedestrian-oriented streetscapes that accommodate automobiles, bicycles, and truck deliveries.
4. Prepare a master landscape plan for the district that integrates street trees, provide an important gateway function for CSUMB as well as significant concentration of neighborhood retail, business and personal services pedestrian scaled lighting, graphics, and furnishings.

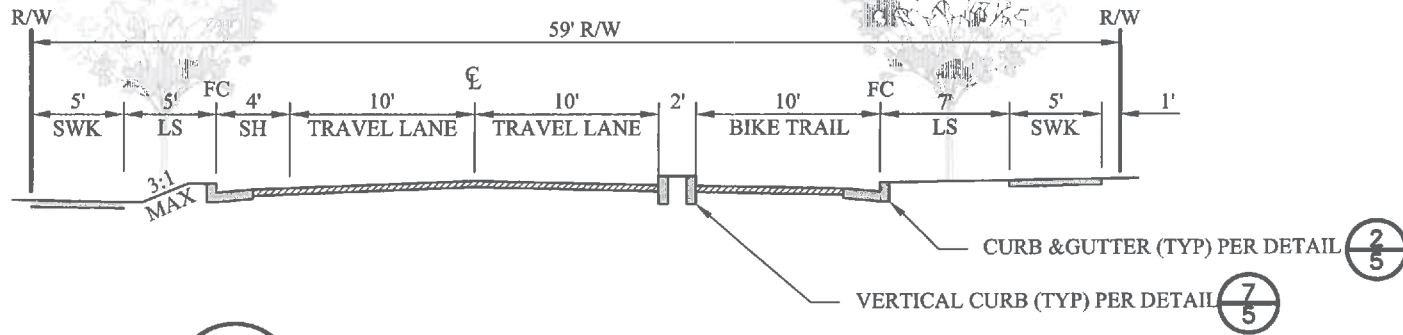
CSUMB greatly appreciates the opportunity to provide early and ongoing input into the Campus Town project design, and coordinate with the City of Seaside and Project team. The Campus Town project represents one of many planned developments along the campus’ boundary which have been long awaited by the community, and which the campus hopes will further enrich the University experience and contribute to our growing town and gown relationship. The Regional Urban Design Guidelines, adopted by FORA in 2016, emphasizes how the purpose of new Town Centers is to create “the main points of interest in settlements and act as gathering spaces for residents and visitors. They are places where the public feels welcome and encouraged to congregate and include a variety of uses such as commercial, retail, and residential ”. It is the hope of all at CSUMB that the Campus Town project fulfills this vision.

Sincerely,



Kevin Saunders

Executive Director University Corporation at Monterey Bay
& VP for Administration & Finance

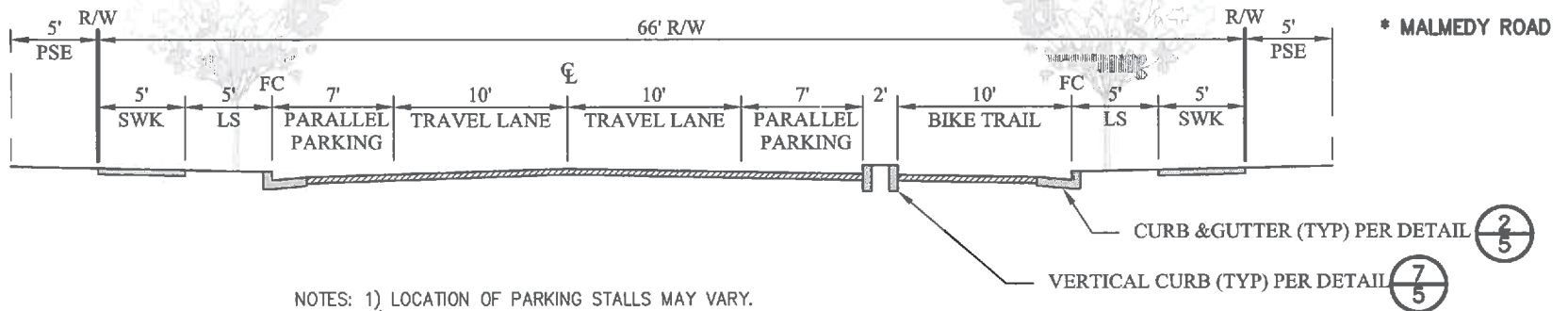


S.1
—

MAIN STREET - 1 (PUBLIC)

NO SCALE

(Malmedy, north of Colonel Durham)



- NOTES: 1) LOCATION OF PARKING STALLS MAY VARY.
 2) WESTERN SIDEWALK AND LANDSCAPING ON SIXTH STREET IS OUTSIDE OF PROJECT BOUNDARY. TO BE CONSTRUCTED IN THE FUTURE BY OTHERS.

S.2
—

MAIN STREET - 1 WITH BIKE LANE (PUBLIC)

NO SCALE

(Malmedy, between Colonel Durham and Gigling)

Letter 6

COMMENTER: Kevin Saunders, Executive Director and VP, California State University, Monterey Bay

DATE: August 22, 2019

Response 6.1

The commenter states that the Project's second objective supports CSUMB's own Master Plan goals. The comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 6.2

The commenter states the Stormwater Control Plan (Draft EIR Appendix I) was only prepared for 837 residential lots, and CSUMB has not provided approval for stormwater drainage onto campus property. The commenter states that CSUMB expects the Project to disconnect its existing stormwater system from the campus system.

As described, if agreements are not reached with CSUMB, the Project would construct an alternative facility within the Plan Area as depicted in Project Stormwater Control Plan Figure 5, "Alternative Basin Locations", submitted with the Project's VTM application. The alternative basin location would eliminate the need for the Project-related CSUMB basin.

The commenter also asserts that Draft EIR Appendix I was prepared only for 837 residential lots. As discussed in Draft EIR Appendix I on page 1, the Specific Plan proposes up to 867 single-family and townhouse units and an additional 618 multi-family units, with parcels for commercial, mixed-use, multi-family development and landscape areas. The Vesting Tentative Map (VTM) details 837 residential lots; however, the multi-family and townhome developments are not accounted for in these lots, which are sized for single-family homes. It is understood that future commercial/mixed-use parcels will provide separate stormwater management facilities and associated stormwater control plans, and these parcels are adequate for the provision of on-site stormwater control features. Therefore, Draft EIR Appendix I does not include calculations for future commercial/mixed-use areas or multi-family development areas. Draft EIR Appendix I does not preclude future commercial/mixed-used areas from being incorporated to the overall site stormwater control measures during final design refinement.

Any subsequent development will need to comply with the existing regulatory requirements discussed in Draft EIR Sections 4.9 and 4.16, including Table 4.9-2 which requires projects in excess of 15,000 square feet of impervious surfaces to "[p]revent offsite discharge from events up to the 95th percentile rainfall event using stormwater control measures" (page 4.9-12 of the Draft EIR).

Response 6.3

The commenter notes that the campus plans to include the Monterey Bay Charter School (MBCS) on a campus-owned site directly north of the Plan Area, and expresses a desire to work closely with the City and Project proponent on the design and use of the future school site. The commenter states the Project has the potential to impact the proposed MBCS new school in terms of noise, circulation, and safety.

The City will consult with CSUMB as future projects are proposed. However, as discussed in *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, CEQA does not require discussion of consistency with draft plans, such as the 2017 Draft CSUMB Master Plan. Furthermore, the 2017 Draft CSUMB Master Plan states that the MBCS project “is in the preliminary concept phase.” The 2017 Draft CSUMB Master Plan states that separate CEQA review is required for the MBCS project (SCH #2016031034). Refer to page 12.2 and Table 12.1 of the 2017 Draft CSUMB Master Plan, stating the MBCS project is in “the preliminary concept phase.” Furthermore, a Notice of Preparation has not yet been released for MBCS prior to the preparation of this Final EIR.

With regard to safety, please refer to Response 1.19 regarding bicycle lane design, and bicycle and pedestrian safety, which includes the safety of students traveling to and from school. Additionally, Section 4.8.3 of the Draft EIR states the MBCS campus would not be exposed to hazardous materials as a result of the Proposed Project:

The Monterey Bay Charter School has proposed a new school campus adjacent to the northeastern corner of the Plan Area. However, as discussed in Impact HAZ-1, the construction and operation of new land uses under the Proposed Project would not result in substantial exposure to hazardous emissions, materials, substances, or waste with adherence to applicable regulations. Therefore, the impact from exposure of existing and proposed schools to such hazardous materials would be less than significant. [page 4.8-16]

Furthermore, schools are required to prepare a School Safety Plans in compliance with Education Code Section 32282 et seq. (See *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889.)

With regard to the commenter’s noise concern, if MBCS is constructed and operational prior to buildout of the Project, the noise mitigation measures included in Section 4.11.3 of the Draft EIR to reduce construction noise and vibration would already be in place, and would ensure impacts to the future school would be reduced to a less than significant level. Further, the Draft EIR Section 4.11.3 discusses operational noise impacts due to increased traffic and operational noise, which are determined to be less than significant. Therefore, the proposed MBCS school would not experience significant operational noise impacts as a result of the Project.

Additionally, the siting of proposed school sites is subject to Title 5 of the California Code of Regulations (CCR), including the following sections. Section 14010(q) requires districts to consider environmental factors including light, wind, noise, aesthetics, and air pollution in their site selection process. Section 14030 requires safety and vehicle circulation considerations, sound-conditioning, and sound considerations. Section 11969.3, which requires noise suitability to be considered. Additionally, Section 11969.3(c)(1) lists factors to determine whether the condition of facilities is reasonably equivalent to the condition of comparison group schools. This applies to charter schools such as MBCS and would require adherence in pursuit of that project. Finally, Section 14030(m) addresses acoustical considerations and requires hearing conditions to promote good sound control in the school buildings. Title 24 Section 1.9.2 includes additional safety requirements for proposed school buildings.

Response 6.4

The commenter requests that bicycle and pedestrian safety be reevaluated regarding reducing proposed Class 1 and Class 4 pathways to Class 2 and Class 3 pathways in an effort to further reduce

VMT by promoting a safe connection between the Plan Area and CSUMB, especially along Lightfighter Drive, Gigling Road, and General Jim Moore Boulevard.

The purpose of CEQA is to analyze impacts based upon a comparison to existing conditions, not planning designations. (See *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316 [Agencies may use its discretion in analyzing traffic impacts by focusing on how roads function rather than how roads are formally designated.].) There are currently no existing bike paths in the Plan Area. Please refer to the Draft EIR, page 4.14-18 for a discussion of the current bicycle network in the Plan Area.

As discussed under Draft EIR Impact T-1, the Proposed Project would result in improvements to pedestrian and bicycle facilities in comparison to existing conditions. Furthermore, operational metrics, including projected speeds, were considered when determining the appropriate class of bicycle and pedestrian facilities. Under the Project, these streets would be designed to reduce speeds to 25 miles per hour, making bicycle routes an acceptable street feature on the local streets within the Plan Area. The streets would also be designed with traffic calming features to support walking and bicycling within and to/from the CSUMB campus. The Project's changes to bicycle and pedestrian facilities are consistent with the City's goals and policies for bicyclists and pedestrians.

Therefore, the analysis requested by the commenter is not required.

Response 6.5

The commenter requests clarification of where the Project proposes roundabouts and signals, as there are discrepancies between the Draft EIR and appendices.

The Project proposes to construct roundabouts at General Jim Moore Boulevard/Lightfighter Drive and General Jim Moore Boulevard/Gigling Road, as discussed in Draft EIR Section 2.4.6.1. All other intersections would remain as they currently are, unless otherwise approved in the Conditions of Approval or Development Agreement. The commenter does not identify any specific discrepancies; therefore, no further response is feasible.

Response 6.6

The commenter states that the redesign of Malmedy Road to include a Class 4 trail connection is shown as a Class 2 bikeway and Lightfighter Drive is shown as a Class 4 bikeway in Figure 4.14-2.

Thank you for your comment. Figure 4.14-2 has been updated to reflect the correct classification; please refer to Section 4, *Amendments to the Draft EIR*, to view this figure.

Response 6.7

The commenter notes that Figure 4.14-1 shows a mix of current and past bus routes. The commenter also states that CSUMB's transit pass noted on page 4.14-4 is free "at time of boarding."

Figure 4.14-1 was based on MST's online route information as of 2018. This figure has been updated to show MST's online route information as of October 2019; please refer to Section 4, *Amendments to the Draft EIR*, to view this figure. It should also be noted that CSUMB's website identifies MST as the only transit operator through the CSUMB campus.



August 22, 2019

Community Development Department
Attn: Kurt Overmeyer
City of Seaside
440 Harcourt Avenue
Seaside, California 93955

**RE: Comments on Proposed Campus
Town Project and Specific Plan EIR**

Dear Mr. Overmeyer:

This letter provides Monterey-Salinas Transit (MST) comments on the proposed Campus Town Specific Plan project and accompanying EIR located in northern Seaside.

7.1

1. Page 4.14-3: The red dashed line on the map should indicate MST’s intention to propose a Bus Rapid Transit project along the Monterey Branch Rail line. We are in the process of hiring a consultant team to prepare environmental documents and preliminary engineering.

2. Page 4.14-4 (Table 4.14-1): Please indicate the date of transit information. As reference, we produce Rider’s Guides with new route and schedule information approximately every 6 months and the effective date is included on the front cover.

7.2

Please note that this statement should be edited as follows:

Additionally, all transit users with physical **and/or cognitive** disabilities **may** have access to the MST paratransit ~~program~~ **service known as {RIDES}**. This service operates on a point-to-point basis. ~~Appointments are~~ **and eligibility is required to guarantee for service, and service is not available on weekends or holidays.**

3. Page 4.14-17: Transit impacts are not limited to overcrowding, capacity issues, or bus stops. Over time, buses reach a useful life and need to be replaced. Please address the impact of replacement vehicles as a result of the proposed project

7.3

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

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

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

4. MST recommends that if the development moves forward, the City include conditions of approval which require the developer/seller to buy one (1) monthly MST bus pass for each new resident. This action will help remove barriers to riding transit. 7.4
5. Additionally, please require the developer to coordinate with and receive approval from MST on any proposed bus stop designs and locations so that they are constructed to MST and ADA standards. 7.5
6. Finally, if the Campus Town Specific Plan expects that MST buses would travel through and serve the new development, it is imperative that the street, sidewalk, planter strips, and crosswalks be designed so that 40' buses can maneuver through intersections, along the street, and stop at ADA accessible bus stops. Bulb-outs and narrow streets are often impediments to safe bus travel. And, planter strips between the street and sidewalk limit where bus stops can be installed to meet ADA standards.

If you have any questions about the above comments, please do not hesitate to contact me at lrheinheimer@mst.org or 831-264-5874.

Sincerely,



Lisa Rheinheimer
Director of Planning and Marketing

Letter 7

COMMENTER: Lisa Rheinheimer, Director of Planning and Marketing, Monterey-Salinas Transit

DATE: August 22, 2019

Response 7.1

The commenter states that on page 4.14-3 of the Draft EIR (Figure 4.14-1) the red dashed line should indicate MST's proposed Bus Rapid Transit project along the Monterey Branch Rail Line.

In response to this comment, Figure 4.14-1 has been revised to note the proposed Bus Rapid Transit Project. The revised figure is shown in Section 4, *Amendments to the Draft EIR*.

Response 7.2

The commenter requests the date of transit information be included in Table 4.14-1 for reference, as the Rider's Guide is updated twice yearly. The commenter also recommends edits to Draft EIR text regarding transit users.

The date of transit information is November 2018 as shown in Table 1 in the Draft EIR Appendix K, and this has been added to the Table 4.14-1 (page 4.14-4 of the Draft EIR), as shown below. The data from November 2018 was used in the Draft EIR analysis, as this was the data available at the time the Notice of Preparation was published.

Table 4.14-1 Existing Transit Route Headways

Route	Description (to/from)	Hours of Operation	Average Weekday Headway
12	The Dunes - NPS	6:45am to 5:38pm	Varies between one and four hours
18	Monterey - Marina	6:07am to 10:45pm	Every 60 minutes
67	Presidio - Marina	Friday from 2:15 pm to 10:10 pm Weekends from 10:15am to 10:10 pm	Every 120 minutes on Fridays Every 60 minutes on weekends
74	Presidio – Toro Park	6:30am to 6:00 pm	One route in each direction in the morning and one evening route towards Toro Park
75	Presidio – Marshall Park Express	5:55 am to 9:56 pm	Varies between 60 to 120 minutes

Source: Fehr & Peers 2019; [transit information dated November 2018](#).

In response to this comment, page 4.14-1 of the Draft EIR has been revised as follows:

Students, staff, and faculty of CSUMB receive free unlimited access on all MST regular bus routes with their CSUMB Otter ID card. Additionally, all transit users with physical and/or cognitive disabilities may have access to the MST paratransit ~~program~~ service known as (RIDES). This service operates on a point-to-point basis. ~~Appointments are~~ and eligibility is required ~~to guarantee~~ for service, ~~and service is not available on weekends or holidays.~~

Response 7.3

The commenter states that additional transit impacts from buses needing to be replaced should be addressed.

OPR's December 2018 Technical Advisory on Evaluating Transportation Impacts under CEQA explains: "When evaluating impacts to multimodal transportation networks, lead agencies generally should not treat the addition of new transit users as an adverse impact" (OPR Technical Advisory, page 19). As also discussed in OPR's SB 743 amendment package transmittal letter "[l]egislative findings in Senate Bill 743 plainly state that CEQA can no longer treat vibrant communities, *transit*, and active transportation options *as adverse environmental outcomes*." See also *City of Hayward v. Board of Trustees of the California State University* (2015) 242 Cal.App.4th 833, 842, 843 ["The need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate"].

Bus maintenance and replacement are operational costs of MST, which is funded by its operating budget. The Transportation Analysis conducted a public transit ridership analysis to determine if additional transit capacity is needed as a result of the Project. Overall, the Project is not expected to substantially increase ridership for the existing transit routes beyond capacity (see Draft EIR Appendix K); however, the additional riders would contribute to fare box revenue that can help pay for MST operations costs.

Response 7.4

The commenter recommends a condition of approval to require developers to buy one monthly MST bus pass per each new resident.

The comment is acknowledged and will be presented for review and consideration by the City's decision-making body. However, this suggestion would not reduce or avoid a significant impact, and is not included in the transportation demand management program. Additionally, residents of the Plan Area may be students, staff, and faculty of CSUMB, who already receive free unlimited access on all MST regular bus routes with their CSUMB Otter ID card, as stated in the Draft EIR on page 4.14-4.

Response 7.5

The commenter requests that the developer coordinate with and receive approval from MST on proposed bus stop designs and locations. The commenter states that bus routes throughout the site should be designed to allow buses adequate space for maneuvering and provide ADA accessibility.

Please refer to the Campus Town Specific Plan Section 4.6, *Urban Standards and Guidelines*, which notes ADA accessibility standards apply; furthermore, the Draft EIR discusses this requirement to meet ADA requirements pursuant to Title 24 of the California Code of Regulations on page 4.10-44 of the Draft EIR. In addition to the ADA standards, the Proposed Project is required to comply with the National Association of City Transportation Officials (NACTO) standards, as denoted in the Draft EIR on page 4.14-25. The Proposed Project should be ADA compliant and meet NACTO standards for sidewalks, street trees, planting strips, and pedestrian-oriented lighting (Draft EIR page 4.10-13).

This comment pertains to the design of bus stops and does not address the adequacy of the EIR or CEQA process. The comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Letter 8



24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

August 23, 2019

Kurt Overmeyer
City of Seaside, Economic Development Dept.
440 Hartcourt Avenue
Seaside, CA 93955

Email: Kovermeyer@ci.seaside.ca.us

SUBJECT: DEIR Campus Town Specific Plan (SCH# 2018021079)

Dear Mr. Overmeyer,

Thank you for providing the Monterey Bay Air Resources District (Air District) with the opportunity to comment on the above-referenced document.

8.1

The Air District has reviewed the document and has the following comments:

Tree Removal:

- The Proposed Project would include the removal of tall, thick, mature trees. In case the trees are disposed of via wood chipping, please make sure to contact the Air District’s Engineering Division at (831) 647-9411 to discuss if a Portable Registration is necessary for the wood chipper being utilized for this project.

4.2 Air Quality

- **AQ-2-:** The Air District appreciates compliance with Section 17.30.080(E)(4) of the Seaside Municipal Code which requires implementation of dust suppression techniques. To further minimize fugitive dust, please consider adding the following mitigation measures to the list of dust suppression techniques:

8.2

MBARD CEQA Guidelines, (8.2) Mitigating Construction Emissions

- o Haul trucks shall maintain at least 2’0” of freeboard
 - o Cover inactive storage piles
 - o Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area
 - o Sweep streets if visible soil material is carried out from the construction site
- In order to minimize potential public nuisance issues from fugitive dust and to maintain compliance with Air District Rule 402 (Nuisance), please provide the Air District with contact information for the responsible staff that can immediately address any citizen complaints as well as provide access to any air monitoring data collected on site.
 - **AQ-4:** Given the nearby proximity of sensitive receptors (residences [65ft S], CSUMB campus [adjacent], CSUMB dorms (0.4 mile N), Monterey College of Law (within the Plan Area), Stillwell Elementary School and George C. Marshall Elementary School (0.4-0.5 miles S), the Air District recommends using cleaner than required construction and tree remover equipment that conforms to ARB’s Tier 3 or Tier 4 emission standards. We further recommend that whenever feasible, construction equipment use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel. This would have the added benefit of reducing diesel exhaust emissions.

8.3

4.7 Greenhouse Gases

- The Air District strongly supports the proposed off-site, multimodal road improvements; specifically the Class I/II Bikeways, and the two roundabouts at Gen. Jim Moore Blvd. /Lightfighter Dr. and at Gen. Jim Moore Blvd. /Gigling Rd.

8.4

Richard A. Stedman, Air Pollution Control Officer

- **GHG-1(b-c) Residential EV Chargers & Commercial EV Chargers:** Please contact the Planning Division for potential funding opportunities for electric infrastructure (Alan Romero, Air Quality Planner aromero@mbard.org , (831) 647-9411.
- As discussed over the phone, we strongly support Mitigation Measure **GHG-1 (a)** and **GHG-1(d) Greenhouse Gas Reduction Plan for Operational Emissions** with the goal to directly undertake activities to reduce construction emissions and to reduce operational GHG emissions to net zero over the operational life of the Proposed Project.

8.4
(cont'd)

4.8 Hazards and Hazardous Materials

The discussion on pages 4.8-13 should include reference to the potential hazard from asbestos containing materials in non-building structures, such as baseball field light towers, abandoned boiler saddles, and subsurface utility lines that could be disturbed during construction activities. While it is true, many old structures were abated for asbestos and demolished, there are various unknown non-building structures and subsurface utility lines that must be surveyed to determine whether asbestos is present.

8.5

For example, there are likely subsurface transite (asbestos cement) pipes or asbestos coated gas lines that would need abatement prior to starting construction activities. From the District's experience at the former Fort Ord site, the as-built drawings for the subsurface utilities in the area have not been accurate. The District recommends developing a Standard Operating Procedure to mitigate a situation where unknown subsurface asbestos containing utility lines are exposed during the course of construction work and need to be removed prior to continuing construction.

I appreciate the opportunity to comment on the DEIR for the Proposed Campus Town Specific Plan and look forward to working with you to further reduce emissions of criteria pollutants and greenhouse gases. Please let me know if you have any questions. I can be reached at (831) 718-8021 or hmuegge@mbard.org.

Best Regards,



Hanna Muegge
Air Quality Planner

cc: Richard A. Stedman, Air Pollution Control Officer
David Frisbey, Planning & Air Monitoring Manager
Amy Clymo, Engineering & Compliance Manager
Alan Romero, Air Quality Planner

Letter 8

COMMENTER: Hanna Muegge, Air Quality Planner, Monterey Bay Air Resources District

DATE: August 23, 2019

Response 8.1

The commenter states that if removed trees require wood chipping, Monterey Bay Air Resources District's (MBARD) Engineering Division should be contacted to discuss if Portable Registration is necessary for the Project's wood chipper.

This comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 8.2

The commenter requests the addition of dust suppression mitigation measures from the MBARD CEQA *Guidelines, (8.2) Mitigating Construction Emissions*, and requests provision of contact information for responsible staff who are available to address citizen complaints received and provide access to air monitoring data.

As shown in Table 4.2-5 of Section 4.2, *Air Quality*, in the Draft EIR, Project construction activities would generate maximum daily emissions of approximately 36.9 pounds of PM₁₀, which would not exceed MBARD's threshold of 82 pounds of PM₁₀ per day. Therefore, the addition of dust suppression mitigation measures for construction emissions as recommended by MBARD is not needed to address a significant environmental impact.

Furthermore, many of these suggestions are already incorporated into the Project through existing regulations. Draft EIR page 4.2-11, discusses SWPPP requirements which include "material storage including covering of stockpiles during the day, and particularly during rain and wind events, silt fencing, straw wattles, stabilized construction entrances, routine cleaning, equipment drip pans, dust control measures including watering trucks to stabilize soil." Section 17.30.080(E) of the Seaside Municipal Code specifically includes (Draft EIR page 4.2-14):

- Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of dust-generating activity (e.g., construction, paving, or plating) will occur as soon as possible.
- Clearing, earth-moving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
- The area disturbed by clearing, demolition, earth-moving, excavation operations, or grading shall be minimized at all times.
- Dust emissions shall be controlled by watering a minimum of two times each day, paving, or other treatment of permanent on-site roads and construction roads, the covering of trucks carrying loads with dust content, and/or other dust-preventive measures (e.g., hydroseeding).
- Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained.

- Appropriate facilities shall be constructed to contain dust within the site as required by the Zoning Administrator.

Upon selection of construction contractor(s), the Project applicant would provide contact information for staff that will be available to address any citizen complaints. The Project applicant does not propose to collect on-site air monitoring data.

Response 8.3

The commenter recommends using cleaner than required construction and tree removal equipment that conforms to California Air Resources Board's (CARB) Tier 3 or Tier 4 emission standards. The commenter also recommends construction equipment use alternative fuels to reduce diesel exhaust emissions.

As discussed in Section 4.2, *Air Quality*, construction-related air quality impacts would be less than significant with respect to all criteria pollutants and TACs. Therefore, the use of Tier 3 and Tier 4 construction equipment as recommended by MBARD is not required as a mitigation measure to address a significant environmental impact.

Nevertheless, the applicant will require its construction contractor(s) to utilize large construction equipment (i.e., cranes, dozers, excavators, graders, pavers, rollers, scrapers, tractors, loaders, and backhoes) equipped with Tier 4 Final certified engines. This requirement will be included in the Development Agreement. To reflect this change, modeling of construction-related air pollutant emissions was revised, and Table 4.2-5 in the Draft EIR was updated, as shown below. Construction-related air quality impacts remain less than significant.

Table 4.2-5 Estimated Maximum Daily Construction Emissions

Year	Emissions (pounds per day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
2021	7.8	88.6	55.7	0.1	40.3	6.4
	<u>2.0</u>	<u>18.9</u>	<u>59.3</u>		<u>8.3</u>	<u>4.6</u>
2022	31.1	160.2	154.3	0.5	31.7	11.8
	<u>25.8</u>	<u>96.1</u>	<u>161.7</u>		<u>28.8</u>	<u>9.1</u>
2023	29.1	136.4	143.4	0.5	32.7	12.6
	<u>24.5</u>	<u>81.4</u>	<u>152.8</u>		<u>31.2</u>	<u>11.2</u>
2024	25.2	98.9	106.0	0.4	32.6	12.4
	<u>22.5</u>	<u>67.6</u>	<u>109.5</u>		<u>31.1</u>	<u>11.1</u>
2025	24.4	94.3	100.1	0.4	32.3	12.2
	<u>21.9</u>	<u>65.5</u>	<u>104.1</u>		<u>31.1</u>	<u>11.1</u>
2026	13.9	74.3	82.2	0.3	22.9	6.7
	<u>13.4</u>	<u>63.4</u>	<u>84.8</u>		<u>22.7</u>	<u>6.5</u>
2027	13.4	66.4	73.0	0.3	22.9	6.7
	<u>13.0</u>	<u>60.8</u>	<u>74.0</u>		<u>22.7</u>	<u>6.5</u>
2028	13.0	65.3	69.4	0.3	22.9	6.7
	<u>12.5</u>	<u>59.7</u>	<u>70.5</u>		<u>22.7</u>	<u>6.5</u>
2029	12.5	64.3	66.0	0.3	22.9	6.7
	<u>12.1</u>	<u>58.8</u>	<u>67.1</u>		<u>22.7</u>	<u>6.5</u>
2030	12.0	58.7	63.1	0.3	22.5	6.3
	<u>11.4</u>	<u>55.9</u>	<u>64.2</u>		<u>22.4</u>	<u>6.2</u>
2031	11.5	57.9	60.3	0.3	22.5	6.3
	<u>10.9</u>	<u>55.1</u>	<u>61.3</u>		<u>22.4</u>	<u>6.2</u>
2032	11.0	57.2	57.8	0.3	22.5	6.3
	<u>10.5</u>	<u>54.4</u>	<u>58.9</u>		<u>22.4</u>	<u>6.2</u>
2033	10.7	56.6	55.7	0.3	22.5	6.3
	<u>10.2</u>	<u>53.9</u>	<u>56.8</u>		<u>22.4</u>	<u>6.2</u>
2034	10.4	56.1	53.8	0.3	22.5	6.3
	<u>9.9</u>	<u>53.4</u>	<u>54.9</u>		<u>22.4</u>	<u>6.2</u>
Maximum Daily Emissions for Off-Site Improvements (year unknown)	7.0	24.8	19.2	< 0.1	4.2	2.6
Maximum Daily Emissions (pounds per day)¹	38.1 <u>32.8</u>	185.0 <u>120.9</u>	173.5 <u>180.9</u>	0.5	36.9 <u>35.4</u>	15.2 <u>13.8</u>
MBARD Thresholds	n/a	n/a	n/a	n/a	82 ²	n/a
Threshold Exceeded?	n/a	n/a	n/a	n/a	No	n/a

N/A = not applicable

Notes: All numbers have been rounded to the nearest tenth. Emissions presented are the highest of the winter and summer modeled emissions.

¹ Because it is unknown at this time when off-site improvements would be constructed, maximum daily construction emissions were calculated by adding the highest modeled daily construction emissions from off-site improvements to the highest modeled daily construction emissions from construction of the Proposed Project.

² This threshold only applies if construction is located nearby or upwind of sensitive receptors. In addition, a significant air quality impact related to PM₁₀ emissions may occur if a project uses equipment that is not “typical construction equipment” as specified in Section 5.3 of the MBARD CEQA Guidelines.

Source: See Appendix E for CalEEMod calculations and assumptions

The following text under *Construction Assumptions* in Section 4.2 of the Draft EIR was also revised to reflect this change:

Construction equipment that would generate criteria pollutants includes excavators, graders, haul trucks, and loaders. Some of this equipment would be used during both grading and construction. It is assumed that all construction equipment used would be diesel-powered. Construction equipment for each phase was based on CalEEMod defaults, which are shown in Section 3, *Construction Detail*, of the modeling outputs in Appendix E. The project applicant would require its construction contractor(s) to utilize large construction equipment (i.e., cranes, dozers, excavators, graders, pavers, rollers, scrapers, tractors, loaders, and backhoes) equipped with Tier 4 Final certified engines; therefore, modeling assumes use of Tier 4 Final certified engines for all large construction equipment. This requirement will be included in the Development Agreement.

The changes reflected above would not result in substantial alterations to the degree of impact or conclusions presented in the Draft EIR, and therefore do not constitute significant new information that would trigger Draft EIR recirculation under CEQA *Guidelines* Section 15088.5. Rather, the changes serve to clarify and strengthen the content of the EIR.

Response 8.4

The commenter expresses support for the proposed multi-modal roadway improvements, requests the Planning Division be contacted for potential funding opportunities for electric vehicle infrastructure, and expresses support for Mitigation Measure GHG-1(a) and GHG-1(d).

The commenter's support and contact request are noted. The comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 8.5

The commenter states the opinion that Section 4.8 of the Draft EIR should include reference to asbestos hazards from non-building structures (such as baseball field light towers, abandoned boiler saddles, and subsurface utility lines), which should be abated prior to starting construction activities.

The Draft EIR has been revised to discuss not only baseball field light towers, abandoned boiler saddles, and subsurface utility lines, but also unknown contaminated soil, USTs, UST piping, other piping, etc. As suggested, a standard operating procedure, or condition, has also been added. The following revisions have been made to page 4.8-13:

The remaining existing structures in the Plan Area contain hazardous materials such as lead-based paint, ACMs, universal waste, and PCBs. Existing structures include non-building structures, such as baseball field light towers, abandoned boiler saddles, and subsurface utility lines which may contain ACM. Exposure to lead can cause adverse health effects, including disturbance of the gastrointestinal system, anemia, kidney disease, and neuromuscular and neurological dysfunction (in severe cases)....

Friable ACMs are regulated as a hazardous air pollutant under the Clean Air Act. As a worker safety hazard, they are also regulated under the authority of Cal/OSHA and by MBARD. In structures slated for demolition, any ACMs would be abated in accordance with State and Federal regulations prior to the start of demolition or renovation activities and in compliance

with all applicable existing rules and regulations, including MBARD. This includes removal of non-building structures and facility components, such as baseball field light towers, abandoned boiler saddles, and subsurface utility lines which may contain ACM (40 CFR Parts 61.141 and 61.145). The Army is required to remediate and safely dispose of hazardous materials such as asbestos, lead-based paint, universal waste, and PCBs as part of the Superfund cleanup process, even though the land has already been transferred for future Campus Town development (FORA 1997b). As discussed above in the Regulatory Setting, many existing structures in the Plan Area have been safely removed by an industrial hygienist service retained by FORA, which included general assessments to identify toxic and hazardous substances, such as lead-based paint, asbestos, underground storage tank leaks, molds, other hazardous materials, wastes, report preparation, site assessments, preliminary plans, working drawings, remediation, and disposal. The MBARD Asbestos Program regulates the handling of asbestos and operates as a cradle to grave basis through the regulation of all aspects related to the handling of asbestos materials from discovery through removal, through transportation and disposal. These programs would ensure that asbestos removal would not result in the release of hazardous materials to the environment that could impair human health. Therefore, the impact related to ACMs would be less than significant.

While impacts would be less than significant, the City has proposed a Condition of Approval for implementation of these regulations, which has been added to page 4.8-15 of the Draft EIR as follows:

Mitigation Measures

No mitigation is required. However, the following Condition of Approval has been added to ensure implementation of ACM regulations.

COA HAZ-1: If non-building related ACMs, baseball field light towers, abandoned boiler saddles, and subsurface utility lines, proposed for removal are encountered during demolition or grading, the applicant shall survey the materials for ACMs, and contaminants of concern prior to disturbing and removing the materials. If discovered onsite, ACMs will be handled in compliance with applicable regulations.

The changes reflected above would not result in substantial alterations to the degree of impact or conclusions presented in the Draft EIR, and therefore do not constitute significant new information that would trigger Draft EIR recirculation under CEQA *Guidelines* Section 15088.5. Rather, the changes serve to clarify the content of the EIR.



August 22, 2019

To:

Kurt Overmeyer,
Economic Development Department,
City of Seaside,
440 Harcourt Avenue,
Seaside California 93955

Kovermeyer@ci.seaside.ca.us

Re: KFOW comments on Draft Environmental Impact Report (Draft EIR) for the Campus Town Specific Plan (the Proposed Project) (SCH#2018021079).

Dear Mr. Overmeyer.

Keep Fort Ord Wild (KFOW), is an unincorporated association under California law. KFOW and its members are beneficially interested in the enforcement and application of laws assuring public accountability and public disclosure and responsible decision making by local governments. KFOW and its members are vitally concerned with the way that fiscal decisions and land use decisions are made, particularly on the former Fort Ord. KFOW submits these comments on the Draft Environmental Impact Report (Draft EIR) for the Campus Town Specific Plan:

The Draft EIR indicates the Campus Town Specific Plan would have 1,485 residential units on full build-out. More than 5,100 residential units are already approved and entitled on Fort Ord. The Development Resource Management Plan within the Fort Ord Base Reuse Plan limited new residential units on Fort Ord to 6,160. Exceeding the limit

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would not be consistent with the Reuse Plan or the Reuse Plan mitigations. Please respond whether you agree if this resource constraint exists. If you do not agree, please provide a meaningful response and provide citations.

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The Fort Ord Reuse Plan's so-called "allocation" of 6,600 AFY for development did not transfer valid water rights. The Reuse Plan assumed that there was 6,600 AFY for development because that was the amount stated in a 1993 agreement between the Army and the MCWRA. The DRAFT EIR incorrectly assumes that there are 6,600 AFY of available wet water, that the 6,600 AFY were water rights, and that the 6,600 AFY represents a sustainable or safe yield. These inaccurate assumptions permeate the materially flawed DRAFT EIR analysis of water impacts.

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- The 1993 Agreement between the Army and the MCWRA was not a valid transfer of water rights.
- The Army does not have the authority to issue or transfer water rights. The Army has admitted that fact.
- 6,600 AFY is not the sustainable yield. The groundwater source (the Deep Aquifer) is not sustainable, because it is not being recharged.
- The 6,600 AFY figure was merely the peak amount of water the Army used in 1984, as the 1993 Agreement states. Average use was significantly less.
- Any so-called "water allocation" from FORA or the Army is unreliable because it would be merely paper water, and not actual wet water.
- No environmental review has been performed on the so-called "allocation" of 6,600 AFY or on any portion of that water that is proposed for "suballocation" to the Project.

Specific Comments

The DRAFT EIR Hydrology and Water Quality Section and the WSA (Appendix M) are inadequate for many reasons. Several material reasons are as follows:

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- The failure of the DRAFT EIR to adequately investigate, disclose, and analyze the water source.
- The failure of the DRAFT EIR to establish an accurate baseline.

- The failure of the DRAFT EIR to adequately investigate, disclose, and analyze the impacts of additional pumping from the water source to supply the proposed Project, and mitigate the impacts.

- The failure of the DRAFT EIR to discuss the water rights, if any, that could be used to supply water to the Project. No such water rights have been claimed in the DRAFT EIR, and it is likely that such rights do not exist.

In this case, the impacts are severe and unmitigatable, and the DRAFT EIR fails to disclose that fact, or mitigate for the impacts.

As proposed, Marina Coast Water District would extract additional groundwater that Marina Coast is not currently extracting from the overdrafted Salinas Valley Groundwater Basin. The new extraction would represent an illegal appropriation of water from private property owners because no applicable water rights have been established. Marina Coast does not have water rights to appropriate additional water from the overdrafted basin.

In an overdrafted, percolated groundwater basin, California groundwater law holds that the doctrine of correlative overlying water rights whereby no surplus water is available for new groundwater appropriators, except by prescription. Salinas Valley basin is an overdrafted groundwater basin.

CEQA requires a detailed analysis of water rights issues, including ownership of those rights, when such rights reasonably affect the project's supply. Assumptions about supply are simply not enough. Courts have found EIR inadequate when it fails to discuss pertinent water rights claims and overdraft impacts. The reasoning in those cases also applies to the proper analysis of the rights associated with the project's water supply here.

As the Supreme Court has held, the ultimate question under CEQA, moreover, is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project. The EIR must clearly and coherently explain this issue, using material properly stated or incorporated in the EIR. An EIR must inform decision makers of what the impact will be of the source of water for the project, and if that impact is adverse how it will be addressed.

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The DRAFT EIR failed to investigate whether the Marina Coast has water rights to pump the additional groundwater that will be demanded by the project. There is no evidence in the DRAFT EIR that any entity has water rights to the appropriated water that is intended to supply the Project. Similarly, the DRAFT EIR failed to adequately investigate whether the appropriate entities have water rights to the theoretical “future water supplies” for the Project as claimed in the DRAFT EIR. In Monterey County, the issue of water rights is at the forefront for all water rights discussed in the DRAFT EIR – groundwater, recycled, and desalinated. Yet the DRAFT EIR is devoid of such discussion.

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The existence or not of water rights is a significant factor that would affect water supplies to the Project. The EIR is required to include a forthright discussion of a significant factor that could affect water supplies.

The DRAFT EIR fails to adequately investigate, disclose, and mitigate the effects of designing the Project to rely on illegal extraction and wrongful appropriation of groundwater from the Groundwater Basin needs to be fully developed in an EIR. The EIR did not analyze the significant impact of an illegal taking of groundwater from overlying landowners. This significant deficiency in the EIR must be addressed, and the EIR should identify detailed mitigations for all the adverse impacts and proposed illegal actions and takings.

The DRAFT EIR fails to disclose that the water source for the former Fort Ord water supply is the so-called Deep Aquifer. Thus, the Project would get its water from the Deep Aquifer.

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The DRAFT EIR mentions the Deep Aquifer, but only in a cursory fashion:

There are three defined aquifers within the MCWD Service Area: the 180-foot; 400-foot; and 900-foot (or Deep Aquifer). The MCWD’s municipal water system extracts water from eight groundwater wells with three wells located within Central Marina and five wells located within former Fort Ord.

The DRAFT EIR WSA page 22 fails to state that the 180-foot and 400-foot aquifers are so badly intruded with seawater and other contamination that they are not used for potable water supply in Marina and Fort Ord. In fact, other than the single mention in the excerpt quoted above, the DRAFT EIR does not mention the 180-foot and 400-foot aquifers at all by name.

The DRAFT EIR WSA alludes in an odd way to the 180-foot and 400-foot aquifers in a later subsection called “Plans for Acquiring Additional Water Supplies” saying “The upper aquifers in the Salinas Valley Groundwater basin along the coast are experiencing high salinity due to seawater intrusion.” This information should have been in the baseline information. The DRAFT EIR does not acknowledge the plain fact that the seawater intrusion in Marina and Fort Ord has rendered the 180-foot and 400-foot aquifers useless to Marina and Fort Ord. That contamination is a material fact that the DRAFT EIR hides.

The DRAFT EIR fails to disclose the fact that some groundwater areas under Fort Ord are off limits due to toxic contamination from military use.

It cannot be reasonably disputed that groundwater from the Deep Aquifer is proposed to be the Project’s primary source of water supply. Please respond.

However, the DRAFT EIR fails to adequately investigate and disclose what publicly available records show about the Deep Aquifer. The DRAFT EIR omitted each of the following facts about the Deep Aquifer. These facts should have been disclosed and analyzed in the DRAFT EIR.

- The Deep Aquifer is unsustainable.
- The Deep Aquifer is not being recharged.
- The Deep Aquifer has a small and limited supply.
- The Deep Aquifer is already being over-pumped.
- The water in the Deep Aquifer is ancient. The Deep Aquifer is rainwater that fell on the earth tens of thousands of years ago, and over the millennia the water gradually and slowly percolated its way down to a depth of 600 to 1200 feet under the earth. Because the overlying shallower aquifers are over-pumped, the shallower aquifers are not recharging the Deep Aquifer.
 - The Deep Aquifer is vulnerable to seawater intrusion.
 - All of Marina and nearly all the former Fort Ord rely on the small, limited, and unsustainable Deep Aquifer for their water supply.

- When the Deep Aquifer runs out or becomes unusable due to saltwater intrusion or another reason, there is no available back-up water supply. Marina and Fort Ord will be out of water.

- Continued or increased pumping from Deep Aquifer wells entails the use of a groundwater source for which substantial information is lacking regarding recharge and the potential for impact on seawater intrusion is also largely unknown. For these reasons, the Deep Aquifer should be conservatively thought of as an interim water supply.

These facts are material to the environmental analysis of the project’s water supply. As to each of these facts, please respond whether you agree. If you do not agree, please provide a meaningful response and provide citations to the technical evidence on which you base your response.

The DRAFT EIR fails to adequately investigate and disclose the Project’s impacts on the Deep Aquifer and fails to present adequate mitigations for those impacts.

A reasonable mitigation would be to prohibit the Project from using water from the Deep Aquifer.

Neither Seaside, Marina Coast Water District or the Fort Ord Reuse Authority (FORA) have adequately studied the Deep Aquifer – probably because they don’t want the public to know how severely bad the water situation is in Marina and Fort Ord. In addition to the failures identified above, the DRAFT EIR fails to disclose material information that is known about the Deep Aquifer and relevant to the Project and its impacts.

A safe yield has not been established for the Deep Aquifer. The only answer is that the Deep Aquifer does not have a safe yield, because the groundwater in the Deep Aquifer is not being replenished (added). The groundwater in the Deep Aquifer is only being pumped (subtracted). The groundwater equation has only one side: subtraction. Thus, there is no safe yield and no “water balance,” and the Deep Aquifer is an unsustainable supply. The Deep Aquifer is being mined. The Project would mine the Deep Aquifer even further. The DRAFT EIR ignores these important facts and conclusions and fails to adequately investigate the potential environmental impacts and mitigations.

Instead of identifying the Project's water supply as coming from the Deep Aquifer, and instead of addressing the problems of the Deep Aquifer water supply in a straightforward and informational manner, the DRAFT EIR omits material information and mischaracterizes other information. The result is the intent of the EIR preparer from the beginning: to find that the groundwater supply impacts are less than significant, regardless of the facts.

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The DRAFT EIR fails to reasonably disclose or investigate the following documented issues, and how each issue would affect the Project's impacts on groundwater.

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- Marina Coast is limited in the amount of water that Marina Coast can pump from the Deep Aquifer.
- Marina Coast has agreed to manage the Deep Aquifer to provide safe, sustained use of the water resource, and to preserve to MCWD the continued availability of water from the Deep Aquifer.
- Marina Coast has agreed to work on measures to protect the Deep Aquifer.
- Marina has not met these enforceable obligations described above.
- The additional pumping from the Deep Aquifer for the Project would compromise Marina Coast's ability to comply with its obligations above.

The DRAFT EIR also fails to propose reasonable mitigations that could be imposed on the project to prevent or reduce each of the potential impacts described above.

The reliability of the water supply is an essential analysis that should be fully supported by technical information. This DRAFT EIR has not supported its conclusion with technical information. Instead, here, much of the water discussion in the DRAFT EIR paragraphs is inaccurate and misleading.

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- Technical reports conclude that the Salinas Valley Groundwater Basin is affected by climatic conditions.
- The Salinas Valley Groundwater Basin is seriously overdrafted.

- The Salinas Valley Groundwater Basin recharge does not get to the Deep Aquifer – the Project’s water supply.
- The Deep Aquifer is not augmented by upstream reservoirs managed by the Monterey County Water Resources Agency.
- The Marina Coast Water District water demand as a percentage of the Salinas Valley Groundwater Basin pumping is meaningless.
 - The vast majority of the Salinas Valley Groundwater Basin pumping is from the shallower aquifers, not the Deep Aquifer.
 - The DRAFT EIR fails to disclose, investigate, and identify the impacts of the existing baseline pumping on the Deep Aquifer supply. The DRAFT EIR fails to quantify the Deep Aquifer supply.
 - There is no support for the DRAFT EIR claim that the Marina Coast Water District wells in Central Marina . . . in the Deep Aquifer . . . are considered to have a reliable quantity.” Please explain the reasoning and facts behind the DRAFT EIR claim, and please identify the documents on which the claim relied. Also please define and quantify what the DRAFT EIR means by “reliable quantity.”
 - The DRAFT EIR claim is not accurate. Deep Aquifer has a small and finite supply that is being reduced by pumping. A small, finite, increasingly reduced supply is not a “reliable supply.”
 - The DRAFT EIR fails to disclose that the Marina Coast Water District wells in Central Marina currently supply water to the former Fort Ord. Instead, the DRAFT EIR misleads the reader into thinking that the Central Marina wells supply only Marina.
 - The DRAFT EIR fails to disclose that the Marina Coast Water District wells in the Fort Ord Community Service Area supply water to the City of Marina, as well as the Ord Community. Instead, the DRAFT EIR misleads the reader into thinking that the Ord Community wells supply only the Ord Community.
 - Public records show that Marina Coast Water District pumps only a small percentage of its water supply from the 180- and 400-foot (“upper”) aquifers. The majority of Marina Coast Water District supply comes from the Deep Aquifer. The DRAFT EIR fails to disclose this, which affects the analysis of reliability and baseline.

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- For each Marina Coast Water District well, the DRAFT EIR should disclose the depth from which the water is actually pumped in each of the MCWD wells for the last five years, and how much water has been pumped from each depth. In other words, from which aquifer is Marina Coast pumping groundwater? That relevant information is critical for an adequate discussion of water supply for the Project, but the DRAFT EIR fails to disclose it or discuss it.

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- The DRAFT EIR should be revised to disclose and discuss the yearly and monthly data for each well – pumping and source depths. That is how Marina Coast Water District keeps it. The information is publicly available. The information shows distinct trends by Marina Coast to pump increasing amounts of groundwater from the Deep Aquifer.

- The DRAFT EIR should provide the names/numbers of the Marina Coast Water District wells and discuss the wells with specificity. Marina Coast Water District tracks the pumping and the depth through each well’s name/number. Where the pumps are set is a different issue than where the wells are screened/perforated. It is the source of the supply that is critical information to establishing the baseline water pumping. The DRAFT EIR has missed these material distinctions. For us to be able to comment meaningfully, we need to know.

- The DRAFT EIR should be revised disclose which well(s) would supply the Project, and from what depth the water from the well(s) would be produced.

The increased pumping of the Marina Coast Water District wells to supply the Project would further mine the Deep Aquifer supply, all to the detriment and harm of the existing customers of Marina Coast Water District – the residents and businesses in Marina and the Ord Community.

The DRAFT EIR should disclose and discuss the baseline issues of the water supply. The DRAFT EIR should specify the aquifer(s) that would supply water for the Project. The DRAFT EIR then should accurately quantify the additional amount of water needed to be pumped to supply the Project. This amount includes both the Project’s water demand and the line loss and other water lost and put to other uses between the wells and the end users, such as, for example, fire suppression and testing.

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The DRAFT EIR WSA Table 5-1 discloses only an “assumed line loss” from an unknown year without explaining the basis for the assumption. The DRAFT EIR does not

use or disclose and not the actual system loss reported by Marina Coast Water District. The DRAFT EIR should disclose the actual data. The amounts of line loss can be significant, and the DRAFT EIR has not adequately disclosed or considered the amounts.

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DRAFT EIR WSA Table 3.1 contains water production information up to only 2015. That is not adequate disclosure and analysis for a DRAFT EIR released in 2019. The data should include information up to at least 2018. That data is available and could affect the analysis and conclusions.

DRAFT EIR WSA Table 3.3 includes 300 AFY of capacity for the Marina Coast Water District desalination plant is a source of supply. The claims are not supported or adequately qualified. The Marina Coast Water District desalination plant has been inoperable for well more than a decade. The plant has never run at full capacity. Marina Coast Water District has no current plans to restore the plant to operational status, and has no funding for such restoration, in any event. Such restoration would take more than a year, according to public records. Please respond.

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DRAFT EIR WSA Table 5-1 divides the “Ord Community” into eleven jurisdictions plus “assumed line loss.” The categories are confusing and should be explained. How is “City of Marina (Ord)” defined? How is “Marina Sphere” defined?

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DRAFT EIR WSA Table 5-2 has a typographical error. Replace “Hostile” with “Hostel”

The inclusion of Armstrong Ranch and Lonestar Property (aka RMC, aka Cemex) is confusing and misleading. Why are those categories on WSA Table 3.3? Any groundwater pumping for the Armstrong Ranch and Lonestar properties can only be used on those sites, correct? The water cannot be used for the Project. Please respond. If you disagree, please identify all the sources on which you rely, and please provide your analysis and conclusions.

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DRAFT EIR WSA Table 5-1: “Marina sphere” is undefined, so we cannot comment meaningfully on it. Please define it and identify all the sources on which you rely. To the extent that the term refers to a sphere of influence, then the land is not currently in Marina’s jurisdiction. The correct jurisdiction for the property in question should be clearly stated, in any event.

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- The DRAFT EIR fails to state which Project elements would not be able to be built due to insufficient paper water allocations, if the water allocations were actual available wet water, which they are not.

- The DRAFT EIR fails to address the assumptions that went into the DRAFT EIR conclusion that about the remaining amounts of Seaside estimated demand. These assumptions – including whether recycled water is available at a specific time – are critical to any determination.

- The DRAFT EIR fails to investigate and disclose the fact that some jurisdictions have already exceeded their paper water allocation from FORA, even if the allocation is usable water, which it is not.

The DRAFT EIR WSA Section 4.1 claims MCWD has “a small desalination plant in the Central Marina Service area”. KFWO has been provided with reliable information that the permits are not current for operation of the Marina Coast Water District desalination plant. Please respond. Please explain what steps would be required to re-open and operate the Marina Coast Water District desal plant so that it could actively producing 300 AFY of usable potable water, and which steps Marina Coast has taken, if any. Please explain the cost of reopening and operating the desal plant, and how much of that cost is funded, if any. We are informed that the desal plant was mothballed more than a decade ago. Please respond. Please identify all materials you (1) consulted and (2) relied upon in formulating your responses.

What is the current evidence that the DRAFT EIR [WSA Section 4.1 relied on in making that claim about “a larger desalination plant”? The Marina Coast Water District has not made any solid steps toward that goal. If you disagree, please explain exactly what steps you think Marina Coast Water District has taken and provide the reference documents.

The DRAFT EIR discussion of Water Supply recites various statements made in the 1993 Agreement between the United States and the Monterey County Water Resources Agency. The DRAFT EIR does not adequately analyze the 1993 Agreement or its legal effect. The 1993 Agreement is a piece of paper. It is not wet water. It is not a water supply. A stated goal of 1993 Agreement was for all Fort Ord wells to be shut down to avoid further Seawater intrusion. Water from Fort Ord wells was supposed to have been replaced years ago with water from another project or projects.

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Groundwater pumping on Fort Ord was not expected to continue indefinitely. When new potable water became available it was supposed to be as a *replacement* to groundwater pumping not in addition to groundwater pumping. Do you agree? Please respond.

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The 1993 Agreement between the United States and the Monterey County Water Resources Agency does not grant water rights. The Army does not have the authority to issue or transfer water rights, and the United States also does not have that authority. The DRAFT EIR fails to adequately investigate and disclose whether the 1993 Agreement granted water rights to any entity.

Please state whether the DRAFT EIR is relying on the 1993 Agreement as a source of any water rights. Please also identify all documentation of water rights that the DRAFT EIR claims for the water supply for the Project. Please respond and describe your analysis in meaningful detail. Water rights are an environmental issue.

Please quantify the water rights necessary to provide water to the project, quantify the water rights actually held, identify the holder(s) of the rights, state which project element and applicant that would claim use of the water rights, and specify the document(s) that confirm the water rights. Please describe the analysis and research on which your responses are based.

Please investigate, disclose, evaluate and mitigate for the impacts that exercising the water rights for the Project could cause.

The 1993 Agreement stated that 6,600 AFY could be withdrawn from the Basin. The basis for the 6,600 AFY was the single highest year of pumping ever recorded on the active Fort Ord base. It was not average use. Do you agree? If not, why not? Please be specific.

The fact that the 6,600 AFY was the single highest year of pumping is important because that 6,600 AFY pumping caused significant seawater intrusion, and so did the lower average use. None of the Army wells operating in the 1980s are operating now at the same depth, because seawater intrusion has destroyed the water quality.

Public records show that the Army did not pump groundwater from the Deep Aquifer to supply Fort Ord in any significant level. Instead, the Army pumped from the shallower aquifers. Do you agree? This information is pertinent to an understanding of

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the issues, including the lack of reliability of the 1993 Agreement as a guarantor of “water supply,” the need for a thoughtful, thorough and careful analysis of the current water supply and demands, and for a reasonable understanding of the water supply history of the Ord Community.

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The Army acknowledged in writing in the 1980s that the Army’s approach so constructing new wells further and further inland was merely an interim measure, and that the Army needed to eliminate its reliance on local groundwater for anything other than a back-up water supply. The Army records show that the Army lost more than two thirds of the Army’s wells – twenty or more wells – which ran dry or became salty.

Marina Coast has continued the same practice of moving its wells further and further inland and pumping deeper and deeper. Marina Coast’s wells are now at the far eastern edge of Fort Ord, pumping from the deepest aquifers. If that supply runs out, or the water becomes too salty, there is no other water currently available to replace the supply. The DRAFT EIR ignores this fundamental admission that local groundwater is unreliable. The DRAFT EIR should investigate and find out all it can about the lack of reliability of the groundwater sources and water supply for the project.

The US Army admitted in the mid-1980s that the water problems at Fort Ord included as follows:

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- The ground water supply at Fort Ord was relatively finite resource that was being adversely impacted by seawater intrusion due to over-pumping.
- Future reliable on groundwater as the primary supply will promote continued intrusion and eventual loss of the groundwater as a source for fresh water.
- As the groundwater becomes exhausted, so does the opportunity for its use as a backup or supplemental supply when other water sources are eventually developed.

Please respond to each of these points. If you disagree with the points, please explain the investigation and analysis that you performed, the facts that you considered, the methodology you used, and the documents that you relied on in coming to your conclusion.

The DRAFT EIR fails to look adequately at the impacts of taking 6,600 from the Deep Aquifer. Those impacts are foreseeable, because (1) the Deep Aquifer is the only

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water supply for the Ord Community, (2) the jurisdictions at Fort Ord have acted and are acting as if that 6,600 AFY is actual wet water, (3) the jurisdictions are approving projects based on their “allocation” from the 6,600 AFY total, and (4) as a result, Deep Aquifer groundwater is being pumped to supply new development. (5) The upper aquifers on Fort Ord are already contaminated with seawater and are not viable in the long-term.

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The Army’s records show that the actual average pumping at Fort Ord was materially lower than 6,600 AFY. At any rate, there is no question that the Army’s pumping caused seawater intrusion at Fort Ord. Multiple Army wells went dry or turned salty. Thus, when the DRAFT EIR assumes that 6,600 AFY is a safe yield or a water balance or constitutes water rights, without further analysis, the DRAFT EIR fails to consider adequately the impacts of pumping at 6,600 AFY. The DRAFT EIR also fails to adequately consider the impacts of the actual lower yearly historic average pumping.

The DRAFT EIR should analyze the actual groundwater pumping and the significant impacts the pumping has caused. That information is critical to the discussion of water supply because it provides the necessary data to understand the water supply issues at Fort Ord – but the DRAFT EIR has omitted the information. The DRAFT EIR should provide separate analyses for the pumping from the Deep Aquifer and from the shallower aquifers, because the facts and impacts are materially different.

DRAFT EIR WSA Table 5-2 is filled with errors and materially misleading information. The table is inconsistent with the documentation available from public records. As one example, current FORA records show that Monterey Peninsula Unified School District has been allocated or is using 100 AFY. That is 19 AFY more than the amount of 81 AFY shown on DRAFT EIR WSA Table 5-2. The discrepancy of 19 AFY is unfavorable to Campus Town and would increase the impacts, which the DRAFT EIR has not adequately identified, disclosed, analyzed or mitigated.

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The Main Gate project approved by Seaside would require 207 AFY, according to the WSA approved by Seaside. It is misleading for the DRAFT EIR to focus on the claimed lesser amount of 149 AFY allocated by Seaside to the Main Gate project, because the Main Gate project can only be considered truly “approved” if the entire amount is allocated. The allocation is made by implication when Seaside approved the Main Gate project. Otherwise, the approval is not a valid and legal approval. Please respond.

If the 207 AFY project demand for the Main Gate project is considered as committed under Seaside paper water allocation, then Seaside has an additional 58 AFY less than claimed in the DRAFT EIR. (Calculated as follows: 207 AFY Main Gate Project demand less the 149 AFY that the DRAFT EIR shows as allocated to the Main Gate Project.)

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Please provide the specific citation (for example, resolution number and date) to the official Seaside City Council action to allocate water to the Main Gate project. No such records are shown on the DRAFT EIR sources.

DRAFT EIR WSA Table 5-2: According to publicly available records from MCWD the allocation for Monterey College of Law is 2.8 AFY not 2.6 AFY. Please verify and respond.

DRAFT EIR WSA Table 5-2: According to publicly available records from MCWD the allocation for Monterey Peninsula College is 9.7 AFY not 9.0 AFY. Please verify and respond.

The DRAFT EIR WSA fails to disclose Seaside's water allocation has been increased at least twice by FORA. Seaside's original allocation was 710 AFY. Seaside is already exceeding the amount of water originally contemplated in the Reuse Plan and the Reuse Plan EIR. Do you agree?

The EIR should investigate and disclose whether any of the projects or developments or jurisdictions at Fort Ord are using more than their paper water allocation or are on track to do so. This is important on-the-ground information.

The DRAFT EIR WSA Section 4.1 admits that if Marina Coast Water District resuscitates the desalination plant, then MCWD is obligated to meet the water needs of three developments in the Marina portion for the Ord Community. Thus, the reasonable likelihood of the desalination plant ever providing actual water to the Campus Town project is essentially zero. Under the circumstances, it is not reasonable for the EIR to include the discussion in this section, unless the EIR were to clearly explain that the likelihood of a desalination plant providing wet water to the project is essentially zero. Its inclusion is misleading.

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The DRAFT EIR omits any discussion recycled water is a diminishing resource as water conservation increases and as demand for the recycled water increases by

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existing users who have the priority claims to any recycled water. Additionally, the only way more recycled water can become available is if more demand is placed on the primary water source (groundwater) in the first place. The impacts of this uncertainty and foreseeable future trend have not been adequately investigated, disclosed, identified and mitigated in the DRAFT EIR in the analysis of potential future water supply.

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DRAFT EIR WSA Table 5-1, recycled water allocations, is not accurate given current information. Please explain in detail the basis for the DRAFT EIR assumption that 453 AF of recycled water will be available for Seaside. This is pure paper water. There is no actual wet water associated with these assumptions.

It is foreseeable that the Project might not be able to use recycled water. The EIR failed to investigate that foreseeable possibility or to mitigate for its impacts. Please identify the mitigations that the EIR proposes to place on the project to mitigate for the impacts of the fact that the use of recycled water is not certain, and please quantify the benefits of each of those proposed mitigations.

The DRAFT EIR makes numerous unreasonable and unsupported assumptions about desalinated water. A new desalination plant has not been approved by Marina Coast Water District Board of Directors. If you disagree, please provide the resolution number approving the plant, and please state when, if ever, water would be available from the plant for the Project.

The DRAFT EIR fails to disclose that since 2017 agricultural producers on Armstrong Ranch have drilled multiple new deep aquifer wells (directly adjacent to Fort Ord) that are now extracting many thousands of acre feet per year (more than the water use on Fort Ord and Marina combined). MCWD considers this an imminent threat to the deep aquifer and thus the water supply for Fort Ord and Marina. MCWD took legal action against the County over permitting of these deep aquifer wells on Armstrong Ranch. The DRAFT EIR should be revised include a discussion of these latest events.

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The DRAFT EIR fails to adequately disclose and analyze the Reuse Plan requirement that Seaside and FORA must monitor residential development so that demand does not outstrip the available supply of employment-generating uses. (Reuse Plan FEIR, p. 51.) FORA has approved some 5,100+ residential units, which are not all yet built. Those approved projects, if built, would outstrip the available supply of jobs.

The DRAFT EIR fails to disclose that the Project would cause cumulative impacts and would cause the residential development at Fort Ord to further outstrip the available supply of employment-generating uses. This is true in any event, and the impacts would be worsened by the Project’s proposed phasing of developing residential uses first. The DRAFT EIR fails to mitigate for those foreseeable impacts. Approval of the Project would be inconsistent with the Reuse Plan requirement.

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The DRAFT EIR fails to adequately disclose and analyze the Reuse Plan requirement that FORA shall . . . actively manage the water supply allocation so as to remain within the water resources available to the former Fort Ord under the auspices of the . . . the Monterey County Water Resources Agency (MCWRA).” (Reuse Plan FEIR, p. 56.) The DRAFT EIR fails to adequately investigate the limitations on the existing “water resources available to the former Fort Ord” as required by the Reuse Plan. The Reuse Plan specifically requires active management of the available “water resources.” “Water resources available” is a different concept from “allocation,” which the Reuse Plan used for other requirements. Thus, the focus is on the actual wet water resources available to Fort Ord and to this Project. This information should be included in the EIR.

The 6,600 AFY agreement is not permanent and was not envisioned to be a permanent arrangement. The DRAFT EIR fails to adequately explain the impacts or the fact that the 6,600 AFY are not permanent, and a new water supply was specifically envisioned. The Agreement specifically referenced a planned project that was intended to provide new water to replace the 6,600 AFY groundwater pumping. That planned project never materialized and was abandoned. No new project has taken its place.

9.23

How close is seawater intrusion to each of the groundwater wells proposed to be used to supply groundwater to the Project? This information is relevant to the environmental analysis, yet the DRAFT EIR fails to investigate, evaluate and mitigate for the impacts of the additional pumping of groundwater for the project, and the effects of that additional pumping with regard to possible seawater intrusion. Be sure to include the Central Marina wells in your response, because those wells pump water that is provided to the former Fort Ord.

Please investigate all you can and disclose whether any of the Marina Coast Water District wells that could supply groundwater to this Project are at risk of saltwater intrusion, and what the impacts of that intrusion would be on the Project’s water supply.

The Marina Coast Water District primarily gets its water supply from wells that pump from the Deep Aquifer. The DRAFT EIR fails to acknowledge this important and material information. The DRAFT EIR fails to investigate and find out all that it can about the Deep Aquifer and its pertinent attributes (e.g., the Deep Aquifer has only small limited capacity; the Deep Aquifer is not being recharged and therefore is not sustainable, etc.).

9.23
(cont'd)

The United States Army warned in the early 1990s that the City of Marina will require new water sources because water levels below sea level in the Deep Aquifer(s) will eventually cause seawater intrusion into the wells that supply Marina.

9.24

The United States Army stated in the early 1990s that Fort Ord pumped an average of only 5100 AFY between 1986 through 1989. The Army stated that Fort Ord's pumping in the SVGB was greater than Fort Ord's contribution to recharge to the SVGB. The Army admitted that a significant percentage of recharge was from leaky pipes. The Fort Ord Army water infrastructure was known to be in poor condition, which was later confirmed by Marina Coast, FORA and others. Further, the Army has admitted the obvious: that most recharge accrues only to shallow aquifers, and likely is not readily available to wells pumping from the deeper aquifers.

The United States Army warned in the early 1990s that then- "existing" water use already exceeded the safe yield of the groundwater system in the vicinity of Fort Ord. The DRAFT EIR improperly ignored this material information. Because the Army has already acknowledged that the average pumping exceeded safe yield,

The United States Army warned in the early 1990s that pumping by groundwater users in the pressure area other than Marina and Fort Ord was approximately 150,000 AFY in the mid-1980s. The US Army wanted that even a small percentage increase in water use by these other Pressure Area users could add sustainability to impacts associated with increased pumping at Fort Ord.

At the time of the analysis by the United States Army of the disposal and reuse of Fort Ord, the Army admitted that there are no transferable water rights to groundwater in California. The Army further admitted that the groundwater overdrafts and seawater intrusion make the value of the rights to groundwater sources "questionable."

The DRAFT EIR assumes that Seaside will give all its remaining water allocation to Campus Town. What information is the DRAFT EIR assumption based on? Is this a

9.25

mitigation? If not, why not? Has Seaside agreed? If Seaside does not agree to give all its water allocation, what are the impacts? How would this affect the jobs/housing balance?

9.25
(cont'd)

The EIR should require a mitigation that prohibits any development of any kind until the nonpotable water supply assumed in WSA Table 5-1 is flowing through existing infrastructure. Otherwise, the phase could be developed and end up using potable water, which would be inconsistent with the Draft Subsequent EIR assumption that the phase would use nonpotable water.

The DRAFT EIR (WSA) claims that “The MCWD’s groundwater supply is considered reliable on a quantity and quality basis.” Please provide all supporting documentation for the claim and explain whether you considered all the other information about the Deep Aquifer that shows that the Marina Coast Water District groundwater supply is not reliable in quantity or quality.

9.26

Does MCWD have an uncontested right to the amount of water needed to produce recycled water? Are those rights limited at certain times of year? If so, please provide details.

Would MCWD need to construct storage facilities for the recycled water? If so, where would those facilities be located? Was the construction of the storage facilities analyzed in any environmental document? If so, please state the name and pages of the documents, the dates certified by the agency, and the resolution number.

The Draft EIR fails to adequately analyze and mitigate the impacts to views from the Fort Ord National Monument. The project area can be seen from multiple locations on the National Monument. These impacts were not analyzed in the Reuse Plan EIR, because at the time the land was not designated as a National monument. The designation is new information and change of circumstances and requires environmental analysis. All impacts to Fort Ord National Monument must be analyzed.

9.27

The DRAFT EIR fails to adequately present and quantify the information about the total number of trees that would be removed for the Project.

The DRAFT EIR fails to quantify the number of oaks in the Oak Woodland area in the map in Figure 4.3-1. The DRAFT EIR should be revised and a Forest Resource Evaluation

should be prepared. Oak Woodlands are of keen interest to the public who reside in and around Fort Ord.

9.27
(cont'd)

The DRAFT EIR indicates over 12 acres of Oak Woodland would be removed for the project but fails to specify a mitigation location(s). Seaside is required to mitigate for the loss of this Oak Woodland within Seaside. The DRAFT EIR should be revised to include an examination and maps of feasible mitigation locations. KFOW and its members have attended multiple public meetings related to the choice of the oak mitigation areas for other projects such as the nearby Veterans Cemetery. Public presentations by consultant Denise Duffy and Associates at the County Fort Ord Committee have shown how extremely difficult it is to mitigate (replant) relatively small numbers of oaks. In practice, few suitable locations exist on Fort Ord. The DRAFT EIR also fails to disclose that FORA, Seaside and the County of Monterey still have not officially adopted and memorialized an Oak Woodlands Conservation Area as required in the Reuse Plan. Designation of an Oak Woodlands Conservation Area is more than two decades overdue. Do you agree? If not, please provide a meaningful response including references.

9.28

The DRAFT EIR discussion of seawater intrusion on page 4.9-5 is out of date and does not serve to inform the reader. Inexplicably, the discussion stops at 2015 with a reference to MCWD's UWMP. Data released in 2017 by the Monterey County Water Resources Agency revealed seawater intrusion jumped substantially Eastward. Some pockets of seawater intrusion are now close to the City of Salinas. The DRAFT EIR fails to disclose the significant advancement of seawater intrusion in recent years. The DRAFT EIR should be revised to include a current discussion of seawater intrusion and current seawater intrusion maps.

9.29

The DRAFT EIR WSA Table 3.1 is out of date and does not serve to inform the reader. Again, the data stops at 2015. Why? The DRAFT EIR should be revised to include current pumping data through at least 2018.

The DRAFT EIR WSA Section 4.1 says "The District's primary source of water supply is the Salinas Valley Groundwater Basin, and it also has a small desalination plant in the Central Marina Service Area." This is confusing and misleading. MCWD's sole water supply is groundwater pumping. There is no back-up supply. The desalination plant in the Central Marina is mothballed and inoperative. This section of the DRAFT EIR needs to be revised to include accurate on-the-ground information.

9.30

The DRAFT EIR WSA Section 5-1 gives short thrift to the golf course in-lieu storage and recovery program. The section omits crucial information and needs to be revised. KFOW is informed and believes Seaside intends to use the water from its municipal well on Bayonet/Blackhorse Golf Course as a future water supply for Campus Town. The DRAFT EIR does not disclose any information about the long-term reliability of the golf course well. In recent years the well was shut down due to poor water quality and Seaside borrowed water from MCWD for five years. Is the Bayonet/Blackhorse Golf Course well a potable water source? Is it a reliable long-term water supply?

9.31

The DRAFT EIR fails to disclose material information about the Bayonet/Blackhorse Golf Course well(s) in the Seaside basin. The Seaside Basin is fragile. It is in an overdraft condition. The basin has been adjudicated. Do you agree? Please provide evidence the Bayonet/Blackhorse Golf Course well can be counted on as a reliable long-term water supply. Please identify any environmental review that has occurred for the Bayonet/Blackhorse Golf Course well(s) as it relates to supplying future development such as Campus Town.

Keep Fort Ord Wild has reviewed and joins in the DRAFT EIR comments of LandWatch Monterey County.

9.32

Thank you for the opportunity to make comments.

Keep Fort Ord Wild requests to be placed on the distribution list for all notices related to this project, including any parts of the project and including all notices under Public Resources Code section 21092.2. Notices can be sent to msalerno3209@comcast.net and erickson@stamplaw.us

Very truly yours,

Michael Salerno

Spokesman, Keep Fort Ord Wild.

Letter 9

COMMENTER: Michael Salerno, Spokesman, Keep Fort Ord Wild

DATE: August 22, 2019

One of the prevailing themes in Comment Letter 9, is it generally encompasses a series of interrogatories in the guise of a comment letter, which ignore the contents of the EIR and the Water Supply Assessment. For example, Comment 9.5 states “These facts are material to the environmental analysis of the project’s water supply. As to each of these facts, please respond whether you agree. If you do not agree, please provide a meaningful response and provide citations to the technical evidence on which you base your response.” It is not the purpose of CEQA to respond to interrogatories (*City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526 [“Analysis of Response to Comment 32: The response is adequate...it is not really a comment at all. It functions as an interrogatory directed to the authors of the EIR.”]). As explained in the *CEQA Guidelines* “In reviewing Draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.”

Additionally, many of the comments below misrepresent the contents of the EIR and the WSA, and based upon these misrepresentations conclude that the water supply analysis is inadequate. For example,

- A. Comment 9.5 incorrectly asserts that “the Draft EIR fails to disclose that the water source for the former Fort Ord water supply is the so-called Deep Aquifer.” Draft EIR Sections 4.9 and 4.16 mentions *this fact 20 times*. For example, page 4.9-5 clearly states “MCWD’s wells in Central Marina, although near the coast, are *in the Deep Aquifer within the Monterey Subbasin...*”
- B. Comment 9.5 incorrectly asserts that “the DRAFT EIR does not mention the 180-foot and 400-foot aquifers at all by name [except from] Draft EIR WSA page 22.” Draft EIR page 4.9-5 clearly states “Seawater intrusion is an ongoing problem in the Salinas Valley Groundwater Basin. The upper aquifers in the Salinas Valley Groundwater Basin (*180-foot and 400-foot aquifer which is North of the Monterey Subbasin*) along the coast are experiencing high salinity due to seawater intrusion.”

Notwithstanding these and other inaccuracies and misrepresentations, the specific comments are addressed as follows.

Response 9.1

The commenter describes the Keep Fort Ord Wild’s membership and mission, and states that the Project has 1,485 residential units and asserts that the Project would exceed limits in the “development Resource Management Plan” and would therefore not be consistent with the BRP or BRP mitigations.

The Proposed Project would not cause an exceedance of the limit for new residential units on the former Fort Ord. Please refer to Response 10.4 and Response 3.7 for additional information on the FORA Development and Resource Management Plan’s Residential Development Program and New Residential Unit Limit.

Response 9.2

The commenter states the opinion that the Fort Ord BRP allocation of 6,600 AFY is not a valid transfer of water rights. The commenter states that the Draft EIR is incorrect in its assumption that there is 6,600 AFY of available water from the BRP and incorrect that the 6,600 AFY represents a sustainable or safe yield. The commenter further incorrectly asserts that “average [water] use was significant less [than 6,600 AFY].” The commenter further states the Army does not have the authority to transfer water rights.

The commenter first asserts that 6,600 AFY is not the sustainable yield of the groundwater basin, and that 6,600 AFY was the peak amount of water used by the Army in 1984. The 6,600 AFY was not just a “peak” as asserted in the comment, rather “The 6,600 acre-feet per year figure is derived from the 1984 peak *and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin*, not including pumping from a non-potable golf course well” (Draft EIR Section 4.16.1). Reliance upon the 6,600 AFY allocations is supported by (1) the statutory baseline procedures provided under Pub. Res. Code § 21083.8.1 (Draft EIR Sections 3.3 and 4.16.1), and (2) MCWRA’s Long-Term Management Plan and the groundwater sustainability planning process which are designed to ensure the reliability of the 6,600 AFY (Draft EIR page 4.16-20; Appendix M1, Section 5.3 [“Reliability of Water Supply and the Regional 6,600 AFY Allocation”]). Furthermore, the purpose of CEQA is to analyze impacts in comparison to existing conditions, not to fix existing environmental issues (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”]).

Reliance upon the 6,600 AFY allocation is appropriate because 6,600 AFY was the amount of water identified in the 1993 Annexation Agreement which provided annexation of the former Fort Ord lands into MCWRA Zone 2 and 2A as being associated with the maximum the Army should pump from the SVGB while providing for other users of the common water source. The Seaside Subbasin is adjudicated and is managed by a Watermaster pursuant to a court-ordered Adjudication Judgement which defines groundwater pumping limits toward the goal of achieving sustainability. The Monterey Subbasin is not adjudicated, but is being managed pursuant to the Sustainable Groundwater Management Act (SGMA) toward the common goal of long-term sustainability. MCWD holds several legal bases to continue production from the Monterey Subbasin, even if it were adjudicated, including Prescriptive Rights, Subordination, and Doctrine of Intervening Public Use, all of which are discussed in the Water Master Response.

The commenter expresses a concern over “paper water;” this term refers to legal water rights in comparison with physical water, or “wet water.” The concern regarding paper water is that an entity may have a legal right to more water than is physically available to that party. For the Proposed Project, the commenter’s concern appears to be that the analysis of water supply availability and reliability provided in the EIR and the WSA relies upon a legal right to consume 6,600 AFY of water from the SVGB when less water is physically available. To clarify, the Water Master Response provides a detailed description of the history of water supply management in the Plan Area, specifically with respect to groundwater management, in order to address any paper water concerns expressed in response to the Project’s EIR and WSA. As stated in the Water Master Response, seawater intrusion has driven groundwater management in the greater Salinas Valley Basin and the Monterey Subbasin for more than 70 years, and the Army’s original 6,600 AFY limit on pumping from the Salinas Valley Basin, as specified in the 1993 Annexation Agreement, was an agreement between the Army and MCWRA to manage seawater intrusion by limiting groundwater pumping. Seawater intrusion management is a method of regional water supply reliability management. As such, the 6,600 AFY is a “demand management arrangement” used to ensure

water supply reliability in the area. The available water supply for purposes of the Proposed Project is addressed in the WSA and the Water Master Response.

The commenter also notes that the City of Seaside is obligated under CEQA to assess the impacts of using the 6,600 AFY of water addressed in the 1993 and 1996 agreements. To clarify, the City is obligated under CEQA to assess the impacts of the Proposed Project, including water supply demand for the Project. In accordance with CEQA, the EIR for the Proposed Project assesses potential impacts associated with the Proposed Project's use of groundwater from the Monterey Subbasin, as well as mitigation to secure the remaining 261 AFY associated with buildout of the Proposed Project. No additional impact analysis or mitigation measures have been added to the EIR or WSA because the impact analysis provided is consistent with CEQA requirements, and the identified mitigation measure to secure water supply for the Project is sufficient to mitigate Project impacts to water supply. Furthermore, as discussed in the WSA (Appendix M1) under "Reliability of Water Supply and the Regional 6,600 AFY Allocation": "The planned additional sources of supply are recycled wastewater and seater desalination as discussed above." As discussed in Appendix M1, Section 4.2.1, those projects have been subject to environmental review (See also Draft EIR page 4.16-22).

The commenter also misconstrues the 6,600 AFY of water associated with the Fort Ord BRP. For clarification, please see the Water Master Response, which provides detailed description of the 1993 agreement between the Army and the Monterey County Water Resources Agency (MCWRA), and Response 10.6. Regarding the commenter's statement that the 1993 Agreement was not a valid transfer of water rights, the Water Master Response clarifies that the FORA Allocation should not be understood to be a water right; rather, it is a demand management arrangement. By contrast, the water rights supporting Fort Ord, and now the Ord Community, originate from the common law. Originally, the Army's right to supply groundwater to Fort Ord arose from federal water rights, among other possible claims. MCWD possesses groundwater rights that it relies on to serve the Ord Community under other doctrines discussed in the Water Master Response.

Further, the Army has not issued or transferred water rights; rather, as discussed in the Water Master Response, in 2001 the Army quitclaimed its water and wastewater infrastructure to FORA, meaning that it relinquished its water and wastewater infrastructure to FORA, and issued two easements to FORA which required that FORA ensure that all owners of property at the former Fort Ord continue to be provided an equitable supply of water at equitable rates. This was not a transfer of water rights as stated by the commenter.

Response 9.3

The commenter provides a series of generic assertions with no specific references to the EIR alleging that it fails to investigate, disclose, and analyze the water source; establish an accurate baseline; investigate, disclose, analyze, and mitigate the impacts of additional pumping; and discuss water rights. The commenter further states the opinion that impacts are severe and unmitigable.

The Draft EIR and the WSA for the Proposed Project provide sufficient information and analysis to satisfy the required scope of review pursuant to CEQA. The Draft EIR and WSA characterize baseline environmental conditions, including with respect to water supply availability, in accordance with CEQA requirements (see Draft EIR Sections 4.9 and 4.16, and Appendix M1). Baseline conditions are thoroughly characterized as the existing water supply conditions at the time of preparation of the CEQA analysis and under the statutory baseline; the Water Master Response provides additional

discussion of water supply conditions with respect to previous water supply agreements in the Plan Area. Please also see Response 9.2 and the Water Master Response for discussion of water rights.

The EIR acknowledges that impacts of the Proposed Project would be potentially significant without mitigation, but the implementation of Mitigation Measure UTIL-1 would reduce impacts to a less than significant level by ensuring that the 261 AFY of Project water demand not provided by the City of Seaside's existing capacity (described above) is secured by offsetting potable water demands, using one of several ongoing options detailed in Mitigation Measure UTIL-1 and assessed in the Draft EIR. This approach of offsetting existing water uses is consistent with CEQA (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1091 [upholding analysis where the urban project relied upon water which was offset from prior agricultural uses]). With implementation of Mitigation Measure UTIL-1, the Proposed Project would not result in significant adverse impacts or cumulative impacts to groundwater supplies.

Please see Water Master Response for discussion of the 1993 and 1996 agreements, water rights and allocations in the Plan Area.

Response 9.4

The commenter states MCWD would extract additional groundwater from the already overdrafted SVGB, which is an illegal appropriation of water from private property owners because water rights have not been established. The commenter states that MCWD does not have rights to appropriate water from the overdrafted basin. The commenter states the EIR must address reasonably foreseeable impacts of supplying water to the Project, including water rights issues.

The Proposed Project would not involve any illegal groundwater extraction, and would not illegally consume water that is appropriated to other users including landowners. Discussion of water rights, including regarding adjudication of the Seaside Subbasin, is provided throughout Sections 4.9 and 4.16 of the Draft EIR and specifically on pages 4.9-13 and 4.9-14. Please see the Water Master Response for a detailed discussion of groundwater rights including with respect to regional water supply management. The Proposed Project does not introduce an illegal take of water supply, as stated by the commenter. No revisions to the Draft EIR are warranted because the Draft EIR and WSA are consistent with CEQA requirements regarding the scope of analysis, and the Water Master Response further provides discussion of water rights to address the commenter's concerns.

Please see Response 9.2 for discussion of "paper water" concerns and additional explanation of water rights in the Plan Area. As described in the Draft EIR and herein, the Proposed Project's impacts to water supply would be less than significant with implementation of Mitigation Measure UTIL-1.

Response 9.5

The commenter expresses multiple concerns regarding adequacy of the CEQA analysis provided in the Draft EIR, including: the Draft EIR does not disclose the water source for the former Fort Ord water supply; the WSA does not state the aquifers are intruded with seawater and other contamination and not used for potable water supply; the Draft EIR does not disclose that some Seaside Basin groundwater areas are off-limits due to toxic contamination; the Draft EIR does not adequately investigate and disclose contents from publicly available records regarding the Deep Aquifer, including that it is allegedly unsustainable, not being recharged, contains a small and limited supply, is overdrafted, is ancient, is vulnerable to seawater intrusion, Marina and Fort Ord rely on it for water supply, and there is no back-up water supply. The commenter further suggests

mitigation prohibiting the use of water from the Deep Aquifer, and states the Deep Aquifer has not been studied and a safe yield has not been established.

The Master Water Response provides discussion of the legal requirements of CEQA including with respect to the provision of a water balance for the region, which is beyond the scope of analysis for the Proposed Project. The Master Water Response also provides further discussion of regional water supply management applicable to the Proposed Project.

The commenter incorrectly states “the Draft EIR fails to disclose that the water source for the Former Fort Ord water supply is the so-called Deep Aquifer” and then asserts it is mentioned only in a cursory fashion, referencing Draft EIR Appendix M, page 22. The commenter misrepresents the contents of the WSA and the EIR. In fact, page 22 of the WSA expressly states “*The District is the only significant user of the Deep Aquifer.*” The Draft EIR clearly explains that “MCWD’s wells in Central Marina, although near the coast, are *in the Deep Aquifer within the Monterey Subbasin... the District has one well in the deep aquifer...*” (Draft EIR page 4.9-5). In fact, Draft EIR Section 4.9 references MCWD’s use of the Deep Aquifer 11 times in that chapter alone, and 9 times in Draft EIR Section 4.16. The Deep Aquifer is discussed throughout the WSA and Sections 4.9 and 4.16 of the EIR as applicable, including in WSA Section 5.3 and on page 29, where it is described that the Proposed Project would not increase pumping in the Deep Aquifer at such magnitudes that seawater intrusion would increase.

The commenter next faults the EIR for allegedly not discussing seawater intrusion “in the baseline information.” The Draft EIR expressly discussed seawater intrusion under baseline conditions. More specifically, the EIR clearly states “Seawater intrusion is an ongoing problem in the Salinas Valley Groundwater Basin. The upper aquifers in the Salinas Valley Groundwater Basin (180-foot and 400-foot aquifer which is North of the Monterey Subbasin) along the coast are experiencing high salinity due to seawater intrusion. [Footnote 1] According to the 2019 Salinas River Long-Term Management Plan, ‘seawater intrusion extends approximately 7 miles inland within the 180-foot aquifer and 4 miles inland in the 400-foot Aquifer’” (Draft EIR page 4.9-5; Draft EIR Appendix M1 page 29). The Draft EIR also incorporated by reference the UWMP, which shows the boundaries of seawater intrusion in Figure 4.5, and Figure 4.6 in the Salinas Valley Basin. Seawater intrusion in the Monterey Subbasin is also discussed on page 4.9-5 of the Draft EIR, which describes that the Monterey Subbasin has not experienced signs of seawater intrusion and is considered to have reliable quality. As also explained on page 4.9-5 “there is a monitoring well that serves as an ‘early warning system to identify any seawater intrusion...’ (MCWD 2015 UWMP Section 4.2.5, at p. 48).”

Contrary to the assertions in the comment, the Draft EIR also acknowledges that “there ‘is some concern that the Deep Aquifer may become affected by seawater intrusion,’ there is a monitoring well that serves as an “early warning system to identify any seawater intrusion”” but that no increase in the magnitude of pumping sufficient to cause seawater intrusion (between two to five times the baseline rate) is anticipated (Draft EIR at page 4.9-5). The Deep Aquifer has been studied and there is a yield at which seawater intrusion may become an issue. However, pumping from the Deep Aquifer is significantly less than the estimated amount at which seawater intrusion will become an issue.

The comment incorrectly states that the Draft EIR fails to explain the ancient origin of the water in the Deep Aquifer and that it is not being recharged. The Draft EIR and WSA incorporated by reference MCWD’s 2015 Urban Water Management Plan (Draft EIR page 4.16-13; Draft EIR Appendix M1, page 6). When a document is incorporated by reference “the incorporated language shall be considered to be set forth in full as part of the text of the EIR” (*CEQA Guidelines* Section 15150). MCWD’s UWMP clearly explains:

“The Deep Aquifer consists of an aggregation of all sand and gravel deposits that exist below the 400-Foot Aquifer including aquifers in the Aromas Sand, the Paso Robles Formation and the Purisima Formation, not all of which are hydraulically connected... (UWMP page 35)

Studies by the United States Geological Survey indicate that Deep Aquifer water in the vicinity of Marina is not of recent origin. Uncorrected Carbon 14 dating of water from a test well in the vicinity of Marina’s Deep Aquifer wells indicates the water is between 22,000 and 31,000 years old. The ancient nature of this water raises the possibility that recharge to this aquifer may be insufficient to sustain current pumping, but monitoring well data at the Marina Airport indicates the aquifer is subject to seasonal variations similar to the upper aquifers. Recent stratigraphic analyses have indicated that these aquifers are connected hydraulically at certain locations with the 180-foot and 400-foot aquifers, which may be recharging the Deep Aquifer. (UWMP page 37)

The Draft EIR and the WSA for the Proposed Project sufficiently characterize baseline conditions and potential impacts, and discusses the use of available public information with respect to water supply in the region. However, “[a]n EIR need not include all information available on a subject. An EIR should be ‘analytic rather than encyclopedic’ and should emphasize portions ‘useful to the decision-makers and the public’” (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 748).

With respect to concerns regarding toxic contamination affecting groundwater, Section 4.8 of the Draft EIR (*Hazards and Hazardous Materials*) discusses this issue in detail. Specifically, Section 4.8, *Hazards and Hazardous Materials*, which characterizes contamination from previous Fort Ord activities and describes the regular groundwater quality testing is conducted to detect contamination associated with former military activities. The EIR acknowledges that certain groundwater areas under Fort Ord are off-limits due to toxic contamination, and the Plan Area is not located within or adjacent to toxic contamination. The Draft EIR also incorporated by reference the MCWD Urban Water Management Plan, which contains Figure 4.8, which shows the locations of existing Groundwater Contamination Plumes. However, the Project’s water supply is coming from MCWD, whose wells are located in the Monterey Subbasin, not the Seaside Subbasin. These well locations are identified in Figure 2.2 of the Urban Water Management Plan, which was incorporated by reference in the EIR. While the project’s mitigation calls for an in-lieu storage program and other water offsets, this water is also not associated with wells in the Plan Area. To provide additional information on toxic contamination in response to this comment, the following text has been added to Section 4.9.1(d), *Water Quality*, of the Draft EIR:

Onsite groundwater monitoring wells screened in the upper 180-foot aquifer were tested up until approximately 2011 when the wells were deemed unnecessary and abandoned. It appears that onsite wells were not screened or tested in the A-Aquifer, Lower 180-Foot Aquifer, and 400-Foot Aquifer. The wells were utilized initially to determine if groundwater at Site 10 was impacted from the historic use at the burn pit. The groundwater wells were also utilized for a time as upgradient monitoring wells as part of the OU2 groundwater monitoring.

The remediation system at OU2 has been operating since 1995 to remediate the OU2-Aquifer, the OU2 Upper 180-Foot Aquifer, and the OU Carbon Tetrachloride Plume Upper 180-Foot Foot Aquifer (Ahtna 2019b). Deep aquifer groundwater assessment documents were not readily available at the Fort Ord Cleanup website. Assessments have been completed by the Army at the A-Aquifer, Upper 180-Foot Aquifer, and the Lower 180-Foot Aquifer and are available online at the Fort Ord Cleanup website.

As noted in the response above, the Draft EIR did address contamination issues affecting groundwater, and the information provided in the EIR was sufficient to characterize potential impacts of the Project in accordance with CEQA requirements for scope of analysis; the text above was added to provide additional information. The Project's impacts related to water have been mitigated to less than significant, and no additional mitigation measures are necessary.

Response 9.6

The commenter states the Draft EIR does not disclose or investigate the limitations on the amount of water MCWD pumps from the Deep Aquifer, and suggests that the Project would compromise MCWD's ability to comply with its water supply obligations. The commenter states the Draft EIR does not propose reasonable mitigations to address impacts to the Deep Aquifer.

MCWD meets obligations to manage the Deep Aquifer to provide sustained use of the resource; MCWD's management decisions and water supply planning efforts are consistent with its mission statement to provide reliable and sustainable water resources, and information from MCWD planning documents is used in the EIR where applicable to describe long-term water supply management. The Water Master Response provides detailed discussion of water supply management in the Project, particularly with respect to MCWD. As stated in the Water Master Response, the three near-term water sources relevant to MCWD's anticipated service to the Proposed Project include: groundwater from the Monterey Subbasin; advance-treated recycled water derived from the PWM Project (recycled water will be used to offset existing uses of potable groundwater within MCWD's service area, thereby liberating MCWD's potable supply), and the Seaside Basin (the City of Seaside intends to assist MCWD to make more expansive use of recycled water from the PWM Project than would otherwise be possible by substituting recycled water on Seaside's Blackhorse and Bayonet Golf Courses in lieu of the current use of potable groundwater from the Seaside Basin).

The commenter is incorrect in stating that the Draft EIR fails to identify reasonable mitigation to address water supply. In accordance with CEQA, the Draft EIR for the Proposed Project assesses potential impacts associated with the Proposed Project's use of groundwater from the Monterey Subbasin, as well as mitigation to secure additional water for the Project. Please see Water Master Response for discussion of the 1993 and 1996 agreements, and further explanation of the CEQA scope of analysis for the Proposed Project. As discussed in the Draft EIR and in previous responses (see Response 9.3), Mitigation Measure UTIL-1 would meet the Project's water supply needs by requiring the City to secure water supplies through offsetting potable water demands. Mitigation Measure UTIL-1 would effectively minimize potential impacts associated with water supply.

Response 9.7

The commenter makes multiple statements regarding adequacy of the Draft EIR, and claims that the Draft EIR does not provide technical information to support its conclusion, including the baseline pumping or quantity of water available in the Deep Aquifer. The commenter states that multiple water supply factors are not adequately addressed in the EIR, and notes that topics such as the following should be discussed with the support of technical reports: the SVGB is overdrafted, recharge does not go to the Deep Aquifer, the Deep Aquifer is not augmented by reservoirs, and SVGB pumping is primarily from the shallow aquifers. The commenter states the Draft EIR does not disclose that MCWD wells in Central Marina supply the former Fort Ord, and that MCWD wells in the Ford Ord County Service Area supply water to the City of Marina and Ord Community.

The commenter states that technical reports conclude that the SVGB is affected by climatic conditions. The commenter does not cite technical reports that make this conclusion or suggest that such technical reports should be included in the Draft EIR. Nevertheless, a thorough description of existing conditions in the SVGB is provided in the Draft EIR, based upon known published information and historical analysis of the groundwater basin.

The commenter states that the SVGB is seriously overdrafted, that recharge does not reach the Deep Aquifer, which is identified as the Project's water supply, and that the Deep Aquifer is not augmented by upstream reservoirs. To clarify, as described in the Draft EIR, all of MCWD's wells are located within the Monterey Subbasin of the SVGB, which is not identified as critically overdrafted. The Seaside Subbasin of the SVGB is adjacent to, and immediately south of, the Monterey Subbasin; the Seaside Subbasin is adjudicated and is being actively managed pursuant to an Adjudication Judgment administered by the Court-appointed Watermaster to address and relieve historic overdraft conditions. Please see page 4.9-13 of the Draft EIR and the Water Master Response for discussion of the Seaside Subbasin Adjudication. The Deep Aquifer of the Monterey Subbasin is discussed on page 4.9-25 of the Draft EIR, and in Section 4.16 with respect to the Project's water demands. Page 4.16-3 of the Draft EIR states that MCWD "is the only significant user of the Deep Aquifer, although there are Deep Aquifer wells serving the Monterey Dunes Colony (120 homes) and the Armstrong Ranch," based upon information provided in MCWD's 2015 Urban Water Management Plan (UWMP).

Further discussion of MCWD pumping from the Deep Aquifer is provided on pages 4.16-19 and 4.16-20 of the Draft EIR. The Draft EIR for the Proposed Project does not provide a full hydrologic analysis of groundwater connectivity in the Project region, as such analysis is beyond the CEQA scope for the Proposed Project. As the Supreme Court has explained "CEQA... does not require a city or county, each time a new land use development comes up for approval to reinvent the water planning wheel... When an individual land use project requires CEQA evaluation, the urban water management plan's information and analysis may be incorporated in the water supply and demand assessment" (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* [2007] 40 Cal.4th 412). The Draft EIR and the Water Master Response provide detailed description of the sustainability of the Monterey Subbasin and the Seaside Subbasin, including the water rights within each relevant to the MCWD water supply opportunities and the Proposed Project.

The commenter expresses the opinion that the Draft EIR fails to adequately characterize baseline conditions of the Deep Aquifer, including quantification of Deep Aquifer supply, and states that supply in the Deep Aquifer is small and finite. The commenter does not provide information or data to support this claim about the Deep Aquifer. Analysis provided in the Draft EIR cites available information and resources to characterize water supply conditions in the Plan Area, and bases conclusions that sufficient water is available on the information provided in these published resources. Response 10.6 and the Water Master Response provide further discussion of water rights and water supply availability in the Project area.

In response to the commenter's statement that the Draft EIR should quantify the Deep Aquifer supply, the EIR does not quantify the Deep Aquifer supply because doing so would require a regional hydrologic evaluation, which is well beyond the scope of analysis required by CEQA for the Proposed Project. The Water Master Response provides detailed discussion of water supply in the Plan Area, particularly with respect to groundwater management.

Regarding the commenter's assertion that multiple water-related topics are not adequately addressed in the EIR with technical reports, the Draft EIR thoroughly documents available technical reports that were used to identify and characterize potential impacts of the Project, as described

above. The Water Master Response provides expanded discussion of groundwater supply and cumulative groundwater uses including but not limited to groundwater users in Marina and the Ord Community. Please also see Response 9.5, which clearly explains how the Draft EIR discussed MCWD's water sources, and Draft EIR Sections 4.9 and 4.16 for discussion of MCWD's service area.

Response 9.8

The commenter states that MCWD obtains the majority of its water from the Deep Aquifer and incorrectly asserts the EIR fails to disclose this fact. The commenter requests the following information be added to the Draft EIR: the depth of water pumped from MCWD wells in the last 5 years, how much water has been pumped from each depth, yearly and monthly data for each well, names and numbers of MCWD wells, where well pumps are set and where wells are screened and perforated, which wells would supply the Project, and what depth water is extracted from for Project-supplied wells.

As explained in Response 9.5, the EIR clearly explained MCWD's use of the Deep Aquifer. The commenter requests information on the quantity of water pumped from MCWD's wells (see Draft Appendix M1, Section 3.1). As explained above in Response 9.5, the Draft EIR incorporated by reference the Urban Water Management Plan, which also provides the requested information (2015 MCWD UWMP, Section 3.1, and Table 4.9). Additionally, Response 9.15 describes the location of wells, including three MCWD-owned and operated wells in its Central Marina service area and five in its Ord Community service area, all of which are within the Monterey Subbasin (refer to the Water Master Response).

Please see the Water Master Response for expanded discussion of groundwater supply, including with respect to the Deep Aquifer, and cumulative groundwater uses.

Response 9.9

The commenter requests the Draft EIR disclose the baseline issues of the water supply, accurately quantify additional water needed to supply the Project, disclose the actual system loss reported by MCWD, and provide water production data up to 2018.

Please refer to discussion of baseline conditions in Section 4.9, *Hydrology and Water Quality*, and Section 4.16, *Utilities and Service Systems*. As noted in the Water Master Response, there are three primary near-term sources of water relevant to MCWD's anticipated service to the Proposed Project: groundwater from the Monterey Subbasin, advanced-treated recycled water derived from the PWM Project, and the Seaside Basin.

As discussed in the WSA, the Proposed Project would be served by MCWD's portfolio of water supplies. MCWD's water supplies are characterized in their 2015 UWMP, which is incorporated by reference in the EIR and WSA.

The commenter suggests the "assumed line loss" referenced in the Draft EIR may be different than the actual system loss reported by MCWD. Because the WSA relies on information from MCWD's 2015 UWMP, which was prepared by MCWD, and because the WSA was itself approved by MCWD, the WSA utilizes the best available information on line loss. According to MCWD's UWMP Appendix which was incorporated by reference (page E-10), it was assumed by MCWD that line loss would be approximately 5.3 percent. This is a conservative assumption, as actual recorded line loss was calculated to be as low as approximately 2.4 percent. (UWMP Appendix [86.147 AFY loss/3,641.510].) Please refer to the Water Master Response.

The commenter also faults the EIR and WSA for utilizing data up to only 2015. The WSA statutory requirements specifically allow for incorporation of UWMP analysis into the CEQA process (Water Code § 10910(c)). As the Supreme Court has also explained “CEQA... does not require a city or county, each time a new land use development comes up for approval to reinvent the water planning wheel... When an individual land use project requires CEQA evaluation, the urban water management plan’s information and analysis may be incorporated in the water supply and demand assessment” (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* [2007] 40 Cal. 4th 412).

The commenter requests additional water production information be provided beyond 2015. Quarterly Ord Community Consumption Reports through 2019 can be found in PDF format on MCWD’s website.⁵ The information included in the Draft EIR is sufficient for the purposes of the analysis. No revisions to the Draft EIR have been incorporated based upon this comment.

Response 9.10

The commenter questions the reliance on the MCWD desalination plant as a source of water supply, noting that the plant has never run at full capacity and has been inoperable for more than 10 years, with no plans for restoration or operation of the plant.

The commenter appears to be referencing footnote 3 in Draft EIR Appendix M1 Table 3-3, which is associated with the “Allocation” for the Marina Ord Community, *not the Plan Area* (i.e., “City of Seaside”). Furthermore, the EIR’s discussion of 6,600 AFY allocation does not include this value; the “Subtotal – ORD” allocation is shown at 6,900 (i.e., 6,600 AFY allocation + 300 AFY from the desalination plant). While this does not affect the Plan Area’s water allocation, Section 4.1.2 of the WSA explains that:

The District has a desalination plant located near Marina State Beach, which can contribute up to a 300 AFY of potable water supply to the Central Marina service area. The plant was constructed in 1997 as a pilot project but is not currently in use. Under a 2006 agreement among the District, Cypress Marina Heights, L.P., Marina Community Partners, L.L.C., and Cypress Knolls, L.L.C., the yield of this plant is dedicated to meeting the needs of the three developments in the Marina portion of the Ord Community service area. The developers may opt to terminate the agreement once a new supply becomes available to the Ord Community from the RUWAP, at which time the supply from the desalination pilot project would revert to Central Marina.

The Draft EIR further explained that “In 1996, MCWD constructed a 300-AFY seawater desalination facility at Marina State Beach. Because the Monterey Bay is a national marine sanctuary, open ocean intakes and discharges are not permitted. MCWD’s desalination facility was designed and constructed to test whether adequate seawater supply could be produced from shallow beach wells, and also to test the use of beach injection wells for brine discharge. The facility is currently idle; however, it could be restored to function” (Draft EIR page 4.16-4). This information was sourced from MCWD’s 2015 UWMP.

⁵ https://www.mcwd.org/gsa_water_consumption.html⁶ <https://www.fora.org/Reports/AR/AnnualReport2019-Full.pdf>

Response 9.11

The commenter requests an explanation of the Ord Community jurisdictions in Table 5-1 of the WSA, and notes a typographical error for correction in Table 5-2 of the WSA.

Within the Ord Community, the 6,600 AFY of existing Salinas Valley groundwater supply has been allocated among the land use jurisdictions by FORA, as shown in Table 5-1 of the Draft EIR Appendix M. Table 5-1 should be read in conjunction with Figure 1.1 of the WSA, which shows the Marina Coast Water District Service Areas, which shows the project within the Ord Community Service Area. More detailed information is also shown in UWMP Figure 2.2, *MCWD Service Area*, including the precise location of the sphere of influence. The “City of Marina (Ord)” refers to the portion of the Ord Community located in the City of Marina. The “Marina Sphere” refers to land within the City of Marina’s Sphere of Influence (refer to Figure 1 of the MCWD Draft IS-ND for the Sphere of Influence Amendment available online at <https://www.mcwd.org/docs/ocsiaa/MCWD%20Public%20Draft%20IS%20Dec192017.pdf>).

In response to this comment, Table 5-2 of the Draft EIR Appendix M has been revised to address the spelling correction:

Table 5-2 City of Seaside Sub-Allocations

Land Use Jurisdiction	Existing Groundwater Allocation (AFY)
City of Seaside	
SunBay Apartments	120.0
Brostram Park (Bay View MHP)	84.8
Seaside Highlands	168.5
Seaside Resort	161.4
MPUSD	81.0
Monterey College of Law	2.6
Monterey Peninsula College	9.0 <u>9.7</u>
Chartwell School	6.4
Main Gate "Retail Lifestyle Mall"	149.0
American Youth Hostel <u>Hostel</u>	5.5
Seaside Senior Living	40.0
Other Existing Use	3.0
City of Seaside Total	831.2 <u>831.9</u>
FORA Allocation	1012.5
City of Seaside Unallocated	181.3 <u>180.6</u>

Response 9.12

The commenter states the opinion that the inclusion of Armstrong Ranch and the Lonestar Property (Cemex site) in WSA Table 3.3 is confusing and misleading, as groundwater pumped on those sites can only be used on those sites.

As indicated by the title of Draft EIR Appendix M Table 3-3: “Water Demand Projection by Service Area (AF),” the table summarizes projected water demands by service area through 2035. The commenter’s question about groundwater pumping and related water rights on the Armstrong Ranch and Cemex sites relates to water production, as opposed to demand which is the topic analyzed in Table 3-3. Table 3-3 includes the Armstrong Ranch and Cemex sites in order to accurately account for all projected demands in MCWD’s service area. The topic of groundwater production at the Armstrong Ranch and Cemex sites is irrelevant for the table.

Response 9.13

The commenter requests that the term “Marina sphere” in WSA Table 5-1 be defined. The commenter claims that the Draft EIR omits which Project elements would be withheld due to insufficient water allocations, fails to address assumptions regarding Seaside water demand, and fails to investigate and disclose jurisdictions that exceed their water allocation.

Refer to Response 9.11 for a definition of “Marina sphere” as used in Table 5-1 of the Draft EIR Appendix M. Please also refer to the Water Master Response.

The commenter also asserts that the EIR fails to address assumptions regarding recycled water and its availability. The conclusions in the Draft EIR rely on water projections and calculations in available long-term water management planning documents. As noted in the Draft EIR, recycled water is predicted to become a contributing source of supply by 2020. As explained in detail Draft EIR Appendix M1, Section 4.2.1:

In 2012, M1W began planning the Pure Water Monterey Groundwater Replenishment Project, which will develop additional sources of water supply and produce advanced treated water for injection into the Seaside Groundwater Basin for indirect potable reuse. The Pure Water Monterey Groundwater Replenishment Project replaces previously planned urban recycled water deliveries to the Monterey Peninsula under RUWAP. M1W approved the Pure Water Monterey Project and an Environmental Impact Report in October 2015. Additional details about the RUWAP and the Pure Water project are provided in Appendix A. In 2016, MCWD and M1W entered into an agreement allowing MCWD to participate in the Pure Water Monterey Project. MCWD is completing construction of the transmission main, which will be used to deliver advanced treated water for both groundwater injection and for urban irrigation, including construction of recycled water mains to the Campus Town Plan Area....

On April 8, 2016, MCWD and M1W entered into an agreement which would provide up to 1,427 AFY of advanced treated water for urban landscape irrigation instead of the tertiary treated recycled water planned under the RUWAP.

As also noted in the FORA’s Annual Report, Fiscal Year 2018-2019, “Recycled water is not yet available for delivery to Fort Ord water users, but will be provided by the recently approved ‘Pure Water Monterey’ project.” The comment alleges that the EIR fails to address whether other water users and jurisdictions in the vicinity of the Project are currently exceeding their paper water allocations. The purpose of the EIR is to analyze the impacts of the Proposed Project; CEQA does not

require an investigation of whether neighboring jurisdictions and projects are exceeding their water allocations. The EIR and WSA made reasonable assumptions about cumulative water demand, based upon the UWMP projections, as outlined in Draft EIR Sections 4.9 and 4.16. Furthermore, the Project's impacts associated with water supply have been mitigated to less than significant with Mitigation Measure UTIL-1.

Response 9.14

The commenter states that the permits for operation of the MCWD desalination plant are not current, and requests information regarding actions needed to re-open and operate the plant. The commenter requests evidence regarding a larger desalination plant.

Please refer to Response 9.10 regarding desalinated water supplies. Any future actions related to re-activating MCWD's existing desalination plant are outside the scope of the Proposed Project or the Draft EIR.

The commenter also references "a larger desalination plant." As discussed in Draft EIR Section 4.9:

MCWD is currently working towards developing new sources of water supply to meet projected demand increases due to redevelopment within the Ord Community, as well as taking actions to address groundwater wells impacted by seawater intrusion. The two major water supply projects described below are recycled water and desalinated water, which together make up the *Regional Urban Water Augmentation Project (RUWAP)*.... Given readily available saline and brackish waters near the District's service area, desalinated water has been considered as another potential water supply. The RUWAP EIR includes a 1,500 AFY desalination facility for MCWD. The facility was sized to provide 1,200 AFY of new supply to the Ord Community and 300 AFY to Central Marina. Additional details about the RUWAP are provided in the WSA (Appendix M1). (Draft EIR pages 4.16-4 through 4.16-6; see also Appendix B to Draft EIR Appendix M1; *Desalination Project Details*).

Response 9.15

Please see Response 9.2 and the Water Master Response for discussion of water supply, water rights, and the 6,600 AFY allocation. The commenter states that the Draft EIR does not adequately analyze the 1993 Agreement between the United States and MCWD, including replacing Fort Ord wells with another water supply source. The commenter claims that the Army does not have the authority to transfer water rights to the Project, and requests water rights necessary to serve the Project be described. The commenter states that the 6,600 AFY water use was peak withdrawal and not average use. The commenter states that seawater intrusion has destroyed water quality.

As discussed in Response 9.2 and the Water Master Response, the FORA Allocation serves as a limitation to a pre-existing water right. The Draft EIR does not claim the 1993 Agreement constitutes a transfer of water rights. Rather, the 6,600 AFY supply allocation is considered to be a constrained demand for supply augmentation. As stated in the Draft EIR Section 4.16.9, "the 6,600 acre-feet per year figure is derived from the 1984 peak and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin, not including pumping from a non-potable golf course well." As discussed in the Water Master Response, the Army voluntarily agreed to the FORA Allocation as a cap on groundwater production at Fort Ord. The Army ensured that cap was set high enough to satisfy potable water demands at Fort Ord. The FORA Allocation limited the Army to average pumping in the aquifers most effected by seawater intrusion. Shifting peak groundwater pumping to the 900-foot Aquifer was an additional seawater intrusion management action intended to protect

the most affected aquifers. Refer to Response 9.2 regarding the EIR's usage of the 1984 peak Army water usage. As noted in the Water Master Response, the water rights supporting Fort Ord, and now the Ord Community, originate from the common law. As discussed in the Water Master Response:

MCWD has perfected appropriative groundwater rights. Appropriative rights arise from actual beneficial use. (*See City of Barstow v. Mojave Water Agency* (2000) 99 Cal. Rptr. 2d 294, 304.) No further action, including that by a court or agency, is required by California law to establish an appropriative groundwater right. An appropriative right is junior in priority to overlying groundwater right, but an appropriator may make use of any surplus water available in the basin. (*See City of Pasadena v City of Alhambra* (Cal. 1949) 33 Cal. 2d 908, 925-26.)

MCWD owns and operates three wells in its Central Marina service area and five in its Ord Community service area, all of which are within the Monterey Subbasin. By pumping groundwater and providing it for domestic use, MCWD has perfected appropriative groundwater rights. The Monterey Subbasin is not presently subject to a groundwater basin adjudication or other legal action to enjoin groundwater use. Thus, there is no present legal restriction on MCWD's ability to extract groundwater for reasonable beneficial use.

The MCWD wells are identified in Figure 2.2 of the Urban Water Management Plan, which was incorporated by reference in the EIR.

Regarding the request for identification of all documentation of water rights that the Draft EIR claims for the water supply for the Project. MCWD possesses groundwater rights it relies on to serve the Ord Community under the doctrines cited in the Water Master Response.

The Draft EIR identifies potentially significant environmental impacts if water is utilized without mitigation via increased groundwater pumping to meet the Project's water demand. The Draft EIR also identifies mitigation measures to offset the Project's water demand and minimize environmental impacts.

Response 9.16

The commenter states that the Army did not pump significantly from the Deep Aquifer to supply Ford Ord. The commenter states that MCWD and the Army have moved wells inland and pumped deeper to continue to supply water, and that local groundwater is unreliable.

Please see discussion of water supply reliability in Draft EIR Section 4.9, Section 4.16, and Appendix M1, and Response 9.2. Table 4-1 in the Draft EIR Appendix M summarizes the existing pumping capacity of MCWD's wells. Please refer to the Water Master Response and Response 9.15 for a detailed discussion of the 1993 Agreement. As discussed in the Water Master Response, MCWD and the City are actively investigating and implementing groundwater recharge projects to ensure the long-term sustainability and reliability of groundwater supplies in the 180-foot aquifer, the 400-foot aquifer, and the 900-foot aquifer (also referred to as the Deep Aquifer).

In addition, MCWD has been granted exclusive Groundwater Sustainability Agency (GSA) status within its jurisdictional boundaries in both the Monterey Subbasin and the 180/400 Foot Aquifer Subbasin. Under the SGMA, MCWD is required to prepare Groundwater Sustainability Plans (GSPs) for both basins. The 180/400 Aquifer Subbasin GSP must be prepared by January 31, 2020 and the Monterey Subbasin GSP must be prepared by January 31, 2022. The Draft EIR references these ongoing SGMA planning efforts. The EIR does not need to resolve all region-wide groundwater

issues. Courts have held that the “purpose of an EIR is to identify and discuss the impact of the proposed project on the existing environment,” but not to solve existing, region-wide problems, which would be “a feat that [is] far beyond its scope” (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1094).

The commenter’s statements about the history of the Army’s actions in the Ord Community do not pertain to the Draft EIR or WSA, and as explained above it is not the purpose of an EIR to be encyclopedic. Nevertheless, the Draft EIR incorporated by reference the “Other Physical Attributes Baseline Study of Ford Ord” as discussed in Draft EIR Section 3.3 (*CEQA Guidelines* Section 15150). Page 1-1 and Section 6 provide a detailed discussion of the historic water supply for Fort Ord. Page 1-1 of that document explains in part:

Fort Ord obtains all of its water for use in its potable water system from the Salinas Valley groundwater basin. Concentrations of chlorides (salts) in groundwater have increased in the Fort Ord and Marina areas resulting in the abandonment or deepening of many wells. These increases in chloride concentrations are attributable to seawater intrusion, resulting from groundwater overdraft. [¶] Seawater intrusion has resulted because of a reversal in natural groundwater flow. The coastal groundwater aquifers of the Salinas Valley groundwater basin are hydraulically continuous with the ocean. In its natural state, freshwater migrates seaward. When the pumping rate of these aquifers exceeds the rate of natural replenishment (overdraft), the seaward movement of the freshwater reverses and seawater fills in the aquifer behind the receding freshwater. By 1985, seawater intrusion in the 180-foot aquifer was overlain by 16,000 acres of land, and intrusion into the 400-foot aquifer was overlain by 6,700 acres (Figure 1-1); seawater has been proceeding inland at a rate of 150 acres per year in the 180- and 400-foot groundwater aquifers in the Marina and Fort Ord area (Jones & Stokes Associates 1990).

This seawater intrusion was most responsible for rendering water from 14 on-post wells unusable. Wells 24, 27, and 28, located near Fritzsche Army Airfield (Fritzsche Airfield), also are contaminated with lead and carbon tetrachloride. Wells 27 and 28 were abandoned, and well 24 is on standby active status; however, water from well 24 is used only to supply peak demands because its water must be blended with water from wells 29-32 to be potable. (EA Engineering, Science, and Technology 1991)

Response 9.17

The commenter states that in the mid-1980s, water problems at Fort Ord included finite groundwater supply, seawater intrusion, overdrafting, and supply reliability.

This comment does not pertain to the Draft EIR or WSA. Please refer to Response 9.2 and Response 9.5 regarding seawater intrusion and to the Water Master Response. As noted therein, although “Seawater intrusion has driven groundwater management in the greater Salinas Valley Basin and the Monterey Subbasin for more than seventy years,” “MCWRA, in coordination with other local agencies, has since developed additional efforts to combat seawater intrusion, including the Castroville Seawater Intrusion Program that delivers recycled and seasonal flows diverted from the Salinas River for irrigation in lieu of pumped groundwater.” Seawater intrusion is not an immediate threat to MCWD’s groundwater supplies because “MCWD pumps groundwater from wells in the 400-foot (from the four inland Ord Community wells) and 900-foot (from one Ord Community well and three Central Marina wells) Aquifers.” Moreover, additional groundwater management for the Monterey Subbasin will be set forth by 2022 pursuant to SGMA. SGMA requires that the

groundwater sustainability plans developed for the Monterey Subbasin control “significant and unreasonable” seawater intrusion by 2040 (see Water Code § 10721(x)(3) (2019)).

Please see Response 9.16 for a discussion of MCWD’s efforts to ensure the sustainability of groundwater supplies. Revisions to the Draft EIR are not required in response to this comment.

Response 9.18

The commenter states the opinion that the Draft EIR does not adequately consider water extraction impacts and long-term sustainability of pumping. The commenter states that multiple Army wells went dry or turned salty, and the Draft EIR did not fully analyze impacts of pumping at 6,600 AFY.

Please refer to Response 9.2 and Response 9.15 regarding the 6,600 AFY allocation. The commenter’s claim that the Proposed Project would take 6,600 AFY from the Deep Aquifer is false. As stated in the Draft EIR Appendix M1: “The 6,600 acre-feet per year amount includes 5,200 acre-feet from the ~~180-foot~~ and 400-foot aquifers, along with 1,400 acre-feet per year from the 900-foot or Deep Aquifer.” See Response 10.17 for a discussion of groundwater pumping from the Deep Aquifer. Detailed groundwater data, including seawater intrusion figures and groundwater elevation hydrographs, can be found in Chapter 5 of the Salinas Valley Basin Integrated Sustainability Plan. A link to this plan is provided in Response 9.5.

Finally, CEQA “does not require a city or county, each time a new land use development comes up for approval, to reinvent the water planning wheel” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434). The Draft EIR and the WSA for the Project properly rely on existing studies of long-term water supplies on a region-wide level. The information included in the Draft EIR is sufficient for the purposes of the analysis.

Response 9.19

The commenter claims that Table 5-2 in the WSA is misleading and inconsistent with public records, including the amount of water allocated to the Main Gate project, Monterey College of Law, Monterey Peninsula College, and City of Seaside.

FORA water allocations/water consumption, including the Main Gate project and MPUSD, can be found in FORA’s 2017-2018 Annual Report.⁶

Regarding the Main Gate project, please see Response 14.1. As discussed therein, while the Main Gate Specific Plan (i.e., development regulations) was approved approximately 10 years ago, no specific project entitlements were issued. FORA’s 2017-2018 Annual Report notes that while Main Gate’s WSA included a total of 207 AFY, only 149 AFY has been actually allocated (refer to the FORA Annual Report for Fiscal Year 2018-19, available online at <https://www.fora.org/Reports/AR/AnnualReport2019-Full.pdf>). The EIR for that project analyzed gross square footage ranging from approximately 775,000 square feet to 843,500 square feet, however the City issued a RFP for less than maximum buildout (i.e., only 650,000 square feet)⁷ (see *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437 [holding the Draft EIR did not need to assume second dwelling unit [theoretical build-out] would be constructed even though allowed by zoning]).

⁶ <https://www.fora.org/Reports/AR/AnnualReport2019-Full.pdf>

⁷ As explained in the 2016 Main Gate request for proposal “[t]he City has also committed sufficient potable water for development of approximately 650,000 square feet of commercial building space on the site.”

The commenter alleges that the Monterey College of Law has actually been allocated 2.8 AFY, but cites to no evidence to support such assertions. The Monterey College of Law has been allocated 2.6 AFY per "Allocation reso. 04-20," as shown in FORA's 2017-2018 Annual Report. The Draft EIR properly relies upon the numbers found in FORA's 2017-2018 Annual Report. This figure is also supported by MCWD Resolution 2009-46, noting an allocation 2.575 AFY of water to the Monterey College of Law.⁸ Furthermore, as shown in the annual report, water consumption has been significantly less than this allocation, i.e., only 0.49 AFY.

The commenter claims that FORA records show that the Monterey Peninsula Unified School District ("MPUSD") has been allocated or is using 100 AFY, but provides no evidence to support such assertions. The WSA conservatively assumes an 81 AFY water allocation for Monterey Peninsula Unified School District. FORA's 2017-2018 Annual Report states that MPUSD's actual consumption was 28 AFY in the 2017/2018 annual report. No official allocation for MPUSD has been issued, but the UWMP, Draft EIR and WSA conservatively estimates 81 AFY, which is significantly higher than MPUSD's 2017/2018 consumption and its historic water use (Appendix M, Table 3-2).

Monterey Peninsula College's (MPC) allocation is listed as 9.0 AFY in the WSA. However, FORA's 2017-2018 Annual Report states that this allocation is actually 9.7 AFY. The commenter is correct that the water allocation for MPC is Seaside Resolution No 09-36 is 9.7 AFY rather than 9.0 AFY. As shown in the FORA Annual Report cited above, the MPC water use was 0.26 AFY. (i.e., significantly less than its water allocation). Nevertheless, the Draft EIR text and Mitigation Measure UTIL-1 has been updated to reflect this change and to increase Mitigation Measure UTIL-1's water offset by 0.7 AFY. See Section 4, *Amendments to the Draft EIR*. The commenter also states "The DRAFT EIR WSA fails to disclose Seaside's water allocation has been increased at least twice by FORA." The existing Seaside allocation from the 6,600 AFY is correctly described on Draft EIR page 4.9-26.

Response 9.20

The commenter states that the existing MCWD desalination plant is not likely to be reopened or to provide water to the Project.

Please refer to Response 9.10 regarding desalinated water supply. Section 4 of the Draft EIR Appendix M characterizes MCWD's existing water infrastructure, including the currently de-activated desalination facility. This section does not suggest the Proposed Project would utilize water produced at the facility; rather, it addresses the operational status of the plant and discloses the existing 2006 agreement.

Response 9.21

The commenter claims that the Draft EIR omits discussion of recycled water as a diminishing resource as water conservation increases. The commenter expresses the opinion that impacts of water conservation trends have not been adequately investigated, disclosed, identified, and mitigated. In addition, the commenter claims that recycled water allocations in Table 5-1 of the WSA are not accurate. The commenter states the opinion that the Project may not be able to use recycled water, and suggests that this possibility is not analyzed or mitigated. Lastly, the commenter states that the Draft EIR makes unreasonable assumptions about desalinated water, as a new desalination plant has not been approved.

⁸ Available at: <https://www.mcwd.org/docs/resolutions/2009-46.pdf>

Please refer to the Water Master Response and Response 9.13. As noted therein, through the Pure Water Delivery and Supply Project agreement entered into by MCWD and M1W on April 8, 2016, MCWD secured up to 1,427 AFY of future recycled water supplies needed for the Ord Community. The commenter expresses the concern that increasing water conservation efforts will diminish recycled water supplies available for the Proposed Project. However, as water conservation efforts increase, the demand for traditional water supplies such as groundwater would decrease. Furthermore, as shown in Figure 4.18-2 of the Final EIR for the Pure Monterey Water project,⁹ the Regional Treatment Plan received between 20,000 and 25,000 AFY of wastewater, which is substantially less than the amount of recycled water produced by Pure Water Monterey project. As discussed in the 2016 Pure Monterey project Final EIR, “It is anticipated that in normal and wet years approximately 4,500 to 4,750 acre-feet per year of additional recycled water supply could be created for agricultural irrigation purposes. In drought conditions, the project could provide up to 5,900 acre feet per year for crop irrigation.” In fact, revisions have been proposed to expand recycled water treatment capacity by an additional 2,250 AFY, as a backup plan in the event that desalination facilities are delayed.¹⁰ System-wide, water conservation would not adversely impact the availability of MCWD water supplies for the Proposed Project.

As discussed in detail in the Draft EIR Appendix M, the Advanced Water Purification Facility is currently being constructed, with a design capacity of 5.0 million gallons per day. The Phase 1 Recycled Water Project will have an initial yield of 4,100 AFY, of which 600 AFY would be available to MCWD. The commenter asks for the explanation behind the assumption that 453 AF of recycled water will be available to Seaside. As discussed, the City of Seaside has an allocation of 453 AFY from the Phase 1 Recycled Water Project. Future phases of the Project will increase MCWD’s yield to 1,427 AFY. As noted in the Draft EIR Appendix M, the Proposed Project would use up to 45.83 AFY of recycled water. The Proposed Project’s use of recycled water is mandated by the Specific Plan Section 5.2.2.

Please see Response 9.10 and Response 9.14 regarding desalinated water supplies.

Response 9.22

The commenter states the Draft EIR does not disclose that new, deeper wells have been drilled on Armstrong Ranch since 2017, and is extracting thousands of AFY. The commenter states the Draft EIR does not disclose and analyze the Reuse Plan requirement that Seaside and FORA monitor residential development to ensure demand does not outstrip supply of employment-generating uses, and the Draft EIR does not disclose cumulative impacts related to this.

The commenter appears to be referring to litigation between MCWD and the County of Monterey related to environmental review for new well permits for Armstrong Ranch (i.e., whether County well permits are discretionary or ministerial). The Draft EIR page 4.16-3 noted that “there are Deep Aquifer wells serving the Monterey Dunes Colony (120 homes) *and the Armstrong Ranch...*” The Draft EIR made reasonable assumptions about future cumulative water demand, including demand associated with Armstrong Ranch, which is located outside of Fort Ord. (Appendix M1, Table 3-3.)

⁹ Pure Monterey Water 2016 Final EIR: <https://purewatermonterey.org/wp/wp-content/uploads/Volume-I-Consolidated-Final-EIR-Jan-2016.pdf>

¹⁰ Notice of Availability of the Draft Supplemental EIR for Proposed Modifications to the PWM/GWR Project: <https://purewatermonterey.org/wp/wp-content/uploads/Notice-of-Availability-Draft-Supplimental-EIR-Dec-20-2019-Extension-of-Public-Review-Period.pdf>

The comment also asserts “The DRAFT EIR fails to disclose that the Project would cause cumulative impacts and would cause the residential development at Fort Ord to further outstrip the available supply of employment-generating uses. This is true in any event, and the impacts would be worsened by the Project’s proposed phasing of developing residential uses first. The DRAFT EIR fails to mitigate for those foreseeable impacts.”

Please refer to Response 10.4 regarding the housing cap set by FORA for development on former Fort Ord lands. Please also see Response 13.8 for discussion of project phasing. The EIR does not state that it phases “residential uses first;” Campus Town Phase 1 includes non-residential development (Draft EIR Table 2-4). Please see Response 9.19 for discussion of FORA’s annual report, *which includes water consumption*. Furthermore, it is the purpose of the EIR to analyze the impacts of the Proposed Project, not to implement every measure contemplated by FORA’s BRP. For discussion of planning consistency, please see Draft EIR Section 4.10. Please see Response 9.2 and Draft EIR Sections 4.9 and 4.16, and Draft EIR Appendix M1 for discussion of water supply reliability.

Please also refer to the Water Master Response. As noted therein, the Water Supply Assessment analyzes the availability of water supplies.

Response 9.23

The commenter states the 6,600 AFY agreement is not permanent, and the Draft EIR fails to explain this, or that a new water supply was originally envisioned. The commenter asks how close seawater intrusion is to groundwater wells (including Central Marina wells) proposed to supply Project water. The commenter requests disclosure of MCWD well risk of salt water intrusion and wells that pump from the Deep Aquifer, as well as related impacts on Project water supply.

Please refer to Response 9.2 and the Water Master Response. The commenter also asserts that “No new [water] project has taken its place.” As also explained in Response 9.13, Response 9.14, and Response 9.21, the EIR and the WSA both expressly discussed new water supply projects. As additionally noted, the Draft EIR identifies a potentially significant impact related to seawater intrusion if the Project’s water demands are not mitigated. Mitigation Measure UTIL-1 identifies a number of offset and in-lieu storage programs to offset the water demands of the Proposed Project.

Please also refer to Response 9.5 and the Water Master Response regarding seawater intrusion.

Response 9.24

The commenter states that recharge only accrues in shallow aquifers and is not available to Deep Aquifer wells. The commenter claims that the Army has acknowledged that average pumping exceeds safe yield, and any increase in water use could impact sustainability of the aquifer.

The Draft EIR incorporates by reference MCWD’s 2015 UWMP, which discusses in detail the status of the Deep Aquifer and its recharge rates. Please see Response 9.2 and Response 9.16, which summarizes the MCWD’s efforts to ensure the long-term sustainability of its groundwater supplies and historic water supply information. Please refer to the Water Master Response regarding water rights to underlying groundwater. This comment does not address the Draft EIR or CEQA process.

Response 9.25

The commenter questions the assumption that Seaside will give all its remaining water allocation to the Project, and asks if Seaside has agreed to this, what the impacts are, and how this would affect

jobs and housing. The commenter suggests that the EIR include a mitigation that prohibits development until non-potable water supply is available through existing infrastructure.

The Draft EIR was prepared by the City of Seaside. Approval of the Project requires that the Project secure required water supplies before operation and prior to the issuance of a final map. More specifically Mitigation Measure UTIL-1 expressly states “Prior to issuance of a final map, the City shall demonstrate the offset of 261 AFY of potable water based upon available programs, and the applicant shall obtain written verification from MCWD that sufficient water supplies have been secured.”

See Response 9.2 for discussion of the 6,600 AFY allocation. The decision to approve the Proposed Project, an alternative, or a variation thereof will be made by the Seaside City Council.

Response 9.26

The commenter requests supporting documentation for the claim that MCWD’s groundwater supply is considered reliable. The commenter asks if MCWD has a right to produce recycled water and requests details. The commenter asks if MCWD would need to construction storage facilities for recycled water and requests details.

See Draft EIR Section 4.9, Section 4.16, and Appendix M1, and the UWMP for discussion of reliability and supporting documentation. Please also refer to the Water Master Response and the long-term water management planning documents referenced therein. Please also see Response 9.13, Response 9.14, and Response 9.21 for discussion of recycled water and new water supply projects and associated infrastructure and environmental documentation, and citations in the EIR and WSA where these projects were discussed.

Response 9.27

The commenter first alleges that the Draft EIR does not adequately analyze and mitigate impacts to views from the Fort Ord National Monument, which the commenter states was not designated as such at the time of the BRP EIR analysis. The commenter also alleges that impacts to views (i.e., Impact AES-1) should be considered significant because “the project area can be seen from multiple locations on the National Monument.” And requests “all [view] impacts to Fort Ord National Monument must be analyzed.”

The commenter’s opinion (1) is not supported by the scenic vista methodology in the EIR, (2) does not accurately reflect existing conditions, and (3) ignores the provisions of CEQA which require impact conclusion upon a comparison to existing conditions. Furthermore, it is not feasible nor does CEQA require an analysis of every geographic location, from different viewing angles, and from different viewing heights (CEQA *Guidelines* Section 15204(a)).

Section 4.1.3 of the Draft EIR provides an analysis of potential impacts related to aesthetics and visual resources. Impacts were determined to be less than significant with no mitigation required. Formal designation of an area does not have any effect on the Draft EIR’s impact analysis, and the Draft EIR acknowledged that the area had been designated (Draft EIR Section 3.2). This type of argument has also been rejected by the Courts (*Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538 [A change in land use designations (i.e., new park designation) does not constitute a change in the environmental setting]).

The commenter’s opinion is also not supported by the scenic vista methodology/definition; as discussed in Draft EIR Section 4.1.1(e):

Scenic vistas are viewpoints that provide an expansive/panoramic view of a large geographic area for the benefit of the public. Furthermore, panoramic views provide visual access to a large geographic area for which the field of view can extend into the distance... Most of the scenic views and vistas in Seaside are oriented toward Monterey Bay and do not overlook former Fort Ord lands east of General Jim Moore Boulevard. Figure 4.1-1 shows one scenic viewpoint on the CSUMB campus with westerly views towards Monterey Bay, and southwesterly views towards the Plan Area. Topographical variation and existing buildings obstruct visibility of the Plan Area from this scenic viewpoint. *No other scenic viewpoints are near the Plan Area.* [Emphasis added.]

The closest portion of the Fort Ord National Monument¹¹ is located approximately 1.5 miles east/southeast of the Plan Area. The Plan Area from the Fort Ord National Monument is generally not visible because of the oak woodlands and shrubbery, as can be seen from the closest points from the National Monument facing west (refer to Figure 1 below). Furthermore, even if limited views were available, they would not meet the definition of scenic vista described above.

¹¹ Fort Ord National Monument Map: <https://www.blm.gov/sites/blm.gov/files/documents/files/program-nlcs-california-fort%20ord-trail-map.pdf>.

Figure 1 Views of the Plan Area



Photograph 1. View from the closest point for the Fort Ord National Monument facing the Plan Area.



Photograph 2. Distant view facing the plan area from Watkins Gate Road to the southeast.



Photograph 3. Distant view facing the Plan Area from Hennekens Ranch Road to the southeast.

Source: Google.com photos by Demian Ford

The comment also ignores that impacts are based upon a comparison to baseline conditions. As discussed in Draft EIR Section 4.1.1, “the Plan Area is developed with extant buildings, including former barracks, administration facilities, and parking lots, originally part of the Fort Ord base... These buildings are now mostly vacant and dilapidated, and many have been vandalized.” As discussed in greater detail under Impact AES-3, the Project proposes a number of improvements to baseline conditions.

The commenter also states the Draft EIR does not present the total number of trees that would be removed as part of the Project, or quantify the number of oaks in Figure 4.3-1.

The level of detail for baseline conditions is controlled by CEQA *Guidelines* Section 15125(a), which explains that “The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project.” The information requested by the commenter was not necessary to analyze the impacts of the Proposed Project. The Draft EIR, pages 4.3-1 and 4.3-2, provided a detailed overview of the existing oak trees, including a detailed map of these areas. The Draft EIR (page 4.3-1) further explained:

Within the Plan Area, this vegetation community is largely degraded by fragmentation as a result of prior development and disturbance. Ice plant (*Carpobrotus* spp.) mats have invaded the understory and homeless encampments have resulted in significant degradation to the woodland including the general poor health of the trees.

The largest and least disturbed patch of coast live oak woodland occurs southwest of the Lightfighter Drive and General Jim Moore Boulevard intersection. This patch is approximately nine acres and is consistent with a live oak... Along the western edge, ice plant is creeping in and overtaking the herbaceous layer. Additionally, a number of trees were observed in this patch with sapwood decay fungus (*Hypoxyton thouarsianum*); this fungus typically infects diseased and dying trees...In total, approximately 14.14 acres of coast live oak woodland occur within the Plan Area.

The EIR further determined under Impact BIO-2 that “A small remnant stand of oak woodland is present on the western end of the Plan Area (see Figure 4.3-1), but is isolated from open expanses of oak woodland and scrub habitat to the east on the former Fort Ord, and is largely degraded by fragmentation and disturbance. As such, this area is not considered a sensitive natural community.”

Nevertheless, an Arborist Report was prepared by HMM, which included an inventory of 891 trees within the Plan Area, with the majority identified as coast live oak (619 trees). This report is included as Appendix O to this document.

The following text was added to Section 4.3.1(a), page 4.3-3 of the Draft EIR to include information from the Arborist Report:

In total, approximately 14.14 acres of coast live oak woodland occur within the Plan Area.

Tree Survey

An Arborist Report was prepared by HMM, dated October 4, 2019; which included an inventory of 891 trees within the Plan Area. The following trees were observed: Coast Live Oak (*Quercus agrifolia*, 619 total trees), Monterey Cypress (*Cupressus marococarpa*, 86 total trees), Blue Gum (*Eucalyptus globulus*, 62 total trees), Monterey Pine (*Pinus radiata*, 61 total trees), Torrey Pine (*Pinus torreyana*, 35 total trees), Blackwood Acacia (*Acacia melanoxylon*, 9 total trees), Red Gum (*Eucalyptus ficifolia*, 9 total trees), Fan Palm (*Washingtonia filifera*, 7 total trees), Myoporum (*Myoporum laetum*, 2 total trees), and Indian Laurel Fig (*Ficus microcarpa*, 1 total tree).

The changes reflected above would not result in alterations to the degree of impact or significance conclusions presented in the Draft EIR, and therefore do not constitute “significant new information” requiring Draft EIR recirculation under CEQA *Guidelines* Section 15088.5. Rather, the changes serve to clarify and amplify the content of the EIR.

Response 9.28

The commenter states that the Draft EIR does not identify a mitigation location for Oak Woodland. The commenter does not accurately discuss the contents of the EIR. The Draft EIR, under Impact BIO-5 explained how the trees would be replaced on site. Since preparation of the Draft EIR, additional off-site tree replacement options have been proposed, as described in the revised text from Draft EIR page 4.3-26:

The Proposed Project retains a portion of one of the areas with coast live oak trees within the Plan Area (approximately 1.5 acres), located directly west of General Jim Moore Boulevard, and designates this location as a “tree save” park. However, the Proposed Project includes the removal of approximately 12.64 acres of oak trees, which as noted above under the environmental setting are degraded and fragmented. While the Proposed Project includes the removal of existing trees in the Plan Area, the Proposed Project also provides for the incorporation of new trees in its thoroughfare regulations (Specific Plan Section 3.3), its parking standards (Specific Plan Section 4.7.14), and its landscape regulations, which include coast live oak, and requires replacement of coast live oak and Monterey Cypress trees, and requires replacement of coast live oak trees and Monterey Cypress trees at a ratios described below of 1:1.5 (Specific Plan Section 3.5). Specific Plan Figures 2.2, 2.10, and 3.25 provide plans for new trees within the Plan Area as well as Arborist Report, Exhibit B.

Existing Coast Live Oak trees recommended for preservation (as identified by the criteria in the Arborist Report) that have a height of 10 feet or more, or a circumference of 20 inches or more measured 24 inches above the ground that are removed as part of construction shall be replaced (i) at a ratio of 1:1 within the Plan Area or (ii) at a ratio of 1:5.0 at an off-site location approved as part of a Conformance Determination for any Development Application, in either case unless a finding is made pursuant to Section 6.3.1A of this Specific Plan that preservation is not feasible due to the health of the tree (including disease or pests). The size of each replacement tree shall be a 15-gallon or larger Coast Live Oak tree meeting *American Standards for Nursery Stock* (ANSI Z60.1) having 1” – 1 1/4” minimum caliper and average height of six to eight feet measured from the base. Trees replaced off-site shall be planted in open space areas for oak forest naturalization from tree pots that have been propagated from the Fort Ord / Marina area.

Existing Monterey Cypress trees recommended for preservation that have a circumference of 20 inches or more measured 24 inches above the ground that are removed as part of construction shall be replaced at a ratio of 1:1.2 within the Specific Plan Area or at an off-site location approved as part of a Conformance Determination for any Development Application, in either case unless a finding is made pursuant to Section 6.3.1A of this Specific Plan that preservation is not feasible due to the health of the tree (including disease or pests). The size of each replacement tree shall be a 15-gallon or larger Monterey Cypress tree, meeting *American Standards for Nursery Stock* (ANSI Z60.1) having 1” – 1 1/2” minimum caliper and average height of six to eight feet measured from the base.

Up to 619 Coast Live Oak trees recommended for preservation would be removed. Approximately 335 replacement Coast Live Oak Trees could be planted on site, on locations within the Plan Area designated as public open space. Assuming that none of the trees to be removed are found infeasible to preserve due to health,¹² the remaining 284 Coast Live Oak trees to be removed which cannot be replaced on-site would be replaced off site at the 1:5 replacement ratio, for a total of 1,420 off-site replacement Coast Live Oak trees. It is anticipated that off-site tree replacement would occur on the 72-acre City-owned property located south of the Plan Area (bounded by Parker Flats Cut Off Road to the south and west, existing development to the northwest and north, and Gigling Road to the north) or another location approved by the City that can accommodate the required number of trees to be planted, has soil characteristics conducive to tree growth, and does not contain excessive amounts of utility lines that would interfere with root development, in order to ensure the replanted trees have a high success rate. Up to 86 Monterey Cypress trees recommended for preservation would be removed, and all replacement Monterey Cypress trees could be planted on site as street trees or at an off-site location at a ratio of 1:1.2. The actual number of Coast Live Oak and Monterey Cypress trees recommended for preservation that need to be removed and replaced, the actual number that can be replaced on-site, and the location of off-site replacement, will be determined at the time of each Development Application.

As described in Response 9.27, an Arborist Report was prepared (HMH 2019), which included an inventory of 891 trees within the Plan Area, with the majority identified as coast live oak (619 trees). The Specific Plan has been updated to require tree replacement ratios for coast live oaks of 1:1 that are replaced within the Plan Area and for any trees that cannot be replaced on-site, will be replaced offsite at a ratio of 1:5.

The commenter alleges that FORA, Seaside, and Monterey County have not adopted an Oak Woodlands Conservation Area as required in the Reuse Plan. This comment does not pertain to impacts of the Proposed Project, and instead refers to regulatory procedures which are beyond the scope of this Project and EIR. As discussed under CEQA *Guidelines* Section 15204(a) "In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the... ways in which *the significant effects of the project* might be avoided or mitigated."

Response 9.29

The commenter states that the seawater intrusion discussions in the Draft EIR and WSA are outdated, with no data past 2015 provided.

CEQA Guidelines require an EIR to "be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences" (CEQA Guidelines § 15151). Evaluations of these environmental effects "need not be exhaustive" (*Ibid*). The Draft EIR meets this standard with respect to seawater intrusion issues.

As discussed above, the Draft EIR acknowledges that seawater intrusion is an ongoing problem in the Salinas Valley Groundwater Basin, but that MCWD's wells in the Deep Aquifer have not experienced signs of seawater intrusion and has reliable quality (Draft EIR page 4.9-5). MCWD's

¹² Preservation of trees in poor health is not required; therefore, the removal of any trees in poor health do not require replacement trees be planted elsewhere.

2015 UWMP concludes that “neither seawater intrusion nor groundwater contamination pose an immediate threat to water supply reliability” (MCWD 2016 UWMP § 5.2, page 73).

Contrary to the commenter’s contention, the Draft EIR cites to studies after 2015. The Draft EIR provides the following seawater intrusion information dated in 2019: “[a]ccording to the 2019 Salinas River Long-Term Management Plan, current ‘seawater intrusion extends approximately 7 miles inland within the 180-foot aquifer and 4 miles inland in the 400-foot Aquifer.’ (Salinas River Long-Term Management Plan 3-41, 3-42, available at http://www.salinasrivermanagementprogram.org/ltmp_doc.html.)” (Draft EIR page 4.9-5, footnote 1).

Additionally, the comment references a 2017 study from MCWD, but does not provide this study in the comment not a citation to the study. It is unclear what study the commenter is referring to.

The WSA includes Table 3-1, which shows groundwater production by services area for years 2006-2015. Table 3-2, however, includes water use within the Seaside-Ord Community for both 2016 and 2017. These numbers are used in the WSA to support the conclusion that “the proposed project does not increase the projected total water demand for the City above the amounts analyzed in the 2015 UWMP” (WSA page 18). Because this determination was made by comparing demand to the analysis in the 2015 UWMP, the WSA’s reliance on 2015 production numbers is reasonable and meets CEQA standards for detail.

Please also refer to Response 9.5 regarding seawater intrusion.

Response 9.30

The commenter claims that the WSA Section 4.1 regarding MCWD’s source of water and desalination plant is confusing and misleading because MCWD’s sole water supply is groundwater pumping, with no back-up supply. The commenter reiterates that the desalination plant is inoperative.

Please refer to Response 9.10. As noted therein, the Draft EIR Appendix M discloses that MCWD’s existing desalination plant located near Marina State Beach is not currently in use, and that the Project does not propose to bring the desalination plant back online.

Response 9.31

The commenter states the opinion that the Draft EIR omits crucial information regarding the golf course storage and recovery program, and fails to disclose information about the long-term reliability of the golf course well, which has been shut down in recent years due to poor water quality. The commenter reiterates that the Seaside Basin is in overdraft and has been adjudicated.

As described in Section 4.2.1 of the Draft EIR, the Bayonet and Blackhorse Golf Courses in-lieu storage and recovery program would replace up to 450 AFY of existing potable water use with recycled water. However, water for the Campus Town project would be supplied by MCWD, who receives its water supply from the Monterey sub-basin, not from wells within the golf course (i.e., not from wells within the Seaside sub-basin). See also Response 9.13, Response 9.21, and the Water Master Response regarding the status of recycled water projects which would be utilized for in-lieu storage included under Mitigation Measure UTIL-1. See also Response 1.10 for the status of the in-lieu storage program.

The commenter correctly notes that the Seaside Basin has been adjudicated. A weblink to the Seaside Basin Adjudication is included in the UWMP which is incorporated by reference into the Draft EIR. Draft EIR Section 4.16, *Utilities and Service Systems*, summarizes the history of the adjudication process and the court's physical solution. The City of Seaside is subject to Replenishment Assessments in the event it pumps more than its allocation of groundwater supplies from the Seaside Basin. Replenishment Assessments may only be used for artificial replenishment of the Seaside Basin. As noted in the Draft EIR, the Seaside Basin Adjudication ensures the long-term sustainability and reliability of groundwater supplies in the Seaside Basin.

Therefore, the Draft EIR sufficiently addresses the Bayonet/Blackhorse Golf Course and the reliability of groundwater supplies from the Seaside Basin.

Response 9.32

The commenter supports the letter submitted by LandWatch Monterey County and requests to be included on the distribution list for all notices related to the Project.

This comment is noted. Refer to Letter 10 and Response 10.1 through Response 10.32 for the LandWatch comment letter and associated responses.

The commenter has been added to the Project distribution list.



August 21, 2019

Kurt Overmeyer
 Economic Development Department
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RE: Campus Town Specific Plan Draft EIR

Dear Kurt,

LandWatch Monterey County's comments on the Campus Town Specific Plan Draft EIR are as follows:

A. Project Description

Through the adoption of the Campus Town Specific Plan and associated entitlements, the Proposed Project would involve the construction and operation of up to 1,485 housing units; 250 hotel rooms; 75 youth hostel beds; 150,000 square feet of retail, dining, and entertainment uses; 50,000 square feet of office, flex, makerspace, and light industrial space; park/recreational areas, including approximately nine acres of public open space and 3.3 acres of private open space; and supporting infrastructure on approximately 122.23 acres. Construction would occur in two phases over approximately 13 years from April 2021 through 2034.

10.1

B. Air Quality

The analysis of the project's consistency with the Air Quality Management Plan is flawed because it fails to follow the Monterey Bay Air Resources Board's (MBARD) guidelines (p. 4.2-22 and 4.2-31) MBARD guidelines require consistency be addressed on a jurisdictional (city) basis. (<https://www.mbard.org/ceqa>) Rather than address consistency for the City of Seaside, the DEIR addresses consistency on a countywide basis. The consistency finding should be revised to meet MBARD's guidelines.

10.2

C. Green House Gas Emissions

Because the proposed Project would result in an increase in greenhouse gas (GHG) emissions of approximately 15,248 metric tons of carbon dioxide per year above the Plan Area, impacts under this baseline analysis would be cumulatively considerable. (p. 7-16) The DEIR identifies the following GHG reduction measures, but these measures are neither specified with any

10.3

precision nor identified as enforceable mitigation measures. All of the applicable GHG reduction strategies identified in the DEIR must be specified and required.

10.3
(cont'd)

The plan identifies the following mitigation measures:

- Mitigation Measure GHG-1(a) Construction Emissions Reductions
- GHG-1(b) Residential EV Chargers
- GHG-1(c) Commercial EV Chargers
- GHG-1(d) Greenhouse Gas Reduction Plan for Operational Emissions

The California Air Pollution Control Officer Association recommends the following additional mitigation measures be considered:

1. Air conditioning units shall be Freon-free.
2. Recycling facilities consistent with the local waste collection company shall be provided for each residential unit and in all public or common areas that generate trash.
3. Recycling education shall be provided to all homeowners upon purchase and annually thereafter.
4. 5% of demolition and construction waste shall be recycled.
5. Building energy use shall exceed the applicable Title 24 Energy Efficiency standards applicable at the time the building permit is issued by 20%.
6. Programmable thermostat timers shall be provided.
7. Multimetering “dashboards” shall be provided in each dwelling unit to visualize real-time energy use.
8. On-site energy generation using solar power units shall be provided on each available roof that does not face north
9. At least 75% of project electrical energy shall be provided through on-site solar power or other on-site electrical generation facilities that do not emit carbon.
10. All residential roofs and other building roofs that have adequate solar orientation (not north-facing) shall be designed to be compatible with the installation of photovoltaic panels or other current solar power technology.
11. Large buildings shall use a combined heating and cooling system (cogeneration)
12. All pools and spas shall be heated using solar water heaters unless they use naturally heated water.
13. Pumps and motors for pools and spas shall be energy efficient.
14. Pools and spas that are not naturally heated shall have automatic covers to retain heat.
15. Roofs shall be light colored to minimize cooling requirements.
16. Construction equipment shall be powered by clean-burning fuel, bio-diesel fuel, and/or other alternative fuels, or shall use electric or hybrid-electric engines so as to reduce construction emissions by 33% over 2013 “business as usual” construction equipment emissions.
17. The Project would use clean-burning fuel, bio-diesel fuel, and/or other alternative fuels for heavy construction equipment to reduce construction emissions by 25% over 2010 “business as usual” construction equipment emissions.
18. Operational vehicles supporting the project, including shuttles, shall be electric or other zero emission vehicles.
19. Construction equipment idling shall be limited to 5 minutes.
20. Delivery vehicle idling shall be limited to 3 minutes.

D. Consistency with the Fort Ord Reuse Plan

10.4

The DEIR finds:

Since 1991, there has been a total of 1,766 existing/replacement dwelling units built within the former Fort Ord area. This includes 352 units at Preston Park, 201 units at Seahaven, 192 units at Abrams B, 56 units at the MOCO Housing Authority Project, 39 units at the Shelter Outreach Plus Project, 13 units at the Veterans Transition Center, 11 units at Interim Inc., 297 units at Sunbay, 225 units at Bayview, and 380 units at Seaside Highlands (FORA 2019a). (p. 3-4)

LandWatch data show 295 for Sea Haven. Additionally, the DEIR omits 668 units built at East Garrison and 350 built at the Dunes of Monterey Bay.

The DEIR does not address project consistency with the Fort Ord Reuse Plan (Base Reuse Plan or “BRP”) Development Resource Management Plan (“DRMP”), which limits new residential units to 6,160. (BRP 2001 Reprint, DRMP, section 3.11.5.4 (b).)

Our data show the following new residential projects that have been approved/entitled:

East Garrison	1,470
Sea Heaven	1,050
The Dunes at Monterey Bay	1,237
Cypress Knolls	712
Seaside Highlands	380
Nurses Barracks	40
Seaside Resort	125
Seaside Senior Living	88
Marina’s Permanent supportive Housing for Veterans @ Hayes Circle	71
Total	5,173

This leave a total of 987 units remaining of the 6,160 units allocated for new development under the BRP. Please explain how the City intends to assure consistency with the 6,160-unit cap. Please explain whether this project will take priority over new residential development now proposed for the Main Gate Specific Plan, a project that was initially proposed as non-residential development.

E. Cumulative Project List

10.5

The Cumulative Project List (Table 4-1) should identify 712 residential units for Cypress Knolls. Additionally, the following projects should be added to the list since they are approved and entitled and are within the cumulative impact area:

- East Garrison 1,470 residential units
- Sea Haven 1,050 residential units
- The Dunes at Monterey Bay 1,237 units
- Seaside Resort 125 residential units
- Seaside Senior Living Center 88 units
- Housing for Hayes Circle 71 residential units
- South of Tioga 356 residential units

F. Water

1. Introduction

In the 1993 Annexation Agreement between the Army and Monterey County Water Resources Agency (“MCWRA”), MCWRA agreed to permit the Army to pump up to 6,600 acre-feet per year (afy) of groundwater from Fort Ord wells in exchange for the Army’s \$7.4 million payment toward a replacement water supply project of at least 6,600 afy. Recognizing that existing pumping was contributing to seawater intrusion, the 1993 agreement provides that MCWRA would develop that replacement water supply and that all groundwater pumping in Fort Ord must cease when the replacement water supply project is completed. The 1993 Annexation Agreement expressly anticipates completion of the replacement water supply by 1999. Twenty-six years later, no agency has provided that replacement supply.

The Army’s 1993 and 1996 environmental reviews of Fort Ord disposal and reuse expressly assume that MCWRA’s agreement to permit the Army to pump up to 6,600 afy was a “short-term” agreement and that no pumping would be permitted if seawater intrusion continued. The Army’s environmental reviews provide that civilian reuse of Fort Ord would require a replacement water supply. The 1993 EIS and the 1996 SEIS identified a number of replacement water supply projects then under discussion, including desalination and various surface water transfers. Provision of one of these replacement water supplies was identified as “non-Army responsibility” mitigation, to which the local agencies comprising the Fort Ord Working Group had committed themselves. In preparing the EIS for the Fort Ord Disposal and Reuse, the Army relied on the specific expectation that the then-proposed Salinas Valley Seawater Intrusion Program would deliver 6,600 afy of new water supply to Fort Ord. However, the local agencies have not provided the 6,600 afy replacement water supply.

In 2001, the Army assigned its interest in Fort Ord groundwater production to FORA and MCWD, reserving 1,749 afy for its own use. Since then, based on that assignment, the Fort Ord Reuse Authority (“FORA”), Marina Coast Water District (“MCWD”), and the local land use jurisdictions that are members of FORA have assumed that they may pump up to 6,600 afy from the former Fort Ord *indefinitely* to support Army operations and civilian reuse, regardless of the environmental impact of this pumping.

Neither the 1993 agreement between the Army and MCWRA, nor any subsequent assignment of the Army’s interest in that agreement, created a permanent right to pump groundwater regardless of impact on the aquifer. Furthermore, regardless of its *entitlement* to a share of a temporary water supply, the City of Seaside is obliged to investigate, disclose, and mitigate the significant impacts of *using* that supply under CEQA.

The DEIR’s discussion of water supply and water supply impacts for the Campus Town Specific Plan is fundamentally flawed for two reasons. First, it improperly assumes that there is a 181.3 afy supply of groundwater *in perpetuity* for the project based on the City’s remaining unallocated share of the purported 6,600 afy water supply. Second, it fails to evaluate the impacts of *using* that supply, including impacts to the Deep Aquifer and to the aquifers above the Deep Aquifer (the “upper aquifers”).

In light of the lack of a certain supply and the significant direct and cumulative effects of using any additional groundwater, *the EIR should propose mitigation that would require that the project secure a water supply other than groundwater for all phases of development. Mitigation Measure UTIL-1 should apply to the first 181 afy of water needed, not just to the final 260 afy.*

Detailed comments regarding the DEIR's water supply discussion follow.

10.7

2. Baseline findings and documents prepared pursuant to CEQA § 21083.8.1 and 14 CCR § 15229

The DEIR states that the BRP PEIR relies on the specialized baseline provisions in CEQA section 21083.8.1, citing the BRP PEIR at section 1.2.2, Baseline Determination. (DEIR, p. 3-3). The DEIR states that FORA has allocated 6,600 afy of Salinas Valley groundwater among the Ord Community land use jurisdictions and that this "6,600 AFY is considered the 1991 Statutory Baseline under the Base Reuse Plan." (DEIR, pp. 4.16-1, 4.16-3.)

Public Resources Code § 21083.8.1 provides in part:

(b)(1) When preparing and certifying an environmental impact report for a reuse plan, including when utilizing an environmental impact statement pursuant to Section 21083.5, the determination of whether the reuse plan may have a significant effect on the environment may be made in the context of the physical conditions that were present at the time that the federal decision became final for the closure or realignment of the base. The no project alternative analyzed in the environmental impact report shall discuss the existing conditions on the base, as they exist at the time that the environmental impact report is prepared, as well as what could be reasonably expected to occur in the foreseeable future if the reuse plan were not approved, based on current plans and consistent with available infrastructure and services.

(2) For purposes of this division, all public and private activities taken pursuant to, or in furtherance of, a reuse plan shall be deemed to be a single project. However, further environmental review of any such public or private activity shall be conducted if any of the events specified in Section 21166 have occurred.

(c) *Prior to preparing an environmental impact report for which a lead agency chooses to utilize the provisions of this section, the lead agency shall do all of the following:*

(A) *Hold a public hearing at which is discussed the federal environmental impact statement prepared for, or in the process of being prepared for, the closure of the military base. The discussion shall include the significant effects on the environment examined in the environmental impact statement, potential methods of mitigating those effects, including feasible alternatives, and the mitigative effects of federal, state, and local laws applicable to future nonmilitary activities. Prior to the close of the hearing, the lead agency may specify the baseline conditions for the reuse plan environmental impact report prepared, or in the process of being prepared, for the closure of the base. The lead agency may specify particular physical conditions that it will examine in greater detail than were examined in the environmental impact statement. Notice of the hearing shall be given as provided in Section 21092. The hearing may be continued from time to time.*

(B) *Identify pertinent responsible agencies and trustee agencies and consult with those agencies prior to the public hearing as to the application of their regulatory policies and permitting standards to the proposed baseline for environmental analysis, as well as to the reuse plan and planned future nonmilitary land uses of the base. The affected agencies shall have not less than 30 days prior to the public hearing to review the proposed reuse plan and to submit their comments to the lead agency.*

(C) *At the close of the hearing, the lead agency shall state in writing how the lead agency intends to integrate the baseline for analysis with the reuse planning and*

environmental review process, taking into account the adopted environmental standards of the community, including, but not limited to, the applicable general plan, specific plan, and redevelopment plan, and including other applicable provisions of adopted congestion management plans, habitat conservation or natural communities conservation plans, integrated waste management plans, and county hazardous waste management plans.

(D) At the close of the hearing, the lead agency shall state, in writing, the specific economic or social reasons, including, but not limited to, new job creation, opportunities for employment of skilled workers, availability of low- and moderate-income housing, and economic continuity, which support the selection of the baseline.

CEQA Guidelines § 15229 provides in part as follows:

When preparing and certifying an EIR for a plan for the reuse of a military base, including when utilizing an Environmental Impact Statement pursuant to Section 21083.5 of the Public Resources Code, the determination of whether the reuse plan may have a significant effect on the environment may, at the discretion of the lead agency, be based upon the physical conditions which were present at the time that the federal decision for the closure or realignment of the base or reservation became final. These conditions shall be referred to as the "baseline physical conditions." Impacts which do not exceed the baseline physical conditions shall not be considered significant.

(a) Prior to circulating a draft EIR pursuant to the provisions of this Section, the lead agency shall do all of the following, in order:

(1) Prepare proposed baseline physical conditions, identify pertinent responsible and trustee agencies and consult with those agencies prior to the public hearing required by subdivision (a)(2) as to the application of their regulatory authority and permitting standards to the proposed baseline physical conditions, the proposed reuse plan, and specific, planned future nonmilitary land uses of the base or reservation. The affected agencies shall have not less than 30 days prior to the public hearing to review the proposed baseline physical conditions and the proposed reuse plan and to submit their comments to the lead agency.

(2) Hold a public hearing at which is discussed the federal EIS prepared for, or being prepared for, the closure or realignment of the military base or reservation. The discussion shall include the significant effects on the environment, if any, examined in the EIS, potential methods of mitigating those effects, including feasible alternatives, and the mitigative effects of federal, state, and local laws applicable to future nonmilitary activities. Prior to the close of the hearing, the lead agency shall specify whether it will adopt any of the baseline physical conditions for the reuse plan EIR and identify those conditions. The lead agency shall specify particular baseline physical conditions, if any, which it will examine in greater detail than they were examined in the EIS. Notice of the hearing shall be given pursuant to Section 15087. The hearing may be continued from time to time.

(3) Prior to the close of the hearing, the lead agency shall do all of the following:

(A) Specify the baseline physical conditions which it intends to adopt for the reuse plan EIR, and specify particular physical conditions, if any, which it will examine in greater detail than were examined in the EIS.

(B) State specifically how it intends to integrate its discussion of the baseline physical conditions in the EIR with the reuse planning process, taking into account the adopted environmental standards of the community, including but not limited to, the adopted general plan, specific plan or redevelopment plan, and including other applicable provisions of adopted congestion management plans, habitat conservation or natural communities conservation plans, air quality management plans, integrated waste management plans, and county hazardous waste management plans.

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(C) State the specific economic or social reasons, including but not limited to, new job creation, opportunities for employment of skilled workers, availability of low and moderate-income housing, and economic continuity which support selection of the baseline physical conditions.

Please identify the time that the federal decision for the closure or realignment of the Ford Ord base became final. In this connection, note that while the Base Realignment and Closure Commission recommended closure in 1991, the Army did not sign a Record of Decision until December 1993, and the base did not formally close until September 1994.

Please provide the “proposed baseline physical conditions” that FORA was required to prepare “prior to circulating a draft EIR” for the BRP pursuant to 14 CCR § 15229(a)(1). Please note that the five documents identified in the DEIR at page 3-4 were not prepared by FORA.

Please identify the “pertinent responsible and trustee agencies” with whom FORA consulted not less than 30 days before a public hearing on adoption of baseline conditions as required by 14 CCR § 15229(a)(1).

Please identify, provide, and summarize any comments received from the “pertinent responsible and trustee agencies” with whom FORA consulted on baseline conditions as required by 14 CCR § 15229(a)(1).

Please provide the notice of the public hearing and identify the date and location of that public hearing conducted by FORA at which was “discussed the federal EIS prepared for, or being prepared for,” the Fort Ord reuse, as required by 14 CCR § 15229(a)(2).

10.8

Please provide the notice of the public hearing and identify the date and location of that public hearing conducted by FORA prior to the closure of which hearing FORA specified “whether it will adopt any of the baseline physical conditions for the reuse plan EIR and identify those conditions,” as required by 14 CCR § 15229(a)(2).

Please confirm that notice of that hearing was given as required by 14 CCR § 15229(a)(2). If the hearing was continued, please identify the date(s) on which it was continued and the date on which it was closed.

Please explain how FORA complied with the requirements in 14 CCR § 15229(a)(3)(A) and (B) that, prior to the close of the hearing required by 14 CCR § 15229(a)(2), FORA did the following:

- Stated “specifically how it intends to integrate its discussion of the baseline physical conditions in the EIR with the reuse planning process, taking into account the adopted environmental standards of the community, including but not limited to, the adopted general plan, specific plan or redevelopment plan, and including other applicable provisions of adopted congestion management plans, habitat conservation or natural communities conservation plans, air quality management plans, integrated waste management plans, and county hazardous waste management plans.”

- Stated “the specific economic or social reasons, including but not limited to, new job creation, opportunities for employment of skilled workers, availability of low and moderate-income housing, and economic continuity which support selection of the baseline physical conditions.”

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Please provide and identify the dates, titles, and location of any documents that constitute the statements required to be made by FORA by 14 CCR § 15229(a)(3)(A) and (B).

3. Identify the BRP PEIR baseline assumptions

The DEIR states that the BRP PEIR relies on the specialized baseline provisions in CEQA section 21083.8.1, citing the BRP PEIR at section 1.2.2, Baseline Determination. (DEIR, p. 3-3). The DEIR states that FORA has allocated 6,600 afy of Salinas Valley groundwater among the Ord Community land use jurisdictions and that this “6,600 AFY per year is considered the 1991 Statutory Baseline under the Base Reuse Plan.” (DEIR, pp. 4.16-1, 4.16-3.) The DEIR states that the “6,600 acre-feet per year amount includes 5,200 acre-feet from the 180-foot and 400-foot aquifers, along with 1,400 acre-feet per year from the 900-foot or Deep Aquifer (FORA 1998).” (DEIR, p. 4.16-3.) The DEIR also states that the “6,600 acre-feet per year figure is derived from the 1984 peak and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin, not including pumping from a non-potable golf course well.” (DEIR, p. 4.16-19.)

10.9

Please identify the baseline conditions in the BRP PEIR for annual groundwater pumping and indicate specifically the pages where those conditions are set out in the BRP PEIR. Please identify the source of these baseline assumptions.

Please identify the time period, the geographic scope, and the groundwater basin or subbasin for which these baseline conditions are stated. In particular, please separately identify the baseline conditions in the BRP PEIR for annual groundwater pumping for the 900-foot or Deep Aquifer, for the 180-foot aquifer, for the 400-foot aquifer, and for the “upper aquifers” and the Deep Aquifer within the “Monterey Subbasin,” i.e., the areas identified in the DEIR in its discussion of the setting for its discussion of Hydrology and Water Quality at pages 4.9-2 through 4.9-5 and Figure 4.9-2.

Although the DEIR states that Figure 4.9-2 “shows the Plan Area and the updated groundwater subbasin boundaries,” (DEIR, p. 4.9-2), the Plan Area is not in fact shown on that figure. Please provide a revised Figure 4.9-2 showing the Plan Area.

Please provide a figure that depicts each well that would supply water to the Plan Area in relation to the subbasin boundaries depicted in Figure 4.9-2. For each well, please indicate whether it draws water from the 180-foot aquifer, the 400-foot aquifer, the Deep Aquifer, or some other aquifer.

4. “Upper aquifer” location

The DEIR distinguishes the 180/400 Foot Aquifer Subbasin from the Monterey Subbasin. However, the DEIR then uses the term “upper aquifers” without clarifying whether it is referring to aquifers in the 180/400 Foot Aquifer Subbasin or aquifers in the Monterey Subbasin.

10.10

The DEIR implies that it is using the term “upper aquifers in the Salinas Valley Groundwater Basin” to refer only to the “180-foot aquifer and 400-foot aquifer which is North of the Monterey Subbasin:”

Seawater intrusion is an ongoing problem in the Salinas Valley Groundwater Basin (DWR 2004). The upper aquifers in the Salinas Valley Groundwater Basin (180-foot

aquifer and 400-foot aquifer which is North of the Monterey Subbasin) along the coast are experiencing high salinity due to seawater intrusion.² MCWD's wells in Central Marina, although near the coast, are in the Deep Aquifer within the Monterey Subbasin (DWR, Bulletin 118, Basin No. 3-004.10) of the broader Salinas Groundwater Basin, which has not experienced signs of seawater intrusion and is considered to have reliable quality.

10.10
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(DEIR, p. 4.9-5; see also 4.16-19 [same statement].)

A footnote to this discussion distinguishes the Monterey Subbasin from the "subbasin referred to as the '180/400 Foot Aquifer' by the Department of Water Resources:

"While the Ord Community water supply come in part from wells in the 400-foot aquifers, these wells are located within the defined boundaries of the Monterey Subbasin. The subbasin referred to as the "180/400 Foot Aquifer" by the Department of Water Resources is defined as overdrafted, but the wells at issue in the WSA are not within the boundaries of that subbasin. "

(DEIR, p. 4.9-5, fn. 2; see also 4.16-20, fn.7 [same statement].)

However, elsewhere the DEIR states that four wells serving the Ord Community are in "the upper aquifers:"

In the Ord Community, the District has one well in the deep aquifer and four wells in the upper aquifers; these five wells are outside the area currently affected by seawater intrusion.

(DEIR, p. 4.9-5; see also pp. 4.9-25, 4.16-20.)

Please explain whether the four wells serving the Ord Community in the "upper aquifers" are in the Monterey Subbasin or the 180/400 Foot Aquifer Subbasin.

For each of the references to "upper aquifers," which occurs on DEIR pages 4.9-5, 4.9-25, 4.16-19, and 4.16-20), please clarify whether the DEIR is referring to aquifers within the Monterey Subbasin or the 180/400 Foot Aquifer Subbasin.

5. Historic pumping from Deep Aquifer and other aquifers for use on Fort Ord

The MCWD 2015 Urban Water Management Plan (UWMP) at page 45 identifies wells used to support Central Marina and the Ord Community as follows:

10.11

The District currently has three Central Marina wells in the Deep Aquifer, MCWD-10, MCWD-11 and MCWD-12, constructed in 1983, 1986 and 1989 respectively. These wells are depicted in Figure 2.2.

The U.S. Army's original wells serving the former Fort Ord were located in the Main Garrison area near Marina. When wells indicated varying degrees of seawater intrusion, the Army in 1985 installed four wells further inland. Located near the intersection of Reservation and Blanco Roads in Marina (Figure 2.2), the wells draw from the 180-Foot and 400-Foot Aquifers (well numbers FO-29, FO-30, FO-31 and FO-32). Well FO-32 suffered a screen failure and was shut down in the late 1990s. The District added Wells 34 (in the Deep Aquifer) and Well 35 (in the 400-ft Aquifer) in 2011.

(MCWD 2015 UWMP, p. 45.)

DEEP AQUIFER WATER SUPPLIED TO FORT ORD: Including water supplied to the Ord Community from MCWD’s Central Marina wells that are in the Deep Aquifer and from any Ord Community wells that are in the Deep Aquifer, please indicate the annual amount of groundwater supplied to the Ord Community from the Deep Aquifer for each year since 1991. Please identify the wells by number from which water has been supplied to the Ord Community from the Deep Aquifer.

UPPER AQUIFER WATER SUPPLIED TO FORT ORD: Including water supplied to the Ord Community from MCWD’s Central Marina wells that are in the aquifers other than the Deep Aquifer and from any Ord Community wells that are in in the aquifers other than the Deep Aquifer, please indicate the annual amount of groundwater supplied to the Ord Community from the aquifers other than Deep Aquifer for each year since 1991. Please identify the wells by number from which water has been supplied to the Ord Community from the aquifers other than the Deep Aquifer.

CROSS CONNECTION OF MARINA AND FORT ORD: Please explain whether MCWD serves the Ord Community with any water from MCWD’s wells in Central Marina. If so, how much of the Ord Community water supply is taken from MCWD’s Central Marina wells? Please provide this information on an annual basis since the inception of any cross-connection of service between Marina and the Ord Community. Please provide the information separately for the Deep Aquifer and for aquifers other than the Deep Aquifer.

Please explain whether MCWD serves Marina with water from any wells in the Ord Community. If so, how much of the Central Marina water supply is taken from MCWD’s wells in the Ord Community? Please provide this information on an annual basis since the inception of any cross-connection of service between Marina and the Ord Community. Please provide the information separately for the Deep Aquifer and for aquifers other than the Deep Aquifer.

6. Monterey Subbasin conditions and pumping

a. DEIR statements regarding overdraft and seawater intrusion

The DEIR states that the Plan Area is in the Monterey Subbasin of the Salinas Valley Groundwater Basin. (DEIR, p. 4.9-2.) The DEIR states that seawater intrusion is an ongoing problem in the Salinas Valley Groundwater Basin and that the “upper aquifers in the Salinas Valley Groundwater Basin (180-foot aquifer and 400-foot aquifer which is North of the Monterey Subbasin) along the coast are experiencing high salinity due to seawater intrusion.” (*Ibid.*) The DEIR states that “ MCWD’s wells in Central Marina, although near the coast, are in the Deep Aquifer within the Monterey Subbasin . . . which has not experienced signs of seawater intrusion and is considered to have reliable quality.” (*Ibid.*)

The DEIR states

MCWD’s 2015 UWMP concludes that “neither seawater intrusion nor groundwater contamination pose an immediate threat to water supply reliability” (MCWD 2015 UWMP § 5.2, at p. 73). In the Ord Community, the District has one well in the deep aquifer and four wells in the upper aquifers; these five wells are outside the area currently affected by seawater intrusion. MCWD is closely monitoring the quality in these wells. While there “is some concern that the Deep Aquifer may become affected by seawater intrusion,” there is a monitoring well that serves as an “early warning system to identify any seawater intrusion...” (MCWD 2015 UWMP Section 4.2.5, at p. 48). . . . ¶ As to the 180-foot and 400-foot Aquifers, the MCWD 2015 UWMP concluded that “[t]he Salinas Valley Water Project has reduced groundwater pumping in the 180/400 Foot Aquifer Subbasin.

Therefore, MCWD's groundwater supply is fully available in annual average, single dry year and multiple dry years" (MCWD 2015 UWMP Section 5.1, at p. 72). The Monterey Subbasin is subject to SGMA, but is not designated as critically overdrafted (DWR 2019).

10.12
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(DEIR, p. 4.9-5; see also 4.16-20 [same statement].)

A footnote to this discussion observes

"While the Ord Community water supply come in part from wells in the 400-foot aquifers, these wells are located within the defined boundaries of the Monterey Subbasin. The subbasin referred to as the "180/400 Foot Aquifer" by the Department of Water Resources is defined as overdrafted, but the wells at issue in the WSA are not within the boundaries of that subbasin. "

(DEIR, p. 4.9-5, fn. 2; see also 4.16-20, fn.7 [same statement].)

b. Current conditions in the *upper aquifers* of Monterey Subbasin

As quoted above, the DEIR distinguishes the Monterey Subbasin from the 180/400 Foot Aquifer Subbasin and then provides overdraft and seawater intrusion information only for the 180/400 Foot Aquifer Subbasin. In particular, the DEIR states that the wells serving the project are either in the Deep Aquifer or "within the defined boundaries of the Monterey Subbasin," which the DEIR states is distinct from the "subbasin referred to as the "180/400 Foot Aquifer" by the Department of Water Resources." (DEIR, p. 4.9-5.) The DEIR states that DWR has defined the 180/400 Foot Aquifer as overdrafted. However, *the DEIR does not disclose whether the Monterey Subbasin is experiencing overdraft or seawater intrusion*. Nor does the DEIR disclose the hydrological connection and influences between the Monterey Subbasin and the 180/400 Foot Aquifer Subbasin. Even if the wells supplying water to the Project are not in the immediate vicinity of seawater intrusion, increased pumping from those wells may contribute to cumulative overdraft and seawater intrusion.

10.13

Please explain whether the "upper aquifers" in which MCWD has 4 wells serving the Ord Community are in overdraft. Please identify the 4 MCWD well numbers in the "upper aquifers" using the well numbers identified at page 45 pf the 2015 UWMP.

Please explain whether the "upper aquifers" in which MCWD has 4 wells serving the Ord Community are suffering seawater intrusion. In responding, please discuss whether the *aquifers* are suffering seawater intrusion, not just whether the particular wells are suffering seawater intrusion. Please identify the extent and causes of seawater intrusion, if any, in the "upper aquifers" in which MCWD has 4 wells serving the Ord Community.

c. Cumulative pumping from the *upper aquifers* of Monterey Subbasin

The DEIR fails to provide essential information to assess *cumulative* impacts to the "upper aquifers" of the Monterey Subbasin in which MCWD has 4 wells serving the Ord Community. Since overdraft, falling groundwater levels, aquifer depletion, and seawater intrusion are determined in part by the relation of cumulative pumping and recharge, the EIR should provide current and projected cumulative pumping, recharge, and water balance data.

10.14

Please provide the following information necessary to an informed analysis of cumulative effects to the "upper aquifers" of the Monterey Subbasin from which wells serving the project would pump:

- Total current annual groundwater pumping from the Monterey Subbasin.

- Total projected annual groundwater pumping from the Monterey Subbasin.
- Total annual recharge to the Monterey Subbasin
- The yield from the Monterey Subbasin that is sustainable without overdraft, falling groundwater levels, or seawater intrusion
- The amount of increased pumping from the Monterey Subbasin that would be caused by this project.

10.14
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Please explain whether the “upper aquifers” in which MCWD has 4 wells serving the Ord Community are hydrologically interconnected to the subbasin referred to as the 180/400 Foot Aquifer Subbasin by the Department of Water Resources or to any other subbasin in the Salinas Valley Groundwater Basin. Please explain whether and to what extent pumping from the Monterey Subbasin contributes to overdraft, aquifer depletion, falling groundwater levels, or seawater intrusion in these other subbasins.

d. Effect of Salinas Valley Water Project and other projects on the *upper aquifers* of Monterey Subbasin

10.15

The DEIR states:

As to the 180-foot and 400-foot Aquifers, the MCWD 2015 UWMP concluded that “[t]he Salinas Valley Water Project has reduced groundwater pumping in the 180/400 Foot Aquifer Subbasin. Therefore, MCWD’s groundwater supply is fully available in annual average, single dry year and multiple dry years” (MCWD 2015 UWMP Section 5.1, at p. 72).

(DEIR, p. 4.9-5.)

Please explain how and to what extent the Salinas Valley Water Project has reduced pumping in the 180/400 Foot Aquifer Subbasin. When did the Salinas Valley Water Project commence? How much reduction in annual pumping has occurred in the 180/400 Foot Aquifer Subbasin since the Salinas Valley Water Project began to operate? How much of that reduction is attributable to the Salinas Valley Water Project?

Please explain why a reduction in pumping in the 180/400 Foot Aquifer Subbasin since the Salinas Valley Water Project began to operate supports the inference that “MCWD’s groundwater supply is fully available in annual average, single dry year and multiple dry years.”

We note in this connection that the DEIR expressly distinguishes the Monterey Subbasin from the 180/400 Foot Aquifer Subbasin. In particular, the DEIR states that the wells serving the project are either in the Deep Aquifer or “within the defined boundaries of the Monterey Subbasin,” which the DEIR states is distinct from the “subbasin referred to as the “180/400 Foot Aquifer” by the Department of Water Resources.” (DEIR, p. 4.9-5.)

Please explain whether and by how much the Salinas Valley Water Project has reduced pumping from the “upper aquifers” of the Monterey Subbasin. Please explain whether and by how much the Salinas Valley Water Project has reduced pumping from the Deep Aquifer.

The DEIR does not present any evidence that the subbasin referred to as the “180/400 Foot Aquifer” by the Department of Water Resources or the “upper aquifers” of the Monterey Subbasin are themselves a sustainable or even long term source of water supply or that they are a material source of recharge to the 900-foot or Deep Aquifer. Recent studies indicate that the efforts to halt overdraft and seawater intrusion in the Salinas Valley Groundwater Basin, including its 180-foot and 400-foot aquifers, have not been successful and are not expected to succeed without additional water supply projects. Studies also indicate that a temporary slow-

down in the rate of seawater intrusion has been reversed and that seawater intrusion has in fact accelerated. The DEIR is inadequate as an informational document because it fails to discuss this.

10.15
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e. Deep Aquifer pumping and projected water use

The DEIR fails to provide an adequate analysis of existing and projected future pumping from the Deep Aquifer, or to explain how much increased pumping this project would cause from the Deep Aquifer.

10.16

The DEIR states

MCWD's wells in Central Marina, although near the coast, are in the Deep Aquifer within the Monterey Subbasin . . . which has not experienced signs of seawater intrusion and is considered to have reliable quality.

(DEIR, p. 4.9-2.)

Please explain whether the "Deep Aquifer within the Monterey Subbasin" is hydrologically connected to the Deep Aquifer within the adjacent subbasins of the SVGB.

The DEIR states

The District is the only significant user of the Deep Aquifer, although there are Deep Aquifer wells serving the Monterey Dunes Colony (120 homes) and the Armstrong Ranch (MCWD 2015 UWMP, Section 4.1 at pp. 31–32).

(DEIR, p. 4.16-3.) The same statement is made in the MCWD 2015 UWMP at pages 31 and 32. The 2015 UWMP also states in the preceding sentence that "[t]he three water production wells in the Central Marina service area and one in the Ord Community are in the Deep Aquifer, as described in Section 4.2.1."

Please identify the MCWD wells that pump from the Deep Aquifer, using the well numbers identified in the 2015 UWMP at page 45. Please explain whether the referenced wells serving the Armstrong Ranch and the Dunes Colony are distinct wells.

Please identify the amount of pumping from the Deep Aquifer used to support Fort Ord in the period 1982-1993.

Please identify the amount of current pumping from the Deep Aquifer from all users.

Please identify the amount of foreseeable future projected pumping from the Deep Aquifer for all users, including the pumping projected from wells for agricultural use. We note that MCWD has initiated litigation over the permitting of new agricultural wells in the Deep Aquifer.

Please identify the sources of recharge for the Deep Aquifer and the rate of recharge.

Please identify the amount of pumping from the Deep Aquifer that can be sustained without causing depletion of the Deep Aquifer or falling groundwater levels.

Please identify the amount of groundwater pumping for this project that would be taken from the Deep Aquifer. Please separately identify the amount of pumping for this project that would be taken from aquifers other than the Deep Aquifer and identify those other aquifers.

f. Deep Aquifer conditions

10.17

Please explain what the DEIR means in claiming that the Deep Aquifer has not experienced signs of seawater intrusion and is considered to have a reliable quality. (DEIR pp. 4.9-5, 4.9-25, 4.16-19.)

g. 2003 Deep Aquifer pumping effects

The DEIR fails to discuss the effect of pumping the Deep Aquifer on the quality of the “upper aquifers.”

Section 4.9 makes one confused and incomplete statement that may contemplate the possibility of adverse effects from increased pumping of the Deep Aquifer. The DEIR states

In 2003, a study modeled seawater intrusion resulting from increasing pumping from the Deep Aquifer by two to five times the baseline rate, and found that “in the absence of other action to control seawater intrusion, the landward flow of groundwater would increase...” (MCWD 2015 UWMP Section 4.2.5, at p. 50). No increases of such a magnitude in pumping from the Deep Aquifer are expected.

(DEIR, p. 4.9-5.)

Please identify the 2003 study referenced by the DEIR.

Please explain what is meant by “the landward flow of groundwater.” How, if at all, is “the landward flow of groundwater” related to seawater intrusion?

Please identify the referenced “baseline rate” of Deep Aquifer pumping in the 2003 study and its source.

h. DEIR references to 1998 Facilities Agreement regarding baseline use of the Deep Aquifer

10.18

The DEIR states

The 6,600 AFY is considered the 1991 Statutory Baseline under the Base Reuse Plan. The 6,600 acre-feet per year amount includes 5,200 acre-feet from the 180-foot and 400-foot aquifers, along with 1,400 acre-feet per year from the 900-foot or Deep Aquifer (FORA 1998).³

((DEIR, p. 4.16-3.) The footnote 3 cites section 5.3.1 of the 1998 “Water/Wastewater Facilities Agreement” between FORA and MCWD.

Section 5.3.1 of the 1998 provides Water/Wastewater Facilities Agreement provides:

5.3.1. Groundwater Use. The parties will cooperate on MCWD's increased withdrawal of potable groundwater from MCWD's existing wells in the 900-foot aquifer by up to 1,400 acre-feet per year (afy), in compliance with law, to enable the increased withdrawals from 5,200 afy to 6,600 afy for use in the service area, as stipulated in paragraph 4.c. of the September 1993 Agreement between The United States of America and the Monterey County Water Resources Agency, and in paragraph 5.1.1.1 of the "Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands," recorded August 7, 1996, in Reel 3404 Page 749, in the Office of the Monterey County Recorder.

Please explain how the reference to a permitted “increased withdrawal of potable groundwater from MCWD's existing wells in the 900-foot aquifer by up to 1,400 acre-feet per year (afy)” in the

1998 Agreement supports the contention that any pumping from the Deep Aquifer is part of a baseline.

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7. 1996 Annexation Agreement and 1998 facilities agreement accounting

Paragraph 5.1.1.1 of the 1996 Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands provides that MCWD may increase its withdrawals of potable groundwater by up to 1,400 afy from the 900-foot aquifer to enable the increased withdrawals from 5200 afy to 6600 afy for use on Fort Ord, as provided in paragraph 4.c. of the September 1993 Agreement between the United States of America and MCWRA.

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Paragraph 5.3.1 of the 1998 Water/Wastewater Facilities Agreement contains the same provision.

Please provide the amount of groundwater pumped from the 900-foot or Deep Aquifer annually by MCWD for use on Fort Ord for the five years prior to 1996 and for each year subsequent to 1996. This information is relevant to whether additional water may be pumped from the Deep Aquifer to support the project under the terms of the 1996 and 1998 agreements.

8. Augmented water supply

The 2015 MCWD UWMP, incorporated by reference into the DEIR, states at page 17:

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One of the mitigation measures in the Final EIR, Reuse Plan and Master is the development of 2,400 afy of additional water supply for the Ord Community, which will allow development beyond the initial 6,000 dwelling units.

Please identify the specific documents and page numbers in the “in the Final EIR, Reuse Plan and Master [sic, Master Resolution]” setting forth this mitigation measure.

9. Impacts from increased pumping of groundwater, including overdraft, seawater intrusion, falling groundwater levels, and aquifer depletion

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The DEIR apparently assumes that as long as groundwater pumping to the Ord Community does not exceed 6,600 afy, which it identifies as the “statutory baseline,” there can be no significant impacts on the aquifers caused by increased groundwater pumping for the project. Thus, the DEIR fails to provide an assessment of the effect of increased pumping on overdraft, aquifer depletion, falling groundwater levels, and seawater intrusion. Instead, its analysis in sections 4.9 and 4.16 focus only on the availability and reliability of the assumed 6,600 afy supply.

The DEIR makes similar claims regarding the reliability of water supplies in sections 4.9 and 4.16. In particular, the DEIR claims that the 6,600 afy allocation from FORA is considered reliable for several reasons:

- Because the SVGB has a large storage volume and because water levels vary 20 to 30 feet seasonally and an additional 10-20 feet during drought periods. (DEIR, p. 4.16-19.)
- Because MCWD’s Deep Aquifer wells have not experienced sea water intrusion. (DEIR, pp. 4.9-5, 4.16-19.)
- Because the 2015 UWMP states that seawater intrusion and groundwater contamination are not immediate threats. (DEIR, pp. 4.9-5, 4.16-20.)
- Because as “to the 180-foot and 400-foot Aquifers, the 2015 the MCWD 2015 UWMP concluded that [t]he Salinas Valley Water Project has reduced groundwater pumping in the 180/400 Foot Aquifer Subbasin. Therefore, MCWD’s groundwater supply is fully

available in annual average, single dry year and multiple dry years' (MCWD 2015 UWMP Section 5.1, at p. 72)." (DEIR, pp. 4.9-5, 4.16-20.)

- Because the Monterey Subbasin is not designated as critically overdrafted. (DEIR, p. 4.16-20.)
- Because MCWD and the SVBGSA are required to develop sustainability plans to achieve sustainability by 2040. (DEIR, p. 4.16-20.)
- Because MCWRA has adopted a Long-Term Management Plan for the Salinas River Valley. (DEIR, p. 4.16-20.)

Based on these considerations, the DEIR concludes that the existing wells "are able to provide water to serve Fort Ord *in perpetuity*." (DEIR, p. 4.16-20 [emphasis added].) Section 4.16 proposes mitigation measure UTIL-1 in order to ensure an additional supply *after* the project has exhausted the remaining 181.3 afy of the City's sub-allocation of the 6,600 afy. (DEIR, p. 4.16-26.) Thus, the focus of analysis in section 4.16 is the *availability* of a water supply, not the impacts on the groundwater resource of *using* that supply.

The discussion in section 4.9 does not consider the possibility that incremental pumping of less than 6,600 afy for Fort Ord use would result in significant impacts to the groundwater resource, including overdraft, seawater intrusion, falling groundwater levels, or aquifer depletion. (See DEIR, p. 4.9-16 [thresholds of significance].)

The section 4.9 significance criteria and discussion address violation of water quality standards, but this section does not discuss contamination due to seawater intrusion. (DEIR, pp. 4.9-17 to 4.9-20.)

The section 4.9 significance criteria and discussion address interference with groundwater recharge so as to impede sustainable groundwater management. But this section does not discuss the effect of incremental groundwater pumping that interference with sustainable management. (DEIR, pp. 4.9-21 to 4.9-22.)

The section 4.9 significance criteria and discussion address altered drainage, but this discussion does not address the effects of incremental groundwater pumping. (DEIR, pp. 4.9-22 to 4.9-25.)

The section 4.9 significance criteria and discussion address obstruction of the implementation of a water quality control plan or a sustainable groundwater management plan. (DEIR, pp. 4.9-25 to 4.9-27.)

OBSTRUCTION OF WATER QUALITY CONTROL PLAN: In this discussion, the DEIR first recites all of the same considerations identified in section 4.16 related to the *availability* of a water supply. (Compare DEIR, p. 4.9-25 to 4.16-19 to 4.16-20.) The DEIR then claims that there would be no significant impact to the water quality control plan as long as pumping stays within the 6,600 afy allocation to Fort Ord:

The Proposed Project would increase the demand for water, most of which would derive from groundwater sources. For the existing conditions of the City's groundwater supply, and the effects of groundwater demand from development, see Section 4.16, Utilities and Service Systems. As discussed therein, *the potable water demand for the project would exceed the allocations available to the project, therefore impacts would be significant without mitigation*. If groundwater pumping were to be increased to meet this demand without mitigation, this would potentially result in seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium, etc.). To address the discrepancy between the Proposed Project's

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441.6 AFY of potable water demand and the 181.3 AFY of available potable water supply, Mitigation Measure UTIL-1 requires the City to secure water supplies for the Proposed Project by offsetting potable water demands. *Because the potable water demands of the Proposed Project would be offset by the City, the Proposed Project would not result in seawater intrusion.*

(DEIR, pp. 4.9-26 [emphasis added].)

The DEIR is inadequate because it does not discuss the impacts on overdraft, groundwater levels, aquifer depletion, or seawater intrusion caused by increasing the *existing* levels of groundwater pumping. Nor does the DEIR discuss whether there could be significant direct or cumulative impacts from some level of increased pumping to support new Fort Ord development short of 6,600 afy.

OBSTRUCTION OF SUSTAINABLE GROUNDWATER MANAGEMENT PLAN: The discussion of the potential obstruction of a sustainable groundwater management plan also recites the background related to the allocation of the 6,600 afy, noting that Mitigation Measures UTIL-1 requires additional supplies when the project has exhausted the City’s sub-allocation of the 6,600 afy. The discussion states that the mitigation measures UTIL-1 will ensure that pumping stays within the 6,600 afy allocation; that two groundwater sustainability agencies will design plans to ensure sustainability by 2040; and that MCWRA’s Long-Term Management Plan for the Salinas River Valley will curtail future seawater intrusion and “ensure the reliability of the 6,600 AFY” so that the wells can supply water to Fort Ord “in perpetuity.” (DEIR, p. 4.9-17.) This discussion is inadequate because also assumes without analysis that there would be no adverse impact to groundwater resources as long as pumping for Fort Ord does exceed the assumed 6,600 afy baseline.

10. MCWRA’s Long-Term Management Plan for the Salinas River Valley

Although the DEIR references MCWRA’s Long-Term Management Plan for the Salinas River Valley, the Plan itself casts substantial doubt on the ability of existing agencies to accomplish its proposed management actions. It states at page 5-1 that “while Monterey County Water Resources Agency (MCWRA) does currently have extensive authorities under the Agency Act, its current funding is limited and targeted at a narrower set of responsibilities.” Indeed, MCWRA’s Long-Term Management Plan for the Salinas River Valley states at page 5-2 that there “was no firm agreement on the appropriate structure of a long-term administrative approach to LTMP implementation, but many stakeholders agreed that the approach could—and likely would—evolve over time.”

MCWRA’s Long-Term Management Plan for the Salinas River Valley contains Table 4-1, Salinas River LTMP Recommended Management Objectives and Actions. None of the management action in Table 4-1 appear to be approved, funded, or environmentally reviewed.

Please identify each management action in Table 4-1 designed to mitigate falling groundwater levels, aquifer depletion, and seawater intrusion in the Fort Ord area that has been approved, funded, and environmentally reviewed under CEQA.

11. Sustainable Groundwater Management Plans

We are not aware that any Sustainable Groundwater Management Plan or any management actions or projects have been adopted under SGMA by either the SVGBGSA or MCWD. Please identify each management action and project that has been adopted by SVGBGSA or by MCWD in its capacity as a Groundwater Sustainability Agency under SGMA that is intended to

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avoid or lessen overdraft, seawater intrusion, aquifer depletion, or falling groundwater in the Fort Ord area.

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The DEIR's discussion of hydrology and water quality in section 4.9 states that "impacts to groundwater supply are also discussed in Section 4.16." (DEIR, p. 4.9-16.) However, the discussion in section 4.19 does not address impacts to groundwater supply such as aquifer depletion or seawater intrusion, but only the purported reliability of the existing 6,600 afy supply allocation.

12. Cumulative impact discussion of long-term sustainability of groundwater supplies in section 4.9, Hydrology and Water Quality

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In section 4.9, the DEIR provides a discussion of cumulative impacts with regard to the "long-term sustainability of groundwater supplies." (DEIR, p. 4.9-29.)

The DEIR identifies the geographic scope of this cumulative analysis with reference to a watershed boundary:

The geographic scope for cumulative hydrology and water quality impacts is the southern portion of the Monterey Bay HU watershed in which the Plan Area is located, which extends from the slopes of the Fort Ord National Monument on the east to the Pacific Ocean on the west. This portion of the watershed encompasses the cities of Marina, Sand City, Seaside, and Monterey. In this portion of the watershed, water generally flows from east to west or southeast to northwest, downhill towards the Monterey Bay. This geographic scope is appropriate for hydrology and water quality because water quality impacts are localized in the watershed where the impact occurs.

(DEIR, p. 4.9-27.)

Please explain whether the southern portion of the Monterey Bay HU watershed is depicted in the diagram at <https://indicators.ucdavis.edu/cwip/huc/18060015>. If not, please provide a map indicating the area comprising the southern portion of the Monterey Bay HU watershed.

We note that the southern portion of the Monterey Bay HU watershed is not coextensive with the Monterey Subbasin and/or the 180/400 Foot Aquifer Subbasin identified in the groundwater setting discussion at DEIR pages 4.9-2 through 4.9-5.

Please explain how groundwater pumping *outside* the Monterey Subbasin and/or the 180/400 Foot Aquifer Subbasin is relevant to the determination of cumulative effects of groundwater pumping in the Monterey Subbasin and/or the 180/400 Foot Aquifer Subbasin.

Please explain why the scope of the cumulative impact analysis does not include *all* of the Monterey Subbasin and/or the 180/400 Foot Aquifer Subbasin that were identified in the discussion of the relevant groundwater setting at DEIR pages 4.9-2 through 4.9-5.

We believe that the scope of the analysis of cumulative impacts to the long-term reliability of groundwater supplies in the DEIR is unjustified because the relevant scope is in fact the hydrologically interconnected groundwater basins that provide water supply to the project and that would be affected by groundwater pumping for the project.

The DEIR's discussion of cumulative impacts relative to the long-term sustainability of groundwater supplies consists of the following paragraph:

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As discussed under Impacts HWQ-2 and HWQ-5, the Proposed Project would increase the demand for water, most of which would be derived from groundwater sources. Cumulative development would also increase demands for groundwater supplies.

Compliance with applicable regulations and the impending development of groundwater sustainability plans for the Monterey Subbasin would ensure the long-term sustainability of groundwater supplies. Therefore, cumulative development would not result in a significant cumulative impact. To address the discrepancy between the Proposed Project's 441.6 AFY of potable water demand and the 181.3 AFY of available potable water supply, Mitigation Measure UTIL-1 requires the City to secure water supplies for the Proposed Project by offsetting potable water demands. Consequently, the Proposed Project's impacts to groundwater supplies and groundwater management efforts would be less than significant and the Proposed Project would not have a cumulative considerable contribution to a significant cumulative impact related to groundwater.

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(DEIR, p. 4.9-29.)

The cumulative analysis discussion of potential impacts to sustainability of groundwater supplies does not provide any information about the existing or foreseeable future groundwater pumping from the geographic area included in the geographic scope of analysis. Please provide either a list of past, present, and probable future projects producing related or cumulative impacts or a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Please provide this information for the identified geographic scope of the cumulative analysis.

Please also provide existing and projected cumulative groundwater pumping for the Monterey Subbasin Deep Aquifer, Monterey Subbasin "upper aquifers," 180/400 Foot Aquifer Subbasin Deep Aquifer, 180/400 Foot Aquifer Subbasin "upper aquifers."

The discussion also fails to provide a summary of the expected environmental effects to be produced by the projects producing related or cumulative impacts. Please provide that information. We note that the DEIR is devoid of any discussion of cumulative impacts related to overdraft, falling groundwater levels, aquifer depletion, or seawater intrusion.

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The discussion also fails to provide a reasonable analysis of the cumulative impacts of the relevant cumulative projects. Please provide that information.

The DEIR should indicate whether there is a significant cumulative effect from all projects, including the proposed project, taken in combination. If so, the DEIR should separately indicate whether the project would make a considerable contribution to that impact, and, if not, why not. Accordingly, please explain whether there is a significant cumulative effect from all projects, including the proposed project, taken in combination. Please separately explain whether the Project would make a considerable contribution to a significant cumulative impact, and, if not, why not.

The DEIR discusses Mitigation Measure UTIL-1 as if it were a sufficient basis to conclude that the project would not make a considerable contribution to a significant cumulative impact. As in the DEIR's discussion of direct impacts, this conclusion is inadequate and unsupported because it fails to consider that incremental groundwater pumping short of the 6,600 afy allocated by FORA for Fort Ord development may nonetheless make a considerable contribution to a significant cumulative impact in the form of overdraft, falling groundwater levels, aquifer depletion, and seawater intrusion.

Please explain whether the DEIR purports to tier from a cumulative impact discussion in a previous EIR. If so, please identify that previous EIR and discuss its conclusions.

13. Cumulative impact discussion in section 4.16

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The DEIR provides a separate discussion of “cumulative water supply impacts” in section 4.16. (DEIR, pp. 4.16-28.)

The DEIR identifies the geographic scope of this cumulative analysis as the MCWD service area:

The geographic scope for cumulative water supply impacts is the MCWD service area, depicted in Figure 4.16-1. This geographic scope is appropriate because, as the local water purveyor, MCWD is responsible for supplying potable water to all residential, commercial, industrial, and fire protection uses within its service area, including the Plan Area (MCWD 2016).

(DEIR, p. 4.16-28.)

We believe that this geographic scope is unjustified because the relevant scope is the hydrologically interconnected groundwater basins that provide water supply to the project and that would be affected by groundwater pumping for the project. MCWD is not the only entity extracting water from these aquifers or regulating that extraction. Thus, the discussion of foreseeable cumulative pumping, based on MCWD’s projected pumping for Marina and Fort Ord, is not adequate because it does not disclose all relevant sources of existing and foreseeable groundwater pumping that would affect the availability of groundwater supplies and does not discuss foreseeable regulatory constraints.

The actual discussion of cumulative water supply impacts in section 4.16 is limited to a comparison of MCWD’s existing and future pumping demand to the purported 6,600 afy water supply allocation for Fort Ord and the 4,440 afy groundwater pumping limit for Central Marina, Armstrong Ranch, and RMC Lonestar set out in the 1996 Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands. This discussion provides no information relevant to the sustainability of that water supply or to the cumulative effects of groundwater pumping on overdraft, aquifer depletion, falling groundwater levels, and seawater intrusion.

Furthermore, the DEIR fails to provide an adequate discussion of the certainty of the water supply in the face of existing and foreseeable regulatory constraints. Instead, the DEIR assumes that the perpetual availability of the proposed groundwater supply is ensured by the Fort Ord Reuse Agency suballocation of a purportedly perpetual 6,600 afy entitlement for use on Fort Ord.

First, the DEIR fails to acknowledge that the purported 6,600 afy allocation does not represent a permanent entitlement to use groundwater. The 1993 Agreement between the Army and MCWRA provides that pumping must cease when a replacement potable water supply project is implemented.

Second, the DEIR fails to acknowledge that the 6,600 afy allocation was made, and can only be enforced, by the Fort Ord Reuse Agency and that it will no longer be effective or enforceable as between the land use jurisdictions within the Ord Community when the Fort Ord Reuse Agency sunsets in 2020.

Third, the DEIR also fails to discuss the independent constraint on water supply provision represented by the cap on cumulative residential units in the Base Reuse Plan.

Fourth, the DEIR fails to disclose and discuss the constraints on pumping from the Deep Aquifer in the 1996 Annexation Agreement and Groundwater Mitigation Framework.

Finally, the DEIR fails to acknowledge that any groundwater pumping remains subject to regulation, including suspension, by MCWD, by MCWRA, by the County of Monterey, and by the SVGBGSA and MCWD as sustainability agencies under SGMA.

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14. Proposed mitigation

The DEIR characterizes Mitigation Measure UTIL-1 as a water offset program. The DEIR improperly defers the formulation of the water offset program without explaining why deferral is necessary or appropriate.

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There is no apparent necessity to defer the formulation of the offset program.

Furthermore, deferral is not appropriate when there is any question as to feasibility of the program. The EIR fails to provide any evidence that an offset program is feasible.

Mitigation Measure UTIL-1 lacks performance specifications. A water offset program would only be effective if the offset were verifiable, permanent, and additive. As written, UTIL-1 does not mandate these conditions or explain how they will be ensured.

The DEIR identifies four possible offset projects: the golf courses; Seaside Highlands and Soper Field; the Main Gate project; and duel-plumbing to accommodate recycled water. Please explain whether any of these projects were approved with the expectation or commitment that its use of potable water would be replaced with recycled water. If so, offsets would not be additive.

The DEIR claims that there would be no secondary impacts from UTIL-1 because “the recycled water supply is a pre-existing project that has already been subject to environmental review.” (DEIR, p. 4.16-22.) Please identify the environmental review document or documents in which each of the four possible offset programs was discussed. Please identify the environmental impacts that were disclosed in these documents and whether any of these impacts remained unavoidably significant.

Any incremental pumping to support the project, including the first 181 afy required, would result in significant impacts to groundwater resources and would make a considerable contribution to significant cumulative impacts to groundwater resources. *Mitigation Measure UTIL-1 should be modified to require a verifiable, permanent, and additive reduction in long-term existing groundwater pumping to offset the amount of any provision of groundwater to the project.*

15. The DEIR fails to discuss consistency with relevant BRP policies

The DEIR identifies two of the BRP policies relevant to water supply and water supply impacts:

Hydrology and Water Quality Policy B-1 ensures additional water is available to critically deficient areas. Hydrology and Water Quality Policy B-2 provides for development on verification of an assured long-term water supply.

(DEIR, p. 4.16-13.)

Although the DEIR lists these two policies, it does not discuss them or explain how the project could be consistent with them.

Please explain what steps the City has taken and what steps it will take to comply with Hydrology and Water Quality Policy B-1. In particular, please address the following Programs under Policy B-1.

BRP Hydrology and Water Quality Program B-1.2 requires that the City “shall work with FORA and the MCWRA to determine the feasibility of developing additional water supply sources for

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the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option(s).” Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.3 requires that the City “shall adopt and enforce a water conservation ordinance developed by the Marina Coast Water District.” Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.4 requires that the City “shall continue to actively participate in and support the development of ‘reclaimed’ water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies for the former Fort Ord.” Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.5 requires that the City “shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other nonpotable use.” Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.6 requires that the City “shall work with FORA to assure the long-range water supply for the needs and plans for the reuse of the former Fort Ord.” Please explain what steps the City has taken and what steps it will take to comply with this program.

BRP Hydrology and Water Quality Program B-1.7 requires that the City “in order to promote FORA’s DRMP, shall provide FORA with an annual summary of the following: 1) the number of new residential units, based on building permits and approved residential projects, within its former Fort Ord boundaries and estimate, on the basis of the unit count, the current and projected population. The report shall distinguish units served by water from FORA’s allocation and water from other available sources; 2) estimate of existing and projected jobs within its Fort Ord boundaries based on development projects that are on-going, completed, and approved; and 3) approved projects to assist FORA’s monitoring of water supply, use, quality, and yield.” Please explain what steps the City has taken and what steps it will take to comply with this program. In this regard, please explain what steps the City has taken and will take to ensure that approval of the project would comply with DRMP section 3.11.5.4 (b), which caps total new residential units within the former Fort Ord at 6,160 units.

Please explain what steps the City has taken and what steps it will take to comply with Hydrology and Water Quality Policy B-2, which requires verification of an assured long-term water supply.

The DEIR fails to set out the relevant BRP Policies that mandate action by FORA and the City to prevent seawater intrusion. The City is required by BRP Hydrology and Water Quality Policy C-3 to “work with” MCWRA “to estimate the current safe yield” and to “participate in implementing measures to prevent future intrusion” as follows:

Hydrology and Water Quality Policy C-3: The MCWRA and the City shall cooperate with MCWRA and MPWMD to mitigate further seawater intrusion based on Salinas Valley Basin Management Plan.

Program C-3.1: The City shall continue to work with the MCWRA and the MPWMD to estimate the current safe yield within the context of the Salinas Valley Basin Management Plan for those portions of the former Fort Ord overlying the Salinas Valley and Seaside groundwater basins to determine available water supplies.

Program C-3.2: The City shall work with MCWRA and MPWMD to determine the extent of seawater intrusion into the Salinas Valley and Seaside groundwater basins in the context of the Salinas Valley Basin Management Plan, and shall participate in implementing measures to prevent further intrusion.

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(BRP 2001 Reprint, p. 351.)

Please explain what steps the City has taken and what steps it will take to comply with Hydrology and Water Quality Policy C-3 and programs C-3.1 and C-3.2.

Please identify the Salinas Valley Basin Management Plan referenced in Hydrology and Water Quality Policy C-3.

16. The DEIR fails to disclose the impacts of not supplying water to later phases of the project

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Where an EIR relies on mitigation in the form of a ban on development if adequate water supplies cannot be secured, the EIR must also discuss the impacts of not building approved development. Here, Mitigation Measure UTIL-1 would bar further approvals of discretionary permits or entitlements for the project without proof that offsets are available.

Please discuss the effects of not building the complete project as proposed. Please include a discussion of secondary impacts to public services, utilities, infrastructure, traffic, GHG emissions, and schools and to the jobs/housing balance if the entire project is not built as proposed and some or all of the expected jobs and tax benefits fail to be realized. Please base this discussion on the most recent economic analysis of the project and identify that analysis. Please note that inconsistency of the project with BRP policies related to the jobs/housing balance may be significant impacts because those policies are intended to avoid or reduce environmental impacts.

Please state clearly which portions of the project could possibly be foregone if there is insufficient water supply. What commitment, if any, does the Specific Plan or the EIR contain to creation of a viable and balanced project in the event that water supplies are not sufficient? Please note that the Specific Plan expressly leaves the phasing of the project to the discretion of each applicant for entitlements. Specific Plan, p. 198.

17. WSA

LandWatch incorporates by reference its attached comments on the Water Supply Assessment for the Campus Town Specific Plan, provided to the MCWD Board of Directors on June 15, 2018.

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Thank you for the opportunity to comment.

Regards,



Michael DeLapa
Executive Director

Attachment, LandWatch comments on WSA for Campus Town Specific Plan, June 15, 2018

Letter 10

COMMENTER: Michael DeLapa, Executive Director, LandWatch

DATE: August 21, 2019

Response 10.1

The commenter summarizes the Project's proposed development within the Plan Area. The comment does not pertain to the adequacy of the EIR or the CEQA process. Therefore, no further response is required.

Response 10.2

The commenter claims that the Draft EIR fails to follow the MBARD guidelines and consistency should be addressed with the City of Seaside instead of on a countywide basis.

As discussed on pages 4.2-19 to 4.2-20 of Section 4.2.3 of the Draft EIR, the MBARD 2008 *CEQA Air Quality Guidelines* (pages 5-10 to 5-11) state the following (text is bolded for emphasis):

For a proposed residential project, consistency is determined by comparing the project population at the year of project completion with the forecast for the appropriate five year increment...for the jurisdiction in which the project is located...**In Monterey County, consistency with population forecasts is based on comparing a project's population with countywide forecasts to avoid confusion related to declining population forecasts for cities on the Monterey Peninsula.**

Therefore, for projects located in cities in Monterey County, such as Seaside, MBARD recommends comparing the Project's population with countywide forecasts. As such, the Draft EIR correctly evaluates consistency with the 2015 Air Quality Management Plan based on countywide population forecasts because the Project is located in Monterey County.

Response 10.3

The commenter states that GHG emissions under baseline conditions would be cumulatively considerable and claims that proposed GHG reduction measures are not specified with any precision or are enforceable. However, the commenter provides no explanation on why they believe these measures are imprecise or unenforceable. The referenced measures identify installation of electric vehicle chargers for residential and commercial uses. Such measures are explicitly identified by the State Office of Planning and Research as appropriate mitigation for GHG. (OPR Technical Advisory, *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act CEQA Review*,¹³ page 19-19 ["Examples of GHG Reduction Measures... Where feasible, include in new buildings facilities to support the use of low/zero carbon fueled vehicles, such as the charging of electric vehicles from green electricity sources."]) The Greenhouse Gas Reduction Plan (GGRP; GHG-1(d)) sets a specific performance standard, and provides a menu of options to accomplish that standard, including but not limited to solar PV. A specific GGRP plan has been proposed pursuant to the provisions of GHG-1(d), as is included as Appendix P, to the Final EIR. However, given the lack of

¹³ <http://opr.ca.gov/docs/june08-ceqa.pdf>

information on why the commenter believes these measures are inadequate, no further response is possible.

The commenter states that CARB recommends a series of non-project specific mitigation measures. Since the commenter offers no evidence that mitigation measures included in the provided list are feasible or applicable to the Proposed Project, the City is under no obligation to evaluate each of them individually in the Final EIR, although such evaluations are nevertheless provided at the end of this response. See *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1055 (“Considering the large number of possible mitigation measures set forth in the letter [50 suggestions], as well as the letter’s indication that not all measures would be appropriate for every project, it is unreasonable to impose on the city an obligation to explore each and every one.”)

Section 15126.4(a)(1)(B) of the CEQA *Guidelines* states, “The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the Project’s environmental review provided that the agency (1) commits itself to the mitigation, (2), adopts specific performance standards the mitigation will achieve, and (3) identifies the types of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.”

The City of Seaside has proposed implementing Mitigation Measures GHG-1(a) through GHG-1(d), which would be imposed as enforceable conditions of approval if the City approves the Project. These mitigation measures include specific performance standards that must be achieved by the project applicant in terms of the quantity of GHG emissions that must be reduced and/or offset. For example, Mitigation Measure GHG-1(a) requires the applicant to implement one or more compliance options to reduce construction-related GHG emissions by 49,974.6 metric tons (MT) of CO₂e, and Mitigation Measure GHG-1(d) requires the applicant to prepare and implement a Greenhouse Gas Reduction Plan (GGRP) that reduces the Project’s operational GHG emissions by 12,874 MT of CO₂e per year. Finally, these mitigation measures identify the types of potential actions that can achieve these performance standards. For example, Mitigation Measure GHG-1(a) identifies Direct Reduction Activities and Carbon Offsets as potential actions, and Mitigation Measure GHG-1(d) includes a wide array of potential actions in Table 4.7-4 such as solar photovoltaic panels, electric vehicle chargers, transportation demand management programs, LED streetlights, and carbon offsets.

Since publication of the Draft EIR, the Project applicant has prepared a draft GGRP, which identifies a suite of actions that would achieve compliance with Mitigation Measures GHG-1(a) and GHG-1(d) included in the Draft EIR. The GGRP is included as Appendix P and includes the requirement for the Project to include electric vehicle chargers, solar on non-residential buildings, and plant trees. With the GGRP, the Project would result in net zero carbon emissions.

Regarding the suggested mitigation measures, none are needed because with the GGRP, the Project meets the City’s net zero threshold, and would not make a cumulatively considerable contribution to significant cumulative climate change impacts. Regarding each specific measure:

- **Freon-free air conditioning:** Air conditioning will not be a standard feature in single-family homes or multi-family buildings. Commercial air conditioning would meet California’s green building standards. Buildings would be designed to include features, such as sunscreens, window shades, or low-emission glass, that reduce the need for air conditioning, as well as the mild climatic conditions in Monterey County along the coast.

- **Recycling facilities for each residential unit and all public/common areas:** Each single-family home will have recycling containers. In multi-family buildings, recycling facilities would be available to all residents (City of Seaside 2019). Recycling facilities also would be available in park/common space areas (Draft EIR Appendix B, Section 3.6.2). The entire Project would comply with the City of Seaside’s recycling and waste diversion requirements. As already discussed in the Draft EIR, “The City currently contracts with GreenWaste Recovery, a private hauler to provide trash, recycling and yard waste collection services” (Draft EIR page 4.16-8; see also Draft EIR Section 4.16.8).
- **Recycling education to homeowners on purchase and annually thereafter:** Although this measure would not reduce GHG emissions, the Project applicant would supply written material about recycling to new homeowners and have a requirement for the HOA to provide such written material annually to all community residents.
- **Recycling of 5 percent of demolition and construction waste:** The Project is already required to do this by law, and therefore this is not a mitigation measure (See Draft EIR Section 4.16.8).
- **Exceed Title 24 by 20 percent:** The Project will meet the Title 24 requirements in effect at the time the Project applicant applies for building permits. Given that each version of Title 24 has required increasing energy efficiency, it may not be possible to exceed Title 24 by 20 percent at the time the Project applicant applies for permits. The California Building Code (Title 24, California Code of Regulations) is an area of law heavily regulated by the California Building Standards Commission who reviews and updates the Code every three years for feasibility (Health & Safety Code § 18949.6). The California Building Code standards which go into effect in 2020 already contain highly stringent energy efficiency standards (see Draft EIR page 4.7-6). As noted above, with the existing mitigation measures, the Project would achieve net zero emissions.
- **Provide programmable thermostats:** The Project already is required to provide programmable thermostats under Title 24, Section 110.2(c): *Thermostats*. All heating or cooling systems not controlled by a central energy management control system (EMCS) shall have a setback thermostat. (1) *Setback Capabilities*. All thermostats shall have a clock mechanism that allows the building occupant to program the temperature setpoints for at least four periods within 24 hours. Thermostats for heat pumps shall meet the requirements of Section 110.2(b).”
- **Multimetering “dashboards” in dwelling units:** The inclusion of multi-metering dashboards would not alter the Project’s GHG emissions. As noted, with the GGRP, the Project achieves net zero emissions overall. Furthermore, the Project would comply with the new California Building Code requirements, which require installation of solar (see Draft EIR page 4.7-7 and 10). As also discussed on Draft EIR page 4.7-10, “Monterey Bay Community Power (MBCP), which provides carbon-free electricity, is the default energy provider in the Plan Area. However, future residents and tenants of the Proposed Project could opt out of MBCP and connect to Pacific Gas and Electric (PG&E), which does not provide carbon-free electricity. According to MBCP, approximately 97 percent of accounts in their service area maintain their enrollment in MBCP.”
- **On-site solar panels on each roof that does not face north:** The Project already includes a large quantity of rooftop solar. However, not every roof surface can have specifically angled solar due to roof designs and rooftop equipment requirements. As shown in the GGRP, the Project would include a substantial amount of solar generation.
- **75 percent of project electrical energy provided through carbon free, on-site electrical generation facilities:** The Project would comply with the new California Building Code requirements, which require installation of solar (see Draft EIR page 4.7-7 and 10 and measures

provided in the GGRP [Appendix P]). As also discussed on Draft EIR page 4.7-10, “Monterey Bay Community Power (MBCP), which provides carbon-free electricity, is the default energy provider in the Plan Area. However, future residents and tenants of the Proposed Project could opt out of MBCP and connect to Pacific Gas and Electric (PG&E), which does not provide carbon-free electricity. According to MBCP, approximately 97 percent of accounts in their service area maintain their enrollment in MBCP.” Under the GGRP, the Project would be producing sufficient solar to meet 100 percent of its electrical energy needs. GGRP measures also require nonresidential buildings to opt in to MBCP as their electric provider, which ensures the buildings would use 100 percent carbon-free electricity.

- **All residential roofs and other building roofs that have adequate solar orientation (not north-facing) be designed to be compatible with the installation of photovoltaic panels or other current solar power technology:** Under Title 24, all low-rise residential units are required to have rooftop solar panels; the Project would comply with Title 24. In addition, for single-family residences and nonresidential buildings, the GGRP requires rooftop solar that is designed to net out the energy use of those buildings.
- **Large buildings use a combined heating and cooling system (cogeneration):** As noted above, with the GGRP, the Project would not make a cumulatively considerable contribution to significant climate change impacts, and therefore no additional mitigation measures are required under CEQA. Cogeneration is a process in which the boiler system and a turbine system are integrated to generate heat for both hot water and electricity and in which waste energy may be utilized to produce heat and electricity. Cogeneration is typically only feasible for very large projects, e.g., LAX international airport, and associated with on-site electricity generation. The Project does not propose installing projects of this scale, nor does it propose on-site electricity generation, aside from solar panels. The suggestion is not considered feasible or necessary to reduce a significant impact.
- **Pools and spas heated use solar water heaters unless they use naturally heated water; Energy-efficient pumps and motors for pools and spas; Covers for pools and spas that are not naturally heated:** Energy efficiency standards for any future pools and spas in the Plan Area would be controlled by Title 24 of California’s energy code.
- **Light colored to minimize cooling requirements:** Draft EIR page 4.7-6 already explains that the Project is required to comply with Title 24, which requires installation of cool roofs. Further, cooling is not a large issue in Seaside, which has relatively few very hot days.
- **Construction equipment powered by clean-burning fuel, bio-diesel fuel, and/or other alternative fuels, or shall use electric or hybrid-electric engines so as to reduce construction emissions:** The GGRP requires the Project applicant to use renewable diesel in its heavy construction equipment and use electric-powered hand-held tools.
- **Operational vehicles supporting the project, including shuttles, shall be electric or other zero emission vehicles:** The Project applicant anticipates that shuttles, such as a hotel shuttle, would be electric, but this measure is not included in the GGRP because there is insufficient data to quantify emission reductions associated with such a shuttle. As noted above, with the mitigation already required, the Project result in net zero GHG emissions. Additionally, the GGRP (Appendix P) includes measures requiring the installation of electric vehicle charging stations at single-family residences, in 10 percent of multi-family residence parking spaces, and in commercial parking areas.
- **Limit Construction equipment idling to 5 minutes:** This is already required by Mitigation Measure N-1, and by existing regulations (13 CCR §2485).

- **Limit delivery vehicle idling to 3 minutes:** As noted, with the mitigation already required, the Project result in net zero GHG emissions. Furthermore, as noted above, the state already limits commercial idling times, and the City finds if infeasible from a policy perspective to second guess such decisions which are already regulated by the state.

Response 10.4

The commenter questions the unit count for dwelling units within the former Fort Ord area referenced in the Draft EIR. The commenter provides numbers based on their data and requests clarification on how the City will assure consistency with the 6,160-unit cap and whether the Project will take priority over new residential development at the Main Gate Specific Plan (MGSP).

FORA’s Development Resource Management Plan includes a Residential Development Program and New Residential Unit Limit that generally limit total new residential development at the former Fort Ord. The Residential Development Program projects 10,816 residential units, of which 6,160 are projected to be new units. The New Residential Unit Limit generally restricts total new residential units within the former Fort Ord to 6,160 units. The FORA Capital Improvement Program (CIP) for Fiscal Year 2019-20 through 2028-29 indicates that there are 4,665 new residential units entitled, leaving a remaining capacity of 1,495 new residential units (FORA 2019a). The Draft EIR provides the correct buildout numbers per the FORA 2019 CIP. Table 3-1 below lists the entitled and constructed buildout numbers for these projects based on the FORA 2019 CIP.

One of the Projects referenced in the comment is not included in this list, i.e., Marina’s Permanent supportive Housing for Veterans at Hayes Circle. This project is already operational, and is an existing barracks which was converted into replacement housing.

Table 3-1 FORA Residential Development (Including Seaside Notes)

Project Title	Entitled Residential Units	Built Residential Units
New Residential		
Sea Haven	1,050	201
Dunes of Monterey Bay	1,237	410
<i>Cypress Knolls</i> ¹	712	0
Veterans Transition Center	84	13
Seaside Resort	125	3
<i>Nurses Barracks</i> ²	0	0
East Garrison	1,470	869
Sub-total	4,665	1,282
Existing/Replacement Residential		
Preston Park	352	352
Abrams B	192	192
MOCO Housing Authority Project	56	56
Shelter Outreach Plus Project	39	39
Interim Inc.	11	11
Sunbay	297	297

Project Title	Entitled Residential Units	Built Residential Units
Bayview	225	225
Seaside Highlands	380	380
<i>Seaside Senior Living</i> ³	0	0
Sub-total	1,565	1,766
Total New + Existing/Replacement	6,230	3,048

Source: FORA 2019, Table 6.

¹ While the Cypress Knolls project is still listed in FORA's table, it is no longer reasonably foreseeable, as the vesting tentative map has expired; the project requires new discretionary approvals, and no application for such approvals has been filed.

² The Nurses Barracks would replace existing housing units and is not entitled.

³ While Seaside Senior Living would provide approximately 88 units, is not considered a residential use, rather it is a Business and Professional Service use (SMC §§ 17.12.020 and 17.98.020).

FORA's Development and Resource Management Plan also includes an Industrial and Commercial Job Creation Program, which provides that, when the estimated jobs within the former Fort Ord reach 18,000, the Residential Development Program shall be eliminated. Accordingly, the FORA CIP for Fiscal Year 2019-20 through 2028-29 provides that the new residential unit limit is 6,160 until 18,000 new jobs are created on Fort Ord lands. This 6,160-unit limit does not include existing and replacement residences, which total 1,813 units, for a total of 7,973 units allowed in Fort Ord (not including the POM Annex or CSUMB Housing) (FORA 2019a). Therefore, there is a remaining capacity of 1,495 new residential units as of May 3, 2019 (6,160-unit limit minus 4,665 new units entitled equals 1,495 units remaining; this calculation conservatively includes buildout of the Cypress Knolls project, despite that it is no longer reasonably foreseeable). This is adequate to accommodate the Project, which proposes 1,485 new residential units within the Plan Area. Please also see Government Code Section 66300(b)(1)(D), SB 330 (2019).

The Main Gate Specific Plan (MGSP) was approved in August 2010, and includes a retail center, hotel/spa, and conference center, but no residential (City of Seaside 2010). While the developer had informally discussed potential revisions related to making residential a permissible use, there is no current active application for such an amendment.

Response 10.5

The commenter suggests several additions to the cumulative project list (Table 4-1), including East Garrison, Sea Haven, the Dunes at Monterey Bay, Seaside Resort, Seaside Senior Living Center, Housing for Hayes Circle, and South of Tioga.

Table 4-1 of the Draft EIR already includes the South of Tioga project, and the Housing for Hayes Circle is listed as "Veterans Transition Center Housing." The remaining suggested cumulative projects have been added to Table 4-1 (revisions are shown below) and are considered in the cumulative analysis subsections throughout Section 4. The Cypress Knolls project is no longer reasonably foreseeable, as the vesting tentative map has expired and the project would require new discretionary approvals in order to proceed; no application for such approvals has been submitted. The following revisions have been made in Table 4-1 on Pages 4-3 through 4-5.

Table 4-1 Pending Projects in the Vicinity of the Plan Area (Revisions Only)

Cumulative Project	Description	Project Status
<u>Cypress Knolls Senior Residential</u>	<u>Senior residential community with active adult housing, care services, senior community center, and supportive amenities and services on 188 acres.</u>	<u>Approved, not built</u>
<u>East Garrison</u>	<u>Construction of 40,000 sf of retail and 1,470 total residential units, including single-family homes, apartments, and townhomes, as well as recreational and community areas, an artist live-and-work “downtown” residential and visitor-serving area. Approximately 2.7 miles east of the Plan Area.</u>	<u>Approved, partially constructed (869 units)</u>
<u>Sea Haven (formerly Marina Heights)</u>	<u>Removes 828 Fort Ord housing units and constructs 1,050 residential units, including single-family homes and townhomes. Approximately 1 mile north of the Plan Area. Cypress Marina Heights, LLC., the developer of the project made an application for the “Marina Heights Specific Plan” in October of 2002 and the Marina City Council approved the project in 2003.</u>	<u>Approved, partially constructed (201 units)</u>
<u>The Dunes at Monterey Bay (formerly University Villages)</u>	<u>Retail, commercial, and residential project, including 1,237 residential units, 500 hotel rooms, 760,000 sf office, and 570,000 sf retail. Located approximately 0.5 mile north of the Plan Area.</u>	<u>Approved, partially constructed</u>
<u>Seaside Resort</u>	<u>Development of 125 residential units, 330 hotel units, and 170 timeshare units on two former Army golf courses. Located approximately 1 mile south within the Black Horse Golf Course.</u>	<u>Approved, partially constructed (3 units)</u>
<u>Seaside Senior Living Project</u>	<u>This project would construct an assisted living facility, memory care facility, and co-housing assisted living facility, with a total of 144 multi-family units (70 studio units and 74 total one-bedroom, two-bedroom, and co-housing units). Located approximately 1.8 miles southwest of the Plan Area.</u>	<u>Proposed</u>

sf = square feet

The revisions provided in this table would not affect the cumulative analyses in the individual resource sections. Many parts of the EIR rely upon cumulative growth projections rather than the list of projects, including Air Quality, Energy, Greenhouse Gas Emissions, Transportation, and Utilities. Other resource areas, inclusion of additional projects would not have a substantive effect on the existing cumulative analysis. For example, the Aesthetics analysis geographic scope is based upon projects in the general vicinity of the Plan Area. The closest project added to this list, is the Dunes at Monterey mixed use project, approximately 0.5 mile north of the Plan Area, and would replace existing deteriorated residential army structures. The other projects are beyond the geographic scope of the aesthetics cumulative analysis. The other resource analyses have been similarly reviewed, and no additional revisions are necessary to the underlying analyses.

Response 10.6

The commenter states that no replacement water supply for the 1993 Agreement has been provided, and that FORA, MCWD, and local jurisdictions assume they can pump 6,600 AFY from former Fort Ord indefinitely, even though there is no permanent right to pump groundwater, as this is a temporary water supply. The commenter states the opinion that the Draft EIR is flawed because it assumes there is 181.3 AFY supply of groundwater for the Project based on the 6,600 AFY supply,

and fails to evaluate the impacts of using this supply. The commenter suggests inclusion of a mitigation measure that would require a water supply to be secured. Lastly, the commenter expresses concern that the water supply analysis provided in the EIR relies upon “paper water” assumptions, where a certain amount of water is known to be allocated to a particular user but the physical amount of water allocated has not been provided or is not available.

The 6,600 acre-feet per year figure is derived from the 1984 peak *and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin*, not including pumping from a non-potable golf course well” (Draft EIR Section 4.16.1). Reliance upon the 6,600 AFY allocations is supported by (1) the statutory baseline procedures provided under Pub. Res. Code § 21083.8.1 (Draft EIR Sections 3.3 and 4.16.1), and (2) MCWRA’s Long-Term Management Plan and the groundwater sustainability planning process which are designed to ensure the reliability of the 6,600 AFY (Draft EIR page 4.16-20; Draft EIR Appendix M1, Section 5.3 [“Reliability of Water Supply and the Regional 6,600 AFY Allocation”]). Furthermore, the purpose of CEQA is to analyze impacts in comparison to existing conditions, not to fix existing environmental issues (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”]). Please also see the Water Master Response.

Response 10.7 & 10.8

The prevailing theme amongst Comments 10.7 through 10.8 are requests for evidence of FORA’s procedural compliance with the provisions of CEQA *Guidelines* Section 15229. However, the procedural requirements contained CEQA *Guidelines* Section 15229 related to FORA’s actions *were not adopted or applicable to the Fort Ord Base Reuse Plan EIR*. CEQA *Guidelines* Section 15229 was not filed with the Office of Administrative Law (OAL) until May 27, 1997 (California Regulatory Notice Register 97, No. 22), and was not applicable to the BRP EIR (CEQA *Guidelines*, § 15007). A Notice of Preparation for the BRP EIR was issued on January 8, 1996, and the Notice of Availability for the BRP EIR initiated public review of the BRP Draft EIR on May 31, 1996 (FORA Resolution 97-6, §§ (B)(5) and (10)). Furthermore, the time to challenge the BRP EIR’s compliance with Pub. Res. Code Section 21083.8.1 expired more than two decades ago; the BRP Final EIR expressly stated under “1.2.2 Baseline Determination:”

As with the Army’s FEIS and DSEIS, this Draft EIR determines whether the proposed project may have a significant impact on the environment based on physical conditions that were present at the time the decision became final to close Fort Ord as a military base (September, 1991). *This complies with Section 21083.8.1 of the Public Resources Code* and utilizes the extensive research already conducted for the Army’s NEPA documents, which use the same baseline year. (Emphasis added.)

FORA certified the BRP EIR and the language quoted above, stating “The board of Directors certifies the Final Environmental Impact Report, including its concomitant components as described in this Resolution, adequately describes the environmental consequences of the Fort Ord Reuse Plan, *and has been completed in compliance with state law*” (FORA Resolution 97-6).

While the time period for challenging FORA’s compliance with Pub. Res. Code Section 21083.8.1 has long since passed, detailed information on FORA’s BRP CEQA process is provided by its historic documents. As outlined in FORA Resolution 97-6, “On January 8, 1996 staff for Fort Ord Reuse Authority issued a Notice of Preparation [which] was sent to the California Office of Planning and Research State Clearinghouse and each responsible agency, federal agency, and trustee agency as

required by law, as well as to interested agencies, individuals, and jurisdictions...On January 22 [1996], the Fort Ord Reuse Authority conducted noticed public scoping sessions...Notice of these scoping session was published in accordance with state law” (FORA Resolution 97-6 and BRP Final EIR Section 1.5). A copy of the Notice of Preparation is included in Final EIR SCH # 96013022¹⁴ and states in part:

The Fort Ord Reuse Authority (FORA) will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the Reuse Plan on the closed Federal military facility at Fort Ord. Fort Ord's location is illustrated in Attachment A. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Public Resources Code Section 21083.8 allows FORA to rely in part on the Fort Ord Disposal and Reuse Environmental Impact Statement (EIS) and the Draft Fort Ord Disposal and Reuse Draft Supplemental Environmental Impact Statement (SEIS), which are incorporated herein by reference, for environmental review on the Reuse Plan. FORA intends to utilize the EIS and SEIS as the Draft EIR and requests comments on whether, and to what extent, the EIS and SEIS provide adequate information to serve as the Draft EIR for the Reuse Plan, and what specific additional information, if any, is necessary to comply with the California Environmental Quality Act (CEQA)....

As provided by Public Resources Code Section 21083.8, the purpose of this process for closed Federal military facilities is to facilitate the environmental review process on Reuse Plans, to avoid duplication and to utilize or build on the environmental work already completed by a Federal agency in a consistent manner with CEQA.

Further, as provided by Public Resources Code Section 21083.8.1, it is FORA's intent to make the determination of whether the Project may have a significant effect on the environment in the context of the physical conditions which were present at the time that the Federal decision became final for closure of Fort Ord.

Furthermore, the commenter misrepresents CEQA *Guidelines* Section 15229 which does not require “FORA to prepare” the “proposed baseline physical conditions.” Both 15229 and Pub. Res. Code anticipate utilizing the baseline data prepared in the EIS, i.e., “the lead agency shall specify whether *it will adopt any of the baseline physical conditions [from the EIS] for the reuse plan EIR...*” See also Gov. Code 67675.9 [“The board shall, *to the greatest extent feasible, avoid duplication and utilize information in the environmental impact statement consistent with this division. The draft environmental impact report shall consist of all or part of the environmental impact statement and any additional information that is necessary to prepare a draft environmental impact report in compliance with the California Environmental Quality Act.*”]

The commenter requests identification of the time that the federal decision for the closure of Fort Ord base became final. As explained in Campus Town Draft EIR Section 2.2.3 “The Plan Area is located within the former Fort Ord Army Base, which was closed in 1994 pursuant to the Base Realignment and Closure (BRAC) action. *The final decision to close the base occurred several years earlier, in September 1991.*” Similarly, Draft EIR Section 3.3 explains “the time the decision became final to close Fort Ord as a military base [was] (September 1991).” The BRP EIR Section 1.2.2 also states: “As with the Army’s FEIS and DSEIS, this Draft EIR determines whether the proposed project may have a significant impact on the environment based on physical conditions that were present at the time the decision became final to close Fort Ord as a military base (September, 1991). *This*

¹⁴ https://www.fora.org/Reports/BRP/031997_rpt_FEIR_Volume%20I_Comments.pdf

*complies with Section 21083.8.1 of the Public Resources Code.*¹⁵ As explained in BRP Section 2.4.4 "NEPA does not apply to the BRAC 1991 deliberation and decision process, nor to the closing action itself, but does apply to disposal and reuse of property." The Record of Decision referenced in the comment occurred in 1993 and is associated with FORG's Initial Reuse Plan. (BRP, Volume 1, Section 2.4.4;¹⁶ see also BRP, Volume 2, page 214.¹⁷)

Response 10.9

The commenter requests the baseline conditions in the BRP EIR for annual groundwater pumping be identified, and the source of assumptions be identified. The commenter requests the time period, geographic scope, and groundwater basin or subbasin for baseline conditions be identified. The commenter further notes that Figure 4.9-2 in the Draft EIR does not show the Plan Area, and requests a figure depicting each well that would supply water to the Plan Area, with indication of the source aquifer.

The information requested was expressly provided in Draft EIR Appendix M1, page 22:

Under the "Agreement between the United States of America and the Monterey County Water Resources Agency concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency, Agreement No. A-06404", dated September 21, 1993, the District (successor to the United States) may withdraw up to 6,600 acre-feet per year from the Salinas Valley Groundwater Basin for use in the District's Ord Community service area. The 6,600 acre-feet per year figure is derived from the 1984 peak and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin, not including pumping from a nonpotable golf course well.⁹

FN9 'After execution of this agreement and until Project Implementation, Ford Ord/POM/RC may withdraw a maximum of 6,600 acre-feet of water per year from the Salinas Basin, provided no more than 5,200 acre feet per year are withdrawn from the ~~180-foot aquifer~~ and 400-foot aquifer. The 6,600 and 5,200 acre-feet thresholds correspond to the annual peak (1984) and recent average (1988-1992) amounts of potable water Ford Ord has withdrawn from the Salinas Basin (does not include pumpage from the non-potable golf course well in the Seaside Basin)' (Agreement A-06404, § 4, subd. (c); available at <https://www.fora.org/Reports/09231993-agreement-Army-MCWRA.pdf>.)'

[The weblink to the 1993 Agreement explains] After execution of this agreement and until Project Implementation, Fort Ord/POM Annex/RC may withdraw a maximum of 6,600 acre-feet of water per year from the Salinas basin, provided no more than 5,200 acre-feet per year are withdraw from the ~~180-foot aquifer~~ and 400-foot aquifer. *The 6,600 and 5,200 acre-feet thresholds correspond to the annual peak (1984) and recent average (1988-1992) amount of potable water Fort Ord has withdrawn from the Salinas Basin* (does not include pumpage from the non-potable golf course well in the Seaside Basin). (Emphasis added.)

The Draft EIR incorporated by reference the "Other Physical Attributes Baseline Study of Ford Ord" as discussed in Draft EIR Section 3.3 (*CEQA Guidelines* Section 15150). Similar discussion of historic water use from Fort is provided on page 1-8 of that document.

¹⁵ http://b77.402.myftpupload.com/wp-content/uploads/BRP_v4_FinalEIR_1997_Sec01_Introduction.pdf

¹⁶ https://www.fora.org/Reports/BRP/BRP_v1_ContextAndFramework_1997.pdf

¹⁷ https://www.fora.org/Reports/BRP/BRP_v2_ReusePlanElements_1997.pdf

The commenter also asserts that “the Plan Area is not in fact shown on [Figure 4.9-2].” Draft EIR Figure 4.9-2 does in fact include the Plan Area, which was expressly identified on the previous page of the EIR (i.e., Figure 4.9-1). Please review these two Figures in conjunction with one another.

MCWD’s well locations are identified in Figure 2.2 of the Urban Water Management Plan, which was incorporated by reference in the EIR (Draft EIR page 4.16-13).

However, as discussed in the EIR, the WSA, and the Water Master Response, MCWD owns and operates three wells in its Central Marina service area and five in its Ord Community service area, all of which are within the Monterey Subbasin, and may be used to support the Proposed Project.

Response 10.10

The commenter requests clarification of the term “upper aquifers,” as used in the Draft EIR.

The term “upper aquifers” as used on pages 4.9-5 and 4.9-25 in Section 4.9 of the Draft EIR, and on pages 4.16-19 and 4.16-20 in Section 4.16, *Utilities and Service Systems*, refers to the Monterey Subbasin of the SVGB, not to the 180/400 Foot Aquifer Subbasin of the SVGB. As described in the Draft EIR and references provided by in-text citation, the Monterey Subbasin is not substantially affected by seawater intrusion. As also explained in the WSA: “all of the District’s [i.e., MCWD’s] wells are located within the Monterey sub-area [i.e., subbasin] of the Salinas Valley Groundwater Basin” (Draft EIR Appendix M1, page 22). MCWD’s well locations are identified in Figure 2.2 of the Urban Water Management Plan, which was incorporated by reference in the EIR (Draft EIR page 4.16-13).

Response 10.11

The commenter requests the wells (by number) supplying water from the Deep Aquifer and from other aquifers to the Ord Community be identified. The commenter also presents text from the MCWD UWMP, and requests that the EIR for the Proposed Project include specific information in response to text from the UWMP, including explanation of: whether MCWD serves the Ord Community with water from MCWD wells in Central Marina; how much water is supplied on an annual basis for the Deep Aquifer and other aquifers; and whether MCWD serves Marina with water from Ord Community wells as well as how much water is supplied annually for the Deep Aquifer and other aquifers. The commenter also requests data showing the amount of water supplied to the Ord Community from various wells (deep aquifer and upper aquifer) since the year 1991.

“An EIR need not include all information available on a subject. An EIR should be ‘analytic rather than encyclopedic’ and should emphasize portions ‘useful to the decision-makers and the public’” (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 748). As the Supreme Court has explained “CEQA... does not require a city or county, each time a new land use development comes up for approval to reinvent the water planning wheel... When an individual land use project requires CEQA evaluation, the urban water management plan’s information and analysis may be incorporated in the water supply and demand assessment” (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* [2007] 40 Cal.4th 412).

Please see Responses 9.9 and 10.9. As referenced therein, quarterly Ord Community Consumption Reports through 2019 can be found in PDF format on MCWD’s website.¹⁸ An overview of the history of groundwater management is provided in the Water Master Response; as described, MCWRA’s

¹⁸ https://www.mcwd.org/gsa_water_consumption.html

role in the management of the Monterey Subbasin dates back to the late 1940s, and MCWRA developed a groundwater management plan in 2006.

Response 10.12

The commenter presents language and analysis from the Draft EIR, which describes overdraft and seawater intrusion as reported in MCWD's UWMP, and states that the Draft EIR discusses overdraft and seawater intrusion into the groundwater basin. The comment presents a summary of information and analysis contained in the EIR and does not pertain to the adequacy of the EIR. Therefore, no further response is required.

Response 10.13

The commenter claims that the Draft EIR does not disclose whether the Monterey Subbasin is experiencing overdraft or seawater intrusion, nor the hydrological connection and influences between the Monterey Subbasin and the 180/400 Foot Aquifer Subbasin. The commenter requests an explanation of whether the MCWD upper aquifers are in overdraft or experience seawater intrusion, and requests that wells be identified by number.

The commenter is incorrect in claiming that the Draft EIR does not disclose the condition of the Monterey Subbasin. The Draft EIR for the Proposed Project fully characterizes known current and past conditions of groundwater supply in the Monterey Subbasin, including on page 4.9-5 of the Draft EIR, which describes that the Monterey Subbasin Deep aquifer has not experienced signs of seawater intrusion and is considered to have reliable quality. As also explained on page 4.9-5 "there is a monitoring well that serves as an 'early warning system to identify any seawater intrusion...'" (MCWD 2016 UWMP Section 4.2.5, at p. 48)." The Draft EIR incorporated by reference, the UWMP, including Figure 4.6, which shows the locations of sea-water intrusion in the overall Salinas Valley Groundwater Basin in the 400-foot aquifer. As shown in that figure, seawater intrusion in the Monterey Subbasin 400-foot aquifer (located approximately south of Reservation Road), has not substantially progressed since the 1990s. MCWD's wells in the 400-foot aquifer (MCWD-29, 30, 31, 34, and 39) are located outside of this area of sea-water intrusion. (UWMP, Figure 2.2 and Section 4.2.5.) Further discussion of groundwater and groundwater management in the Plan Area is provided in the Water Master Response.

The commenter asks for the identity of the MCWD well numbers in the "upper aquifers" using the well ID numbers on page 45 of the 2015 UWMP. This level of detail is not necessary for the EIR to meet its statutory obligation to "be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequence." (*CEQA Guidelines* § 15151). Evaluations of these environmental effects "need not be exhaustive" (*Ibid*). "An EIR need not include all information available on a subject. An EIR should be 'analytic rather than encyclopedic' and should emphasize portions 'useful to the decision-makers and the public'" (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 748). As the Supreme Court has explained "CEQA... does not require a city or county, each time a new land use development comes up for approval to reinvent the water planning wheel... When an individual land use project requires CEQA evaluation, the urban water management plan's information and analysis may be incorporated in the water supply and demand assessment" (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412). Nevertheless, this information was already provided in the UWMP, which was incorporated by reference. (See UWMP, Figure 2.2 and Section 4.2.5.)

Response 10.14

The commenter claims the Draft EIR does not provide essential information to assess cumulative impacts to the Monterey Subbasin upper aquifers and requests current and projected cumulative pumping, recharge, and water balance data. The commenter requests the following information be included: total current and projected annual groundwater pumping, total annual recharge, sustainable yield without overdraft or seawater intrusion, and the amount of increase pumping from the Project on the Monterey Subbasin. The commenter requests an explanation of whether the upper aquifers are hydrologically connected.

The EIR and WSA considered past, present and future projects in Table 4.16-1, *Marina Coast Water District Projected Cumulative Water Demand – Ord Community*, which are based upon historic water consumption and projected water use in the Urban Water Management Plan (Draft EIR page 4.16-3; Draft EIR Appendix M1, Section 3.2). The commenter also requests information on hydrologically interconnections. The Draft EIR and WSA incorporated by reference MCWD's 2015 Urban Water Management Plan (Draft EIR page 4.16-13; Draft EIR Appendix M1, page 6). MCWD's UWMP discusses hydrological interconnections on pages 35-37.

The data requested by the commenter amounts to a comprehensive hydrologic evaluation for the Monterey Subbasin. It is beyond the scope of the EIR to provide the regional water balance data and analyses requested by the commenter (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 ["The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope"]). The Draft EIR provides analysis of potential impacts associated with the Project's water supply requirements, and identifies mitigation required to ensure water supply availability for the Project. Please see the Water Master Response for further discussion regarding CEQA requirements for the scope of an EIR. As stated above, CEQA "does not require a city or county, each time a new land use development comes up for approval, to reinvent the water planning wheel." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434). Please also see Response 10.13.

Response 10.15

The commenter refers to page 4.9-5 of the Draft EIR, where the Salinas Valley Water Project is mentioned in a reference from MCWD's 2015 UWMP, and requests detailed discussion as to how the Salinas Valley Water Project has reduced pumping in the upper aquifers and what the Salinas Valley Water Project's effects on groundwater supply have been. The commenter requests evidence that the upper aquifers are a long-term source of water supply.

The commenter's citations are to a broad overview of existing groundwater issues in "in the 180/400 Foot Aquifer Subbasin," and not within the Monterey Subbasin (the subbasin that is utilized by MCWD, the water provider for this Project). The commenter's organization is also readily familiar with this Project, having litigated the efficacy of the Salinas Valley Water Project on several occasions, and having challenged it's efficacy at length on other projects¹⁹ (*Highway 68 Coalition [and LandWatch Monterey County] v. County of Monterey* (6th App. Dist. July 26, 2019 Case no. H045253;²⁰ see also *LandWatch Monterey County v. County of Monterey* (26th App. Dist. 2007 Case

¹⁹ LandWatch submitted extensive comments on the Salinas Valley Water Project on the Monterey County General Plan EIR in 2010, and were given an extensive detailed description of this Project in Master Response Sections 4.2.2 and 4.2.3 of that EIR: <https://www.co.monterey.ca.us/home/showdocument?id=45384> and <https://www.co.monterey.ca.us/home/showdocument?id=45386>

²⁰ *Highway 68 Coalition [and LandWatch Monterey County] v. County of Monterey* (6th App. Dist. July 26, 2019 Case no. H045253: <https://www.courts.ca.gov/opinions/nonpub/H045253.PDF>.

No. H028659) [holding that there is substantial evidence that the SVWP water supply benefits would accrue to portions of North County]). While it appears the commenter is familiar with this Project, if they would like to obtain additional information, it is available online.²¹

Please see the Water Master Response for detailed discussion of long-term water supply management activities and responsible parties, including identification and discussion of planning documents relevant to the area. The Water Master Response notes that the Salinas Valley Water Project is one of multiple infrastructure and water supply reliability projects within the Salinas Valley Basin that are designed to address seawater intrusion. As described in previous responses, basin-wide hydrologic modeling is beyond the required scope of CEQA analysis for the Proposed Project. Because this comment does not pertain to the adequacy of the Draft EIR or CEQA process, no further response is required.

The comment additionally states that “[s]tudies also indicate that a temporary slow-down in the rate of seawater intrusion has been reversed and that seawater intrusion has in fact accelerated,” and that the Draft EIR “is inadequate as an informational documents because it fails to discuss this.” The comment cites to no specific study and has attached no studies supporting this contention. And as discussed above, this is referencing a different subbasin which is not utilized by MCWD for this project. Please also see Response 10.13 and Response 9.5 for discussion of seawater intrusion.

Response 10.16

The commenter claims the Draft EIR does not provide an adequate analysis of existing and future pumping from the Deep Aquifer or explain how much increased pumping would occur as a result of the Project. The commenter requests information on hydrologic connectivity between aquifers. The commenter asks for the wells that will serve the Project with Deep Aquifer water be identified, the current and future amount of pumping from the Deep Aquifer, sources of recharge, and amount of sustainable pumping.

Please see Water Master Response for detailed discussion of previous and long-term water management including Fort Ord groundwater wells. As described in previous responses, basin-wide hydrologic modeling is beyond the required scope of CEQA analysis for the Proposed Project. Because this comment does not pertain to the adequacy of the Campus Town Draft EIR or CEQA process,

With respect to this comment’s request for ID numbers of wells, see Response 10.13. Please see Response 10.14 for discussion of hydrological connections. Please see Response 10.9 for discussion of Fort Ord’s historic water use and allocations of water between different aquifers within the Monterey subbasin. Please see the 2015 MCWD UWMP Figure 2.2 and Section 4.2.5 for well locations. Please see Response 10.14 and Draft EIR Section 4.9, Section 4.16, and Appendix M1 about cumulative water use and the Project’s water use and MCWD’s water sources. See Response 9.22 for discussion of MCWD litigation. See Response 9.5 for discussion of the Deep Aquifer’s water source.

²¹ SVWP Phase I: <https://www.co.monterey.ca.us/government/government-links/water-resources-agency/projects-facilities/salinas-valley-water-project-svwp#wra>
SVWP Phase II: <https://www.co.monterey.ca.us/government/government-links/water-resources-agency/projects-facilities/salinas-valley-water-project-phase-ii#wra>

Response 10.17

The commenter requests explanation regarding statements made in the Draft EIR that the Deep Aquifer has not experienced seawater intrusion and groundwater quality impairment. The commenter also requests clarification of the following: a 2003 study that was cited in MCWD's UWMP (which was in turn incorporated by reference in the Draft EIR); the term "landward flow of groundwater" and its relation to seawater intrusion; and the baseline rate of Deep Aquifer pumping.

The commenter cites pages 4.9-5, 4.9-25, and 4.16-19, in requesting explanation of statements about seawater intrusion and groundwater quality. To clarify, the Draft EIR does not state that these issues have not occurred in the area; rather, the Draft EIR cites the MCWD 2015 UWMP in stating that seawater intrusion and groundwater contamination do not "pose an immediate threat to water supply reliability." The Draft EIR (and the cited UWMP) goes on to describe that seawater intrusion and groundwater contaminations issues are known to occur in the area, and monitoring wells are utilized as an "early warning system" to anticipate and identify the presence of these conditions. Other groundwater management activities are described in the Draft EIR and the Water Master Response, including the 1998 Water/Wastewater Facilities Agreement between MCWD and FORA, the 2016 Pure Water Delivery and Supply Project between MCWD and M1W, and the SGMA.

The commenter requests clarification of a statement made on page 4.9-5 of the Draft EIR regarding a 2003 study that modeled seawater intrusion in the area. That statement, "in the absence of other action to control seawater intrusion, the landward flow of groundwater would increase," communicates that were no groundwater supply management actions in place, and groundwater pumping in the Deep Aquifer were increased up to five times the baseline rate, seawater intrusion (the landward flow of groundwater) to the Deep Aquifer would increase. In other words, increasing groundwater production from the Deep Aquifer without managing the area for seawater intrusion will result in seawater intrusion. This message is consistent with the analysis provided in the Draft EIR, which discusses the multiple groundwater management efforts in the Plan Area with respect to how they address the potential for seawater intrusion to occur.

The commenter requests identification of the 2003 study referenced by the Draft EIR. To clarify, the 2003 study was referenced by MCWD's 2015 UWMP, which was in turn referenced in the Draft EIR. Review of the 2015 UWMP (page 50) indicates that the 2003 report is entitled, "Deep Aquifer Investigative Study," and was prepared by WRIME in May 2003. This document has also been cited extensively by LandWatch, including their February 26, 2019 comments on the Monterey Downs Project.²²

The phrase "landward flow of groundwater" refers to groundwater which flows in the direction of land rather than the direction of sea, which is apparent given the context of the phrase in relation to discussion of seawater intrusion. The Water Master Response provides additional discussion of groundwater management in the Plan Area. The Water Master Response also provides discussion of the required scope of analysis for CEQA.

Response 10.18

The commenter requests explanation of how increased withdrawal of potable groundwater supports the contention that any pumping from the Deep Aquifer is part of a baseline.

²² <http://www.landwatch.org/pages/issuesactions/fortord/022619-GroundwaterLetter-LWCommentstoArmy.pdf>

Please see Response 10.6, Response 10.7, and Response 10.9 for discussion of the historic use of 6,600 AFY. Refer to the Water Master Response. As stated therein, the Water/Wastewater Facilities Agreement entered into by MCWD and FORA, dated March 13, 1998, provided that MCWD would take over conveyance of Fort Ord's water and wastewater facilities and build additional water and sewer facilities as needed by the Fort Ord BRP. The commenter cites a section of *MCWD's 1998 Agreement with FORA*, and states "Please explain how the reference to a permitted '*increased withdrawal of potable groundwater from NCWD's existing well in the 900-foot aquifer*'... is part of a baseline." As noted in Section 1.4 of that 1998 Agreement "The USA presently owns all existing facilities. The USA has determined to divest itself of the existing facilities... At its meeting on October 11, 1996, the FORA Board authorized staff to commence negotiations with MCWD for the purpose of negotiating an agreement with MCWD whereby MCWD would assume the responsibility of the operation, maintenance, and ownership of the exiting water (and wastewater collection) systems on the former Fort Ord." Furthermore, by 1998 the existing Army base had closed, and water consumption would have gone below historic use when the base was fully operational.

As explained above, prior to the 1998 Agreement, MCWD did not have the authority to pump the Army/FORA's water allocations. Therefore, any increased consumption by *MCWD* would be an increase above what MCWD would have utilized previously. This is not referencing an increase of the Army/FORA's allocations. Indeed, the section of the 1998 Agreement cited by the commenter explicitly references section 4.C of the 1993 Agreement discussed in Response 10.9 above, which explains that "The 6,600 and 5,200 acre-feet thresholds correspond to the annual peak (1984) and recent average (1988-1992) amounts of potable water Ford Ord has withdrawn from the Salinas Basin..."

The Water Master Response further describes MCWD's rights to pump groundwater from the Deep Aquifer, explaining in part that by pumping groundwater and providing it for domestic use, MCWD has perfected appropriative groundwater rights. The Monterey Subbasin is not presently subject to a groundwater basin adjudication or other legal action to enjoin groundwater use. Thus, there is no present legal restriction on MCWD's ability to extract groundwater for reasonable beneficial use. As such, MCWD would likely establish prescriptive rights in an adjudication, securing MCWD's domestic supply even under overdraft conditions.

Response 10.19

The commenter requests the amount of groundwater pumped from the Deep Aquifer be provided for each year since 1991, citing stipulations from the 1996 Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands and the 1998 Water/Wastewater Facilities Agreement, which state that MCWD may increase its withdrawals of potable water by up to 1,400 AFY, from 5,200 AFY to 6,600 AFY for use on Fort Ord.

Please see Response 10.6, Response 10.7, Response 10.9, and Response 10.18 for discussion of the historic use of 6,600 AFY. An overview of the history of groundwater management is provided in the Water Master Response; as described, MCWRA's role in the management of the Monterey Subbasin dates back to the late 1940s, and MCWRA developed a groundwater management plan in 2006. Please see the Water Master Response for further discussion of groundwater management in the Plan Area and use of area aquifers.

Response 10.20

The commenter requests that documents cited in the MCWD 2015 UWMP, which is incorporated by reference to the Draft EIR, be identified by page number in the EIR.

The MCWD 2015 UWMP is incorporated by reference into the Draft EIR, this does not mean that the EIR has an obligation to provide every document imaginable that is referenced in that document (*Fort Mojave Indian Tribe v. California Department of Health Services* (2008) 38 Cal.App.4th 1574). However, the City notes that Section 7 of the Draft EIR does provide weblinks to the BRP and its EIR: <https://www.fora.org/BRP.html>.

Response 10.21

The commenter claims that the Draft EIR does not provide an assessment of the effect of increased pumping on overdraft, aquifer depletion, lowering groundwater levels, and seawater intrusion, and only focuses on the availability and reliability of the assumed 6,600 AFY supply. The commenter also states that the Draft EIR does not consider the effect of incremental increase in pumping resulting in significant impacts and impeding sustainable groundwater management. Lastly, the commenter states the opinion that Section 4.9 of the Draft EIR discusses water quality standards, altered drainage, and obstruction of a water quality control plan but not contamination from seawater intrusion or incremental groundwater pumping.

Reliance upon the 6,600 AFY allocations is supported by (1) the statutory baseline procedures provided under Pub. Res. Code § 21083.8.1 (Draft EIR Sections 3.3 and 4.16.1), and (2) MCWRA's Long-Term Management Plan and the groundwater sustainability planning process which are designed to ensure the reliability of the 6,600 AFY (Draft EIR page 4.16-20; Draft EIR Appendix M1, Section 5.3 ["Reliability of Water Supply and the Regional 6,600 AFY Allocation"]). Furthermore, the purpose of CEQA is to analyze impacts in comparison to existing conditions, not to fix existing environmental issues (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 ["The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope"]). Furthermore, the Draft EIR determined that impacts associated with water supply would be significant without mitigation (Draft EIR Impact UTIL-1).

The commenter also incorrectly alleges that "the focus of analysis in section 4.16 is the availability of a water supply, not the impacts on the groundwater resource of using that supply." The commenter also faults Section 4.9 for not including discussion of "overdraft, seawater intrusion, falling groundwater levels, or aquifer depletion." As expressly noted on Draft EIR page 4.9-21: "For the existing conditions of the City's groundwater supply, *and the effects of groundwater demand from development, see Section 4.16.*" Section 4.16, Impact UTIL-1 expressly states "If groundwater pumping were to be increased to meet this demand without mitigation, *this would potentially result in overdraft and lowered groundwater levels which would lead to seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium...*" Please also see Response 9.2 and Response 10.6.

The commenter is incorrect in stating that the Draft EIR fails to address water quality control/contamination or sustainable groundwater management. To clarify, these topics are addressed throughout Section 4.9 of the Draft EIR, including on pages 4.9-25 through 4.9-27, as noted by the commenter. Responses 9.2 and 10.6 discuss how groundwater management in the Project area has historically occurred in response to water quality concerns regarding seawater intrusion, and that groundwater management in the Project area continues to focus on seawater

intrusion. The Water Master Response also provides further discussion of groundwater management in the Project area.

Response 10.22

The comment states “The DEIR is inadequate because it does not discuss the impacts on overdraft, groundwater levels, aquifer depletion, or seawater intrusion caused by increasing the existing levels of groundwater pumping. Nor does the DEIR discuss whether there could be significant direct or cumulative impacts from some level of increased pumping to support new Fort Ord development short of 6,600 afy.”

Section 4.16, Impact UTIL-1 expressly states “If groundwater pumping were to be increased to meet this demand without mitigation, *this would potentially result in seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium...*” To the extent the commenter is simply faulting the text for not utilizing the terms “overdraft” and “groundwater levels,” the Draft EIR focused upon the consequences of “overdraft” and lowered “groundwater levels” which would lead to “*seawater intrusion, which would decrease water quality, by increasing salt concentrations.*” To clarify, the text of Impact UTIL-1 has been revised to state:

If groundwater pumping were to be increased to meet this demand without mitigation, this would potentially result in overdraft and lowered groundwater levels which would lead to seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium...

Reliance upon the 6,600 AFY allocations is supported by (1) the statutory baseline procedures provided under Pub. Res. Code § 21083.8.1 (Draft EIR Sections 3.3 and 4.16.1, and Response 10.7), and (2) MCWRA’s Long-Term Management Plan and the groundwater sustainability planning process which are designed to ensure the reliability of the 6,600 AFY (Draft EIR page 4.16-20; Draft EIR Appendix M1, Section 5.3 [“Reliability of Water Supply and the Regional 6,600 AFY Allocation”]). Furthermore, the purpose of CEQA is to analyze impacts in comparison to existing conditions, not to fix existing environmental issues (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”]).

Accordingly, the Draft EIR uses available published information to characterize potential impacts of the Proposed Project, including with respect to overdraft, groundwater levels, aquifer depletion, and seawater intrusion. The Water Master Response provides detailed discussion of the legal scope of the CEQA analysis for the Proposed Project, as well as discussion of groundwater management with respect to the 6,600-AFY Fort Ord allocation. As described therein, the FORA Allocation should not be understood to be a water right; rather, it is a demand management arrangement; by contrast, the water rights supporting Fort Ord, and now the Ord Community, originate from the common law. Originally, the Army’s right to supply groundwater to Fort Ord arose from federal water rights, among other possible claims. MCWD possesses groundwater rights that it relies on to serve the Ord Community under other doctrines discussed in the Water Master Response. Responses 9.2 and Response 10.6 also expand upon discussion of the 6,600 AFY.

Response 10.23

The commenter requests identification of each management option in Table 4-1 of the MCWRA Long-Term Management Plan that applies to the Fort Ord area and has been approved, funded, and environmentally reviewed pursuant to CEQA.

Reliance upon the 6,600 AFY allocations is supported by (1) the statutory baseline procedures provided under Pub. Res. Code § 21083.8.1 (Draft EIR Sections 3.3 and 4.16.1, and Response 10.7), and (2) MCWRA's Long-Term Management Plan and the groundwater sustainability planning process which are designed to ensure the reliability of the 6,600 AFY (Draft EIR page 4.16-20; Draft EIR Appendix M1, Section 5.3 ["Reliability of Water Supply and the Regional 6,600 AFY Allocation"]).

The Long-Term Management Plan cited by the commenter is discussed on page 4.9-27 of the Draft EIR and is available online (http://salinasrivermanagementprogram.org/ltmp_doc.html). Table 4-1 of the MCWRA Long-Term Management Plan outlines the objectives and actions associated with management of the Salinas River area. As stated in the Draft EIR, those management efforts together with other groundwater management efforts in the area collectively address long-term overdraft and seawater intrusion concerns for the region. The tools for implementation are discussed in Chapter 5 of the LTMP.²³ The commenter is also referred to detailed discussion of ongoing water supply projects which are included in Draft EIR Appendix M1, Section 5.3 ["Reliability of Water Supply and the Regional 6,600 AFY Allocation"]. This discussion provides detailed information on the status of these projects, included Appendices A and B to the WSA. Additionally, since the Draft EIR and the WSA were published, revisions have been proposed to expand recycled water treatment capacity of the Pure Monterey Water Project by an additional 2,250 AFY.²⁴

Response 10.24

The commenter requests that SGMA actions and adopted projects that avoid or lessen overdraft, seawater intrusion, and aquifer depletion in the Fort Ord area be identified. The commenter claims that Section 4.19 does not address impacts to groundwater supply, as indicated in Section 4.9.

It is assumed that the commenter's reference to Section 4.19 is a typo and the commenter intended to refer to Section 4.16, *Utilities and Service Systems*, of the Draft EIR; there is no Section 4.19. As explained in Responses 10.21 and 10.22, and Draft EIR Section 4.16, Impact UTIL-1 expressly stated "If groundwater pumping were to be increased to meet this demand without mitigation, *this would potentially result in seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium...)*"

SGMA requirements and actions relevant to the Proposed Project are discussed in Section 4.9 and Section 4.16 of the Draft EIR. As stated on page 4.9-11, MCWD and the Salinas Valley Basin GSA are each GSAs pursuant to SGMA within the Monterey Subbasin. The Plan Area is located within MCWD's jurisdictional boundaries where MCWD serves as the GSA. Groundwater management activities pursuant to SGMA are required to be completed within specific timeframes that are defined based upon a groundwater basin's designation by the California DWR. Page 4.9-5 and page 4.16-20 of the Draft EIR state that the Monterey Subbasin is subject to SGMA but is not designated as critically overdrafted [by the DWR]; this means that the Monterey Subbasin's deadline for

²³ The LTMP is available online at:

http://www.salinasrivermanagementprogram.org/documents/ltmp_doc/chapter_5_implementation.pdf

²⁴ Notice of Availability of the Draft Supplemental EIR for Proposed Modifications to the PWM/GWR Project:

<https://purewatermonterey.org/wp/wp-content/uploads/Notice-of-Availability-Draft-Supplimental-EIR-Dec-20-2019-Extension-of-Public-Review-Period.pdf>

implementation of a GSP is in 2020. Also as stated on page 4.9-5 and page 4.16-20 of the Draft EIR, the Salinas Valley GSAs are collectively working to prepare a GSP for the Monterey Subbasin by 2020, in order to achieve sustainability throughout the Salinas Valley Basin by 2040, as required by SGMA. Together, the activities of the MCWRA with those of the SVGSA and the District, implementing GSPs, will curtail future seawater intrusion and ensure sustainable management of the Salinas Valley groundwater supplies.

As demonstrated with the above response, the requested information regarding SGMA requirements and actions is already provided in the Draft EIR and, contrary to the commenter's assertions, the Draft EIR does thoroughly address groundwater supply. Additionally, the Water Master Response provides further discussion of groundwater management in the area, including the Fort Ord allocation, and the scope of analysis for cumulative effects to groundwater pumping. No revisions to the EIR have been incorporated in response to this comment because the requested information is already contained in the Draft EIR, which is also now supplemented with discussion in the Water Master Response.

Response 10.25

The commenter asks for an explanation if the southern portion of the Monterey Bay Hydrologic Unit (HU) watershed is depicted on the UC Davis Hydrologic Unit Code (HUC) online mapper and, if not, that a map be provided depicting the watershed. The commenter also asks how groundwater pumping outside the Monterey Subbasin and/or the 180/400 Foot Aquifer Subbasin is relevant to cumulative effects, and why the scope of the cumulative analysis did not include the entire Monterey Subbasin and/or the entire 180/400 Foot Aquifer Subbasin. The commenter states that the scope of analysis for cumulative impacts is unjustified, and that the relevant scope of analysis for cumulative impacts to water supply would be "the hydrologically interconnected groundwater basins that provide water supply to the project."

Many of these comments appear to come from a misunderstanding which started under Comment 10.21 which faults the Section 4.9 for not addressing seawater intrusion. As expressly noted on Draft EIR page 4.9-21 "For the existing conditions of the City's groundwater supply, *and the effects of groundwater demand from development, see Section 4.16.*" For discussion of the cumulative scope of the groundwater supply analysis which is referenced in Section 4.9, please see Draft EIR Section 4.16.9(c) and Response 10.28.

The extent of cumulative analysis suggested by the commenter would require regional hydrologic modelling, which is well beyond the scope of analysis for CEQA. Rather, as stated on page 4.9-27 of the Draft EIR, the geographic scope for cumulative hydrology and water quality impacts is the southern portion of the Monterey Bay HU, from the slopes of the Fort Ord National Monument on the east to the Pacific Ocean on the west; this portion of the watershed encompasses the cities of Marina, Sand City, Seaside, and Monterey. The commenter's diagram of the Monterey Bay HU watershed is consistent with maps used for the Draft EIR analysis. This geographic scope is appropriate for hydrology and water quality because water quality impacts are localized in the watershed where the impact occurs. Cumulative development within this geographic scope include development envisioned under Draft Seaside 2040, as well as buildout of the City of Marina, City of Sand City, and County of Monterey General Plans. The discussion provided on pages 4.9-27 through 4.9-29 of the Draft EIR is sufficient to determine the geographic scope of the cumulative analysis.

AMBAG's 2018 Regional Growth Forecast predicts the region will build "just over 42,600 housing units by 2040," 24,000 of which would be in Monterey County. (See AMBAG 2018 Regional Growth

Forecast at pages 6 and 26, available at:

https://ambag.org/sites/default/files/documents/2018_Regional_Growth_Forecast_PDFA.pdf.)

However, cumulative quantitative growth rates are not necessary to determine significance because existing regulatory requirements under the MS4 permits requires all new development to provide on-site stormwater retention. These permits require drainage systems allowing for infiltration of the 85th percentile 24-hour storm runoff event, and in many instances for previously developed sites, will reduce overall stormwater flows and associated existing water quality issues. (See Draft EIR at page 7-21, NPDES General Permit No. 2013-0001-DWQ. Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (General Permit) at page 53, available at

https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/phsii2012_5th/order_final.pdf.)

Response 10.26

The commenter states the opinion that the Draft EIR cumulative discussion does not provide information about existing or future groundwater pumping, and requests a list of past, present, and probable future projects in a summary of projections that describes regional or areawide groundwater pumping conditions. The commenter requests the existing and projected cumulative groundwater pumping for the relevant subbasins and aquifers be provided.

Many of these comments appear to come from a misunderstanding which started under Comment 10.21 which faults the Section 4.9 for not addressing seawater intrusion. As expressly noted on Draft EIR page 4.9-21, under Impacts HWQ-2 and HWQ-5 “For the existing conditions of the City’s groundwater supply, *and the effects of groundwater demand from development, see Section 4.16.*” For discussion of the cumulative water demand including past, present and future projects see Draft EIR Table 4.16-1, *Marina Coast Water District Projected Cumulative Water Demand – Ord Community*, which are based upon historic water consumption and projected water use in the Urban Water Management Plan (Draft EIR page 4.16-3; Draft EIR Appendix M1, Section 3.2.)

The commenter is incorrect in stating that the cumulative analysis discussion in the Draft EIR does not include information about present or future groundwater pumping. Rather, the characterization of cumulative impacts for the provided in Section 4.9 of the Draft EIR accounts for the types of activities in the cumulative area that could result in cumulative impacts to hydrology and water quality. In addition, the commenter requests “existing and projected cumulative groundwater pumping for the Monterey Subbasin Deep Aquifer, Monterey Subbasin ‘upper aquifers,’ 180/400 Foot Aquifer Subbasin Deep Aquifer, 180/400 Foot Aquifer Subbasin ‘upper aquifers.’” The analysis provided in the Draft EIR relies upon known published information, consistent with CEQA requirements.

Response 10.27

The commenter states the cumulative effects analysis does not provide a summary of environmental effects including overdraft, lowered groundwater levels, aquifer depletion, and seawater intrusion; a reasonable analysis of cumulative projects impacts; or an indication of whether there is a significant cumulative effect from all cumulative projects including the Proposed Project. The commenter asks for a separate explanation of whether the Project would make a cumulative contribution to a significant cumulative impact, and states that Mitigation Measure UTIL-

1 is not sufficient to prevent cumulative impacts. Finally, the commenter asks whether the Draft EIR is tiering from a previous EIR's cumulative impact discussion and requests explanation.

Many of these comments appear to come from a misunderstanding which started under Comment 10.21 which faults the Section 4.9 for not addressing seawater intrusion. As expressly noted on Draft EIR page 4.9-21, under Impacts HWQ-2 and HWQ-5 "For the existing conditions of the City's groundwater supply, *and the effects of groundwater demand from development, see Section 4.16.*" As explained in Response 10.21 and Response 10.22, Draft EIR Section 4.16, Impact UTIL-1 expressly stated "If groundwater pumping were to be increased to meet this demand without mitigation, *this would potentially result in seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium...*" This information was cross referenced under the cumulative impact analysis for UTIL-1. Nevertheless, the language on Draft EIR page 4.16-28 has been revised to state:

Cumulative development in the MCWD service area will continue to increase demands on water supplies. Table 3-3 in the WSA (Appendix M1) shows projected water demands for MCWD through 2035. By 2040, MCWD anticipates a total demand of 10,881 AFY, an increase of 6,677 AFY from the 2015 demands (MCWD 2019). As discussed above under Impact UTIL-1, due to water demands from the project in combination with projected growth, there are insufficient existing water supplies to accommodate cumulative development and achieve full buildout of the Proposed Project, which is projected to demand 441.6 AFY of potable water. This results in a cumulatively considerable contribution to a significant cumulative impact. As discussed under Impact UTIL-1, if groundwater pumping were to be increased to meet this demand without mitigation, this would potentially result in overdraft and lowered groundwater levels which would lead to seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium). To address the discrepancy between the Proposed Project's 441.6 AFY of potable water demand and the ~~181.3~~ 180.6 AFY of available potable water supply, Mitigation Measure UTIL-1 would require the City to implement programs to offset potable supply, thereby making potable supplies available for the demands of the Proposed Project. The City would be required to demonstrate that sufficient water supplies have been secured prior to issuance of final map. With mitigation, impacts related to water supply sufficiency would be less than significant. Therefore, after mitigation, the Proposed Project would not have a cumulatively considerable contribution to a significant cumulative impact regarding water supply services.

Contrary to the commenter's statements regarding adequacy of the Draft EIR, a thorough and CEQA-sufficient analysis of the cumulative scenario and potential cumulative impacts is provided in the Draft EIR. The Water Master Response provides further definition of the appropriate scope of analysis for CEQA, including with respect to cumulative impacts. As described in Response 10.25, the geographic scope of cumulative analysis defined in the Draft EIR sufficiently accounts for areas that could experience cumulative impacts of the Proposed Project.

The Draft EIR adequately discloses that "due to water demands from the project in combination with projected growth, there are insufficient existing water supplies to accommodate cumulative development and achieve full buildout of the Proposed Project, which is projected to demand 441.6 AFY of potable water. This results in a cumulatively considerable contribution to a significant cumulative impact" (Draft EIR page 4.16-28). However, it was determined that with mitigation implemented for the Proposed Project, the Project's contribution to the cumulative scenario would not be substantial and cumulative unavoidable impacts would not occur.

It should be noted that Draft EIR Mitigation Measure UTIL-1 applies specifically to the Proposed Project, in order to reduce the Project's contribution of potential impacts to the cumulative scenario; implementation of Mitigation Measure UTIL-1 would effectively minimize the Project's contribution to the cumulative scenario such that significant unavoidable cumulative impacts would not occur. The Draft EIR does not tier from a cumulative impact discussion in a previous EIR, and is a stand-alone project-specific analysis of impacts of the Proposed Project.

Please see Response 10.6 for discussion of the 6,600 AFY allocation.

Response 10.28

The commenter states the geographic scope in Section 4.16 is unjustified because the relevant scope is hydrologically interconnected groundwater basins that provide water to the Plan Area. The commenter states MCWD is not the only entity extracting water from the aquifers that would affect cumulative water supplies. The commenter states the discussion does not provide sustainability information or cumulative effects of groundwater pumping on overdraft, aquifer depletion, lowering groundwater levels, and seawater intrusion. The commenter states the 1993 Agreement is not a permanent entitlement to 6,600 AFY of groundwater, the 6,600 AFY allocation is not effective or enforceable, there is no discussion of the residential unit cap in the BRP, the constraints on pumping from the 1996 Agreement are not discussed, and groundwater pumping is subject to regulation.

The geographic extent of analysis for cumulative impacts to Utilities was determined by considering the area within which cumulative impacts to utility services could occur; the geographic scope of the MCWD district for the utilities cumulative analysis is appropriate because it encompasses all areas to which MCWD is responsible for providing potable water, including residential, commercial, industrial, and fire protection uses. As the Supreme Court has explained "CEQA... does not require a city or county, each time a new land use development comes up for approval to reinvent the water planning wheel... When an individual land use project requires CEQA evaluation, the urban water management plan's information and analysis may be incorporated in the water supply and demand assessment" (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412). As explained in Draft EIR Section 4.16.9(c):

The geographic scope for cumulative water supply impacts is the MCWD service area, depicted in Figure 4.16-1. This geographic scope is appropriate because, as the local water purveyor, MCWD is responsible for supplying potable water to all residential, commercial, industrial, and fire protection uses within its service area, including the Plan Area (MCWD 2016). Development that is considered part of the cumulative analysis includes buildout of local General Plans, as well as development projects identified in the MCWD's 2015 UWMP and the WSA prepared for the Proposed Project.

The Draft EIR relies on MCWD's 2015 UWMP for water supply projections and constraints. The UWMP takes into account regional water demands, population growth projections, and groundwater pumpers outside of the service area in its water supply calculations. Therefore, although the geographic scope is limited to MCWD's service area, it does take into account other water users in the region. The Water Master Response provides a detailed discussion of the 1993 Agreement, the 6,600 AFY Fort Ord allocation, and the 1996 Annexation Agreement and Groundwater Mitigation Framework.

In addition, please see Response 9.2 and Response 10.6, both of which offer further discussion of the 6,600 AFY. Contrary to the commenter's statement that the Draft EIR fails to acknowledge that groundwater pumping remains subject to regulation and suspension by multiple agencies and pursuant to SGMA, previous and ongoing groundwater management, including for compliance with SGMA, is discussed on page 4.16-11. The Water Master Response also provides further discussion of groundwater management and applicable agencies in the Plan Area. Please also refer to a detailed discussion of ongoing water supply projects which are included in Draft EIR Appendix M1, Section 5.3 ["Reliability of Water Supply and the Regional 6,600 AFY Allocation"].

The comment states that the Draft EIR fails to disclose constraints on pumping from the Deep Aquifer. The Draft EIR discloses that there is a limit of 1,400 AFY of pumping allowed from the Deep Aquifer (Draft EIR page 4.16-3). The WSA cites Section 5.3.1 of the "Water/Wastewater Facilities Agreement" between the FORA and MCWD dated 1998, which provides that "[t]he parties will cooperate on MCWD's increased withdrawal of potable groundwater from MCWD's existing wells in the 900-foot aquifer by up to 1,400 acre-feet per year (afy), in compliance with law, to enable the increased withdrawals from 5,200 afy to 6,600 afy for use in the service area..."

Response 10.29

The commenter states that Mitigation Measure UTIL-1 defers the formation of the water offset program without explaining why deferral is needed, does not provide evidence of feasibility, and lacks performance specifications. The commenter asks if the suggested offset projects were approved with the expectation or commitment that its potable water would be replaced with recycled water. The commenter requests identification of environmental review documents for the listed offset program projects, including whether impacts were significant and unavoidable. The commenter recommends modifications to Mitigation Measure UTIL-1 to be a verifiable, permanent, and additive reduction in groundwater pumping.

Contrary to the commenter's assertion, Mitigation Measure UTIL-1 does not defer mitigation, but rather ensures that the Project would not be implemented without demonstration of sufficient potable water supply. As stated in the content of Mitigation Measure UTIL-1, the City shall demonstrate the required offset of 261 AFY of potable water to MCWD, and the applicant shall obtain written verification from MCWD that sufficient water supplies have been secured. This is sufficient performance specification to ensure effective implementation of Mitigation Measure UTIL-1.

As the commenter notes, the Draft EIR identifies four possible offset projects that may be utilized under Mitigation Measure UTIL-1. It is well settled that an EIR may set forth a "menu" or range of choices of potentially appropriate mitigation measures without committing the lead agency to any one (or more) specific choices prior to further study (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275; see also CEQA Guidelines Section 15126.4(a)(1)(B) "measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way"). See Response 1.10, for discussion of the status of the in-lieu storage program.

These projects were identified for their potential to be able to accommodate the offset actions described in Mitigation Measure UTIL-1 and, as specified in the mitigation language.

The commenter also asserts "The DEIR claims that there would be no secondary impacts from UTIL-1 because 'the recycled water supply is a pre-existing project that has already been subject to environmental review.'" (DEIR, p. 4.16-22.) Please identify the environmental review document or

documents in which each of the four possible offset programs was discussed.” See Draft EIR Appendix M1 for detailed discussion of this issue. As explained in detail Draft EIR Appendix M1, Section 4.2.1:

In 2012, M1W began planning the Pure Water Monterey Groundwater Replenishment Project, which will develop additional sources of water supply and produce advanced treated water for injection into the Seaside Groundwater Basin for indirect potable reuse. The Pure Water Monterey Groundwater Replenishment Project replaces previously planned urban recycled water deliveries to the Monterey Peninsula under RUWAP. M1W approved the Pure Water Monterey Project and an Environmental Impact Report in October 2015. Additional details about the RUWAP and the Pure Water project are provided in Appendix A. In 2016, MCWD and M1W entered into an agreement allowing MCWD to participate in the Pure Water Monterey Project. MCWD is completing construction of the transmission main, which will be used to deliver advanced treated water for both groundwater injection and for urban irrigation, including construction of recycled water mains to the Campus Town Plan Area...

On April 8, 2016, MCWD and M1W entered into an agreement which would provide up to 1,427 AFY of advanced treated water for urban landscape irrigation instead of the tertiary treated recycled water planned under the RUWAP.

Weblinks to the Pure Water Monterey Project were included in Draft EIR Appendix M1, Appendix C: *References*. Including a weblink to the EIR for that project: <https://purewatermonterey.org/reports-docs/cfeir/>.

In response to the commenter’s assertion that any incremental [groundwater] pumping to support the Project would make a “considerable contribution to significant cumulative impacts,” please see Response 10.22 through Response 10.28, and the Water Master Response for detailed discussion of the context and extent of cumulative impact analyses. As described in the Draft EIR, with implementation of Mitigation Measure UTIL-1 for the Proposed Project, the Proposed Project would not make considerable contribution to significant cumulative impacts to water supply.

Response 10.30

The commenter claims that the Draft EIR does not describe how the Project will be consistent with BRP water supply policies, asks what steps the City has taken to comply with Policies B-1, B-2, and C-3, as well as subsequent programs.

As explained on Draft EIR page 4.10-3 “Under FORA's procedures, consistency of legislative land use decision with the BRP *is based upon consistency with the provisions of the general plan, certified as consistent with the BRP*” (FORA Resolution 04-6, Section 8.01.020(g)). As also explained in the methodology discussion on page 4.10-24 “For an impact to be considered significant, any inconsistency would also have to result in a significant adverse change in the environment not already addressed in the other resource chapters of this EIR.”

The commenter cites a number of non-project specific policies. However, it is not the purpose of the Draft EIR to implement the BRP, or to monitor implementation of the BRP as a whole. Rather the purpose of this EIR is the analyze the environmental impacts of the Proposed Project. Please see Response 10.29 and Draft EIR Appendix M1 for discussion of ongoing water supply projects, and the status of those projects. The commenter is also referred to Draft EIR Section 4.9, Section 4.16, and Appendix M1, which discuss ongoing water conservation measures, on-site water

storage/infiltration requirements, recycled/reclaimed water, and long-term water supply planning. See also Response 10.4 for discussion of the housing cap.

Response 10.31

The commenter states the Draft EIR should discuss the impacts of not building later phases of the Project due to water shortages and requests a discussion of effects of not building the full Project, including a discussion of secondary impacts to public services, utilities, infrastructure, traffic, GHG, emissions, schools, and the jobs/housing balance. The commenter states inconsistency with BRP policies may result in significant impacts.

Please see Draft EIR Section 6.3 for discussion of the No Project Alternative. An EIR need not consider every possible buildout horizon, nor assume that a project is going to fail. CEQA *Guidelines* Section 15126.6 explains that an EIR is not required to consider every conceivable alternative to a project, but must consider a reasonable range of alternatives. Therefore, it is not necessary to consider a scenario where the Project is not built.

The comment faults the Draft EIR for assuming that the Project will be built as-proposed. Courts have rejected such criticisms. In *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, Petitioners “criticized the EIR for making assumptions about the proposed project but failing to evaluate the environmental consequences if any of the assumptions proved erroneous” (*Id.* at page 1029). The Court rejected this argument noting that “[a]ppellants are asking more of the EIR than is legally required. The ‘assumptions’ referred to are actually integral portions of the proposed project... The proposed project, which includes the transportation corridor, a preserved Greenbelt and 25 percent affordable housing, was evaluated in the EIR, CEQA requires nothing more” (*Id.* at page 1030). The court went on to note that the “assumptions” noted by Petitioners “are actually integral portions of the proposed project. If they fail to become reality... we are dealing with a different project” (*Id.* at page 1030). An EIR need only evaluate the project as proposed (*Ibid.*).

As discussed in Response 10.30, the Draft EIR contains an extensive analysis of the Project’s conformity with the 2004 Seaside General Plan. This analysis concludes that the Project is consistent with the 2004 Seaside General Plan, which is in turn consistent with the BRP. The Project is therefore consistent with the BRP.

Response 10.32

The commenter states that they incorporate by reference comments on the older WSA prepared by MCWD in June 2018. Furthermore, the commenter ignores that a revised WSA was prepared and included in Appendix M1 of the Draft EIR. In fact, many revisions were added to the updated WSA to specifically address comments LandWatch sent to MCWD on the WSA.

The lead agency does not have a duty to respond to non-Project specific materials (*Environmental Protection & Information Center v. California Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 484 [“Although CDF has a duty to consider comments by members of the public under the Forest Practice Rules, that duty does not necessarily extend to considering all of the non-Project-specific secondary materials submitted in support of the comments”]).

The commenter does not explain which issues they still believe are relevant, and it is not the purpose CEQA to provide response to comments on older versions of documents which have been updated (See also *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 537 [Comments on the

Notice of Preparation/Initial Study not considered comments on the Draft EIR]). Please also see Response 10.1 through Response 10.31 which address issues similar to those raised in some of the WSA comments submitted to Marina Coast Water District on the old WSA. Please also see Response 11.1 through Response 11.5.

June 15, 2018

Board of Directors
Care of Paula Riso, Clerk to the Board
Marina Coast Water District
11 Reservation Road,
Marina, CA 93933
priso@mcwd.org

Re: Water Supply Assessment for Campus Town Specific Plan

Dear Members of the Board:

I write on behalf of LandWatch Monterey County to object to the proposed adoption of the Water Supply Assessment and Written Verification of Supply for the Campus Town Specific Plan (“WSA”), appearing as item 10c on your June 18, 2018 agenda.

11.1

The WSA is flawed because it wrongly assumes 6,600 afy water supply is available for use in the Ord Community. The Board should be familiar with LandWatch’s objections to this blithe assumption, objections that were most recently set out in my February 19, 2018 letter to you, and in hydrologist Timothy Parker’s February 15, 2018 letter, concerning the proposed annexation of Fort Ord parcels. The 6,600 afy supply is not a firm commitment because the Fort Ord Reuse Plan provides that it can only be used if salt water intrusion is not aggravated. Moreover, the 6,600 afy supply is not reflective of baseline use or sustainable yield.

Despite its obligation to disclose the effect on users reliant on the same groundwater source, the WSA fails to acknowledge overwhelming evidence that additional groundwater pumping from either the 400-foot or Deep Aquifer will result in serious adverse effects on other users. As hydrologist Parker has explained, additional pumping would contribute considerably to significant cumulative impacts, including salt water intrusion, falling groundwater levels, and depletion of the Deep Aquifer.

11.2

Neither MCWD nor any other agency has yet determined the sustainable yield of the Deep Aquifer, or even determined its actual storage capacity. The WSA cannot claim that the Deep Aquifer is part of a reliable 20-year water supply with no data or analysis. To our knowledge, MCWD has no concrete plans or commitments to conduct the work that would be necessary to make these determinations. And while the County has recently indicated that it intends to study the question, it has no timeline or resources for this study.

The WSA fails to acknowledge that recent mapping demonstrates rapid advance of the salt water intrusion front and that the County has ordered a moratorium on additional groundwater pumping from the areas proximate to that front and from the Deep Aquifer. Even if MCWD's pumping is currently exempted from this moratorium, the WSA fails to consider the likelihood that pumping restrictions may still be imposed by the County's own authority and/or under SGMA. Accordingly, the conclusion that groundwater will be available for the existing and planned new use over the 20-year horizon cannot be supported without this important qualification.

11.3

The WSA fails to disclose that MCWD has no right to use more than 5,400 afy from the 180-foot and 400-foot Aquifers and has committed not to increase its pumping from the Deep Aquifer by more than 1,400 afy over 1996 levels in its 1996 and 1998 agreements with MCWRA and FORA. Thus, for example, the WSA's claim in Table 4-1 that there is 3,326 afy of pumping capacity available from well 34 in the Deep Aquifer (or from any other interconnected wells) is likely inconsistent with the 1996 and 1998 agreements. The WSA should be revised to explain just how much additional pumping is actually available from the Deep Aquifers in light of the 1996 and 1998 agreements and in light of the limitations on pumping from the 180-foot and 400-foot Aquifers.

Because there is a significant possibility that salt water intrusion may render pumping from MCWD wells in the 400-foot aquifer infeasible within the next 20 years, the WSA's claimed capacity for wells in the 400-foot Aquifer to serve the Ord community does not reflect a *reliable* water supply. The WSA's claims regarding reliability of the supply should be qualified.

11.4

LandWatch asks that MCWD modify the WSA to reflect the hydrologic realities and uncertainties of MCWD's groundwater supply. For too long MCWD, FORA, and its member agencies have simply ignored the fact that the Ord Community has already exhausted the available groundwater supply.

11.5

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



John Farrow

JHF:hs

Letter 11

COMMENTER: John Farrow, M R Wolfe & Associates, P.C.

DATE: June 15, 2018

The commenter incorporates by reference comments on the older WSA prepared by MCWD in June 2018. However, the commenter ignores that a revised WSA was prepared and included in Appendix M1 to the Draft EIR. In fact, many revisions were added to the updated WSA to specifically address comments LandWatch sent to MCWD on the WSA.

The lead agency does not have a duty to respond to non-Project specific materials (*Environmental Protection & Information Center v. California Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 484 [“Although CDF has a duty to consider comments by members of the public under the Forest Practice Rules, that duty does not necessarily extend to considering all of the non-Project-specific secondary materials submitted in support of the comments”])).

The commenter does not explain which issues they still believe are relevant, and it is not the purpose CEQA to provide response to comments on older versions of documents which have been updated (See also *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 537 [Comments on the Notice of Preparation/Initial Study not considered comments on the Draft EIR]).

Response 11.1

The commenter states that the WSA wrongly assumes 6,600 AFY of water supply is available, as this is only accurate if salt water intrusion is not aggravated and this supply is not reflective of baseline use or sustainable yield.

Please refer to Response 9.5 regarding seawater intrusion and to Response 9.15 and the Water Master Response for a full discussion of the 1993 Agreement and the 6,600 AFY water supply. As noted therein, the FORA Allocation serves as a limitation to a pre-existing water right. The Draft EIR does not claim the 1993 Agreement constitutes a transfer of water rights. Rather, the 6,600 AFY supply allocation is considered to be a constrained demand for supply augmentation.

Response 11.2

The commenter states that the WSA does not acknowledge evidence that groundwater pumping from the Deep Aquifer would result in adverse effects to other users. The commenter states that the sustainable yield and storage capacity of the Deep Aquifer have not been determined by any agency.

See Response 10.17 for a discussion of groundwater pumping from the Deep Aquifer. As noted therein, were no groundwater supply management actions in place, and groundwater pumping in the Deep Aquifer were increased up to five times the baseline rate, seawater intrusion (the landward flow of groundwater) to the Deep Aquifer would increase. In other words, increasing groundwater production from the Deep Aquifer without managing the area for seawater intrusion will result in seawater intrusion. This message is consistent with the analysis provided in the Draft EIR, which discusses the multiple groundwater management efforts in the Plan Area with respect to how they address the potential for seawater intrusion to occur.

Response 11.3

The commenter states that recent mapping demonstrates rapid salt water intrusion, that the County has ordered a moratorium on additional groundwater pumping from the Deep Aquifer, that the WSA does not consider the likelihood of pumping restrictions, that MCWD has committed not to increase its pumping from the Deep Aquifer, and that Table 4-1 is likely inconsistent with 1996 and 1998 pumping agreements. Please see Response 10.13, Response10.14, Response 10.15, and Response 10.17 related to seawater intrusion; Response 10.28 regarding ongoing regulatory changes; and Response 10.16, Response10.17, Response10.18, and Response10.28 for discussion of the deep Aquifer.

Response 11.4

The commenter states that because salt water intrusion may render pumping from MCWD wells infeasible, this water supply is not reliable. The WSA's claims regarding reliability should be qualified.

Please refer to the Water Master Response, Response 10.13, Response10.14, Response 10.15, Response10.17, Response10.19, Response10.22, and Response10.27 for a discussion of seawater intrusion. As noted therein, the Draft EIR adequately discloses the risks of seawater intrusion.

Response 11.5

The commenter requests that the WSA be revised to reflect the hydrologic realities and uncertainties of MCWD's groundwater supply.

Please refer to Response 10.14, Response 10.16, Response 10.17, Response 10.22, and Response 10.26 for a discussion of water supply availability.

Letter 12

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

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831-883-4848
FAX 831-758-6328

August 21, 2019

City of Seaside, Economic Development Department
ATTN: Kurt Overmeyer
440 Harcourt Avenue
Seaside, CA 93955

Subject: Comment on the Draft Environmental Impact Report for the Campus Town Specific Plan

Dear Mr. Overmeyer:

In 2018, Schaaf & Wheeler prepared the Water Supply Assessment and Written Verification of Supply for the Campus Town Specific Plan, under contract with the Marina Coast Water District. The District Board of Directors formally approved the report on June 18, 2018, and submitted it to the City for inclusion in the EIR for the specific plan. The published Draft EIR contains two versions of the report in Appendix M, the version approved by MCWD an edited version. Section 4.16.2.b of the Draft EIR explains the two versions as follows:

“Pursuant to SB 610, a WSA was prepared by MCWD (Appendix M2). The original WSA stated the EIR should describe the water offset programs and “the project EIR should clearly describe that intent and the resulting allocation of potable and recycled water supply.” Consistent with this direction, the City of Seaside has prepared an Updated WSA to provide more detailed information on the water offset programs (Mitigation Measure UTIL-1 below) and to correct several minor errors (e.g., incorrect street addresses) and provide additional background information. The Updated WSA is included in the EIR as Appendix M1. See Appendix M1, Summary of Updates to the WSA, for additional information.”

The Updated WSA in Appendix M1 was not prepared by Schaaf & Wheeler, and was not reviewed and accepted by the MCWD Board of Directors. The author of the edited document is not identified, and the changes made to the original document are not noted. We ask that the changes to our original report be presented in legal blackline (underline additions and strike-through deletions) so that it is clear to the reader what was revised, and we recommend that the author of the edited version be identified on the title page.

Sincerely,
Schaaf & Wheeler



Andrew A. Sterbenz, PE
Senior Project Manager

12.1

DRAFT

**WATER SUPPLY ASSESSMENT AND WRITTEN
VERIFICATION OF SUPPLY
FOR THE
AMENDED MAIN GATE SPECIFIC PLAN**

Prepared by

MARINA COAST WATER DISTRICT



and

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

August 2018

**WATER SUPPLY ASSESSMENT AND
WRITTEN VERIFICATION OF SUPPLY
FOR THE
AMENDED MAIN GATE SPECIFIC PLAN**

**Prepared by
MARINA COAST WATER DISTRICT**



Board of Directors
Thomas P. Moore, President
Jan Shriner, Vice-President
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Herbert Cortez

and

Schaaf & Wheeler
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August 2018

Draft
For Review Only

Andrew A. Sterbenz, P.E.
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Date: 8/17/2018

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Table i. Acronyms Used in this Report

Acronym	Description
afy, ac-ft/yr	Acre-feet/year
ccf, hcf	Hundred cubic feet
gpd	Gallons per day
gpcd	Gallons per capita day, or gallons per person per day
mgd	Million gallons per day
sq-ft	Square feet
BMP	Best management practice
CAW, CalAm	California American Water Company
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CSUMB	California State University – Monterey Bay
CWC	California Water Code
DDW	SWRCB Division of Drinking Water
DMM	Demand management measure
DWR	California Department of Water Resources
FORA	Fort Ord Reuse Authority
LAFCO	Local Agency Formation Commission
M1W	Monterey One Water (formerly MRWPCA)
MCWD, District	Marina Coast Water District
MCWRA	Monterey County Water Resources Agency
MPWMD	Monterey Peninsula Water Management District
OMC	Ord Military Community
POM	Presidio of Monterey
PWM	Pure Water Monterey Project
SB	California Senate Bill
SRDP	Salinas River Diversion Project
SVBGSA	Salinas Valley Basin Groundwater Sustainability Agency
SVWP	Salinas Valley Water Project
SVGB	Salinas Valley Groundwater Basin
SWRCB	State Water Resources Control Board
UCMBEST	University of California Monterey Bay Education, Science and Technology Center
UWMP	Urban Water Management Plan
WSA	Water Supply Assessment
WVS	Written Verification of Supply

Table ii. Units of Measure Used in this Report

Unit	Equals
1 acre-foot	= 43,560 cubic feet = 325,851 gallons
1 cubic foot	= 7.48 gallons
1 CCF	= 100 cubic feet = 748 gallons
1 MGD	= 1,000,000 gallons/day = 1,120 acre-feet / year

Summary of Water Supply Assessment

Project: Main Gate Specific Plan, Seaside, California

The Main Gate Specific Plan was adopted by the City of Seaside in 2010. The City is currently amending the adopted specific plan, and has requested that the water supply assessment be updated to reflect the revised project description.

Pursuant to Section 10910 of the California Water Code (CWC), and based on the analysis detailed in this report and the representations by the Project's proponents, the Marina Coast Water District (the District) has determined that its currently projected water supplies will be sufficient to meet the projected annual water demands of existing and previously approved uses and the implementation of the Main Gate Specific Plan during normal, single-dry, and multiple-dry years. The Project will add approximately 370.8 acre-feet per year (AFY) of new demand to the District's Ord Community Service Area, within the City of Seaside. The City has an existing allocation of Salinas Valley Groundwater of 1,012 AFY, and has previously sub-allocated 825.7 AFY to projects, including 149.0 AFY to the original specific plan area, leaving 186.3 AFY available. The City also has the ability to purchase recycled water from the Regional Urban Water Augmentation Project, which is currently under construction. The City may sub-allocate an additional 163 AFY of groundwater supply to meet the projected potable demand, along with 58.8 AFY of recycled water to meet the project's non-potable demand. The District can supply potable water immediately, and will be able to supply recycled water when the system construction is completed in 2019.

The City has multiple projects under consideration, and does not have sufficient available supply to allocate for all of them. Developments may be phased to use the currently available groundwater supply. The District has two planned water supply projects it intends to implement in the next decade, the Recycled Water Project and the Desalination Project. These two projects are intended to develop 2,400 AFY of new supply for the Ord Community. As these projects come on-line, the Fort Ord Reuse Authority will allocate the supply among the Land Use Jurisdictions in the Ord Community. The initial phase of the Recycled Water Project is under construction, and will supply water starting in 2019.

Section 1 - Introduction

1.1 Project Overview

The City of Seaside in Monterey County, California, acting as the lead agency, is preparing an amendment to the Main Gate Specific Plan for a 49-acre project area located within the City of Seaside. The Main Gate Specific Plan was prepared in 2007-2008, and adopted by the City in 2010. The Project is located on the former Fort Ord. Potable water supply for the former Fort Ord is provided by the Marina Coast Water District. Further description of the Project is given in Section 2.0.

The Water Supply Assessment and Written Verification of Supply for the City of Seaside Main Gate Specific Plan was prepared by Byron Buck and Associates in 2007, and it tiered off the analysis in the Marina Coast Water District 2005 Urban Water Management Plan, also prepared by Byron Buck. This updated analysis builds off of the District's 2015 Urban Water Management Plan (UWMP), which was prepared by Schaaf & Wheeler.

1.2 Purpose of Water Supply Assessment

The California Water Code (§10910 et. seq.), based on Senate Bill 610 of 2001 (SB 610), requires a project proponent to assess the reliability of a project's water supply as part of the California Environmental Quality Act (CEQA) process. Under the California Government Code (§66473.7), based on Senate Bill 221 of 2001, proposed subdivisions adding 500 dwelling units are also required to receive written verification of the available water supply from the project's water supplier. This project includes the addition of up to **610 dwelling units**, so both a water supply assessment and a written verification of supply are required.

This report is meant to serve as the Water Supply Assessment (WSA) and Written Verification of Supply (WVS) for the Project to meet the California Water and Government Code requirements. This WSA documents the District's existing and future water supplies for the Project area and compares them to the District's total projected water demands for the next twenty (20) years.

The SB 610 process requires the following several steps to identify the need and scope of a project's WSA:

1. Determine whether the project is subject to CEQA.
2. Determine whether the project meets the definition of a "project" per SB 610.
3. Determine the public water agency that will serve the project.
4. Determine whether any current Urban Water Management Plan considers the projected water demand for the project area.

5. Determine whether groundwater is used by the public water agency to serve the project area.

1.3 Project Subject to CEQA

CEQA applies to projects for which a public agency is directly responsible, funds, and/or requires the issuance of a permit. The City of Seaside determined that the Project is subject to the requirements of CEQA. An amendment to the adopted Environmental Impact Report (EIR) is currently being prepared.

1.4 Project Requiring a Water Supply Assessment

CWC §10912(a) defines a Project for WSA purposes as including any of the following¹:

- a proposed residential development of more than 500 dwelling units;
- a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- a mixed-use project that includes one or more of the projects identified in this list;
- a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

The Main Gate Specific Plan proposes the addition of up to 610 dwelling units and 210,000 square feet of commercial space, so a water supply assessment is required.

1.5 Requirements of a Written Verification of Supply

Government Code §66473.7(b)(1) requires:

The legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, shall include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available. Proof of the availability of a sufficient water supply shall be requested by the subdivision applicant or local agency, at the discretion of the local agency, and shall be based on written verification from the applicable public water system within 90 days of a request.

The public water system must determine if there is sufficient water supply for the subdivision, as defined in Government Code §66473.7(a)(2): “Sufficient water supply” means the total water supplies available during normal, single-dry, and multiple dry years within a 20- year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses.

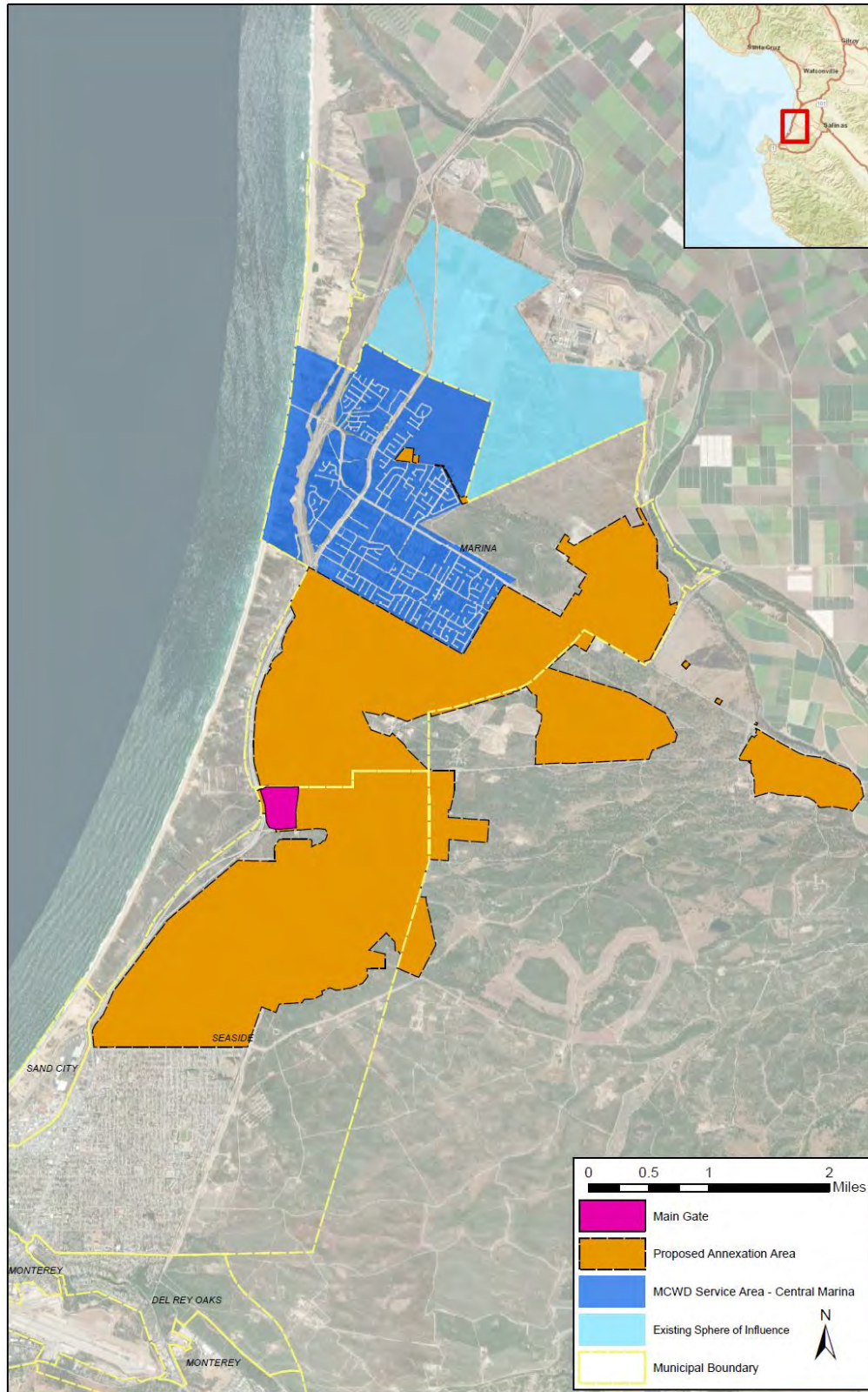
¹ There are additional uses that may qualify as a “project” under the CWC, but included here are the applicable categories.

1.6 Public Water Agency Serving the Project

The Marina Coast Water District, a county water district, serves the City of Marina and the former Fort Ord, which includes portions of the City of Marina, City of Seaside, City of Del Rey Oaks, City of Monterey and unincorporated Monterey County. The District has two service areas, Central Marina and the Ord Community. The Project is located in the Seaside portion of the MCWD Ord Community Service Area (see Figure 1.1).

MCWD provides water and wastewater service to the Ord Community as outlined in the Water/Wastewater Facilities Agreement between the Fort Ord Reuse Authority (FORA) and MCWD (1998) and as further described in the Assignment of Easements on Former Fort Ord and Ord Military Community, County of Monterey, and Quitclaim Deed for Water and Wastewater Systems, between FORA and MCWD, dated October 24, 2001. MCWD recently submitted an application to the Local Agency Formation Commission of Monterey County (LAFCO) to formally annex the served portions of the Ord Community into the District's service area and sphere of influence. The portion of the project area west of General Jim Moore Blvd was not included in the LAFCO application, and will require a subsequent application to LAFCO.

Figure 1.1: Marina Coast Water District Service Areas



*Proposed Annexation Area is the current Ord Community Service Area

1.7 Relationship of WSA to MCWD Urban Water Management Plan

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

As provided for in the State law, this WSA incorporates by reference and relies upon many of the planning assumptions and projections of the 2015 UWMP in assessing the water demands of the proposed Project relative to the overall increase in water demands expected within the entire District service area. The 2015 UWMP projected a significant increase in water demand within the Ord Community due to the planned redevelopment of the former Fort Ord, as documented in the Fort Ord Base Reuse Plan, the General Plans of the various land use jurisdictions, and the approved specific plans within the Ord Community. The 2015 UWMP found that the projected Ord Community water demand of 8,293 AFY in year 2035 exceeded the currently available supply of 6,600 AFY. Additionally, because the current water supply within the Ord Community has been allocated among the land use jurisdictions, some jurisdictions maintain a projected surplus, while others have projected shortages. The District is pursuing two water supply projects to address the projected shortfall. First, an urban recycled water system is being constructed, which will provide an initial 600 AFY for landscape irrigation, and ultimately provide up to 1,427 AFY of non-potable supply. Second, a seawater desalination project is proposed to provide up to 1,500 AFY of potable water supply. The District is currently considering alternative groundwater replenishment projects which, if feasible, may replace the desalination portion of the RUWAP.

Projected development within the City of Seaside was accounted for in the 2015 UWMP, spread across entitled areas, approved specific plan areas and remaining areas. The UWMP included the retail and hospitality uses from the 2010 Main Gate Specific Plan, projected to be constructed between the year 2020 and 2025. The projected demand for the site in the 2015 UWMP is 213 AFY.

Section 2 - Project Description and Water Demands**2.1 Project Description**

The Main Gate Specific Plan for the City of Seaside, California, describes the planned development of approximately 49-acres within the former Fort Ord. The land is currently undeveloped, bounded by Highway 1 on the west, 2nd Avenue on the east, 1st Street on the north and Light Fighter Drive on the south.

The original specific plan included a mix of retail, entertainment and visitor-serving uses. Two options for the retail center were included, one centered on an anchor department store and one centered on a multiplex theater. A significant portion of the site is dedicated to parking space. A site plan showing the department store option is at Figure 2.1.

The revised project reduces the retail component, increases the number of hotel rooms and adds a mix of single-family, multi-family and student residential use. The development density is significantly increased. A site plan showing the proposed revision is at Figure 2.2. Table 2-1, below, presents the usage quantities of the two options in the original specific plan and the proposed revision.

Table 2-1: Land Use Comparison

Use Type	Unit	Original Plan, Version 1	Original Plan, Version 2	Proposed Revised Plan
Retail	SF	368,500	368,500	135,000
Restaurant	SF	79,000	79,000	72,000
Department Store	SF	120,000		
Theater	SF		51,500	
Hotel	Rm	250	250	450
Spa	SF	24,000	24,000	
Conference Facility	SF	27,000	27,000	
Landscape	AC	10.41	10.41	
Single Family Residential	DU			160
Multi-Family Residential	DU			200
Student Apartment	DU			250
Gas Station	Pump			16

Figure 2.1: 2007 Main Gate Site Plan



THE STRAND, SEASIDE

CLARK / GENERAL

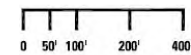
Overall Site Plan

BARARCHITECTS

43 Howard Street, San Francisco, CA 94105, T, 415 293 5700, F, 415 293 5701 WWW.BARARCH.COM

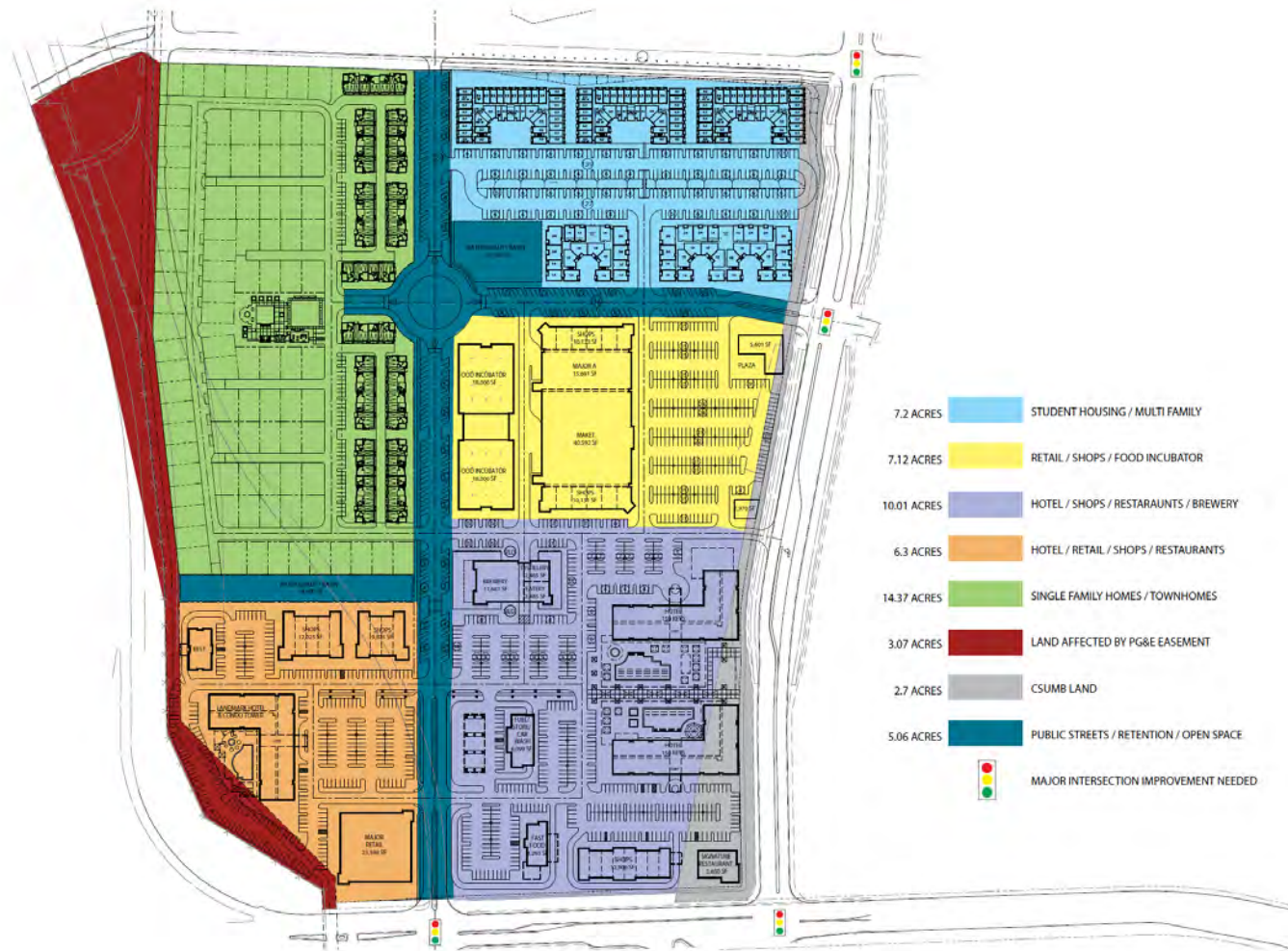
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A01

Figure 2.2: 2018 Main Gate Site Plan



MAIN GATE
SEASIDE | CALIFORNIA



2.2 Land Use and Water Demands

The Amended Main Gate Specific Plan consists of several elements including medium- to high-density residential, retail and visitor serving businesses, as detailed below.

2.2.1 Residential

Single-family residential densities will range from 12 to 20 units per acre for detached lots and attached townhomes. The MCWD 2015 UWMP uses a demand factor of 0.25 acre-foot/year/dwelling unit (AFY/DU) for single-family residential at densities above 8-units/acre. Multi-family residential units will consist of multi-story apartment buildings and apartments on upper floors of mixed-use commercial buildings. The MCWD 2015 UWMP uses a demand factor of 0.25 AFY/DU for all multi-family residential development. The project also includes student apartments, which are assumed to have the same demand as the multi-family apartments. The number of units by housing type is initially assumed to be 160 single-family, 200 multi-family and 250 student apartments. The residential water demand is estimated to be $152.5 \text{ AFY} = (610 \text{ DU}) \times (0.25 \text{ AFY/DU})$.

2.2.2 Hotel

The specific plan includes three hotel sites with a total of 450 rooms. The MCWD demand factor for hotels is 0.17 AFY/room, so the estimated demand for the hotel is 76.5 AFY. Landscape irrigation is estimated separately, below.

2.2.3 Retail

The specific plan includes 135,000 square-feet of retail space. The plan does not further divide the usage by type, so it is assumed this will be a mix of grocery, markets and dry goods/apparel shops. The MCWD 2015 UWMP uses a demand factor of 0.00021 AFY/SF for general retail. The estimated water demand for the retail component is 28.4 AFY. Landscape irrigation is estimated separately, below.

The site plan shows one gas station with four pump islands. A typical island has four pumps. For a total of sixteen. MCWD uses a demand factor of 0.1051 AFY/gas pump, so the estimated demand for the gas station is 1.7 AFY. This would include an associated convenience store.

2.2.4 Dining

The specific plan includes 72,000 square-feet of space to be used for restaurants and food incubators. The plan does not further divide the usage by type. The MCWD 2015 UWMP uses a demand factor of 0.00145 AFY/SF for restaurants, for a total of 104.4 AFY. Landscape irrigation is estimated separately, below.

2.2.5 Landscaping

The conceptual site plan includes assumes 3.5 acres of irrigated non-turf landscaping along street frontages and within commercial landscaped areas. A demand factor of 2.1 AFY/AC is used for

non-turf landscaping, based on the local evapotranspiration factor of 39 inches/year. The estimated landscaping demand for the specific plan area is 7.4 AFY.

2.2.6 Recycled Water Use

The 2007 WSA did not estimate the potential use of recycled water within the Main Gate Project. MCWD in cooperation with Monterey One Water is currently constructing the Pure Water Monterey Project, a portion of which will provide recycled water for urban use. The City of Seaside intends for the revised project to maximize the use of recycled water. The California Code of Regulations and the California Plumbing Code allow for the use of tertiary-treated and disinfected recycled water for commercial and residential outdoor landscape irrigation, and for water closet and urinal flushing in certain structures. The list of allowable structures excludes single-family residential use, but hotels, apartments and condominiums may all be dual-plumbed to allow toilet flushing with recycled water.

Recycled water demand for residential toilet flushing is estimated as 2,336 gallons/person/year, based on 5 flushes per person per day and 1.28 gallons per flush. Rates by housing type is calculated using the following occupancies:

Multi-family: $3.3 \text{ persons/DU} \times 2,336 \text{ gallon/year} \div 325,851 \text{ gal/acre-ft} = 0.024 \text{ AFY/DU}$

Students: $2.5 \text{ persons/DU} \times 2,336 \text{ gallon/year} \div 325,851 \text{ gal/acre-ft} = 0.018 \text{ AFY/DU}$

Hotel: $1.5 \text{ persons/room} \times 2,336 \text{ gallon/year} \div 325,851 \text{ gal/acre-ft} = 0.011 \text{ AFY/DU}$

Recycled water demand for toilet flushing in commercial establishments is estimated as 5% of the indoor water demand. Note that MCWD requires the use of waterless urinals in all new construction.

Recycled water demand for residential landscaping is estimated at 0.05 AFY/DU, and is applied to single family, multi-family and apartments. Commercial landscaping is included in the 3.5 acres of overall site landscape.

Applying the above factors, the estimated recycled water demand for the specific plan area is 58.8 AFY, leaving a potable water demand of 312 AFY.

2.2.7 Project Total Water Demands

The total water demand projected for the project is 370.8 AFY, as shown in Table 2-2, below. As stated in Section 2.2.6. Potential Recycled Water Demand reflects residential and non-residential landscape irrigation and indoor toilet flushing. Use of recycled water requires special certification of irrigation system operators and periodic cross-connection inspections, which should be pointed out in the development conditions of approval.

Table 2-2: Summary of Estimated Water Demand

	Land Use	Quantity	Unit	Demand Factor (afy/unit)	Potable (afy)	Recycled (afy)	Total Demand (afy)	Notes
A	Single Family Homes	160	DU	0.25	32.00	8.00	40.00	1, 2
B	Multi-Family Apartments	200	DU	0.25	35.20	14.80	50.00	
C	Hotel	450	Rooms	0.17	71.55	4.95	76.50	
D	Student apartments	250	DU	0.25	45.50	17.00	62.50	3
E	Retail	135,000	SF	0.00021	26.93	1.42	28.35	4, 5
F	Restaurant	72,000	SF	0.00145	99.18	5.22	104.40	4, 5
G	Gas Station	16	pump	0.1051	1.60	0.08	1.68	6
	Irrigated Landscape (Non-Turf)	3.5	AC	2.1		7.35	7.35	7
					311.96	58.82	370.78	

Notes

- 1 SFR Density ranges from 12 to 30 per acre. Demand factor is the same as multi-family
- 2 Number of units based on conceptual site plan.
- 3 Assume apartments with kitchens and not traditional dormitories.
- 4 Gross square footage from conceptual site plan
- 5 Assume 5% of demand is toilet flushing.
- 6 Assume 16 pumps based on site plan. Factor from MCWD code of ordinances.
- 7 Assume all landscaping will be non-turf and irrigated with recycled water

Section 3 - District Water Demands**3.1 Historic and Current Water Demands**

Table 3-1 shows the District's water production over the period 2006-2015. The District's average production over that period was 4,104 AFY, with 1,697 AFY in the Central Marina service area and 2,407 AFY in the Ord Community service area.

Table 3-1: Water Production by Service Area (AF)²

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

The City of Seaside is served by three water providers: the City's municipal water system and California American Water serve the portion of the City outside the former Fort Ord, and Marina Coast Water District serves the portion within the former Fort Ord. Within the Ord Community, there are three land use jurisdictions within the City, each separately managing their water supply. Those jurisdictions are the U.S. Army (Presidio of Monterey Annex), California State University, Monterey Bay (CSUMB) and the City of Seaside. Water use within the City of Seaside portion of the Ord Community (excluding CSUMB and U.S. Army) is provided in Table 3-2.

² Source: 2015 UWMP, Table 4.1

Table 3-2: Water Use within the Seaside-Ord Community (AF)³

Use Category	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Notes
Single family	277.13	244.67	230.47	223.61	236.78	255.68	219.95	172.6	160.69	179.24	1
Multi-family	59.81	59.83	60.25	69.17	66.54	64.4	44.95	48.7	57.89	58.66	2
Commercial	26.2	33.87	65.87	29.58	27.88	16.92	16.64	23.93	22.65	20.75	3
Industrial	0	0	0	0	0	0	0	0	0	0	
Institutional/Governmental	71.81	68.13	83.2	62.66	64.81	72.38	25.99	40.55	39.1	22.87	4
Landscape	11.67	10.82	350.44	440.15	271.16	467.58	536.5	147.48	9.3	8.5	5
Agriculture	0	0	0	0	0	0	0	0	0	0	
Total	446.62	417.32	790.23	825.17	667.17	876.96	844.03	433.26	289.63	290.02	

Notes:

1. Includes Seaside Highlands and Bay View Mobile Home Park
2. Includes Sun Bay Apartments
3. Includes construction meters and all uses not listed elsewhere.
4. All schools (MPUSD, Chartwell, MCL, MCP)
5. Includes only Soper Field and Bayonet/Blackhorse Golf Course. Golf course use was only in years 2010-2015.

3.2 Future Demands

Table 3-3 shows projected water demands for the District through 2035. The projection is based on Table 3.5 of the 2015 UWMP, with two modifications. The original table included demand projections for the Monterey Downs Specific Plan Area, which was located in Seaside and unincorporated Monterey County. The developer for that project has since withdrawn their planning application, so that project was removed from the demand projection. The 2015 UWMP also assumed that Bayonet/Blackhorse Golf Course would connect to the recycled water project for irrigation supply, so that irrigation demand was included in the demand projection. The City has since decided that the golf course irrigation will remain on well water from the Seaside Groundwater Basin (outside of MCWD), so that irrigation demand was removed from this projection.

³ Source: MCWD Quarterly Water Consumption Reports

Table 3-3: Water Demand Projection by Service Area (AF)⁴

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

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

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

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

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

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

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

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

The demand projection for the City of Seaside includes the build-out of two projects, Seaside Resort and The Projects at Main Gate (original), and estimates for the remaining redevelopment parcels within the City. The California Central Coast Veterans Cemetery is located within the City, but the water allocation was provided by the U.S. Army, so it is included in the Army demand projection. Elements of the Main Gate Specific Plan as included in the in the UWMP are compared to the current plan in Table 3-4 (below). As can be seen, the proposed project significantly increases the projected total water demand within the specific plan area.

⁴ Source: Table 3.5 of the 2015 MCWD Urban Water Management Plan

Table 3-4: Main Gate Elements compared to Elements in the 2015 UWMP⁵

	2015 UWMP				2018 Specific Plan			
	Qty	Unit	Factor (afy/unit)	Demand (afy)	Qty	Unit	Factor (afy/unit)	Demand (afy)
SF Residential (8-15 du/ac)	-	DU	0.25	0.0	160	DU	0.25	40.0
MF Residential (>15 du/ac)	-	DU	0.25	0.0	200	DU	0.25	50.0
Student Apartments (>15 du/ac)	-	DU	0.25	0.0	250	DU	0.25	62.5
Retail	368,500	SF	0.00005	18.4	135,000	SF	0.00021	28.4
Restaurant	79,000	SF	Note 1	102.3	72,000	SF	0.00145	104.4
Conference Center	27,000	SF	0.0002	5.4				
Spa	24,000	SF	0.0003	7.2				
Hotel Rooms	250	RM	0.17	42.5	450	RM	0.17	76.5
Theater	51,500	SF	Note 2	11.2				
Parks/Landscaping	10.41	AC	2.5	26.0	3.5	AC	2.1	7.4
Gas Station					16.0	Pu	0.1051	1.7
TOTAL				213.0				370.8

Notes:

1. Demand based on 650 in-line food service seats at 0.038 AFY/seat plus 3879 restaurant seats at 0.02 AFY/seat
2. Theater based on 8000 seats at 0.0014 AFY/seat
3. Demand rates for retail and restaurant in the 2018 Plan reflect the standard factors used in the 2015 UWMP.

The demand estimate in Tables 2-2 and 3-4 use a larger demand factor for retail development than in the 2007 WSA. This is because the retail use in the current plan does not specify the type of use (dry goods and apparel vs. grocery or market), so an averaged demand rate is applied. The non-turf landscape demand factor of 2.1 AFY/acre is used in the current estimate, consistent with the land use plan. The higher demand factor used in 2007 is applicable to turf lawns and playing fields, which are not typical in high-density areas.

3.3 Dry-Year Demands

Section 10631 of the Water Code requires that water demands be estimated for an average water year, a single dry water year and multiple dry water years. As discussed in the District's 2015 Urban Water Management Plan, the MCWD service area has a cool summer-type Mediterranean climate, with rain occurring in October through May, and advection fog enveloping the coast in the summer in response to inland heating. Due to these cool summer conditions, the area does not experience the significant increases in summer irrigation demands common to areas further inland in the Salinas River Valley. Periods of below normal rainfall do not reduce the coastal fog, resulting in very minor demand fluctuations between average and dry years.

In the 2015 UWMP, the demand increase during a single-dry year or the first of multiple dry years was calculated to be 1%, based on the system demand increase from 2012 to 2013 (start of the recent drought). Due to mandatory water conservation measures, water demands declined in subsequent years, by 12% in the second dry year and 25% in the third dry year. The projected

⁵ Source: Table C-3, 2015 UWMP

demands during single dry years and multiple dry years are provided in Table 3-5, with the maximum demand being 374.5 AFY. This methodology may over-estimate the savings during mandatory conservation periods if all of the landscape irrigation uses recycled water. Recycled water systems are typically not subject to the same use restrictions as potable supplies.

Table 3-5: Dry Year Demand Projections

	Average Year	Single Dry Year	1st Dry Year	2nd Dry Year	3rd Dry Year
Factor		1.01	1.01	0.88	0.75
Projected Demand (AFY)	370.8	374.5	374.5	326.3	278.1

MCWD has sufficient supply and well capacity to meet all customer demands during peak (single dry year) conditions.

Section 4 - Water Supply

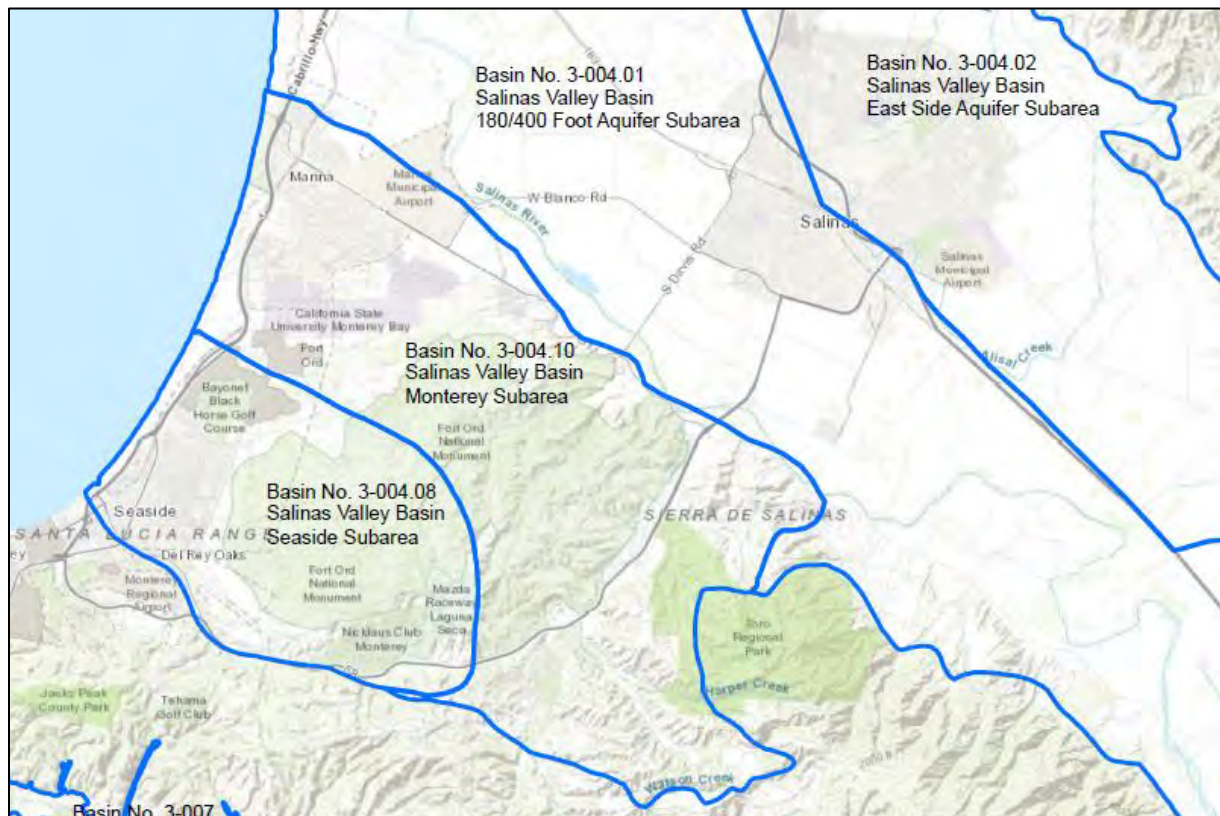
4.1 Current Water Supply

The District’s primary source of water supply is the Salinas Valley Groundwater Basin, and it also has a small desalination plant in the Central Marina Service Area. Under the Regional Urban Water Augmentation Project, the District is working to develop recycled water and a larger desalination plant to meet the projected demands of the Ord Community. None of the District’s current supply is purchased under wholesale contract.

4.1.1 Groundwater

The District supplies groundwater from the Salinas Valley Groundwater Basin. In 2016, the California Department of Water Resources (DWR) published an Interim Update to Bulletin 118, California’s Groundwater. Bulletin 118 defines groundwater basin and sub-basin boundaries used for planning and groundwater management. The update reflects changes submitted to and approved by DWR under the Sustainable Groundwater Management Act. Within northern Monterey County, the changes include redefining the boundaries of the Seaside and Corral De Tierra sub-areas to reflect the defined boundary of the adjudicated Seaside Groundwater Basin, and merge the remaining portion of the Seaside sub-area with the Corral de Tierra sub-area (remained the Monterey sub-area). The revised boundaries are shown in Figure 4.1.

Figure 4.1: Groundwater Basins



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

Under the “Agreement between the United States of America and the Monterey County Water Resources Agency concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency, Agreement No. A-06404”, dated September 21, 1993, the District (successor to the United States) may withdraw up to 6,600 acre-feet per year from the Salinas Valley Groundwater Basin for use in the District’s Ord Community service area. Under the “Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands” dated March 1996, by and between the MCWRA, the Marina Coast Water District, J.G. Armstrong Family Members, RMC Lonestar, and the City of Marina, the District may withdraw up to 3,020 AFY from the Salinas Valley Groundwater Basin for use in the District’s Central Marina service area. Under that agreement, additional groundwater supply will be made available to the District for use within the Armstrong Ranch and the RMC Lonestar properties north of Marina, if and when the City annexes and develops those areas.

There are three defined aquifers within the Marina Coast Water District service area, the 180-foot, the 400-foot and the 900-foot or Deep Aquifer. The District operates eight wells, with three in Central Marina and five in the Ord Community. The service areas are interconnected for reliability, with meters at the points of connection to facilitate managing the two well-fields to ensure each service area remains within its authorized withdrawal limit. Table 4-1 summarizes the existing pumping capacity of the District wells. As can be seen, the District has sufficient well capacity to meet the maximum day demands with the largest well out-of-service.

Table 4-1: Existing Pumping Capacity

Location	Well #	Aquifer	Estimated Capacity	
			(AFY)	(GPM)
Marina	10	Deep	2,670	1,654
	11	Deep	3,561	2,206
	12	Deep	3,264	2,022
Ord	29	400 foot	2,885	1,787
	30	400 foot	3,624	2,245
	31	400 foot	3,625	2,246
	34	Deep	3,326	2,000
	35	400 foot	3,326	2,000

4.1.2 Desalinated Water

The District has a desalination plant located near Marina State Beach, which can contribute up to 300 AFY of potable water supply to the Central Marina service area. The plant was constructed in 1997 as a pilot project but is not currently in use. Under a 2006 agreement among the District, Cypress Marina Heights, L.P., Marina Community Partners, L.L.C., and Cypress Knolls, L.L.C., the yield of this plant is dedicated to meeting the needs of the three developments in the Marina portion of the Ord Community service area. The developers may opt to terminate the agreement once new supply available to the Ord Community from the Regional Urban Water Augmentation Project, at which time that supply would revert to Central Marina.

4.2 Future Water Supply

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

4.2.1 Recycled Water

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

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

4.2.2 Desalinated Water

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

4.2.3 Conservation

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

The State of California has established a goal of reducing per person water use by 20% by the year 2020, compared to the 2008 baseline demands. Toward that end, the California Building Code was updated in 2010, with the goal of reducing indoor water use to 55 gallons per person per day. In the 2010 UWMP, the District identified a year 2020 conservation target of 117 gallons per person per day (system-wide potable average). It is anticipated that the Main Gate Specific Plan area will meet that goal, based upon the new indoor plumbing fixture codes and the planned use of recycled water to meet non-potable demands. The Specific Plan Area could potentially use 58.8 AFY of recycled water, which is 16% of the projected overall water demand.

4.3 Regulatory Permits Necessary for Supply Delivery

The Marina Coast Water District is a public water system, permitted by the State Water Resources Control Board, Division of Drinking Water, System No. 2710017. The recycled water distribution system is permitted as System No. 2790009. Permits required for the construction and operation of new facilities are obtained on a project-by-project basis.

Section 5 - Supply Sufficiency Analysis

5.1 Comparison of Project Demands to Projected Supply

Within the Ord Community, the 6,600 AFY of existing Salinas Valley groundwater supply has been allocated among the land use jurisdictions by the Fort Ord Reuse Authority (FORA), as shown in Table 5-1, below. The municipal jurisdictions (Cities and Monterey County) formally sub-allocate this supply to developments. Until additional water supplies are developed and allocated within the Ord Community, MCWD will only allow new service connections up to the usage totals allocated by the respective jurisdictions. FORA has also formally allocated the recycled water supply from the Phase 1 Recycled Water Project. Those allocations are included in Table 5-1.

Table 5-1: FORA Allocations in the Ord Community

Land Use Jurisdiction	Existing Groundwater Allocation (AFY)	Future Recycled Allocation (AFY)
City of Del Rey Oaks	243	280
City of Marina (Ord)	1,325	345
City of Monterey	65	0
City of Seaside	1,012	453
County of Monterey	710	134
Marina Sphere (existing use)	10	0
CA State Parks and Rec.	45	0
CSU Monterey Bay	1,035	87
Univ. of California MBEST	230	60
U.S. Army	1,577	0
Assumed Line Loss	348	68
Total – Ord Community	6,600	1,427

The City of Seaside has sub-allocated portions of their existing groundwater allocation, as detailed in Table 5-2, including 149.0 AFY to the Main Gate Specific Plan Area. The remaining unallocated supply totals 186.3 AFY, which is sufficient to meet the remaining 163.0 AFY of potable supply required for the specific plan area, assuming that 58.8 AFY of recycled water supply is also provided for non-potable use. The Project may be phased, and the first phase supplied up to the amount currently allocated by the City. The city is currently considering other development projects which require water supply allocations as well. A Water Supply Assessment was recently prepared for the Campus Town Specific Plan, with an estimated total demand of 487.4 AFY. The City has not yet allocated any water supply to that project, and the City does not have sufficient existing water supply to support both specific plans.

The Project is projected to use up to 58.8 AFY of recycled water. The City of Seaside has an allocation of 453 AFY from the Phase 1 Recycled Water Project, which will be available in

2019. Once the recycled water distribution system is operational, potable water use that is replaced with recycled water may be reallocated to new projects. Recycled water is planned for use at MPUSD schools for landscapes and play fields (30 to 40 AFY) and within Seaside Highlands for parks and common area landscapes (43.1 AFY).

Table 5-2: City of Seaside Sub-Allocations

Land Use Jurisdiction	Existing Groundwater Allocation (AFY)
City of Seaside	
SunBay Apartments	120.0
Brostram Park (Bay View MHP)	84.8
Seaside Highlands	168.5
Seaside Resort	161.4
MPUSD	81.0
Monterey College of Law	2.6
Monterey Peninsula College	9.0
Chartwell School	6.4
Main Gate "Retail Lifestyle Mall"	149.0
American Youth Hostile	5.5
State Parks transfer for AYH	-5.5
Seaside Senior Living	40.0
Other Existing Use	3.0
City of Seaside Total	825.7
FORA Allocation	1012.0
City of Seaside Unallocated	186.3

5.2 Plans for Acquiring Additional Water Supplies

Under the provisions of Section 10911 of the California Water Code, if the water supplier concludes that water supplies will be insufficient for the proposed project, the water supplier shall provide its plans for acquiring additional water supplies. The Marina Coast Water District is currently pursuing two water supply projects, the Recycled Water Project and the Desalination Project, which are intended to allow the District to develop 2,400 AFY of new supply to meet the projected Ord Community demand. Detailed descriptions of these projects are provided in Appendices B and C.

5.3 Reliability of Water Supply

The Salinas Valley Groundwater Basin has a large storage volume, and is recharged by the Salinas River, which is augmented by upstream reservoirs managed by MCWRA. Consequently, the aquifer does not experience wide level variations due to climatic conditions. Water levels vary by 20 to 30 feet seasonally, and decline an additional 10 to 20 feet during drought periods. The District's demands accounted for less than one percent of the total groundwater pumped from the Salinas groundwater basin in 2015, the latest year reported. Therefore, the District's

supply is considered reliable on a quantity basis. The upper aquifers in the Salinas Valley Groundwater Basin (180-foot aquifer and 400-foot aquifer) along the coast are experiencing high salinity due to seawater intrusion. The District's wells in Central Marina are in the Deep Aquifer, which has not experienced signs of seawater intrusion and is considered to have reliable quality. In the Ord Community, the District has one well in the deep aquifer and four wells in the upper aquifers, but outside the area currently affected by seawater intrusion. The District is closely monitoring the quality in these wells.

The planned additional sources of supply are recycled wastewater and seawater desalination. The source of supply for recycled water is wastewater return flows, which originate from indoor water use. Indoor water use is not subject to the same levels of curtailment during drought periods as outdoor water use, so the source of recycled water supply is considered drought-proof. The SVRP treatment plant operated by the MRWPCA has reliably produced recycled water meeting the requirements of Title 22 for over a decade. Similarly, seawater desalination is considered a reliable source of supply. Reverse osmosis technology is a proven method of desalinating seawater and brackish groundwater.

5.4 Effect on Agricultural and Industrial Users Reliant on the Same Source

There are no agricultural water users within the MCWD service area, nor are there industrial users with privately-owned wells. Agricultural users in the Salinas Valley rely on the same basin-wide supply from the Salinas Valley Groundwater Basin, accounting for 92.9% of the groundwater pumping in 2015. In the local area, 12,000 acres of irrigated agriculture are supplied with recycled water from the Castroville Seawater Intrusion Project. These uses are taken into account in the basin planning of the MCWRA and SVBGSA as part of developing a water balance for the Basin. Additional demands in the Central Marina and Ord Community area are not expected to affect the agricultural users, provided that the District groundwater pumping to meet new demands remains consistent with the MCWRA agreements.

Section 6 - Conclusions

6.1 Sufficiency of Water Supply for the Project

The City of Seaside will have sufficient existing water supply to achieve the complete build-out of the planned Main Gate Specific Plan Area once the recycled water system (currently under construction) is completed in 2019. If the project is phased, the initial phase could proceed using the existing 149 AFY Salinas Valley Groundwater allocation. However, the City has multiple projects under consideration and insufficient supply to approve them all, so they must determine how to prioritize and phase them.

6.2 Future Actions

Section 10911(b) of the Water Code states “The City or County shall include the water assessment provided pursuant to Section 10910, in any environmental document prepared for the Project pursuant to [CEQA].” The City of Seaside will need to adopt this WSA as part of the CEQA environmental review for the proposed Project, including the findings described above.

The City of Seaside may take certain additional actions to guarantee the availability of the water supplies for the Main Gate Specific Plan and other projects under consideration:

- To offset urban irrigation demands within the Seaside portion of the Ord Community with recycled water and then apply the existing potable supply towards the Main Gate and/or Campus Town Specific Plan areas, the project EIR should clearly describe that intent and the resulting allocation of potable and recycled water supply. The Seaside Highlands development was constructed with recycled water mains to supply the landscape irrigation systems. This system is currently fed with potable water, but recycled water will be available within the next few years. Providing recycled water for irrigation of that project would make up to 43.1 AFY⁶ of potable supply available for reallocation from Seaside Highlands. An additional 10 AFY may be made available by converting the City’s Soper Field sports complex (adjacent to Seaside Highlands) to recycled water.
- The City may require dual-plumbing of buildings to use recycled water for sanitary fixture flushing (toilets and urinals), which will offset potable water demand with recycled water.
- The City may determine that certain sub-allocation areas are fully developed, and reallocate the unused portion of existing allocations to a new project. In doing this, the

⁶ The City of Seaside water allocation to the Seaside Highlands project states that 43.1 AFY of irrigation demand will be converted to recycled water when it becomes available.

City should use the maximum water use from the last 10 years as the basis of comparison.

- The City may enter into an agreement with another land-use jurisdiction in the Ord Community to allocate currently unused water supply to a portion of this Project.

Appendix A: Recycled Water Project Details

In 2004-2005, the District prepared engineering studies for the Regional Urban Water Augmentation Project (RUWAP). This project was intended to develop 2,400 AFY of additional water supply for the Ord Community, to meet projected demands identified in the Fort Ord Base Reuse Plan. The RUWAP has two components, urban use of recycled water and a desalination facility. The final capacity of the two components may be adjusted during final design, but the total amount of new supply will be 2,400 AFY.

In 2012, the Monterey One Water (M1W, formerly the Monterey Regional Water Pollution Control Agency) and the Monterey Peninsula Water Management District began planning the Pure Water Monterey Groundwater Replenishment Project, which includes the advanced treatment of recycled water for indirect potable reuse. On April 8, 2016, MCWD and M1W entered into an agreement which would provide up to 1,427 AFY of advanced treated water for urban landscape irrigation instead of the tertiary treated recycled water planned under the RUWAP. The Pure Water Monterey Project required a pipeline running parallel to MCWD's planned RUWAP pipeline, so the agencies agreed to share a single pipeline, realizing a cost savings to each project.

1. Source of Supply: Tertiary treated wastewater available at the MRWPCA Regional Wastewater Treatment Plant in North Marina. Under the annexation agreement between MCWD and MRWPCA, the District has the right to purchase recycled water, subject to annual and seasonal limits. The Advanced Water Purification Facility (AWPF) is currently being constructed, with a design capacity of 5.0 mgd. The plant will produce advanced-treated recycled water meeting the Title 22 standards for indirect potable reuse (injection into a groundwater aquifer and recovery at other wells).
2. Expected Supply Capability: The Phase 1 project will have an initial yield of 4,100 AFY, of which 600 AFY would be available to MCWD. The remaining 3,500 AFY would be conveyed to an injection wellfield in the Ord Community and stored in the Seaside Groundwater Basin. Future Phases of the project will increase MCWD's yield to 1,427 AFY.
3. Project Facilities:
 - Advanced water purification facility and pump station, located within the M1W plant in North Marina
 - Product water transmission and distribution pipelines within Marina and the Ord Community

- Recycled water storage tank within the Ord Community

4. Historical Record:

- MCWD operated a recycled water system from 1996 to 1998. Thereafter the Marina Wastewater Treatment Plant was retired and the local sanitary sewer system was connected to the Regional wastewater collection system.
- MCWD prepared engineering studies for the Regional Urban Water Augmentation Project (RUWAP), which included a recycled water component. The District approved the CEQA EIR for the RUWAP in 2005, and amended the findings in 2006 and 2007 as detailed planning progressed.
- In 2004, MCWD published standards for recycled water infrastructure and began requiring the construction of recycled water pipelines in new subdivisions.
- MCWD constructed 3.5 miles of recycled water pipelines within the Ord Community during on-going road construction projects, in cooperation with the Fort Ord Reuse Authority and California State University Monterey Bay.
- MCWD is currently constructing the shared product water transmission main and storage reservoir. The transmission main connects the AWP in north Marina to the injection wellfield in Seaside.
- M1W is currently constructing the Pure Water Monterey AWP and the injection wellfield.
- MCWD is currently completing design of the recycled water distribution system, which connects customers to the transmission system.
- MCWD obtained a pipeline easement for the recycled water main across the Armstrong Ranch in 2007. MCWD obtained a pipeline easement from the City of Seaside for the recycled water main from Normandy Ave to the water tank site in 2010. The District obtained ownership of the recycled water tank site in 2010 (previously held as an exclusive easement). MCWD finalized the recycled water main easements with the Presidio of Monterey in 2012. MCWD finalized the recycled water main easements with CSUMB in 2018.

5. Written Contracts and Agreements:

- In the annexation agreement between MCWD and MRWPCA, MCWD retained the right to obtain recycled water in an amount not to exceed the volume of wastewater flows originating from the District.
- MCWD entered into an agreement with the Fort Ord Reuse Authority in 2005 to develop the RUWAP water supplies.
- MCWD executed two memoranda of understanding with MRWPCA and MCWRA (one in 2009 and one in 2010) to work cooperatively towards the RUWAP, and to specify quantities, (seasonal) availability, and roles and responsibilities.
- MCWD entered into the Pure Water Delivery and Supply Project Agreement with M1W in 2016 to participate in the Pure Water Monterey Project and receive advanced

treated water instead of tertiary treated and disinfected recycled water for the RUWAP.

- In agreements with developers of new subdivisions for the construction of water infrastructure, the District requires the installation of recycled water pipelines for the irrigation of public and commercial landscapes.
6. Estimated Costs and Financing: The Pure Water Monterey Project overall cost is estimated at approximately \$70 million. This includes both the MCWD and M1W Facilities. Both agencies have received State Revolving Fund Loans to cover a majority of the construction costs. The Fort Ord Reuse Authority has budgeted \$37 million for the Regional Urban Water Augmentation Project. A portion of that funding will be applied to this project.
7. Timeframes: The District began constructing recycled water pipelines in conjunction with road construction projects by other jurisdictions (Fort Ord Reuse Authority and CSU Monterey Bay) and private developers beginning in 2004. Construction of the transmission main and water tank is on-going, and projected to be complete by November 2018. Construction of the AWP and injection wellfield is on-going and projected to be complete by early 2019.
8. Federal, State and Local Permits for Construction:
- The project is subject to the California Environmental Quality Act (CEQA) and also the National Environmental Policy Act (NEPA) because the SVRP facility is partially funded by the U.S. Department of the Interior, Bureau of Reclamation. The CEQA EIR for the RUWAP Phase 1 Project with supporting NEPA studies has been completed. CEQA actions for a future RUWAP Phase 2 expansion have not been initiated.
 - The CEQA EIR for the Pure Water Monterey Project with supporting NEPA studies has been completed.
 - The project pump stations and pipelines are outside the Coastal Zone and therefore a Coastal Commission Permit is not required.
 - Encroachment permits and easements for pipeline construction have been coordinated with the City of Marina, the City of Seaside, CSU Monterey Bay, Monterey Peninsula Unified School District and the Presidio of Monterey (Ord Military Community).
 - A Monterey County Conditional Use Permit was obtained for the pipeline crossing agricultural land (Armstrong Ranch).
 - M1W has obtained a Water System Permit with the California State Water Resources Control Board, Division of Drinking Water for the advanced treated water system.
 - The District's Water System Permit with the California State Water Resources Control Board, Division of Drinking Water will need to be updated to include the recycled water distribution system before the system can be placed into operation.

The Title 22 Engineering Report for that addition has been submitted and a recycled water system number has been assigned.

Appendix B: Desalination Project Details

In 2004-2005, the District prepared engineering studies for the Regional Urban Water Augmentation Project (RUWAP). This project was intended to develop 2,400 AFY of additional water supply for the Ord Community, to meet projected demands identified in the Fort Ord Base Reuse Plan. The RUWAP has two components, urban use of recycled water and a desalination facility. The final capacity of the two components may be adjusted during final design, but the total amount of new supply will be 2,400 AFY.

The Desalination Project was originally studied as a stand-alone facility, located at the former Fort Ord Wastewater Treatment Plant. In 2008, the District began working cooperatively with California American Water, which was planning a larger desalination facility to serve their Monterey Service Area (adjacent to the Ord Community). The two agencies jointly planned a Regional Desalination Facility to be located in North Marina adjacent to the MRWPCA Regional Wastewater Treatment Plant. This location facilitated the use of the existing wastewater outfall pipeline for brine disposal from the desalination plant. In 2011, the agreement between MCWD, American Water and Monterey County Water Resources Agency was terminated. MCWD is now pursuing a smaller desalination facility, as sized in the RUWAP EIR, located on the North Marina site.

The following details are provided as required per Water Code §10911.

1. Source of Supply: Seawater-intruded groundwater in the 180-foot aquifer of the Salinas Valley Groundwater Basin, Pressure Sub-Area. Source wells will capture seawater within the aquifer which is currently migrating inland.
2. Expected Supply Capability: 1,500 AFY (average annual yield). Of this total, 1,200 AFY would be for the Ord Community, and 300 AFY would replace the capacity of the District's existing pilot desalination plant, which would then be retired.
3. Project Facilities:
 - Source wells in the intruded portion of the 180-ft aquifer
 - A reverse-osmosis desalination plant located in North Marina,
 - Product water pipeline from the plant to the MCWD service area,
 - Brine disposal pipeline from the plant to the Monterey One Water effluent disposal pipeline (deep ocean outfall)
 - Water storage tanks within the MCWD service area
4. Historical Record:

- MCWD constructed a pilot desalination plant in Marina in 1996.
 - MCWD prepared engineering studies for the Regional Urban Water Augmentation Project (RUWAP), which included a seawater desalination component.
 - The District approved the CEQA EIR for the RUWAP in 2005, and amended the findings in 2006 and 2007 as detailed planning progressed.
 - CAWC prepared engineering studies for the Coastal Water Project (CWP) in 2005-2008, which included a seawater desalination facility, and submitted a CEQA EIR to the California Public Utilities Commission in 2009.
 - MCWD and CAWC worked cooperatively to develop a regional desalination facility as an alternative to two separate facilities, as reflected in the CWP EIR.
 - The CPUC approved the CWP EIR in 2010.
 - The Water Purchase Agreement was terminated by CAWC in September 2011.
 - MCWD issued an RFQ for Design-Build Services for the Desalination Project in September 2012, but did not award a contract. The project was placed on hold to focus on the recycled water project
5. Written Contracts and Agreements:
- MCWD entered into an agreement with the Fort Ord Reuse Authority in 2005 to develop the RUWAP water supplies.
 - MCWD entered into an option agreement with the Armstrong Family Trust in 1998 to purchase land for a future water facility. The District executed that option in 2010 for the Regional Desalination Facility site.
 - MCWD entered into an agreement with MRWPCA in 2009 for shared use of the effluent disposal pipeline.
 - MCWD, CAWC and MCWRA entered in the Water Purchase Agreement in 2010. This agreement established project responsibilities between the three agencies. This agreement was terminated by CAWC in September 2011.
6. Estimated Costs and Financing: The Regional Desalination Project is estimated to cost approximately \$80 million. The District will pursue State and Federal grants for portions of the project cost. The Fort Ord Reuse Authority has budgeted \$37 million for the Regional Urban Water Augmentation Project. A portion of that funding will be applied to this project.
7. Timeframe: Preliminary studies are complete. Assuming a traditional design-bid-build delivery model, it would take from 4 to 6 years to complete design, permitting and construction.
8. Federal, State and Local Permits for Construction:
- The project is subject to the California Environmental Quality Act (CEQA) and also the National Environmental Policy Act (NEPA) because the facility may be partially funded by the U.S. Department of the Interior, Bureau of Reclamation. CEQA EIRs

- with supporting NEPA studies for the RUWAP Desalination Project and for the Regional Desalination Project have been completed. The RUWAP EIR must be amended to reflect the new MCWD facility location and brine disposal method.
- A Coastal Development Permit from the California Coastal Commission may be required for some project facilities if brackish water source wells are located in the Coastal Zone.
 - Encroachment permits for pipelines will be required from Monterey County, City of Marina, and possibly CALTRANS.
 - MCWD must amend their Water System Permit with the California Department of Public Health to add the desalination facility as a new source of supply before the system can be placed into operation.
 - A Regional Water Quality Control Board discharge permit (NPDES) for the desalination plant will be required.
 - A Monterey County Building Permit will be required for the desalination plant
 - A permit from the Monterey Bay Unified Air Pollution Control District will be required for the desalination facility
 - Monterey County Environmental Health must approve permits for (1) construction of the groundwater wells, and (2) construction of the desalination facility

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**WATER SUPPLY ASSESSMENT AND WRITTEN
VERIFICATION OF SUPPLY
FOR THE
AMENDED MAIN GATE SPECIFIC PLAN**

Prepared by
MARINA COAST WATER DISTRICT



and

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

November 2018

With Errata dated December 10, 2018

**WATER SUPPLY ASSESSMENT AND
WRITTEN VERIFICATION OF SUPPLY
FOR THE
AMENDED MAIN GATE SPECIFIC PLAN**

**Prepared by
MARINA COAST WATER DISTRICT**



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Table i. Acronyms Used in this Report

Acronym	Description
AFY, ac-ft/yr	Acre-feet/year
ccf, hcf	Hundred cubic feet
gpd	Gallons per day
gpcd	Gallons per capita day, or gallons per person per day
mgd	Million gallons per day
sq-ft	Square feet
BMP	Best management practice
CAW, CalAm	California American Water Company
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CSUMB	California State University – Monterey Bay
CWC	California Water Code
DDW	SWRCB Division of Drinking Water
DMM	Demand management measure
DWR	California Department of Water Resources
FORA	Fort Ord Reuse Authority
LAFCO	Local Agency Formation Commission
M1W	Monterey One Water (formerly MRWPCA)
MCWD, District	Marina Coast Water District
MCWRA	Monterey County Water Resources Agency
MPWMD	Monterey Peninsula Water Management District
OMC	Ord Military Community
POM	Presidio of Monterey
PWM	Pure Water Monterey Project
SB	California Senate Bill
SGMA	Sustainable Groundwater Management Act
SRDP	Salinas River Diversion Project
SVBGSA	Salinas Valley Basin Groundwater Sustainability Agency
SVWP	Salinas Valley Water Project
SVGB	Salinas Valley Groundwater Basin
SWRCB	State Water Resources Control Board
UCMBEST	University of California Monterey Bay Education, Science and Technology Center
UWMP	Urban Water Management Plan
WSA	Water Supply Assessment
WVS	Written Verification of Supply

Table ii. Units of Measure Used in this Report

Unit	Equals
1 acre-foot	= 43,560 cubic feet = 325,851 gallons
1 cubic foot	= 7.48 gallons
1 CCF	= 100 cubic feet = 748 gallons
1 MGD	= 1,000,000 gallons/day = 1,120 acre-feet/year (AFY)

Summary of Water Supply Assessment

Project: Main Gate Specific Plan, Seaside, California

The Main Gate Specific Plan was adopted by the City of Seaside in 2010. The estimated water demand for the Project was 213 AFY. The Project has not yet been constructed. The City is currently amending the adopted specific plan, and has requested that the water supply assessment be updated to reflect the revised project description.

Pursuant to Section 10910 of the California Water Code (CWC), and based on the analysis detailed in this report and the representations by the Project's proponents, the Marina Coast Water District (the District) has determined that its currently projected water supplies will be sufficient to meet the projected annual water demands of existing and previously approved uses and the implementation of the Main Gate Specific Plan during normal, single-dry, and multiple-dry years. The Project will add approximately 250.4 acre-feet per year (AFY) of new demand within the City of Seaside portion of the District's Ord Community Service Area, which is an increase of 37.4 AFY over the original Project. The City has an existing allocation of Salinas Valley Groundwater of 1,012.5 AFY, and has previously sub-allocated 831.2 AFY to projects, including 149.0 AFY for an initial phase of Main Gate Project, leaving 181.3 AFY available. The City also has the ability to purchase recycled water from the Regional Urban Water Augmentation Project, which is currently under construction. The City may sub-allocate an additional 101.4 AFY of groundwater supply to meet the amended project demand, or it may allocate up to 38.4 AFY of recycled water for non-potable landscape irrigation, and the remaining 63.1 AFY as potable groundwater. The City may also require the use of recycled water for toilet flushing, converting up to 14.6 AFY of indoor demand from potable to recycled water. The District can supply potable water immediately, and will be able to supply recycled water when the system construction is completed in 2019.

The City has multiple projects under consideration, and does not have sufficient potable and recycled water supply to fully develop all of them. Developments will need to be prioritized or phased so as not to exceed the allocated potable and recycled water supply. The District has two planned water supply projects it intends to implement under the Regional Urban Water Augmentation Project, which is intended to develop 2,400 AFY of new supply for the Ord Community. The Recycled Water Project will deliver up to 1,427 AFY for non-potable use. The initial phase of the Recycled Water Project is under construction, and will supply water starting in 2019. The Desalination Project will provide up to 1,200 AFY of potable supply to the Ord Community. As these projects come on-line, the Fort Ord Reuse Authority or its successor agency will allocate the supply among the Land Use Jurisdictions in the Ord Community.

Section 1 - Introduction

1.1 Project Overview

The City of Seaside in Monterey County, California, acting as the lead agency, is preparing an addendum to the Main Gate Specific Plan for a 49-acre project area located within the City of Seaside. The Main Gate Specific Plan was prepared in 2007-2008, and adopted by the City in 2010. The Project is located on the former Fort Ord. Potable water supply for the former Fort Ord is provided by the Marina Coast Water District. Further description of the Project is given in Section 2.0.

The Water Supply Assessment and Written Verification of Supply for the City of Seaside Main Gate Specific Plan was prepared by Byron Buck and Associates in 2007, and it tiered off the analysis in the Marina Coast Water District 2005 Urban Water Management Plan, also prepared by Byron Buck. This updated analysis builds off of the District's 2015 Urban Water Management Plan (UWMP), which was prepared by Schaaf & Wheeler.

1.2 Purpose of Water Supply Assessment

The California Water Code (§10910 et. seq.), based on Senate Bill 610 of 2001 (SB 610), requires a project proponent to assess the reliability of a project's water supply as part of the California Environmental Quality Act (CEQA) process. Under the California Government Code (§66473.7), based on Senate Bill 221 of 2001, proposed subdivisions adding 500 dwelling units are also required to receive written verification of the available water supply from the project's water supplier. This project includes the addition of up to 620 dwelling units, so both a water supply assessment and a written verification of supply are required.

This report is meant to serve as the Water Supply Assessment (WSA) and Written Verification of Supply (WVS) for the Project to meet the California Water and Government Code requirements. This WSA documents the District's existing and future water supplies for the Project area and compares them to the District's total projected water demands for the next twenty (20) years.

The SB 610 process requires the following several steps to identify the need and scope of a project's WSA:

1. Determine whether the project is subject to CEQA.
2. Determine whether the project meets the definition of a "project" per SB 610.
3. Determine the public water agency that will serve the project.
4. Determine whether any current Urban Water Management Plan considers the projected water demand for the project area.

5. Determine whether groundwater is used by the public water agency to serve the project area.

1.3 Project Subject to CEQA

CEQA applies to projects for which a public agency is directly responsible, funds, and/or requires the issuance of a permit. The City of Seaside determined that the Project is subject to the requirements of CEQA. An addendum to the adopted Environmental Impact Report (EIR) is currently being prepared.

1.4 Project Requiring a Water Supply Assessment

CWC §10912(a) defines a Project for WSA purposes as including any of the following¹:

- a proposed residential development of more than 500 dwelling units;
- a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- a mixed-use project that includes one or more of the projects identified in this list;
- a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

The Main Gate Specific Plan proposes the addition of up to 620 dwelling units, 280 hotel rooms and 108,000 square feet of commercial space, so a water supply assessment is required.

1.5 Requirements of a Written Verification of Supply

Government Code §66473.7(b)(1) requires:

The legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, shall include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available. Proof of the availability of a sufficient water supply shall be requested by the subdivision applicant or local agency, at the discretion of the local agency, and shall be based on written verification from the applicable public water system within 90 days of a request.

The public water system must determine if there is sufficient water supply for the subdivision, as defined in Government Code §66473.7(a)(2): “Sufficient water supply” means the total water supplies available during normal, single-dry, and multiple dry years within a 20- year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses.

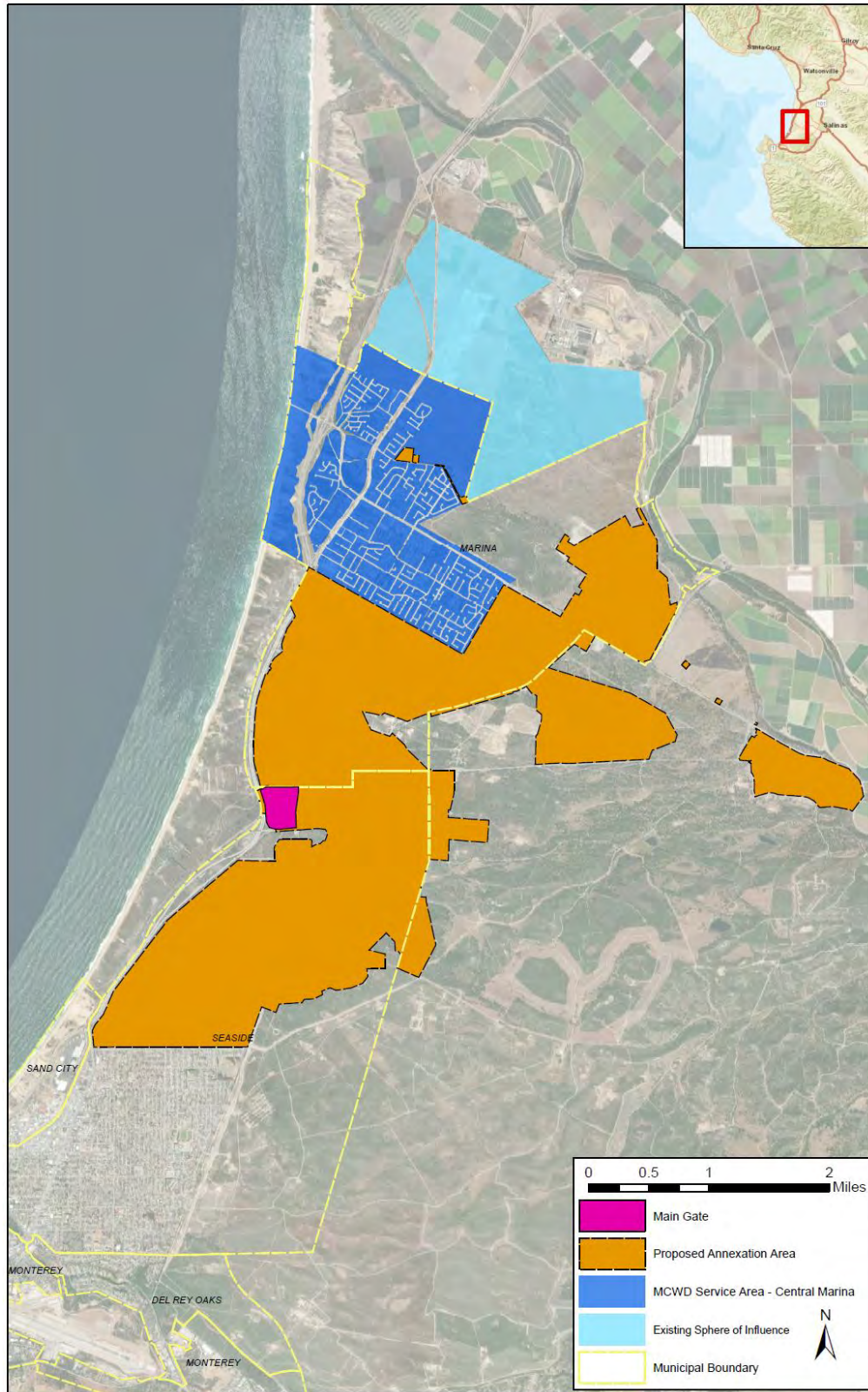
¹ There are additional uses that may qualify as a “project” under the CWC, but included here are the applicable categories.

1.6 Public Water Agency Serving the Project

The Marina Coast Water District, a county water district, serves the City of Marina and the former Fort Ord, which includes portions of the City of Marina, City of Seaside, City of Del Rey Oaks, City of Monterey and unincorporated Monterey County. The District has two service areas, Central Marina and the Ord Community. The Project is located in the Seaside portion of the MCWD Ord Community Service Area (see Figure 1.1).

MCWD provides water and wastewater service to the Ord Community as outlined in the Water/Wastewater Facilities Agreement between the Fort Ord Reuse Authority (FORA) and MCWD (1998) and as further described in the Assignment of Easements on Former Fort Ord and Ord Military Community, County of Monterey, and Quitclaim Deed for Water and Wastewater Systems, between FORA and MCWD, dated October 24, 2001. MCWD recently submitted an application to the Local Agency Formation Commission of Monterey County (LAFCO) to formally annex the served and entitled portions of the Ord Community service area into the District's jurisdictional boundaries. The area proposed to be annexed includes the Main Gate Specific Plan area.

Figure 1.1: Marina Coast Water District Service Areas



*Proposed Annexation Area is the current Ord Community Service Area

1.7 Relationship of WSA to MCWD Urban Water Management Plan

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

As provided for in the State law, this WSA incorporates by reference and relies upon many of the planning assumptions and projections of the 2015 UWMP in assessing the water demands of the proposed Project relative to the overall increase in water demands expected within the entire District service area. The 2015 UWMP projected a significant increase in water demand within the Ord Community due to the planned redevelopment of the former Fort Ord, as documented in the Fort Ord Base Reuse Plan, the General Plans of the various land use jurisdictions, and the approved specific plans within the Ord Community. The 2015 UWMP found that the projected Ord Community water demand of 8,293 AFY in year 2035 exceeded the 6,600 AFY supply available under the 1993 USA-MCWRA Zone 2/2A Annexation Agreement. Additionally, because the current water supply within the Ord Community has been allocated among the land use jurisdictions, some jurisdictions maintain a projected surplus, while others have projected shortages. The District is pursuing two water supply projects to address the projected shortfall. First, an urban recycled water system is being constructed, which will provide an initial 600 AFY for landscape irrigation, and ultimately provide up to 1,427 AFY of non-potable supply. Second, a seawater desalination project is proposed to provide up to 1,500 AFY of potable water supply. The District is currently considering alternative groundwater replenishment projects which, if feasible, may replace the desalination portion of the RUWAP.

Projected development within the City of Seaside was accounted for in the 2015 UWMP, spread across entitled areas, approved specific plan areas and remaining areas. The UWMP included the retail and hospitality uses from the 2010 Main Gate Specific Plan, projected to be constructed between the year 2020 and 2025. The projected demand for the site in the 2015 UWMP is 213 AFY.

Section 2 - Project Description and Water Demands

2.1 Project Description

The Main Gate Specific Plan for the City of Seaside, California, describes the planned development of approximately 49-acres within the former Fort Ord. The land is currently undeveloped, bounded by Highway 1 on the west, 2nd Avenue on the east, 1st Street on the north and Light Fighter Drive on the south.

The original specific plan included a mix of retail, entertainment and visitor-serving uses. Two options for the retail center were included, one centered on an anchor department store and one centered on a multiplex theater. A significant portion of the site is dedicated to parking space. A site plan showing the department store option is at Figure 2.1.

The revised project reduces the retail component, increases the number of hotel rooms and adds a mix of single-family, multi-family and student residential use. The development density is significantly increased. A site plan showing the proposed revision is at Figure 2.2. Table 2-1, below, presents the usage quantities of the two options in the original specific plan and the proposed revision.

Table 2-1: Land Use Comparison

Use Type	Unit	Original Plan, Version 1	Original Plan, Version 2	Proposed Revised Plan
Retail	SF	368,500	368,500	95,000
Restaurant	SF	79,000	79,000	13,000
Department Store	SF	120,000		
Theater	SF		51,500	
Hotel	Rm	250	250	280
Spa	SF	24,000	24,000	
Conference Facility	SF	27,000	27,000	
Landscape	AC	10.41	10.41	
Single Family Residential	DU			140
Multi-Family Residential	DU			150
Student Apartment	DU			330
Gas Station	Pump			16

Figure 2.1: 2007 Main Gate Site Plan



STATISTICS

LARGE FORMAT - SPORTING GOODS	25,000 GSF
BOOKSTORE	35,000 GSF
HOUSEWARES	35,000 GSF
INLINE SHOPS	291,000 GSF
DEPARTMENT STORE	120,000 GSF
RESTAURANTS (EXCLUDES HOTEL)	61,000 GSF
TOTAL RETAIL	567,000 GSF
RETAIL PARKING	2,716 SPACES (4.8 SPACE/1,000 SF)
HOTEL (230 ROOMS - 9 STORIES)	225,000 GSF
SPA	25,000 GSF
HOTEL / SPA PARKING	300 SPACES (1 SPACE / ROOM + SPA)
TOTAL PARKING SPACES	3,016 SPACES

THE STRAND, SEASIDE

CLARK / GENERAL

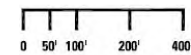
Overall Site Plan

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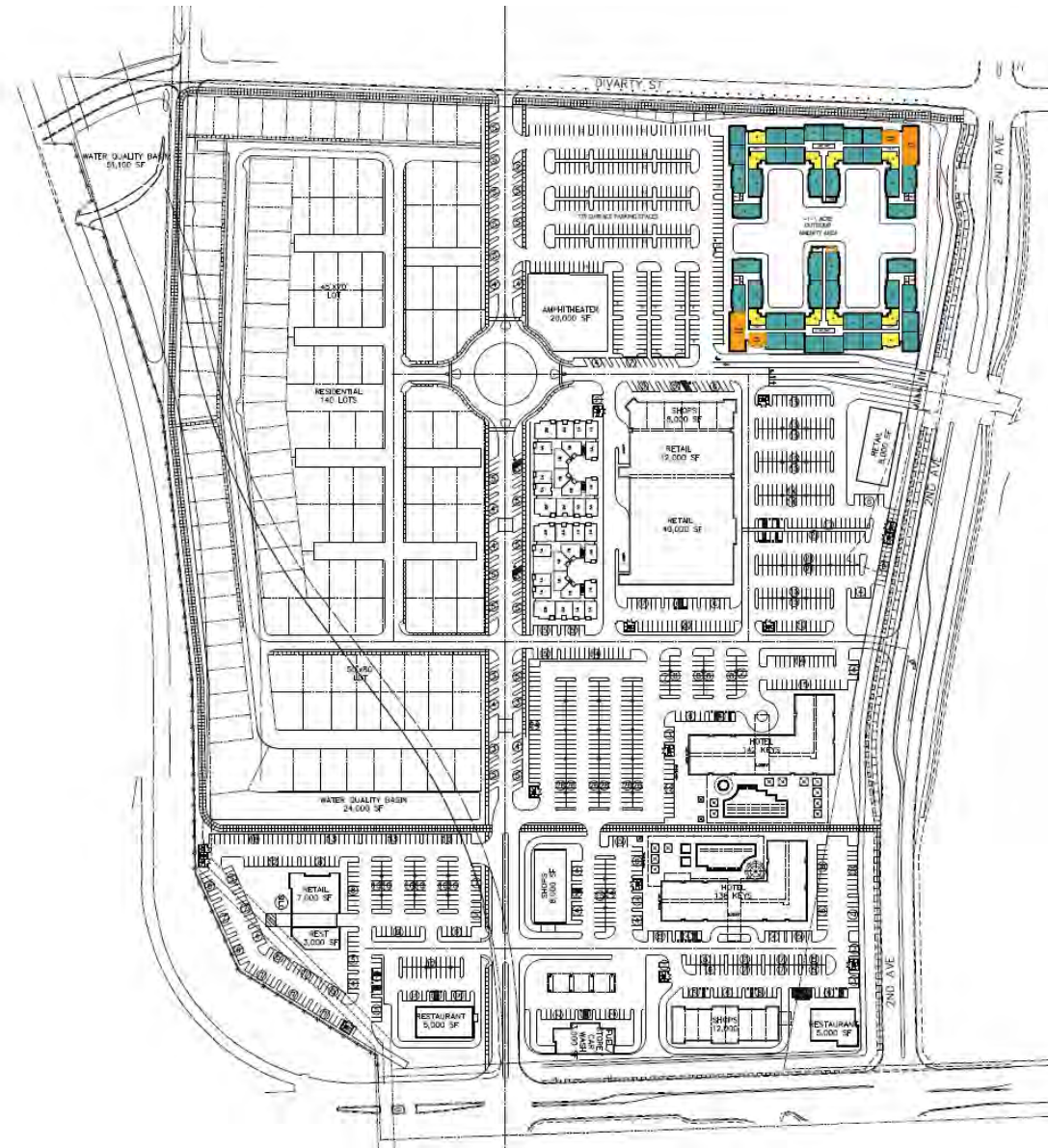
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Figure 2.2: 2018 Main Gate Site Plan



2.2 Land Use and Water Demands

The Amended Main Gate Specific Plan consists of several elements including medium- to high-density residential, retail and visitor serving businesses, as detailed below.

2.2.1 Residential

Single-family residential densities will range from 10 to 15 units per acre for detached lots. The MCWD 2015 UWMP uses a demand factor of 0.25 acre-feet/year/dwelling unit (AFY/DU) for single-family residential at densities above 8-units/acre. Multi-family residential units will consist of multi-story apartment buildings and apartments on upper floors of mixed-use commercial buildings. The MCWD 2015 UWMP uses a demand factor of 0.25 AFY/DU for all multi-family residential development. The project also includes student apartments, which are assumed to have the same demand as the multi-family apartments. The number of units by housing type is initially assumed to be 140 single-family, 150 multi-family and 330 student apartments. The residential water demand is estimated to be $155.0 \text{ AFY} = (620 \text{ DU}) \times (0.25 \text{ AFY/DU})$.

2.2.2 Hotel

The specific plan includes several hotel sites with a total of 280 rooms. The MCWD demand factor for hotels is 0.17 AFY/room, so the estimated demand for the hotels is 47.6 AFY. Landscape irrigation is estimated separately, below.

2.2.3 Retail

The specific plan includes 95,000 square-feet of retail space. The plan does not further divide the usage by type, so it is assumed this will be a mix of grocery, markets and dry goods/apparel shops. The MCWD 2015 UWMP uses a demand factor of 0.00021 AFY/SF for general retail. The estimated water demand for the retail component is 20.0 AFY. Landscape irrigation is estimated separately, below.

The site plan shows one gas station with four pump islands. A typical island has four pumps. For a total of sixteen. MCWD uses a demand factor of 0.1051 AFY/gas pump, so the estimated demand for the gas station is 1.7 AFY. This would include an associated convenience store.

2.2.4 Dining

The specific plan includes 13,000 square-feet of space to be used for restaurants and food incubators. The plan does not further divide the usage by type. The MCWD 2015 UWMP uses a demand factor of 0.00145 AFY/SF for restaurants, for a total of 18.9 AFY. Landscape irrigation is estimated separately, below.

2.2.5 Landscaping

The conceptual site plan includes assumes 3.5 acres of irrigated non-turf landscaping along street frontages and within commercial landscaped areas. A demand factor of 2.1 AFY/AC is used for

non-turf landscaping, based on the local evapotranspiration factor of 39 inches/year. The estimated landscaping demand for the specific plan area is 7.4 AFY.

2.2.6 Recycled Water Use

The 2007 WSA did not estimate the potential use of recycled water within the Main Gate Project. MCWD in cooperation with Monterey One Water is currently constructing the Pure Water Monterey Project, a portion of which will provide recycled water for urban use. The City of Seaside intends for the revised project to maximize the use of recycled water. The California Code of Regulations and the California Plumbing Code allow for the use of tertiary-treated and disinfected recycled water for commercial and residential outdoor landscape irrigation, and for water closet and urinal flushing in certain structures. The list of allowable structures excludes single-family residential use, but hotels, apartments, condominiums, retail and dining establishments may be dual-plumbed to allow toilet flushing with recycled water.

MCWD's current recycled water distribution permit only addresses outdoor water use for landscape irrigation. Before recycled water may be provided for indoor use, the permit must be updated to add indoor toilet flushing as an approved use, and to document the controls (cross-connection, signage and inspection) required for sites using recycled water indoors. Enforcement of the plumbing code requirements will be the responsibility of the building official of the land use jurisdiction. For this reason, indoor recycled water demand is estimated and presented separately from landscape irrigation.

Recycled water demand for residential toilet flushing is estimated as 2,336 gallons/person/year, based on 5 flushes per person per day and 1.28 gallons per flush. Rates by housing type is calculated using the following occupancies:

Multi-family: $3.3 \text{ persons/DU} \times 2,336 \text{ gallon/year} \div 325,851 \text{ gal/acre-ft} = 0.024 \text{ AFY/DU}$

Students: $2.5 \text{ persons/DU} \times 2,336 \text{ gallon/year} \div 325,851 \text{ gal/acre-ft} = 0.018 \text{ AFY/DU}$

Hotel: $1.5 \text{ persons/room} \times 2,336 \text{ gallon/year} \div 325,851 \text{ gal/acre-ft} = 0.011 \text{ AFY/DU}$

Recycled water demand for toilet flushing in commercial establishments is estimated as 5% of the indoor water demand. Note that MCWD requires the use of waterless urinals in all new construction.

Recycled water demand for residential landscaping is estimated at 0.05 AFY/DU, and is applied to single family, multi-family and apartments. Commercial landscaping is included in the 3.5 acres of overall site landscape.

Applying the above factors, the estimated outdoor (landscape) recycled water demand for the specific plan area is 38.4 AFY, and the indoor (potable) demand is 212.1 AFY. Of the indoor demand, up to 14.6 AFY could be met using recycled water for toilet flushing, potentially reducing the potable demand to 197.5 AFY.

2.2.7 Project Total Water Demands

The total water demand projected for the project is 250.4 AFY, as shown in Table 2-2, below. As stated in Section 2.2.6. Potential Indoor Recycled Water Demand reflects toilet flushing, where allowed, and Landscape Irrigation includes both residential and non-residential landscapes. Use of recycled water requires special certification of irrigation system operators and annual cross-connection inspections, which must be pointed out in the development conditions of approval. The land use jurisdiction may need to update their code of ordinances to reflect the need for annual compliance inspections of dual-plumbed buildings by the health or building official.

Table 2-2: Summary of Estimated Water Demand

	Land Use	Quantity	Unit	Demand Factor (afy/unit)	Potable Demand (afy)*	Indoor Recycled (afy)**	Landscape Recycled (afy)	Total Demand (afy)	Notes
A	Single Family Homes	140	DU	0.25	28.00		7.00	35.00	1, 2
B	Multi-Family Apartments	150	DU	0.25	30.00	3.60	7.50	37.50	2
C	Hotel	280	Rooms	0.17	47.60	3.08		47.60	
D	Student apartments	330	DU	0.25	66.00	5.94	16.50	82.50	3
E	Retail	95,000	SF	0.00021	19.95	1.00		19.95	4, 5
F	Restaurant	13,000	SF	0.00145	18.85	0.94		18.85	4, 5
G	Gas Station	16	pump	0.1051	1.68	0.08		1.68	6
	Irrigated Landscape (Non-Turf)	3.5	AC	2.1			7.35	7.35	7
					212.08	14.64	38.35	250.43	

Notes

- * Potable calculated as Total Demand minus Landscape Demand
- ** Indoor Recycled Demand is toilet flushing. Requires dual-piping per the plumbing code.
- 1 SFR Density ranges from 10 to 15 per acre. Demand factor is the same as multi-family
- 2 Number of units based on conceptual site plan.
- 3 Assume apartments with kitchens and not traditional dormitories.
- 4 Gross square footage from conceptual site plan
- 5 Assume 5% of demand is toilet flushing.
- 6 Assume 16 pumps based on site plan. Factor from MCWD code of ordinances.
- 7 Assume all landscaping will be non-turf and irrigated with recycled water

Section 3 - District Water Demands

3.1 Historic and Current Water Demands

Table 3-1 shows the District's water production over the period 2006-2015. The District's average production over that period was 4,104 AFY, with 1,697 AFY in the Central Marina service area and 2,407 AFY in the Ord Community service area.

Table 3-1: Water Production by Service Area (AF)²

Year	Central Marina	Ord Community	Total
2006	1,786	2,509	4,295
2007	1,622	2,941	4,563
2008	1,833	2,269	4,102
2009	1,962	2,076	4,038
2010	1,744	2,389	4,133
2011	1,698	2,348	4,047
2012	1,814	2,360	4,174
2013	1,467	2,964	4,431
2014	1,619	2,407	4,026
2015	1,420	1,808	3,228
2016	1,303	1,722	3,025
2017	1,587	1,651	3,238

The City of Seaside is served by three water providers: the City's municipal water system and California American Water serve the portion of the City outside the former Fort Ord, and Marina Coast Water District serves the portion within the former Fort Ord. Within the Ord Community, there are three land use jurisdictions within the City of Seaside, each separately managing their allocation of water supply. Those jurisdictions are the U.S. Army (Presidio of Monterey Annex), California State University, Monterey Bay (CSUMB) and the City of Seaside. Water use within the City of Seaside portion of the Ord Community (excluding CSUMB and U.S. Army) is provided in Table 3-2.

² Source: 2015 UWMP, Table 4.1

Table 3-2: Water Use within the Seaside-Ord Community (AF)³

Use Category	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Notes
Single family	277.13	244.67	230.47	223.61	236.78	255.68	219.95	172.6	160.69	179.24	1
Multi-family	59.81	59.83	60.25	69.17	66.54	64.4	44.95	48.7	57.89	58.66	2
Commercial	26.2	33.87	65.87	29.58	27.88	16.92	16.64	23.93	22.65	20.75	3
Industrial	0	0	0	0	0	0	0	0	0	0	
Institutional/Governmental	71.81	68.13	83.2	62.66	64.81	72.38	25.99	40.55	39.1	22.87	4
Landscape	11.67	10.82	350.44	440.15	271.16	467.58	536.5	147.48	9.3	8.5	5
Agriculture	0	0	0	0	0	0	0	0	0	0	
Total	446.62	417.32	790.23	825.17	667.17	876.96	844.03	433.26	289.63	290.02	

Notes:

1. Includes Seaside Highlands and Bay View Mobile Home Park
2. Includes Sun Bay Apartments
3. Includes construction meters and all uses not listed elsewhere.
4. All schools (MPUSD, Chartwell, MCL, MCP)
5. Includes only Soper Field and Bayonet/Blackhorse Golf Course. Golf course use was only in years 2010-2015.

3.2 Future Demands

Table 3-3 shows projected water demands for the District through 2035. The projection is based on Table 3.5 of the 2015 UWMP, with two modifications. The original table included demand projections for the Monterey Downs Specific Plan Area, which was located in Seaside and unincorporated Monterey County. The developer for that project has since withdrawn their planning application, so that project was removed from the demand projection. The 2015 UWMP also assumed that Bayonet/Blackhorse Golf Course would convert from existing irrigation wells in the Seaside Groundwater Basin to the RUWAP recycled water project, so that irrigation demand was included in the demand projection. The City has since notified MCWD that the golf course irrigation will remain on the existing irrigation wells, so that demand was removed from this projection.

³ Source: MCWD Quarterly Water Consumption Reports

Table 3-3: Water Demand Projection by Service Area (AF)⁴

	Jurisdiction	2012*	2015**	2020	2025	2030	2035	Notes	Allocation
Ord	U.S. Army	620	633	663	825	825	825		1,577
	CSUMB	404	404	442	632	755	779		1,035
	Del Rey Oaks	0	0	186	551	551	551		243
	City of Monterey	0	0	0	130	130	130		65
	County of Monterey	8	52	377	539	539	539		720
	UCMBEST	3	3	94	299	515	515	3	230
	City of Seaside	657	657	592	783	1,097	1,560	1, 2	1,012
	State Parks and Rec.	0	0	12	18	20	25		45
	Marina Ord Comm.	264	285	901	1,572	1,702	1,704		1,325
	Assumed Line Loss	395	348	348	348	348	348		348
Marina	Armstrong Ranch	0	0	0	680	680	680		920
	Cemex	0	0	0	0	0	500		500
	Marina Central	1,823	1,823	2,184	2,491	2,606	2,725	4	3,320
Subtotal - Ord		2,351	2,382	3,616	5,698	6,482	6,976		6,600
Subtotal - Marina		1,823	1,823	2,184	3,171	3,286	3,905		4,740
Total		4,174	4,204	5,800	8,868	9,768	10,881		11,340

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

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

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

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

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

4. Allocation includes 3020 AFY groundwater and 300 AFY existing pilot desalination plant.

The demand projection for the City of Seaside includes the build-out of two projects, Seaside Resort and The Projects at Main Gate (original), and estimates for the remaining redevelopment parcels within the City. The California Central Coast Veterans Cemetery is located within the City, but the water allocation was provided by the U.S. Army, so it is included in the Army demand projection. Elements of the Main Gate Specific Plan as included in the UWMP are compared to the current plan in Table 3-4 (below). As can be seen, the proposed project has been scaled so that the indoor water demand matches the estimated water demand in the original specific plan, and the outdoor demand is met using recycled water.

⁴ Source: Table 3.5 of the 2015 MCWD Urban Water Management Plan

Table 3-4: Main Gate Elements compared to Elements in the 2015 UWMP⁵

	2015 UWMP				2018 Specific Plan			
	Qty	Unit	Factor (afy/unit)	Demand (afy)	Qty	Unit	Factor (afy/unit)	Demand (afy)
SF Residential (8-15 du/ac)	-	DU	0.25	0.0	140	DU	0.25	35.0
MF Residential (>15 du/ac)	-	DU	0.25	0.0	150	DU	0.25	37.5
Student Apartments (>15 du/ac)	-	DU	0.25	0.0	330	DU	0.25	82.5
Retail	368,500	SF	0.00005	18.4	95,000	SF	0.00021	20.0
Restaurant	79,000	SF	Note 1	102.3	13,000	SF	0.00145	18.9
Conference Center	27,000	SF	0.0002	5.4				
Spa	24,000	SF	0.0003	7.2				
Hotel Rooms	250	RM	0.17	42.5	280	RM	0.17	47.6
Theater	51,500	SF	Note 2	11.2				
Parks/Landscaping	10.41	AC	2.5	26.0	3.5	AC	2.1	7.4
Gas Station					16	Pu	0.1051	1.7
TOTAL				213.0				250.4

Notes:

1. Demand per 2007 WSA: 650 in-line food service seats at 0.038 AFY/seat plus 3879 restaurant seats at 0.02 AFY/seat
2. Theater based on 8000 seats at 0.0014 AFY/seat
3. Demand rates for retail and restaurant in the 2018 Plan reflect the standard factors used in the 2015 UWMP.

The demand estimate in Tables 2-2 and 3-4 use a larger demand factor for retail development than in the 2007 WSA. This is because the retail use in the current plan does not specify the type of use (dry goods and apparel vs. grocery or market), so an averaged demand rate is applied. The non-turf landscape demand factor of 2.1 AFY/acre is used in the current estimate, consistent with the land use plan. The higher demand factor used in 2007 is applicable to turf lawns and playing fields, which are not typical in high-density areas.

3.3 Dry-Year Demands

Section 10631 of the Water Code requires that water demands be estimated for an average water year, a single dry water year and multiple dry water years. As discussed in the District's 2015 Urban Water Management Plan, the MCWD service area has a cool summer-type Mediterranean climate, with rain occurring in October through May, and advection fog enveloping the coast in the summer in response to inland heating. Due to these cool summer conditions, the area does not experience the significant increases in summer irrigation demands common to areas further inland in the Salinas River Valley. Periods of below normal rainfall do not reduce the coastal fog, resulting in very minor demand fluctuations between average and dry years.

In the 2015 UWMP, the demand increase during a single-dry year or the first of multiple dry years was calculated to be 1%, based on the system demand increase from 2012 to 2013 (start of

⁵ Source: Table C-3, 2015 UWMP

the recent drought). Due to mandatory water conservation measures, water demands declined in subsequent years, by 12% in the second dry year and 25% in the third dry year. The projected demands during single dry years and multiple dry years are provided in Table 3-5, with the maximum demand being 215.1 AFY. This methodology may over-estimate the savings during mandatory conservation periods if all of the landscape irrigation uses recycled water. Recycled water systems are typically not subject to the same use restrictions as potable supplies.

Table 3-5: Dry Year Demand Projections

	Average Year	Single Dry Year	1st Dry Year	2nd Dry Year	3rd Dry Year
Factor		1.01	1.01	0.88	0.75
Projected Demand (AFY)	250.4	252.9	252.9	220.4	187.8

MCWD has sufficient supply and well capacity to meet all customer demands during peak (single dry year) conditions.

Section 4 - Water Supply

4.1 Current Water Supply

The District's primary source of water supply is the Salinas Valley Groundwater Basin, and it also has a small desalination plant in the Central Marina Service Area, which is permitted but currently inactive. Under the Regional Urban Water Augmentation Project, the District has secured entitlement to 1,427 AFY of advanced treated water from the Pure Water Monterey Project, of which the first 600 AFY will become available in 2019. The District is working jointly with FORA and M1W to identify additional water supply options to supply an additional 973 AFY for the Ord Community. None of the District's current supply is purchased under wholesale contract.

4.1.1 Groundwater

The District supplies groundwater from the Salinas Valley Groundwater Basin. Under the "Agreement between the United States of America and the Monterey County Water Resources Agency concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency, Agreement No. A-06404", dated September 21, 1993, the District (successor to the United States) may withdraw up to 6,600 acre-feet per year from the Salinas Valley Groundwater Basin for use in the District's Ord Community service area. In 2001, the Army through FORA deeded to MCWD all of the 6,600 acre-feet per year except for reserving 1,577 acre-feet per year to meet Federal water demands within the former Fort Ord. Under an exclusive potable water contract, the Army provides its reserved water right to MCWD to meet Army and other Federal Agency potable water demands within the former Fort Ord.

Under the "Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands" dated March 1996, by and between the MCWRA, the Marina Coast Water District, J.G. Armstrong Family Members, RMC Lonestar, and the City of Marina, the District may withdraw up to 3,020 AFY from the Salinas Valley Groundwater Basin for use in the District's Central Marina service area. Under that agreement, additional groundwater supply will be made available to the District for use within the Armstrong Ranch and the RMC Lonestar (now CEMEX) properties north of Marina, if and when the City annexes and develops those areas.

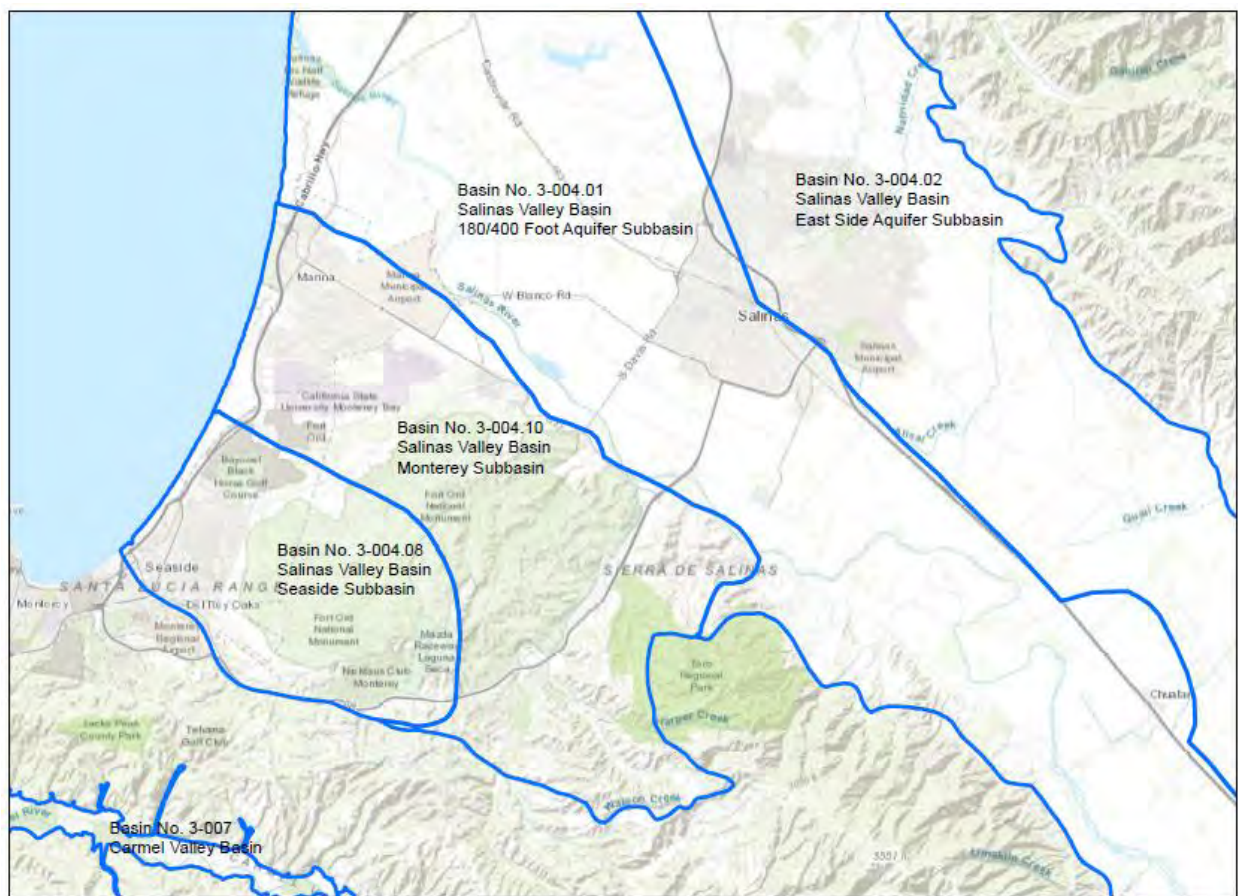
Consequently, MCWD owns or manages on behalf of the Army a combined total of 9,620 AFY of potable groundwater for its Central Marina and Ord Community service areas. MCWD interconnected the potable water systems within the Central Marina and Ord Community service areas to provide a more efficient and reliable system and, in 2007, MCWD was issued a water supply permit for the combined system by the State of California.

In 2016, the California Department of Water Resources (DWR) published an Interim Update to Bulletin 118, California's Groundwater. Bulletin 118 defines groundwater basin and subbasin boundaries used for planning and groundwater management. The update reflects changes

submitted to and approved by DWR under the Sustainable Groundwater Management Act (SGMA). Within northern Monterey County, the changes include redefining the boundaries of the Seaside and Corral De Tierra subbasins to reflect the defined boundary of the adjudicated Seaside Groundwater Basin and named that area the Seaside Subbasin. DWR then merged the remaining portion of the Seaside subbasin with the Corral de Tierra subbasin, and named that area the Monterey Subbasin). The revised boundaries are shown in Figure 4.1.

The MCWRA designation of groundwater subbasins within the Salinas Valley Groundwater Basin differs from DWR. MCWRA combines DWR’s 180/400 Foot Aquifer Subbasin, the new Monterey Subbasin and the revised Seaside Subbasin into the Pressure Subarea.

Figure 4.1: Groundwater Basins⁶



All of the District’s wells are located within the Monterey Subbasin of the Salinas Valley Groundwater Basin. MCWD has been designated as an exclusive Groundwater Sustainability Agency (GSA) within its LAFCO service area, and it participates in the Salinas Valley Basin

⁶ Boundaries from the DWR Groundwater Basin Boundary Assessment Tool, <https://gis.water.ca.gov/app/bbat/>

GSA as a member of the Advisory Committee. A portion of the District's Ord Community service area overlays the Seaside Subbasin of the Salinas Valley Groundwater Basin, which is an adjudicated basin managed by the Seaside Water Master Board.

MCWD in coordination with the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) is preparing a Groundwater Sustainability Plan (GS Plan) for the Monterey Subbasin, which includes the Main Gate Specific Plan Area. The GS Plan will identify the sustainable yield of the subbasin, in accordance with Section 10721 of the California Water Code. The GS Plan is required to be implemented not later than January 31, 2022, but the District intends to complete it not later than January 31, 2020, concurrent with the SVBGSA completion of the GS Plan for the 180/400 Foot Aquifer Subbasin. Until those plans are completed and adopted, the groundwater pumping limits in the previous Zone 2/2A Annexation Agreements are assumed to be fully reliable.

There are three defined aquifers within the Marina Coast Water District service area, the 180-foot, the 400-foot and the 900-foot or Deep Aquifer. The District operates eight wells, with three in Central Marina and five in the Ord Community. The service areas are interconnected for reliability, with meters at the points of connection to facilitate managing the two well-fields to ensure each service area remains within its authorized withdrawal limit. Table 4-1 summarizes the existing pumping capacity of the District wells. As can be seen, the District has sufficient well capacity to meet the maximum day demands with the largest well out-of-service.

Table 4-1: Existing Pumping Capacity

Location	Well #	Aquifer	Estimated Capacity	
			(AFY)	(GPM)
Marina	10	Deep	2,670	1,654
	11	Deep	3,561	2,206
	12	Deep	3,264	2,022
Ord	29	400 foot	2,885	1,787
	30	400 foot	3,624	2,245
	31	400 foot	3,625	2,246
	34	Deep	3,326	2,000
	35	400 foot	3,326	2,000

4.1.2 Desalinated Water

The District has a desalination plant located near Marina State Beach, which can contribute up to 300 AFY of potable water supply to the Central Marina service area. The plant was constructed in 1997 as a pilot project but is not currently in use.

4.2 Future Water Supply

The District is working towards developing new sources of water supply to meet projected demand increases due to redevelopment within the Ord Community, as well as taking actions to address groundwater wells impacted by seawater intrusion. The two major water supply projects described below are (1) reclaimed wastewater, and (2) desalinated water, which make up the Regional Urban Water Augmentation Project. MCWD is currently investigating alternative sources of potable supply, which may be less costly than desalination.

4.2.1 Recycled Water

Recycled water refers to sanitary sewage which undergoes treatment and disinfection, typically for non-potable uses such as agricultural and landscape irrigation. The Monterey One Water (M1W, formerly Monterey Regional Water Pollution Control Agency) operates a regional wastewater treatment facility in north Marina and produces reclaimed water for agricultural irrigation in the Castroville area. Through prior agreements with the M1W, the District is entitled to receive recycled water from the regional plant, up to the volume of wastewater generated within the District and sent to the plant. In 2007, MCWD began detailed design of the recycled water distribution system, and has now constructed several portions of the transmission main. In 2012, M1W began planning the Pure Water Monterey Groundwater Replenishment Project, which will develop additional sources of water supply and produce advanced treated water for injection into the Seaside Groundwater Basin for indirect potable reuse. In 2016, MCWD and M1W entered into an agreement entitling MCWD to 1,427 AFY of advanced treated water from the Pure Water Monterey Project. MCWD is completing construction of the transmission main, which will be used to deliver advanced treated water for urban irrigation within MCWD and for groundwater injection into the Seaside Subbasin and recovery for indirect potable reuse within the Monterey Peninsula.

Under the initial phase of the project, MCWD will receive 600 AFY of advanced treated water. In later phases, the project will be expanded, subject to financing and demand, by an additional 827 AFY, or a total of 1,427 AFY, which was the amount of non-potable demand within the Ord Community analyzed in the RUWAP EIR.

4.2.2 Desalinated Water

Given readily available saline and brackish waters near the District's service area, desalinated water has been considered as another potential water supply. The District's existing 300 AFY desalination plant is relatively small, but a larger facility to serve the District is planned as a supplemental water supply. The Regional Urban Water Augmentation Project EIR includes a 1,500 AFY desalination facility for the District. The facility was sized to provide up to 1,200 AFY of new supply to the Ord Community and 300 AFY to Central Marina, allowing the District to retire the existing pilot desalination plant. As part of the current joint water supply planning effort by MCWD, M1W and FORA, additional sources of potable water supply are

being considered. If an alternative source of potable supply is identified, the RUWAP EIR may be amended to reflect the replacement project.

4.2.3 Conservation

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

The State of California has established a goal of reducing per person water use by 20% by the year 2020, compared to the 2008 baseline demands. Toward that end, the California Building Code was updated in 2010, with the goal of reducing indoor water use to 55 gallons per person per day. In the 2010 UWMP, the District identified a year 2020 conservation target of 117 gallons per person per day (system-wide potable average). It is anticipated that the Main Gate Specific Plan area will meet that goal, based upon the new indoor plumbing fixture codes and the planned use of recycled water to meet non-potable demands. The Specific Plan Area could potentially use up to 53.0 AFY of recycled water, which is 21% of the projected overall water demand.

4.3 Regulatory Permits Necessary for Supply Delivery

The Marina Coast Water District is a public water system, permitted by the State Water Resources Control Board, Division of Drinking Water, System No. 2710017. The recycled water distribution system is permitted as System No. 2790009. Permits required for the construction and operation of new facilities are obtained on a project-by-project basis.

Section 5 - Supply Sufficiency Analysis

5.1 Comparison of Project Demands to Projected Supply

Within the Ord Community, the 6,600 AFY of existing groundwater supply has been allocated among the land use jurisdictions by the Fort Ord Reuse Authority (FORA), as shown in Table 5-1, below. The municipal jurisdictions (Cities and Monterey County) formally sub-allocate this supply to developments. Until additional water supplies are developed and allocated within the Ord Community, MCWD will only allow new service connections up to the usage totals allocated by the respective jurisdictions. For the City of Seaside, this is in accordance with Subsection 3a of the May 31, 2001 Implementation Agreement between FORA and the and the City of Seaside, which provides that in using, developing, or approving development on property received from FORA, the City “shall not commit (or cause the commitment of) water resources that are unavailable to the [City] (whether through FORA allocations or otherwise).”

FORA has also formally allocated the recycled water supply from the Phase 1 Recycled Water Project. Those allocations are also included in Table 5-1.

Table 5-1: FORA Allocations in the Ord Community

Land Use Jurisdiction	Existing Groundwater Allocation (AFY)	Future Recycled Allocation (AFY)
City of Del Rey Oaks	243	280
City of Marina (Ord)	1,325	345
City of Monterey	65	0
City of Seaside	1,012	453
County of Monterey	710	134
Marina Sphere (existing use)	10	0
CA State Parks and Rec.	45	0
CSU Monterey Bay	1,035	87
Univ. of California MBEST	230	60
U.S. Army	1,577	0
Assumed Line Loss	348	68
Total – Ord Community	6,600	1,427

The City of Seaside has sub-allocated portions of their existing groundwater allocation, as detailed in Table 5-2, including 149.0 AFY to the original Main Gate Specific Plan Area⁷. The remaining unallocated supply totals 181.3 AFY, which is sufficient to meet the remaining 101.4 AFY of supply required for the Amended Main Gate Specific Plan. To make up the total 101.4

⁷ Note that the City only allocated water supply for the Retail Lifestyle Mall portion of the Main Gate Project, and not the full 213 AFY required for the full specific plan build-out.

AFY, the City may choose to allocate 38.4 AFY of recycled water for non-potable landscape irrigation, and allocate the remaining 63.1 AFY as groundwater. The City may also require the use recycled water for toilet flushing, converting up to 14.6 AFY of indoor demand from potable to recycled water. The Project may be phased, and the first phase supplied up to the amount currently allocated by the City. The City is currently considering other development projects which require water supply allocations as well. A Water Supply Assessment was recently prepared for the Campus Town Specific Plan, with an estimated total demand of 487.4 AFY. The City has not yet allocated any water supply to that project, and the City does not currently have sufficient existing water supply to support both specific plans.

The Project has the potential to use up to 53.0 AFY of recycled water. The City of Seaside has a FORA recycled water allocation of 453 AFY, or 31.74% of the 1,427 AFY total. Once the recycled water distribution system is operational, potable water use that is replaced with recycled water may be reallocated to new projects. Recycled water is planned for use at MPUSD schools for landscapes and play fields (30 to 40 AFY) and within Seaside Highlands for parks and common area landscapes (43.1 AFY).

Table 5-2: City of Seaside Sub-Allocations

Project or Existing Water User	Existing Groundwater Allocation (AFY)
SunBay Apartments	120.0
Brostram Park (Bay View MHP)	84.8
Seaside Highlands	168.5
Seaside Resort	161.4
MPUSD	81.0
Monterey College of Law	2.6
Monterey Peninsula College	9.0
Chartwell School	6.4
Main Gate "Retail Lifestyle Mall"	149.0
American Youth Hostel	5.5
Seaside Senior Living	40.0
Other Existing Use	3.0
City of Seaside Total	831.2
FORA Allocation	1012.5
City of Seaside Unallocated	181.3

The initial phase of the recycled water project will provide up to 600 AFY starting in 2019. This supply is being made available to customers on a first come, first served basis. If the City fails to opt into the initial phase of the project, other jurisdictions may use up the Phase 1 project, forcing the City to wait until the Phase 2 expansion is funded and constructed.

5.2 Plans for Acquiring Additional Water Supplies

Under the provisions of Section 10911 of the California Water Code, if the water supplier concludes that water supplies will be insufficient for the proposed project, the water supplier shall provide its plans for acquiring additional water supplies. The Marina Coast Water District is currently pursuing two water supply projects, the Recycled Water Project and the Desalination Project, which are intended to allow the District to develop 2,400 AFY of new supply to meet the projected Ord Community demand. Detailed descriptions of these projects are provided in Appendices B and C.

5.3 Reliability of Water Supply

The Salinas Valley Groundwater Basin has a large storage volume, and is recharged by the Salinas River, which is augmented by upstream reservoirs managed by MCWRA. Consequently, the aquifer does not experience wide level variations due to climatic conditions. Water levels vary by 20 to 30 feet seasonally, and decline an additional 10 to 20 feet during drought periods. The District's demands accounted for less than one percent of the total groundwater pumped from the Salinas groundwater basin in 2015, the latest year reported. Therefore, the District's supply is considered reliable on a quantity basis. The upper aquifers in the Salinas Valley Groundwater Basin (180-foot aquifer and 400-foot aquifer) along the coast are experiencing high salinity due to seawater intrusion. The District's wells in Central Marina are in the Deep Aquifer, which has not experienced signs of seawater intrusion and is considered to have reliable quality. In the Ord Community, the District has one well in the deep aquifer and four wells in the upper aquifers, but outside the area currently affected by seawater intrusion. The District is closely monitoring the quality in these wells.

The planned additional sources of supply are recycled wastewater and seawater desalination. The source of supply for recycled water is wastewater return flows, which originate from indoor water use. Indoor water use is not subject to the same levels of curtailment during drought periods as outdoor water use, so the source of recycled water supply is considered drought-proof. The SVRP treatment plant operated by Monterey One Water has reliably produced recycled water meeting the requirements of Title 22 for over a decade. The Pure Water Monterey Advanced Water Purification Plan is currently under construction, and is scheduled to begin delivering advance treated water in 2019. Similarly, seawater desalination is considered a reliable source of supply. Reverse osmosis technology is a proven method of desalinating seawater and brackish groundwater.

5.4 Effect on Agricultural and Industrial Users Reliant on the Same Source

There are no agricultural water users within the MCWD service area, nor are there industrial users with privately-owned wells. Agricultural users in the Salinas Valley rely on the same basin-wide supply from the Salinas Valley Groundwater Basin, accounting for 92.9% of the groundwater pumping in 2015. In the local area, 12,000 acres of irrigated agriculture are

supplied with recycled water from the Castroville Seawater Intrusion Project. As described in Section 4.1.1., the SVBGSA is preparing a Groundwater Sustainability Plan for the 180/400 Foot Aquifer Subbasin, which will determine the sustainable yield of the subbasin. The sustainable yield determination may require cutbacks in pumping in that subbasin. MCWD hopes to work with those pumpers to develop joint groundwater recharge projects that will benefit areas on both sides of the Salinas River.

Section 6 - Conclusions

6.1 Sufficiency of Water Supply for the Project

The City of Seaside has sufficient existing water supply to achieve the complete build-out of the planned Main Gate Specific Plan Area, and will have access to non-potable water supply when the recycled water system (currently under construction) is completed in 2019. If the project is phased, the initial phase could proceed using the 149 AFY previously sub-allocated by the City to the original Project. However, the City has multiple projects under consideration and insufficient supply to approve them all, so the City must determine how to prioritize and phase them so as not to exceed the City's FORA allocations of potable and recycled water supply. Once a determination is made, the City must notify MCWD so that they may provide the water supply to the Project.

6.2 Future Actions

Section 10911(b) of the Water Code states "The City or County shall include the water assessment provided pursuant to Section 10910, in any environmental document prepared for the Project pursuant to [CEQA]." The City of Seaside will need to adopt this WSA as part of the CEQA environmental review for the proposed Project, including the findings described above.

The City of Seaside may take certain additional actions to guarantee the availability of the water supplies for the Main Gate Specific Plan and other projects under consideration:

- To offset urban irrigation demands within the Seaside portion of the Ord Community with recycled water and then apply the existing potable supply towards the Main Gate and/or Campus Town Specific Plan areas, the project EIR should clearly describe that intent and the resulting allocation of potable and recycled water supply. The Seaside Highlands development was constructed with recycled water mains to supply the landscape irrigation systems. This system is currently fed with potable water, but recycled water will be available within the next few years. Providing recycled water for irrigation of that project would make up to 43.1 AFY⁸ of potable supply available for reallocation from Seaside Highlands. An additional 10 AFY may be made available by converting the City's Soper Field sports complex (adjacent to Seaside Highlands) to recycled water.
- The City may require dual-plumbing of buildings to use recycled water for sanitary fixture flushing (toilets and urinals), which will offset potable water demand with recycled water.

⁸ The City of Seaside water allocation to the Seaside Highlands project states that 43.1 AFY of irrigation demand will be converted to recycled water when it becomes available.

- The City may determine that certain sub-allocation areas are fully developed, and reallocate the unused portion of existing allocations to a new project. In doing this, the City should use the maximum water use from the last 10 years as the basis of comparison.
- The City may enter into an agreement with another land-use jurisdiction in the Ord Community to allocate currently unused water supply to a portion of this Project.

Appendix A: Recycled Water Project Details

In 2004-2005, the District prepared engineering studies for the Regional Urban Water Augmentation Project (RUWAP). This project was intended to develop 2,400 AFY of additional water supply for the Ord Community, to meet projected demands identified in the Fort Ord Base Reuse Plan. The RUWAP has two components, urban use of recycled water and a desalination facility. The final capacity of the two components may be adjusted during final design, but the total amount of new supply will be 2,400 AFY.

In 2012, the Monterey One Water (M1W, formerly the Monterey Regional Water Pollution Control Agency) and the Monterey Peninsula Water Management District began planning the Pure Water Monterey Groundwater Replenishment Project, which includes the advanced treatment of recycled water for indirect potable reuse. On April 8, 2016, MCWD and M1W entered into an agreement which would provide up to 1,427 AFY of advanced treated water for urban landscape irrigation instead of the tertiary treated recycled water planned under the RUWAP. The Pure Water Monterey Project required a pipeline running parallel to MCWD's planned RUWAP pipeline, so the agencies agreed to share a single pipeline, realizing a cost savings to each project. The project is currently under construction, and scheduled to begin operation in 2019.

1. Source of Supply: Tertiary treated wastewater available at the M1W Regional Wastewater Treatment Plant in North Marina. Under the annexation agreement between MCWD and M1W, the District has the right to purchase recycled water, subject to annual and seasonal limits. The Advanced Water Purification Facility (AWPF) is currently being constructed, with a design capacity of 5.0 mgd. The plant will produce advanced-treated recycled water meeting the Title 22 standards for indirect potable reuse (injection into a groundwater aquifer and recovery at other wells).
2. Expected Supply Capability: The Phase 1 project will have an initial yield of 4,100 AFY, of which 600 AFY would be available to MCWD. The remaining 3,500 AFY would be conveyed to an injection wellfield in the Ord Community and stored in the Seaside Groundwater Basin. Future Phases of the project will increase MCWD's yield to 1,427 AFY.
3. Project Facilities:
 - Advanced water purification facility and pump station, located within the M1W plant in North Marina
 - Product water transmission and distribution pipelines within Marina and the Ord Community

- Recycled water storage tank within the Ord Community

4. Historical Record:

- MCWD operated a recycled water system from 1996 to 1998. Thereafter the Marina Wastewater Treatment Plant was retired and the local sanitary sewer system was connected to the Regional wastewater collection system.
- MCWD prepared engineering studies for the Regional Urban Water Augmentation Project (RUWAP), which included a recycled water component. The District approved the CEQA EIR for the RUWAP in 2005, and amended the findings in 2006 and 2007 as detailed planning progressed.
- In 2004, MCWD published standards for recycled water infrastructure and began requiring the construction of recycled water pipelines in new subdivisions.
- MCWD constructed 3.5 miles of recycled water pipelines within the Ord Community during on-going road construction projects, in cooperation with the Fort Ord Reuse Authority and California State University Monterey Bay.
- MCWD is currently constructing the shared product water transmission main and storage reservoir. The transmission main connects the AWP in north Marina to the injection wellfield in Seaside.
- M1W is currently constructing the Pure Water Monterey AWP and the injection wellfield.
- MCWD is currently completing design of the recycled water distribution system, which connects customers to the transmission system.
- MCWD obtained a pipeline easement for the recycled water main across the Armstrong Ranch in 2007. MCWD obtained a pipeline easement from the City of Seaside for the recycled water main from Normandy Ave to the water tank site in 2010. The District obtained ownership of the recycled water tank site in 2010 (previously held as an exclusive easement). MCWD finalized the recycled water main easements with the Presidio of Monterey in 2012. MCWD finalized the recycled water main easements with CSUMB in 2018.

5. Written Contracts and Agreements:

- In the annexation agreement between MCWD and M1W, MCWD retained the right to obtain recycled water in an amount not to exceed the volume of wastewater flows originating from the District.
- MCWD entered into an agreement with the Fort Ord Reuse Authority in 2005 to develop the RUWAP water supplies.
- MCWD executed two memoranda of understanding with M1W and MCWRA (one in 2009 and one in 2010) to work cooperatively towards the RUWAP, and to specify quantities, (seasonal) availability, and roles and responsibilities.
- MCWD entered into the Pure Water Delivery and Supply Project Agreement with M1W in 2016 to participate in the Pure Water Monterey Project and receive advanced

treated water instead of tertiary treated and disinfected recycled water for the RUWAP.

- In agreements with developers of new subdivisions for the construction of water infrastructure, the District requires the installation of recycled water pipelines for the irrigation of public and commercial landscapes.
6. Estimated Costs and Financing: The Pure Water Monterey Project overall cost is estimated at approximately \$70 million. This includes both the MCWD and M1W Facilities. Both agencies have received State Revolving Fund Loans to cover a majority of the construction costs. The Fort Ord Reuse Authority has budgeted \$37 million for the Regional Urban Water Augmentation Project. A portion of that funding will be applied to this project.
7. Timeframes: The District began constructing recycled water pipelines in conjunction with road construction projects by other jurisdictions (Fort Ord Reuse Authority and CSU Monterey Bay) and private developers beginning in 2004. Construction of the transmission main and water tank began in December 2017, and are projected to be complete by November 2018. Construction of the AWP and injection wellfield began in 2017, and are projected to be complete by early 2019.
8. Federal, State and Local Permits for Construction:
- The project is subject to the California Environmental Quality Act (CEQA) and also the National Environmental Policy Act (NEPA) because the SVRP facility is partially funded by the U.S. Department of the Interior, Bureau of Reclamation. The CEQA EIR for the RUWAP Phase 1 Project with supporting NEPA studies has been completed. CEQA actions for a future RUWAP Phase 2 expansion have not been initiated.
 - The CEQA EIR for the Pure Water Monterey Project with supporting NEPA studies has been completed.
 - The project pump stations and pipelines are outside the Coastal Zone and therefore a Coastal Commission Permit is not required.
 - Encroachment permits and easements for pipeline construction have been coordinated with the City of Marina, the City of Seaside, CSU Monterey Bay, Monterey Peninsula Unified School District and the Presidio of Monterey (Ord Military Community).
 - A Monterey County Conditional Use Permit was obtained for the pipeline crossing agricultural land (Armstrong Ranch).
 - M1W has obtained a Water System Permit with the California State Water Resources Control Board, Division of Drinking Water for the advanced treated water system.
 - The District's Water System Permit with the California State Water Resources Control Board, Division of Drinking Water will need to be updated to include the recycled water distribution system before the system can be placed into operation.

The Title 22 Engineering Report for that addition has been submitted and a recycled water system number has been assigned.

Appendix B: Desalination Project Details

In 2004-2005, the District prepared engineering studies for the Regional Urban Water Augmentation Project (RUWAP). This project was intended to develop 2,400 AFY of additional water supply for the Ord Community, to meet projected demands identified in the Fort Ord Base Reuse Plan. The RUWAP has two components, urban use of recycled water and a desalination facility. The final capacity of the two components may be adjusted during final design, but the total amount of new supply will be 2,400 AFY.

The Desalination Project was originally studied as a stand-alone facility, located at the former Fort Ord Wastewater Treatment Plant. In 2008, the District began working cooperatively with California American Water, which was planning a larger desalination facility to serve their Monterey Service Area (adjacent to the Ord Community). The two agencies jointly planned a Regional Desalination Facility to be located in North Marina adjacent to the M1W Regional Wastewater Treatment Plant. This location facilitated the use of the existing wastewater outfall pipeline for brine disposal from the desalination plant. In 2011, the agreement between MCWD, American Water and Monterey County Water Resources Agency was terminated. MCWD is now pursuing a smaller desalination facility, as sized in the RUWAP EIR, located on the North Marina site.

As mentioned in the report, MCWD is jointly studying with FORA and M1W alternative sources of potable water supply. If a preferred source of potable supply is identified, the RUWAP may be amended at that time.

The following details are provided as required per Water Code §10911.

1. Source of Supply: Seawater-intruded groundwater in the 180-foot aquifer of the Salinas Valley Groundwater Basin, Pressure Subbasin. Source wells will capture seawater within the aquifer which is currently migrating inland.
2. Expected Supply Capability: 1,500 AFY (average annual yield). Of this total, 1,200 AFY would be for the Ord Community, and 300 AFY would replace the capacity of the District's existing pilot desalination plant, which would then be retired.
3. Project Facilities:
 - Source wells in the intruded portion of the 180-ft aquifer
 - A reverse-osmosis desalination plant located in North Marina,
 - Product water pipeline from the plant to the MCWD service area,

- Brine disposal pipeline from the plant to the Monterey One Water effluent disposal pipeline (deep ocean outfall)
 - Water storage tanks within the MCWD service area
4. Historical Record:
- MCWD constructed a pilot desalination plant in Marina in 1996.
 - MCWD prepared engineering studies for the Regional Urban Water Augmentation Project (RUWAP), which included a seawater desalination component.
 - The District approved the CEQA EIR for the RUWAP in 2005, and amended the findings in 2006 and 2007 as detailed planning progressed.
 - CAWC prepared engineering studies for the Coastal Water Project (CWP) in 2005-2008, which included a seawater desalination facility, and submitted a CEQA EIR to the California Public Utilities Commission in 2009.
 - MCWD and CAWC worked cooperatively to develop a regional desalination facility as an alternative to two separate facilities, as reflected in the CWP EIR.
 - The CPUC approved the CWP EIR in 2010.
 - The Water Purchase Agreement was terminated by CAWC in September 2011.
 - MCWD issued an RFQ for Design-Build Services for the Desalination Project in September 2012, but did not award a contract. The project was placed on hold to focus on the recycled water project
5. Written Contracts and Agreements:
- MCWD entered into an agreement with the Fort Ord Reuse Authority in 2005 to develop the RUWAP water supplies.
 - MCWD entered into an option agreement with the Armstrong Family Trust in 1998 to purchase land for a future water facility. The District executed that option in 2010 for the Regional Desalination Facility site.
 - MCWD entered into an agreement with M1W in 2009 for shared use of the effluent disposal pipeline.
 - MCWD, CAWC and MCWRA entered in the Water Purchase Agreement in 2010. This agreement established project responsibilities between the three agencies. This agreement was terminated by CAWC in September 2011.
6. Estimated Costs and Financing: The Regional Desalination Project is estimated to cost approximately \$80 million. The District will pursue State and Federal grants for portions of the project cost. The Fort Ord Reuse Authority has budgeted \$37 million for the Regional Urban Water Augmentation Project. A portion of that funding will be applied to this project.
7. Timeframe: Preliminary studies are complete. Assuming a traditional design-bid-build delivery model, it would take from 4 to 6 years to complete design, permitting and construction.

8. Federal, State and Local Permits for Construction:

- The project is subject to the California Environmental Quality Act (CEQA) and also the National Environmental Policy Act (NEPA) because the facility may be partially funded by the U.S. Department of the Interior, Bureau of Reclamation. CEQA EIRs with supporting NEPA studies for the RUWAP Desalination Project and for the Regional Desalination Project have been completed. The RUWAP EIR must be amended to reflect the new MCWD facility location and brine disposal method.
- A Coastal Development Permit from the California Coastal Commission may be required for some project facilities if brackish water source wells are located in the Coastal Zone.
- Encroachment permits for pipelines will be required from Monterey County, City of Marina, and possibly CALTRANS.
- MCWD must amend their Water System Permit with the California Department of Public Health to add the desalination facility as a new source of supply before the system can be placed into operation.
- A Regional Water Quality Control Board discharge permit (NPDES) for the desalination plant will be required.
- A Monterey County Building Permit will be required for the desalination plant
- A permit from the Monterey Bay Unified Air Pollution Control District will be required for the desalination facility
- Monterey County Environmental Health must approve permits for (1) construction of the groundwater wells, and (2) construction of the desalination facility

Appendix C: References

California American Water Company:

Coastal Water Project, Final Environmental Impact Report, prepared for the California Public Utilities Commission, October 2009

CalAm Monterey Peninsula Water Supply Project, Final Environmental Impact Report, prepared for the California Public Utilities Commission, March 2018

California Department of Water Resources:

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Bulletin 118: California's Groundwater, Interim Updated 2016, December 2016

California Irrigation Management Information System (CIMIS) website,
www.cimis.water.gov

Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001, October 8, 2003.

2015 Urban Water Management Plan Guidebook for Urban Water Suppliers, March 2016.

Model Water Efficient Landscape Ordinance, July 15, 2015

California Urban Water Conservation Council, Memorandum of Understanding Regarding Urban Water Conservation in California, As Amended June 9, 2010

California Building Standards Commission, 2016 California Plumbing Code, with 2018 Supplement

Carollo Engineers, Marina Water Systems Master Plan, February 2007.

City of Seaside:

2009-2014 Housing Element, adopted August 2010

Redevelopment Agency of the City of Seaside, Implementation Plan, 2007 – 2012, Seaside-Fort Ord Redevelopment Project Area, January 17, 2008

The Projects at Main Gate Specific Plan, adopted August 2010

City Council Resolution dated May 15, 2008, allocating 149.0 AFY to the Retail Lifestyle Mall component of the Projects at Main Gate

County of Monterey, 2010 Monterey County General Plan, October 26, 2010

Denise Duffy & Associates:

Draft Environmental Impact Report, Pure Water Monterey Groundwater Replenishment Project, April 2015.

Final Environmental Impact Report, Pure Water Monterey Groundwater Replenishment Project, January 2016.

Denise Duffy & Associates in association with RBF Consulting:

Draft Environmental Impact Report Regional Urban Water Augmentation Project, June 2004.

Final Environmental Impact Report Regional Urban Water Augmentation Project, September, 2004.

Fort Ord Reuse Authority:

Capital Improvement Program, FY 2017/18 through Post FORA, June 2017.

Fort Ord Reuse Plan, 1996.

Reuse Plan EIR, 1997.

Harding ESE, Final Report, Hydrogeologic Investigation of the Salinas Valley Basin in the Vicinity of Fort Ord and Marina, Salinas Valley, California, prepared for the Monterey County Water Resources Agency, April 2001

Keyser Marston Associates, Inc., Implementation Plan for the Fort Ord Redevelopment Project Area, Prepared for the Redevelopment Agency of Monterey County, March 2007

LAFCO of Monterey County, Municipal Services Review for the Monterey Peninsula, 2006

Marina Coast Water District:

2015 Urban Water Management Plan, prepared by Schaaf & Wheeler, Consulting Civil Engineers, June 2016.

2017 Consumer Confidence Report for Central Marina and Ord Community, April 2018

Pure Water Delivery and Supply Project Agreement between Monterey Regional Water Pollution Control Agency and Marina Coast Water District, April 8, 2016.

Water Supply Assessment and Written Verification of Supply for the City of Seaside Main Gate Specific Plan, prepared by Byron Buck & Associates, November 2, 2007.

Quarterly Water Consumption Report, period ending: December 31, 2017.

Monterey County Water Resources Agency:

2015 Groundwater Extraction Summary Report, April 2017.

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

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

Regional Water Providers Consortium, www.conserveh2o.org/toilet-water-use

RHAA, Development Master Plan, California Central Coast Veterans Cemetery, Fort Ord, prepared for the Redevelopment Agency of Monterey County, September 2008.

RMC Water and Environment, MCWD Recycled Water Project Basis of Design Report, 2006

University of California Cooperative Extension, A Guide to Estimating Irrigation Water Needs for Landscape Plantings in California, August 2000

Appendix D: MCWD Board Resolution Approving the Water Supply Assessment for the Amended Main Gate Specific Plan

November 19, 2018

Resolution No. 2018 - 63
Resolution of the Board of Directors
Marina Coast Water District
Approving the Amendment to the Water Supply Assessment and Written
Verification of Supply for the City of Seaside's Main Gate Specific Plan

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District," "MCWD"), at a regular meeting duly called and held on November 19, 2018, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the City of Seaside is the lead agency for preparation of the Amended Main Gate Specific Plan, a project that is located in the portion of the City of Seaside served by MCWD; and,

WHEREAS, the Amended Main Gate Specific Plan area is within the MCWD's Ord Community service area; and,

WHEREAS, the City of Seaside is required to produce a water supply assessment (Water Code section 10910 et. seq.) and written verification of supply (Government Code section 66473.7 (b)(1)) as part of the approval process for the Main Gate Specific Plan; and,

WHEREAS, the City of Seaside requested that MCWD, as the public water supplier for the area of development, analyze the available supplies and produce the required assessment and written verification of supply; and,

WHEREAS, the Marina Coast Water District prepared a Water Supply Assessment for the original Main Gate Specific Plan in 2007, concluding that the estimated water demand would be 213 AFY; and,

WHEREAS, the City of Seaside sub-allocated 149 AFY of existing groundwater supply to the Retail Lifestyle Mall portion of the Main Gate Specific Plan Area in 2008; and,

WHEREAS, the City of Seaside adopted the Main Gate Specific Plan in 2010; and,

WHEREAS, the City of Seaside is now amending the Main Gate Specific Plan to change the permitted land uses within the Specific Plan Area; and,

WHEREAS, the City of Seaside has not yet adopted the Campus Town Specific Plan, nor made any water sub-allocations to that project; and,

WHEREAS, the District completed the requested water supply assessment which concluded, pursuant to Section 10910 of the California Water Code, that the District's water supplies allocated for the City of Seaside are sufficient to meet the full water demand of 250.4-acre-feet-per-year associated with the proposed Main Gate Specific Plan in addition to other existing and previously approved development demands expected by MCWD in the Seaside Ord Community as described in MCWD's Urban Water Management Plan during normal, single-dry and multiple dry years within a twenty-year projection; and, pursuant to Section 66473.7 of the

California Government Code, the City's allocated water supplies are currently sufficient to provide up to 250.4 acre-feet per year of the proposed water demands of the Development, in addition to other existing and previously approved development demands expected by MCWD in the Seaside Ord Community Service Area as described in MCWD's Urban Water Management Plan during normal, single-dry and multiple dry years within a twenty-year projection; and,

WHEREAS, the District has planned the Regional Urban Water Augmentation Project to develop additional water supply for the Ord Community, and has certified a CEQA Environmental Impact Report for the Project; and,

WHEREAS, the District is currently constructing the recycled water portion of the Regional Urban Water Augmentation Project to deliver non-potable water, a portion of which may be allocated by the City of Seaside to the Main Gate Specific Plan; and,

WHEREAS, the Water Supply Assessment is confirmation of the availability of a reliable water supply for the project, based on the "Agreement between the United States of America and Monterey County Water Resources Agency Concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency" dated September 21, 1993.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the Water Supply Assessment and Written Verification of Supply for the proposed City of Seaside's Amended Main Gate Specific Plan.


PASSED AND ADOPTED on November 19, 2018, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors Lee, Cortez, Shriner, Moore

Noes: Directors None

Absent: Directors Gustafson

Abstained: Directors None



Thomas P. Moore, President

ATTEST:


Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-63 adopted November 19, 2018.


Keith Van Der Maaten, Secretary

Appendix E: Memorandum, Errata to the Main Gate and Campus Town Water Supply Assessments

Attachments

1. Water Supply Assessment and Written Verification of Supply for the Amended Main Gate Specific Plan, with Errata
2. Water Supply Assessment and Written Verification of Supply for the Campus Town Specific Plan, with Errata

References:

1. Fort Ord Reuse Authority, Resolution 07-1, **“Resolution of the Authority Board changing the 150 AFY loans granted to Del Rey Oaks, Seaside, Marina and Monterey County in October 1998 to permanent additions to their water allocations” and the staff report dated 1/12/2007**

Letter 12

COMMENTER: Andrew Sterbenz, PE, Senior Project Manager, Schaaf & Wheeler Consulting Civil Engineers

DATE: August 21, 2019

Response 12.1

The commenter states that Appendix M of the Draft EIR includes two versions of the WSA, of which the updated version was not prepared by Schaaf & Wheeler and was not reviewed and accepted by the MCWD Board of Directors. The commenter requests that the changes to the report be presented in underline-strikeout and requests that the author of the edited version be identified on the title page.

The Draft EIR and its materials were prepared by City Staff and its consultants, as outlined in Draft EIR Section 7.2. The commenter is correct that Appendix M contained two versions of the WSA, the first was included in Draft EIR Appendix M1, which noted that it contained “Errata from the City of Seaside Dated June 2019”. Section 4.16.2(b) (page 4.16-10) of the Draft EIR describes the changes to the Updated WSA “to provide more detailed information on the water offset programs (Mitigation Measure UTIL-1 below) and to correct several minor errors (e.g., incorrect street addresses) and provide additional background information.” In addition, a detailed summary of the updated WSA is provided on pages 1 to 2 of Appendix M1, describing what changes were made. The revised WSA was sent to MCWD before release of the Draft EIR. The revisions were generally acceptable to MCWD, however they did not provide any additional input. As described in detail in Draft EIR Appendix M1:

The City has prepared this Updated WSA to clarify the text of the prior WSA and to correct several minor errors. The District adopted its Water Supply Assessment on June 18, 2018. The WSA approved by MCWD is included in the EIR as Appendix M2 and is available online at: https://www.mcwd.org/docs/agenda_minutes/2018-06-18_board/Item%2010-C%20-%20Draft_Campus_Town_WSA_JUN2018.pdf

The WSA prepared by MCWD concluded “The Project will add approximately 487.4 acre-feet per year (AFY) of new demand to the District’s Ord Community Service Area, within the City of Seaside. The City has an existing allocation of Salinas Valley Groundwater of 1,012 AFY, and has previously suballocated 825.7 AFY to other projects, leaving 186.3 AFY available.” (Appendix M2, p. 1.) “To offset urban irrigation demands within the Seaside portion of the Ord Community with recycled water and then apply the existing potable supply towards the Campus Town Specific Plan area, the project EIR should clearly describe that intent and the resulting allocation of potable and recycled water supply.” (Appendix M2, Section 6.2.) The MCWD WSA further discussed such water offset programs to include Seaside Highlands and Soper Field and suggested utilizing recycled water for sanitary fixture flushing (toilets and urinals). (Id.)

The updated WSA contained herein, provides more detailed information regarding the proposed water offset programs, consistent with the WSA’s direction that the EIR describe the water offset programs and “clearly describe that intent and the resulting allocation of potable and recycled water supply.” (Appendix M2, Section 6.2.) This information has been incorporated throughout the WSA, including Section 6.2. The updated WSA also includes quantification of the recycled water use within the Plan Area, and a more precise calculation of landscaping water

demand, as shown in Table 2-1. Additional background information has also been added discussing the history of the 6,600 AFY allocation, long term water supply planning, and water supply reliability.

Minor errors were also corrected. For example, street addresses have been corrected in Section 2.1, which lists the current buildings within the Plan Area, and the acreage of the Plan Area has been clarified. Figures 2.1 and 2.2 have also been updated to be consistent with the current Specific Plan. Additional citations have also been provided, such as references in Section 2.2, which disclose the sources of the water demand assumptions. The left column of Table 3-4 was also revised to correctly identify 942 units at a density of 5-8 du/acre rather than 8-15 du/acre as identified in the original WSA.

Steven A. Herum
sherum@herumcrabtree.com

August 20, 2019

VIA ELECTRONIC MAIL

City of Seaside
440 Harcourt Avenue
Seaside, California 93955
Attention: Kurt Overmeyer
KOvermeyer@ci.seaside.ca.us

Re: Campus Town Specific Plan
Draft Environmental Impact Report
SCH#2018021079

Dear Mr. Overmeyer:

This office represents the Committee for Sound Water and Land Development of Fort Ord (Committee) and in that capacity has been instructed to review and provide comments about the Campus Town Specific Plan Draft Environmental Impact Report (SCH#2018021079) (DEIR) on behalf of Committee. Committee is an unincorporated association consisting of property owners in the City of Seaside and the Committee is vitally interested in protecting the environment of Seaside and maintaining the quality of life within and around the community.

To start with, CEQA is to be expansively interpreted in order to provide maximum evaluation and consideration of potential direct and indirect environmental effects. Title 14 California Code of Regulation § 15003(f) [hereinafter CEQA Guideline]; *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259. In keeping with this expansive statutory mandate the "EIR requirement is the heart of CEQA." CEQA Guideline § 15003(a); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795.

More specifically, an Environmental Impact Report must consider both direct and indirect environmental effects (CEQA Guideline § 15064(e)) including secondary environmental effects resulting from direct economic effects. The expansive interpretation of this rule was presented in *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1205-1206 (*Bakersfield*) and illustrates the meaningful relationship between socio-economic direct effects to secondary or indirect environmental effects:

13.1

Guidelines section 15131, subdivision (a) provides, "An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes in turn caused by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes."

Case law already has established that in appropriate circumstances CEQA requires urban decay or deterioration to be considered as an indirect environmental effect of a proposed project. The relevant line of authority begins with *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 217 Cal.Rptr. 893 (*Bishop*). There, the appellate court held that adoption of multiple negative declarations for different aspects of the same large regional shopping center violated CEQA. (*Id.* at p. 167, 217 Cal.Rptr. 893.) The court also agreed with appellant that on remand "the lead agency must consider whether the proposed shopping center will take business away from the downtown shopping area and thereby cause business closures and eventual physical deterioration of downtown Bishop." (*Id.* at p. 169, 217 Cal.Rptr. 893.) Citing Guidelines section 15064, the court found that the lead agency had an affirmative duty to consider whether the new shopping center would start an economic chain reaction that would lead to physical deterioration of the downtown area. (*Id.* at p. 170, 217 Cal.Rptr. 893.) Therefore, "[o]n remand the lead agency should consider physical deterioration of the downtown area to the extent that potential is demonstrated to be an indirect environmental effect of the proposed shopping center." (*Id.* at p. 171, 217 Cal.Rptr. 893.)

Accordingly, in *Bakersfield Citizens* the socio-economic impact of store closures required the two EIRs to study in depth the potential that this direct non-environmental effect could start a "chain of events" leading to urban decay, a recognized indirect environmental effect.

The DEIR did not Correlate the Project's Adverse Air Quality Impacts to Resultant Adverse Health Affects.

Failing to correlate the Project's adverse air quality impacts to increased incidents of health ailments constitutes a prejudicial abuse of discretion. Health problems caused by a project must be addressed in an environmental impact report, including incidents health effects caused by increases in air pollution. *Bakersfield* at 1220. Specifically, CEQA requires an environmental impact report to discuss "health

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13.2

and safety problems caused by the physical changes" by the proposal. §15126.2(a). In order to meet CEQA's disclosure requirement, an environmental impact report must "correlate the identified adverse air quality impacts to resultant adverse health effects." *Bakersfield* at 1219 (italics added). "Correlate" is defined as: "to bring (a thing) into mutual relation (with another thing); calculate or show the reciprocal relation between; specif., to bring (one or two related or interdependent quantities, sets of statistics, etc.) into contrast (with the other)." Webster's New World Dictionary 319 (2d College ed. 1985) (italics in original; bold added).

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Thus, the court in *Bakersfield* used "correlate" to mean an environmental impact report must disclose the proportional relationship between increased tonnages in air pollution and increased incidents of health ailments by calculating and quantifying the relationship. The DEIR fails to comply with this necessary informational disclosure requirement. Indeed, *Bakersfield* teaches us a truncated analysis involving a bare statement that increased air pollution tonnages means more people get ill fails to satisfy CEQA's information disclosure requirement.

In *Bakersfield*, the two EIRs at issue calculated the approximate increased tonnage of air pollution and then baldly concluded that more air pollution means more health and respiratory ailments.¹ *Id.* at 1220. According to *Bakersfield*, this embryonic level of detail is insufficient and resulted in the Appellate Court rejecting the air quality analyses for failing to quantify or correlate the relationship between increased health ailments and increased air pollution. *Id.* at 1220-1221. Accordingly, it is not enough for an environmental impact report to simplistically conclude air pollution will increase and then supply a laundry list of pollutants and related health effects. Rather, CEQA is satisfied only when an EIR discloses and quantifies anticipated increases of health ailment events resulting from a project's increases in air pollution tonnages.

The DEIR essentially suffers the same affliction as the *Bakersfield* EIRs and likewise fails to satisfy CEQA. DEIR subchapter section 4.2.1(c). The DEIR discloses and acknowledges that increased levels of air pollution significantly contributes to declines in health and increases in certain types of ailments but does not correlate the actual increases of air pollutants to the number and type of air pollution related conditions and diseases. DEIR at 4-2.2. However the analysis deliberately omitted any quantification of the amount of CO, ROG, Nox, or particulate matter. Instead, concerning increased volumes of ozone pollution and correlating this increase to increased incidents of health problems, the DEIR blandly explains:

"Long-term exposure can increase the risk of mortality and increase the incidence of asthma and cardiovascular harm (e.g., heart attacks, heart disease, strokes) among populations (USEPA 2013a).

¹ This is the functional equivalent of blandly asserting that the more you smoke cigarettes the more likely it is you will suffer from lung cancer. The statement is objectively true but does not calculate or quantify the magnitude of the health risk based upon the number of cigarettes smoked. It identifies a cause and effect but simply does not provide a quantified correlation.

Groups most sensitive to O3 include children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors. Specifically, children and people who exercise strenuously outdoors are more sensitive to O3 because they spend more time outdoors and inhale at a more rapid rate than the average adult (California Air Resources Board [CARB] 2019). More information on the health impacts of O3 is available from MBARD at http://mbard.org/wp-content/uploads/2017/03/2012-2015-AQMP_FINAL.pdf (MBARD 2017)."

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DEIR at 4.2-2.

But the self-identified "more information" isn't the right type of information to formulate the correlation between increased levels of air pollution by type and increases in various types of air pollution related ailments such as respiratory and cardio-vascular disease. Nor is it sufficient for decision makers and the public to understand a public policy balance and the application of environmental and health values of development against the anticipate consequence of additional cases of respiratory and cardiovascular diseases.

Similarly, with respect to CO pollution, the DEIR also blandly explains:

"The health effects of CO are related to its affinity for hemoglobin in the blood. At high concentrations, CO reduces the amount of oxygen in the blood, causing heart difficulties in people with chronic diseases, reduced lung capacity and impaired mental abilities."

DEIR at 4.2-3 (regarding carbon monoxide).

The DEIR is equally vague about quantifying the increase health risk from increased NO2 emissions:

"Long-term exposures to NO2 can increase the incidence of asthma and susceptibility to respiratory infections."

DEIR at 4.2-3.

The same generic non-specific analysis is provided for PM10 and PM25:

Fine particulate matter is more likely to penetrate deep into the lungs and poses a serious health threat to all groups, but particularly to the elderly, children, and those with respiratory problems. More than half of the small and fine particulate matter that is inhaled into the lungs remains there, which can cause

permanent lung damage. These materials can damage health by interfering with the body's mechanisms for clearing the respiratory tract or by acting as carriers of an absorbed toxic substance. Acute and chronic health effects associated with high particulate levels include the aggravation of chronic respiratory diseases, heart and lung disease, and coughing, bronchitis and respiratory illnesses in children.

DEIR at 4.2-4.

Each passage omits information concerning the quantitative correlation between increased amounts of air pollution and increased health ailments. Omitting information and data constitute a failure to proceed in a manner required by law.

The analysis is artificially cut off at this point, however, failing to quantify increases in "known adverse health effects" produced by the Project's "significant and unavoidable" increase in air pollutants. By stopping short, the DEIR prevents the public from having a reasonable idea how much worse our health will be if the Project is constructed and operates. Indeed, this DEIR commits the same fatal flaw as presented in the *Bakersfield* EIRs. It offers a table identifying the type of pollution and then pointing out the type of disease generally associated with that type of pollution. DEIR Table 4.2.1 a 4.2.6. This Table is found at section 4.2.1.c, the section identified as the portion of the DEIR that will correlate increased pollution to increased negative health events. But this precise kind of table was found legally deficient by the *Bakersfield* appellate court because it does not provide a legally sufficient correlation between increased levels of air pollution and increased levels of air pollution related disease.

Omitting information constitutes a CEQA violation and cuts off a meaningful public policy consideration of proposed land use projects. The health hazards of well understood diseases are mentioned but unfortunately not quantified by this DEIR; however, the extent to which air pollution is responsible for disease and death is substantially understated. According to one recent study presented in the European Heart Journal, a publication of the European Society of Cardiology: "the health impacts attributable to ambient air pollution in Europe are substantially higher than previously assumed". <https://academic.oup.com/eurheartj/article/40/20/1590/5372326>.

Similarly a study from The Journal of the American Medical Association concludes that a study can calculate and quantify the correlation: "Each 10-µg/m³ elevation in fine particulate air pollution was associated with approximately a 4%, 6%, and 8% increased risk of all-cause, cardiopulmonary, and lung cancer mortality, respectively."

The DEIR does not disclose the magnitude of public health effects resulting from the anticipated increases in ozone and particulate matter generated by the Project. This simply does not provide the public and decision makers with relevant information

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essential to determining the exacerbated health consequences caused by a significant and unavoidable increase in pollutants.

In order to foster this critical review, we append as Attachment 1 copies of the deficient air quality analyses from the *Bakersfield* EIRs and explained that this DEIR does less than the disapproved *Bakersfield* approach to study and disclose respiratory health effects. We also append as Attachment 2 qualified medical journal studies demonstrating the scientific and technical capabilities of studying the causal link between increased tonnages of air pollution caused by new development and increased incidents of air pollution caused illnesses.

Yet this DEIR contains a dearth of information explaining why information correlating increases in air pollution to anticipated increases in cardiovascular disease was omitted. ["The EIR does not explain in even minimum detail the basis for the omission and provides no reasoned analysis clarifying why complete reliance on the AQNP is justified when this major omission exists." *Citizens to Preserve the Ojai* at 430.] Indeed, *Ojai* teaches us that this DEIR is deficient unless it expressed reasons for omitting a study correlating the adverse air quality impacts to resultant adverse health effects. But alas, the only evidence is the multiple scientific studies we introduced illustrating that the requisite correlation of effect and harm is both feasible and practical.

The DEIR's air quality analysis ignores glaring omissions and falls short of fulfilling the statutory disclosure requirement. This truncated analysis violates CEQA by omitting a correlation between adverse air quality impacts and resultant adverse health effects and does not disclose the severity of the Project's environmental impacts. As *Bakersfield* holds, brief references to, or the listing of, potential respiratory illnesses do not satisfy CEQA. *Bakersfield* at 1220. It is only when correct and feasible scientific analysis is conducted and the EIR calculates the significance of the impact in terms of increased events of disease and suffering, are the public and decision makers notified of a project's true impacts. This correlated information is scientifically possible and legally required (*Bakersfield* at 1220), and the omission amounts to a prejudicial failure to proceed in the manner required by law.

The DEIR Failed to Satisfy Appendix F of the CEQA Guidelines.

The DEIR's actual disclosures fail to comply with CEQA's "Appendix F" energy disclosure and mitigation standards. Public agencies are directed to evaluate, disclose, and mitigate a project's energy implications in their environmental analyses, and the "[f]ailure to include a detailed statement setting forth mitigation measures proposed to reduce wasteful energy consumption as required by Pub. Res. C. §21100 (b)(3) may render an EIR legally inadequate." *Kostka & Zischke 2 Prac. Under the Calif. Environmental Quality Act* (CEB 2019) §14.14 at 711. "In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and

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13.3

unnecessary consumption of energy." Guidelines Appendix F(l)(underline added); see §15126.4.

The identified threshold of significance unreasonably narrows the potential analysis of energy impacts. Indeed it conflicts with Appendix F. According to the DEIR:

An energy-related impact is considered significant if the Proposed Project would result in one or more of the following conditions:

1. Wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation;
2. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

DEIR at 4.5-14.

While the *emphasis* may be to avoid inefficient, wasteful or unnecessary energy consumption, the threshold for determining an energy impact to be significant is substantially broader. Thus this narrow definition of a threshold of significance operates to truncate a full analysis of energy impacts. Or stated slightly differently, the sentence in Guideline F(l) does not constitute a threshold of significance but merely interprets the Guideline to explain the emphasis of an adequate energy analysis.

It is apparent that the DEIR's truncated decision to regard energy impacts as less than significant resulted in the DEIR's failure perform its statutory informational disclosure duty. See, for instance, the truncated analysis presented at DEIR ES-20. To put a finer point on it, failing to proceed in a manner required by law, as found in Appendix F, resulted in the omission of facts, information and data that are necessary to assemble in order to determine the significance of the energy impact.

The analysis is substantially distorted by an assumption generally unavailable in a appropriate CEQA analysis. At page 4.5-18 of the DEIR it assumes residents within the project "are likely already located with the AMBAG jurisdiction" (bolding added) and therefore the environmental effects do not increase. (Nevertheless, the DIER makes the wildly contradictory argument that the project construction rate is influenced by "immigration rates". DIER at ES 3-2.) This statement impliedly changes the baseline for reviewing environmental effects in an improper and illegal manner. If the anticipate new residents in the project already live in the air district then new residents, currently residing outside of the air district, presumably will occupy their former homes. The use of this baseline is improper and tautological.² It constitutes a failure to proceed in a manner required by law and results in the omission of relevant data and information.

² Moreover, the DEIR subsequently contradicts itself by backsliding and arguing "[t]herefore, it is reasonable to assume that **many of the Project's future residents** currently live in Seaside or elsewhere in the AMBAG region." DEIR at 4.5-19 (bolding added). So is it *likely* the residents already reside in the area or is it *reasonable to assume* that many of the future residents live in the area? But what does "*likely*" or "*many*" quantitatively mean? 90%? 75%? 50%? 25%? How can the reader test this so-called "reasonable

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13.4

The tautological nature of the argument is exquisitely expressed as follows:

Further, the majority of the existing residential structures in the region are substantially older and less efficient than those that would be built under the Proposed Project. Approximately 77 percent of the City of Seaside's housing stock was built prior to 1980 and therefore does not incorporate modern Building Code efficiency requirements (City of Seaside 2010). Consequently, individuals moving from older residences to the Project would consume less energy in the forms of electricity and natural gas because the Project would be more efficient than the surrounding housing stock from which people are anticipated to move.

DEIR at 4.5-19.

The so-called analysis omits the fact that someone will in turn move into these "older and less efficient" homes that do not meet building code "efficiency requirements". Once this fact, consistent with the history of population movements in California, is taken into account it is impossible to conclude the project, adding thousands of homes, actually reduces energy demands.

The DEIR then compounds this flawed analysis by suggesting, without evidence, that college students who bike or walk to the campus would dominate the housing and suggests the alternative would be for them to live further away and drive to the campus. Suggesting that residents would otherwise likely live further away and treating this unsupported assumption as an "existing conditions" (DEIR at 4.5-19) violates CEQA's understanding the current conditions and baselines. CEQA Guideline section 15125(a)(1). It is also a false assumption since the project description does not restrict occupancy of the residential units to only students attending the state college.

In addition, an environmental impact report cannot dispense with needed analysis by concluding that a project will comply with Title 24 or other general standards. "Although the Building Code addresses energy savings for components of new commercial construction, it does not address many of the considerations required under appendix F of the CEQA Guidelines. These considerations include whether a building should be constructed at all, how large it should be, where it should be located, whether it should incorporate renewable energy resources, or anything else external to the building's envelope. Here, a requirement that Gateway II comply with the Building Code does not, by itself, constitute an adequate assessment of mitigation measures that can be taken to address the energy impacts during construction and operation of the project." *California Clean Energy Committee v. City of Woodland*

assumption"? The statements are meaningless when information and data is omitted. Nevertheless, under either theory people from outside the area will migrate to the area and occupy the homes vacated by the people moving into the development. The argument is false and misleading.

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(2014) 225 Cal. App. 4th 173. Thus applying Title 24 is insufficient as an assessment of the effect and mitigation measures.

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Appendix F implements this CEQA mandate by instructing public agencies that “[p]otentially significant energy implications of a project should be considered in an EIR,” and describing several energy-related issues to be evaluated such as energy efficiency, effects to energy supplies, effects on peak and base period demands, compliance with existing energy standards, and transportation energy consumption. *Id.* at (II)(C). Appendix F explains that compliance starts with the EIR’s project description. To produce a legally sufficient analysis, the Guidelines direct an EIR’s project description to include a discussion of:

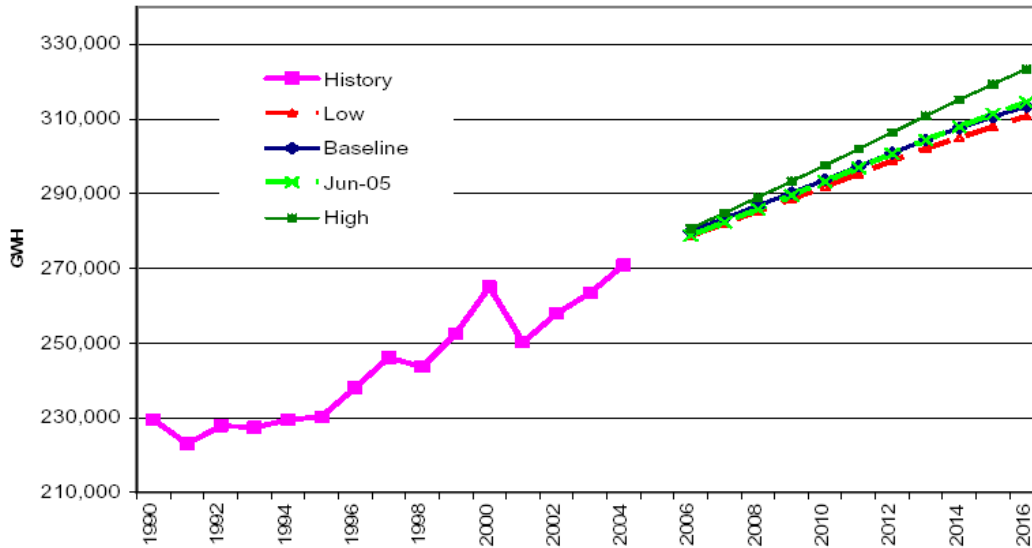
- energy consuming equipment to be used by the project (App. F II.A.1.);
- energy requirements of the project by fuel type (App. F II.A.2.);
- energy conservation equipment (App. F II.A.3.);
- energy costs (App F. II.A.4.); and
- energy consumption per vehicle trip (App F. II.A.5.).

Likewise, Appendix F suggests an EIR’s “environmental setting” section “include existing energy supplies and energy use patterns in the region and locality.” *Id.*

The DEIR omits any discussion of energy consuming equipment to be used by the Project, energy requirements of the Project by fuel type, energy conservation equipment, energy costs, or energy consumption per vehicle trip in the “Project Description” section as required by the Guidelines. Further, the environmental setting fails to disclose existing energy supply and use patterns in Seaside or the surrounding region. Rather, the “Project Description” includes a list of service providers the Project will use for gas and electric service. Moreover, the DEIR does not include the baseline information listed in Appendix F.

The DEIR does not meet this requirement (“The EIR does not explain in even minimum detail the basis for the omission and provides no reasoned analysis clarifying why complete reliance on the AQNP is justified when this major omission exists.” *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421,430) and substantial vulnerability of California’s energy supply necessitate evaluation and mitigation of these impacts in the EIR. For example, a September 2005 California Energy Commission staff report entitled “California Energy Demand 2006-2016” shows that while electricity consumption remained fairly steady from 1990 to 1995 (~225,000 to 230,000 GWH) California has seen a rapid increase (of approximately 20%) to over 270,000 GWH in 2004:

Figure 1-1: Statewide Electricity Consumption



(Source: <http://www.energy.ca.gov/2005publications/CEC-400-2005-034/CEC-400-2005-034-SF-ED2.PDF>)

The CEC Figure 1.1 further shows electricity consumption is expected to increase from 270,000 GWH to 310,000 to 325,000 GWH over the next ten years. At the same time, energy supply is at issue and the state is in the midst of an “energy crisis” resulting in periodic “rolling blackouts”, increased electricity and natural gas prices, and documented regularly by the Los Angeles Times (see <http://www.latimes.com/business/local/power/>). Likewise, Californians have recently seen gasoline prices reach well over \$3.75 per gallon.

In a November 2005 Committee Report entitled “2005 Integrated Energy Policy Report”, the California Energy Commission warns:

California's way of life is increasingly threatened by its growing dependence on oil and natural gas, spiraling energy prices, potential supply shortages, and an inadequate and aging energy delivery infrastructure.

Energy prices in California are higher than ever before. Gasoline prices reached record levels in September, consuming valuable dollars that could otherwise have been spent on goods and **services to help bolster the state's recovering economy**. With world oil prices topping \$70 per barrel, it is unlikely that gasoline consumers will see any meaningful relief in the near future. Electricity rates, although not as erratic as they were during the

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state's 2000-2001 energy crisis, are still among the highest in the nation, forcing businesses to struggle to maintain profit margins as the cost of doing business in the state rises. California depends upon natural gas to generate about half of its electricity, so natural gas prices that have more than doubled since 2000 are likely to keep electricity rates high. **The state's dependence on the** increasingly volatile natural gas market for its electricity generation is a growing cause for alarm.

Energy costs in all sectors will continue to rise as California's rapidly growing population and growing business sector continue to increase the demand for energy.

Weather adjusted electricity consumption in California increased an average of 2 percent over each of the last two years, and continues to rise. Meanwhile, state demand for transportation fuels has increased 48 percent over the last 20 years and continues to grow at an alarming rate despite record high gasoline and diesel prices. **The state's dependence on natural gas to generate** electricity is escalating along with the demand for natural gas in the residential and commercial sectors, with California's natural gas consumption second only to that of Texas.

Development of new energy supplies is not keeping pace with the **state's increasing demand**. Construction of new power plants has lagged and the number of new plant permit applications has decreased. In addition, the development of new renewable resources has been delayed by the state's complex and cumbersome Renewable Portfolio Standard process. In the transportation sector, California's refineries cannot keep up with the mounting need for petroleum fuels and consequently depend upon increasing levels of imports to meet the state's needs. California also imports 87 percent of its natural gas supplies, which are increasingly threatened by declining production in most U.S. supply basins and growing demand in neighboring states.

California's energy infrastructure is increasingly unable to meet the state's energy delivery needs. The most critical infrastructure issue is the state's electricity transmission system, which has become progressively stressed in recent years. The state's systematic under-investment in transmission infrastructure is reducing system reliability and increasing operational costs. Last year, transmission congestion and related reliability services cost California consumers over \$1 billion. The state also experienced numerous price spikes and several local outages over the past summer. Southern

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California experienced its first rolling blackouts since the 2000-2001 energy crisis. California's petroleum import and refinery infrastructure also faces challenges including the inherent conflict between the need to expand import, refining, and storage facilities to meet transportation fuel demands and the environmental and social concerns of local communities affected by these needed expansions. In the natural gas sector, California has made infrastructure improvements that will increase the reliability and operational flexibility of the natural gas system, but must still address the need for additional pipeline capacity to meet peak demand.

(Source: <http://www.energy.ca.gov/2005publications/CEC-100-2005-007/CEC-100-2005-007-CTF.PDF> (bolding added).) Thus, substantial evidence shows that energy consumption is a significant environmental issue not to be ignored in an EIR.³ This is simply insufficient to satisfy CEQA and the EIR cannot be certified as complete and accurate.

The DEIR followed a process specifically rejected by the appellate courts when it explains that:

Cumulative development would increase demand for energy resources. However, new iterations of the California Building Energy Efficiency Standards and CALGreen would require increasingly more efficient appliances and building materials that reduce energy consumption in new development.

DEIR at 4.5-26. See, *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal. App. 4th 173.

Using this rejected analysis omits relevant data and information and prevents the DEIR from operating as an informational document. Essentially the DEIR discounts energy effects of the project because 1) people living in the area will move to the project; 2) the project is subject to Title 24 and CALGreen; 3) they are students who will walk or bike to school; and, 4) the Cal State master plan anticipates student growth. None of these reasons justifies dispensing with a full analysis of the energy impacts.

In short, the DEIR's analysis is limited to a series of evidence-starved conclusions offering no analysis or information addressed when following Appendix F's procedure. This failure to proceed in a manner required by law is fatal to the DEIR's legal sufficiency.

³ Although the DEIR does generically reference energy conservation in its discussion of Air Quality mitigation, there is no explanation of the actual consumption of energy, no attempt to comply with Appendix F, and no detailed mitigation measures to be enforced.

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When evaluating an agency's failure to meaningfully consider a potential impact due to omitted relevant information, "[t]he relevant question is whether the lead agency failed to proceed in the manner required by law." *Bakersfield* at 1208. Here, the DEIR's object failure to adequately describe and mitigate the Project's energy impacts in compliance with Appendix F prejudices the decision-making process. The DEIR unlawfully dispensed with the energy evaluation and mitigation measures of Public Resources Code §21100, Guidelines §15126.5, and Appendix F. In addition, in light of California's ongoing energy supply crisis, which has resulted in inflated fuel prices, skyrocketing heating and air-conditioning bills, and regular summertime threats of "rolling blackouts", it is critical that the DEIR contain all necessary information relating to the Project's energy consumption. After reviewing the DEIR, neither the public nor decision makers know the extent to which the *entire* Project consumes energy, whether such consumption is inefficient and wasteful, and whether the impacts can be reduced or mitigated to less-than-significant levels.

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A Defective Threshold of Significance Renders the **DEIR'S** Evaluation of the **Project's** GHG Effects Legally Deficient

13.6

Public agencies are encouraged to adopt thresholds of significance. CEQA Guideline § 15064.7. For evaluating individual projects the State of California and regional state agencies offered multiple thresholds of significance for global warming. For instance, the South Coast Air District believes a project emitting three tons of GHG a year is significant. South Coast Air Quality Management District, "Draft Guidance Document—Interim CEQA Greenhouse Gas (GHG) Significance Threshold (October 2008). AB 32 establishes a state goal of reducing GHG emissions to 1990 levels by 2020 (a reduction of approximately 25 percent from forecast emission levels).

The DEIR presents an illusory threshold of significance failing to fulfill the purpose and objectives of a legally sufficient threshold of significance. The threshold of significance for GHG is:

"An impact related to GHG emissions is considered significant if development under the Proposed Project would result in one or more of the following conditions:

1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment;
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs."

DEIR at 4.7-13. *To put a finer point on it, the DEIR provides a threshold of significance that states that GHG effects are significant if they are significant.* Such a circular definition of significant offers no guidance in evaluating GHG effects.

Indeed, the DEIR states: "Threshold 1 is consistent with CEQA Guidelines Section 15064.4(b)(1)" (DEIR at 4.7-13), yet section 15064.9B(2) discloses that threshold of

significance are actually defined at subsection 15064.7(a). Subsection 15064.7(a) explains why this DEIR's threshold of significance is legally deficient: thresholds of significance provide an "identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with means the effect will normally be determined to be significant". This threshold of significant does not contain the qualities expressed in subsection 15064.7(a).

It is apparent that the DEIR's truncated decision to regard Greenhouse Gas Emissions as less than significant resulted in the DEIR's failure perform its statutory informational disclosure duty. To put a finer point on it, a failure to proceed in a manner required by law resulted in the omission of facts, information and data that are necessary to assemble in order to determine the significance of the GHG impact.

Recently the State Air Resources Board concluded that the threshold should either be a zero threshold or, if a non-zero threshold is employed it "must be sufficiently stringent to make substantial contributions to reducing the State's GHG emission peak, to causing that peak to occur sooner or to putting California on the right track to meet its interim (2020) and long term (2050) emissions reduction targets." California Air Resources Board. Preliminary Draft Staff Proposal, Recommended Approaches for Setting Interim Significant Thresholds for Greenhouse Gases under the California Environmental Quality Act (October 24, 2008). In any event, the threshold is either a net no increase in emitting GHG or "stringent" steps to foster attaining the 2020 and 2050 goals.

At least two fatal flaws are embedded in the Project's direct impact section concerning GHG. First, the section lacks a threshold of significance. Hence, the reader is unable to determine whether the impact is significant or not. Yet the various thresholds of significance discussed earlier, and ignored by the Draft EIR, do not focus on this question. Instead, the thresholds of significance focus on whether the proposal helps or hurts efforts to meet the 2020 and 2050 goals. Without a threshold of significance statement the entire analysis lacks an intellectual context and results in omitting relevant information.

Indeed, an EIR's sketchy treatment of the threshold or method to conclude whether an environmental effect is significant renders such an EIR legal deficient. In *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099. The court discussed the use of thresholds in determining (1) whether to prepare an EIR and (2) whether any of the possible significant environmental effects of the project will, in fact, be significant. *Id.* at 1106-09. The court held that "the fact that a particular environmental effect meets a particular threshold cannot be used as an automatic determinant that the effect is or is not significant...a threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant." *Id.* at 1109.

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In the environmental impact report, the Amador Water Agency set forth various standards of significance, which mirrored Appendix G sample questions. The agency determined the reduced stream flows “are insignificant since the thresholds developed from the standardized Appendix G checklist make it so.” *Id.* at 1111. Petitioner asserted the agency abused its discretion by adopting narrow and irrelevant thresholds of significance which did not address the particular physical change the project would have on the seasonal reduction of surface flow in local streams.

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The court did not even address petitioner's claim because “contrary to CEQA requirements, the EIR fails to explain the reasons *why* the Agency found the reduction in stream flow would not be significant.” *Id.* at 1111. The court held the EIR provided nothing but a “bare conclusion” because it simply explained how construction would affect existing local hydrology by reducing surface flow and then baldly concluded the impact would not be significant. *Id.* Since the EIR lacked a “statement of reasons”, the court was unable to determine whether the agency reached its “less than significant” conclusion based on substantial evidence in the record or because it applied standards of significance that did not address reduction in stream flow as a potential environmental effect of the project. *Id.* at 1112. Either way, the agency abused its discretion by omitting the required statement of reasons. *Id.*

THE DEIR'S EVALUATION OF THE PROJECT'S DIRECT AND INDIRECT IMPACT TO GLOBAL WARMING IS LEGALLY DEFICIENT

13.7

The section does not provide information about the amount of GHG produced by the Project and whether the amount emitted facilitates meeting the 2020 and 2050 goals. In short, rather than contribute to reducing GHG emissions to 1990 standard this project has the individual characteristic of making the GHG situation substantially worse. This means, according to the Governor's Executive Order, that the Project has a direct significant environmental effect to GHG.

Accordingly, under any of the proposed and adopted thresholds of significance discussed earlier, the Project's individual impact on GHG is significant. The DEIR omits relevant information and data and reaches the wrong conclusion about whether the impact is significant or not.

Moreover, the DEIR failed to discuss the feasibility of multiple mitigation measures that could be imposed to reduce this significant effect. CEQA requires all feasible mitigation measures to be incorporated into a project, even if the environmental effect remains significant. The State of California, Office of the Governor, Office of Planning and Research, has identified thirty three feasible mitigation measures to reduce GHG and attain the 2020 and 2050 goals. See State of California, Office of Planning & Research. “CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review (June 19, 2008) at Attachment 3. Each mitigation measure is feasible for the proposal and the DEIR has a duty to identify

and discuss each proposed measure. Failing to perform this task results in an omission of information and failure to proceed in a manner required by law.

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A CONFLICT WITH EXISTING PLANS IS A SIGNIFICANT IMPACT UNLESS A MITIGATION MEASURE IS IMPOSED ON THE PROJECT

13.8

The DEIR emphasizes the proposed development project is consistent with the mixed use land use plan requirement imposed by the CSUMB Master Plan (DEIR at ES-2), the Fort Ord Reuse Authority Act BRP [FOAR 2005] (DEIR at ES-3), the Seaside General Plan (*Id.*),⁴ and the identified Project objectives. DEIR at ES-2 and 3.⁵ From the DEIR we also learn the project is proposed in two phases and is anticipated to build out over a thirteen year period of time. But, in fact, the time to complete the project is a speculative estimate untethered to any substantial evidence or reasonable projection. Instead, according to the DEIR: "The actual rate and amount of development (up to the maximums) could differ; buildout is dependent on market conditions, birth rates, death rates, immigration rates, availability of resources, and regulatory processes from Federal, State and local regulations. Nevertheless, a conceptual layout for buildout of the Specific Plan is shown by phase in Figure 2-3 and Figure 2-4 in Section 2". DEIR at E-3.⁶

The DEIR conclusion that the project is consistent with the controlling planning documents' requirement compelling the real property to be developed with mixed uses pivots on unenforceable assumptions that both phases will be fully built out and, more specifically, phase one being fully built out before phase two is built out. This is a serious problem since phase two is heavily residential while phase one contains the non-residential mix of land uses and there is no enforceable obligation to build out phase one either first or at all.

These controlling plans compel mixed use development in order to lessen and mitigate potentially significant environmental effects. Thus, the DEIR explains that a mixed use proposal reduces excess "mobility, urban sprawl, excessive commuting, and air quality deterioration". DEIR at ES-3. A mixed use proposal also "balance(s) the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance to mass transit facilities,

⁴ The Seaside General Plan: "The General Plan...promote(s) mixed-use, higher density residential and employment-generating development in areas where public transit is convenient and desirable." DEIR at 4.2-14.

⁵ A "conflict with any land use plan, policy, or regulation" is regarded as an environmental effect that must be studied in a CEQA document. CEQA Guidelines, Appendix G EVALUATION OF ENVIRONMENTAL IMPACTS form Section XI. B. See also, CEQA Guideline section 15125(d). The purpose of this requirement is to identify inconsistencies that the lead agency should address and modify the project to avoid such inconsistencies. *Orinda Association v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169.

⁶ The DEIR at 4.2-14 offers a specific example of mixed uses acting as a mitigation measure to lessen significant environmental effects: "(*Fort Ord Base Reuse Plan (BRP)*) Air Quality Policy A-3 requires the City to integrate land use strategies established by CARB that encourage clustered development to maximize the efficient use of mass transit into local land use decisions." (Italics added.)

downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing interests". DEIR at ES-2. Conversely if the proposal was built out in a manner omitting mixed land uses then the environmental effects otherwise lessened from a mixed use design would be present, unanalyzed in the environmental impact report and unaddressed in mitigation measures or conditions of approval. Accordingly the DEIR is compelled to proposed enforceable mitigation measures to assure the proposal is built out as a mixed use development. It is not enough to rely on assumptions based on pretty pictures.

Yet there is no reason to believe these assumptions are true and the DEIR does not supply a mitigation measure to assure that the project will be constructed and timed to assure a mixed use development. To put a finer point on it, nothing prevents the developer from starting with phase two, completing the housing weighted phase and then not proceeding with phase one, the commercial weighted phase. In that instance the development would not involve mixed land uses, would be inconsistent with the controlling plans and the City would have no mechanism to compel the developer to develop a mixed use project. In that instance significant environmental effects would not be analyzed and/or mitigated by informed mitigation measures.

Without mitigation a conclusion that the proposal is consistent with existing land use plans and policies, and consistent with the Project objective, is incorrect. It is predicated upon several unenforceable assumptions. After project approval the developer has an inherent right to build out the project in a manner conflicting with these plans, policies and objectives. This renders the DEIR analysis of Land Use and Planning (DIER at Chapter 4.10) legally deficient unless an enforceable mechanism is imposed to assure build out of a mixed use development.

Thus the DEIR must propose mitigation measures to assure decision makers and the public that the project as actually built out will include mixed land uses. This can be accomplished by imposing mitigation measures requiring the developer to substantially construct phase one first. We recommend imposing the following mitigation measures:

1. Phase One must be substantially built out before building permits will be issued for any property within Phase Two.
2. With respect to the Phase One build out, development shall occur in subphases with a combination of residential and non-residential construction occurring in each subphase. A building permit for 500 square feet of non-residential use must be issued for each residential building permits. Residential building permits for the next subphase cannot be issued until the non-residential construction building permit issued in the earlier subphase receives an unconditional certificate of occupancy. Once all non-residential buildings have been constructed then there is no

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limitation on issuing residential building permits for property within Phase One.

3. The hotel in phase one shall be constructed and occupied until 700 residential units are constructed.

Imposing these mitigation measures makes the development consistent with existing plans and achieves the objective of a mixed use land plan: lessening of environmental effects to less than significant.

THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ADEQUACY OF FIRE PROTECTION

The Seaside Fire Department has set an EMS and fire response time of five minutes or less for all incidents. DEIR at 4.13.3. However the DEIR does not have sufficient data or information to conclude whether or not the development will satisfy EMS and fire response time standards. This is due, in great part, to the fact the development intends to demolish the existing fire station and construct a new fire station at an undisclosed or unknown location sometime in the future. Thus the DEIR cannot conclude that EMS and fire response time will be satisfied because 1) the location of the new fire station is unknown or undisclosed and therefore response times cannot be reasonably calculated; and, 2) the DEIR does not require a mitigation measure that the new fire station be constructed and occupied before the old fire station is demolished. Hence, the development description and design does not require compliance with response time standards at all times during the development. Indeed the development could go years without meeting response times. The DEIR explains:

As described in the Section 4.13.1, *Setting*, the Plan Area currently includes the POM fire station located on the east side General Jim Moore Blvd between Lightfighter Drive and Gigling Road. While this fire station is included as a permissible use in the Specific Plan, it may be removed during Phase I of the Proposed Project, with a new fire station being constructed at another location... While no specific site or development plan has been selected for this fire station, for the purposes of this environmental analysis it has been assumed that a new 15,000 square foot fire station would be constructed and operational before the closure of the existing fire station and located on an approximately two-acre site in proximity to the Plan Area. The environmental impacts of such a facility have been analyzed as part of the Proposed Project, to the extent feasible based on available information. Although it is likely that the shared-use fire station would require the purchase of additional equipment, such as advanced life support medical equipment to provide adequate response capacity to the facility in the future, such equipment would not result in physical environmental impacts.

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13.9

DEIR at 4.13.14 and 15 (italics and underlining added.)

No enforceable mitigation measure accompanies the naked assumption that a new fire station will be operational before the old fire station is demolished or the assumption that a new fire station will be sited at a location within the development to maintain the response time standard. Stated slightly differently the DEIR does not cite to any "available information" constituting an enforceable policy that assures response times will be maintained. Without imposing an exacting and precise mitigation measure assuming the new fire station will be operational before the old fire station is demolished and located in an area to preserve the response time standard concluding the standard will be maintained is pure speculation.

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THE ANALYSIS OF THE ENVIRONMENTAL SUPERIOR ALTERNATIVE WAS LEGALLY DEFICIENT

The environmental superiority of Alternative 2 was eroded by an unacceptable method of evaluating this alternative. Specifically the DEIR explained:

13.10

In addition, because this alternative would generate fewer residents within the Plan Area, impacts to public services, schools, and recreation; utilities and service systems; and energy would also be reduced. It is anticipated, however, that the 1,220 residents that would have lived in the Plan Area under the Proposed Project would live elsewhere in the AMBAG region under Alternative 2, thus generating demand for these services, facilities, and resources elsewhere. VMT per service population would be greater for Alternative 2 compared to the Proposed Project.

DEIR at 6.40 (underlining added).

But the estimated 1,220 residents that "would have lived elsewhere in the AMBAG region" are vacating those homes, moving into the development and the vacated homes are then occupied by others.⁷ This false methodology cuts off the analysis and results in the omission of "sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project." CEQA Guideline section 15126.6(d). This constitutes a failure to proceed in a manner required by law and dictates that the DEIR should be rewritten to omit the false methodology in order to produce a meaningful evaluation, analysis and comparison.

⁷ Indeed, the DEIR concedes the rate of development is influenced by the immigration rate while contemporaneously ignoring immigration rates when evaluating Alternative 2. DEIR at ES 3-2.

POTENTIAL FOR URBAN DECAY

13.11

Although the DEIR general assesses the potential effects of general retail, it did not consider the possibility of big box retail. Big Box retail must be studied separately since it yields different effects than general retail. "When the particular type of retail business planned for a proposed project will have unique or additional adverse impacts, then disclosure of the type of business is necessary in order to accurately recognize and analyze the environmental effects that will result from the proposed project. A rendering plant has different environmental impacts than a chandler. In the retail context, Supercenters are similarly unique. Unlike the vast majority of stores, many Supercenters operate 24 hours per day seven days a week. Such extended operational hours raise questions concerning increased or additional adverse impacts relating to lights, noise, traffic and crime. While specific identification of the name of the tenant may be unnecessary, to simply state as did the Gosford EIR that "no stores have been identified" without disclosing the type of retailers envisioned for the proposed project is not only misleading and inaccurate, but it hints at mendacity." *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1213 (underlining added).

Substantial evidence supporting a conclusion that the store closures *will occur* is found in the enclosed report entitled "Wal-Mart's Impacts on the American Supermarket Industry" prepared by Dr. David Rogers of DSR Marketing Systems and dated February 10, 2004. Based on extensive studies of the Oklahoma City area market, (where Wal-Mart built 10 Supercenters between 1997 and 2003, and where 31 existing supermarkets and grocery stores closed between 1998 and 2003) Dr. Rogers concludes, "it is estimated that every new Wal-Mart Supercenter will ultimately close two (2) supermarkets." Thus evidence *does* exist to indicate that "business closures are likely to occur as a result of the project" and there is a contrary conclusion is not supported by substantial evidence. Further, assuming supermarkets do close, how will that affect anchor and non-anchor co-tenants? This impact is not addressed in the DEIR.

As a separate and independent line of analysis for contributing to the possibility of urban decay, we observe that other undeveloped property has numerous old and dilapidated former military structure. The only practical method of removing these structures is by reuse of the property through the development process. But as explained in the next section, entitled "THE DEIR WRONGLY OMITTED STUDYING THE INDIRECT IMPACT OF ALTERING PATTERNS OF URBAN DEVELOPMENT", approving this Project alters anticipated patterns of urban development, leaving substantial swaths of land containing old and dilapidated former military structure in the process of decay and producing urban decay, a physical impact that this DEIR must address in a meaningful way. The condition will also create a significant aesthetic effect to the physical environment.

Here is the chain of events is triggered from the Ford Ord Reuse Authority's regulation prohibiting the issuance of more than approximately 6,800 residential units until the former base generates a certain number of employment opportunities. Yet the only practical way for these dilapidated military structures to be removed and avoid become products of urban decay is through redevelopment of the land by the land development process. However, the substantial number of residential building permits that this project will receive precludes development of the other vacant property containing numerous military structures and these structures will remain unattended for years. During this period of time the land will fall into substantial urban decay as well as creating a significant and negative aesthetic effect. To avoid these significant environmental effects this Project must be redesigned to increase the amount of non-residential uses and decrease the amount of residential uses.

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THE DEIR WRONGLY OMITTED STUDYING THE INDIRECT IMPACT OF ALTERING PATTERNS OF URBAN DEVELOPMENT

13.12

The DEIR neglected addressing an altered pattern of urban development resulting from approving the Project. By way of background, the City of Seaside has a Local Agency Formation Commission adopted Sphere of Influence⁸ that determines the ultimate boundaries of the municipality and a General Plan depicting the area anticipated to be developed during the planning horizon.⁹ Each document considers anticipates development and population growth during the planning horizon and correlates this anticipated growth to the extension of municipal services in an efficient and planned manner that promotes "orderly growth and development...discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services". Government Code section 56001.

In this instance the City of Seaside has devoted substantial vacant land for development during the planning period. It has also limited the amount of growth and as a consequence this project would receive a substantial number of the available development permits, meaning other development projects would be unable to proceed. Since the Seaside General Plan and General Plan EIR assumed vacant land outside the city limits but within the General Plan would develop during the planning period, approving this project substantial alters the pattern of urban development in a manner that contradicts the Seaside General Plan. The different environmental effects produces by altering the pattern of urban development assumed by the General Plan and General Plan's environmental impact report must be addressed in this DEIR.

⁸ The Local Agency Formation Commission (LAFCO) in every county adopts a sphere of influence for each city to represent "the probable physical boundaries and service area" of that city (Gov. Code § 56076).

⁹ Government Code section 65300 provides in part that each city shall prepare a general plan for "land outside its boundaries which in the planning agency's judgement bears relation to its planning." Government Code section 65301 essentially repeats this statutory duty.

The General and Master Infrastructure Plans have been partially implemented and future implementation actions could be impeded or barred by the irrevocable decision to develop this real property and force other real property within the general plan to remain vacant for a longer period of time and assumed in the General Plan or General Plan EIR. This implicates the General Plan land use assumptions and the Master Infrastructure assumptions. This in turn would force Seaside to significantly change growth and infrastructure patterns and plans, and these changes would produce reasonably foreseeable new or more intensive environmental effects from less efficient development patterns, more GHG emissions, more vehicular miles traveled, more air pollution, and more energy consumption.

Changed policies or regulations that in turn affect the type or pattern of anticipated population growth and concomitant necessary municipal infrastructure must address potentially different or more intense environmental effects stemming from the new policies or regulations. "Included in this [growth inducing impact of a proposed project] are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects." CEQA Guideline §15126.2(d) (bracketed language added; language in parenthesis original).

City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398 vividly illustrates the flaw inherent in dispensing with any evaluations of these impacts. There a county "substantially changed the County's land use policies pertaining to unincorporated territories within various spheres of influence." *Id.* at 404. It "often replaced mandatory language with more permissive or discretionary language...eliminated certain provisions containing various requirements and limitations...granted the County greater discretion in land use matters relating to unincorporated territory... (and) where a conflict between city and county standards exist, the County has granted itself discretion to override city standards." *Id.* at 406-408.

Since CEQA "advances a policy of requiring an agency to evaluate the environmental effects of a project at the earliest possible stage in the planning process (*Id.* at 410) and the cities' objections "drew reasonable inferences from this evidence" (*Id.* at 411) demonstrating "reasonably anticipated future development" (*Id.* at 409) the county erred by not addressing the environmental effects produced by potentially changed growth patterns in an EIR before approving the new regulations.

We reach the same result here. It is reasonably foreseeable approving this Project will alter planned growth patterns and municipal service expansions anticipated by the enacted plans and these alterations would produce new or more intense environmental effects concerning air pollution, global warming, traffic, agricultural land conversion and energy consumption.

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The DIER does not meaningfully address this CEQA concern or, for that matter, even acknowledged this potential environmental effect. The omission constitutes a failure to proceed in a manner required by law.

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PROJECT WATER RIGHTS HAVE NOT BEEN DOCUMENTED

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The Marina Coast Water District ("MCWD") serves the proposed plan area. MCWD's current source of supply is currently groundwater sourced exclusively from the Salinas Valley Groundwater Basin. Over the years, the Salinas Valley Groundwater Basin ("Basin") has experienced overdraft, a condition where more water is pumped out of an aquifer than is recharged on an average yearly basis.

The California Department of Water Resources has estimated inflow to the Basin of 532,000 acre feet per year (AFY) and outflow from the Basin of 550,000 AFY. As documented in the Draft Environmental Impact Report/Environmental Impact Statement for the Salinas Valley Water Project, Basin overdraft has averaged approximately 19,000 AFY during the 1949 to 1994 hydrologic period, with an average annual seawater intrusion rate of 11,000 AF. May 2006 Monterey County Groundwater Management Plan P. 3-10

Under California law, overlying users of groundwater are entitled to a correlative share of groundwater – the right to use groundwater is shared by all overlying owners of a groundwater basin. Importantly, however, the right extends only to use on overlying tracts. Those who wish to use water for non-overlying uses are entitled to "appropriate" any surplus water, that is, groundwater not currently needed for overlying users. Because they do not own land, municipal and private water utilities pumping water for sale to domestic users, such as MCWA, are also considered non-overlying users. Therefore, they are junior to correlative right holders, even if their water deliveries are to overlying land owners. Because the Basin is overdrafted there is no surplus water available for appropriation; therefore, MCWD and other appropriators have no right to take groundwater as a source of supply.

MCWD has acknowledged this, noting that "absent an expensive groundwater adjudication . . . a pumper can only make a general determination of his or her groundwater rights. Generally, in an overdrafted groundwater basin the overlying agricultural groundwater pumpers are going to have pumping priority over urban pumpers, except to the extent that the urban pumpers have gained groundwater rights against the overlying pumpers by prescription . . ." Letter to Grand Jury at p. 5

Therefore, under California law, MCWD has no documented groundwater right to serve the proposed project. While MCWD may assert that it has obtained prescriptive rights against overlying users, prescriptive rights or prescription is grounded in the legal concept of adverse possession, and there are numerous criteria that must met in order to acquire and document a prescriptive right, including that the pumping was wrongful, it was occurring during overdraft, was continuous for a five-year period, and

there notice or awareness that the basin is in overdraft. Only courts can make the determination that a prescriptive right has been obtained. Until the elements of prescription are proven, the overlying class of pumpers is superior to all appropriators.

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MCWD also asserts another unsupported basis for its right to water, claiming it has been granted groundwater allocation rights under the Fort Ord Reuse Plan, adopted by the Ford Ord Reuse Authority on June 13, 1997. This official sounding claim is no more than a statement that MCWD was assigned whatever prescriptive rights may have been held by Fort Ord – it does not document a water right or provide any other evidence that it is “real” water on which a project can be built.

The Fort Ord “allocation” stemmed from a 6,600 acre-foot water supply “allocation” granted to it by the Salinas Valley Groundwater Basin, based upon the U.S. Army’s agreement with the Monterey County Water Resources Agency (MCWRA) to join Zone 2. The U.S. Army paid \$7.4 million to MCWRA to join Zone 2. At the time of the agreement, it was anticipated that a project would be developed that would supply Salinas Valley groundwater from a location farther from Monterey Bay, and that groundwater pumping within the former Fort Ord boundaries would eventually be discontinued. Under that agreement, Fort Ord’s pumping from the upper aquifers in the Basin was limited to 5,200 acre-feet per year. Continued groundwater pumping from the Basin was also contingent on its effects on seawater intrusion. Average water use by the U.S. Army (1988-1992) was about 5,200 acre feet, with a peak use of 6,600 acre-feet in 1984. Current annual water use on the former Fort Ord is 2,220 acre-feet.

The claimed “allocation” has seemingly taken on a life of its own, without condition, and with apparent certainty. In truth, the “allocation” is nothing more than the assertion by the Fort Ord property that it has historically pumped groundwater. When one looks closely at the Fort Ord Reuse Plan, it becomes clear that the parties (1) never intended that the former Fort Ord property would continue to rely on groundwater, (2) any “allocation” given to the property was subject to restriction if it aggravated or accelerated existing seawater intrusion, and (3) there was never an analysis of whether surplus water was available for appropriation or whether prescriptive rights had been obtained in the Basin. Fort Ord Reuse Plan 1997 Draft EIR at Page 4-160.

GROUNDWATER IS THE ONLY SOURCE OF SUPPLY TO MCWD

While MCWD asserts that it will provide reclaimed water and desalination to the project, there is no evidence to support these claims. MCWD’s desalination treatment plant may be permitted, but it has no source of water supply for its operation. While the EIR and the GSA assume that future demand in the Ord Community will be met by recycled water and desalinated water (See table 4.16.12), there is no evidence of this fact. No other potential potable supplies for the project have final environmental review or identified sources of funding. It is not foreseeable that any other potable

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supplies for the project will be online and producing by the time the contemplated development is approved and constructed.

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MCWD's own Urban Water Management Plan indicates that it will more than double its use of groundwater between 2015 and 2035 – yet it has not evaluated the impact of that increase on the groundwater basin.

CONTINUED GROUNDWATER PUMPING IS UNSUSTAINABLE

13.15

MCWD is in an unsustainable position; it has historically pumped groundwater from both the upper and lower aquifers. However, because seawater intrusion is adversely impacting MCWD's wells tapping the upper aquifer, over the past five years an increasing percentage of the district's water is being pumped from the deep aquifer. For example, six years ago, the deep aquifer accounted for about 45 percent of MCWD pumping; for the past four years that number has held at around 60 percent. In 2017, the district pulled 2,079 acre-feet of water from the deep aquifer, accounting for 64 percent of its pumping.

The district does not mention in the WSA that of the 6,600 acre feet allocated, 5,200 must be pumped from the upper aquifer – with only 1,400 allocated from the deep-aquifer water. MCWD is currently pumping most of its water supply from the lower aquifer.

The EIR did not address the impact to the upper aquifer from seawater intrusion from pumping these additional amount from the upper aquifer. This analysis is crucial, because if increased pumping from the upper aquifer adversely impacts seawater intrusion, the "allocation" is not available. The "allocation" to MCWD under the Fort Ord Reuse Plan is conditioned upon no adverse impact on seawater intrusion. Evidence since the "allocation" was made confirm that the chloride contour liens in Fort Ord area have not remained stable but instead moved significantly further inland relative to 1997 conditions. MCWD has not undertaken any study of seawater intrusion since 1997 to determine if the allocation conditions are being met.

Concerns with the deep aquifer is recognized by the Monterey County Resources Agency, whose scientists recommended a moratorium on new well in the Dep Aquifer because of its concerns about seawater intrusion and harm to the deep aquifer. *Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin* October 2017, Monterey County Resources Agency.

AVAILABLE WATER SUPPLY IS NOT SUFFICIENT TO MEET THE PROPOSED PROJECT'S POTABLE WATER DEMAND

13.16

The Marina Coast Water District (the "District") originally prepared and adopted a Water Supply Assessment in 2018 (the "Original WSA"), which concluded that the District's "currently projected water supplies will not be sufficient to meet the projected

annual water demands of existing and previously approved uses and the implementation of the Campus Town Specific Plan during normal, single-dry, and multiple-dry years.”¹⁰ To wit:

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(con'td)

“The Project will add approximately 487.4 acre-feet per year (AFY) of new demand to the District’s Ord Community Service Area, within the City of Seaside. The City has an existing allocation of Salinas Valley Groundwater of 1,012 AFY and has previously sub-allocated 825.7 AFY to other projects, leaving 186.3 AFY available. If the City sub-allocates all of this supply to the Campus Town Specific Plan Area, there will still be a resulting shortfall of 301.1 AFY. The District can supply water to an initial phase of the project, up to the amount sub-allocated by the City.”

The District has two planned water supply projects it intends to implement in the next decade, the Recycled Water Project and the Desalination Project. These two projects are intended to develop 2,400 AFY of new supply for the Ord Community. As these projects come on-line, the Fort Ord Reuse Authority will allocate the supply among the Land Use Jurisdictions in the Ord Community. At that time, additional phases of the development may be approved.”¹¹

In 2019, the City prepared an Updated Water Supply Assessment (the “City’s WSA”) in the form of an Errata to the Original WSA, in order to “clarify the text of the prior WSA and to correct several minor errors.”¹² It is the City’s WSA upon which the DEIR relies. The City’s WSA attempts to obscure the Original WSA’s determination of a 311.08 AFY potable water shortfall by identifying “several *potential* plans that, *if implemented*, would afford sufficient potable water for the Project’s demands” (emphasis added). *Id.* at pg. 8. These potential plans take the form of several in-lieu storage and offset programs intended to redistribute previously allocated potable water supplies to the Project. In doing so, the City’s WSA attempts to perform a proverbial ‘bait and switch’, taking potable water that was previously allocated to other entitled projects and redistributing it in order to meet Project demand. Specifically, the DEIR states:

“To address the discrepancy between the Proposed Project’s 441.64 AFY of potable water demand and the 181.3 AFY of available potable water supply, several in-lieu storage and offset programs have been identified. Mitigation Measure UTIL-1 has been proposed to address the 260.03 AFY potable water supply shortfall.”

DEIR at 4.16-22.

¹⁰ Pg. 7 of The District’s original Water Supply Assessment (“WSA”), which is contained in Exhibit M2 to the DEIR

¹¹ *Id.*

¹² Page 9 of the Updated WSA, attached to the DEIR as Exhibit M1.

Mitigation Measure UTIL-1 goes on to identify three previously-approved projects with potable water entitlements that would be subject to the offset program: Bayonet and Blackhorse Golf Courses, for which a minimum of 311.08 AFY of existing potable water allocation would be replaced with recycled water through an in-lieu storage and recovery program; Seaside Highlands and Soper Field, for which a recycled water substitution program would offset an already allocated 53.1 AFY of potable water use; the Main Gate project, which would be forced to use 42.99 AFY of recycled water in-lieu of its previously allocated potable water supply." It is only through the implementation of these redistribution programs that "total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection would meet the projected water demand associated with the Proposed Project." DEIR at 4.16-22.

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MITIGATION MEASURE UTIL-1 DOES NOT CONSTITUTE EFFECTIVE MITIGATION

13.17

The DEIR asserts that "Mitigation Measure UTIL-1 would require the City to implement programs to offset potable supply with recycled water, thereby making potable supplies available for the demands of the Proposed Project...with [this] mitigation, impacts related to water supply sufficiency would be less than significant." The lack of certainty surrounding the ability of the City to implement such a scheme is legally inadequate in light of CEQA's informational mandate, as "the purpose of an EIR is to inform the public and its responsible officials of the environmental consequences of decisions before they are made" (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123).

Perhaps more importantly, Mitigation Measure UTIL-1 does not represent an *effective* means of mitigation. It merely attempts to redistribute potable water from previously approved projects with an existing allocation in favor of recycled water produced by a Phase 1 Recycled Water Project that is *expected* to be available at some point in the future.¹³ The question as to whether the City of Seaside even has the authority to replace previously allocated potable water with recycled water is never addressed, and the DEIR's discussion regarding the uncertainty of potable water is inadequate. As mentioned above, Mitigation Measure UTIL-1 "would require the previously approved Main-Gate project to utilize 42.99 AFY of recycled water in-lieu of previously allocated potable water supply." DEIR at 4.16-22 (underline added).

The DEIR simply accepts that this maneuver will occur without any evidence to support it. It is well settled that "the future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations are insufficient bases for decisionmaking under CEQA." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412,

¹³ The DEIR indicates that the Phase 1 Recycled Water Project is expected to be available in 2019, and "once operational, potable water use that is replaced with recycled water may be reallocated to new projects." 4.16-22.

432). Moreover, the "EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability" (*Id.*). Merely stating that potable water will be re-allocated from an entitled development project does not meet this standard.

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The DEIR pays short shrift to the lack of a definite potable water supply and attempts to cure it by simply stating that "the City would be required to demonstrate that sufficient water supplies have been secured prior to issuance of a final map." However, the holding in *Santa Clarita Organization for Planning and the Environment v. County of Los Angeles*, (2003) 106 Cal.App.4th 715, directly addresses this flawed approach: "nor is the inadequacy cured by the requirement that Newhall demonstrate an adequate supply of water before the tract map is recorded. An EIR's purpose is to inform. This purpose is not satisfied by simply stating that information will be provided in the future". (Underline added.) In relying on the defective requirement that the City simply demonstrate sufficient water supplies prior to issuance of a final map, the DEIR defers mitigation of water supply impacts to an unknown future date, and thus fails to provide sufficient information on the reliability of potable water supplies - "water is way too important to receive such cursory treatment."¹⁴

OVERDRAFT OF THE AQUIFER CONDITION WAS NOT SUFFICIENTLY ADDRESSED IN THE DEIR

13.18

In light of the overdrafted condition of the aquifer and the continued seawater intrusion, any increase in projected water use would constitute a substantial change in the project that requires further analysis. Furthermore, the worsening overdraft and seawater intrusion since the 2008 is underreported and evaluated.

In 2001, the Army assigned its interest in Fort Ord groundwater production to FORA and MCWD, reserving 1,749 AFY for its own use. Since then, based on that assignment, the Fort Ord Reuse Authority, Marina Coast Water District, and the local land use jurisdictions that are members of FORA have assumed that they may pump up to 6,600 AFY from the former Fort Ord indefinitely to support Army operations and civilian reuse, regardless of the environmental impact of this pumping. Indeed, these agencies have assumed that their only obligation to provide a water supply is to build additional capacity when groundwater pumping for Fort Ord reaches the assumed indefinite supply level of 6,600 AFY.

Committee does not believe that the 1993 agreement between the Army and MCWRA, or any subsequent assignment of the Army's interest in that agreement, created a "water right," much less a permanent right to pump groundwater regardless of impact on the aquifer.

¹⁴ *Id.* at 723.

More to the point with respect to the City's CEQA obligations, the City must prepare an SEIR due to changes in the project and due to significant new circumstances and information, including:

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(cont'd)

- the substantial and accelerating increase in sea water intrusion;
- the unforeseen failure of local agencies to implement the assumed replacement water supply;
- the unforeseen decision by local agencies to treat MCWRA's agreement to permit the short-term use of 6,600 afy as a permanent "water right;" and,
- the imminent termination of FORA, which will end its management and allocation of groundwater, leaving MCWD with unfettered discretion as to groundwater pumping.

Relevant documents to support this argument have been previously submitted by LandWatch to the City.

THE DEIR did not Sufficiently Evaluate and Address Environmental Effects from Pumping

13.19

A. The 1993 Army/MCWRA Annexation Agreement permitted the Army to continue groundwater pumping pending completion of a replacement water supply that was expected by 1999.

In 1993, the United States Army, planning to dispose of property in Fort Ord, entered into the Agreement Between the United States of America and the Monterey County Water Resources Agency Concerning Annexation of Fort Ord Into Zones 2 and 2A of the Monterey County Water Resource Agency. (Agreement No. A-06404 between U.S.A. and MCWRA, Sept 21, 1993 ["1993 Army/MCWRA Annexation Agreement"].) In that agreement, the Army sought annexation of Fort Ord into MCWRA Zones 2 and 2A, the benefit assessment areas for the Nacimiento and San Antonio reservoirs. The agreement required that the Army pay MCWRA \$7,400,000 and that MCWRA develop a project to provide at least 6,600 AFY of long-term potable water supply because "stopping all pumping from the Salinas Basin on Fort Ord lands is necessary to mitigate seawater intrusion." Until that project was implemented, MCWRA agreed that the Army or its successors in interest could withdraw 6,600 AFY with a maximum of 5,200 AFY from the 180-foot and 400-foot Aquifers.

The 1993 Army/MCWRA Annexation Agreement contemplated a 6,600 AFY potable water supply replacement project by 2000. Thus, it provided that the Army could terminate the agreement if MCWRA had not made reasonable progress by December 31, 1999 on that project. Although MCWRA has not developed the 6,600 AFY potable water project, the Army did not terminate the agreement.

B. In 2001, the Army assigned a portion of its groundwater interest to MCWD, reserving 1,729 AFY for its own use.

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In 1998, FORA and MCWD entered into the Water/Wastewater Facilities Agreement, in which FORA agreed to permit MCWD to acquire the Fort Ord water distribution system from the Army and MCWD agreed to provide water under FORA's supervision and oversight. In the 1998 Water/Wastewater Facilities Agreement, FORA retained primary authority over the Ord community water supply management, including authority to administer groundwater supply capacity rights consistent with the 1993 Army/MCWRA Annexation Agreement, to determine what additional facilities are necessary, to approve capital spending budgets, and to oversee MCWD's operations through a FORA staff Water/Wastewater Oversight Committee. The 1998 Facilities Agreement reaffirms MCWD's earlier commitment not to pump more than 1,400 AFY from the Deep Aquifer for use on Fort Ord.

In June 2000, the Army and FORA entered a Memorandum of Agreement for disposal of the Army's interests in Fort Ord. In 2001, consistent with that agreement and the provisions of the FORA/MCWD 1998 Water/Wastewater Facilities Agreement, the Army through FORA granted the Fort Ord waters supply infrastructure facilities to MCWD in the Assignments Of Easements On Former Fort Ord and Ord Military Community, County of Monterey, And Quitclaim Deed For Water And Wastewater Systems.

This Assignment requires MCWD to assume and comply with the terms and conditions of the 2001 conveyance of the water systems from the Army to FORA in the Easement to FORA for Water And Wastewater Distribution Systems Located On Former Fort Ord, including the obligation "to cooperate and coordinate with parcel recipients, MCWRA, FORA, MCWD, and others to ensure that all owners of property at the former Fort will continue to be provided an equitable supply of water at equitable rates." The meaning of "equitable supply" is not defined. Critically, there is no assurance that the equitable considerations will take into account the environmental impacts of providing that supply.

When the Army conveyed its interest in the Fort Ord property, it assigned its interest in groundwater under the 1993 Army/MCWRA Annexation Agreement to MCWD, reserving 1,729 AFY of water exclusively for the Federal Government use. (MOA between Army and FORA, June 20, 2000, Article 5.) The Army has apparently subsequently conveyed some portion of this reserved interest to others, because the Fort Ord Reuse Authority reports that the Army now retains an interest of only 1,577 afy. (FORA, Annual Report, Fiscal Year 2017-2018, p. 12, available at <https://www.fora.org/Reports/AR/AnnualReport2018-Full.pdf>.) FORA reports that the Army consumed 460.45 AFY in 2017, and that it has a remaining 1,116.55 AFY "allocation." (Ibid.) It is this unused "allocation" that that the Army may seek to convey to local agencies.

C. Prior Army environmental review of Fort Ord reuse acknowledges that the right to pump groundwater for Fort Ord is limited in time and that a replacement water supply is required to support civilian reuse of Fort Ord.

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To evaluate the impacts, mitigation, and alternatives for the disposal and likely civilian reuse of Fort Ord, the Army prepared an Environmental Impact Statement (EIS) in 1993 and a Supplemental EIS (SEIS) in 1996.

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1. 1993 EIS assumes mitigation for civilian reuse will include a replacement water supply. The 1993 EIS acknowledges that water demand for civilian reuse will exceed existing water use, "which already exceeds safe yield of the groundwater system in the vicinity of Fort Ord." (1993 SEIS, p. 6-56.) The EIS concludes that "[i]f the increase were supplied by local wells, seawater intrusion would be accelerated." (Ibid.) The EIS recommends as non-Army responsibility mitigation for the reuse scenarios in the 1993 EIS that the local civilian agencies "Increase Water Supply or Decrease Total Water Demand to Achieve a Balance." (1993 ROD, pp. 8, 10; 1993 EIS, pp. 6-57 to 6-59.) The 1993 EIR identifies several proposed water projects to supply potable water for reuse, including the Salinas Valley Water Transfer project, which would have piped well-water from the Arroyo Seco cone to coastal areas; desalination of brackish water; a new dam on the Arroyo Seco; and new reservoirs on the Fort Ord site. (1993 EIR, pp. 6-57 to 6-58.) None of these projects has been completed or are now being planned.

Reflecting the analysis in the 1993 EIS, the 1993 Record of Decision states that "implementation of the Fort Ord Base Reuse Plan will be contingent upon the provision of a long-term, reliable potable water system." (1993 ROD, p. 15.) The 1993 ROD identifies under the heading "Local Commitment to Mitigation Measures" those mitigation measures that the "community has indicated it will implement." (1993 ROD, p. 14.) The community commitment to water supply mitigation recited in the Record of Decision includes provision of a replacement water supply through a 9,000 AFY desalination project and/or the 11,000 AFY Salinas Valley Water Transfer Project:

Water Supply Mitigation Measures. The implementation of the Fort Ord Base Reuse Plan will be contingent upon the provision of a long-term, reliable potable water system. All development will be phased based upon the following framework for water availability that was approved in a memorandum of understanding between the Army and the Monterey County Water Resources Agency. The initial phases of the plan will have approximately 6,600 acre-feet available for the POM annex, the Army Reserve Center, McKinney Act users, the California State University, and other uses, based on water availability and approved by the Fort Ord reuse group (FORG). Latter stages of development will make use of desalination, approximately 9,000 acre-feet and water recycling, approximately 9,000 acrefeet. Water supplies beyond the year 2000 could be augmented by additional development or substitute for those above based on the availability of 11,000 acre-feet of water from the Salinas Valley Water Transfer Project, which is part of the Sea Water Intrusion Program. (1993 ROD, p. 15.) Again, twenty five years later, neither the desalination project for the Fort Ord area nor the Salinas Valley Water Transfer Project has been implemented.

2. The 1996 SEIS acknowledges that there is no right to pump the 6,600 afy of groundwater if it causes seawater intrusion and that civilian reuse requires a replacement water supply.

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The Record of Decision for the 1996 SEIS explains that supplemental environmental review was intended to evaluate changed conditions, which then included the conveyance of additional assets in excess of the Army's needs and the completion of the Base Reuse Plan. (1996 ROD, p. 1.) The 1996 SEIS acknowledges that "[t]he water demand for Alternative 7 (with or without the newly excessed lands and revised use areas) would be large enough to result in seawater intrusion if it is supplied by local wells." (SEIS, p. 5-20.) Alternative 7 is the alternative that reflects reuse according to the Base Reuse Plan.

The 1996 SEIS acknowledges that its 1993 agreement with MCWRA allows it to "pump up to 6,600 af/yr from its existing wells to meet Army water demands, provided the pumping does not result in seawater intrusion." (SEIS, p. 5-20, emphasis added.) In short, the 1996 SEIS assumed that any continued use of the 6,600 AFY interest in groundwater pumping was contingent on halting seawater intrusion.

The 1996 SEIS states that the water supply for reuse must come from new water supply projects:

The great majority of the water demand for Alternative 7 derives from civilian reuse of former Fort Ord lands. These users will need to cooperate with MCWRA in developing new water supply projects or develop their own water supplies from other sources (e.g., desalination).

(1996 SEIR, p. 5-20.)

The 1996 SEIS states that the member agencies of the Fort Ord Reuse Group had entered into a Mitigation Agreement in 1994 that provides that "[t]he reuse of former Fort Ord lands will be planned and implemented in coordination with the Monterey County Water Resources Agency (MCWRA) and other appropriate agencies to ensure adequate water supplies for all reuse areas." (SEIS, p. 3-11.)

In its discussion of cumulative water supply impacts, the 1996 SEIS again states that the 1994 Mitigation Agreement requires the civilian agencies to develop alternative water supplies to support phased future development, because the 1993 Agreement between the Army and MCWRA requires that groundwater pumping cease:

3. The Army's 1996 Record of Decision recognizes the MCWD water supply allocations are based only on the "short-term" use of groundwater.

After quoting the SEIS language regarding the 1994 Mitigation Agreement by the Fort Ord Working Group, the 1996 Record of Decision acknowledges that the FORA water supply allocation is based only on the short-term water supply available under the 1993 Annexation Agreement. FORA has developed and coordinated a water allocation plan for reuse based on the short-term water supply available as a result of the Army/MCWRA agreement. (1996 ROD, Table 3, p. 1.)

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D. Overdraft and seawater intrusion have continued and accelerated in the 180-foot and 400-foot Aquifer Subbasin, and the Deep Aquifer is being depleted.

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Previously, another organization concerned about excess pumping the adverse consequences, LandWatch, engaged hydrologist Timothy Parker to evaluate water supply impact analyses for two recent projects proposed in the Ord Community. Parker is a Certified Engineering Geologist and Certified Hydrogeologist, with over 25 years of geologic and hydrologic professional experience. Parker served as a member of the Technical Advisory Committee to MCWRA in its study of the Salinas Valley Groundwater Basin mandated by Policy PS-3.1 of the 2010 Monterey County General Plan.

Parker explains and documents that overdraft conditions in the 180-foot and 400-foot Aquifer Subbasin have persisted since the time of the Army's 1993 EIS and 1997 SEIS. The Salinas Valley Groundwater Basin still remains out of hydrological balance by 17,000 to 24,000 afy. (Parker 2016, p. 2.) As Parker explains, efforts to halt seawater intrusion have not succeeded; and, by 2016, seawater intrusion had advanced more than five miles further inland compared to conditions in the 1990s. (Id., pp. 2-4.) The most recent mapping of seawater intrusion from 2017 shows even more dramatic acceleration of seawater intruded areas, which have occurred despite reductions in MCWD pumping during the 2006-2015 period. (Parker 2018, p. 1.)

Parker also explains that since 2003, as seawater has intruded the 180-foot and 400-foot aquifers in the coastal area, pumping has been substantially shifted to the Deep Aquifer, upsetting any potential equilibrium in the Deep Aquifer. (Parker 2016, pp. 1516.) Thus, increased pumping of the Deep Aquifer to supply water for Fort Ord development will deplete that aquifer and may induce further seawater intrusion. (Ibid.) In light of the continuing advance of seawater intrusion, MCWRA staff have recommended a moratorium on new wells in the Pressure 400-Foot Aquifer within an "Area of Impact" proximate to the 500 mg/l Chloride front. MCWRA also recommended a moratorium on new wells within the entirety of the Deep Aquifers of the 180/400 Foot Aquifer Subbasin pending investigation of its viability as a source of water. Under these circumstances, Parker concludes that any increase in pumping from the MCWD production wells serving the Ord Community would aggravate seawater intrusion. (Parker 2018, p. 2.)

For the reasons presented herein the Committee opposes the development project. Based upon the analysis presented in this letter, together with other comments and testimony regarding the DEIR the Committee respectfully request the City of

Seaside refuse to certify the EIR and instead require a substantial rewriting of major sections of the document.

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(cont'd)

Very truly yours,



STEVEN A. HERUM
Attorney-at-Law

SAH:lac

Enc.

Attachment 1

Gosford Village

Final Environmental Impact Report

SCH# 2002051156

Prepared for:

City of Bakersfield



Prepared by:

 Jones & Stokes

December 2002

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Chapter 3B Air Quality

Introduction

This section describes the setting and potential air quality impacts of the proposed land development project known as Gosford Village, located in the western part of the City of Bakersfield. Specifically, it focuses on the relationship between topography and climate, discusses federal and state ambient air quality standards and existing air quality conditions in the proposed project area, describes the overall regulatory framework for air quality management in California and the region, and identifies sensitive receptors in the proposed project area. This section then identifies the potential air quality impacts of the proposed project and proposes mitigation measures to reduce any significant impacts to less-than-significant levels. This analysis is primarily based on the Air Quality Impact Study prepared for the project by WZI Inc. (2002) (Appendix C).

Environmental Setting

Regional Climate and Meteorology

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The proposed project site is located in Kern County, and lies within the San Joaquin Valley Air Basin (SJVAB). The SJVAB includes a portion of Kern County and all of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare Counties. The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) has jurisdiction over air quality issues throughout the 8-county San Joaquin Valley Air Basin. It administers air quality regulations developed at the federal, state, and local levels. Federal, state, and local air quality regulations applicable to the proposed project are described below.

The SJVAB, which is approximately 250 miles long and averages 35 miles wide, is the second largest air basin in the state. The SJVAB is defined by the Sierra Nevada mountains in the east (8,000–14,000 feet in elevation), the Coast Ranges in the west (averaging 3,000 feet in elevation), and the Tehachapi Mountains in the south (6,000–8,000 feet in elevation). The topography of the air basin includes foothills and mountain ranges to the east, west and south, and a relatively flat valley floor with a slight downward gradient to the northwest. The topography of the project area is flat at an elevation of approximately 365 feet above mean sea level as shown on the U. S. Geological Survey topographical

map, Gosford, California, Quadrangle. The valley opens to the sea at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay. The San Joaquin Valley (SJV), thus, could be considered a "bowl" open only to the north.

The SJVAB has an "inland Mediterranean" climate averaging over 260 sunny days per year. The valley floor experiences warm, dry summers and cool, wet, winters. Summer high temperatures often exceed 100°F, averaging in the low 90s in the northern valley and high 90s in the south. In the entire SJV, high daily temperature readings in summer average 95°F. Over the last 30 years, the SJV averaged 106 days a year at 90°F or hotter, and 40 days a year at 100°F or hotter. The daily summer temperature variation can be as high as 30°F.

In winter, as the cyclonic storm track moves southward, the storm systems moving in from the Pacific Ocean bring a maritime influence to the SJV. The high mountains to the east prevent the cold, continental air masses of the interior from influencing the valley. Winters are mild and humid. Temperatures below freezing are unusual. Average high temperatures in the winter are in the 50s, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. The average daily low temperature is 45°F.

Although marine air generally flows into the basin from the San Joaquin River Delta, the region's topographic features restrict air movement through and out of the basin. The Coastal Range hinders wind access into the SJV from the west, the Tehachapis prevent southerly passage of airflow, and the high Sierra Nevada range is a significant barrier to the east. These topographic features result in weak airflow, which becomes blocked vertically by high barometric pressure over the SJV. As a result, the SJVAB is highly susceptible to pollutant accumulation over time. Most of the surrounding mountains are above the normal height of summer inversion layers (1,500–3,000 feet).

Criteria Pollutants and Local Air Quality

Description of Pollutants

The federal and state governments have established ambient air quality standards for six criteria pollutants: ozone, carbon dioxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter smaller than 10 microns in diameter (PM₁₀), and lead. Ozone and PM₁₀ are generally considered to be "regional" pollutants, as these pollutants or their precursors affect air quality on a regional scale. Pollutants such as CO, NO₂, SO₂, and lead are considered to be local pollutants that tend to accumulate in the air locally. PM₁₀ is considered to be a localized pollutant as well as a regional pollutant. In the area where the proposed project is located, PM₁₀ and ozone are of particular concern.

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Ozone

Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and can cause substantial damage to vegetation and other materials. Ozone is a severe eye, nose, and throat irritant. Ozone also attacks synthetic rubber, textiles, plants, and other materials. Ozone causes extensive damage to plants by leaf discoloration and cell damage.

Ozone is not emitted directly into the air, but is formed by a photochemical reaction in the atmosphere. Ozone precursors, which include reactive organic gases (ROG) and oxides of nitrogen (NO_x), react in the atmosphere in the presence of sunlight to form ozone. Because photochemical reaction rates depend on the intensity of ultraviolet light and air temperature, ozone is primarily a summer air pollution problem. The ozone precursors, ROG and NO_x , are emitted by mobile sources and by stationary combustion equipment.

State and federal standards for ozone have been set for a 1-hour averaging time. The state 1-hour ozone standard is 0.09 parts per million (ppm), not to be exceeded. The federal 1-hour ozone standard is 0.12 ppm, not to be exceeded more than three times in any 3-year period.

The Bakersfield California Avenue monitoring station has recorded 131 exceedances of the state ozone standard and two exceedances of the federal ozone standard during the three most recent years for which data are available (1998-2000) (Table 3B-1).

Carbon Monoxide

CO is essentially inert to plants and materials but can have significant effects on human health. CO is a public health concern because it combines readily with hemoglobin and thus reduces the amount of oxygen transported in the bloodstream. Effects on humans range from slight headaches to nausea to death.

Motor vehicles are the dominant source of CO emissions in most areas. High CO levels develop primarily during winter when periods of light winds combine with the formation of ground level temperature inversions (typically from the evening through early morning). These conditions result in reduced dispersion of vehicle emissions. Motor vehicles also exhibit increased CO emission rates at low air temperatures.

State and federal CO standards have been set for both 1-hour and 8-hour averaging times. The state 1-hour standard is 20 ppm by volume, and the federal 1-hour standard is 35 ppm. Both state and federal standards are 9 ppm for the 8-hour averaging period.

The Bakersfield California Avenue monitoring station has recorded no exceedances of the state or federal CO standard during the three most recent years for which data are available (1998-2000) (Table 3B-1).

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PM₁₀

Health concerns associated with suspended particulate matter focus on those particles small enough to reach the lungs when inhaled. Particulates can damage human health and retard plant growth. Particulates also reduce visibility, and soil buildings and other materials, and corrode materials.

PM₁₀ emissions are generated by a wide variety of sources including agricultural activities, industrial emissions, dust suspended by vehicle traffic, and secondary aerosols formed by reactions in the atmosphere.

The state PM₁₀ standards are 50 micrograms per cubic meter as a 24-hour average and 20 micrograms per cubic meter as an annual geometric mean. The federal PM₁₀ standards are 150 micrograms per cubic meter as a 24-hour average and 50 micrograms per cubic meter as an annual arithmetic mean.

The Bakersfield California Avenue monitoring station has recorded 324 exceedances of the state PM₁₀ standard and nine exceedances of the federal PM₁₀ standard during the three most recent years for which data are available (1998-2000) (Table 3B-1).

Existing Air Quality Conditions

The existing air quality conditions in the proposed project area can be characterized by monitoring data collected in the region. PM₁₀, CO, and ozone concentrations are measured at several north bay monitoring stations. These are the pollutants of greatest concentration within the SJVUAPCD and are the pollutants of most concern from the proposed project. Air quality monitoring data for the last three years are presented in Table 3B-1. The closest monitoring station is located at the California Avenue monitoring station in the City of Bakersfield.

Areas such as the San Joaquin Valley are classified as either *attainment* or *non-attainment* with respect to state and federal ambient air quality standards. These classifications are determined by comparing actual monitored air pollutant concentrations to state and federal standards. The pollutants of greatest concern in this valley are ozone and inhalable particulate matter. As seen from Table 3B-1, the project area has experienced violations of the state and federal ozone standards and state PM₁₀ standards during the last three years. Table 3B-1 also indicates that the federal and state CO standards have not been exceeded.

The State of California has designated the SJVUAPCD as being in severe non-attainment for ozone and in non-attainment for PM₁₀. The SJVUAPCD has adopted an air quality improvement plan that addresses NO_x and ROG_s, both of which are ozone precursors and contribute to PM₁₀. The plan specifies that regional air quality standards for ozone and PM₁₀ concentrations can be met through the use of additional source controls and trip reduction strategies. It also establishes emissions budgets for transportation and stationary sources. Those

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Table 3B-1. Ambient Air Quality Monitoring Data from Bakersfield- California Avenue Monitoring Station

Pollutant Standards	1999	2000	2001
Ozone (O₃)			
Maximum 1-hour concentration (ppm)	0.116	0.125	0.129
No. Days Standard Exceeded			
CAAQS (1-hour) > 0.09 ppm	44	41	46
NAAQS (1-hour) > 0.12 ppm	0	1	1
Carbon Monoxide (CO)			
Maximum 8-hour concentration (ppm)	4.51	4.89	3.41
Maximum 1-hour concentration (ppm)	5.8	6.9	5.8
No. Days Standard Exceeded			
CAAQS (8-hour) ≥ 9.0 ppm	0	0	0
NAAQS (8-hour) ≥ 9.0 ppm	0	0	0
CAAQS (1-hour) ≥ 20 ppm	0	0	0
NAAQS (1-hour) ≥ 35 ppm	0	0	0
Particulate Matter (PM10)			
Maximum 24-hour concentration (µg/m ³)	143.0	140.0	190.0
2 nd Highest 24-hour concentration (µg/m ³)	138.0	133.0	186.0
Average geometric mean concentration (µg/m ³)	40	39	43
Average arithmetic mean concentration (µg/m ³)	47	45	47
No. Days Standard Exceeded*			
CAAQS (24-hour) > 50 µg/m ³	108	102	114
NAAQS (24-hour) > 150 µg/m ³	0	0	9

* Calculated exceedances based on measurements taken every six days.

Source: California Air Resources Board 2002 and Environmental Protection Agency 2002

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budgets, developed through air quality modeling, reveal how much air pollution can occur in an area before national ambient air quality standards are violated.

The EPA has designated the SJVUAPCD as being in severe non-attainment for ozone and in serious non-attainment for PM₁₀. The San Joaquin Valley Air Basin did not attain the federal 1-hour ozone standards by November 1999; as a result, EPA redesignated the San Joaquin Valley Air Basin as a *severe* ozone non-attainment area. Under the *serious* designation, the SJVUAPCD had until November 1999 to reach the federal 1-hour ozone standards. The redesignation as a *severe* non-attainment area gives the SJVUAPCD more time (until 2005) to conform to the health-based standards. However, the redesignation also will require that more stringent and expensive control measures be imposed on industry and will bring thousands of businesses under EPA Title I requirements. If the SJVUAPCD fails to attain the standards by 2005, sanctions and a *de facto* growth moratorium could be imposed in the air basin.

Under the severe designation, transportation control measures are no longer voluntary. Reasonably available transportation control measures must be implemented unless a demonstration can be made that a measure is either financially or technologically infeasible, or would not contribute to attainment, or does not apply to a local area. Non-attainment has already forced local transportation control measures, air district controls on industrial emissions and enhanced vehicle emissions testing. Prolonged non-attainment could also result in the implementation of federal controls on interstate truck, train, and plane travel, as well as additional controls on stationary and mobile sources (Stanislaus Council of Governments [StanCOG] 2001a).

The EPA has mandated that the SJVUAPCD submit a Severe Area Ozone Plan by May 31, 2002 (StanCOG 2001a). In addition, the SJVUAPCD must adopt and implement by November 15, 2002, the six measures committed to in the federally approved State Implementation Plan (SIP), or revise its SIP. Failure to address the nonimplementation finding within this deadline will trigger the Clean Air Act sanctions 18 months after the effective date of the October 23, 2001 action. The Valley Regional Transportation Planning Agencies (RTPAs) are already in the process of evaluating transportation control measures for the SIP development process in response to the severe nonattainment status. At present, applicable SIPs submitted to and approved by EPA include ozone (under a serious classification) and CO (a maintenance plan). Approved motor vehicle emission budgets for volatile organic compounds (VOCs), NO_x, and CO are in place. The EPA has found the submitted PM₁₀ plan budgets to be inadequate (which included PM₁₀, VOC, and NO_x) (StanCOG 2001b).

Sensitive Land Uses

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Sensitive land uses are generally defined as locations where people reside or where the presence of air emissions could adversely affect the use of the land. Typical sensitive receptors include residents, school children, hospital patients, the elderly, etc.

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Sensitive land uses in the vicinity of the project area include:

- the "Campus Park" single-family residential subdivision located north of the project site across Pacheco Road and adjacent to the Southern Pacific Railroad (SPRR) tracks;
- the "Silver Creek" single-family residential subdivision located east of the project site across Gosford Road;
- Reimer's Garden Center plant nursery located east of the project site at the southeast corner of Gosford Road and Pacheco Road; and
- Sing Lum School, which is located west on 4600 Chaney Lane, approximately 0.25-mile from the project site.

Applicable Regulations

Both the State of California and the federal government have established ambient air quality standards for several different pollutants. For some pollutants, separate standards have been set for different periods. Most standards have been set to protect public health. For some pollutants, standards have been based on other values (such as protection of crops, protection of materials, or avoidance of nuisance conditions). The pollutants of greatest concern in the Bakersfield area are CO, ozone, and PM₁₀. Table 3B-2 shows the state and federal standards for a variety of pollutants.

Federal Regulations

Federal Clean Air Act

The federal Clean Air Act, promulgated in 1970 and amended twice thereafter (including the 1990 amendment), establishes the framework for modern air pollution control. The Act directs the EPA to establish ambient air standards for six pollutants: ozone, carbon monoxide, lead, nitrogen dioxide, particulate matter, and sulphur dioxide. The standards are divided into primary and secondary standards; the former are set to protect human health within an adequate margin of safety and the latter to protect environmental values, such as plant and animal life.

The primary legislation that governs federal air quality regulations is the Clean Air Act Amendments of 1990 (CAAA). The CAAA delegates primary responsibility for clean air to the EPA. The EPA develops rules and regulations to preserve and improve air quality, as well as delegating specific responsibilities to state and local agencies.

The EPA has established National Ambient Air Quality Standards for criteria pollutants (Table 3B-2). Criteria pollutants include CO, NO₂, SO₂, ozone, PM₁₀, and lead.

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Table 3B-2. Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	Concentration	
		State Standards	Federal Standards
Ozone	8 hours	NA ^a	0.08 ppm
	1 hour	0.09 ppm (180 µg/m ³)	0.12 ppm (235 µg/m ³)
Carbon Monoxide	8 hours	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)
	1 hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)
Nitrogen Dioxide	Annual average	NA ^a	0.053 ppm (100 µg/m ³)
	1 hour	0.25 ppm (470 µg/m ³)	NA ^a
Sulfur Dioxide	Annual average	NA ^a	80 µg/m ³ (0.03 ppm)
	24 hours	0.04 ppm (105 µg/m ³)	365 µg/m ³ (0.14 ppm)
	1 hour	0.25 ppm (655 µg/m ³)	NA ^a
Particulate Matter (PM ₁₀)	Annual arithmetic mean	NA ^a	50 µg/m ³
	Annual geometric mean	20 µg/m ³	NA ^a
	24 hours	50 µg/m ³	150 µg/m ³
Particulate Matter -- Fine (PM _{2.5})	Annual arithmetic mean	NA ^a	12 µg/m ³
	24 hours	NA ^a	65 µg/m ³
Sulfates	24 hours	25 µg/m ³	NA ^a
Lead	Calendar quarter	NA ^a	1.5 µg/m ³
	30 days	1.5 µg/m ³	NA ^a
Hydrogen Sulfide	1 hour	0.03 ppm (2 µg/m ³)	NA ^a
Vinyl Chloride (chloroethene)	24 hours	0.010 ppm (26 µg/m ³)	NA ^a
Visibility Reducing Particles (VRP) 8 hours (10 a.m.–6 p.m. PST)		Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70%. ^b	NA ^a

Notes: ppm = parts per million
mg/m³ = milligrams per cubic meter
µg/m³ = micrograms per cubic meter
PST = Pacific Standard Time

^a No standard implemented.

^b Statewide VRP Standard applies statewide except in Lake Tahoe Air Basin. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

Source: WZI Inc. 2002

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If an area does not meet the federal NAAQS shown in Table 3B-2 are called "nonattainment" areas. For these nonattainment areas, the federal Clean Air Act requires states to develop and adopt SIPs, which are air quality plans showing how air quality standards will be attained. The SIP, which is reviewed and approved by the EPA, must demonstrate how the federal standards will be achieved. Failing to submit a plan or secure approval could lead to denial of federal funding and permits for such improvements as highway construction and sewage treatment plants. In cases where the SIP is submitted by the State but fails to demonstrate achievement of the standards, the EPA is directed to prepare a Federal Implementation Plan. In California, the EPA has delegated authority to prepare SIPs to the California Air Resources Board (ARB), which, in turn, has delegated that authority to individual air districts.

State Regulations

California Clean Air Act

Responsibility for achieving California's standards, which are more stringent than federal standards, is placed on the ARB and local air pollution control districts, and is to be achieved through district-level air quality management plans that will be incorporated into the SIP. In California, the EPA has delegated authority to prepare SIPs to the ARB, which, in turn, has delegated that authority to individual air districts

The ARB has traditionally established state air quality standards, maintaining oversight authority in air quality planning, developing programs for reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving state implementation plans.

Responsibilities of air districts include overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality-related sections of environmental documents required by CEQA.

The California CAA of 1988 substantially added to the authority and responsibilities of air districts. The California CAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement transportation control measures. The California CAA focuses on attainment of the state ambient air quality standards, which, for certain pollutants and averaging periods, are more stringent than the comparable federal standards.

The California CAA requires designation of attainment and nonattainment areas with respect to state ambient air quality standards. The California CAA also requires that local and regional air districts expeditiously adopt and prepare an air quality attainment plan if the district violates state air quality standards for CO, SO₂, NO₂, or ozone. These Clean Air Plans are specifically designed to attain these standards and must be designed to achieve an annual five percent reduction in districtwide emissions of each nonattainment pollutant or its precursors. No.

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locally prepared attainment plans are required for areas that violate the state PM₁₀ standards.

The California CAA requires that the state air quality standards be met as expeditiously as practicable but, unlike the federal CAA, does not set precise attainment deadlines. Instead, the act established increasingly stringent requirements for areas that will require more time to achieve the standards.

The California CAA emphasizes the control of "indirect and area-wide sources" of air pollutant emissions. The California Clean Air Act gives local air pollution control districts explicit authority to regulate indirect sources of air pollution and to establish traffic control measures (TCM). The California CAA does not define *indirect and area-wide sources*. However, Section 110 of the federal CAA defines an indirect source as

"a facility, building, structure, installation, real property, road, or highway which attracts, or may attract, mobile sources of pollution. Such term includes parking lots, parking garages, and other facilities subject to any measure for management of parking supply...."

TCMs are defined in the California CAA as "any strategy to reduce trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for the purpose of reducing vehicle emissions."

Recently enacted amendments to the California Clean Air act impose additional requirements designed to ensure an improvement in air quality within the next five years. More specifically, local districts with moderate air pollution that do not achieve "transitional nonattainment" status by December 31, 1997, must implement the more stringent measures applicable to districts with serious air pollution.

California Air Resources Board Diesel Exhaust Control Program

In August 1998, the ARB identified air particulate emissions from diesel-fueled engines (diesel PM) as toxic air contaminants based on their potential to cause cancer and other adverse health effects. The ARB then conducted a risk management evaluation to identify whether a need for further control of diesel PM was warranted (California Air Resources Board 2001).

The ARB developed the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*, and *Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines*. The Board approved these documents on September 28, 2000, paving the way for the next step in the regulatory process: the control measure phase (California Air Resources Board 2001).

During the control measure phase, specific statewide regulations designed to further reduce diesel PM emissions from diesel-fueled engines and vehicles are

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to be evaluated and developed. The goal of each regulation is to make diesel engines as clean as possible by establishing state-of-the-art technology requirements or emission standards to reduce diesel PM emissions. The regulations will be developed in an open and public process where availability, applicability, and cost of technology will all be evaluated. The interested members of the public, manufacturers, and other stakeholders will be asked to participate in the development of all proposed regulations (California Air Resources Board 2001).

Currently, the ARB is still in the process of developing Air Toxics Control Measures for diesel engines. A public hearing for the ARB's diesel emission control strategy verification procedure for on-road, off-road, and stationary diesel-fueled vehicles and equipment has been scheduled to take place in Sacramento, California. Some of the diesel control measures identified by the ARB that will be addressed at the public hearing include diesel oxidation catalysts, diesel particulate filters, fuel additives, alternative diesel fuels, and NO_x control strategies. A further discussion of these diesel control measures identified by the ARB is presented in Appendix D (California Air Resources Board 2002b). Please reference the final recommendation of the ARB evaluation prepared in August 1998.

Local Regulations

San Joaquin Valley Unified Air Pollution Control District

At the local level, the SJVUAPCD is responsible for establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws. Air quality is also managed through land use and development planning practices. These practices are implemented in Kern County through the general planning process.

The District regulates air quality in the Bakersfield area. The predicted emissions associated with vehicular traffic (mobile sources) are not subject to the District's permit requirements. However, the District is responsible for overseeing efforts to improve air quality within the San Joaquin Valley. The District has prepared an Air Quality Attainment Plan to bring the San Joaquin Valley into compliance with the California Ambient Air Quality Standard for ozone. The District reviews land use changes to evaluate the potential impact on air quality.

San Joaquin Valley Air Pollution Control District Regulation VIII

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San Joaquin Valley Air Pollution Control District Regulation VIII specifies control measures for specified outdoor sources of fugitive particulate matter emissions. The District does not require a permit for these activities, but does impose measures to control fugitive dust, such as the application of water or a

chemical dust suppressant. The rules contained in Regulation VIII are listed below.

- **Rule 8010** Fugitive dust administrative requirement for control of fine particulate matter.
- **Rule 8020** Fugitive dust requirements for control of fine particulate matter from construction, demolition, excavation and extraction activities.
- **Rule 8070** Fugitive dust requirements for control of fine particulate matter from vehicle and/or equipment parking, shipping, receiving, transfer, fueling and service areas one acre or larger.

In addition, the facility shall include the following as requirements of local zoning regulations.

- Water sprays or chemical suppressants must be used in all unpaved areas to control fugitive emissions.
- All access roads and parking areas must be covered with asphalt-concrete paving.

Compliance with District Regulation VIII and the local zoning code will reduce particulate emission impacts to levels that are considered "less than significant."

Impacts and Mitigation

Methodology

Construction Emissions

Construction will also result in exhaust emissions from diesel-powered heavy equipment. Exhaust emissions from construction include emissions associated with the transport of machinery and supplies to and from the site, emissions produced onsite as the equipment is used, and emissions from trucks transporting excavated materials from the site and fill soils to the site.

Emissions due to construction activities include CO, ROG, NO_x, SO_x, and PM₁₀. Emissions from construction activities were calculated using the URBEMIS 7G air quality model. Model inputs included five pieces of earthmoving equipment, two trucks, four miscellaneous mobile units, one fork-lift, seven construction workers commuting to the site, 30 days of grading, and a six-month construction period. The model output is available upon request at the City of Bakersfield Planning Department as part of the WZI Inc. report (WZI Inc 2002).

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Operational Emissions

Mobile Source Emissions

Vehicle emissions have been estimated for the year 2020 (expected completion date of this project) using the URBEMIS 7G computer model from the California Air Resources Board. This model predicts carbon monoxide, total hydrocarbons, nitrogen oxides, oxides of sulfur, and particulate matter emissions from motor vehicle traffic associated with new or modified land uses. The URBEMIS 7G modeling results are available upon request at the City of Bakersfield Planning Department as part of the WZI Inc. report (WZI Inc 2002).

Carbon monoxide emissions are a function of vehicle idling time and, thus, under normal meteorological conditions depend on traffic flow conditions. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source. Under certain extreme meteorological conditions, however, CO concentrations close to a congested roadway or intersection may reach unhealthful levels, affecting sensitive receptors (residents, school children, hospital patients, the elderly, etc.). Typically, high CO concentrations are associated with roadways or intersections operating at an unacceptable Level of Service (LOS). CO "Hot Spot" modeling is required if a traffic study reveals that the project will reduce the LOS on one or more streets to E or F; or, if the project will worsen an existing LOS F.

The impact of the proposed project on local carbon monoxide levels was assessed at these intersections with the Caltrans CALINE-4 Air Quality Model, which allows microscale CO concentrations to be estimated along each roadway corridor or near intersections. This model is designed to identify localized concentrations of carbon monoxide, often termed "hot spots." Year 2020 traffic data as predicted by the traffic study was used in the CALINE-4 model.

A traffic study was prepared by McIntosh & Associates for the Gosford Village project. The study indicates that nine intersections warrant a CO Hot Spot analysis:

- Gosford Road and Stockdale Highway,
- Gosford Road and Ming Avenue,
- Ashe Road and Ming Avenue,
- Ashe Road and White Lane,
- Stine Road and White Lane,
- Ashe Road and Harris Road,
- Gosford Road and Panama Lane,
- Ashe Road and Panama Lane, and
- Gosford Road and Taft Highway (PM hours).

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The modeling analysis was performed for worst-case wind angle and windspeed. The assumptions are shown below.

- Due to lack of specific receptor locations for CO hot spot analysis, locations near the most impacted intersections were used for this analysis. Selected modeling locations represent the intersections that would potentially experience LOS F or worse in year 2020. Receptor locations with the possibility of extended outdoor exposure are located between 21–51 meters from the roadway centerlines.
- Four receptor locations at each intersection, under worst-case wind angle conditions, were modeled to determine carbon monoxide dispersion concentrations. CO concentrations were modeled at these locations to assess the potential maximum CO exposure that would occur in year 2020.
- The calculations assume a meteorological condition of almost no wind (0.5 m/s), a flat topological condition between the source and the receptor, and a mixing height of 1,000 meters.
- CO concentrations are calculated for the one-hour averaging period, and then compared to the state one-hour CO standard. CO eight-hour averages are extrapolated using techniques outlined by the U.S. Environmental Protection Agency and compared to the carbon monoxide eight-hour standards.
- Emission factors for year 2020 were used in the model. Caltrans has indicated in its Transportation Project-Level Carbon Monoxide Protocol (Caltrans, revised 1997) that the “intersection” option of CALINE-4 should not be used because it calculates model emissions based on an algorithm developed for an outdated vehicle fleet. The “at-grade” option has been used in this analysis. Emission factors for approach and departure links were based on approach and departure average speeds as a function of traffic volume, average cruise speed, and percentage of red time.
- Concentrations are given in parts per million (ppm) at each of the receptor locations.
- Future year ambient CO concentrations were derived by averaging the last two years’ CO levels monitored at Bakersfield’s California Avenue station. Actual future ambient CO levels may be lower due to emissions control strategies that will be implemented between now and year 2020.

The input and output data for Caline-4 modeling is available upon request at the City of Bakersfield Planning Department as part of the WZI Inc. report (WZI Inc 2002).

Area Source Emissions

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Area source emissions result from fuel and personal product use. Electricity and natural gas are utilized by almost every commercial and residential development. The URBEMIS 7G computer model predicted the following emissions from natural gas usage and landscape maintenance. The model output is available upon request at the City of Bakersfield Planning Department as part of the WZI Inc. report (WZI Inc 2002). The numbers shown below are from typical energy

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consumption and do not include fireplaces and consumer products such as hairspray.

Criteria for Determining Significance

Based on the State CEQA Guidelines and standard professional practice, the proposed project would result in a significant impact on air quality if it would:

- conflict with or obstruct implementation of the applicable air quality management plan;
- violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors);
- expose sensitive receptors to substantial pollutant concentrations; or
- create objectionable odors affecting a substantial number of people.

In addition to the above significant criteria, emission thresholds are contained in the *Guide for Assessing and Mitigating Air Quality Impacts* produced by the SJVUAPCD (SJVUAPCD 2002). According to the SJVUAPCD, impacts would be significant if the project would:

- expose sensitive receptors to substantial pollutant concentrations,
- produce greater than 10 tons/year ROG,
- produce greater than 10 tons/year NO_x,
- exceed National or California Ambient Air Quality Standard for CO (9 ppm 8-hr average; 20 ppm 1-hr average), or
- not comply with the San Joaquin Valley Air Pollution Control's Regulation VIII regarding particulate matter emissions from construction activities. Compliance with District Regulation VIII and the local zoning code will reduce particulate emission impacts to levels that are considered less-than-significant by the SJVUAPCD.

Additionally, the SJVUAPCD has not established a significance threshold for PM₁₀. However, because the San Joaquin Valley Air Basin is classified as a severe PM₁₀ nonattainment area for the federal standard, emissions exceeding the SJVUAPCD's New Source Review threshold of 15 tons per year are considered a significant impact (Mitchell pers. comm.).

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Project Impacts

Impact B-1. Conflict With or Obstruct Implementation of Air Quality Attainment Plan

The California CAA requires non-attainment districts with severe air quality problems to provide for a five percent reduction in non-attainment emissions per year. The SJVAPCD prepared an Air Quality Attainment Plan for the SJVAB in compliance with the requirements of the Act. The plan requires best available retrofit technology on specific types of stationary sources to reduce emissions. The California CAA and the Air Quality Attainment Plan also identify transportation control measures as methods of reducing emissions from mobile sources. The California CAA defines transportation control measures as, "any strategy to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling or traffic congestion for the purpose of reducing motor vehicle emissions." The Air Quality Attainment Plan for the SJVAB identifies the provisions to accommodate the use of bicycles, public transportation and traffic flow improvements as transportation control measures.

The emissions of reactive organic gases and nitrogen oxides predicted by the model exceed the District's interim threshold levels; however, Golden Empire Transit (GET) provides public (bus) transportation in the Bakersfield metropolitan area. The project area is undeveloped; therefore, it is not currently served by GET. However, GET does provide service to the general area. The project could easily be serviced by GET upon completion. A "Traffic Impact Study" was prepared by McIntosh & Associates to evaluate impacts on the surrounding local roadway system due to traffic generated by the proposed development. The Traffic Impact Study recommends mitigation measures, such as street improvements or traffic signals, for intersections and street segments which fall below an acceptable LOS due to the impact of future traffic. The study allocates a proportionate share of the mitigation measures to the project. The proposed mitigation measures are traffic flow improvements, which are recognized transportation control measures in compliance with the Air Quality Attainment Plan.

The Air Quality Attainment Plan recognized growth of the population and economy within the air basin. The plan predicted the workforce in Kern County to increase 40 percent and housing to increase 30 percent from 1990 to 2000. This project can be viewed as growth that was anticipated by the plan and will not conflict with or obstruct implementation of the air quality plan. Consequently, this impact is considered less-than-significant.

Mitigation Measures

No mitigation is required.

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Residual Impacts

Impacts would be less than significant.

Impact B-2. Violation of Air Quality Standards or Substantial Contribution to an Existing or Projected Air Quality Violation

Construction-Related Emissions

Construction of the project would result in the temporary generation of emissions of ROG, NO_x, and PM₁₀. Construction-related emissions would result from construction equipment exhaust, construction employee vehicle exhaust, dust from land clearing, wind erosion of exposed soil, and volatile organic compound (VOC) emissions from painting, and asphalt paving. Construction-related emissions would vary substantially, depending on the level of activity, length of construction period, the specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content.

Table 3B-3 summarizes maximum daily construction emissions. Construction activities were divided into separate phases and analyzed separately. Consequently, project significance is not a comparison of the sum of all construction phases to the SJVUAPCD threshold levels. Instead, if one phase of construction is found to have a significant impact, then the entire project is considered to have a significant air quality impact.

The construction of the proposed project would result in the generation of fugitive dust. Compliance with SJVUAPCD Regulation VIII and the City of Bakersfield air quality regulations would result in no significant fugitive dust emissions. To ensure compliance, mitigation measures B-1 and B-2 below shall be implemented.

Additionally, as indicated in Table 3B-3, emissions from architectural coatings exceed the SJVUAPCD's ROG threshold of 10 tons per year. Mitigation will further reduce ROG levels, but not to levels below the significance threshold of 10 tons per year. Consequently, this impact is considered significant and unavoidable.

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Operation-Related Emissions

The proposed project would generate motor-vehicle trips that would in turn generate operation-related air emissions. Emission calculations for with-project conditions are based on the daily trip generation data provided by McIntosh & Associates. In addition, area source emissions were calculated based on land-use characteristics. Area source emissions result from fuel and personal product use. Electricity and natural gas are utilized by almost every commercial and

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residential development. Table 3B-4 summarizes the results of project operational emissions.

Table 3B-4 indicates that emissions resulting from project operations will exceed the SJVUAPCD's ROG and NO_x thresholds of 10 tons per year, and this impact is considered significant. Implementation of the following mitigation measures will reduce operational emissions, but not to a less-than-significant level. Consequently, this impact is considered significant and unavoidable.

Mitigation Measures

Construction-Related Mitigation Measures

Mitigation Measure B-1. Prior to approval of a grading plan, the project applicant shall submit a letter to the City of Bakersfield Planning Department from SJVUAPCD stating the dust suppression measures that shall be completed during construction activities to comply with the SJVUAPCD Regulation VIII.

Mitigation Measure B-2. In addition to compliance with Regulation VIII, the following measures shall be incorporated into building plans and implemented during construction activities to further reduce fugitive dust emissions associated with the project.

- Cover all access roads and parking areas with asphalt-concrete paving.
- Ensure that asphalt-concrete paving complies with SJVUAPCD Rule 4641 and restrict the use of cutback, slow-cure, and emulsified asphalt paving materials.
- Use water sprays or chemical suppressants on all unpaved areas to control fugitive dust emissions.
- Enclose, cover, or water all stockpiled soils to reduce fugitive dust emissions.
- Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).
- Limit construction-related vehicle speeds to 15 mph on all unpaved areas at the construction site.
- Cover all haul trucks when transporting loads of soils.
- Wash off construction and haul trucks to minimize the removal of mud and dirt from the project site.
- Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling engines.
- Encourage ride sharing and use of transit transportation for construction employees commuting to the project site.
- Use electric equipment for construction whenever possible instead of fossil fuel-fired equipment.

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Table 3B-3. Emissions from Construction Activities

Construction Phase	Unmitigated				Mitigated			
	ROG (tons/year)	NO _x (tons/year)	PM ₁₀ (tons/year)	CO (tons/year)	ROG (tons/year)	NO _x (tons/year)	PM ₁₀ (tons/year)	CO (tons/year)
Site Grading	0.15	2.16	--	2.47	0.15	2.06	--	1.09
Construction Worker Trips	0.17	0.23	0.44	0.04	0.17	0.23	0.44	0.04
Stationary Equipment	0.33	0.27	--	0.02	0.33	0.27	--	0.02
Mobile Equipment- Gas	1.88	1.26	--	0.13	0	--	--	--
Mobile Equipment- Diesel	0.52	6.82	--	0.51	0.49	6.48	--	0.49
Architectural Coatings	12.95	--	--	--	12.3	--	--	--
Asphalt Offgassing	0.02	--	--	--	0.02	--	--	--
Total¹	16.02	10.74	0.44	3.17	13.46	9.04	0.44	1.64
Threshold	10	10	15	NA²	10	10	15	NA²

¹ Totals for construction emissions are presented for informational purposes only. Project significance is not a comparison of the sum total of all construction phases to the SJVUAPCD threshold levels. Rather, if one phase of construction is found to have a significant impact, then the entire project is considered to have a significant air quality impact.

² The SJVUAPCD does not have a significance criteria for CO

Table 3B-4. Emissions from Project Operation

Operational Phase	ROG (tons/year)	NO _x (tons/year)	PM ₁₀ (tons/year)	CO (tons/year)
Area Source Emissions				
Natural Gas	0.09	1.24	0.0	0.49
Landscaping	0.01	0.0	0.0	0.06
Vehicular Emissions				
Total	12.21	34.98	1.4	119.77
Total	12.31	36.22	1.4	120.32
Threshold	10	10	15	NA¹

¹ The SJVUAPCD does not have a significance criteria for CO

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Operational-Related Mitigation Measures

These projects will be required to comply with Title 24 of the California Code of Regulations regarding energy conservation standards. The applicant shall incorporate these requirements, along with the following mitigation measures, into the building plans:

Mitigation Measure B-3

Use low-NO_x emission water heaters.

Mitigation Measure B-4

Provide shade trees to reduce building cooling requirements consistent with the current landscaping ordinance requirements.

Mitigation Measure B-5

Install energy-efficient and automated air conditioners.

Mitigation Measure B-6

Exterior windows should all be double-paned glass.

Mitigation Measure B-7

Energy-efficient metal halide parking lights will be used.

Mitigation Measure B-8

Use EPA-approved wood burning stoves, fireplace inserts, or pellet stoves instead of conventional fireplaces.

Residual Impacts

Impacts would be significant and unavoidable.

Impact B-3. Cumulatively Considerable Net Increases of Criteria Pollutants

The State of California and EPA have designated the SJVAB as being in severe non-attainment for ozone. As seen in Table 3B-4, the project will result in cumulatively considerable net increases in ozone precursor (ROG and NO_x) emissions above the District thresholds of 10 tons per year. Consequently, this impact is considered significant. Additionally, construction-related emissions exceed District thresholds and are considered cumulatively considerable. Implementation of Mitigation Measures B-1 through B-8 will reduce air quality emissions, but not to a less-than-significant level. Consequently, this impact is considered significant and unavoidable.

Mitigation Measures

Mitigation Measures B-1 through B-8.

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Residual Impacts

Impacts would be significant and unavoidable.

Impact B-4. Expose Use of Sensitive Receptors to Substantial Pollutant Concentrations of CO

The impact of the proposed project on local carbon monoxide levels was assessed at these intersections with the CalTrans CALINE-4 Air Quality Model, which allows microscale CO concentrations to be estimated along each roadway corridor or near intersections. This model is designed to identify localized concentrations of carbon monoxide, often termed "hot spots." Year 2020 traffic data as predicted by the traffic study was used in the CALINE-4 model. Table 3B-5 summarizes CALINE-4 modeling results.

The CO air quality impact of this project is not likely to affect sensitive receptors. Sensitive receptors are areas where young children, chronically ill individuals, or other individuals more sensitive than the general population are located. Examples of sensitive receptors are schools, day care centers, and hospitals.

Table 3B-5 indicates that the proposed project will not create any significant localized concentrations of carbon monoxide in excess of the California ambient air quality standards of 9 ppm on an 8-hour average and 20 ppm on a 1-hour average. Neither standard would be equaled or exceeded at any of the intersections studied. As such, the CO impacts from the project are considered less than significant.

The potential ambient air quality impacts from this project are related to increased in traffic. The project is not expected to result in localized impacts, such as CO hot spots, and is not expected to impact nearby sensitive receptors. Therefore, this impact is considered less-than-significant.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would be less than significant.

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Impact B-5. Creation of Objectionable Odors Affecting A Substantial Number Of People

The project consists of general commercial land uses. The generation of odors is generally associated with certain types of industrial and agricultural activities and is not anticipated to result from the proposed project. Therefore, the project is

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Table 3B-5. CALINE-4 Maximum Predicted Carbon Monoxide Concentrations

Intersection	Year 2020 w/ Project		Year 2020 w/o Project		Project Increase	
	1 hr ¹ (ppm)	8 hr ² (ppm)	1 hr ¹ (ppm)	8 hr ² (ppm)	1 hr ¹ (ppm)	8 hr ² (ppm)
Gosford Road & Stockdale Highway	12.7	8.9	12.7	8.9	0.0	0.0
Gosford Road & Ming Avenue	11.5	8.1	11.4	8.0	0.1	0.07
Ashe Road & Ming Avenue	9.5	6.7	9.5	6.7	0.0	0.0
Ashe Road & White Lane	11.7	8.2	11.5	8.1	0.2	0.14
Stine Road & White Lane	11.9	8.3	11.9	8.3	0.0	0.0
Ashe Road & Harris Road	9.2	6.4	9.2	6.4	0.0	0.0
Gosford Road & Panama Lane	9.5	6.7	9.1	6.4	0.0	0.0
Ashe Road & Panama Lane	8.6	6.0	8.5	6.0	0.1	0.07
Gosford Road & Taft Highway	7.8	5.5	7.8	5.5	0.0	0.0

Notes:

Predicted concentrations modeled using "worst case" option

- ¹ 1-hour concentrations include ambient CO of 6 ppm (extrapolated from 2 year, 8-hour average).
- ² Eight 1-hour concentrations were obtained by multiplying the 1-hour concentration by a factor of 0.7, as referenced in *Screening Procedures for Estimating the Air Quality Impact of Stationary Sources*, USEPA, October 1992.
- ³ parts per million

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not expected to result in the generation of odors and impacts are considered less-than-significant.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

This Air Quality Impact Study considered the affects of the project, as defined by the Traffic Study, with the cumulative impacts of growth in the area.

The *Guide for Assessing and Mitigating Air Quality Impacts* (SJVUAPCD 2002) under CEQA defines cumulative impacts as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

This report considered the following cumulative impacts.

- **Cumulative Ozone Impacts** – Ozone impacts are the result of the cumulative emissions from numerous sources in the region and transport from outside the region. Ozone is in chemical reactions involving ROG, NO_x, and sunlight.
- **Cumulative PM₁₀ Impacts** – PM₁₀ has the potential to cause significant local problems during periods of dry conditions accompanied by high winds, and during periods of heavy earth disturbing activities. PM₁₀ may have cumulative local impacts, if, for example, several unrelated grading or earth moving projects are underway simultaneously at nearby sites.
- **Cumulative CO Impacts** – Cumulative carbon monoxide impacts are accounted for in the CO Hotspot Analysis described earlier in the assessment. Traffic levels were used to determine if the proposed project would have a significant cumulative impact.
- **Cumulative Hazardous Air Pollutant (HAP) Impacts** – Cumulative analysis for HAPs focused on local impacts on sensitive receptors. The District recommends screening a radius of 1 mile for HAP cumulative impacts.

The existing and proposed projects within one mile of the proposed project are shown in Figure 2-5. Three proposed residential development projects have been identified and modeled using the URBEMIS7G computer model to predict cumulative impacts. Emissions for the operational phase of these proposed projects were based on housing lot totals provided by the City of Bakersfield Planning Department (WZI Inc. 2002). The predicted model outputs, including the Gosford Village project, are summarized in Tables 3B-6 and 3B-7.

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City of Bakersfield Planning Department has advised that no other proposed or existing project, besides the three that have been previously identified, exist within a 1-mile radius of the project (WZI Inc. 2002). Therefore, the cumulative impacts for ROG and NO_x attributable to this project are considered cumulatively considerable based on the District's levels of significance as summarized in Table 3B-7.

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Table 3B-6. Cumulative Impact Model Results

Project Name	Number of Lots	Emissions Source	Mitigated Emissions			
			ROG (tons/year)	NO _x (tons/year)	PM ₁₀ (tons/year)	CO (tons/year)
South Pacific District Christian & Mission Alliance	95	Area	5.26	0.38	0.66	5.00
		Vehicle	1.09	3.20	0.13	11.12
Burlington Homes	269	Area	14.84	1.07	1.87	14.16
		Vehicle	2.87	8.27	0.34	28.77
Coleman Homes, Inc.	267	Area	14.73	1.06	1.85	14.05
		Vehicle	2.87	8.30	0.34	28.86

Table 3B-7. Cumulative Impact Model Emissions Totals

Project Name	ROG (tons/year)	NO _x (tons/year)	PM ₁₀ (tons/year)	CO (tons/year)
South Pacific District Christian & Mission Alliance	6.33	3.58	0.79	16.12
Burlington Homes	17.71	9.34	2.21	42.93
Coleman Homes, Inc.	17.6	9.36	2.19	42.91
Gosford Village	14.81	43.95	1.67	146.13
Totals	56.45	66.23	6.86	248.09
Threshold	10	10	15	NA¹

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PROOF OF SERVICE

I, Laura Cummings, certify and declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 2291 West March Lane, Suite B100, Stockton, California 95207, which is located in the county where the mailing described below took place.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing. On November 10, 2005 at my place of business a copy of **DECLARATION OF STEVEN A. HERUM IN SUPPORT OF PETITIONER HANFORD NO ON WAL-MART SUPERCENTER'S REQUEST FOR JUDICIAL NOTICE** was placed for deposit following ordinary course of business as follows:

- BY U.S. MAIL with the United States Postal Service in a sealed envelope, with postage thereon fully prepaid.

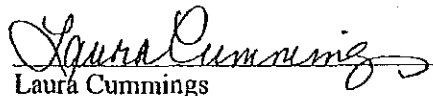
The envelope was addressed as follows:

[SEE ATTACHED SERVICE LIST]

- BY FEDERAL EXPRESS/OVERNIGHT MAIL in a sealed envelope, with postage thereon fully prepaid. [Code Civ. Proc., §§ 1013(c), 2015.5.]
- BY PERSONAL SERVICE/HAND DELIVERY.
- BY FACSIMILE at approximately _____m. by use of facsimile machine telephone number (209) 472-7986. I caused the facsimile machine to print a transmission record of the transmission, a copy of which is attached to this declaration. The transmission was reported as complete and without error. [Cal. Rule of Court 2008 and 2003(3).]

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 10, 2005


Laura Cummings

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Hanford No On Wal-Mart and Valley Advocates v. City of Hanford
[Kings County Superior Court Case No. 04-C-0273]
Appellate Court No. F048303

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Courtesy Copy

Hanford No On Wal-Mart Supercenter
c/o Steve Banister
Art works
120 West Sixth Street
Hanford, CA 93230

Client Representative

Valley Advocates
c/o John C. Gabrielli, Esq.
430 D Street
Davis, CA 95616

Client Representative

Kings County Superior Court
Attention: Clerk of the Court
1400 W. Lacey Blvd.
Hanford, CA 93230

California Supreme Court (5 Copies)
350 McAllister St., Rm. 1295
San Francisco, CA 94102

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FINAL
Environmental Impact Report

**General Plan Amendment /
Zone Change #02-0193**



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5.4 AIR QUALITY

This Section evaluates air quality associated with short and long-term impacts resulting from buildout of the proposed Project. Information in this Section is based on the *Air Quality Impact Study* prepared by WZI Inc. (June 2002), which is included as Appendix 15.3, *Air Quality Data*, of this document. RBF Consulting conducted a peer review of the WZI report which was prepared pursuant to the San Joaquin Valley Air Pollution Control District's *Guide for Assessing and Mitigating Air Quality Impacts*, January 10, 2002 Revision.

EXISTING CONDITIONS

ENVIRONMENTAL SETTING

The proposed Project site is located in the San Joaquin Valley Air Basin, within the City of Bakersfield, and within the jurisdiction of the San Joaquin Valley Air Pollution Control District. The topography of the air basin includes foothills and mountain ranges to the east, west, and south, and a relatively flat valley floor. The valley is characterized by long, hot, dry summers, and short, foggy winters. The features of the valley produce climatic episodes such as frequent temperature inversions. The topography of the Project area is flat at an elevation of approximately 365 feet above mean sea level.

STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS

National Ambient Air Quality Standards (NAAQS) are assigned as the result of provisions of the Federal Clean Air Act. The NAAQS establish acceptable pollutant concentrations which may be equaled continuously or exceeded only once per year. California Ambient Air Quality Standards (CAAQS) are limits set by the California Air Resources Board (CARB) that cannot be equaled or exceeded. An air pollution control district must prepare an Air Quality Attainment Plan if the standards are not met. The California and National Ambient Air Quality Standards are outlined in Table 5.4-1, *Ambient Air Quality Standards*.

The following is a summary of the characteristics of primary and secondary pollutants.

Ozone (O₃)

Ozone is a pungent, colorless toxic gas. Ozone makes up 90 percent of the group of pollutants known as photochemical oxidants. Ozone and other photochemical oxidants are products of atmospheric reaction of nitrogen oxides and reactive organic gases with ultraviolet light. High ozone levels can adversely affect plants, and in humans, can cause respiratory irritation.

Carbon Monoxide (CO)

Carbon monoxide is an odorless, colorless toxic gas produced by incomplete combustion of carbon-containing substances. Carbon monoxide interferes with the transfer of fresh oxygen from blood into body tissues.

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**Table 5.4-1
Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standard		Federal Standards		
		Concentration	Method	Primary	Secondary	Method
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	0.12 ppm (235 µg/m ³)	Same as Primary Standard	Ethylene Chemiluminescence
	8 Hour	—		0.08 ppm (157 µg/m ³)		
Respirable Particulate Matter (PM ₁₀)	Annual Geometric Mean	30 µg/m ³	Size Selective Inlet Sampler ARB Method P (8/22/85)	—	Same as Primary Standard	Inertial Separation Gravimetric Analysis
	24 Hour	50 µg/m ³		150 µg/m ³		
	Annual Arithmetic Mean	—		50 µg/m ³		
Fine Particulate Matter (PM _{2.5})	24 Hour	No Separate State Standard		65 µg/m ³	Same as Primary Standard	Inertial Separation Gravimetric Analysis
	Annual Arithmetic Mean			15 µg/m ³		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 µg/m ³)	Non-dispersive Infrared Photometry (NDIR)	9.0 ppm (10 µg/m ³)	None	Non- Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 µg/m ³)		35 ppm (40 µg/m ³)		
	8 Hour (Lake Tahoe)	6 ppm (7 µg/m ³)		—		
Nitrogen Dioxide (NO ₂)	Annual Arithmetic Mean	—	Gas Phase Chemiluminescence	0.053 ppm (100 µg/m ³)	Same as Primary Standard	Gas Phase Chemiluminescence
	1 Hour	0.25 ppm (470 µg/m ³)		—		
Lead	30 days average	1.5 µg/m ³	AHL Method 64 (12/74) Atomic Absorption	—	Same as Primary Standard	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m ³		
Sulfur Dioxide (SO ₂)	Annual Arithmetic Mean	—	Fluorescence	0.04 ppm (105 µg/m ³)	—	Pararosaniline
	24 Hour	0.04 ppm (105 µg/m ³)		0.04 ppm (105 µg/m ³)		
	3 Hour	—		—		
	1 Hour	0.25 ppm (655 µg/m ³)		—		
Visibility Reducing Particles	8 Hour (10 a.m. to 6 p.m., PST)	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer-visibility of ten miles or more (0.07-30 miles or more for Lake Tahoe), due to particles when the relative humidity is less than 70 percent. Method: ARB Method V (8/18/89).		No Federal Standards		
Sulfates	24 Hour	25 µg/m ³	Turbidimetric Barium Sulfate- AHL Method 61 (2/76)			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Cadmium Hydroxide STRactan			

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Nitrogen Oxides (NO_x)

Nitrogen oxides are formed from nitrogen and oxygen at high combustion temperatures and further reacts to form other oxides of nitrogen, such as nitrogen dioxide. Nitrogen dioxide reacts with ultraviolet light to initiate reactions producing photochemical smog, and it reacts in air to form nitrate particulates. Nitrogen dioxide significantly affects visibility.

Sulfur Oxides (SO_x)

Sulfur dioxide is a colorless, pungent gas primarily formed by combustion of sulfur-containing fossil fuels. High sulfur dioxide concentrations irritate the upper respiratory tract, while low concentrations of sulfur dioxide injure lung tissues. Sulfur oxides can react to form sulfates which significantly reduce visibility.

Particulates (PM₁₀)

Dust, aerosols, soot, mists, and fumes make up atmospheric particulates. Sources of particulates include industrial and agricultural operations, combustion, and photochemical actions of pollutants in the atmosphere. Particulates substantially reduce visibility and adversely affect the respiratory tract. PM₁₀ is made up of finely divided particulate matter less than 10 microns in diameter.

Reactive Organic Gases (ROG)

Organic compounds are composed primarily of carbon and hydrogen. Motor vehicle emissions and evaporation of organic compounds produce hydrocarbon emissions. Hydrocarbon levels can affect plant growth. Many hydrocarbon species react in the atmosphere to form photochemical smog.

Air Quality - Basin-wide. The San Joaquin Valley Air Pollution Control District has jurisdiction in eight counties located in the San Joaquin Valley, including the Bakersfield area. The San Joaquin Valley Air Basin has been designated as attainment for carbon monoxide and non-attainment for ozone and particulate matter (PM₁₀) by federal and California standards. The California Clean Air Act requires that all reasonable stationary and mobile source control measures be implemented in non-attainment areas to help achieve a mandated, five percent per year reduction in ozone precursors, and to reduce population exposures. Table 5.4-2, *Ambient Air Quality Classifications Project Area of the San Joaquin Valley*, contains the ambient air quality classifications for the Bakersfield area.

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Table 5.4-2
Ambient Air Quality Classifications Project Area of the San Joaquin Valley

Pollutant	State	Federal
Carbon Monoxide	Attainment	Attainment
Ozone	Non-Attainment/Severe	Non-Attainment/Severe
Oxides of Nitrogen	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
Particulate Matter <10 microns	Non-Attainment	Non-Attainment/Serious

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Air Monitoring Station. The closest air monitoring station to the Project site is the Bakersfield Station located at 5558 California Avenue. The station monitors particulates, ozone, carbon monoxide, and nitrogen dioxide.

Table 5.4-3, *Maximum Pollutant Levels at Bakersfield's California Avenue Monitoring Station*, contains the maximum pollutant levels detected during 1999 through 2001 (the latest data available).

**Table 5.4-3
Maximum Pollutant Levels at Bakersfield's California Avenue Monitoring Station**

Pollutant	Time Averaging	1999 Maximums	2000 Maximums	2001 Maximums	Standards	
					National	State
Ozone (O ₃)	1 Hour	0.116 ppm	0.125 ppm	0.129 ppm	0.12 ppm	0.09 ppm
Ozone (O ₃)	8 Hour	0.101 ppm	0.106 ppm	0.115 ppm	0.08 ppm	—
Carbon Monoxide (CO)	8 Hour	4.51 ppm	4.89 ppm	3.41 ppm	9 ppm	9 ppm
Nitrogen Dioxide (NO ₂)	1 Hour	0.107 ppm	0.089 ppm	0.115 ppm	—	0.25 ppm
Nitrogen Dioxide (NO ₂)	1 Hour Annual Average	0.025 ppm	0.024 ppm	—	0.053 ppm	—
Particulates (PM ₁₀)	24 Hour	143 µg/m ³	140 µg/m ³	190 µg/m ³	150 µg/m ³	50 µg/m ³
	Federal Annual Geometric Mean	47 µg/m ³	45 µg/m ³	47 µg/m ³	50 µg/m ³	—
	State Annual Geometric Mean	40 µg/m ³	39 µg/m ³	43 µg/m ³	—	30 µg/m ³
Sulfur Dioxide (SO ₂)	24 Hour	0.006 ppm	0.003 ppm	0.005 ppm	0.14 ppm	0.04 ppm

Notes: ppm = parts per million
µg/m³ = micrograms per cubic meter
— = no applicable

Source: CARB Website, 2002.

SENSITIVE RECEPTORS

Air quality impacts of this Project are not likely to affect sensitive receptors. Sensitive receptors are areas where young children, chronically ill individuals, or other individuals more sensitive than the general population are located. Examples of sensitive receptors are schools, day care centers, and hospitals.

The nearest receptor is W.A. Kendrick School, which is located approximately 0.5-miles north of the Project site. There are also residential areas bordering the Project site to the north and east, which could contain sensitive receptors.

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STANDARDS OF SIGNIFICANCE

SIGNIFICANCE CRITERIA

In accordance with CEQA, the effects of a Project are evaluated to determine if they will result in a significant impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts which are identified. The criteria, or standards, used to determine the significance of impacts may vary depending on the nature of the Project. Air quality impacts resulting from the implementation of the proposed Project could be considered significant if they cause any of the following to occur:

- Conflict with or obstruct implementation of the applicable air quality plan (refer to Impact Statement 5.4-4);
- Violate any air quality standard or contribute substantially to an existing or Projected air quality violation (refer to Impact Statements 5.4-1 and 5.4-2);
- Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (refer to Impact Statement 5.4-5);
- Exposes sensitive receptors to substantial pollutant concentrations (refer to Impact Statements 5.4-2 and 5.4-3); and/or
- Create objectionable odors affecting a substantial number of people (refer to Section 10.0, *Effect Found Not to be Significant*).

Potential impacts associated with the proposed Project have been identified. The impacts are categorized according to topic then numbered consecutively under each category. Mitigation measures at the end of this Section directly correspond to the numbered impact statements below.

IMPACTS

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SHORT-TERM EMISSIONS

- 5.4-1 *Significant short-term air quality impacts may occur during site preparation and project construction. These impacts are considered less than significant with implementation of the recommended mitigation measures. (Mitigation in this instance refers to applicable City Development Code Sections and SJV APCD Rules.)*

Short-term impacts from the Projects would primarily result in fugitive particulate matter emissions during construction. Grading, excavation, trenching, filling, and other construction activities result in increased dust emissions. Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District specifies control measures for specified outdoor sources of fugitive particulate matter emissions. Rule 8010

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contains administration requirements, Rule 8020 applies to construction activities, and Rule 8070 applies to vehicle and equipment parking, fueling, and service areas. The Air District does not require a permit for these activities, but does impose measures to control fugitive dust, such as the application of water or a chemical dust suppressant.

Construction would also result in exhaust emissions from diesel-powered heavy equipment. Exhaust emissions from construction include emissions associated with the transport of machinery and supplies to and from the site, emissions produced onsite as the equipment is used and emissions from trucks transporting excavated materials from the site and fill soils to the site. Examples of these emissions include CO, ROG, NO_x, SO_x, and PM₁₀.

The proposed Project may have potentially significant short-term construction equipment emission impacts, which could exceed the Air District threshold levels for several criteria pollutants. Exhaust emission factors for typical diesel-powered heavy equipment, are found in U.S. EPA AP-42, Volume II, Table II-7.1 (1985) (refer to Table 5.4-4, *Emission Factors for Heavy-Duty Diesel-Powered Equipment*). Exhaust emissions would vary substantially from day to day. Numerous variables factored into estimating total construction emissions include: level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and amount of materials to be transported on/offsite. Additional exhaust emissions would be associated with the transport of workers and materials. Because the specific mix of construction equipment needed for future development is not presently known, equipment emissions cannot be accurately quantified. This data is not available until the construction of specific project components is undertaken. The construction equipment should be properly and routinely maintained, as recommended by manufacturer manuals, to control exhaust emissions.

Table 5.4-4
Emission Factors for Heavy-Duty Diesel-Powered Equipment

Type of Equipment	Pollutant (lbs/hg)			
	ROG	NO _x	CO	PM
Track-Type Tractor	0.12	1.26	0.35	0.11
Wheeled Tractor	0.18	1.27	3.59	0.14
Wheeled Dozer	0.19	4.17	1.79	0.17
Scraper	0.27	3.84	1.26	0.41
Motor Grader	0.039	0.71	0.15	0.061
Wheeled Loader	0.23	1.89	0.57	0.17
Track-Type Loader	0.095	0.83	0.20	0.059
Off-Highway Truck	0.19	4.17	1.79	0.26
Roller	0.065	0.86	0.30	0.050
Miscellaneous	0.15	1.69	0.68	0.14

Source: U.S. EPA AP-42, Volume II, Table II-7.1, 1985.

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The Bakersfield area and the San Joaquin Valley are non-attainment for particulates. Although the proposed land uses are not considered a potential source for significant particulate emissions, fugitive particulate emissions would occur during construction. Construction activity has the potential to generate 1.2 tons of total suspended particulates per acre per month of activity.¹ The proposed Project involves development of 37.52 acres. Fugitive construction emissions have the potential to cause a significant impact on air quality. The application of water, or other dust suppressant, could significantly reduce emissions. Doubling the moisture content could reduce emissions on unpaved roads by 75 percent² and use of a chemical dust suppressant on storage piles could reduce emissions by approximately 90 percent.³ Assuming that the total suspended particulates are comprised of 50 percent PM₁₀ and that the application of water controls emissions by 50 percent, fugitive PM₁₀ emissions during construction could be reduced to 0.3 tons per acre per month of activity. Actual emissions would depend on the level of activity and the type of control being used. A construction schedule for each project component would be required to develop accurate emission estimates from construction. Control measures required and enforced by the San Joaquin Valley Air Pollution Control District under Regulation VIII would control these short-term emission sources to a level that is considered less than significant provided a limited amount of acres is disturbed at any one time. The following three rules related to fugitive dust control apply to this project:

- Rule 8010 Fugitive dust administrative requirements for control of fine particulate matter.
- Rule 8020 Fugitive dust requirements for control of fine particulate matter from construction, demolition, excavation and extraction activities.
- Rule 8070 Fugitive dust requirements for control of fine particulate matter from vehicle and/or equipment parking, shipping, receiving, transfer, fueling and service areas one acre or larger.

In addition, the Project shall include the following as required by the Bakersfield Zoning Code.

- Water sprays or chemical suppressants must be used in all unpaved areas to control fugitive emissions.
- All access roads and parking areas must be covered with asphalt-concrete paving.

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¹ EPA, *Compilation of Air Pollutant Emission Factors*, Volume I: Stationary Point and Area Sources, EPA Publication No. AP-42, Fifth Edition, GPO Stock No. 055-000-00251-7, January 1995; Section 13.2.3, Heavy Construction Operations.

² United States Environmental Protection Agency, *Control of Open Fugitive Dust Sources*, EPA-450/3-88-008, September 1988.

³ *Ibid.*

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Compliance with Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District and the Bakersfield Zoning Code would reduce particulate emission impacts to levels that are considered less than significant.

LONG-TERM OPERATIONAL EMISSIONS

5.4-2 *The Project may result in an overall increase in the local and regional pollutant load due to direct impacts from vehicle emissions and indirect impacts from electricity and natural gas consumption. This impact is considered significant and unavoidable for ROG and NOx.*

Long-term air quality impacts would consist of mobile source emissions generated from project-related traffic and area source emissions generated directly from the natural gas consumed and indirectly from the power plant providing electricity to the Project site. Emissions associated with each of these sources are discussed and calculated below.

Mobile Source - Ozone

The Bakersfield area is a non-attainment area for federal air quality standards for ozone and particulates. Nitrogen oxides and reactive organic gases are regulated as ozone precursors. A precursor is defined by the District as "a directly emitted air contaminant that, when released into the atmosphere, forms or causes to be formed or contributes to the formation of a secondary air contaminant for which an ambient air quality standard has been adopted..."

The District regulates air quality in the Bakersfield area. The predicted emissions associated with vehicular traffic (mobile sources) are not subject to the District's permit requirements. However, the District is responsible for overseeing efforts to improve air quality within the San Joaquin Valley. The District has prepared an Air Quality Attainment Plan to bring the San Joaquin Valley into compliance with the California Ambient Air Quality Standard for ozone. The District reviews land use changes to evaluate the potential impact on air quality. The District has established a significance level for ROG and NOx of 10 tons per year each, but has not established levels of significance for other pollutants.

Vehicle emissions have been estimated for the year 2020 using the URBEMIS 7G computer model from the California Air Resources Board. This model predicts carbon monoxide, total hydrocarbons, nitrogen oxides, oxides of sulfur, and particulate matter emissions from motor vehicle traffic associated with new or modified land uses. Appendix 15.3, *Air Quality Data*, contains the URBEMIS 7G modeling results.

Project-related mobile source mitigated emissions for ROG and NOx would be considered significant based on the District's levels of significance as summarized on Table 5.4-5, *Long-Term Project Emissions*:

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**Table 5.4-5
Long-Term Project Emissions**

Project	ROG (tons/year)	NO _x (tons/year)	CO (tons/year)	PM ₁₀ (tons/year)
Project Buildout				
▪ Mobile Source Emissions	10.39	30.9	105	1.24
▪ Area Source Emissions (Mitigated)	00.06	00.71	0.33	0.00
Total Mitigated Emissions	10.45	31.61	105.33	1.24
SJVAPCD Significance Threshold	10	10	N/A	N/A
Is Threshold Exceeded? (Significant Impact?)	Yes	Yes	N/A	N/A
ROG = reactive organic gases NO _x = nitrogen oxides CO = carbon monoxide PM ₁₀ = fine particulate matter				

Area Source Emissions

The proposed Project would result in personal product use, and would create electrical demands and heating demands resulting in natural gas combustion. Electrical demand would result in electrical generation emissions from local power plants. The URBEMIS 7G computer model predicted emissions from typical energy consumption, gas usage, landscape maintenance, and consumer products. The model output is included in Appendix 15.3, Air Quality Data. As indicated in Table 5.4-5, Long-Term Project Emissions, area source emissions generated by the Project at buildout would not individually exceed SJVAPCD thresholds. However, as discussed below, area source emissions combined with vehicular emissions would cause operational emissions to exceed SJVAPCD thresholds for ROG and NO_x.

Potential Effect on Sensitive Receptors

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Air quality impacts of the Project are not likely to affect sensitive receptors. Sensitive receptors are areas where young children, chronically ill individuals, or other individuals more sensitive than the general population are located. Examples of sensitive receptors are schools, day care centers, and hospitals.

The nearest receptor is W.A. Kendrick School, which is located approximately 0.5-mile north of the Project site. There is also a residential area bordering the Project site to the north and east, which could contain sensitive receptors.

The potential ambient air quality impacts from the Project are related to increases in traffic. The Project is not expected to result in localized impacts, such as CO hot spots, and is not expected to impact nearby sensitive receptors.

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Potential Impacts from Odors and Hazardous Air Pollutants

The Project consists of general commercial land uses. The generation of odors and hazardous air pollutants is generally associated with certain types of industrial and agricultural activities. Therefore, the Project is not expected to result in the generation of odors or hazardous air pollutants.

Total Project Operational Emissions

As shown in Table 5.4-5, the mobile source and area emissions associated with the proposed Project would generate pollutant emissions in excess of SJVAPCD thresholds. Thus, implementation of the proposed Project would create a significant and unavoidable individual Project impact from ROG and NOx emissions.

LOCALIZED CO EMISSIONS

5.4-3 *The Project may expose sensitive receptors to substantial pollutant concentrations. Analysis has concluded that a less than significant impact would occur in this regard.*

Mobile Source - Carbon Monoxide

Carbon monoxide emissions are a function of vehicle idling time and, thus, under normal meteorological conditions, depend on traffic flow conditions. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source. Under certain extreme meteorological conditions, however, CO concentrations close to a congested roadway or intersection may reach unhealthful levels, affecting sensitive receptors (residents, school children, hospital patients, the elderly, etc.). Typically, high CO concentrations are associated with roadways or intersections operating at an unacceptable Level of Service (LOS). CO "Hot Spot" modeling is required if a traffic study reveals that the project will reduce the LOS on one or more streets to E or F; or, if the project will worsen an existing LOS F.

A traffic study was prepared by Ruetters & Schuler for the proposed Project. The study indicates that twelve unsignalized intersections (based on Year 2020 + projections) warrant a CO Hot Spot analysis:

- South H Street at McKee Road*
- Hosking Road at Wible Road*
- Hosking Road at South H Street*
- Berkshire Road at South H Street*
- Panama Lane at Gosford Road*
- Panama Lane at Monitor Street*
- White Lane at State Road 99 North Bound Ramp*
- Berkshire Road at Wible Road*
- White Lane at Wible Road
- White Lane at State Road 99 South Bound Ramps
- Panama Lane at Wible Road
- Wible Road at Harris Road

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*Denotes intersections for which the CO analysis was based on mitigation measures proposed in the Traffic Study.



The impact of the proposed Project on local carbon monoxide levels was assessed at these intersections with the Caltrans CALINE-4 Air Quality Model, which allows microscale CO concentrations to be estimated along each roadway corridor or near intersections. This model is designed to identify localized concentrations of carbon monoxide, often termed "hot spots". Year 2020 traffic as predicted by the Traffic Study was used in the CALINE-4 model.

The modeling analysis was performed for worst-case wind angle and windspeed. The assumptions used in conducting the modeling analysis are provided in Appendix 15.3, *Air Quality Data*.

The results of the modeling analysis are shown in Table 5.4-6, *CALINE-4 Predicted Carbon Monoxide (CO) Concentrations*. The modeling results were compared to the California ambient air quality standards for carbon monoxide of 9 ppm on an 8-hour average and 20 ppm on a 1-hour average. Neither standard would be equaled or exceeded at any of the intersections studied. As such, the CO impacts from the proposed Project are considered less than significant. The input and output data is contained in Appendix 15.3, *Air Quality Data*.

Table 5.4-6
CALINE-4 Predicted Carbon Monoxide (CO) Concentrations

Intersection	Maximum Modeled Impact Year 2020 With Project		Maximum Modeled Impact Year 2020 Without Project		Project Increase	
	1H (ppm)	8H (ppm)	1H (ppm)	8H (ppm)	1H (ppm)	8H (ppm)
South H Street at Mckee Road	8.3	5.8	8.2	5.7	0.1	0.07
Hosking Road at Wible Road	8.2	5.7	8.2	5.7	0.0	0.00
Hosking Road at South H Street	7.7	5.4	7.7	5.4	0.0	0.00
Berkshire Road at South H Street	7.6	5.3	7.5	5.3	0.1	0.07
Panama Lane at Gosford Road	8.4	5.9	8.4	5.9	0.0	0.00
Panama Lane at Monitor Street	9.5	6.7	9.3	6.5	0.2	0.14
White Lane at State Road 99 North Bound Ramp	9.2	6.4	9.1	6.4	0.1	0.07
Berkshire Road at Wible Road	7.9	5.5	7.8	5.5	0.1	0.07
White Lane at Wible Road	12.1	8.5	12.0	8.4	0.1	0.07
White Lane at State Road 99 South Bound Ramps	11.1	7.8	11.1	7.8	0.0	0.00
Panama Lane at Wible Road	11.5	8.1	11.0	7.7	0.5	0.35
Wible Road at Harris Road	9.8	6.9	9.7	6.8	0.1	0.07

Notes: 1. 1-hour concentrations include ambient CO of 6.8 ppm (second highest 2 year impact, 8-hour average corrected upwards for 1-hour averaging period).
2. 8-hour concentrations were obtained by multiplying the 1-hour concentration by a factor of 0.7, as referenced in *Screening Procedures for Estimating the Air Quality Impact of Stationary Sources*, USEPA, October, 1992. Predicted concentrations modeled using "worst case" option.

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CONFORMITY WITH AIR QUALITY ATTAINMENT PLAN

5.4-4 *The Project has the potential to conflict with the Air Quality Attainment Plan. Analysis has concluded that a less than significant impact would occur in this regard.*

As noted above under the Significance Criteria discussion, a potentially significant impact to air quality would occur if the Project would conflict with or obstruct implementation of the applicable air quality plan. Although the Project would represent an incremental negative impact to air quality in the Basin, of primary concern is that Project-related impacts have been properly anticipated in the regional air quality planning process and reduced whenever feasible. Therefore, it is necessary to assess the Project's Conformity with the AQMP.

Conformity with the Air Quality Attainment Plan

The California Clean Air Act requires non-attainment districts with severe air quality problems to provide for a five percent reduction in non-attainment emissions per year. The San Joaquin Valley Air Pollution Control District prepared an Air Quality Attainment Plan for the San Joaquin Valley Air Basin in compliance with the requirements of the Act. The plan requires best available retrofit technology on specific types of stationary sources to reduce emissions. The California Clean Air Act and the Air Quality Attainment Plan also identify transportation control measures as methods of reducing emissions from mobile sources. The California Clean Air Act defines transportation control measures as "any strategy to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling or traffic congestion for the purpose of reducing motor vehicle emissions." The Air Quality Attainment Plan for the San Joaquin Valley Air Basin identifies the provisions to accommodate the use of bicycles, public transportation, and traffic flow improvements as transportation control measures.

The ROG and NOx emissions predicted by the model exceed the District's interim threshold levels. Golden Empire Transit (GET) provides public (bus) transportation in the Metropolitan Bakersfield area. The Project area is located near two separate GET bus routes. The possibility exists that when the Project is completed, the City would increase the level of service to the Project area, thereby reducing the operational (vehicular) emissions attributable to the Project.

The "traffic Impact study" prepared by Ruetgers & Schuler recommends mitigation measures, such as street improvements and traffic signals, for intersections and street segments which fall below an acceptable Level of Service due to the impact of future traffic. The study allocates a proportionate share of the mitigation measures to the Project. The proposed mitigation measures are traffic flow improvements that are recognized transportation control measures in compliance with the Air Quality Attainment Plan.

The Air Quality Attainment Plan recognized growth of the population and economy within the air basin. The Plan predicted the workforce in Kern County to increase 40 percent and housing to increase 30 percent from 1990 to 2000. Although the proposed project was not anticipated by the Plan, it is consistent with growth

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projections in the County. Thus, the Project is considered consistent with the Air Quality Attainment Plan.

CUMULATIVE IMPACTS

5.4-5 *Impacts to regional air quality resulting from cumulative development may significantly impact existing air quality levels. Analysis has concluded that a less than significant impact would occur in this regard.*

This Air Quality Impact Study considered the effects of the Project, as defined by the Traffic Study, with the cumulative impacts of growth in the area.

The *Guide for Assessing and Mitigating Air Quality Impacts*⁴ under CEQA defines cumulative impacts as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The document also states that "any proposed project that would individually have a significant air quality impact... would also be considered to have a significant cumulative air quality impact."⁵

This study considered the following cumulative impacts:

- Cumulative Ozone Impacts. Ozone impacts are the result of the cumulative emissions from numerous sources in the region and transport from outside the region. Ozone is in chemical reactions involving ROG, NO_x, and sunlight.
- Cumulative PM₁₀ Impacts. PM₁₀ has the potential to cause significant local problems during periods of dry conditions accompanied by high winds, and during periods of heavy earth disturbing activities. PM₁₀ may have cumulative local impacts, if for example, several unrelated grading or earth moving projects are underway simultaneously at nearby sites.
- Cumulative CO Impacts. Cumulative carbon monoxide impacts are accounted for in the CO Hotspot Analysis described earlier in this assessment. Traffic levels were used to determine if the proposed Project would have a significant cumulative impact.
- Cumulative Hazardous Air Pollutant (HAP) Impacts. Cumulative analysis for HAPs focused on local impacts on sensitive receptors. The District recommends screening a radius of one mile for HAP cumulative impacts.

The existing and proposed projects within one mile of the proposed Project are illustrated on Exhibit 4-1, *Cumulative Projects Location Map*. Six proposed residential development projects have been identified and modeled using the URBEMIS 7G computer model to predict cumulative impacts. Emissions for the operational phase of the proposed projects were based on housing lot totals provided by the City of Bakersfield Planning Department.⁶ In accordance with district

⁴ CARB Guide for Assessing and Mitigating Air Quality Impacts, revised January 10, 2002.

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⁵ City of Bakersfield, Active Tentative Tracts, David Dow, last updated April 25, 2002.

⁶ CARB Guide for Assessing and Mitigating Air Quality Impacts, revised January 10, 2002.

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guidance, fireplaces were not considered since they are seasonal in nature. The predicted model outputs, including the proposed Project, are summarized in Table 5.4-7, *Cumulative Impact Model Results*, and Table 5.4-8, *Cumulative Impact Emission Totals*, and are included in Appendix 15.3, *Air Quality Data*.

**Table 5.4-7
Cumulative Impact Model Results**

Subdivider Name	Number of Lots	Emissions Source	ROG (tbs/yr)	NOx (tbs/yr)	PM ₁₀ (tbs/yr)	PM _{2.5} (tbs/yr)
			Mitigated	Mitigated	Mitigated	Mitigated
T5327R – Genevieve Myers	93	Area Source	0.87	0.36	0.29	0.00
		Vehicle Source	3.45	5.03	28.98	0.19
T5738 – John Glumarra, Jr.	504	Area Source	4.74	1.93	1.57	0.01
		Vehicle Source	16.6	23.8	137	0.92
T5762R – R-M Development, Inc.	143	Area Source	1.34	0.55	0.44	0.00
		Vehicle Source	5.14	7.47	43.0	0.29
T5941 – Celand Development	240	Area Source	2.26	0.92	0.75	0.00
		Vehicle Source	8.33	12.0	69.4	0.47
T6064 – Summerwind Group, Inc.	188	Area Source	1.77	0.72	0.58	0.00
		Vehicle Source	6.64	9.62	55.4	0.37
T6092 – Celand Development	187	Area Source	1.76	0.72	0.58	0.00
		Vehicle Source	6.60	9.57	55.1	0.37

The *Guide for Assessing and Mitigating Air Quality Impacts*⁷ states, "impacts of local pollutants (CO, HAPs) are cumulatively significant when modeling shows that the combined emissions from the project and other existing and planned projects will exceed air quality standards." The project is not expected to cause a cumulative impact in excess of the California Ambient Air Quality Standards (CAAQS) for several reasons. CO "hot spot" modeling demonstrated that the ambient air quality standards for CO would not be exceeded as a result of the Project. Also, the Project is not a source of HAP emissions and therefore cannot have a significant impact from HAPs.

For ROG and NOx, the only significance thresholds exceeded would be from the Project's mobile source emissions. The Project was below the thresholds for both ROG and NOx for stationary source emissions. Therefore the Project is considered to be cumulatively less than significant for ROG and NOx. PM₁₀ emissions from the Project are minimal and are expected to be less than significant.

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⁷ CARB *Guide for Assessing and Mitigating Air Quality Impacts*, revised January 10, 2002, p. 29.



Table 5.4-8
Cumulative Impact Emission Totals

Source/Divide Name	CO (t/yr)	NO _x (t/yr)	SO _x (t/yr)	PM ₁₀ (t/yr)
Area Source Emissions				
T5327R - Genevieve Myers	0.87	0.36	0.29	0.00
T5738 - John Glumarra, Jr.	4.74	1.93	1.57	0.01
T5762R - R-M Development, Inc.	1.34	0.55	0.44	0.00
T5941 - Cemland Development	2.26	0.92	0.75	0.00
T6064 - Summerwind Group, Inc.	1.77	0.72	0.58	0.00
T6092 - Cemland Development	1.76	0.72	0.58	0.00
Panama 99 Properties, LLC	0.06	0.71	0.33	0.00
Totals	12.8	5.91	4.54	0.01
Vehicular Source Emissions				
T5327R - Genevieve Myers	3.45	5.03	28.98	0.19
T5738 - John Glumarra, Jr.	16.6	23.8	137	0.92
T5762R - R-M Development, Inc.	5.14	7.47	43.0	0.29
T5941 - Cemland Development	8.33	12.0	69.4	0.47
T6064 - Summerwind Group, Inc.	6.64	9.62	55.4	0.37
T6092 - Cemland Development	6.60	9.57	55.1	0.37
Panama 99 Properties, LLC	10.4	30.9	105	1.24
Totals	57.2	98.4	494	3.85
Cumulative Total	70.0	104	498	3.86

Cumulative operational impacts associated with the Project are also expected to be less than significant. For the most part, the cumulative vehicular emissions from the Project would not occur at the site, but would be distributed throughout an area surrounding the Project site. This would minimize the impact from the vehicular sources due to the large area in which the pollutants are emitted and the mixing that traffic creates. Overall, cumulative impacts are expected to be less than the CAAQS and, therefore, would be considered less than significant.

MITIGATION MEASURES

This section directly corresponds to the identified Impact Statements in the impacts subsection.

SHORT-TERM EMISSIONS

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5.4-1a The following mitigation measures shall be utilized during the construction phase of the Project to reduce construction exhaust emissions:

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LOCALIZED CO EMISSIONS

5.4-3 No mitigation measures are recommended.

CONFORMITY WITH AIR QUALITY MANAGEMENT PLAN

5.4-4 No mitigation measures are recommended.

CUMULATIVE IMPACTS

5.4-5 No mitigation measures are recommended.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

ROG and NOx emissions from Project operations would remain significant and unavoidable following mitigation.

If the City of Bakersfield approves the Project, the City would be required to cite their findings in accordance with Section 15091 of the CEQA Guidelines and prepare a Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines.

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Attachment 2

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Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution

C. Arden Pope III, PhD; Richard T. Burnett, PhD; Michael J. Thun, MD; Eugenia E. Calle, PhD; Daniel Krewski, PhD; Kazuhiko Ito, PhD; George D. Thurston, ScD

JAMA. 2002;287:1132-1141.

ABSTRACT

Context Associations have been found between day-to-day particulate air pollution and increased risk of various adverse health outcomes, including cardiopulmonary mortality. However, studies of health effects of long-term particulate air pollution have been less conclusive.

Objective To assess the relationship between long-term exposure to fine particulate air pollution and all-cause, lung cancer, and cardiopulmonary mortality.

Design, Setting, and Participants Vital status and cause of death data were collected by the American Cancer Society as part of the Cancer Prevention II study, an ongoing prospective mortality study, which enrolled approximately 1.2 million adults in 1982. Participants completed a questionnaire detailing individual risk factor data (age, sex, race, weight, height, smoking history, education, marital status, diet, alcohol consumption, and occupational exposures). The risk factor data for approximately 500 000 adults were linked with air pollution data for metropolitan areas throughout the United States and combined with vital status and cause of death data through December 31, 1998.

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Main Outcome Measure All-cause, lung cancer, and cardiopulmonary mortality.

Results Fine particulate and sulfur oxide-related pollution were associated with all-cause, lung cancer, and cardiopulmonary mortality. Each 10- $\mu\text{g}/\text{m}^3$ elevation in fine particulate air pollution was associated with approximately a 4%, 6%, and 8% increased risk of all-cause, cardiopulmonary, and lung cancer mortality, respectively. Measures of coarse particle fraction and total suspended particles were not consistently associated with mortality.

Conclusion Long-term exposure to combustion-related fine particulate air pollution is an important environmental risk factor for cardiopulmonary and lung cancer mortality.

INTRODUCTION

Based on several severe air pollution events,¹⁻³ a temporal correlation between extremely high concentrations of particulate and sulfur oxide air pollution and acute increases in mortality was well established by the 1970s. Subsequently, epidemiological studies published between 1989 and 1996 reported health effects at unexpectedly low concentrations of particulate air pollution.⁴ The convergence of data from these studies, while controversial,⁵ prompted serious reconsideration of standards and health guidelines⁶⁻¹⁰ and led to a long-term research program designed to analyze health-related effects due to particulate pollution.¹¹⁻¹³ In 1997, the Environmental Protection Agency adopted new ambient air quality standards that would impose regulatory limits on fine particles measuring less than 2.5 μm in diameter ($\text{PM}_{2.5}$). These new standards were challenged by industry groups, blocked by a federal appeals court, but ultimately upheld by the US Supreme Court.¹⁴

Although most of the recent epidemiological research has focused on effects of short-term exposures, several studies suggest that long-term exposure may be more important in terms of overall public health.⁴ The new standards for long-term exposure to $\text{PM}_{2.5}$ were originally based primarily on 2 prospective cohort studies,¹⁵⁻¹⁶ which evaluated the effects of long-term pollution exposure on mortality. Both of these studies have been subjected to much scrutiny,⁵ including an extensive independent audit and reanalysis of the original data.¹⁷ The larger of these 2 studies linked individual risk factor and vital status data with national ambient air pollution data.¹⁶ Our analysis uses data from the larger study and (1) doubles the follow-up time to more than 16 years and triples the number of deaths; (2) substantially expands exposure data, including gaseous copollutant data and new $\text{PM}_{2.5}$ data, which have been collected since the promulgation of the new air quality standards; (3) improves control of occupational exposures; (4) incorporates dietary variables that account for total fat consumption, and consumption of vegetables, citrus, and high-fiber grains; and (5) uses recent advances in statistical modeling, including the incorporation of random effects and nonparametric spatial smoothing components in the Cox proportional hazards model.

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METHODS

Study Population

The analysis is based on data collected by the American Cancer Society (ACS) as part of the Cancer Prevention Study II (CPS-II), an ongoing prospective mortality study of approximately 1.2 million adults.¹⁸⁻¹⁹ Individual participants were enrolled by ACS volunteers in the fall of 1982. Participants resided in all 50 states, the District of Columbia, and Puerto Rico, and were generally friends, neighbors, or acquaintances of ACS volunteers. Enrollment was restricted to persons who were aged 30 years or older and who were members of households with at least 1 individual aged 45 years or older. Participants completed a confidential questionnaire, which included questions about age, sex, weight, height, smoking history, alcohol use, occupational exposures, diet, education, marital status, and other characteristics.

Vital status of study participants was ascertained by ACS volunteers in September of the following years: 1984, 1986, and 1988. Reported deaths were verified with death certificates. Subsequently, through December 31, 1998, vital status was ascertained through automated linkage of the CPS-II study population with the National Death Index.¹⁹ Ascertainment of deaths was more than 98% complete for the period of 1982-1988 and 93% complete after 1988.¹⁹ Death certificates or codes for cause of death were obtained for more than 98% of all known deaths. Cause of death was coded according to the *International Classification of Diseases, Ninth Revision (ICD-9)*. Although the CPS-II cohort included approximately 1.2 million participants with adequate questionnaire and cause-of-death data, our analysis was restricted to those participants who resided in US metropolitan areas with available pollution data. The actual size of the analytic cohort varied depending on the number of metropolitan areas for which pollution data were available. Table 1 provides the number of metropolitan areas and participants available for each source of pollution data.

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Table 1. Summary of Alternative Pollution Indices*

Air Pollution Exposure Estimates

Each participant was assigned a metropolitan area of residence based on address at time of enrollment and 3-digit ZIP code area.²⁰ Mean (SD) concentrations of air pollution for the metropolitan areas were compiled from various primary data sources (Table 1). Many of the particulate pollution indices, including PM_{2.5}, were available from data from the Inhalable Particle Monitoring Network for 1979-1983 and data from the National Aerometric Database for 1980-1981, periods just prior to or at the beginning of the follow-up period. An additional data source was the Environmental Protection Agency Aerometric Information

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Retrieval System (AIRS). The mean concentration of each pollutant from all available monitoring sites was calculated for each metropolitan area during the 1 to 2 years prior to enrollment.¹⁷

Additional information on ambient pollution during the follow-up period was extracted from the AIRS database as quarterly mean values for each routinely monitored pollutant for 1982 through 1998. All quarterly averages met summary criteria imposed by the Environmental Protection Agency and were based on observations made on at least 50% of the scheduled sampling days at each site. The quarterly mean values for all stations in each metropolitan area were calculated across the study years using daily average values for each pollutant except ozone. For ozone, daily 1-hour maximums were used and were calculated for the full year and for the third quarter only (ie, July, August, September). While gaseous pollutants generally had recorded data throughout the entire follow-up period of interest, the particulate matter monitoring protocol changed in the late 1980s from total suspended particles to particles measuring less than 10 μm in diameter (PM_{10}), resulting in the majority of total suspended particle data being available in the early to mid-1980s and PM_{10} data being mostly available in the early to mid-1990s.

As a consequence of the new $\text{PM}_{2.5}$ standard, a large number of sites began collecting $\text{PM}_{2.5}$ data in 1999. Daily $\text{PM}_{2.5}$ data were extracted from the AIRS database for 1999 and the first 3 quarters of 2000. For each site, quarterly averages for each of the 2 years were computed. The 4 quarters were averaged when at least 1 of the 2 corresponding quarters for each year had at least 50% of the sixth-day samples and at least 45 total sampling days available. Measurements were averaged first by site and then by metropolitan area. Although no network of $\text{PM}_{2.5}$ monitoring existed in the United States between the early 1980s and the late 1990s, the integrated average of $\text{PM}_{2.5}$ concentrations during the period was estimated by averaging the $\text{PM}_{2.5}$ concentration for early and later periods.

Mean sulfate concentrations for 1980-1981 were available for many cities based on data from the Inhalable Particle Monitoring Network and the National Aerometric Database. Recognizing that sulfate was artifactually overestimated due to glass fiber filters used at that time, season and region-specific adjustments were made.¹⁷ Since few states analyzed particulate samples for sulfates after the early 1980s, individual states were directly contacted for data regarding filter use. Ion chromatography was used to analyze PM_{10} filters and this data could be obtained from metropolitan areas across the United States. Filters were collected for a single reference year (1990) in the middle of the 1982-1998 study period. The use of quartz filters virtually eliminated the historical overestimation of sulfate. Mean sulfate concentrations for 1990 were estimated using sulfate from AIRS, data reported directly from individual states, and analysis of archived filters.

Statistical Analysis

The basic statistical approach used in this analysis is an extension of the standard Cox proportional hazards survival model,²¹ which has been used for risk estimates of pollution-related mortality in previous longitudinal cohort studies.¹⁵⁻¹⁶ The standard Cox model implicitly assumes that observations are statistically independent after controlling for available risk factors, resulting in 2

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concerns with regard to risk estimates of pollution-related mortality.²² First, if the assumption of statistical independence is not valid, the uncertainty in the risk estimates of pollution-related mortality may be overstated. Second, even after controlling for available risk factors, survival times of participants living in communities closer together may be more similar than participants living in communities farther apart, which results in spatial autocorrelation. If this spatial autocorrelation is due to missing or systematically mismeasured risk factors that are spatially correlated with air pollution, then the risk estimates of pollution-related mortality may be biased due to inadequate control of these factors. Therefore, in this analysis, the Cox proportional hazards model was extended by incorporating a spatial random-effects component, which provided accurate estimates of the uncertainty of effect estimates. The model also evaluated spatial autocorrelation and incorporated a nonparametric spatial smooth component (to account for unexplained spatial structure). A more detailed description of this modeling approach is provided elsewhere.²²

The baseline analysis in this study estimated adjusted relative risk (RR) ratios for mortality by using a Cox proportional hazards model with inclusion of a metropolitan-based random-effects component. Model fitting involved a 2-stage process. In the first stage, survival data were modeled using the standard Cox proportional hazards model, including individual level covariates and indicator variables for each metropolitan area (without pollution variables). Output from stage 1 provided estimates of the metropolitan-specific logarithm of the RRs of mortality (relative to an arbitrary reference community), which were adjusted for individual risk factors. The correlation between these values, which was induced by using the same reference community, was then removed.²³ In the second stage, the estimates of adjusted metropolitan-specific health responses were related to fine particulate air pollution using a linear random-effects regression model.²⁴ The time variable used in the models was survival time from the date of enrollment. Survival times of participants who did not die were censored at the end of the study period. To control for age, sex, and race, all of the models were stratified by 1-year age categories, sex, and race (white vs other), which allowed each category to have its own baseline hazard. Models were estimated for all-cause mortality and for 3 separate mortality categories: cardiopulmonary (ICD-9 401-440 and 460-519), lung cancer (ICD-9 162), and all others.

Models were estimated separately for each of the 3 fine particle variables, $PM_{2.5}$ (1979-1983), $PM_{2.5}$ (1999-2000), and $PM_{2.5}$ (average). Individual level covariates were included in the models to adjust for various important individual risk factors. All of these variables were classified as either indicator (ie, yes/no, binary, dummy) variables or continuous variables. Variables used to control for tobacco smoke, for example, included both indicator and continuous variables. The smoking indicator variables included: current cigarette smoker, former cigarette smoker, and a pipe or cigar smoker only (all vs never smoking) along with indicator variables for starting smoking before or after age 18 years. The continuous smoking variables included: current smoker's years of smoking, current smoker's years of smoking squared, current smoker's cigarettes per day, current smoker's cigarettes per day squared, former smoker's years of smoking, former smoker's years of smoking squared, former smoker's cigarettes per day, former smoker's cigarettes per day squared, and the number of hours per day exposed to passive cigarette smoke.

To control for education, 2 indicator variables, which indicated completion of high school or education beyond high school, were included. Marital status variables included indicator variables for single and other vs married. Both body mass index (BMI) values and BMI values squared were included as continuous variables. Indicator variables for beer, liquor, and wine drinkers and

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nonresponders vs nondrinkers were included to adjust for alcohol consumption. Occupational exposure was controlled for using various indicator variables: regular occupational exposure to asbestos, chemicals/acids/solvents, coal or stone dusts, coal tar/pitch/asphalt, diesel engine exhaust, or formaldehyde, and additional indicator variables that indicated 9 different rankings of an occupational dirtiness index that has been developed and described elsewhere.^{17, 25} Two diet indices that accounted for fat consumption and consumption of vegetables, citrus, and high-fiber grains were derived based on information given in the enrollment questionnaire.¹⁸ Quintile indicator variables for each of these diet indices were also included in the models.¹⁸

In addition to the baseline analysis, several additional sets of analysis were conducted. First, to more fully evaluate the shape of the concentration-response function, a robust locally weighted regression smoother²⁶ (within the generalized additive model framework²⁷) was used to estimate the relationship between particulate air pollution and mortality in the second stage of model fitting. Second, the sensitivity of the fine particle mortality risk estimates compared with alternative modeling approaches and assumptions was evaluated. Standard Cox proportional hazards models were fit to the data including particulate air pollution as a predictor of mortality and sequentially adding (in a controlled forward stepwise process) groups of variables to control for smoking, education, marital status, BMI, alcohol consumption, occupational exposures, and diet.

In addition, to evaluate the sensitivity of the estimated pollution effect while more aggressively controlling for spatial differences in mortality, a 2-dimensional term to account for spatial trends was added to the models and was estimated using a locally weighted regression smoother. The "span" parameter, which controls the complexity of the surface smooth, was set at 3 different settings to allow for increasingly aggressive fitting of the spatial structure. These included a default span of 50%, the span that resulted in the lowest unexplained variance in mortality rate between metropolitan areas, and the span that resulted in the strongest evidence (highest *P* value) to suggest no residual spatial structure. The risk estimates and SEs (and thus the confidence intervals) were estimated using generalized additive modelling²⁷ with S-Plus statistical software,²⁸ which provides unbiased effect estimates, but may underestimate SEs if there is significant spatial autocorrelation and significant correlations between air pollution and the smoothed surface of mortality. Therefore, evidence of spatial autocorrelation was carefully evaluated and tested using the Bartlett test.²⁹ The correlations of residual mortality with distance between metropolitan areas were graphically examined.

Analyses were also conducted of effect modification by age, sex, smoking status, occupational exposure, and education. Finally, models were fit using a variety of alternative pollution indices, including gaseous pollutants. Specifically, models were estimated separately for each of the pollution variables listed in Table 1, while also including all of the other risk factor variables.

RESULTS

Fine particulate air pollution generally declined in the United States during the follow-up period of this study. Figure 1 plots mean PM_{2.5} concentrations for 1999-2000 over mean PM_{2.5} concentrations for 1979-

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1983 for the 51 cities in which paired data were available. The concentrations of PM_{2.5} were lower in 1999-2000 than in 1979-1983 for most cities, with the largest reduction observed in the cities with the highest concentrations of pollution during 1979-1983. Mean PM_{2.5} levels in the 2 periods were highly correlated ($r = 0.78$). The rank ordering of cities by relative pollution levels remained nearly the same. Therefore, the relative levels of fine particle concentrations were similar whether based on measurements at the beginning of the study period, shortly following the study period, or an average of the 2.

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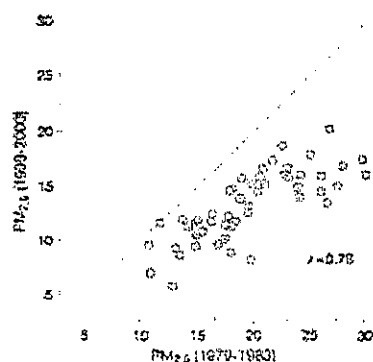


Figure 1. Mean Fine Particles Measuring Less Than 2.5 µm in Diameter (PM_{2.5})

Mean PM_{2.5} concentrations in micrograms per meters cubed for 1999-2000 are plotted along with concentrations for 1979-1983 for the 51 metropolitan areas with paired pollution data. The dotted line is a reference 45°-equality line.

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As reported in Table 2, all 3 indices of fine particulate air pollution were associated with all-cause, cardiopulmonary, and lung cancer mortality, but not mortality from all other causes combined. Figure 2 presents the nonparametric smoothed exposure response relationships between cause-specific mortality and PM_{2.5} (average). The log RRs for all-cause, cardiopulmonary, and lung cancer mortality increased across the gradient of fine particulate matter. Goodness-of-fit tests indicated that the associations were not significantly different from linear associations ($P > .20$).

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Table 2. Adjusted Mortality Relative Risk (RR) Associated With a 10-µg/m³ Change in Fine Particles Measuring Less Than 2.5 µm in Diameter

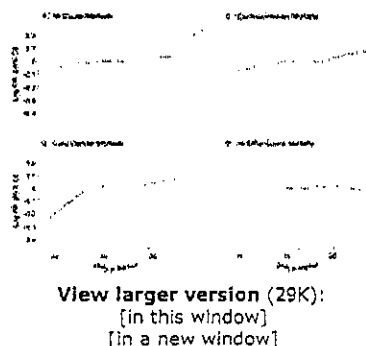


Figure 2. Nonparametric Smoothed Exposure Response Relationship

Vertical lines along x-axes indicate rug or frequency plot of mean fine particulate pollution; $PM_{2.5}$, mean fine particles measuring less than 2.5 μm in diameter; RR, relative risk; and CI, confidence interval.

The fine particle mortality RR ratios from various alternative modeling approaches and assumptions are presented in Figure 3. After controlling for smoking, education, and marital status, the controlled forward stepwise inclusion of additional covariates had little influence on the estimated associations with fine particulate air pollution on cardiopulmonary and lung cancer mortality. As expected, cigarette smoking was highly significantly associated with elevated risk of all-cause, cardiopulmonary, and lung cancer mortality ($P < .001$). Estimated RRs for an average current smoker (men and women combined, 22 cigarettes/day for 33.5 years, with initiation before age 18 years) were equal to 2.58, 2.89, and 14.80 for all-cause, cardiopulmonary, and lung cancer mortality, respectively. Statistically significant, but substantially smaller and less robust associations, were also observed for education, marital status, BMI, alcohol consumption, occupational exposure, and diet variables. Although many of these covariates were also statistically associated with mortality, the risk estimates of pollution-related mortality were not highly sensitive to the inclusion of these additional covariates.

Figure 3. Mortality Relative Risk (RR) Ratio Associated With 10- $\mu g/m^3$ Differences of $PM_{2.5}$ Concentrations

Data presented are for 1979-1983 for the different causes of death, with various levels of controlling for individual risk factors, and using alternative modeling approaches. The 3 models with spatial smoothing allow for increasingly aggressive fitting of the spatial structure. Plus sign indicates model included previous variables (ie, smoking included stratification by age, sex, and race); $PM_{2.5}$, mean fine particles measuring less than 2.5 μm in diameter; and CI, confidence interval.

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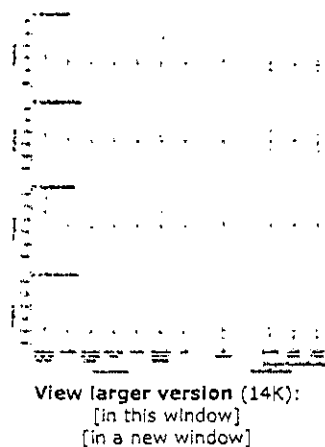
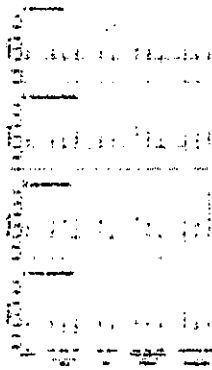


Figure 3 also demonstrates that the introduction of the random-effects component to the model resulted in larger SEs of the estimates and, therefore, somewhat wider 95% confidence intervals. There was no evidence of statistically significant spatial autocorrelation in the survival data based on the Bartlett test ($P > .20$) after controlling for fine particulate air pollution and the various individual risk factors. Furthermore, graphical examination of the correlations of the residual mortality with distance between metropolitan areas did not reveal significant spatial autocorrelation (results not shown). Nevertheless, the incorporation of spatial smoothing was included to further investigate the robustness of the estimated particulate pollution effect. Effect estimates were not highly sensitive to the incorporation of spatial smoothing to account for regional clustering or other spatial patterns in the data.

Figure 4 presents fine particle air pollution-related mortality RR ratios after stratifying by age, sex, education, and smoking status, and adjusting for all other risk factors. The differences across age and sex strata were not generally consistent or statistically significant. However, a consistent pattern emerged from this stratified analysis: the association with particulate pollution was stronger for both cardiopulmonary and lung cancer mortality for participants with less education. Also, for both cardiopulmonary and lung cancer mortality, the RR estimates were higher for nonsmokers.

Figure 4. Adjusted Mortality Relative Risk (RR) Ratio Associated With $10\text{-}\mu\text{g}/\text{m}^3$ Differences of $\text{PM}_{2.5}$ Concentrations

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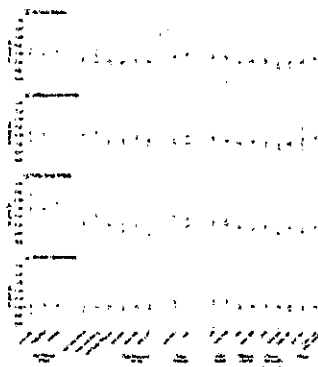
Data presented are for 1979-1983 for the different causes of death stratified by age, sex, education, and smoking status. $PM_{2.5}$ indicates mean fine particles measuring less than 2.5 μm in diameter; CI, confidence interval.

Figure 5 summarizes the associations between mortality risk and air pollutant concentrations listed in Table 1. Statistically significant and relatively consistent mortality associations existed for all measures of fine particulate exposure, including $PM_{2.5}$ and sulfate particles. Weaker less consistent mortality associations were observed with PM_{10} and PM_{15} . Measures of the coarse particle fraction ($PM_{15-2.5}$) and total suspended particles were not consistently associated with mortality. Of the gaseous pollutants, only sulfur dioxide was associated with elevated mortality risk. Interestingly, measures of $PM_{2.5}$ were associated with all-cause cardiopulmonary, and lung cancer mortality, but not with all other mortality. However, sulfur oxide pollution (as measured by sulfate particles and/or sulfur dioxide) was significantly associated with mortality from all other causes in addition to all-cause, cardiopulmonary, and lung cancer mortality.

Figure 5. Adjusted Mortality Relative Risk (RR) Ratio Evaluated at Subject-Weighted Mean Concentrations

$PM_{2.5}$ indicates particles measuring less than 2.5 μm in diameter; PM_{10} , particles measuring less than 10 μm in diameter; PM_{15} , particles measuring less than 15 μm in diameter; $PM_{15-2.5}$, particles measuring between 2.5 and 15 μm in diameter; and CI, confidence interval.

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COMMENT

This study demonstrated associations between ambient fine particulate air pollution and elevated risks of both cardiopulmonary and lung cancer mortality. Each 10- $\mu\text{g}/\text{m}^3$ elevation in long-term average $\text{PM}_{2.5}$ ambient concentrations was associated with approximately a 4%, 6%, and 8% increased risk of all-cause, cardiopulmonary, and lung cancer mortality, respectively, although the magnitude of the effect somewhat depended on the time frame of pollution monitoring. In addition, this analysis addresses many of the important questions concerning the earlier, more limited analysis of the large CPS-II cohort, including the following issues.

First, does the apparent association between pollution and mortality persist with longer follow-up and as the cohort ages and dies? The present analysis more than doubled the follow-up time to more than 16 years, resulting in approximately triple the number of deaths, yet the associations between pollution and mortality persisted.

Second, can the association between fine particulate air pollution and increased cardiopulmonary and lung cancer mortality be due to inadequate control of important individual risk factors? After aggressively controlling for smoking, the estimated fine particulate pollution effect on mortality was remarkably robust. When the analysis was stratified by smoking status, the estimated pollution effect on both cardiopulmonary and lung cancer mortality was strongest for never smokers vs former or current smokers. This analysis also controlled for education, marital status, BMI, and alcohol consumption. This analysis used improved variables to control for occupational exposures and incorporated diet variables that accounted for total fat consumption, as well as for

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consumption of vegetables, citrus, and high-fiber grains. The mortality associations with fine particulate air pollution were largely unaffected by the inclusion of these individual risk factors in the models. The data on smoking and other individual risk factors, however, were obtained directly by questionnaire at time of enrollment and do not reflect changes that may have occurred following enrollment. The lack of risk factor follow-up data results in some misclassification of exposure, reduces the precision of control for risk factors, and constrains our ability to differentiate time dependency.

Third, are the associations between fine particulate air pollution and mortality due to regional or other spatial differences that are not adequately controlled for in the analysis? If there are unmeasured or inadequately modeled risk factors that are different across locations, then spatial clustering will occur. If this clustering is independent or random across metropolitan areas, then the spatial clustering can be modeled by adding a random-effects component to the Cox proportional hazards model as was done in our analysis. The clustering may not be independent or random across metropolitan areas due to inadequately measured or modeled risk factors (either individual or ecological). If these inadequately measured or modeled risk factors are also spatially correlated with air pollution, then biased pollution effects estimates may occur due to confounding. However, in this analysis, significant spatial autocorrelation was not observed after controlling for fine particulate air pollution and the various individual risk factors. Furthermore, to minimize any potential confounding bias, sensitivity analyses, which directly modeled spatial trends using nonparametric smoothing techniques, were conducted. A contribution of this analysis is that it included the incorporation of both random effects and nonparametric spatial smoothing components to the Cox proportional hazards model. Even after accounting for random effects across metropolitan areas and aggressively modeling a spatial structure that accounts for regional differences, the association between fine particulate air pollution and cardiopulmonary and lung cancer mortality persists.

Fourth, is mortality associated primarily with fine particulate air pollution or is mortality also associated with other measures of particulate air pollution, such as PM_{10} , total suspended particles, or with various gaseous pollutants? Elevated mortality risks were associated primarily with measures of fine particulate and sulfur oxide pollution. Coarse particles and gaseous pollutants, except for sulfur dioxide, were generally not significantly associated with elevated mortality risk.

Fifth, what is the shape of the concentration-response function? Within the range of pollution observed in this analysis, the concentration-response function appears to be monotonic and nearly linear. However, this does not preclude a leveling off (or even steepening) at much higher levels of air pollution.

Sixth, how large is the estimated mortality effect of exposure to fine particulate air pollution relative to other risk factors? A detailed description and interpretation of the many individual risk factors that are controlled for in the analysis goes well beyond the scope of this report. However, the mortality risk associated with cigarette smoking has been well documented using the CPS-II cohort.¹⁶ The risk imposed by exposure to fine particulate air pollution is obviously much smaller than the risk of cigarette smoking. Another risk factor that has been well documented using the CPS-II cohort data is body mass as measured by BMI.³⁰ The World Health Organization has categorized BMI values between 18.5-24.9 kg/m^2 as normal; 25-29.9 kg/m^2 , grade 1 overweight; 30-39.9 kg/m^2 , grade 2 overweight; and 40 kg/m^2 or higher, grade 3 overweight.³¹ In the present analysis, BMI

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values and BMI values squared were included in the proportional hazards models. Consistent with previous ACS analysis,³⁰ BMI was significantly associated with mortality, optimal BMI was between approximately 23.5 and 24.9 kg/m², and the RR of mortality for different BMI values relative to the optimal were dependent on sex and smoking status. For example, the RRs associated with BMI values between 30.0 and 31.9 kg/m²(vs optimal) would be up to approximately 1.33 for never smokers. Based on these calculations, mortality risks associated with fine particulate air pollution at levels found in more polluted US metropolitan areas are less than those associated with substantial obesity (grade 3 overweight), but comparable with the estimated effect of being moderately overweight (grade 1 to 2).

In conclusion, the findings of this study provide the strongest evidence to date that long-term exposure to fine particulate air pollution common to many metropolitan areas is an important risk factor for cardiopulmonary mortality. In addition, the large cohort and extended follow-up have provided an unprecedented opportunity to evaluate associations between air pollution and lung cancer mortality. Elevated fine particulate air pollution exposures were associated with significant increases in lung cancer mortality. Although potential effects of other unaccounted for factors cannot be excluded with certainty, the associations between fine particulate air pollution and lung cancer mortality, as well as cardiopulmonary mortality, are observed even after controlling for cigarette smoking, BMI, diet, occupational exposure, other individual risk factors, and after controlling for regional and other spatial differences.

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Author Contributions: *Study concept and design:* Pope, Burnett, Krewski, Thurston.

Acquisition of data: Thun, Calle, Krewski, Ito, Thurston.

Analysis and interpretation of data: Pope, Burnett, Krewski, Thurston.

Drafting of the manuscript: Pope, Burnett, Ito, Thurston.

Critical revision of the manuscript for important intellectual content: Pope, Thun, Calle, Krewski, Thurston.

Statistical expertise: Pope, Burnett, Krewski.

Obtained funding: Pope, Thun, Thurston.

Administrative, technical, or material support: Pope, Calle, Krewski, Ito, Thurston.

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Study supervision: Pope, Krewski.

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Association of Low-Level Ozone and Fine Particles With Respiratory Symptoms in Children With Asthma

Janneane F. Gent, PhD; Elizabeth W. Triche, PhD; Theodore R. Holford, PhD; Kathleen Belanger, PhD; Michael B. Bracken, PhD; William S. Beckett, MD; Brian P. Leaderer, PhD

JAMA. 2003;290:1859-1867.

ABSTRACT

Context Exposure to ozone and particulate matter of 2.5 μm or less ($\text{PM}_{2.5}$) in air at levels above current US Environmental Protection Agency (EPA) standards is a risk factor for respiratory symptoms in children with asthma.

Objective To examine simultaneous effects of ozone and $\text{PM}_{2.5}$ at levels below EPA standards on daily respiratory symptoms and rescue medication use among children with asthma.

Design, Setting, and Participants Daily respiratory symptoms and medication use were examined prospectively for 271 children younger than 12 years with physician-diagnosed, active asthma residing in southern New England. Exposure to ambient concentrations of ozone and $\text{PM}_{2.5}$ from April 1 through September 30, 2001, was assessed using ozone (peak 1-hour and 8-hour) and 24-hour $\text{PM}_{2.5}$. Logistic regression analyses using generalized estimating equations were performed separately for maintenance medication users ($n = 130$) and nonusers ($n = 141$). Associations between pollutants (adjusted for temperature, controlling for

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same- and previous-day levels) and respiratory symptoms and use of rescue medication were evaluated.

Main Outcome Measures Respiratory symptoms and rescue medication use recorded on calendars by subjects' mothers.

Results Mean (SD) levels were 59 (19) ppb (1-hour average) and 51 (16) ppb (8-hour average) for ozone and 13 (8) $\mu\text{g}/\text{m}^3$ for $\text{PM}_{2.5}$. In copollutant models, ozone level but not $\text{PM}_{2.5}$ was significantly associated with respiratory symptoms and rescue medication use among children using maintenance medication; a 50-ppb increase in 1-hour ozone was associated with increased likelihood of wheeze (by 35%) and chest tightness (by 47%). The highest levels of ozone (1-hour or 8-hour averages) were associated with increased shortness of breath and rescue medication use. No significant, exposure-dependent associations were observed for any outcome by any pollutant among children who did not use maintenance medication.

Conclusion Asthmatic children using maintenance medication are particularly vulnerable to ozone, controlling for exposure to fine particles, at levels below EPA standards.

INTRODUCTION

Children with asthma are particularly vulnerable to the adverse health effects of high levels of **air pollution**. Studies of children with asthma living in some of the most highly polluted regions of the world conclude that exposure to levels of ozone or particulate matter (especially particles $\leq 2.5 \mu\text{m}$ in diameter [$\text{PM}_{2.5}$]) regularly in excess of US Environmental Protection Agency (EPA) air quality standards (120 ppb [1-hour average] and 80 ppb [8-hour average] for ozone and 65 $\mu\text{g}/\text{m}^3$ for 24-hour $\text{PM}_{2.5}$) significantly enhances the risk of respiratory symptoms, asthma medication use, and reduced lung function.¹⁻⁵

Studies of children with asthma living in regions with levels of pollution within or near compliance with EPA air quality standards suggest that the current standards do not protect these more vulnerable members of the population.⁶⁻¹⁰ Asthma severity, as measured by symptoms, medication use, restrictions in activity, or use of medical services, has been shown to be affected by exposure to ozone (1-hour maximum measurement⁶⁻¹⁰ or 8-hour average⁶⁻⁹), particles 10 μm or smaller (PM_{10}),^{6, 8} or $\text{PM}_{2.5}$ (12-hour total).⁶

Of interest in many recent studies of children with asthma are the simultaneous effects of ozone and particulates on asthma severity.^{2-3, 8} Simultaneous exposure to high levels of both ozone and $\text{PM}_{2.5}$ (fine particles)² or PM_{10} (coarse particles)³ found in Mexico City, Mexico, contributed to increased respiratory symptoms among children with asthma. In a region of lower pollution, asthma symptoms were associated with both ozone and coarse particles.⁸ In the current study, we examined the simultaneous

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effects of ozone and fine particles on daily respiratory symptoms and rescue medication use of children with asthma residing in southern New England during spring and summer 2001.

METHODS

Participants

The study participants were 271 children from a cohort of families living in Connecticut and the Springfield area of Massachusetts who were participating in a study of asthma development.¹¹⁻¹² From 1997 through 1999, 1002 infants born to families with at least 1 child with physician-diagnosed asthma were enrolled in the original birth cohort. Beginning in 2000, eligible asthmatic siblings (1 per cohort family) were identified and invited to participate in a 1-year prospective study of asthma severity. Eligibility criteria were that the child was younger than 12 years at the time of enrollment and had exhibited respiratory symptoms or used asthma medication within the previous 12 months. Included in the current analysis are subjects enrolled for all or part of the 183-day sampling period (April 1 through September 30, 2001), which includes the summertime, high-ozone pollution months in this region. Of 357 children identified as being eligible for inclusion in the current analysis, 56 refused follow-up, 16 were lost to follow-up, and 14 withdrew before April 1, 2001, leaving a total of 271 (76%). The Human Investigation Committee of Yale University, New Haven, Conn, approved this study, and all respondents (mothers of study subjects) gave informed consent before participation.

Data Collection

Demographic information and medical histories were collected during a home interview with the mother at enrollment. Daily respiratory symptoms (wheeze, persistent cough, chest tightness, shortness of breath) and medication use (maintenance medications, including inhaled or systemic steroids, cromolyn sodium, and leukotriene inhibitors, and rescue medications, including bronchodilators) were recorded on symptom and medication calendars by the child's mother and collected through monthly telephone interviews. Additional information about the previous 12 months was collected at an exit interview (eg, dates the child had been away from the southern New England region during the study year).

Air Quality Assessment

Study subjects resided in a 6691-square mile area in Connecticut and the Springfield area of Massachusetts. All ambient air quality monitoring sites (14 sites for ozone, 10 in Connecticut and 4 in Massachusetts; 4 sites for daily PM_{2.5}, 2 in Connecticut and 2 in Massachusetts; 13 temperature sites, 12 in Connecticut and 1 in Massachusetts) were located within a 52.5-mile radius centered at Southington, Conn (14 miles southwest of Hartford). The maximum distance between sites was 105 miles; the minimum distance was 4 miles. The Departments of Environmental Protection (DEPs) of Connecticut and Massachusetts provided measurements for hourly ozone concentrations and temperatures and daily 24-hour PM_{2.5} (total PM_{2.5} accumulated during 24

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hours). Since both ozone and fine particle pollutants, as well as meteorological variables, tend to be regional,¹³ the maximum daily 1-hour average (mean over 1 hour) and the 8-hour rolling average (mean over previous 8 hours) for ozone, daily PM_{2.5} concentration, and maximum daily temperature were averaged across monitoring sites. Between-site correlation coefficients (Pearson *r*) were high for the 4 daily PM_{2.5} sites (median *r* = 0.91; range, 0.84-0.95) and the 13 temperature sites (median *r* = 0.97; range, 0.85-0.99). There was more variability among the 14 ozone monitoring sites (median *r* = 0.83; range, 0.50-0.97 for the 1-hour average; and median *r* = 0.81; range, 0.47-0.97 for the 8-hour average). For technical details on ambient air quality monitoring, see the Web sites for the Connecticut DEP¹⁴ and the Massachusetts DEP.¹⁵

Data Analysis

To examine the effects of ozone and PM_{2.5} on children with different degrees of asthma severity, children were divided into 2 groups: those who used any maintenance medication during the 183-day observation period (*n* = 130) and those who did not (*n* = 141). Use of maintenance medication was used as a proxy for asthma severity to avoid using the outcome measures (respiratory symptoms and rescue medication use) in the assessment of severity. Logistic regression analyses, using generalized estimating equations (PROC GENMOD with AR1 autoregressive structure in SAS statistical software)¹⁶⁻¹⁸ and adjusted for maximum daily temperature, were used to evaluate the association between levels of ozone and PM_{2.5}, with presence or absence of specific respiratory symptoms or rescue medication use. Using a repeated-measures technique permitted each subject to serve as his or her own control; therefore, personal variables (eg, race and other sociodemographic factors) that would not change during the study were not included in the models. Subgroup analysis, which included either 17 160 observations (an average of 132 days of data for 130 users of maintenance medication) or 19 035 observations (135 days for 141 nonusers of maintenance medication), focused directly on the association between exposures and health effects.

Exposure variables were categorized into quintiles, then entered into the model as dummy variables. The reference category for each was the lowest quintile. Both same-day and previous-day levels of ozone and PM_{2.5} were examined. Analyses were performed separately for each severity group and each outcome. In single-pollutant models, a test for linear trend was performed by examining the model when the pollutant was entered as a continuous variable instead of as quintiles. In copollutant models, a test for goodness of fit was performed using the Hosmer-Lemeshow statistic for logistic regression. Significance level for all tests was set at .05.

RESULTS

Descriptive Statistics

Levels of ozone, PM_{2.5}, and temperature from April through September 2001 are summarized in Table 1 and Figure 1. The EPA 1-hour standard (120 ppb) was exceeded on 3 days, and the 8-hour ozone standard

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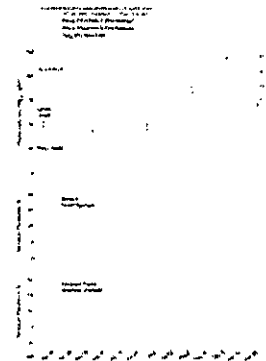
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(80 ppb) was exceeded on 10 days of the 183 days of observation. There were no days when the level of $PM_{2.5}$ exceeded the EPA 24-hour standard of $65 \mu g/m^3$. There was a strong correlation between ozone and fine particles ($PM_{2.5}$ vs 1-hour average ozone $r = 0.77$ vs 8-hour average $r = 0.74$) (Table 2).

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Table 1. Ozone, Particulate Matter of 2.5 μm or Less ($PM_{2.5}$), and Temperature in Southern New England, April 1 to September 30, 2001



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Figure. Daily Levels of Ozone (Both 1-Hour Average and 8-Hour Average), Particulate Matter of 2.5 μm or Less ($PM_{2.5}$), and Daily Maximum Temperature, With Daily Prevalence of Respiratory Symptoms for Users of Asthma Maintenance Medication ($n = 130$) for Southern New England, April 1 through September 30, 2001

Dotted lines at 80 ppb and 120 ppb indicate Environmental Protection Agency standards for 8-hour average and 1-hour average ozone, respectively. Note that daily exposure levels shown here are the result of averaging over regional monitoring sites (14 ozone, 4 $PM_{2.5}$, and 13 temperature sites).

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Table 2. Pearson Correlation Coefficients for Same Day and Previous Day Levels of Ozone and Particulate Matter of 2.5 μm or Less ($PM_{2.5}$)

There were no significant differences between the users ($n = 130$) of maintenance medication and nonusers ($n = 141$) for mean (SD) age of study subjects (age on April 1, 2001, for users, 8.8 [2.0] years [range, 2.4-12.7 years]; age of nonusers, 8.3 [2.2] years [range, 2.0-12.6 years]; t test $P = .71$) or mean days of participation (mean participation for users, 132 [48] days [range, 3-183 days]; mean participation for nonusers, 135 [51] days [range, 5-183 days]; t test $P = .50$). Sex and ethnicity did not differ by medication use. Nearly two thirds of each group were male (users, 64.6%; nonusers, 64.5%; χ^2 test $P = .99$), and most

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breath were exposure dependent: a 50-ppb increase in previous-day, 8-hour ozone level increased the likelihood of chest tightness (OR, 1.33; 95% CI, 1.09-1.62) and shortness of breath (OR, 1.30; 95% CI, 1.05-1.61).

PM_{2.5}. Increased likelihood of chest tightness was associated with same-day levels of PM_{2.5} from 12.1 to 18.9 µg/m³ (Table 4, model 5). Previous-day levels of 19.0 µg/m³ or higher were associated with persistent cough, chest tightness, and shortness of breath (Table 4, model 6).

Copollutant Models for Users of Maintenance Medication

In logistic regression models of both ozone and fine particles for children taking maintenance medication, an increased likelihood of respiratory symptoms was associated with levels of ozone on the same day, previous day, or both; and increased bronchodilator use was associated with the highest level of same-day ozone. Neither respiratory symptoms nor bronchodilator use were associated with level of fine particles.

Ozone (1-Hour Average) and PM_{2.5}. Increased likelihood of wheeze was associated with same-day levels of 1-hour average ozone of 43.2 ppb or higher in an exposure-dependent manner (Table 5). When ozone is entered into this same model as a continuous variable, a 50-ppb increase in same-day ozone increases the likelihood of wheeze by 35% (OR, 1.35; 95% CI, 1.11-1.65). None of the exposure variables was associated with an increased likelihood of persistent cough, and only 1-hour average ozone levels between 43.2 and 51.5 ppb were associated with a decreased likelihood of cough (OR, 0.88; 95% CI, 0.78-0.99). The likelihood of chest tightness was significantly increased by same-day (≥58.9 ppb) and previous-day (≥51.6 ppb) levels of ozone in an exposure-dependent way. The likelihood of chest tightness increases by 47% (OR, 1.47; 95% CI, 1.18-1.84) for each 50-ppb increase in same-day levels of ozone, and by 42% (OR, 1.42; 95% CI, 1.14-1.78) for each 50-ppb increase in previous-day levels. Shortness of breath and ozone were similarly associated; likelihood of the symptom was increased by same-day levels of 72.7 ppb or higher and previous-day levels from 58.9 to 72.6 ppb (by 32%). Increased likelihood of bronchodilator use was associated with same-day levels of 72.7 ppb or higher (Table 5).

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Table 5. Odds Ratios From the Copollutant Logistic Regression Model for Same-Day and Previous-Day Levels of Ozone (1-Hour Average) and Particulate Matter of 2.5 µm or Less (PM_{2.5}) Related to Each Respiratory Symptom or Rescue Medication Use of Maintenance Medication Users (n = 130) (Southern New England, April 1 to September 30, 2001)*

Ozone (8-Hour Average) and PM_{2.5}. For 8-hour average ozone levels, the likelihood of chest tightness was increased by same-day (OR, 1.64; 95% CI, 1.23-2.17) and previous-day (OR, 1.45; 95% CI, 1.10-1.92) levels of 63.3 ppb or higher. Shortness of breath was similarly associated; likelihood of the symptom was increased by same-day (OR, 1.45; 95% CI, 1.10-1.91) and

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previous-day (OR, 1.31; 95% CI, 1.00-1.71) levels of 63.3 ppb or higher. As seen for the highest 1-hour ozone level, increased bronchodilator use was associated with same-day levels of 63.3 ppb or higher for 8-hour ozone measurements (OR, 1.09; 95% CI, 1.02-1.17).

Nonusers of Maintenance Medication

Single-Pollutant Models. Similar analyses for nonusers of maintenance medication revealed no significant associations among the top 3 concentration quintiles for the exposure variables and respiratory symptoms or bronchodilator use. For example, chest tightness was not significantly associated with same-day, 1-hour ozone levels of 72.7 ppb or higher (OR, 0.92; 95% CI, 0.68-1.25), same-day, 8-hour ozone levels of 63.3 ppb or higher (OR, 1.17; 95% CI, 0.72-1.92), or previous-day, 8-hour ozone levels of 63.3 ppb or higher (OR, 0.99; 95% CI, 0.74-1.35). The only significant association was an increased likelihood of wheeze (OR, 1.20; 95% CI, 1.00-1.43) in the presence of previous-day, 8-hour average ozone between 39.1 and 45.8 ppb (the second quintile).

Copollutant Models. For the children who were not users of asthma maintenance medication, neither fine particles nor 1-hour average ozone levels were associated with increased likelihoods of respiratory symptoms in copollutant models. Increased bronchodilator use was associated with previous-day fine particle concentrations between 9.0 and 12.0 $\mu\text{g}/\text{m}^3$ in the model with 1-hour ozone levels (Table 6) and with these same levels in the model with 8-hour ozone (OR, 1.30; 95% CI, 1.02-1.65). An increase in the likelihood of wheeze was associated with 8-hour ozone, but only for concentrations between 39.1 and 45.8 ppb on the same day (OR, 1.33; 95% CI, 1.00-1.77) or the previous day (OR, 1.31; 95% CI, 1.05-1.63) and between 52.1 and 63.2 ppb for same-day levels (OR, 1.35; 95% CI, 1.00-1.81).

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Table 6. Odds Ratios From the Copollutant Logistic Regression Model for Same-Day and Previous-Day Levels of Ozone (1-Hour Average) and Particulate Matter of 2.5 μm or Less ($\text{PM}_{2.5}$) Related to Respiratory Symptoms and Rescue Medication Use of Maintenance Medication Nonusers (n = 141) (Southern New England, April 1 to September 30, 2001)*

COMMENT

In models controlling for ambient fine particle concentration and typically at levels below EPA air quality standards, daily ambient ozone was found to be significantly associated with increased risk of respiratory symptoms and increased use of rescue medication among children with asthma severe enough to require maintenance medication. Study strengths include frequent telephone follow-up to collect information on daily calendar-recorded symptoms and medication use; absence of reporting bias between symptoms and

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regionally collected ambient air quality data; the use of both the maximum 1-hour average (sensitive to spikes in concentration) and 8-hour average (a measure of short-term, cumulative exposure) to assess daily ambient ozone levels; use of PM_{2.5} levels measured daily; and examination of the simultaneous effects of ozone and PM_{2.5} at levels near or below current EPA ambient standards. Our results contribute to the limited literature examining the simultaneous effects of ozone and suspended particles on daily respiratory symptoms for a sensitive subpopulation in models adjusted for daily temperature.

• References

One potential limitation of the study is that ambient ozone and particle concentrations were represented as means over regional sites. For the 14 ozone sites on any particular day, the mean (SD) ratio of maximum to minimum reading was 1.70 (0.50), which is similar to the mean ratio of upper to lower limit of each quintile of the summer ozone distribution of 1.38 (0.30) from our study. This suggests that the analysis using quintiles of the ozone distribution captures the variability that exists in the study region. Variability among PM_{2.5} sites was less, but a potential limitation is that there were only 4 sites with daily measurements. However, a comparison between readings from these 4 sites and readings from the 10 sites with PM_{2.5} readings every 3 days revealed good agreement. For the 61 days all sites had in common, the 10-site mean (SD) was 13.8 (8.2) compared with 12.8 (7.7) µg/m³ for the 4 sites, and the Pearson correlation was 0.97.

Another potential limitation is the lack of personal variables (eg, race) in the regression models. However, by taking advantage of the repeated measurements we had for each subject, we were able to use each subject as his or her own control. The sample of 271 children contributed 36 195 person-days of observations to the analyses. Our within-subjects analytic approach permitted a strong test of the associations between ambient **air pollution** and health outcomes, and personal variables, since they would not vary within subjects, could be excluded from the models.

In this study, we did not consider medical care utilization as an outcome. Since this was not a clinic-based study, we did not have access to records to confirm medical visit dates. However, medical records are not necessarily more objective than reports of symptoms and medication use, since a number of factors unrelated to symptom severity also influence utilization. Symptoms and medication use vary from day to day and may be a more sensitive indicator of the effects of daily changes in **air pollution** on respiratory health, since not all symptoms result in a physician visit.

In our copollutant models, ozone but not fine particles significantly predicted increased risk of respiratory symptoms and rescue medication use among children using asthma maintenance medication. We found an immediate (same-day) effect of ozone on wheeze (with the 1-hour ozone metric), chest tightness, and shortness of breath (with both the 1-hour and 8-hour ozone metrics). We also found that previous-day levels of ozone (both metrics) were significantly associated with increased risk of chest tightness and shortness of breath. Goodness-of-fit tests for copollutant models suggest that the models with significant findings (wheeze, chest tightness, and shortness of breath) are reasonably good fits to the data. There were no systematic patterns to the lack of fit for models for persistent cough and bronchodilator use. However, because of repeated measurements, observations were not independent in any of the models, which may affect the interpretation of the Hosmer-Lemeshow statistic. It is possible that the

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more frequently reported events of persistent cough and bronchodilator use may be associated with ambient **air pollution** in combination with other factors (eg, activity level) not included in the current study.

Effects of 1-hour ozone among children using asthma maintenance medication, especially the association of same-day ozone with wheeze and previous-day ozone with chest tightness, appear to be more exposure dependent than the effects of small particles. In copollutant models for wheeze and chest tightness, a 50-ppb increase in same-day, 1-hour ozone level increased the likelihood of wheeze by 35% and chest tightness by 47%. However, since particles and ozone were positively correlated, it is difficult to separate their effects in the copollutant models. In the single-pollutant model for chest tightness, a 50-ppb increase in previous-day levels of 1-hour ozone resulted in a 26% increase in the likelihood of having the symptom. When same-day levels of 1-hour ozone were added to the model, the likelihood of this symptom went up to 32%. In the copollutant model, a 50-ppb increase in previous-day, 1-hour ozone level increased the likelihood of chest tightness by 42%. Levels of $PM_{2.5}$ happened to be relatively low and never exceeded EPA standards for the duration of the study period, which likely contributed to the lack of significant particle effects observed in the copollutant models. For our region, an examination of the association between symptoms and particle levels in winter months when ozone is not a factor would help us better understand the role of exposure to small particles on respiratory health.

There is little doubt that children with asthma are especially vulnerable to high levels of **air pollution**. Among a group of asthmatic children ($n = 71$) living in Mexico City, where levels of ozone have regularly exceeded the EPA standard, multivariate regression analyses of same-day ambient **air pollution** and separate models of previous-day pollution all revealed significant effects of ozone and fine particles on the likelihood of cough (an increase of 8% for each 50-ppb increase in ozone on either the same day or previous day; an increase of 6% or 8% for each $10\text{-}\mu\text{g}/\text{m}^3$ increase in $PM_{2.5}$ on the same day or previous day) and lower respiratory tract illness (by 7% for each pollutant on the same day or previous day).² The effects seen for $PM_{2.5}$ in Mexico City, but not in our study, could be explained by the large difference between the mean (SD) 24-hour concentration of $PM_{2.5}$ in Mexico City ($85.7 [30.2] \mu\text{g}/\text{m}^3$), which was above the EPA standard of $65 \mu\text{g}/\text{m}^3$ and was well above the mean of $13.1 (7.9) \mu\text{g}/\text{m}^3$ observed in the current study. In addition, the chemical composition of the fine particles in each region may be different.^{2, 10} The larger effect of 1-hour ozone that we found could be explained in part by the fact that we stratified our analysis by asthma severity, thereby observing a consistent pattern of increased likelihood of some symptoms of more than 40% in the group with more severe disease and no significant effects among the group with less severe disease.

Our results are consistent with recent studies^{7, 10} that suggest exposure to lower levels of ozone is associated with respiratory symptoms in children with asthma. Children with asthma who attended a week-long asthma summer camp (a total of 166 children during three 1-week periods compared with our 183-day observation period) in the Connecticut River Valley (the same geographic area as the current study) were exposed to levels of ozone somewhat higher than the current study (mean [SD] 1-hour average, $84 [38]$ ppb; range, 20-160 ppb). In single-pollutant models, daily levels of same-day ozone were significantly associated with increased chest symptoms, β -agonist use, and decreased lung function.¹⁰ These associations did not change when same-day

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levels of sulfate (a primary constituent of PM_{2.5} in this region) were added to the model. In a recent study⁷ of 846 children with asthma living in 8 urban areas around the country, ozone at levels comparable to those observed in the current study (mean 8-hour average of 48 ppb compared with our mean of 51 ppb with <5% of the days exceeding the EPA standard of 80 ppb in both studies) was associated, in single-pollutant models, with morning respiratory symptoms (wheeze, cough, or chest tightness). Although the data were not shown, the authors of each study also noted that adding copollutants to their models did not appreciably confound the effect of ozone. Both studies concluded that ozone, even at levels lower than current EPA standards, is strongly associated with adverse respiratory health effects in children with asthma.

Previous environmental chamber studies¹⁹⁻²¹ of adults with asthma exposed to ozone for 1 to a few hours have shown relatively little effect on symptoms or lung function. On the other hand, short-term exposure to elevated levels of ozone and particulates in outdoor air has been associated with reduced pulmonary function in otherwise healthy children.^{1, 22-23} Our study of asthmatic children under ambient exposure conditions in areas of lower pollution suggests that the more prolonged exposures associated with summertime ozone produce a greater stimulus than chamber exposures, that asthmatic children are more susceptible than asthmatic adults, that effects are delayed and not captured by short-term chamber studies, or that coexposures to other unidentified constituents of ambient air enhance the response to ozone. A recent study supporting this view examined the impact of traffic-reducing changes in Atlanta, Ga, during the 1996 summer Olympic Games.²⁴ Significant reductions in ozone and particles were associated with significant reductions in acute asthma care events (physician, clinic, or hospital visits) among children aged 1 to 16 years. In analyses including days before, during, and after the Olympics, an increase in daily acute asthma events was associated with levels of 1-hour ozone concentrations beginning at 60 to 89 ppb. Our findings indicate that comparable levels were associated with an increased likelihood of wheeze (≥58.9 ppb), chest tightness (≥58.9 ppb), shortness of breath, and rescue medication use (≥72.7 ppb).

In our study, we defined 2 levels of asthma severity based on maintenance medication use. We reasoned that since we were examining the association of **air pollution** and symptoms, we did not want to use symptoms to define severity. Instead, we used maintenance medication as a proxy for disease severity even though medication use and symptoms will be related. Maintenance medication users had significantly more wheeze, persistent cough, chest tightness, and shortness of breath than the nonusers and used rescue medication significantly more often. Our results strongly suggest that this definition of asthma severity divides the group into 2 levels of vulnerability to **air pollution**.

Our study is a unique combination of a sample of asthmatic children with detailed symptom and medication use followed for a long period and well-measured daily ambient copollutants. These results add to others that suggest that, even at low levels of ambient ozone and controlling for ambient fine particle concentration, children with severe asthma are at a significantly increased risk of experiencing respiratory symptoms.

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Research Article

Ambient Air Pollution and Atherosclerosis in Los Angeles

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Abstract

Associations have been found between long-term exposure to ambient air pollution and cardiovascular morbidity and mortality. The contribution of air pollution to atherosclerosis that underlies many cardiovascular diseases has not been investigated. Animal data suggest that ambient particulate matter (PM) may contribute to atherogenesis. We used data on 798 participants from two clinical trials to investigate the association between atherosclerosis and long-term exposure to ambient PM up to 2.5 μm in aerodynamic diameter ($\text{PM}_{2.5}$). Baseline data included assessment of the carotid intima-media thickness (CMT), a measure of subclinical atherosclerosis. We geocoded subjects' residential areas to assign annual mean concentrations of ambient $\text{PM}_{2.5}$. Exposure values were assigned from a $\text{PM}_{2.5}$ surface derived from a geostatistical model. Individually assigned annual mean $\text{PM}_{2.5}$ concentrations ranged from 5.2 to 26.9 $\mu\text{g}/\text{m}^3$ (mean, 20.3). For a cross-sectional exposure contrast of 10 $\mu\text{g}/\text{m}^3$ $\text{PM}_{2.5}$, CMT increased by 5.9% (95% confidence interval, 1-11%). Adjustment for age reduced the coefficients, but further adjustment for covariates indicated robust estimates in the range of 3.9-4.3% (p -values, 0.05-0.1). Among older subjects (≥ 60 years of age), women, never smokers, and those reporting lipid-lowering treatment at baseline, the associations of $\text{PM}_{2.5}$ and CMT were larger with the strongest associations in women ≥ 60 years of age (15.7%, 5.7-26.6%). These results represent the first epidemiologic evidence of an association between atherosclerosis and ambient air pollution. Given the leading role of cardiovascular disease as a cause of death and the large populations exposed to ambient $\text{PM}_{2.5}$, these findings may be important and need further confirmation. *Key words:* air pollution, atherosclerosis, particulate matter. *Environ Health Perspect* 113:201-206 (2005). doi:10.1289/ehp.7523 available via <http://dx.doi.org/> [Online 22 November 2004]

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Introduction

A large body of epidemiologic evidence suggests associations between ambient air pollution and cardiovascular mortality and morbidity (Peters and Pope 2002; Pope et al. 2004). All of these studies focus on events occurring at a late stage of vascular disease processes. The impact of air pollution on the underlying preclinical conditions remains poorly understood.

We hypothesize that current levels of ambient particulate matter (PM) up to 2.5 μm in aerodynamic diameter ($\text{PM}_{2.5}$) may contribute to atherosclerosis, leading to subclinical anatomical changes that play a major role in cardiovascular morbidity and mortality later in life. Animal studies support our hypothesis by showing that inhalation of ambient PM promotes oxidative lung damage, including alveolar and systemic inflammatory responses (Becker et al. 1996; Dye et al. 2001; Fujii et al. 2002; Goto et al. 2004; Suwa et al. 2002; van Eeden et al. 2001).

We investigated the association between residential ambient $\text{PM}_{2.5}$ and carotid artery intima-media thickness (CIMT) using prerandomization baseline data from two recent clinical trials conducted in Los Angeles, California (Hodis et al. 2002). CIMT is a well-established quantitative measure of generalized atherosclerosis that correlates well with all of the major cardiovascular risk factors, with coronary artery atherosclerosis, and with clinical cardiovascular events (Mack et al. 2000). It is an established tool for investigating the contribution of long-term exposures such as smoking or passive smoking to subclinical stages of atherosclerosis at any given age (Diez-Roux et al. 1995; Howard et al. 1994, 1998). This is the first study to assess the association of atherosclerosis with air pollution.

Materials and Methods

Population and health assessment. We used baseline health data from two randomized, double-blind, placebo-controlled clinical trials conducted at the University of Southern California Atherosclerosis Research Unit (Hodis et al. 2002). The Vitamin E Atherosclerosis Progression Study (VEAPS) investigated the effects of vitamin E on the progression of atherosclerosis measured by CIMT. The B-Vitamin Atherosclerosis Intervention Trial (BVAIT) focused on the effect of vitamin B supplements on the progression of atherosclerosis (trial in progress). Baseline assessment in both trials included CIMT measured between 1998 and 2003 using the same standardized methods (Hodis et al. 2002; Selzer et al. 1994, 2001). Recruitment of volunteers occurred over the entire Los Angeles Basin, covering a geographic area of approximately 64,000 km^2 .

Eligible subjects for the VEAPS trial ($n = 353$) were men and women ≥ 40 years of age with slightly increased LDL cholesterol (≥ 3.37 mmol/L) but with no clinical signs or symptoms of cardiovascular disease (CVD) (Hodis et al. 2002). Subjects with diabetes, diastolic blood pressure > 100 mm Hg, thyroid disease, serum creatinine > 0.065 mmol/L, life-threatening diseases, or high alcohol intake were excluded.

BVAIT ($n = 506$) had a similar design to that of VEAPS. Men and women > 40 years of age were prescreened to meet study criteria (fasting plasma homocysteine ≥ 8.5 $\mu\text{mol/L}$; postmenopausal for women; no evidence of diabetes, heart disease, stroke, or cancer). Subjects were excluded on the basis of any clinical signs or symptoms of CVD, diabetes or fasting serum glucose ≥ 140 mg/dL, triglyceride levels ≥ 150 mg/dL, serum creatinine > 1.6 mg/dL, high blood pressure, untreated thyroid disease, life-threatening disease with prognosis < 5 years, or high alcohol intake.

Thus, our study included "healthy" subjects with biomarkers (elevated LDL cholesterol or homocysteine) that suggested an increased risk of future CVDs ($n = 859$). Fifty-eight subjects were excluded in the exposure assignment process because they lived outside the area with $\text{PM}_{2.5}$ data. Three subjects had missing data in at least one of the covariates used in the models. Our total sample consisted of 798 participants.

Health measures, including CIMT. Our main outcome of interest is CIMT. In both trials, high-resolution B-mode ultrasound images of the right common carotid artery were obtained before the intervention (baseline) with a 7.5-MHz linear array transducer attached to an ATL Ultramark-4 Plus Ultrasound System (Ultramark, Bothell, WA). We used this baseline CIMT measurement as the outcome. Details of this highly reproducible method are published (Hodis et al. 2002; Selzer et al. 1994, 2001). Blood pressure, height, and weight were measured with standard procedures.

The baseline questionnaires included an assessment of all major CVD risk factors and covariates, including clinical events, diet, use of prescription medications, physical activity, current and past smoking and passive smoking, and vitamin supplements. Age, education, and other sociodemographic factors were available for each subject. Fasting blood samples were also drawn for lipid measurements. Data used in our analyses were collected with the same tools in both trials.

Exposure assignment. To assess exposure we chose a novel approach derived from a geographic information system (GIS) and geostatistics. This method allows for assignment of long-term mean ambient concentrations of $\text{PM}_{2.5}$ to the ZIP code area of each subject's residential address (Künzli and Tager 2000). The resulting surface of $\text{PM}_{2.5}$ covered the entire Los Angeles metropolitan area. The surface is derived from a geostatistical model and data from 23 state and local district monitoring stations (during 2000). These monitors are located across the Los Angeles region to characterize urban levels of pollution. To assign exposure, $\text{PM}_{2.5}$ data were interpolated using a combination of a universal kriging model

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with a quadratic drift and a multiquadric radial basis function model (Bailey and Gatrell 1995; Burrough and McDonnell 1998). We averaged the two surfaces based on 25-m grid cells. Examination of errors from the universal model showed that > 50% of the study area had assigned values within 15% of monitored concentrations, whereas 67% were within 20%. The larger errors were on the periphery of our study area, where the density of study participants was the lowest. We linked the ZIP code centroids of each subject with the exposure surface through a geocoding database [Environmental Systems Research Institute (ESRI) 2004]. Figure 1 illustrates the PM_{2.5} surface with the geolocated ZIP codes. Individually assigned PM_{2.5} data had a range from 5.2 to 26.9 µg/m³ (mean, 20.3), thus exceeding the range observed across 156 metropolitan areas used in the largest cohort study of air pollution and mortality (Pope et al. 2002). All models were implemented with ArcScript from ESRI (Redlands, CA).

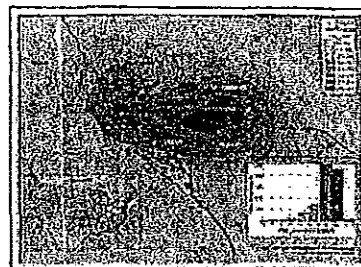


Figure 1. ZIP code locations of the study population geocoded on the PM_{2.5} surface, modeled with 2000 PM_{2.5} data, and distribution of individually assigned concentrations.

Statistical analyses. We tested the univariate and multivariate associations between CIMT and ambient PM_{2.5} using linear regression analyses. Extensive residual diagnostics indicated some heteroskedasticity, which was rectified with the natural log-transformed CIMT. We adjusted for factors that were statistically associated with both CIMT and ambient PM_{2.5} (age, male sex, low education, and low income). Next, we expanded the models using covariates that were associated with either PM_{2.5} or CIMT, including indicator variables for current second-hand smoke exposure and current and former personal smoking. We then added covariates that play a role in atherosclerosis such as blood pressure, LDL cholesterol, or proxy measures such as reporting treatment with antihypertensives or lipid-lowering medications at study entry. These factors may affect the pathophysiologic pathways linking air pollution exposure and atherosclerosis (Ross 1999); thus, such models may overadjust the coefficients. We chose this conservative approach to test the sensitivity of the effect estimates under a broad range of model assumptions.

There is increasing evidence that host factors such as age, sex, or underlying disease and risk profiles may modify the effects of air pollution (Pope et al. 2002; Zanobetti and Schwartz 2002). Furthermore, the finding of atherosclerosis in PM-exposed rabbits was based on a hyperlipidemic trait (Suwa et al. 2002). Therefore, we also stratified by sex, age (< 60 years, ≥ 60 years), smoking status, and lipid-lowering drug therapy.

Results

Table 1 summarizes the main characteristics of the study population and among main subgroups. Table 2 presents the percent change in CIMT in association with a 10 µg/m³ contrast in ambient PM_{2.5} concentrations for three cross-sectional regression models. The unadjusted model indicates a 5.9% [95% confidence interval (CI), 1-11%] increase in CIMT per 10 µg/m³ PM_{2.5}. For the observed contrast between lowest and highest exposure (20 µg/m³ PM_{2.5}), this corresponds to a 12.1% (2.0-23.1%) increase in CIMT. The only covariate with a substantial effect on the point estimate was age, which reduced the effect from 5.9 to 4.3% (0.4-9%) per 10 µg/m³ PM_{2.5}. This change agrees with the age-related effect modification. Otherwise, effect estimates across the models remained robust, in the range of 3.9-4.3% with *p*-values from 0.05 to 0.1. To corroborate the exposure-response relationship, we also categorized PM_{2.5} levels into quartiles. Figure 2 shows the adjusted mean CIMT across these four groups of equal sample size at the mean levels of the covariates (age, sex, education, and income). The trend across the exposure groups was statistically significant (*p* = 0.041). The unadjusted means of CIMT among these quartiles of exposure were 734, 753, 758, and 774 µm, respectively.

Table 1.

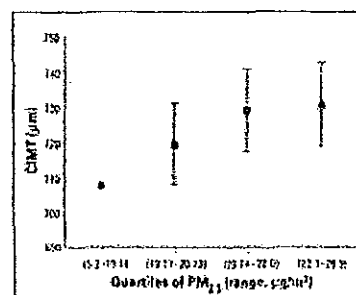
Characteristic	Mean	SD	Range	Min	Max
Age (years)	50.1	10.2	18-89	18	89
Male sex (%)	52.1				
Education (years)	12.1	1.8	8-18	8	18
Income (dollars)	28,500	15,000	0-100,000	0	100,000
Smoking status (%)					
Never	35.2				
Former	48.1				
Current	16.7				
Second-hand smoke exposure (%)	12.3				
Yes	12.3				
No	87.7				
Lipid-lowering medication (%)	15.8				
Yes	15.8				
No	84.2				

Table 2.

Model	PM _{2.5} (10 µg/m ³)	Age (years)	Male sex (%)	Education (years)	Income (dollars)	Smoking status (%)	Second-hand smoke exposure (%)	Lipid-lowering medication (%)
Unadjusted	5.9							
Adjusted	4.3	-0.8						
Adjusted	3.9	-0.8	1.2					
Adjusted	4.3	-0.8	1.2	0.5				

The associations between CIMT and PM_{2.5} were substantially stronger among 109 subjects reporting lipid-lowering medication at study entry, both in men and in women (Table 2, Figure 3). The crude effect reached 15.8% (2-31%) per 10 µg/m³ PM_{2.5}, with adjusted values ranging between 12 and 16%. Despite the small sample size, *p*-values of all models were mostly < 0.1 and often < 0.05.

Results also suggest significant age and sex interactions, with much larger effects in women and in the older age group (Figure 3). Effect estimates in



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women were statistically significant and typically in the range of 6-9% per 10 $\mu\text{g}/\text{m}^3$ $\text{PM}_{2.5}$. Associations were strongest among women ≥ 60 years of age ($n = 186$), leading to crude estimates of 19.2% (9-31%). Adjusted coefficients ranged from 14 to 19%, being statistically significant in all models and sensitivity analyses.

Among never smokers ($n = 502$), the effect estimate reached 6.6% (1.0-12.3%). The estimate was small and not significant in current ($n = 30$) and former smokers ($n = 265$).

Discussion

Our study presents the first evidence for an association between CIMT and long-term exposure to ambient air pollution. As recently reviewed in a statement of the American Heart Association (Brook et al. 2004) substantial epidemiologic and experimental evidence suggests a contribution of ambient air pollutants on cardiovascular mortality and morbidity. However, these studies focus on acute and subacute effects on cardiac autonomic function, inflammatory or thrombogenic markers, arrhythmia, myocardial infarction, cardiovascular hospital admission, and death. The only outcome considered in long-term air pollution studies has been mortality. The relative risks for acute effects on mortality have been substantially smaller than those observed for long-term associations (Pope et al. 2002; Samet et al. 2000). As shown previously, cohort studies are capable of capturing acute and chronic effects of air pollution on the course of diseases that ultimately lead to premature death (Künzli et al. 2001). In contrast, time-series and panel studies investigate only the associations of event occurrence with the most recent exposure (Künzli et al. 2001). Thus, if air pollution has both acute and cumulative long-term effects, one expects larger mortality coefficients in cohort studies. CIMT reflects long-term past exposure; thus, we provide the first evidence for chronic effects of air pollution on atherosclerosis that may in part explain the above mentioned discrepancy between acute and long-term risk estimates (Pope et al. 2002; Samet et al. 2000).

There are several major aspects to be considered in the interpretation of this new finding, mainly the strength in the exposure assignment, the limited evidence for bias, the differences in effects within subgroups, and plausibility.

Exposure assignment. The individual residence-based assignment of exposure represents a substantial improvement over most studies that have relied on central monitors or on binary road buffers combined with basic interpolation (Hoek et al. 2002; Pope et al. 2004). As a sensitivity analysis, we used weighted least-squares models with the weights specified as the inverse of the standard errors from the universal kriging model to down-weight estimates with larger error. In addition, we implemented models based solely on the universal kriging estimate. In both instances results were robust and similar to what we found with our main model.

Time-activity studies show that people spend most of their time in or around home, and our restriction of exposure assessment on residential address captures the most relevant part of exposure (Leech et al. 2002). $\text{PM}_{2.5}$ generally displays spatially homogeneous distributions across small areas such as neighborhoods and blocks, and as a result, the ambient conditions at the ZIP code centroid likely reflect the levels expected at home outdoors (Roosli et al. 2000). $\text{PM}_{2.5}$ of outdoor origin will also penetrate indoors, and correlations between long-term outdoor PM concentrations and indoor levels of PM from outdoor origin is high (Sarnat et al. 2000). Exposure to ambient air pollution while working and during commute are not included in our exposure term but are considered to be a relevant source of exposure (Riediker et al. 2003). Although most likely a random misclassification with biases toward the null, the errors may affect subgroups differently, thus explaining part of the observed interactions.

In Los Angeles, no clear trends have been observed in $\text{PM}_{2.5}$ concentrations over the past 5-10 years. The year 2000 surface characterizes the prevailing mean $\text{PM}_{2.5}$ concentrations across several years and can be considered a measure of long-term past exposure. This year also sits in the middle of the baseline recruitment period. Overall, the various limitations in our exposure assignment may add some random error, biasing results toward weaker associations (Thomas et al. 1993).

We also assigned ambient ozone to ZIP code centroids. Inclusion of ozone in the models had no impact on the $\text{PM}_{2.5}$ coefficients or the SEs. Ozone and $\text{PM}_{2.5}$ were not correlated ($r = -0.17$), and the $\text{PM}_{2.5}$ estimates were not substantially

Figure 2. Mean CIMT ± 1 SE among quartiles of the $\text{PM}_{2.5}$ distribution.

The y-axis shows mean CIMT levels at the population average of the adjustment covariates (age, sex, education, and income). The first quartile is the reference group.

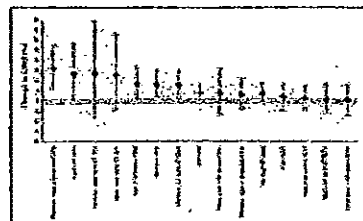


Figure 3. Percent difference and 95% CI in CIMT associated with a 10 $\mu\text{g}/\text{m}^3$ contrast in ambient $\text{PM}_{2.5}$ in all subjects and in subgroups. Lipid-LT, lipid-lowering therapy. All estimates are based on the cross-sectional linear model with log intima-media thickness as the dependent variable and home outdoor $\text{PM}_{2.5}$ as the independent variable, adjusted for sex, age, education, and income. Numbers in parentheses are numbers of subjects per group. Data are ordered by size of point estimate; the null effect line is indicated by a dash.

different in low- and high-ozone regions. The estimates of association for ozone were positive but not statistically significant and much smaller than for $PM_{2.5}$. This finding must be put in context of the specific challenges in determining long-term exposure to ozone, which are substantially different than in the case of PM exposure. In contrast to $PM_{2.5}$ from outdoor origin, ambient ozone levels have lower correlations with personal exposure (Avol et al. 1998; Sarnat et al. 2000, 2002); therefore, the ability to detect effects of ozone will likely be reduced due to greater misclassification.

Biases. Our subjects were a nonrandom sample of "healthy" volunteers with above-average education, meeting strict inclusion criteria for the two clinical trials. Although we cannot exclude some systematic selection biases affecting the cross-sectional data, it is unlikely that subjects with preclinical signs of atherosclerosis would have been more likely to volunteer if they lived in more polluted areas. Although the selection of subjects limits the generalization to other populations, we do not expect this to lead to over- or underestimating the cross-sectional associations. The two trials recruited subjects independently; thus, the effects may be compared across trials to evaluate the potential influence of selecting volunteers. The populations differed with regard to age, smoking habits, baseline LDL and treatment, blood pressure, active and passive smoking, and other relevant factors; thus, the $PM_{2.5}$ coefficients were smaller and were not statistically significant in the VEAPS trial with its younger population. However, after taking these factors into account, the associations with ambient $PM_{2.5}$ were similar. For example, among elderly women of VEAPS ($n = 70$) and BVAIT ($n = 116$), the effect estimate was 18.1% (-0.1 to 36.3%) and 13.6% (2.8-24.4%), respectively. There is some evidence for larger effects in subjects with cardiovascular risk factors, indicated by prescriptions of lipid-lowering treatment. Our trials excluded subjects with clinically manifest CVDs. Moreover, if air pollution amplifies systemic inflammation among those prone to atherosclerosis, exclusion of subjects with high LDL may be a source of bias. One may expect effect estimates in a less selected, less healthy population to be larger than those reported.

The wealth of baseline data from these clinical trials offered the opportunity to control for a broad array of covariates. Apart from the effect of age adjustment, estimates were robust to numerous combinations of covariates, including income, education, active and passive tobacco smoke, cardiovascular prescriptions, vitamin intake, and physical activity. Uncontrolled or residual confounding appears to be an unlikely explanation for these results. Among women, adjustment for hormone replacement therapies did not affect the $PM_{2.5}$ estimates.

In previous studies, we found that spatial autocorrelation in the residuals could affect the size and significance of pollution coefficients (Jerrett et al. 2003a). We investigated spatial autocorrelation of the unstandardized residuals. We assessed autocorrelation with first-order, adjusted first-order, and second-order spatial weight matrices based on nearest neighbor contiguity, but we found no evidence of spatial autocorrelation. This supports the conclusion that the models supply efficient unbiased estimates (Jerrett et al. 2003b). As part of our sensitivity analyses, we also derived $PM_{2.5}$ surfaces using different interpolations and weighted least squares with weights equal to the inverse of the standard error of the exposure estimate. All approaches produced very similar results.

Evidence for effect modification. The data suggest substantial interactions with age, sex, smoking, and underlying cardiovascular risk factors. Given the reduced sample size among subgroups, the recruitment of volunteers, and the cross-sectional nature of the data, it is difficult to fully explore the causes of the observed modifications of associations and to establish susceptibility profiles. If the exposure misclassifications differed across subgroups, part of the interactions may be explained by differential exposure error. The sex and age difference could also be an artifact due to measurement error in the assigned exposure because time spent in commuting and location of work places may be different in men and women and in the young and elderly. Empirical studies on mobility suggest women have smaller activity spaces than men and younger groups, meaning they tend to spend more time in and around the home (Kwan and Lee 2004), and the same is probably true of the elderly compared with younger groups. Exposure measurement error may be reduced in those spending more time at home, leading to stronger effects (Thomas et al. 1993). Moreover, differences in statistical power may play a role as well; as shown at least for the 25-40-year age range, power to detect effects on CIMT is larger in women than in men (Stein et al. 2004).

The finding that those reporting prescriptions of lipid-lowering medications at baseline showed stronger associations of CIMT with $PM_{2.5}$ merits further investigation. This result agrees with the observed effects of PM on atherosclerosis in experiments conducted in hyperlipidemic rabbits (Goto et al. 2004; Suwa et al. 2002). The systemic inflammatory and atherogenic reaction in these rabbits was related to the amount of PM contained in the alveolar macrophages. In our study, being under lipid-lowering therapy is an indicator for risk profiles prone to atherogenesis. Those subjects were mostly men (64%) and, on average, older, more often active or passive smokers, and almost twice as likely to report antihypertensive treatment. The systemic response to ambient PM may amplify and expand the oxidation of LDL cholesterol among these susceptible subjects, consequently contributing to injury in the artery wall (Goto et al. 2004; Ross 1999). Investigations of short-term effects of ambient air pollution on mortality also suggest that underlying risk profiles such as diabetes may amplify susceptibility to ambient PM (Zanobetti and Schwartz 2002), and similar findings have been shown with smoking and diabetes mellitus in association with CIMT (Karim et al. 2005). To clarify the relevance of lipid status, it would be interesting to investigate our hypothesis among cohorts with familial hypercholesterolemia (Wiegman et al. 2004; Wittekoek et al. 1999).

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As shown in Figure 3, the size of the point estimate was larger among the older subjects. Future research needs to clarify whether air pollution contributes to atherosclerosis only after a certain age or early on. Effects of air pollution on lung development have been observed during adolescence and may be a result of both pulmonary and chronic systemic inflammatory effects (Gauderman et al. 2002); thus, it is conceivable that atherogenic responses may occur early in life. The age dependence of the effects may also be codetermined by genetic factors (Humphries and Morgan 2004; Ross 1999).

We also observed larger effects in women. If other cardiovascular risk factors such as occupational exposures dominate atherosclerosis in men, we would expect a smaller effect signal and less precision in the estimates among men. We also hypothesize that interactions may reflect biologic causes. If premenopausal women are protected against atherosclerosis by endogenous hormones, loss of hormonal protection would lead to increased vulnerability after menopause (Kannel et al. 1976). This could explain part of the interaction by both age and sex.

Active and passive smoking did not confound results in either the total sample or among subgroups. Adjustment for active tobacco smoke led to a slight increase in the effect estimate; thus, residual confounding is unlikely to overestimate the effects. However, $PM_{2.5}$ associations were clearly stronger in never smokers compared with smokers (data not shown). This gradient was also observed in all subgroups with significant $PM_{2.5}$ associations (Figure 3). Oxidative and inflammatory effects of smoking may dominate to such an extent that the additional exposure to ambient air pollutants may not further enhance effects along the same pathways. The difference in the effects of $PM_{2.5}$ in smokers and nonsmokers needs further investigation. The American Cancer Society cohort study does not reveal a clear pattern of a smoking interaction for the association of ambient air pollution and cardiovascular death (Krewski et al. 2004; Pope et al. 2004). In the Study on Air Pollution and Lung Diseases in Adults (SAPALDIA), associations between air pollution and level of pulmonary function did not differ by smoking status (Ackermann-Lieblich et al. 1997).

Some U.S. studies indicate effect modification of air pollution by socioeconomic status (SES) with much stronger effects among the less educated (Pope et al. 2002). The cause of this interaction pattern is not well understood. SES status was rather homogeneous in these mostly well-educated volunteers, providing little power to investigate interactions of pollution with SES. If lower SES also positively modifies effects of air pollution on atherosclerosis, our population would provide an underestimate of the health effects in the general population (O'Neill et al. 2003). Further research on samples representative of the population will be needed to assess whether the high SES in the clinical trials biases the effects toward the null.

Future research should focus on identifying factors that determine susceptibility to $PM_{2.5}$. We are initiating studies on subjects with inflammatory metabolic syndromes prone to accelerated atherosclerosis such as postmenopausal women, diabetics, or obese or physically inactive people. To corroborate the cross-sectional findings, follow-up studies are ultimately needed to investigate the association of concurrent levels of air pollution exposure with the progression of CIMT.

Plausibility. From a biologic perspective, our results support the hypothesis that long-term exposure to ambient PM contributes to systemic inflammatory pathways, which are a relevant aspect of atherogenesis (Ross 1999). The findings indicate a biologically plausible link between the observed acute effects of ambient air pollution on systemic inflammation (Glantz 2002) and the long-term consequences of sustained vascular inflammation leading to increased atherosclerosis and, ultimately, cardiovascular death (Hoek et al. 2002; Pope et al. 2004). Among susceptible people, this may lead to artery wall lesions similar to those observed in the rabbit model (Fujii et al. 2002; Suwa et al. 2002). In these hyperlipidemic rabbits, 4-week PM exposure was associated with the progression of atherosclerotic lesions, coupled with an enhanced release of bone marrow monocytes. These precursors of macrophages play an important role in the atherogenic inflammatory responses (Goto et al. 2004; Ross 1999; Suwa et al. 2002). Given the central role of oxidized LDL in the initiation and progression of atherogenesis, suggestions that the plasma of automotive workers with high exposure to traffic exhaust is more susceptible to oxidation is also of interest (Sharman et al. 2002).

As a quantitative plausibility check, we compared the size of the $PM_{2.5}$ effects with effects of other risk factors on CIMT. Using smoking and environmental tobacco smoke (ETS) as a model for air pollution exposure, the size of our estimates appear plausible (Diez-Roux et al. 1995; Howard et al. 1994). Associations of ETS and current levels of air pollution with various respiratory outcomes are similar and support the notion of common underlying pathways (Künzli 2002). Smoking and ETS associate with stiffer and thicker artery walls, reflecting the systemic effect of these exposures (Howard et al. 1994; Mack et al. 2003). Exposure to ETS was associated with 2-3% thicker intima-media, which approximate the effects observed for a $10 \mu\text{g}/\text{m}^3$ change in $PM_{2.5}$ (Diez-Roux et al. 1995; Howard et al. 1994). Using never smokers without ETS exposure as the referent group in our data, never smokers with ETS at home had 0.9% (-2.7 to 4.5%) thicker artery walls; former smokers' CIMT was increased on average by 3.4% (0.7-6.3%), and the 30 current smokers had 5% (-1.5 to 11.6%) thicker CIMT. The trend across these four categories of tobacco exposure was statistically significant. As shown in Table 1, smokers were underrepresented in these volunteers of well-educated participants.

The observed percent change in CIMT corresponds to an increase in the thickness of approximately 20-40 μm per 10

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$\mu\text{g}/\text{m}^3$ contrast in $\text{PM}_{2.5}$. This difference in CMT translates into some 3-6% increase in the long-term risk for myocardial infarction (O'Leary et al. 1999). Pope et al. (2004) reported that long-term exposure to $\text{PM}_{2.5}$ was associated with an 18% (14-23%) increase in ischemic heart disease. Effect sizes reported here concur with these findings, indicating that a fraction of the total effect of ambient PM on cardiovascular mortality may be mediated through sustained long-term effects of air pollution on atherosclerosis (Künzli et al. 2001). This is in line with the proposed model (Künzli et al. 2001) in which some of the effects observed in cohort studies must reflect long-term contributions of air pollution to the underlying disease progression, whereas in other cases, air pollution contributes only to triggering of cardiovascular events or death (Bell et al. 2004; Künzli et al. 2001; Peters and Pope 2002).

From a biologic and policy perspective, we emphasize that $\text{PM}_{2.5}$ probably serves as a surrogate for the mixture of urban air pollution and constituents of PM. It is premature to conclude that $\text{PM}_{2.5}$ and its constituents are the atherogenic culprit per se. Atherosclerosis results from complex processes that may include a combination of various urban pollutants, host factors, and pathways that ultimately lead to the findings of a CMT- $\text{PM}_{2.5}$ association.

In conclusion, we have presented the first epidemiologic evidence supporting the idea of a chronic vascular response to respiratory and systemic effects of PM exposure. Given the leading role of heart disease as a cause of death in most westernized countries and the growing contribution in developing countries, these findings may be of high public health relevance. Further investigations need to focus on susceptible groups and follow-up of cohorts to investigate the effect of air pollution on the progression of CMT.

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**WAL-MART'S IMPACTS ON THE
AMERICAN SUPERMARKET INDUSTRY**

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SUMMARY

The purpose of this report is to detail Wal-Mart's entry into the American grocery industry, and identify the impacts of this entry.

As of January 2004, Wal-Mart offers a full supermarket selection at 1,471 Supercenters and 65 Neighborhood Markets and controls about 11% of the total U.S. grocery market through its four (4) store formats (including the Discount Stores and Sam's Club). In three (3) states, Wal-Mart's market share already exceeds 40%. At its current store opening pace, Wal-Mart will command at least 17% of the U.S. grocery business in five (5) years, i.e. by January 2009.

It is estimated that every new Wal-Mart Supercenter will ultimately close two (2) supermarkets, while each new Neighborhood Market will replace one (1) supermarket. Such impacts will shutter more than 2,200 supermarkets throughout the USA over the next five years, and lead to an increasing number of cities and states where Wal-Mart has a monopolistic position.

While some argue this is the next phase in the evolution of grocery retailing, it must be recognized that never before has so much of the grocery industry been concentrated in the hands of one company. Moreover, this consolidation is largely in the form of big box retailing requiring customers to travel further to conduct their grocery shopping. This trend has long-term implications for environmental and quality of life issues such as traffic congestion, air pollution, and the overall sense of community.

The consolidation of the grocery business is also impacting the manufacturing sector by placing an inordinate amount of negotiating power in the hands of one retailer. Manufacturers and suppliers will increasingly have to adapt to Wal-Mart's terms or lose access to Wal-Mart's increasing share of consumer spending. Wal-Mart's emphasis on the lowest price has pushed production abroad (Wal-Mart reportedly now accounts for over 10% of all U.S. imports from China) and put many American producers at risk. This has placed added downward pressure on the wages and benefits paid by employers in both the retail and manufacturing sectors of the U.S. economy.

SUMMARY (Continued)

Based on the example of Oklahoma City, Wal-Mart's increasing dominance of grocery retailing will have the following longer-term effects: -

- Planning

Big box retailing will continue to sap the economic vitality of downtowns. Adding food to superstores will also result in the closure of neighborhood supermarkets creating additional physical blight and decay in suburban areas. These closures also have inevitable consequences for adjacent retailers and the affected shopping centers.

Increased traffic, air pollution, and infrastructure costs will result from the reinforced trend to big box retailing.

- Economic

The job losses at conventional neighborhood supermarkets are not equaled in number, nor in wages and benefits, by the positions created at Wal-Mart.

Reduced real estate values will result at the shopping centers with vacant supermarkets. This will lead to the waste and abandonment of existing public and private investments in buildings and other community assets.

Beyond these direct effects, living standards will be reduced as a result of the lower wages and benefits offered across all retail and manufacturing channels.

- Competition

When the number of competitors is reduced, so is consumer choice. There will be a reduction in product choices, service levels, and the other amenities that are typically offered in a diverse competitive climate.

Further, the impact on prices may not turn out as expected. Wal-Mart argues it brings low prices (in the short-term) but if a local monopoly results from Wal-Mart's massed market entries there are no competitive safeguards for the longer-term. Prices may then increase.

SUMMARY (Continued)

- Environmental

Larger grocery stores and Supercenters require geographically larger trade areas. As a result, driving-distances and driving-times will increase....stimulating further increases in traffic congestion and air pollution. In addition, the poor and the elderly are particularly disadvantaged as shopping choices become fewer in number and more remote from their homes.

WAL-MART STORE DEVELOPMENTS

After an unsuccessful test with its Hypermart USA format in the 1980's, Wal-Mart entered the grocery business seriously with its first Supercenter in Washington, Missouri in 1988. The Supercenter format underwent several years of testing by Wal-Mart and by 1993 there were only 34 in the U.S.

The Wal-Mart Supercenter format essentially adds a 65,000 sq. ft. supermarket to a standard Wal-Mart discount store. Please refer to Exhibit 1.

The first Wal-Mart Neighborhood Market opened in 1999. These are stand-alone supermarkets of approximately 46,000 sq. ft. which are designed to fill the voids between Supercenters in urban areas. Please refer to Exhibit 2.

By the end of 2003, there were 1,471 Supercenters and 65 Neighborhood Markets operating in the USA (see Table 1 below). Wal-Mart is planning between 220 and 230 Supercenters in 2004 of which approximately two-thirds (or 150) will be expansions or replacements of existing discount stores and the rest will be new stores. Additionally, Wal-Mart is still expanding its Sam's Clubs. Groceries and consumables comprise about 62% of Sam's Club sales, about 60% of which are to consumers rather than to businesses.

Over the coming years, Wal-Mart will add more grocery space than the three (3) largest supermarket chains combined. Wal-Mart will open 50 million square feet of new space during 2004, of which 15.8 million square feet will be grocery space in Supercenters and Neighborhood Markets. In contrast, Kroger, Albertson's and Safeway opened a combined 11.3 million square feet in 2003.

Table 1
NUMBER OF Wal-Mart STORES

Year End	Wal-Mart	Neighborhood	Sam's Clubs	Discount
<u>January</u>	<u>Supercenters</u>	<u>Markets</u>	<u>Sam's Clubs</u>	<u>Stores</u>
1992	10	—	208	1,714
1993	34	—	256	1,848
1994	72	—	417	1,950
1995	147	—	426	1,985
1996	239	—	433	1,995
1997	344	—	436	1,960
1998	441	—	443	1,921
1999	564	4	451	1,869
2000	721	7	463	1,801
2001	888	19	475	1,736
2002	1,066	31	500	1,647
2003	1,268	49	525	1,568
2004	1,471	65	537	1,478

WAL-MART'S MARKET SHARE

Grocery sales encompass the food and non-food items typically sold by most supermarkets. That is, including pharmacy, paper products, cosmetics, pet food, etc.

Wal-Mart's grocery sales take place through four (4) different store types and vary in significance. Table 2 below identifies Wal-Mart's U.S. grocery sales by store type for the years ending in January 2000, 2003, and 2006. In 2000, Wal-Mart was already the largest grocery retailer in the United States with combined sales of \$57 billion. By 2006, Wal-Mart's grocery sales of \$140 billion will be greater than the next three (3) leading grocery chains combined: -

Table 2
WAL-MART GROCERY SALES BY FISCAL YEAR

	2000		2003		2006	
	#	\$ (Bn.)	#	\$ (Bn.)	#	\$ (Bn.)
Discount Stores	1,801	18.9	1,568	20.5	1,300	19.6
Supercenters	721	22.5	1,258	55.7	1,891	94.0
Sam's Clubs	463	15.4	525	19.7	573	24.1
Neighborhood Markets	7	0.1	49	0.8	125	2.3
TOTAL		56.9		96.7		140.0

Based on our definition of the grocery market, Wal-Mart currently captures 11% of the total U.S. grocery business, and this market share will rise to over 14% by 2006: -

Table 3
WAL-MART'S MARKET SHARE

Fiscal Year	Total US Grocery/ Consumables Sales (\$ Bn.)	Estimated Total Wal-Mart Grocery/ Consumables Sales (\$Bn.)	Wal-Mart %
2000	743.2	56.9	7.7
2003	876.4	96.7	11.0
2006	981.4	140.0	14.3

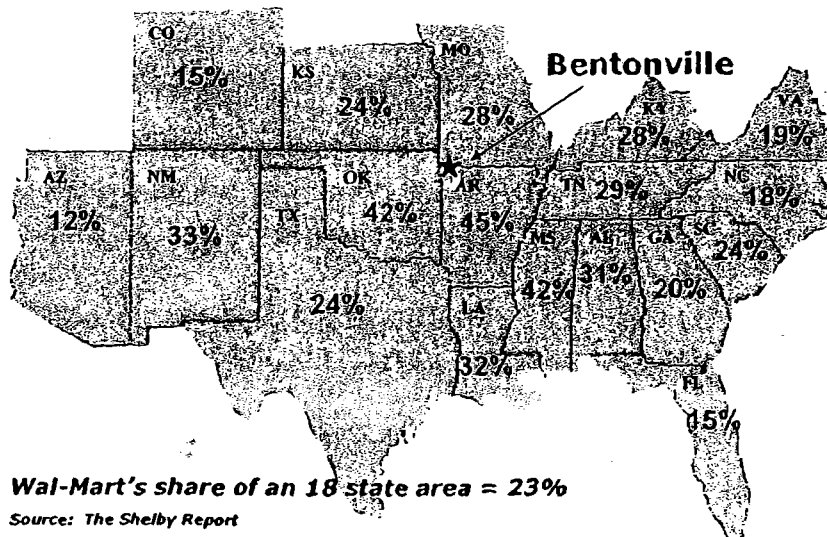
Wal-Mart's grocery sales are mushrooming not only because they are opening so many Supercenters, but also because these new stores are maturing and increasing sales during the first three (3) to five (5) years of their operation. For example, a new Supercenter may only do \$500,000 per week in grocery and consumables sales during its first year of operations but by Year 3 or 4 it could be achieving sales in excess of \$800,000 weekly.

WAL-MART'S MARKET SHARE (Continued)

Wal-Mart's 11.0% share of the grocery/consumables market includes many States where Wal-Mart's entry into the grocery industry is yet undeveloped. Therefore, the current national average market share figure is a poor indicator of Wal-Mart's future potential and impact. A better indication of the future is to be found in those States where Wal-Mart has already focused its efforts. The Shelby Report (Atlanta, Georgia) publishes the estimated grocery market shares for an 18-State area throughout the U.S. southeast and southwest (please refer to the map below). By the end of 2003, Wal-Mart captured 23% of all the grocery sales in these 18 States.

Furthermore, in markets where Wal-Mart's Supercenters have been operating for more than five (5) years, such as Arkansas, Oklahoma and Mississippi, its market share is in excess of 40%. Since these data do not include the significant grocery sales taking place through Sam's Clubs and the traditional Wal-Mart discount stores, they undoubtedly underestimate Wal-Mart's actual market shares.

WAL★MART Grocery Market Share - 12/2003



THE OKLAHOMA CITY EXPERIENCE

Introduction

Oklahoma City provides one of the best indicators of the long-term impacts of Wal-Mart's entry into the grocery market because it was the first major metropolitan area+ to feel the full effects of a massed Wal-Mart saturation attack.

Wal-Mart's Entry

Wal-Mart opened its first Supercenter in the Oklahoma City metropolitan area in 1992. By 1997, there were still only three (3) Supercenters in the metropolitan area and no Neighborhood Markets. However, by year end 2003, these numbers had increased to 13 Supercenters and 7 Neighborhood Markets. Please refer to Exhibits 3 through 5.

According to The Shelby Report, Wal-Mart accounted for a 42% share of all the grocery sales in the Oklahoma City metropolitan area by December 2003. Of the 42%, 33% took place through the Supercenters and 9% were gained by the Neighborhood Markets.

In the next two (2) years, Wal-Mart will add at least two (2) Supercenters and two (2) Neighborhood Markets in the Oklahoma City market.....producing a total of 24 grocery format stores. This store count - which does not include three (3) discount stores and three (3) Sam's Clubs - will represent one Wal-Mart grocery store per 46,000 people.

Between 1997 and 2003, Wal-Mart has added 2,400,000 sq. ft. of retail space to the Oklahoma City market and, of this, approximately 972,000 sq. ft. has been in the form of grocery space*: -

Table 4
WAL-MART STORES BY FORMAT

Store Type	No. of Stores		Sq. Ft. of Space	
	1997	2003	1997	2003
Discount Stores	9	3	864	288
Supercenters	3	13	555	2,405
Sam's Clubs	2	3	248	372
Neighborhood Markets	0	7	0	322
Total	14	26	1,667	3,387
Net Change		+12		+1,720

+ The population of the Oklahoma City metro area is currently about 1.1 million.

* Excluding Sam's Club.

THE OKLAHOMA CITY EXPERIENCE (Continued)

Impacts

Wal-Mart's focused assault on the Oklahoma City grocery market has had an inevitable impact on pre-existing supermarkets. Between July 1998 and the end of 2003, thirty-one (31) supermarkets in the Oklahoma City area - representing a total of 1.24 million square feet of floorspace - have closed and remain vacant. Ten (10) of these were chain supermarkets and twenty-one (21) were independents. Please refer to Exhibits 6 and 7, and the accompanying photographs which are presented as Exhibit 8.

The opening of seventeen (17) new Wal-Mart grocery stores between 1998 and 2003 has, therefore, already produced the closure of 31 competitors....a ratio of almost two (2) closures for each new Wal-Mart store. Additional store closures will occur as the impacts of the Wal-Mart store openings work their way through the local economy....and more Wal-Mart stores open in 2004-5.

Wal-Mart has also closed five (5) of its discount stores and two (2) Sam's Clubs....leaving an additional 538,000 sq. ft. of vacant space on the local real estate market. Please refer to Exhibit 9.

Besides producing extensive store closures, Wal-Mart's massed assault on the Oklahoma City market has also dissuaded full-size supermarket competitors from opening new stores. Only one (1) new conventional supermarket has opened in the metro area since 1998 (the Albertson's in Yukon) and two (2) Target Supercenters. Buy For Less and Crest Foods have opened a combined four (4) stores but these were all takeovers of existing supermarkets+.

In our opinion, within the next three years, Wal-Mart's share of the Oklahoma City grocery market will exceed 50%.

Competitive Issues

The U.S. Department of Justice and the Federal Trade Commission (FTC) both measure market competitiveness using the Herfindahl-Hirschman Index (HHI). This index is derived by

+ There have been a small number of store-openings by Save-A-Lot and, more recently, Aldi but these are both Limited Assortment Store operators which do not offer a full range of grocery products.

THE OKLAHOMA CITY EXPERIENCE (Continued)

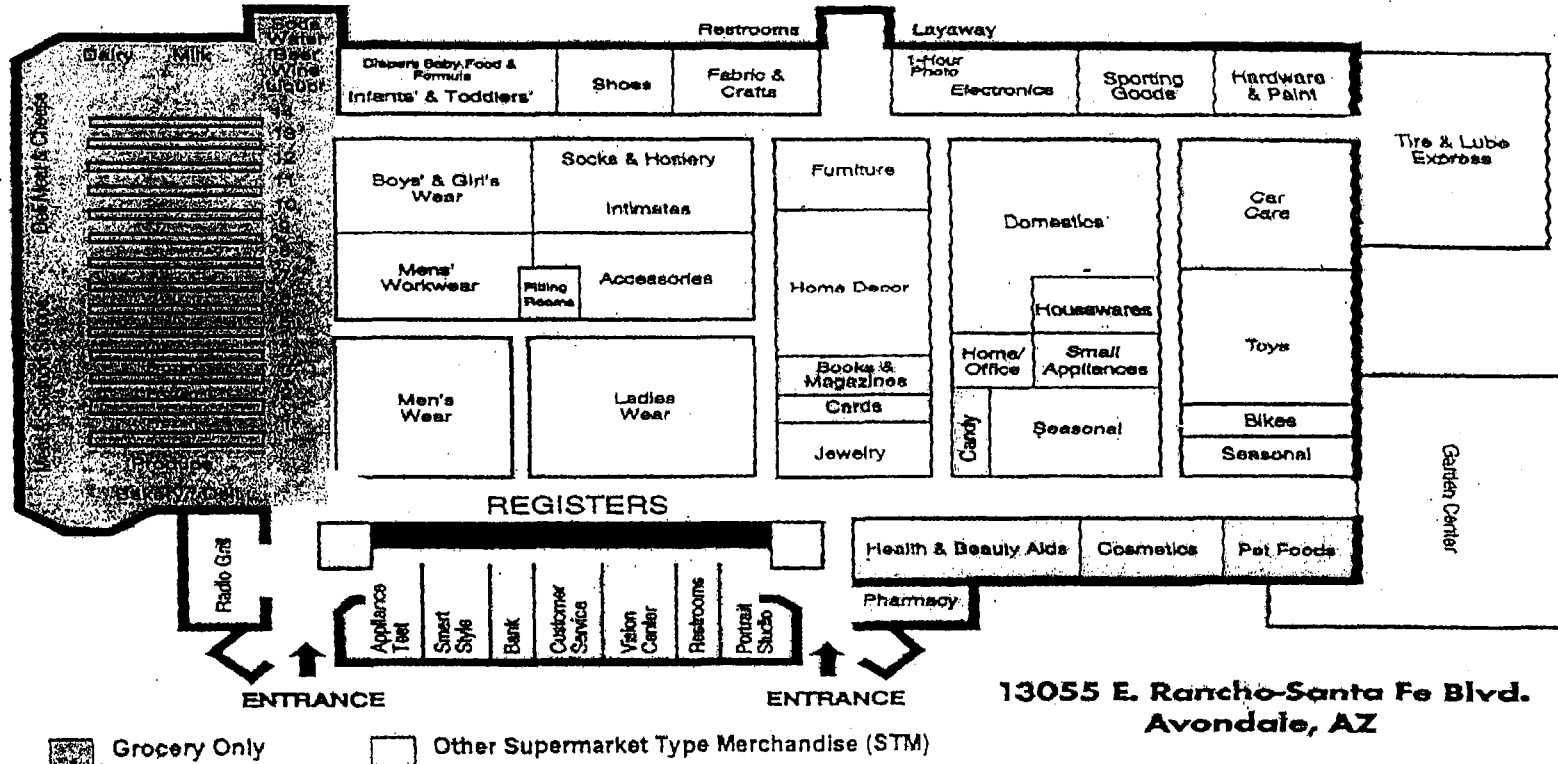
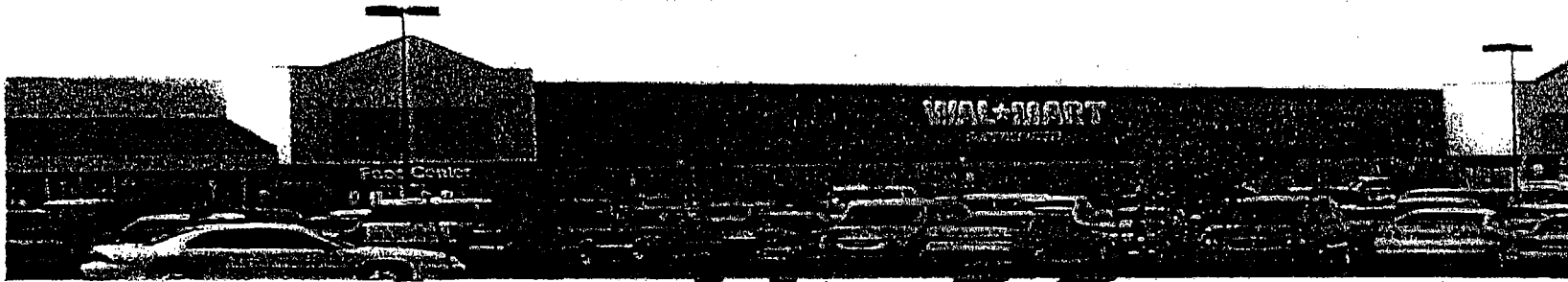
summing the squares of the market shares of all competitors. When the HHI for a market reaches 1,800, the FTC judges competition to be significantly restricted (i.e. monopolistic).

It is estimated that the HHI for the Oklahoma City grocery market stood at only 645 in 1997 with Wal-Mart accounting for 33 points. However, based on The Shelby Report's market share estimates in December 2003, the Oklahoma City HHI is now 2,049, of which Wal-Mart accounts for 1,721 points. In our opinion, there is a clear and significant danger that a monopoly is being established in Oklahoma City that could have negative long-term impacts on prices and consumer choice.

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Exhibit 1

WAL*MART SUPERCENTER

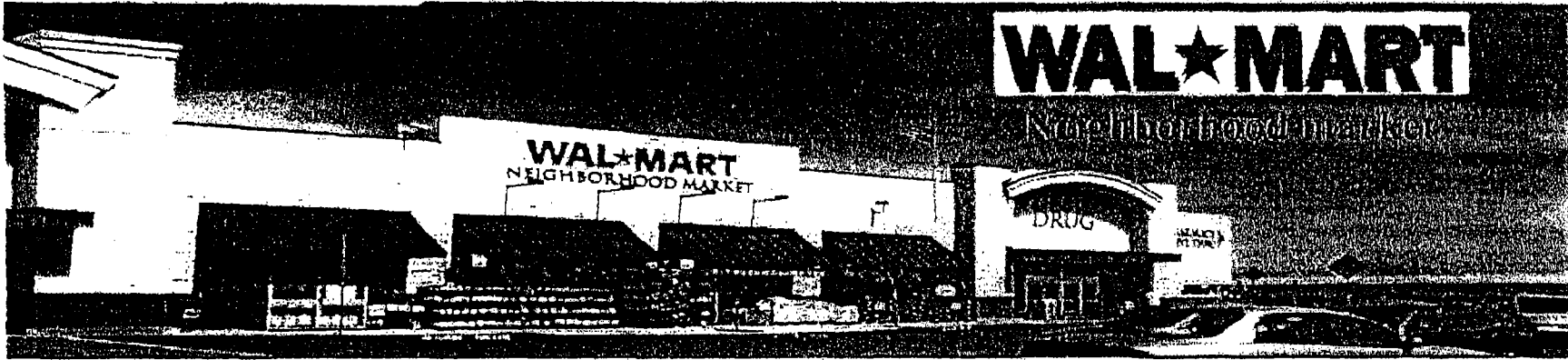


13055 E. Rancho-Santa Fe Blvd.
Avondale, AZ

Exhibit 1

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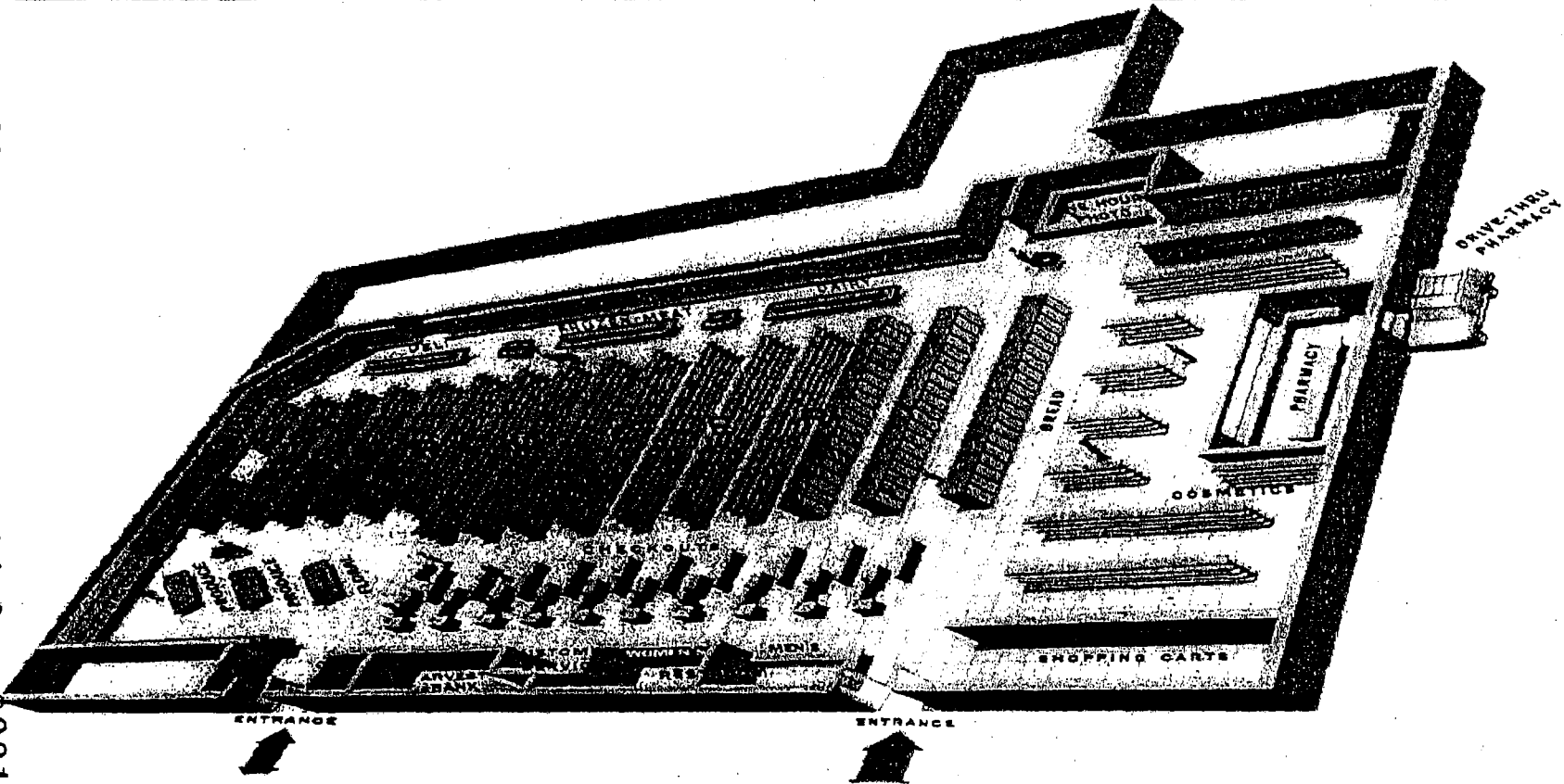
Exhibit 2



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Exhibit 2

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Exhibit 3: OKC Walmart Locations 1997

DSR Marketing Systems, Inc.

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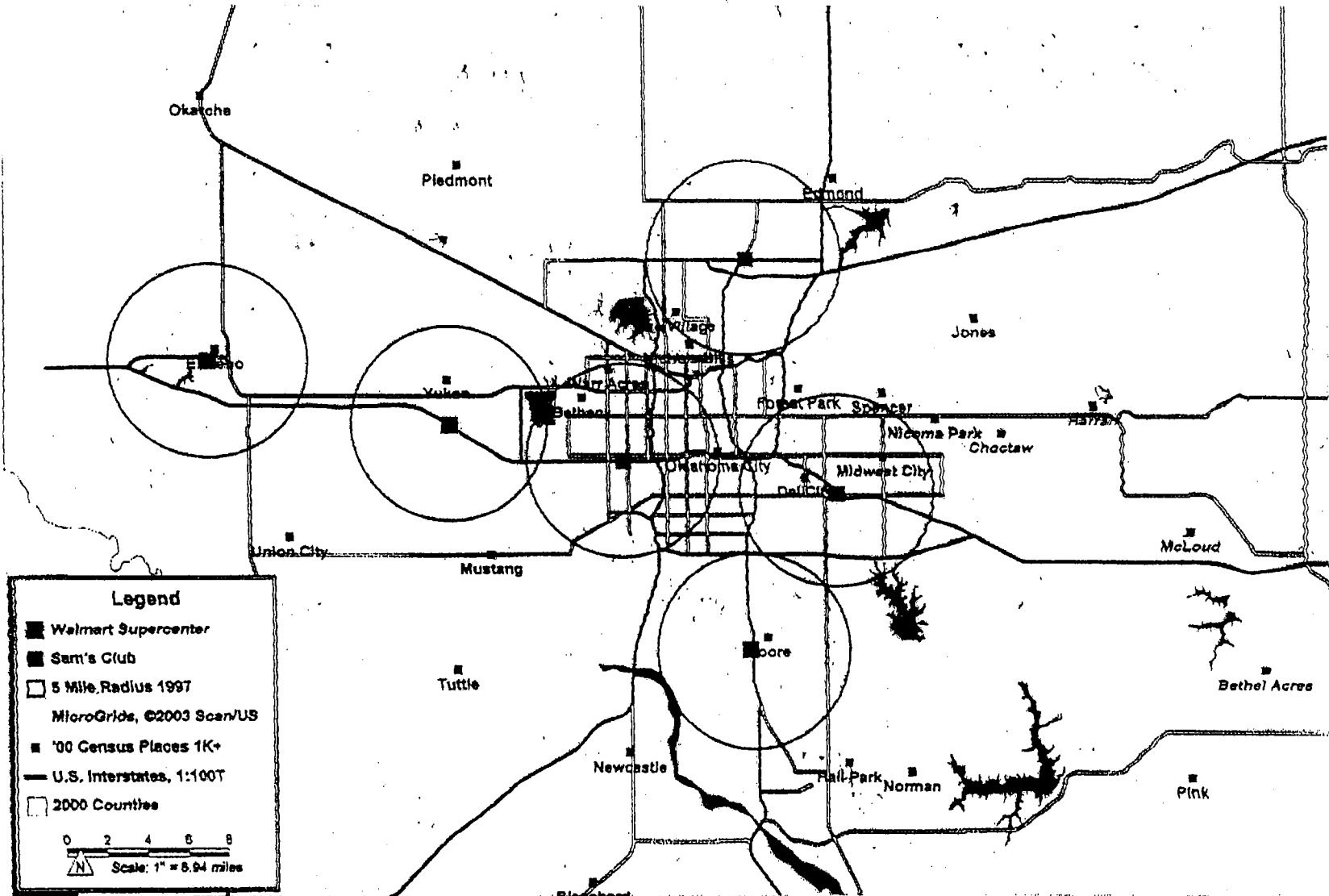


Exhibit 3

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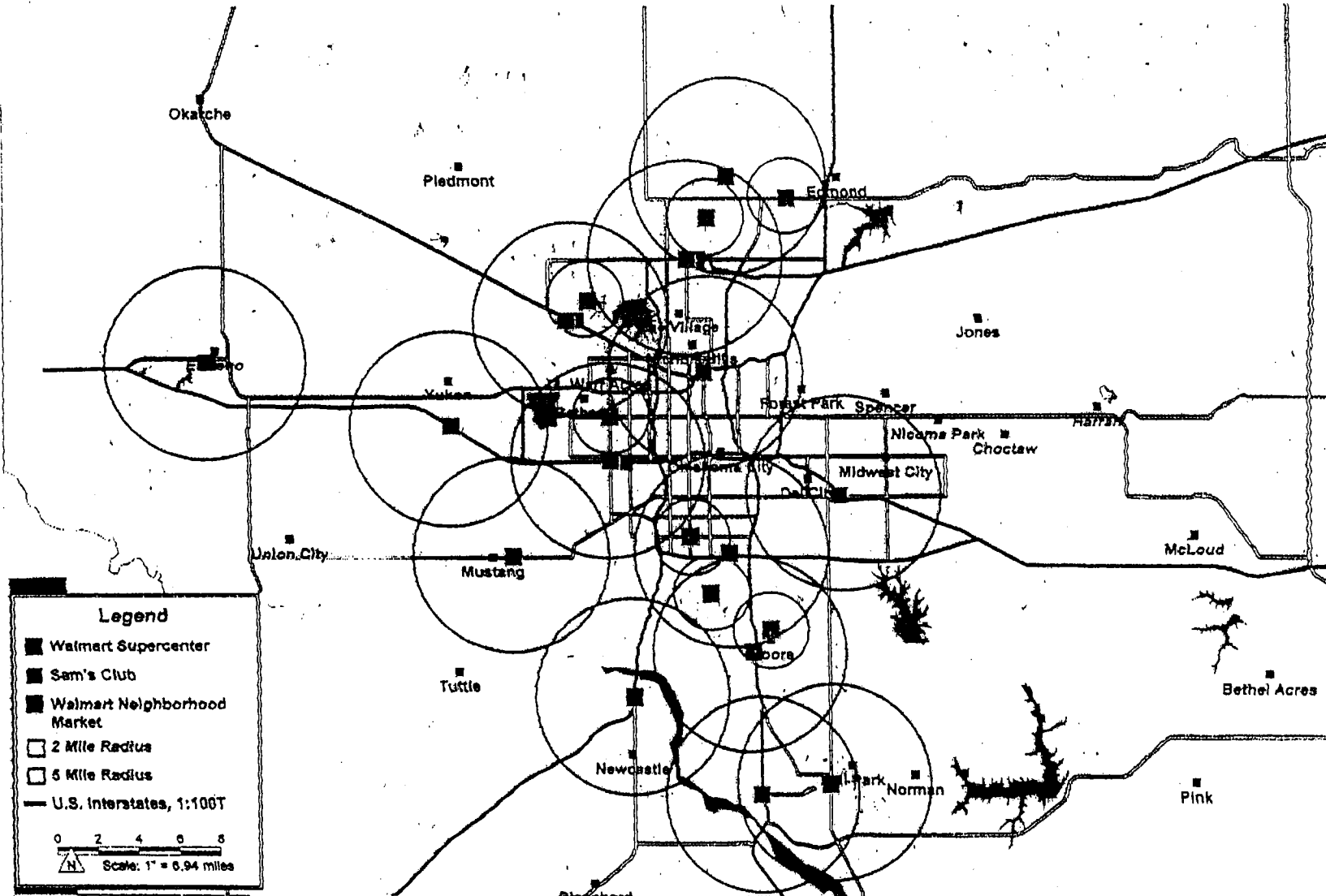
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Exhibit 4: OKC Walmart Locations 2003

DSR Marketing Systems, Inc.

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Exhibit 4 000137



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Exhibit 5

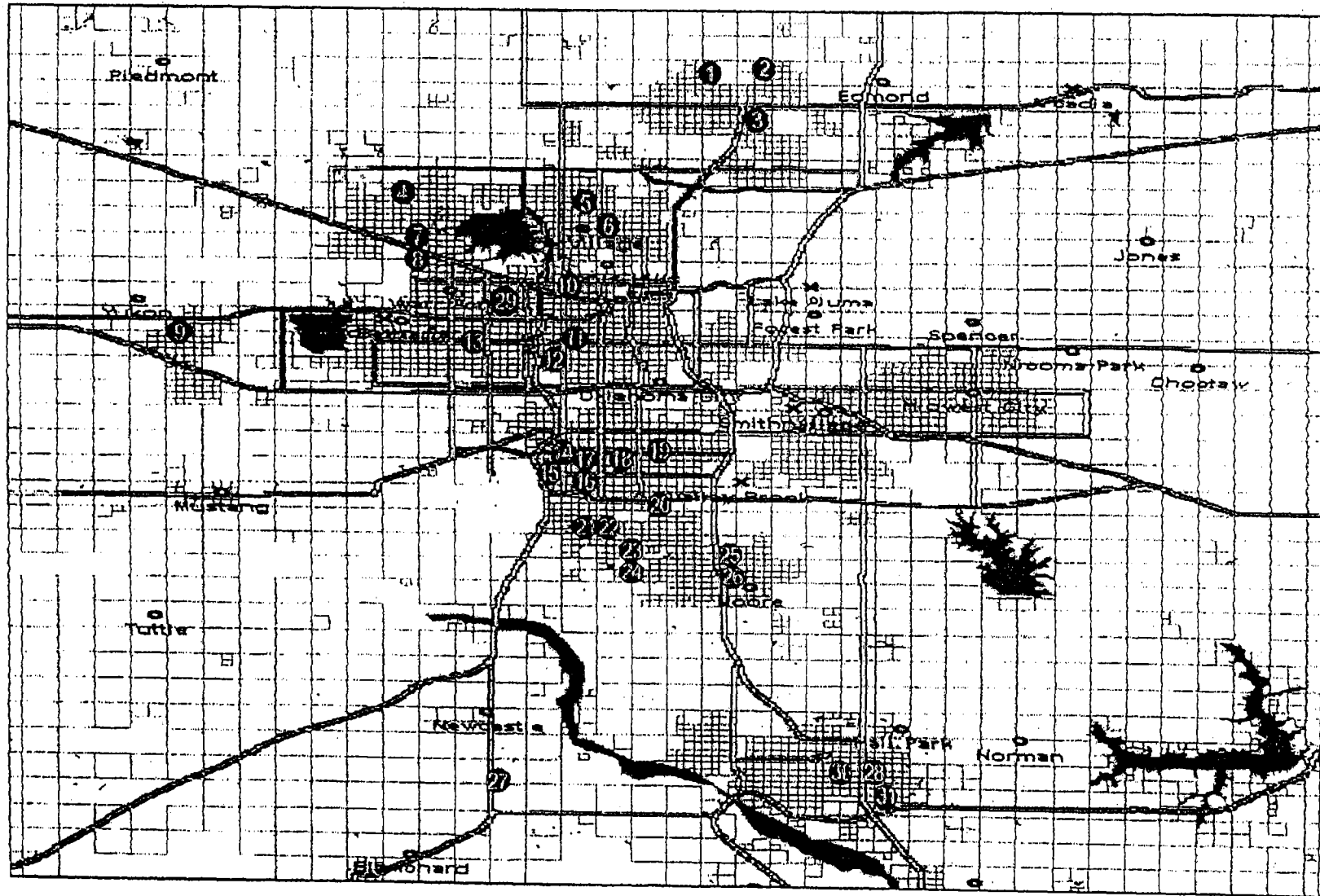
OKLAHOMA CITY WALMART LOCATIONS (as of December 2003)

<u>Year Opened</u>	<u>Store Type*</u>	<u>Store #</u>	<u>Location</u>	<u>City</u>
1983	Sam's	8241	6520 SE 29th	Midwest City
1986-7	Sam's	8289	5510 SW 5th	Oklahoma City
1992	SC	221	Garth Brooks & I-40	Yukon
1994	SC	227	I-40/Country	El Reno
1995	SC	277	19th & I-35	Moore
1998	SC	564	MacArthur & I-40	Oklahoma City
1999	SC	212	I-35 & Main	Norman
1999	SC	2734	Alameda/6th/12/Main	Norman
2000	NM	3275	164th & Western	Edmond
2000	NM	2876	2nd & Bryant	Edmond
2000	NM	2393	Eastern & 9th	Moore
2000	NM	2877	Rockwell & Hefner	Oklahoma City
2000	NM	2875	NW 23rd & MacArthur	Oklahoma City
2000	NM	2394	Penn & SW 59th	Oklahoma City
2000	NM	2878	Western & SW 104th	Oklahoma City
2000	SC	2803	Danforth & Santa Fe	Edmond
2000	SC	622	Northwest Hwy & Council	Oklahoma City
2000	SC	2804	I-44 & Classen	Oklahoma City
2000	Sam's	4731	Northwest Hwy & Council	Oklahoma City
2001	SC	1626	Penn & Memorial	Oklahoma City
2001	Sam's	8117	Penn & Memorial	Oklahoma City
2002	SC	743	I-240 & Shields	Oklahoma City
2003	SC	517	State Hwy 152 & Sara Rd.	Mustang
2003	SC	1056	Northwest 32nd St.	Newcastle
<u>To Open</u>	<u>Store Type*</u>	<u>Store #</u>	<u>Location</u>	<u>City</u>
2004	NM *	?	Britton & Pennsylvania	The Village
2004	NM	?	SW 44th & Western	Oklahoma City
2005?	SC	?	I-35 & SE 15th	Edmond
2005?	SC	?	?	Midwest City

* NOTES: SC = Supercenter
 NM = Neighborhood Market
 Sam's = Sam's Club

Exhibit 6

31 VACANT SUPERMARKETS - JAN. 2004



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Exhibit 6 000139

Exhibit 7

CLOSED OKLAHOMA CITY AREA SUPERMARKETS SINCE JULY 1998 (Facility not subsequently occupied by a supermarket)

Map Key	City	Store Name	C/I*	Location	Total Area (Approx. sq. ft.)
2	Edmond	Snyder's/IGA	I	Danforth & Kelly	65,000
3		Food World/Jim's IGA+	I	Bryant & Danforth	33,000
9		Homeland	C	2nd & Broadway	34,000
89	Moore	Buchanan's IGA	I	4th & Eastern	26,000
87		Pratt's	I	12th & Eastern	42,000
96	Norman	Buy For Less (Goodner's)	I	Main Street & 24th Ave. SW	61,000
93		Buy For Less (Goodner's)	I	12th and Alameda	42,000
94		Wright's IGA	I	12th & Alameda	30,700
		Pratt's	I	12th & Lindsey	30,000
82	Oklahoma City	Albertson's ¹	C	SW 104th & Western	51,000
79		Buchanan's IGA	I	SW 89th & Pennsylvania	31,000
84		Buchanan's IGA	I	SW 119th & Western	30,000
71		Don's Food Fair	I	SW 59th & May	18,000
70		Spencer's Super Thrift/Grider's+	I	SW 59th & May	29,000
72		Don's Food Fair	I	SW 59th & Pennsylvania	18,000
21		IGA Super Thrift	I	Hefner & May	43,000
23		Food World/Jim's IGA+	I	NW 122nd & MacArthur	31,000
26		Homeland/IGA+	C	Northwest Hwy & Rockwell	56,000
15		Homeland ²	C	Pennsylvania & Britton	46,000
46		Homeland/Baker's+	C	NW 23rd & Pennsylvania	61,000
44		Homeland	C	NW 16th & Drexel	35,000
41		Homeland	C	NW 23rd & Ann Arbor	29,000
74		Homeland	C	SE 59th & Walker	38,000
77		Homeland/Price Chopper+	C	I-240 & Pennsylvania	70,000
80		Homeland ³	C	SW 89th & Pennsylvania	48,000
18		IGA Super Thrift	I	NW 63rd & May	26,000
76		Pratt's	I	I-240 & Walker	56,000
27		Price Mart	I	Northwest Hwy & Rockwell	65,000
73		Super Foods/Sav-Mor	I	SW 59th & Western	20,000
35	Pratt's	I	39th & Portland	35,000	
103	Yukon	Snyder's IGA	I	Cornwell Road and Main St.	41,000
TOTAL					1,240,700

* C (Chain) or I (Independent)

+ Closed twice under two (or more) different ownerships.

¹ Replaced at former Homeland/Baker's at 104th/Pennsylvania.

² To be demolished and replaced by a Walmart Neighborhood Market.

³ Part converted to a Hong Kong Market.

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Exhibit 7

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EXAMPLES OF
CLOSED SUPERMARKETS
OKLAHOMA CITY & METRO AREAS

Exhibit 8



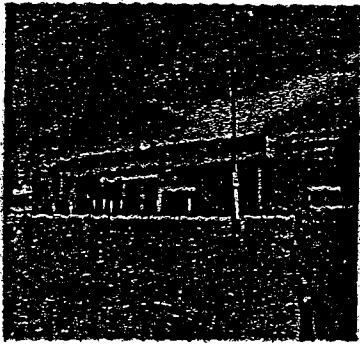
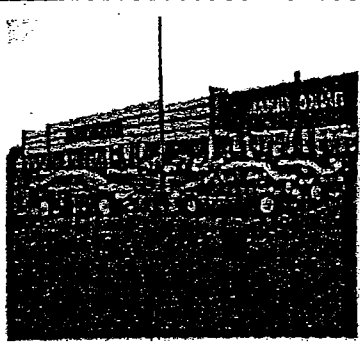


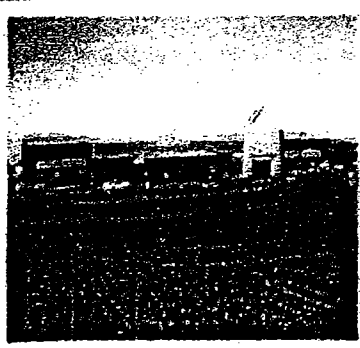


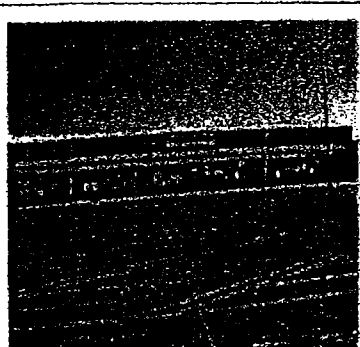
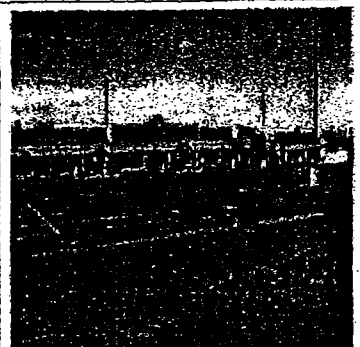

		
1. FORMER SNYDERS/IGA - SEC DANFORTH & KELLEY	2. FORMER FOOD WORLD/ JIM'S/ PRATT'S - NWC BRYANT & DANFORTH	3. FORMER HOMELAND - SEC 2 ND & BROADWAY - EDMOND, OK
		
4. FORMER FOOD WORLD - 122 ND & MACARTHUR	5. FORMER IGA - NEC HEFNER & MAY	6. FORMER HOMELAND - SEC 93 RD & PENNSYLVANIA
		
7. FORMER HOMELAND - ROCKWELL & NW EXPRESSWAY	8. FORMER HOMELAND (NOW DRAPERS) - NWC MACARTHUR	9. FORMER IGA (NOW DOLLAR TREE/ HAIR SALON/ WIRELESS/ SABS) - 63 RD & MAY
		
10. FORMER FOOD OUTLET - SWC HWY 66 & CORMWELL - YUKON, OK	11. FORMER BAKERS IGA - NWC 23 RD & PENNSYLVANIA	12. FORMER HOMELAND - SEC 16 TH & DREXEL

Exhibit 8

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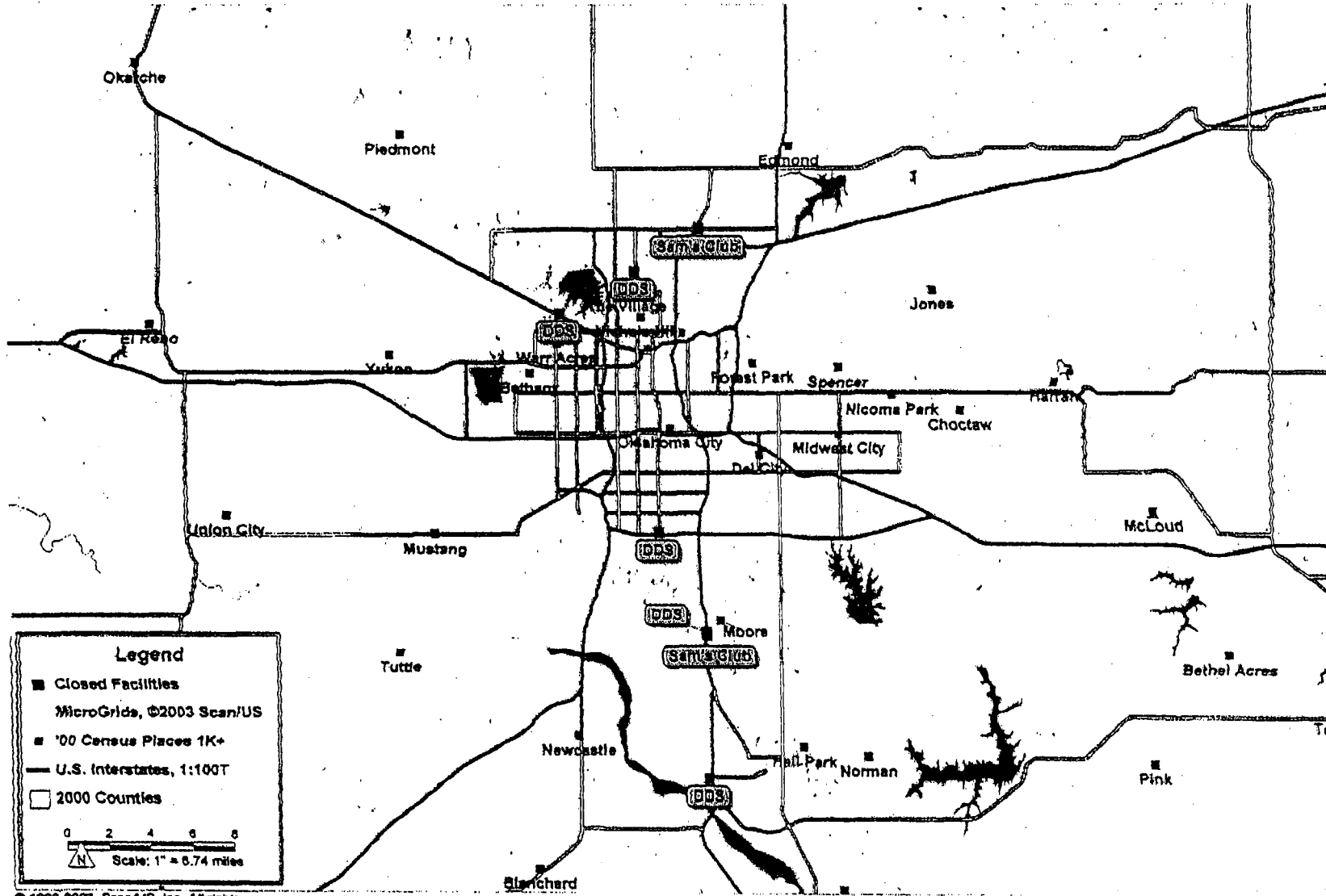
CLOSED SUPERMARKETS
OKLAHOMA CITY & METRO AREAS

Exhibit 8

<p>13. FORMER HOMELAND - NEC SW 59TH & WALKER</p>	<p>14. FORMER DON'S FOOD FAIR - SWC PENNSYLVANIA & 59TH</p>	<p>15. FORMER DON'S FOOD FAIR (NOW BINGO) - SWC MAY & 59TH</p>
<p>16. FORMER HOMELAND - NWC PENNSYLVANIA & I-240</p>	<p>17. FORMER PRATTS - SWC WALKER & I-240</p>	<p>18. FORMER BUCHANAN'S (RE-LEASING TO DRUG EMPORIUM) - NWC 89TH & PENNSYLVANIA</p>
<p>19. FORMER HOMELAND (NOW HONG KONG MARKET) - SEC 89TH & PENNSYLVANIA</p>	<p>20. FORMER PRATTS - SEC EASTERN & 12TH - MOORE, OK</p>	<p>21. FORMER BUCHANAN'S - NEC EASTERN & 4TH - MOORE, OK</p>

Exhibit 9: Closed Walmart Facilities

DSR Marketing Systems, Inc.



00693

Exhibit 9 00143

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02/04/04

Appendix 1
ABOUT DSR MARKETING SYSTEMS

DSR Marketing Systems, Inc. is a market research and consulting firm which specializes in retail research, including store location analysis and consumer research.

Dr. David Rogers is the President of DSR Marketing Systems, Inc. He was formerly Head of Site Potential Statistics for J. Sainsbury PLC, the British supermarket chain.

He has given presentations on market research topics for a wide variety of U.S. and British retail trade organizations, and is a Tutor at the annual Retail Location Analysis seminar at Oxford University's Business School (Templeton College).

Dr. Rogers is co-editor of Store Location and Store Assessment Research, a text-book published by John Wiley and Sons Ltd., the international publishers, and is a regular columnist for a variety of retail trade magazines in Australia, the USA and UK, including Retail Merchandiser and Progressive Grocer in New York, the European Retail Digest and Retail Week in Britain, and Shopping Centre News in Australia.

Dr. Rogers has consulted with an extensive number of retail, restaurant, and shopping center clients in Australia, Canada, France, Iceland, Puerto Rico, Saudi Arabia, Sweden, the United Kingdom, and the U.S.A.

His experience includes expert witness testimony at planning and traffic impact inquiries and in cases concerning Retail Competition and Eminent Domain.

Dr. Rogers received his undergraduate degree from the University of Bristol (England), his M.S. from the University of Wisconsin (Madison), USA, and his doctorate from the University of Reading (England). All three degrees were in the field of Urban Studies.

Letter 13

COMMENTER: Steven Herum, Attorney-at-Law, Herum Crabtree Suntag Attorneys

DATE: August 20, 2019

The City of Seaside finds that the evidence provided by Herum Crabtree Suntag Attorneys and their clients the Committee for Sound Water and Land Development of Fort Ord (“Herum”), is not credible and does not constitute substantial evidence. (*Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 692 [If there are “legitimate issues regarding the credibility” of a commenter’s opinions, then an agency can “deem them not substantial evidence.”]; *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 331.) As outlined below, Herum has provided inaccurate and misleading information. Based upon these misrepresentations, the City of Seaside finds that the materials provided by Herum are not credible and do not constitute substantial evidence. For example:

- (1) Comment 13.7 alleges “the DEIR failed to discuss the feasibility of multiple mitigation measures that could be imposed to reduce this significant effect [GHG],” citing to a generic list of GHG mitigation measures from 2008. The commenter also alleges “the project has the individual characteristic of making the GHG situation substantially worse.” Ironically, the very first mitigation measure in that 2008 list states: “*Encourage compact, mixed-use projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling and the use of public transit systems*”, i.e., to implement projects precisely like the Proposed Project (Draft EIR Section 2.3 [“Provide shopping, employment, and housing opportunities for households of various sizes and income levels, in close proximity to one another and the CSUMB campus, and to reduce vehicle miles traveled on a per capita basis.”])).
- (2) Comment 13.2 states “the [air quality] analysis...fails to quantify increase in ‘known adverse health effects’ produced by the Project’s ‘significant and unavoidable’ increases in air pollutants” (Comment 13.2). The Draft EIR did not disclose “significant and unavoidable” air quality impacts (Draft EIR Section 4.2).
- (3) Comment 13.2 also incorrectly asserts that “**the analysis deliberately omitted any quantification of the amount of CO, ROG, Nox, or particulate matter**” (emphasis in original). Section 4.2, *Air Quality*, of the Draft EIR includes quantification of air pollutant emissions generated by the Proposed Project in Table 4.2-5 under Impact AQ-2 and in Table 4.2-6 under Impact AQ-3. These tables include estimated emissions of ROG, NO_x, CO, SO₂, PM₁₀, and PM_{2.5}, contrary to the assertions in the comment.
- (4) Comment 13.6 also incorrectly faults the GHG analysis because it purportedly “lacks a threshold of significance” and faults the EIR for not utilizing a “net no increase” significance threshold. However, as outlined in greater detail below, the City expressly utilized the GHG significance thresholds requested by the commenter, i.e., the Draft EIR “*considers any increase in GHG emissions above baseline conditions to be significant*” (Draft EIR page 4.7-13).
- (5) Comment 13.7 also incorrectly faults the EIR for “not provid[ing] information about the amount of GHG produced by the project...” Contrary to the assertions, the Draft EIR quantifies GHG emissions generated by construction and operation of the Proposed Project, which are included in Table 4.7-2 and Table 4.7-3 of Section 4.7, *Greenhouse Gas Emissions*.

Response 13.1

The commenter describes the committee it represents and summarizes their interpretation of CEQA and its relationship to socio-economic impacts.

This comment does not pertain to the adequacy of the Draft EIR or CEQA process. Please refer to Response 13.2 through Response 13.22 for responses to specific comments from the commenter, including Response 13.11 and Response 13.12 regarding urban decay and socioeconomic effects.

Response 13.2

The commenter states that adverse air quality impacts are correlated with increased incidents of health ailments, and the Draft EIR must quantify the increase in health effects caused by the increase in air pollutants attributable to the Project. The commenter states that the Draft EIR omitted quantifications of CO, ROG, NO_x, and particulate matter. The commenter states that Draft EIR Table 4.2.1 is legally deficient and the Draft EIR omits important air quality health-related information.

As outlined below, the commenter misrepresents the contents of the Draft EIR and CEQA's requirements. Furthermore, the state has explicitly identified mixed use and multi-modal projects, such as the Proposed Project, as a solution for addressing statewide greenhouse gas and air quality goals. As expressly discussed in Draft EIR Section 2.3:

This Proposed Project and the associated objectives are also designed to address statewide planning efforts. The legislature has adopted findings that “the lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California... (3) Among the consequences of those actions are.... *reduced mobility, urban sprawl, excessive commuting, and air quality deterioration*” (Gov. Code Section 65589.5(a)). The Legislature also recently adopted findings that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and *undermining the state’s environmental and climate objectives*” (Gov. Code Section 65589.5(a)(2)(A) [AB 3194 (2018)]).

This comment incorrectly asserts that “the analysis deliberately omitted any quantification of the amount of CO, ROG, NO_x, or particulate matter” and also incorrectly alleges that the Project results in “‘significant and unavoidable’ increases in air pollutants” (emphasis in Original; Comment 13.2 at page 3). Section 4.2, *Air Quality*, of the Draft EIR includes quantification of air pollutant emissions generated by the Proposed Project in Table 4.2-5 under Impact AQ-2 and in Table 4.2-6 under Impact AQ-3. These tables include estimated emissions of ROG, NO_x, CO, SO₂, PM₁₀, and PM_{2.5}, contrary to the assertions in the comment. As discussed under Impacts AQ-1 through AQ-6, the Project would not result in any significant air quality impacts.

The commenter also asserts that “The DEIR did not Correlate the Project’s Adverse Air Quality Impacts to Resultant Adverse Health Effects.” The Draft EIR disclosed the health consequences associated with each air pollutant, as discussed in Draft EIR Section 4.2.1(b). However, based upon the MBARD significance thresholds, which are based upon human health, the Project would not result in any significant air quality impacts (Draft EIR Section 4.2). CEQA *Guidelines* § 15204(a) explains that “reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the

severity of its likely environmental impacts, and the geographic scope of the project.” In this instance, the Project is a mixed-use development, immediately adjacent to the CSUMB Campus, which is designed to cater for pedestrians and bicyclists, and further the state’s GHG and air quality goals.

The Supreme Court has held that “basic CEQA principles dictate there must be a reasonable effort to put into a meaningful context the conclusion that the air quality impacts *will be significant*” (emphasis added; *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 522). Here, however, the commenter’s basic premise is incorrect.²⁵ The Draft EIR concludes that neither the construction nor operation of the Project will result in *any* significant air quality impacts (see Draft EIR at page ES-8–9). Because the Project’s air quality impacts are less than significant, the Draft EIR does not need to provide more detailed information on health impacts.

Air districts, such as MBARD base their significance thresholds on the federal and California Clean Air Acts. The federal and state Clean Air Acts regulate emissions of airborne pollutants and have established ambient air quality standards (AAQS) for the protection of public health. As expressly discussed on Draft EIR page 4.2-19, “Project emissions below the AAQS would not have significant health impacts because the AAQS are set to be protective of human health.” An air quality standard is defined as “the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without harming public health” (CARB 2019a). In accordance with Section 109(b) of the federal Clean Air Act, the national ambient air quality standards (NAAQS) established at the federal level are designed to be protective of public health with an adequate margin of safety. To derive these standards, the USEPA reviews data from integrated science assessments and risk/exposure assessments to determine the ambient pollutant concentrations at which human health impacts occur, then reduces these concentrations to establish a margin of safety (USEPA 2018). In addition, the State of California has established health-based AAQS for these and other pollutants, some of which are more stringent than the federal standards (CARB 2019b and 2019c).

MBARD’s thresholds for evaluating VOC, NO_x, and CO emissions are consistent with the federal Clean Air Act de minimis thresholds.²⁶ The de minimis thresholds are used in the USEPA’s general conformity process and are the emission levels at which an activity would not cause or contribute to a violation of the NAAQS, worsen an existing violation of the NAAQS, or delay attainment of the NAAQS (USEPA 2017). Therefore, these thresholds are designed to be protective of public health because they are consistent with the NAAQS.

MBARD’s thresholds for evaluating PM₁₀ and SO₂ emissions are consistent with the emission thresholds established by MBARD Rule 207 (New Source Review) for requiring use of best available control technology (MBARD 2011).²⁷ The purpose of Rule 207 is to implement the requirements of the federal and California Clean Air Acts. Under the Prevention of Significant Deterioration (PSD) program, the federal Clean Air Act requires emissions from new or modified stationary sources to be restricted in places where air quality currently exceeds one or more NAAQS. One of the purposes of

²⁵ Notably, the comment states that the Draft EIR fails “to quantify increases in ‘known adverse health effects’ produced by the Project’s ‘significant and unavoidable’ increases in air pollutants” (Comment 13.2 at page 5). This statement is incorrect. As discussed in the Draft EIR, this Project will not result in any significant impacts to air quality.

²⁶ The de minimis threshold for VOC and NO_x emissions in severe non-attainment areas is 25 tons per year, which equates to approximately 137 pounds per day (i.e., the MBARD significance threshold for operational VOC and NO_x emissions under CEQA). The de minimis threshold for CO emissions in maintenance areas is 100 tons per year, which equates to approximately 550 pounds per day (i.e., the MBARD significance threshold for operational CO emissions under CEQA).

²⁷ Per Table 4.1.1 in Rule 207, the emission thresholds for best available control technology are 82 pounds per day for PM₁₀ and 150 pounds per day for SO₂ (i.e., the MBARD significance thresholds for construction-related PM₁₀ emissions and operational PM₁₀ and SO₂ emissions under CEQA).

the PSD program is to protect public health and welfare (USEPA 2019). The California Clean Air Act requires each air district to implement a stationary source control program that achieves no net increase in emissions of criteria pollutants (or their precursors) for which the region is nonattainment (CARB 2019d). Therefore, these thresholds are designed to be protective of public health because they are consistent with the NAAQS and CAAQS.

Because project-level significance thresholds established by MBARD are set at the level at which a project would cause or have a cumulatively considerable contribution to an exceedance of a federal or state ambient air quality standard, these thresholds are protective of public health. Therefore, if a project's air pollutant emissions would not exceed the significance thresholds, the project would not cause or contribute to the human health impacts described under Section 4.2.1(b), *Air Pollutants of Primary Concern*, of the Draft EIR.

Section 4.2.1(b) and Table 4.2.1 of the Draft EIR include a general description of the health impacts of criteria air pollutants and toxic air contaminants (TAC) to provide background context for the air quality analysis. Because Project-related air pollutant emissions would be less than significant, the Project's incremental contribution to adverse health impacts from air pollution would also be less than significant and less than cumulatively considerable. Therefore, more detailed information on human health effects is not required.

Although quantification of health impacts is not required for the reasons described above, to help respond to this comment, a construction Health Risk Assessment (HRA) was nevertheless performed for the Proposed Project. The construction HRA is provided as Appendix Q to this Final EIR. As discussed therein, an analysis using the USEPA's AERMOD dispersion model and CARB's Hotspots Analysis and Reporting Program risk analysis tool determined that the maximally exposed individual resident (MEIR) at existing residences would be exposed to an excess cancer risk of approximately 0.92 in 100,000, which would not exceed MBARD's recommended cancer risk criteria of one excess case of cancer in 100,000 individuals (MBARD 2008). The MEIR at future residences constructed during Phase 1 of the Proposed Project would be exposed to an excess cancer risk of approximately 0.32 in 100,000, which also would not exceed MBARD's recommended cancer risk criteria. Potential chronic (non-carcinogenic) health risks for the MEIR were also determined to be below applicable health risk criteria. Therefore, construction of the Proposed Project would not result in substantial TAC emissions that would adversely impact existing and future residents in the Plan Area vicinity.

The comment makes much of the holdings in *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184. However, in that case air pollution emission exceeded air quality thresholds and those emissions were significant and unavoidable, the court held that the EIR should have correlated the "identified adverse air quality impacts to resultant health effects." Nothing in the *Bakersfield* case requires an EIR to quantify health impacts of air emissions when these emissions are determined to be less than significant, as based on air district health-protective thresholds of significance. Thus, the Project EIR does not "suffer the same affliction" as the Bakersfield EIRs.

The comment also cites a study in the Journal of the American Medical Association that concludes that for each 10 microgram per cubic meter increase in "fine particulate air pollution," there was an association with a "4%, 6%, and 8% increased risk of all-cause, cardiopulmonary, and lung cancer mortality, respectively" (Comment 13.2 at page 5). This comment is noted. However, the cited study does not state what threshold was used over which the increases were studied. As described above, the Draft EIR relied on thresholds of significance for particulate matter which were developed to protect human health. The Project will not result in any substantial air quality impacts based on these thresholds of significance.

Response 13.3

The commenter states that the Draft EIR does not comply with CEQA *Guidelines* Appendix F energy disclosure and mitigation standards. The commenter states that the Draft EIR unreasonably narrows the scope of analysis of energy impacts, which conflicts with Appendix F.

Page ES-20 of the *Executive Summary* of the Draft EIR provides an overview of the Project's energy impacts and is not intended to provide a full, detailed analysis. Rather, the analysis of the Project's energy impacts is provided in Section 4.5, *Energy* of the Draft EIR. The analysis in this section relies on the significance criteria established by Appendix G of the CEQA *Guidelines* to evaluate the Project's energy impacts.

The Office of Planning and Research and California Natural Resources Agency recently added the two energy questions to Appendix G specifically to "better integrate the energy analysis" required by Appendix F "with the rest of CEQA" (California Natural Resources Agency 2018) Appendix G of the CEQA *Guidelines* contains a sample environmental checklist form, which is widely utilized in CEQA review throughout the state. Therefore, it is appropriate for the City of Seaside to use the Appendix G checklist questions as thresholds of significance in the analysis of energy impacts. Furthermore, the analysis under Impacts E-1 and E-2 also considers how the Project accomplishes the following approaches that Appendix F of the CEQA *Guidelines* identifies as means of achieving the goal of energy conservation through the wise and efficient use of energy:

- Decreasing overall per capita energy consumption,
- Decreasing reliance on fossil fuels such as coal, natural gas and oil, and
- Increasing reliance on renewable energy sources.

Appendix F of the CEQA *Guidelines* provides a "list of energy impact **possibilities** and **potential** conservation measures...designed to assist in the preparation of an EIR...Where items listed below are applicable or relevant to the project, they should be considered in the EIR" (text is bolded for emphasis). Section 4.5 includes the following elements recommended by Appendix F of the CEQA *Guidelines*:

- A description of the Project's energy-consuming equipment and processes during construction and operation is included under Impact E-1.
- The Project's energy requirements and its energy use efficiency by amount and fuel type for each stage of the Project including construction, operation, maintenance and/or removal are discussed under Impact E-1 and in Tables 4.5-4 and 4.5-5.
- The Project's energy conservation equipment and design features are described under Impact E-1.
- Energy supplies that would serve the Project are identified in Section 4.5.1 and under Impact E-1.
- Total estimated daily vehicle trips to be generated by the Project and the additional energy consumed by these trips are included under Impact E-1 and in Table 4.5-5.
- Existing energy supplies and energy use patterns in the region and locality are detailed in Section 4.5.1.
- The effects of the Project on local and regional electricity supplies and on requirements for additional electricity generation capacity are discussed under Impact E-1.
- The degree to which the Project complies with existing energy standards is discussed under Impacts E-1 and E-2.

- The effects of the Project on energy resources are analyzed under Impacts E-1 and E-2.
- The Project's projected transportation energy use requirements and its overall use of efficient transportation alternatives are discussed under Impact E-1.

Impact E-1 quantifies the amount of electricity and natural gas the Project would consume. The physical environmental impacts associated with the use of energy including the generation of electricity and burning of fuels are accounted for in Section 4.2, *Air Quality*, and Section 4.7, *Greenhouse Gas Emissions*. Furthermore, as discussed in Section 4.5, power plants that provide electricity for Monterey Bay Community Power (MBCP) and PG&E are required to undergo individual environmental review processes, which may be through the California Energy Commission's certified regulatory program under CEQA,²⁸ or through the California Public Utilities Commission's CEQA processes (California Energy Commission 2019).

To further bolster the analysis in Section 4.5, the following text under Impact E-1 (page 4.5-17) has been revised to include additional information on the Project's effects on local and regional natural gas supplies, as follows:

Electricity would be supplied by on-site solar generation, MBCP (the default electricity provider in the Plan Area), or PG&E. Natural gas would be supplied by PG&E. As discussed in detail in Section 4.7, *Greenhouse Gas Emissions*, the 2019 Building Energy Efficiency Standards require installation of solar photovoltaic systems for single-family homes and multi-family buildings of three stories and less, which would supply much of the on-site electricity demand. Furthermore, on-site electricity demand would be substantially less than historic usage within the former Fort Ord, as described in detail in Section 3, *Environmental Setting*. Given historic electricity usage, CEC's and CPUC's long range planning efforts, and on-site solar generation, there would be adequate capacity to meet demand for electricity. Furthermore, California natural gas demand, including volumes not served by utility systems, is expected to decrease at a rate of 0.5 percent per year from 2018 to 2035; therefore, the incremental increase in natural gas consumption from the Proposed Project would not indirectly result in the need to secure additional natural gas supplies or construct new or expanded natural gas processing plants (CGEU 2018).

The changes reflected above would not result in alterations to the degree of impact or conclusions presented in the Draft EIR, and therefore do not constitute significant new information that would trigger Draft EIR recirculation under CEQA *Guidelines* Section 15088.5. Rather, the changes serve to clarify and amplify the content of the EIR.

The Draft EIR provides disclosure of the Proposed Project's energy impacts and does not narrow the scope of energy impacts in a way that conflicts or is inconsistent with Appendix F. Based on the analysis in Section 4.5 of the Draft EIR, the Project would not result in significant energy impacts; therefore, no mitigation is included. No revisions are warranted.

Response 13.4

The commenter states that the Draft EIR assumes residents are likely already located within the AMBAG jurisdiction, and alleges this conflicts with the stated baseline. The commenter also states that the Draft EIR analysis omits the fact that someone will move into the vacated older and less efficient homes that do not meet energy efficiency requirements. The commenter states that evidence is not presented supporting that college students would bike or walk to campus, and the

²⁸ Overview of the CEC's certified regulatory program under CEQA: https://ww2.energy.ca.gov/public_advisor/joint_process.html

Project Description does not restrict occupancy of residential units to only students attending the state college.

The Draft EIR includes substantial evidence supporting its assumptions that (1) residents are likely already located in the AMBAG jurisdiction, (2) residents will move from older and less efficient homes, and (3) CSUMB students who walk or bike to class would make up a substantial portion of the residents due to the Project's proximity to CSUMB. Comment 13.4 also appears inconsistent with Comment 13.12, which implies that the EIR should consider where Project residents would live if the Project were not constructed, or constructed at a reduced density. Furthermore, "A public agency can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true" (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 412).

The three assumptions that the comment takes issue with are also supported by substantial evidence. Regarding the assumption that future residents likely reside within the AMBAG jurisdiction, the Draft EIR cites to the City of Seaside's 2010 Housing Element, and the AMBAG 2014 Regional Housing Needs Allocation. Seaside's 2010 Housing Element states that Seaside's rental vacancy rate of 1.5 percent is an indicator of "pent up demand for housing, leading to higher homeownership and rental prices" (at H-5). It goes on to say that "[t]he low vacancy rate among these rental units indicates that households who would otherwise seek multi-family units are occupying more expensive single-family rental units. To avoid overpayment, these households may take on additional roommates which could account for many of the City's 1,887 households living in overcrowded conditions, representing 17.1 percent of the City's entire housing stock in 2000" (H-6). It concludes, "[o]vercrowding is considered a housing problem in Seaside" (*Ibid*). These concerns are throughout the region (see AMBAG 2014-2023 RHNA at page 2 of the AMBAG RHNA Methodology Factors Survey dated September 20, 2013).

There is substantial evidence that there is a lack of existing housing and pent up demand in the AMBAG region. Indeed, it is unreasonable to assume that existing residents are not relocating from another location. In fact, the legislature specifically requires consideration of the impacts associated with the denial of housing projects. More specifically, Gov. Code § 65589.5(b) explains that "It is the policy of the state that a local government not reject or make infeasible housing development projects... without a thorough analysis of the economic, social, and environmental effects of the action." As discussed in Section 65589.5(a) "Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, *reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.*"

The analysis of the "displaced growth" associated with the Project is proper. Environmental analysis can consider displaced growth or displaced trips (see *Association of Irrigated Residents v. Kern County Board of Supervisors* (2017) 17 Cal.App.5th 708). As stated in *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 257, "the future residents and occupants of development enabled by Project approval would exist and live somewhere else if this Project is not approved. Whether 'here or there,' GHG emissions associated with such population growth will occur." See also *Friends of the Kings River v. Counts of Fresno* (Dec. 8, 2014, F068818).²⁹ That case involved a new aggregate mine and related processing plant in the Sierra Nevada foothills. The Court of Appeal upheld the Air Quality and GHG analyses, which were based upon reducing absolute

²⁹ <https://www.courts.ca.gov/opinions/archive/F068818.PDF>

countywide VMT (i.e., displacing existing long-distance truck trips with shorter duration truck trips). More specifically, the Opinion noted:

Population growth correlates to growth in demand for aggregate and related construction materials...shortages in the Fresno area have resulted in rock being imported from Coalinga, a 60 mile haul, quoting a 2006 Department of Conservation report...

“Delivery trucks are an aspect of the Proposed Project that may result in a regional reduction of GHG emissions. By placing a source of aggregate, ready-mix concrete, and asphalt in a location where supply does not currently meet demand the Project will result in a reduction in VMT [vehicle miles traveled] for customers. It is expected that many of the Proposed Project’s customers will be located within a 30 to 60-mile roundtrip distance from the Proposed Project. In the absence of the Proposed Project, a portion of these customers would otherwise have to travel to Coalinga to obtain these materials, at a roundtrip distance of approximately 120 miles. This reduction in distance traveled for customer vehicles would result in a corresponding reduction in GHG emissions...” (Emphasis added; Slip Opinion at pp. 54-57.)

In the *Friends of the Kings River* case, to support the EIR’s use of displaced truck trip assumptions, the lead agency relied upon a 2006 Department of Conservation report which explained that (1) Aggregate shortages in the Fresno area have resulted in rock being imported into the area from Coalinga, a 60-mile haul, and (2) a map prepared by DOC which shows that Fifty-Year Aggregate Demand Compared to Permitted Aggregate Resources” shows that permitted sources of aggregate represent a small fraction of the 50-year demand for aggregate in the Fresno area, (3) and a Planning Commission report which showed that the County had only permitted 11 percent of the region’s 50-year aggregate demand, with less than 10 years of permitted supply remaining. (Slip Opinion at pp. 56-57.)

Notably, while the Draft EIR’s GHG analysis discusses displaced growth, its VMT calculation “is conservative because it does not fully account for displaced growth/redistributed population” (Draft EIR at page 4.7-12). The Draft EIR also provided detail quantitative analysis which did not include the benefits of displaced growth (see Draft EIR page 4.7-13).

This is also consistent with SCAQMD’s 1993 CEQA Handbook, which states “As part of the impact analysis...the existing level of background emissions and local air quality need also be taken into account” (SCAQMD 1993 CEQA Handbook, Section 7.2). In fact, CARB utilizes the same methodology in their own CEQA documents. For example, the Draft EIR Operational Air Quality analysis for CARB’s Consolidation Project (Testing Facility) stated:

To evaluate the potential environmental impacts of employee commuting changes associated with moving the testing functions from Los Angeles and El Monte to Riverside...Using the traffic analysis and current commutes for employees, the net mobile vehicle mileage (project less existing conditions) at opening day was estimated to be 4,003,440 miles per year. (CARB Consolidation Project FEIR32 pages 5.3-33 through 5.3- 36.)

Indeed, the California Legislature’s finding in the Housing Crisis Act of 2019 (also known as “SB 330”) note that the housing crisis has “[f]orced public employees, health care providers, teachers, and others, including critical safety personnel, into more affordable housing farther from the communities they serve, which will exacerbate future disaster response challenges in high-cost, high-congestion areas and increase risk to life.” (SB 330 Finding 6(D).) Additionally, the housing crisis was found to harm the environment by “[i]ncreasing greenhouse gas emissions from longer commutes to affordable homes far from growing job centers.” (SB 330 Finding 12(B).)

The commenter also incorrectly asserts that “The so-called analysis omits the fact that someone will in turn move into these ‘older and less efficient’ homes that do not meet building code.” The commenter misrepresents the statements from the EIR, which explain:

Approximately 77 percent of the City of Seaside’s housing stock was built prior to 1980 and therefore does not incorporate modern Building Code efficiency requirements (City of Seaside 2010). Consequently, individuals moving from older residences to the Project would consume less energy in the forms of electricity and natural gas because the Project would be more efficient than the surrounding housing stock from which people are anticipated to move. (Draft EIR at page 4.5-19).

The Draft EIR does not state that the Project would eliminate the older less efficient homes, rather it states that “individuals...would consume less energy...” This is an accurate statement. While the existing homes will exist, less efficient fixtures and appliances will be used less often with fewer individuals per home (e.g., reduced usage of appliances, such as fewer loads of laundry). As explained on page 4.17-17 of the Draft EIR: “moving from older residences to the Proposed Project would use fewer resources, such as water, electricity, and natural gas because the Proposed Project would be more efficient than the surrounding housing stock from which people are anticipated to move. *These efficiency benefits are not captured in the quantitative analysis.*”

The Draft EIR reasonably assumed that the Project would attract students as CSUMB as residents, and that those students would walk or ride their bikes to school rather than drive. The Draft EIR states that “CSUMB’s adopted 2007 Master Plan calls for increased enrollment of 8,500 students but plans to house only 60 percent of students on campus,” and that “The 2007 Master Plan also notes that the primary means of commuting to and from campus is driving, but that for students living ‘very near campus,’ the primary means are walking and biking.” Given the proximity of the Project to the campus, it is reasonable to assume that student residents would walk or bike to school daily, rather than drive.

Finally, the commenter also alleges an inconsistency between the EIR's statements that residents are likely already located within the AMBAG region (on Draft EIR page 4.5-18), while acknowledging in the Project Description buildout year discussion that “[t]he actual rate and amount of development (up to the maximums) could differ; buildout is dependent on market conditions, birth rates, death rates, immigration rates, availability of resources, and regulatory processes from Federal, State and local regulations” (Draft EIR page 2-11). There is nothing inconsistent about these two statements, residents are anticipated to come from within the AMBAG region, and a number of broad factors can control the timing of that buildout, such as the 2008 recession. The intent of the language was to acknowledge changes in market conditions, which have a variety of underlying factors. Nevertheless, the text of page 2-11 has been revised to eliminate reference to “immigration” (see Section 4, *Amendments to the Draft EIR*). Furthermore, even if individuals came from more distant locations, this would not affect the analysis. California has some of the lowest per capita energy consumption in the U.S., due in part to its mild climate and its energy efficiency programs (CEC 2016, USEIA 2018).

Response 13.5

The commenter states that compliance with Title 24 standards does not exempt an EIR from conducting analysis. The commenter states that the Project Description should include a discussion of energy-consuming equipment, energy requirements by fuel type, energy conservation equipment, energy costs, and energy consumption per vehicle trip, per Appendix F of the CEQA

Guidelines. The commenter states that the Draft EIR environmental setting does not include existing energy supply and use patterns or baseline information, and does not explain omissions. The commenter states that the Draft EIR uses a rejected energy analysis and omits relevant data.

The Draft EIR did not use compliance with Title 24 standards to exempt it from conducting a full energy analysis. Please refer to Response 13.3 for a discussion of the Draft EIR's full energy analysis and consistency with Appendix F of the CEQA *Guidelines*. As discussed therein, the analysis contained in Section 4.5, *Energy*, of the Draft EIR is adequate and compliant with Appendix F of the CEQA *Guidelines*.

Furthermore, the commenter significantly misrepresents the Energy analysis methodology, by citing a single line out of a 27-page analysis, which does not accurately represent the full methodology utilized. More specifically, the commenter cites page 4.5-26, which analyzes *cumulative impacts*, not the project-level impacts, nor does the comment accurately reflect the full methodology of that analysis, which can be analyzed at a lesser level of detail (CEQA *Guidelines* § 15130(b)). The Draft EIR Energy analysis met all of the requirements of CEQA *Guidelines* Appendix F.

The commenter also misrepresents the law in citing to *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173. That case did not fault that EIR for discussing the California Building Code, rather it faulted that EIR for not discussing other non-building energy sources. More specifically, that Court held that:

Although the Building Code addresses energy savings for components of new commercial construction, it does not address many of the considerations required under appendix F of the CEQA Guidelines. These considerations include whether a building should be constructed at all, how large it should be, where it should be located, whether it should incorporate renewable energy resources, or anything else external to the building's envelope. (*Id.* at 211.)

The Draft EIR and the cumulative analysis did not limit the Energy analyses to only consistency with Title 24, which was the issue in California Clean Energy Committee.

Response 13.6

The commenter states that the Draft EIR does not provide an adequate GHG threshold of significance and that the Draft EIR therefore omits facts, information, and data that is necessary to determine GHG impact significance. The commenter states that CARB recommended GHG thresholds be either zero or sufficiently stringent to meet 2020 and 2050 emissions reduction targets.

The thresholds utilized in Section 4.7, *Greenhouse Gas Emissions*, are those suggested by Appendix G of the CEQA *Guidelines*. The Draft EIR includes two significance thresholds: (1) generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and (2) conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (Draft EIR at page 4.7-13). In implementing the first threshold, the Draft EIR "*considers any increase in GHG emissions above baseline conditions to be significant.*" (Draft EIR Section 4.7.3).

The Draft EIR compares the Project's emissions to (1) the existing Plan Area, (2) regional baseline conditions and (3) to 1991 baseline conditions, which are the physical conditions that were present at the time that the federal decision for the closure or realignment of the former Fort Ord base

became final. Therefore, as the commenter recommends, the Draft EIR already utilizes a threshold of a net zero increase in GHG emissions above baseline conditions.

As discussed under “Comparison of the Proposed Project to the Existing Plan Area Emissions Baseline” under Impact GHG-1, for the purposes of the analysis, existing GHG emissions from the Plan Area are functionally 0 MT of CO₂e per year. Therefore, because the Proposed Project would result in an increase in GHG emissions from the Plan Area of approximately 14,873 MT of CO₂e per year, the Draft EIR concludes that impacts under this baseline analysis would be cumulatively considerable. Accordingly, the Draft EIR requires implementation of Mitigation Measures GHG-1(a) through GHG-1(d) to reduce the Project’s GHG emissions to 0 MT of CO₂e per year. As a result, with implementation of mitigation, the Project would have a less than significant impact related to GHG emissions.

Since publication of the Draft EIR, the Project applicant has prepared a draft GGRP, which identifies a suite of actions that would achieve compliance with Mitigation Measures GHG-1(a) and GHG-1(d) as required by the Draft EIR. The GGRP is included as Appendix P to this Final EIR. As shown therein, implementation of the GGRP would reduce emissions from the Proposed Project to 0 MT of CO₂e per year through several measures, including requiring single-family and multi-family residential units and commercial parking areas to provide electric vehicle charging stations, renewable diesel in the construction fleet, electric fireplaces in residences, 100 percent carbon-free electricity in non-residential building, solar systems in residential and non-residential buildings, electric-powered landscape equipment, tree planting, and purchasing carbon credits.

The GHG analysis also provides two additional baseline comparisons to the Existing Regional Emissions baseline and the 1991 Former Fort Ord Operations baseline. In support of this analysis, a quantitative comparison of emissions generated by the former Fort Ord base and emissions generated by existing, entitled, and planned Fort Ord base reuse development and the Proposed Project has been added to Section 4.7, *Greenhouse Gas Emissions* with a supplementary technical memorandum included as Appendix R to this Final EIR. The following text under Impact GHG-1 in Section 4.7 (page 4.7-18 to 4.7-19) has been revised to include additional information on this comparison, as follows:

The 1992 Air Quality Baseline Study prepared for the former Fort Ord quantified criteria and toxic air pollutant emissions from base operations but did not quantify GHG emissions (United States Army Corps of Engineers 1992). ~~Therefore, in the absence of quantitative data, this analysis qualitatively discusses the magnitude of the Proposed Project’s GHG emissions in comparison to the magnitude of GHG emissions generated by the former Fort Ord base.~~ Therefore, operational GHG emissions generated by the former Fort Ord base in 1991 were quantified and compared to those emissions generated by existing, entitled, and planned Fort Ord base reuse development and the Proposed Project. The full supplementary analysis of GHG emissions under the former Fort Ord 1991 baseline, which is incorporated into the following discussion, is provided as Appendix R.

The former Fort Ord accommodated single-family housing, barracks, commercial retail, a hospital, an elementary school, general light industry and stationary combustion sources, a general aviation airport, recreational uses, and a sports/fitness complex (United States Army Corps of Engineers 1992). The former Fort Ord’s resident population was 31,270 persons in 1991, which was accommodated in 23,716 housing units. The former Fort Ord base generated approximately 401,028 MT of CO₂e per year (Appendix R).

As discussed in Section 3, *Environmental Setting*, since 1991, there has been a total of 1,282 dwelling units, 1,766 existing/replacement dwelling units, and 988,200 square feet of non-residential space built on the former Fort Ord. In addition, CSUMB has removed 274 military buildings from its campus, reused 66 military buildings, constructed 7 new buildings, constructed recreational facilities, and improved the infrastructure on the campus. Additional residential, commercial, industrial, and institutional development is entitled and planned for the former Fort Ord through 2030. New development, including the Proposed Project, is substantially more efficient than prior base development constructed from the 1950s to the 1970s due to increasingly stringent building codes and vehicle efficiency standards that have increased energy, water, and fuel use efficiency since that time, thereby reducing GHG emissions. Existing, entitled, planned, and reasonably foreseeable future base reuse development through 2030 would generate approximately 292,687 MT of CO₂e per year. Therefore, base reuse development plus the Proposed Project would generate approximately 307,560 MT of CO₂e per year, which would be approximately 93,468 MT of CO₂e per year less than former Fort Ord 1991 baseline conditions (Appendix R). ~~As a result, given that post-1991 development in conjunction with the Proposed Project is less intensive in terms of density and types of uses and more efficient than the former Fort Ord development, it is unlikely that the magnitude of Proposed Project-related GHG emissions combined with GHG emissions generated by all post-1991 development exceeds the magnitude of GHG emissions generated by former Fort Ord operations. As such, it is likely that the Proposed Project in combination with other post-1991 development on the former Fort Ord base generate fewer overall GHG emissions than under the 1991 baseline conditions. Therefore, based upon the 1991 former Fort Ord baseline analysis, impacts would be less than cumulatively considerable.~~

The changes reflected above would not result in alterations to the degree of impact or conclusions presented in the Draft EIR, and therefore do not constitute significant new information that would trigger Draft EIR recirculation under CEQA *Guidelines* Section 15088.5. Rather, the changes serve to clarify and strengthen the content of the EIR.

Contrary to the commenter's assertion, the Draft EIR does provide an adequate GHG threshold of significance and complies with the CARB-recommended GHG threshold of net zero. Therefore, no revisions to the Draft EIR are warranted in response to this comment.

Response 13.7

The commenter states that the Draft EIR's discussion of climate change does not provide information about the amount of GHG produced and whether this meets 2020 and 2050 goals, and the Draft EIR omits information and data and reaches the wrong significance conclusion. The commenter also states that the Draft EIR did not discuss the feasibility of mitigation measures that could reduce significant GHG effects, including OPR's 33 measures to reduce GHGs and meet 2020 and 2050 goals.

Contrary to the assertions in the comment, the Draft EIR quantifies GHG emissions generated by construction and operation of the Proposed Project, which are summarized in Table 4.7-2 and Table 4.7-3 of Section 4.7, *Greenhouse Gas Emissions*. As discussed therein, the Proposed Project would result in an increase in GHG emissions from the Plan Area of approximately 14,873 MT of CO₂e per year. However, with implementation of Mitigation Measures GHG-1(a) through GHG-1(d), the Proposed Project would mitigate GHG emissions to 0 MT of CO₂e per year. The 2017 Scoping Plan published by CARB, which addresses the State's 2030 and 2050 GHG emission reduction targets,

states that “achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development” (CARB 2017). With incorporation of mitigation, the Proposed Project would achieve this objective and would therefore be consistent with the State’s efforts to achieve its 2030 and 2050 GHG emission reduction goals.³⁰

As discussed under Impact GHG-1 in Section 4.7 of the Draft EIR, the Proposed Project would result in a potentially significant impact related to GHG emissions, and implementation of Mitigation Measures GHG-1(a) through GHG-1(d) would be required to reduce GHG emissions to a less than significant level. Please refer to Response 10.3 for a discussion of the adequacy of the mitigation measures identified for the Project.

Since publication of the Draft EIR, the Project applicant has prepared the GGRP, which identifies a suite of actions that would achieve compliance with Mitigation Measures GHG-1(a) and GHG-1(d) as required by the Draft EIR. The GGRP is included as Appendix P to this Final EIR. The commenter also faults the EIR for not addressing an 11-year-old generic list of GHG mitigation measures, in a report which was not attached to their comment letter (i.e., OPR’s 2008 Report CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review (June 19, 2008)). Contrary to this assertion, the City does not have an obligation to address the feasibility of a generic list of such measures, particularly when (1) many of these concepts have already been incorporated into the Project, and (2) the Project’s impacts have been mitigated to less than significant. (See *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1055 (“Considering the large number of possible mitigation measures set forth in the letter [50 suggestions], as well as the letter’s indication that not all measures would be appropriate for every project, it is unreasonable to impose on the city an obligation to explore each and every one.”))

The technical advisory encourages agencies to develop GHG emission reduction mitigation measures and describes Attachment 3 as “a preliminary menu that lead agencies may wish to consider,” but notes that “in some cases GHG emission reduction measures will not be feasible or may not be effective at a project level.” Many of the measures listed the 2008 Report are included in the Specific Plan, required under existing regulations promulgated over the last decade, or in the GGRP, including but not limited to the following:

- “Implement land use strategies to encourage jobs/housing proximity, promote transit-oriented development, and encourage high density development along transit corridors. *Encourage compact, mixed-use projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling and the use of public transit systems*”. The commenter describes the inherent nature of the Project, which is designed “To develop a variety of building types and uses, including entertainment, retail, housing, visitor lodging, and employment space with sufficient resident population in proximity to proposed commercial uses to support a viable Mixed Use Urban Village” (Draft EIR Section 2.3). The Project is also designed “To create a vibrant multi-modal transportation network, including improvements which encourage pedestrian and bicycle activity.”
- “Encourage infill, redevelopment, and higher density development, whether in incorporated or unincorporated settings.” The Project is a high-density mixed-use development on infill land (i.e., former Fort Ord.) (Draft EIR page 4-5).

³⁰ This response does not address consistency with the State’s 2020 GHG emission reduction target because the Project would not commence construction until 2021, and the State of California achieved its 2020 GHG emission reduction target in 2016 as emissions fell below 431 MMT of CO₂e (CARB 2018).

- “Encourage new developments to integrate housing, civic and retail amenities (jobs, schools, parks, shopping opportunities) to help reduce VMT resulting from discretionary automobile trips.” The Project is already designed to “Provide shopping, employment, and housing opportunities for households of various sizes and income levels, in close proximity to one another and the CSUMB campus, and to reduce vehicle miles traveled on a per capita basis” (Draft EIR Section 2.3).
- “Plant trees and vegetation near structures to shade buildings and reduce energy requirements for heating/cooling.” The Project already incorporates new trees in its thoroughfare regulations (Specific Plan Section 3.3), its parking standards (Specific Plan Section 4.7.14), and its landscape regulations (which include coast live oak), and requires replacement of trees (Specific Plan Section 3.5). Furthermore, additional off-site tree replacement has been provided, as outlined in Final EIR Appendix O).
- Preserve or replace onsite trees (that are removed due to development) as a means of providing carbon storage. At full buildout, the Project would result in significantly more trees than currently exist in the Plan Area, as outlined in Final EIR Appendix O).
- “Where feasible, include in new buildings facilities to support the use of low/zero carbon fueled vehicles, such as the charging of electric vehicles from green electricity sources.” The Project already incorporates EV charging stations into the Specific Plan, as outlined in Specific Plan, Section 4.6, *Building Types*. The GGRP also provides more specific detail on proposed electric vehicle charging stations. The Project also already incorporates the use of solar and carbon free electricity, as explained in Draft EIR Section 4.7.
- Incorporate on-site renewable energy production, including installation of photovoltaic cells or other solar options. Under Title 24 and the GGRP, the Project would incorporate on-site energy production through the use of solar panels.

As outlined above, the City has mitigated impacts to less than significant and implemented many of the generic suggestions from the commenter. See also Response 10.3 for additional responses to a generic list of GHG mitigation measures.

Response 13.8

The commenter states that the construction timeline is speculative and notes that there is no enforceable obligation to build out phase one before phase two. The commenter states the Draft EIR uses the mixed-use development feature of the Project to mitigate potentially significant impacts. The commenter states if the Project is built out omitting mixed uses, impacts would be greater and are not considered in the Draft EIR. The commenter states that there is no reason to believe these assumptions, and mitigation should be provided. The commenter recommends three mitigation measures to enforce the proposed buildout pattern.

Refer to Response 1.29 regarding the 13-year timeframe for buildout of the Project. This comment, in essence, requests that a new alternative be studied by the Draft EIR in which only one of the two phases are actually implemented. As an initial matter, one of the Project’s objectives is to “develop a variety of building types and uses, including entertainment, retail, housing, visitor lodging, and employment space with sufficient resident population in proximity to proposed commercial uses to support a viable Mixed Use Urban Village” (Draft EIR at page 2-10, Objective No. 1). An alternative that develops only housing or only commercial and retail uses would not meet one of the primary objectives of the Project, and is therefore not a proper alternative.

The comment faults the Draft EIR for assuming that the Project will be built as-proposed. Courts have rejected such criticisms. In *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, Petitioners “criticized the EIR for making assumptions about the proposed project but failing to evaluate the environmental consequences if any of the assumptions proved erroneous.” (*Id.* at 1029.) The Court rejected this argument noting that “[a]ppellants are asking more of the EIR than is legally required. The ‘assumptions’ referred to are actually integral portions of the proposed project... The proposed project, which includes the transportation corridor, a preserved Greenbelt and 25 percent affordable housing, was evaluated in the EIR, *CEQA requires nothing more.*” (*Id.* at 1030.) The court went on to note that the “assumptions” noted by Petitioners “are actually integral portions of the proposed project. If they fail to become reality... *we are dealing with a different project.*” (*Id.* at page 1030.) An EIR need only evaluate the Project as proposed. (*Ibid.*)

Additionally, the Draft EIR analyzes a low-density alternative (Alternative 2) with fewer units and less square footage of commercial and retail space (Draft EIR Section 6.4). The commenter’s proposed alternative is merely another permutation of a low-density alternative. An EIR need not consider every possible permutation of an alternative, but only a “reasonable range” of alternatives. The effect of a less-than-full buildout is analyzed in the low-density alternative. An EIR is not required to assume a project will fail, and project assumptions are made at the discretion of the Lead Agency. An EIR can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true (*Environmental Council of Sacramento v. City of Sacramento* [“*City of Sacramento*”] [2006] 142 Cal.App.4th 1018, 1036). The court in *City of Sacramento* held that “Plaintiff’s premise confuses the agencies assumptions about the baseline conditions with necessary mitigation measures.” (*Id.* at 1034-1035.) In rejecting Petitioner’s argument that an EIR must “somehow enforce the assumptions” made therein, the Court noted that “[a] public agency can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true.... Plaintiffs may be unhappy with the assumptions, *but those assumptions are not mitigation measures...*” (*Id.* at 1036; Pub. Res. Code § 21080(e)). Therefore, it is not necessary to consider a scenario where the Project is not built out as proposed.

Please refer to Impact LU-2 in Section 4.10 of the Draft EIR regarding impacts resulting from conflicts with land use plans and policies. This impact was determined to be less than significant with no mitigation required. The commenter’s proposed mitigation measures would not reduce any identified potentially significant impacts, and are not required to be included in the EIR.

Response 13.9

The commenter states that the Draft EIR does not provide sufficient data regarding fire response times with the Project. The commenter states the emergency management system and fire response time cannot be determined because the location of the new fire station is unknown and no mitigation measures are required.

As an initial matter, response times are not an environmental impact. (See *City of Hayward v. Board of Trustees of the California State University* (2015) 242 Cal.App.4th 833, 842, 843 [“The need for additional fire protection services is not an *environmental* impact that CEQA requires a project proponent to mitigate” and concluding that given the small size of the anticipated new fire station “...that additional or expanded fire facilities will not have a significant environmental impact.”]; Emphasis in original.)

Under CEQA and the Draft EIR significance criteria, a project will have a significant impact on the environment if it will result in substantial adverse impacts associated with the provision of new or altered fire facilities. The Draft EIR concludes that the Proposed Project will not result in substantial adverse impacts associated with the provision of new or altered fire facilities.

As stated in the Draft EIR, the Seaside Fire Department (SPD) operates at a service ratio of 0.7 firefighters per 1,000 residents, but the 2004 General Plan strives for 1 firefighter per 1,000 residents. CEQA does not require an EIR to recommend mitigation measures that would improve the existing condition of public service facilities.

Project-related impacts are discussed in Section 4.13.3(b) of the Draft EIR, which include increased demand for fire services, whether new police facilities would be needed, and new personnel that would be required to maintain service to the City and provide adequate service to the Plan Area. The Draft EIR states:

...with an estimated 4,900 residents at buildout, the Proposed Project would require an additional 4.9 firefighters per the ratio. As the SFD currently does not meet their staffing goals of 1 firefighter per 1,000 residents, existing fire protection facilities are not adequate to meet the needs of existing residents of Seaside. The Proposed Project would exacerbate this deficiency. In order to provide the additional staffing required to meet the standards, for both the current population of Seaside as well as additional future population for buildout of the Specific Plan, expansion of either the existing SFD fire station or the POM Fire Department station or construction of a new fire station could be required. With the expansion of fire department facilities and employees to serve the Plan Area and existing needs of the City, SFD response times would be maintained.

The Draft EIR discusses the potential for removal and replacement of the POM fire station, stating:

While no specific site or development plan has been selected for this fire station, for the purposes of this environmental analysis it has been assumed that a new 15,000 square foot fire station would be constructed and operational before the closure of the existing fire station and located on an approximately two-acre site in proximity to the Plan Area.

The Draft EIR concludes that the Project would generate additional demand; however, the construction of any new or altered facilities necessary to accommodate additional firefighters needed to serve the proposed Project is not anticipated to result in significant environmental impacts not already disclosed in the other resource chapters of the EIR. Therefore, the Proposed Project would have a less than significant impact.

Finally, the commenter asserts that “[n]o enforceable mitigation measure accompanies the naked assumption that a new fire station will be operational before the old fire station is demolished or the assumption that a new fire station will be sited at a location within the development to maintain the response time standard.” However, as previously stated, an EIR can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true (*Environmental Council of Sacramento v. City of Sacramento* [2006] 142 Cal.App.4th 1018, 1036). Please refer to Response 1.5 regarding timing for construction of the new fire station. The new fire station would be constructed and operational before the closure of the existing fire station. While not considered a mitigation measure, additional text has been added to the Specific Plan to ensure the new fire station is operational before development proceeds within the Plan Area where the existing fire station is located. See Final EIR, Section 4, *Amendments to the Draft EIR*.

Response 13.10

The commenter states that the Draft EIR's analysis of Alternative 2 is improper because it assumes that the 1,220 residents under that alternative would have lived elsewhere in the AMBAG region, but does not state that others will occupy their vacated former homes within the AMBAG region.

Please see Response to Comment 13.4 which is substantively the same as comment No. 13.10. The California Supreme Court has approved similar assumptions and methodologies, noting that "the future residents and occupants of development enabled by Project approval would exist and live somewhere else if this Project is not approved. Whether 'here or there,' GHG emissions associated with such population growth will occur." (*Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 257.)

As also explained in Response 13.4, the EIR does not assume that the existing residential structures would be vacated. Draft EIR explained that "individuals moving from older residences to the Proposed Project would use fewer resources, such as water, electricity, and natural gas because the Proposed Project would be more efficient than the surrounding housing stock from which people are anticipated to move. These efficiency benefits are not captured in the quantitative analysis." (Draft EIR at page 4.7-17.)

Indeed, it is unreasonable to assume that existing residents are not relocating from another location. In fact, the legislature specifically requires consideration of the impacts associated with the denial of housing projects. More specifically, Gov. Code 65589.5(b) explains that "It is the policy of the state that a local government not reject or make infeasible housing development projects... without a thorough analysis of the economic, social, and environmental effects of the action." As discussed in Section 65589.5(a): "Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, *reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.*" Indeed the California legislature adopted additional findings to this section in Senate Bill 330 which note that "The housing crisis harms families across California and has resulted in all of the following:...Increasing greenhouse gas emissions from longer commutes to affordable homes far from growing job centers."

Response 13.11

The commenter alleges "the DEIR general [sic] assesses the potential effects of general retail, it did not consider the possibility of big-box retail." The commenter also argues that because total residential development on the former Fort Ord property is capped, and the Proposed Project will use a substantial portion of the total allowable residential development, approval of the Project will result in the continuing urban decay of existing military structures which will not be developed. The commenter does not define "big-box retail" or explain how it relates to the Project. H&S Code § 33426.7 defines "Big box retailer" as a store of greater than 75,000 square feet of gross buildable area that will generate sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law." The Project's Building Type regulations do not allow individual uses of greater than 75,000 square feet, and the maximum anchor floor footprint for "Large Format" retail is 60,000 square feet. (Draft EIR Appendix B, Sections 4.5.1.9, 4.6.2.J(C), 4.6.2.K(C) [Building Type Standards]). This portion of the Specific Plan has since been updated to limit the largest single retail store in the project to 40,000 square feet. (See Final EIR Section 4, revisions to Sections 4.5.1.9, 4.6.2.J(C)(2), 4.6.2.K(C)(2).) Furthermore, the commenter ignores the Draft EIR's discussion of urban decay, which was included in Draft EIR Section 5.4.

Nevertheless, to address the commenter's concerns, additional urban decay analysis was conducted by ALH Urban & Regional Economics in November 2019. This study found that "there would... be no Campus Town-induced risk of existing retail business closures," and concluded that the Project would not result in urban decay (ALH ECON 2019: page 30). The study found that in the Seaside market area, "the commercial properties... are moderately to well-maintained," and that the retail vacancy rate as a whole is within typical retail industry standards of 5% to 10%" (ALH ECON 2019: page 5–6). The Proposed Project would generate a significant portion of the demand of the support for its own commercial spaces, and although some sales within the Plan Area may be diverted from existing market area retailers, there will be new sources of retail demand generated in the market area to offset these potential diverted sales (ALH ECON 2019: page 6).

The Study then noted that even in the unlikely event that Campus Town result in any diversion of sales from existing retailers, "retailers would not likely be at risk of losing retail sales sufficient to result in store closure leading to increased commercial vacancy... and thus there would likely be no risk for their properties to erode into conditions leading to urban decay" (ALH ECON 2019: page 6).

In addition, the Proposed Project would not include any "big-box" development of the type discussed in the comment. The Specific Plan provides that only specific land uses are allowable (Specific Plan at pages 114–121). Furthermore, the City has proposed modifications to the Specific Plan to limit the maximum tenant size 40,000 square feet (see Section 4, Appendix B, Section 4.5.1.9). This size limitation is a reflection of the change in market demand for "discount retailers" and "discount/specialty grocers" as anchor tenants (ALH ECON 2019: page 5). The Urban Decay Study notes that this size adjustment "does not have an impact on the urban decay conclusions of this report as even without the modification the likelihood that Campus Town will attract and secure an anchor retail tenant in the range of 60,000 square feet is extremely low" (ALH ECON 2019: page 5).

Additionally, even if a 60,000-square foot tenant were secured, "it would not be anticipated to result in urban decay" (ALH ECON 2019: page 5). Even if a hypothetical 60,000-square foot anchor tenant were selling goods competitive with existing market areas in Seaside, "the existing retailers would be among the market area's stronger performing retailers generally located in well maintained, high occupancy shopping centers," and smaller retailers "would not likely be at risk of losing retail sales sufficient to result in store closure leading to increased commercial vacancy... and thus there would likely be no risk for their properties to erode into conditions leading to urban decay." (*Ibid.*) The total allowable developed retail square footage is 150,000, inclusive of retail, dining, and entertainment (Draft EIR at page 2-11).

For comparison, the "big-box" Wal-Mart Supercenter at issue in the case cited to by the commenter was 220,000 square feet in size, far larger than the *total* developable retail square footage, and more than five times the size of the largest theoretical retail store allowed within the Project. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1194.) No such "big-box" development would occur within the Proposed Project (Draft EIR Appendix B, Section 4.6.2, *Building Type Standards*), and the Draft EIR need not address such impacts.

As to the commenter's suggestion that the Draft EIR failed to consider the urban decay impacts of developing the Proposed Project rather than some other portion of the Fort Ord property, the continuing "decay" of Army buildings outside of the Plan Area is not an impact of the Project. As noted by the commenter, these buildings are already "old and dilapidated" and "in the process of decay." The state of these buildings is an existing environmental condition that would not be caused by the Proposed Project. "An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR" (CEQA *Guidelines* § 15130(a)(1)). Courts have held that the "purpose of

an EIR is to identify and discuss the impact of the proposed project on the existing environment,” but not to solve existing, region-wide problems, which would be “a feat that [is] far beyond its scope” (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1094). Indeed, the benefits of a mixed-use development requires a particular “critical mass” of density in order to be realized. Pedestrian-active commercial areas generally require higher Floor Area Ratios (FAR) than auto oriented centers. Similar concepts have been engrained by the state’s mixed use incentives, such as SB 743, which requires projects to have a minimum FAR to be eligible for certain partial CEQA exemptions (Pub. Res. Code § 21099).

To the extent the commenter is suggesting that the Draft EIR should have analyzed an alternative with more non-residential uses and decreased residential use, per CEQA *Guidelines* Section 15126.6, “[a]n EIR need not consider every conceivable alternative to a project” such as decreased housing and increased commercial uses, which would not substantially change the design of the Project to reduce environmental effects. Additionally, this position is inconsistent with the commenter’s concerns in Comment 13.8 which fault the EIR for not guaranteeing the Project’s buildout assumptions and asserting that “the DEIR is compelled to proposed enforceable mitigation measures to assure the proposal is built out as a mixed use development.” Furthermore, the Draft EIR already analyzes a reduced development Alternative which would reduce residential units by 25 percent (Draft EIR at page 6-12). Please also see Senate Bill 330, the Housing Crisis Act of 2019.

Response 13.12

The commenter states the Draft EIR failed to address indirect environmental impacts associated with an altered pattern of urban development, suggesting that buildout of the Proposed Project would cause other nearby properties to remain vacant. Please see Response 13.11, which explains that the Project is not responsible for existing environmental conditions. The commenter also alleges, without any support, that “approving this project substantial [sic] alters the pattern of urban development in a manner that contradicts the Seaside General Plan.”³¹

The Draft EIR analyzed the Project for consistency with existing land use plans, including the Seaside General Plan, in Section 4.10, *Land Use and Planning*. The Draft EIR concludes based on substantial evidence that “the Proposed Project would not result in a significant environmental impact due to a conflict with any land use plan and policy” (Draft EIR at page 4.10-26). The Project is consistent with the existing General Plan land use designation for the Plan Area with a permissible Floor Area Ratio (FAR) of 2.0 and allows up to 25 dwelling units per acre (du/ac) (Draft EIR page 4.10-4).

The commenter also alleges that building the Project as proposed “would produce reasonably foreseeable new or more intensive environmental effects from less efficiency development patterns more GHG emissions, more vehicular miles traveled, more air pollution, and more energy consumption.” It is unclear how the commenter reaches this conclusion. Comment 13.7 from Herum asserts that the City should implement OPR’s recommended GHG mitigation measures, one of which states “*Encourage compact, mixed-use projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling and the use of public transit systems*”, i.e., to implement projects precisely like the Proposed Project. (Draft EIR Section 2.3 [“Provide shopping, employment, and housing opportunities for households of various sizes and income levels, in close proximity to one another and the CSUMB campus, and to reduce vehicle miles traveled on a per capita basis.”].) Indeed, Comments 13.4 and 13.7 appear to take a conflicting position and fault the

³¹ The commenter also refers to a “Master Infrastructure Plan”. While the City maintains a Capital Improvement Plan, the City does not have a document titled “Master Infrastructure Plan”, and it is unclear what the commenter is referring to.

City for acknowledging that the Project residents would be relocating from other places within the region.

The legislature specifically requires consideration of the impacts associated with the denial or the reduction of density of housing projects. More specifically, Gov. Code § 65589.5(b) explains that “It is the policy of the state that a local government not reject or make infeasible housing development projects... without a thorough analysis of the economic, social, and environmental effects of the action.” As discussed in Section 65589.5(a) “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, *reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.*” Under SB 330, the Housing Crisis Act of 2019, the legislature specifically notes that the inability of the state to construct housing has resulted in “increasing greenhouse gas emissions from longer commutes to affordable homes far from growing job centers.”

The goal of the Project is not to re-develop the area with low density development within Fort Ord, but to create a vibrant pedestrian- and bicycle-oriented development (refer to Section 2.3 of the Draft EIR, Objective 4), which requires higher density development to ensure pedestrian and bicycle accessibility. The multi-modal transportation benefits of the Project would not occur if the development is spread out, as it would be more difficult and time-consuming to use alternative modes of transportation. Indeed, the benefits of a mixed-use development requires a particular critical mass of density in order to be realized. Pedestrian-active commercial areas generally require higher Floor Area Ratios (FAR) than auto oriented centers. Similar concepts have been incorporated into the state’s mixed-use incentives, such as SB 743, which requires projects to have a minimum FAR to be eligible for certain partial CEQA exemptions (Pub. Res. Code § 21099).

The comment also generally refers to “growth inducing” effects. The Draft EIR analyzes the potential for growth inducing effects in Section 5.1. This section notes that the Proposed Project will add approximately 4,900 residents and 751 jobs, noting that “[t]he Proposed Project would slightly exceed ABMAG’s population and housing unit projections by 1,368 and 58, respectively. Employment growth would be within the employment projections of the Draft Seaside 2040 and AMBAG 2018 RGF projections” (Draft EIR at page 5-2). That analysis also explains that “the Plan Area is an infill development and would not extend infrastructure to induce further development in hinterland areas. The Proposed Project would reduce the potential for uncontrolled growth in the region due to the demand for housing to accommodate general growth and growth associated with CSUMB’s enrollment goals and the environmental impacts associated with uncontrolled growth and urban sprawl” (Draft EIR page 5-3).

Response 13.13

The commenter states that the SVGB has experienced overdraft and sea water intrusion. The commenter states municipal and private water utilities are considered non-overlying users and have no rights to take groundwater as a source of supply, and MCWD has no documented water right to serve the Project. The commenter states the 6,600-AF water supply allocation to Fort Ord is actually the historic peak usage of the Fort Ord property.

Please refer to Response 9.15 for a discussion regarding the 6,600 AFY allocation from FORA and MCWD’s groundwater rights. Please refer to Response 9.5 regarding seawater intrusion.

Response 13.14

The commenter states there is no evidence that future demand in the Ord Community will be met by recycled water and desalinated water, and no other potable supplies have final environmental review or identified sources of funding.

The commenter references Table 4.16.12, which does not exist in the Draft EIR or WSA. It is assumed this reference was intended to be Table 4.16-1, Marina Coast Water District Projected Cumulative Water Demand – Ord Community, which identifies recycled water and desalinated water as sources of water supply coming online in 2020 and 2025, respectively.

Please see Response 9.21 regarding recycled water. As noted therein, the Advanced Water Purification Facility is currently being constructed. The Phase 1 Recycled Water Project will have an initial yield of 4,100 AFY, of which 600 AFY would be available to MCWD. Please see Response 9.10 regarding desalinated water supplies and the Draft EIR's reliance on assumptions in MCWD's 2015 UWMP.

The Draft EIR Appendix M identifies a number of offset and in-lieu storage programs to offset the water demands of the Proposed Project. The proposed programs to address the 261 AFY potable water supply shortfall include: (1) a Bayonet and Blackhorse Golf Courses in-lieu storage and recovery program, which would provide up to 450 AFY as recycled water supplies increase, (2) a Seaside Highlands and Super Field recycled water substitution program to offset 53.1 AFY of potable water use, and (3) a Main-Gate offset program, which would require the previously approved Main-Gate project to utilize 42.99 AFY of recycled water in-lieu of previously allocated potable water supply. These programs do not include desalinated water.

The commenter states MCWD has not evaluated the impact of its UWMP's projected increase in groundwater pumping on the groundwater basin. This comment does not pertain to this Draft EIR or CEQA process. Environmental review of MCWD's 2015 UWMP is beyond the scope of CEQA analysis for the Proposed Project. For informational purposes, per Water Code Section 10652, CEQA does not apply to the preparation and adoption of UWMPs. According to Water Code Section 10615, UWMPs are intended to "describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities." No revision to the Draft EIR is required in response to this comment.

Response 13.15

The commenter states MCWD's groundwater supply is unsustainable because seawater intrusion has affected MCWD wells. The commenter states that of the 6,600 AF allocated, 5,200 AF must be pumped from the upper aquifer, with 1,400 AF allocated from the Deep Aquifer. The commenter states the Draft EIR did not address seawater intrusion impacts to the upper aquifer.

Please refer to Response 9.15 and Response 9.18 for a discussion of the 6,600 AFY allocation. As noted therein, page 22 of the Draft EIR Appendix M discloses: "The 6,600 acre-feet per year amount includes 5,200 acre-feet from the ~~180-foot and~~ 400-foot aquifers, along with 1,400 acre-feet per year from the 900-foot or Deep Aquifer."

Please refer to the Water Master Response's discussion of seawater intrusion. Please also refer to Response 9.5 regarding seawater intrusion.

Response 13.16

The commenter states that the WSA assumes there is enough water supply by redistributing previously allocated water to other projects to the Proposed Project. The commenter states that Mitigation Measure UTIL-1 replaces potable water with recycled water through storage and recovery programs to provide potable water to the Plan Area.

This comment summarizes the findings and Mitigation Measure UTIL-1 from the Draft EIR. The commenter is correct in noting that the in-lieu and offset programs identified in the Draft EIR Appendix M redistribute potable water supplies. To the extent this comment contends that the Draft EIR improperly relies on the updated WSA attached as Appendix M, please see Response 10.32.

Response 13.17

The commenter states the opinion that Mitigation Measure UTIL-1 is legally inadequate because it is not effective and proposes to replace potable water with recycled water. The commenter claims that the Draft EIR does not provide evidence to support the enforceability of this measure and the purpose of the EIR is not satisfied by stating information will be provided later.

Please refer to Response 10.29. As noted therein, Mitigation Measure UTIL-1 does not defer mitigation, but rather ensures that the Proposed Project would not be implemented without demonstration of sufficient potable water supply.

As stated in the content of Mitigation Measure UTIL-1, the City shall demonstrate the required offset of 261 AFY of potable water to MCWD, and the applicant shall obtain written verification from MCWD that sufficient water supplies have been secured. This is sufficient performance specification to ensure effective implementation of Mitigation Measure UTIL-1. In addition, as specified in the mitigation language, offset opportunities are not limited to those identified in the mitigation.

The commenter cites to *Santa Clarita Organization for Planning and the Environment v. County of Los Angeles* (“*Santa Clarita*”) (2003) 106 Cal.App.4th 715 in support of his argument that Mitigation Measure UTIL-1 does not show that the Project has an adequate water supply. This case is factually inapposite. In the *Santa Clarita* case, the EIR at issue only stated that there “could be a deficit of supply,” but contained no “reasonably accurate estimate” of the ability to provide water. The EIR tried to cure this by requiring a demonstration of an adequate supply of water before recording of a final tract map, but the court found this bare statement failed to meet an EIR’s information requirement.

Notably, in *Santa Clarita*, no potential source of water was put forth. In contrast, the Project’s EIR includes a detailed recycled water and in-lieu storage program which would supply water to the Project. The Draft EIR properly notes that sufficient water supplies must be secured prior to issuing the final map, but also includes sufficient information about how the Project’s water demands will be met. Notably, later case law has held that when “an EIR makes a sincere and reasoned attempt to analyze the water sources the project is likely to use, but acknowledges the remaining uncertainty, a measure for curtailing development if the intended sources fail to materialize may play a role in the impact analysis” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (“*Vineyard*”) (2007) 40 Cal.4th 412, 432). The *Vineyard* court also held that “none of the Court of Appeal decisions on point holds or suggests that an EIR for a land use plan is inadequate unless it demonstrates that the project is definitely assured water through signed, enforceable

agreements with a provider and already built or approved treatment and delivery facilities. Requiring certainty when a long-term, large-scale development project is initially approved would likely be unworkable, as it would require water planning to far outpace land use planning.” (See also *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1091 [upholding analysis where the urban project relied upon water which was offset from prior agricultural uses].)

Therefore, Mitigation Measure UTIL-1 constitutes an effective means of mitigation, and no revisions are required.

Response 13.18

The commenter states the opinion that any increase in water use is a substantial change in the Project that requires further analysis. The commenter states that agreements between the Army and MCWRA do not constitute a water right for the Plan Area, and claims that a Supplemental EIR must be prepared due to substantial changes in the Project. Aspects of this comment appear to have been copied from another comment letter on a different project. Nevertheless, responses are provided below.

“The 6,600 acre-feet per year figure is derived from the 1984 peak *and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin*, not including pumping from a non-potable golf course well” (Draft EIR Section 4.16.1). Reliance upon the 6,600 AFY allocations is supported by (1) the statutory baseline procedures provided under Pub. Res. Code § 21083.8.1 (Draft EIR Sections 3.3 and 4.16.1), and (2) MCWRA’s Long-Term Management Plan and the groundwater sustainability planning process which are designed to ensure the reliability of the 6,600 AFY (Draft EIR page 4.16-20; Draft EIR Appendix M1, Section 5.3 [“Reliability of Water Supply and the Regional 6,600 AFY Allocation”]). Furthermore, the purpose of CEQA is to analyze impacts in comparison to existing conditions, not to fix existing environmental issues. (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”]).

Please also refer to Response 9.15 and the Water Master Response for a full discussion of the 1993 Agreement and 6,600 AFY allocation. As noted therein, the FORA Allocation serves as a limitation to a pre-existing water right. The Draft EIR does not claim the 1993 Agreement constitutes a transfer of water rights. Rather, the 6,600 AFY supply allocation is considered to be a constrained demand for supply augmentation.

Per CEQA *Guidelines* Section 15163, a Supplemental EIR is necessary if there is a change in the project or circumstances, or new information that was not known previously indicates the Proposed Project would have a significant effect on the environment that was not covered in the previously certified EIR. First, the Draft EIR has not yet been certified, therefore procedures associated with a supplemental EIR are not applicable to an uncertified EIR. Second, the commenter’s bulleted list does not constitute significant new circumstances or information. The issue of seawater intrusion in the region is ongoing and well-documented in the EIR.

The Draft EIR expressly discussed sea water intrusion under baseline conditions. More specifically, the EIR clearly states “Seawater intrusion is an ongoing problem in the Salinas Valley Groundwater Basin. The upper aquifers in the Salinas Valley Groundwater Basin (180-foot and 400-foot aquifer which is North of the Monterey Subbasin) along the coast are experiencing high salinity due to seawater intrusion. The Draft EIR also incorporated by reference, the UWMP, including UWMP Figure 4.6, which shows the locations of sea-water intrusion in the overall Salinas Valley Groundwater Basin in the 400-foot aquifer. As shown in that figure, seawater intrusion in the

Monterey sub-basin 400-foot aquifer (located approximately south of Reservation Road), has not substantially progressed since the 1990s. MCWD’s wells in the 400-foot aquifer (MCWD-29, 30, 31, 34, and 39) are located outside of this area of sea-water intrusion. (UWMP, Figure 2.2 and Section 4.2.5.) According to the 2019 Salinas River Long-Term Management Plan, current ‘seawater intrusion extends approximately 7 miles inland within the 180-foot aquifer and 4 miles inland in the 400-foot Aquifer...’ (Draft EIR page 4.9-5; Draft EIR Appendix M1 page 29). The Draft EIR also incorporated by reference the UWMP, which shows the boundaries of seawater intrusion in Figure 4.5, and 4.6 in the Salinas Valley Basin. Seawater intrusion in the Monterey Subbasin, is also discussed on page 4.9-5 of the Draft EIR, which describes that the Monterey Subbasin deep aquifer has not experienced signs of seawater intrusion and is considered to have reliable quality. As also explained on page 4.9-5 “there is a monitoring well that serves as an ‘early warning system to identify any seawater intrusion...’ (MCWD 2016 UWMP Section 4.2.5, at p. 48).”

The City is responsible for implementing the offset and in-lieu storage programs identified in Mitigation Measure UTIL-1. Therefore, there is no “unforeseen failure of local agencies to implement the assumed replacement water supply.” Additionally, the “sunset” date of FORA was information is a legal change, and the commenter does not explain how it is relevant to the environmental analysis.

Response 13.19

The commenter states that in 1993 an Annexation Agreement permitted the Army to continue groundwater pumping with the understanding that pumping would eventually cease due to seawater intrusion. The Agreement has not been terminated although MCWRA has not developed the 6,600 AFY potable water project.

“The 6,600 acre-feet per year figure is derived from the 1984 peak *and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin*, not including pumping from a non-potable golf course well” (Draft EIR Section 4.16.1). Reliance upon the 6,600 AFY allocations is supported by (1) the statutory baseline procedures provided under Pub. Res. Code § 21083.8.1 (Draft EIR Sections 3.3 and 4.16.1), and (2) MCWRA’s Long-Term Management Plan and the groundwater sustainability planning process which are designed to ensure the reliability of the 6,600 AFY (Draft EIR page 4.16-20; Draft EIR Appendix M1, Section 5.3 [“Reliability of Water Supply and the Regional 6,600 AFY Allocation”]). Furthermore, the purpose of CEQA is to analyze impacts in comparison to existing conditions, not to fix existing environmental issues (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”]).

Response 13.20

The commenter states that in 2001 the Army assigned a portion of its groundwater to MCWD, reserving 1,729 AFY for its own use. The commenter states the Army has conveyed some portion of this reserved supply to others, and retains 1,577 AFY.

This comment is noted. Please refer to Response 9.15 and the Water Master Response for a full discussion of the 1993 Agreement and 6,600 AFY allocation.

Response 13.21

The commenter states prior Army review acknowledges that the right to pump groundwater for Fort Ord is limited in time and replacement water supply is required, including in a 1993 EIS and 1996 Supplemental EIS. The commenter states that the planned desalination project and Salinas Valley Water Transfer Project have not been implemented.

This comment does not relate to the adequacy of the EIR analysis or CEQA process. Please refer to Response 9.15 and the Water Master Response for a full discussion of the 1993 Agreement and 6,600 AFY allocation. In addition, MCWD is currently taking steps to implement new water supply projects, such as RUWAP, which would supply water to the Proposed Project. In the meantime, Mitigation Measure UTIL-1 requires the City to implement offset and in-lieu programs to offset the water demands of the Proposed Project.

Response 13.22

The commenter states “Overdraft and seawater intrusion have continued and accelerated in the 180-foot and 400-foot Aquifer Subbasin, and the Deep Aquifer is being depleted.” The Proposed Project would not utilize water from the 180-foot and 400-foot Aquifer Subbasin. As noted in the Draft EIR, the Project utilizes water from MCWD, which utilizes water from the Monterey Subbasin. Please see Response 13.18 for discussion of Seawater Intrusion.

The commenter also expresses opposition to the Project. This comment is noted. Please refer to the Water Master Response. Please also refer to Response 9.5 regarding seawater intrusion. The commenter’s opposition to the Project is noted and herewith shared with City decision makers. Please see Response 11.3 for discussion of a water moratorium.



August 22, 2019

Community Development Department
Attn: Kurt Overmeyer
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

**Campus Town Draft Environmental Impact Report
SCH#2018021079**

Dear Mr. Overmeyer:

This comment letter addressing the Draft Environment Impact Report ("DEIR") for the Campus Town project ("the Project") is submitted on behalf of my company, Petrovich Development Company, LLC ("Petrovich"), the City's selected developer for the City's approved Main Gate project as the result of a 2016 RFP selection process.

14.1

The City solicited my company to participate in an RFP process in May of 2016 which ultimately led to Petrovich Development Company, LLC being selected in December of 2016 as the developer for the City-owned and City-approved Main Gate project. For the first two years, I was assured numerous times by City staff that an adequate supply of dedicated water was already allocated to the Main Gate project. It was determined the amount of potable water for the mixed-use project at Main Gate was 350-acre feet. As a developer of nearly four decades, I am very familiar with the importance of adequate water on the coast of California. I repeatedly asked and was repeatedly assured by City staff that this was not an issue at all.

In November of 2017, after expending nearly a million dollars as of that date to pay for planning, civil engineering, architectural renderings, legal fees negotiating two hotel leases, retail leases, hotel and residential feasibility studies, City consultants and lawyers and an appraisal based on the more intense plan that required 350-acre feet, I submitted our completed application to the Marina Coast Water District ("MCWD") for approval. In August of 2018, to my utter shock and dismay, MCWD rejected the Main Gate Mixed Use Plan indicating it did not have sufficient water to serve the project. A copy of MCDW's denial is attached as **Exhibit A**. After expending another \$500,000 correcting this situation and paying more to my many consultants to re-plan the entire site and additional money to the City to study the revised plan, have CEQA lawyers review it and have additional studies conducted and to revise other reports, I resubmitted a lower intensity plan to MCWD. The project lost 138-acre feet of potable water, at least 18 months of a flourishing economy and an immense amount of precious risk capital after meeting

every letter of my commitments to the City under the ENA. This now brought my total risk capital without a purchase agreement to over \$1.5 million!

14.1
(cont'd)

In September of 2018, I resubmitted the plan with the lower water allocation. MCWD officially approved this allocation (**See Exhibit B**). I was told by City Staff the matter was settled and no one could take this water allocation away from the Main Gate project.

The entire plan with all its tax generating uses and jobs is dependent on all 212-acre feet of potable water due to many reasons including the enormous amount of infrastructure to develop all 56 acres. After three years of studying the development and hiring the best civil engineers to work through all its challenges, the cost to develop Main Gate exceeds \$28 million for the offsite improvements and backbone infrastructure and another \$20 million for on site improvements before buildings can be constructed. Most of this cost is required to develop a single acre of Main Gate. The project is barely feasible with 212-acre feet of potable water. The cost to use recycled water and plumb all the fixtures with two systems as identified in the DEIR for Campus Town makes Main Gate financially infeasible and the City will lose the much-anticipated tax revenue, jobs and much needed physical services for the City and CSUMB. With less than 212-acre feet of water and the enormous amount of money needed to develop even the first acre of Main Gate, it no longer works economically to develop the project whether it be my company or anybody else's.

Please understand this letter is not intended to throw every possible roadblock it could at the Campus Town project like others do as a matter of course. I am in favor of the Campus Town project becoming a reality in the fullness of time to help support Main Gate and vice versa. However, it should not be processed in manner that does not destroy the financial feasibility of Main Gate whether I am the ultimate developer of the Main Gate project or not.

I am speaking to you as your chosen developer to bring Main Gate to fruition, not as an environmental group trying to snuff out all projects. I also hope you appreciate that I am not hiding behind some fictitious "community group" with this comment letter and am putting my single objection upfront under my name. The focus of this comment letter is on the single issue that directly effects the Main Gate project, the City, CSUMB and PDC. I am also a resident of the region. The goal is to make all projects become reality. Through this letter, it is my hope that the City corrects the defects of the DEIR for the Project relative to the approach taken on water. The proposed reallocation of existing water supplies alone renders the DEIR fatally defective through the flawed treatment of the Project's inadequate water supply.

Taking water allocated by the City that supports the approval of three projects in order to support approval of a fourth project not only reeks of unfair business dealing, it is a blatant example of the "paper water" argument that LandWatch and others accuse every governmental agency of doing in the region which they claim violates CEQA law. It has been argued that California law does not authorize cities to issue WSAs verifying adequacy of water supplies. The

14.2

“updated” WSA prepared by the City and used in this DEIR according to many has no legal validity and cannot stand as a legally adequate basis for this EIR. Again, I want Campus Town to become reality and to do so as soon as possible because it helps the region, CSUMB and Main Gate, but this is the wrong path to follow. In fact, this approach will delay Campus Town from becoming a reality in the short term because the updated WSA won’t stand up if challenged by the usual environmental groups that make a living doing so.

14.2
(cont'd)

The DEIR discloses there is a 301+ acre feet shortfall of water for Campus Town. The developer of Campus Town should be required to do what I did as the developer of Main Gate: **reduce the size of the project to meet available water supply**. Over time, with all of us working together, more water can be made available through the longer-term solutions that have been describe to me by City Staff and all sites can reach their potential as opposed to killing Main Gate now when Campus Town is requesting approval for a 30+ year supply of residential units based on the pace residential development over the past two decades of residential development.

14.3

In summary, the DEIR for Campus Town is fatally flawed and should be redrafted to solve its water issues without impacting not one but three projects that are critically important to the City, CSUMB and the region. Campus Town should be required to stand on its own two feet relative to water and not devastate other developments to the detriment of the City and other interested parties. The city should avoid stepping into the very arguments being used as a weapon against all projects in the region and not attempt to create a never before imagined Water Offset Program without any analysis as to the environmental and economic impacts.

Yours truly,



Paul Petrovich
Petrovich Development Company, LLC

Attachment – MCDW’s Denial Letter
MCDW’s Approval Letter

Letter 14

COMMENTER: Paul Petrovich, Petrovich Development Company, LLC

DATE: August 22, 2019

Response 14.1 through 14.3

The comment provides an overview of their potential modifications to Main Gate Specific Plan Water Supply Assessment (WSA). The comment references Main Gate water consumption of up to 350 AFY, and asserts that the Main Gate project “lost 138-acre feet of potable water.” However, this is not accurate. The Main Gate Specific Plan was approved in August 2010, with an estimated EIR water demand ranging from 207.9 AFY to 213.1 AFY (with only 149 AFY allocated), not 350 AFY (City of Seaside 2008: page 4.13-9). The EIR for that project analyzed gross square footage ranging from approximately 775,000 square feet to 843,500 square feet, however the City issued an RFP for less than maximum buildout (i.e., only 650,000 square feet)³²

The commenter also suggests that the Main Gate project should not be required to utilize recycled water and “is barely feasible with 212-acre feet of potable water.” The comment also suggests that the Campus Town EIR has proposed “[a] reallocation of existing water supplies.” However, use of recycled water at the Main Gate project has been *expressly contemplated since its original approval*. The Main Gate Specific Plan, which was approved in August 2010, expressly states “When recycled water becomes available in the region, *landscape uses within the [Main Gate] plan area and other areas would convert to recycled water, allowing the City to reallocate potable groundwater to other uses...The project’s irrigation system is planned [to] be designed to connect to that recycled water system once completed*, reducing potable water demand by nearly 22 AFY” (City of Seaside 2010: page 6-2 and 6-3). Similarly, the updated WSA referenced in the comment also includes substantial discussion of recycled water use on the Main Gate site, including up to 52.99 AFY of recycled water (2018 Main Gate WSA, Table 2-2).³³ While the Main Gate Specific Plan was approved in 2010, no specific development permits have been issued for that project. As such, the City of Seaside may still further condition Main Gate project to be consistent with the existing Specific Plan directive to utilize recycled water.

As stated in the Draft EIR, there is a discrepancy between the Proposed Project’s 441.6 AFY of potable water demand and the 180.6 AFY of available potable water supply (Draft EIR page ES-33). However, water supply impacts on the Proposed Project will be less than significant with the adoption of mitigation measures, which include water offset programs. Mitigation Measure UTIL-1, this includes potable water offset programs and in-lieu storage programs, *which replace existing potable water uses within the Seaside sub-basin with recycled water uses*. This approach is consistent with CEQA (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1091 [upholding analysis where the urban project relied upon water which was offset from prior agricultural uses]). Please refer to pages ES-33 and 4.9-25 of the Draft EIR for more information on the water offset programs.

³² As explained in the 2016 Main Gate request for proposal “[t]he City has also committed sufficient potable water for development of approximately 650,000 square feet of commercial building space on the site.”

³³ The Main Gate WSA was approved by MCWD during their board meeting on November 19, 2018. The agenda packet and meeting video are available at the following links, respectively:
https://mcwd.org/docs/agenda_minutes/2018-11-19_board/2018-11-19.pdf
https://videoplayer.telvue.com/player/m_3HX6961GRMsvkqSCdwmGeJ8rwpRZrR/media/395494?fullscreen=false&showtabssearch=true&autostart=false

In addition, California policy encourages the use of recycled water because it maximizes the beneficial use of the state's water resources. (See California Constitution Article X, Section 2; Water Code Section 100; see also Water Code Section 275.) Indeed, the California Legislature has declared that, when recycled water is available, using potable water for non-potable uses "is a waste and unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution." (See Water Code Section 13550.)

The commenter also asserts that the EIR should "be required to...reduce the size of the project..." The Draft EIR already analyzed a reduced density alternative. (See Draft EIR Section 6.) An EIR is not required to analyze multiple variations of project alternatives.

>>> David Lesikar <dvd2049lskr@gmail.com> 8/22/2019 4:50 PM >>>

To:

Kurt Overmeyer
Economic Development Department
City of Seaside
440 Harcourt Avenue
Seaside California 93955

Re: The Campus Town DEIR

Dear Mr Overmeyer,

I've happily resided in Seaside as a homeowner since 2013, and — since my birth in Santa Maria in 1949 — I have resided only near the California coast, in every county touched by US 101 from San Diego to San Francisco.

15.1

Regarding the Campus Town Specific Plan Draft Environmental Impact Report July 2019 (DEIR), I describe below some changes and additions to the DEIR that I believe would have a relatively high benefit-to-cost ratio for the value and/or attractiveness of Campus Town.

Climate Change

I want to address the DEIR's sobering summary of the very large economic losses forecast to result from climate change (page 4.7-1). These potential losses compel me to suggest — in the bullet points below — what I believe are relatively cost-effective anti-climate change features that could be built into Campus Town, but aren't called for by its DEIR.

As much as is feasible, Campus Town should take full advantage of the fact that our Monterey Bay Community Power (MBCP) is supplying us with carbon-free electricity (hydroelectric, solar, and wind) as the default to all customers in its area, and its MBprime option is 100%-renewable carbon-free electricity (solar, wind, and storage only) — for only \$0.01 extra per kilowatt hour.(1) Because of this, MBCP's main goal has become to encourage and induce customers to make the switch — step by step — from fossil fuels to carbon-free electricity.(2) MBCP plans to do this by promoting charging stations; by providing rebates for buying electric vehicles and rebates for replacing natural gas appliances with electric appliances; and by continuing to push their electricity-generation rates farther below PG&E's: MBCP's electricity-generation rates are already 5% below PG&E's, and are extremely likely to go lower as MBCP finishes building up cash reserves and as they continue to take advantage of the falling costs of renewable electricity and electricity storage.(1)(2)(3) For ground-transportation vehicles, the switch to electricity should be relatively easy because of electric vehicle's lower fuel costs — and much lower maintenance costs: For example, the 5-year cost of ownership of the 240-mile-range version of the Tesla Model 3 has been estimated to be 4.5% lower than that of the Toyota Camry LE.(4)

In light of MBCP's carbon-free energy at lower and lowering rates (as detailed in the preceding paragraph), Seaside's Campus Town project should:

- Require the developer to sign up for MBprime 100%-renewable carbon-free electricity for all of Campus Town's electric meters.
- Support the switch from fossil fuel to carbon-free-electric vehicles and appliances:
- Require electric-heat-pump building heating and cooling: I spoke extensively about this with a junior partner and family member of Carswell Heating and Sheet Metal, which is the local contractor for Costco's heating & air conditioning offer. (He stated that the Campus Town project would be far too large for Carswell to bid on its HVAC work.) He also stated that — taking into account both Campus Town's microclimate and that Campus Town would be of passive-solar design with the code-required good insulation — he would recommend air-source heat pumps without any supplemental electrical-resistance space heating (except — perhaps — in bathrooms). He estimated that — compared with moderately-high-efficiency natural-gas heating and electric air conditioning — moderately-high-efficiency air-source heat pumps would cost about 40% more to provide and install, and about 25% more to operate and maintain. But if, as expected, the price of our electricity decreases over the years, then the cost to operate heat-pumps will decrease.

- Require hybrid electric-heat-pump water heaters: *Consumer Reports* has published “If your electric water heater is near the end of its life—13 years is average—switching to a hybrid heater could lower your water-heating bills by \$350 a year. They meld a standard electric water heater with a heat pump that captures warmth from the air. Those we’ve tested could lower bills by about 60 percent compared with an electric heater.”(5)
- Because electrically heated clothes dryers, ovens and stove tops are already commonly used in our area (according to the Carswell Heating junior partner cited two rectangular bullet-points above), let’s prohibit natural-gas versions of these appliances in Campus Town.
- To provide for a future (probably within 2 to 4 decades) when the majority of ground transportation will be running on electricity instead of fossil fuel, it would be wise to stub out, to all of Campus Town’s unenclosed parking areas, enough electrical transmission capacity to cover the gap between (a) the the amount of electric vehicle charging required by current code, and (b) at least Level-2 charging for about half of all parking spaces not only for living units that lack garage parking, but also for employee parking at places of work. **In addition**, Greenhouse Gas Mitigation Measure GHG-1(b) should — in addition to requiring one installed single-port Level-2 charging station per single-family residence — require wiring that is stubbed to a convenient location for one additional Level-2 charging station **for each additional residential-garage parking space**, as well as sufficient and proper electrical-panel breaker capacity to support all installed and stubbed out Level-2 charging stations in the garage.
- To the extent that the above suggestions for electrification of Campus Town are incorporated into its final construction plans, it needs to be ensured that this project provides sufficient electricity-distribution capacity and wiring to Campus Town as a whole — and to each building and parking lot.

15.1
(cont'd)

Affordable Housing

For cost-effective low-income-workforce housing for our area, it would be good to provide multi-story medium-quality apartments that have, for example, vinyl flooring and countertops instead of hardwood/stone/tile flooring and stone/tile countertops — and moderately priced fixtures. In addition to locating this kind of apartments in the Commercial Center Sub-Area and the University Village Sub-Area (page 4.10-510), I believe that it would be very advantageous to locate more such multi-story medium-quality apartments across Street A from the hotel, to accommodate hotel workers and others.

15.2

Existing large Monterey Cypress trees

To further enhance the attractiveness of ready-for-occupancy Campus Town to homeowners, tenants, and visitors: The large, healthy (and beautiful) Monterey Cypress trees (*Hesperocyparis macrocarpa*) that exist here and there in the project area should be built around — not built or paved over — to the extent that is feasible, by adjusting the location and design of structures and paved surfaces.

15.3

Sincerely,
David Lesikar
Seaside homeowner since 2013

References

- (1) <https://www.mbcommunitypower.org>
- (2) Statements made by boardmembers and staff at MBCP meetings that I’ve attended as a member of the public.
- (3) <https://www.tesla.com/blog/introducing-megapack-utility-scale-energy-storage> - July 29, 2019
- (4) <https://loupventures.com/tesla-model-3-cost-of-ownership-slightly-cheaper-than-a-camry/> - July 26, 2019
- (5) <https://www.consumerreports.org/cro/magazine/2013/10/bright-ideas-that-save-energy-and-money/index.htm> - August 2013

Letter 15

COMMENTER: David Lessikar

DATE: August 22, 2019

Response 15.1

The commenter states that the Project should require the developer to implement the following measures which the commenter incorrectly asserts “aren’t called for by the DEIR” for Monterey Bay Community Power’s (“MBCP”) carbon-free electricity option, support electric vehicles and appliances, require electric heating and cooling, require hybrid electric heat-pump water heaters, prohibit natural gas large appliances, include electric vehicle charging spaces, and provide sufficient electricity-distribution capacity and wiring to each building and parking lot.

Contrary to the assertion in the comment, many of these provisions are already incorporated into the Project, and additional measures are not needed to reduce the Project’s GHG impacts to less than significant. As discussed in Impact GHG-1, while the Project would generate GHG emissions that may have a significant impact on the environment, these impacts would be rendered less than significant by incorporated mitigation measures, which reduce the Project’s operational GHG emissions to net zero. Because there are no post-mitigation GHG emissions impacts, the Draft EIR need not include any additional mitigation measures.

Regarding the suggestion to use MBCP carbon-free electricity, as stated in Section 4.7, *Greenhouse Gas Emissions*, MBCP is the default energy provider in the Plan Area; therefore, future residents would already take advantage of this program. The Draft EIR notes that although future residents and tenants would have the option to opt out of MBCP’s services and connect to Pacific Gas and Electric (“PG&E”) service, approximately 97 percent of accounts maintain enrollment with MBCP (Draft EIR page 4.7-10). MBCP’s emits only 2 pounds of carbon dioxide per megawatt-hour of power produced; in comparison, PG&E emits 641.35 pounds of carbon dioxide per megawatt-hour of power produced. The Project would also comply with the new California Building Code requirements, which require installation of solar (see Draft EIR page 4.7-7 and 4.7-10). Under Title 24, all low-rise residential units are required to have rooftop solar panels; the Project would comply with Title 24. In addition, for high-rise residential and commercial units, the GGRP requires rooftop solar that is designed to net out the energy use of those buildings. As required by Mitigation Measures GHG-1(a) and GHG-1(d), the Project applicant would be required to mitigate all of the Project’s GHG emissions to achieve a net zero increase in GHG emissions above baseline conditions.

Regarding electric vehicles, the commenter proposes that the developer “stub out” enough electrical transmission capacity to unenclosed parking areas such that there could be Level-2 charging stations at half of all spots, including spots to be used by employees. The commenter also proposes that, in addition to the EV charging station requirements found in GHG-1(b), the developer “stub out” sufficient wiring and infrastructure to allow an additional Level-2 charging station for “each additional residential-garage parking space.” The Specific Plan Building Type Standards in Section 4.6.2 already require “An electrical conduit shall be installed at the time of construction to facilitate the future installation of EV charging stations to at least 10 percent of parking spaces.” Additionally, the Green House Gas Reduction Plan (GGRP) already includes “Equip each single-family residence within the Plan Area with one single-port EV charging station. The EV charging stations shall achieve a similar or better functionality as a Level 2 charging station.” The GGRP also requires charging stations for commercial facilities, more specifically “Provide charging opportunities to at

least the number of parking spaces required by the California Green Building Standards Code (CALGreen) Tier 1 requirements. Commercial buildings include retail, light industrial, office, hotel, and mixed-use buildings. The EV charging stations shall achieve a similar or better functionality as a Level 2 charging station.”

The commenter also suggests installing more than one electric vehicle charging station in individual homes. This suggestion is not anticipated to reduce GHG emissions further; most electric vehicle owners do not have a commute which would necessitate the need for daily electric vehicle charging,³⁴ consequently homes with more than one electric vehicle are unlikely to need two electric vehicle chargers. Additionally, homes with more than one electric vehicle would be able to use the Level 2 charging station for the first vehicle and would be able to use standard wall outlets for Level 1 charging of subsequent vehicles as needed. Furthermore, homeowners which desire such an option would not be precluded from installed a second charger.

The commenter also recommends that the EIR encourage the switch from natural-gas-powered appliances, including stoves and water heaters, to electric appliances. Specifically, the commenter recommends requiring electric-heat-pump building heating and cooling, and hybrid electric-heat pump water heaters. The Project is already required to comply with newly implemented, and stringent standards for such fixtures under the updated California Building Code. The California Building Code (Title 24, Cal. Code Regs.) is an area of law heavily regulated by the California Building Standards Commission who reviews and updates the Code every three years for feasibility (Health and Safety Code § 18949.6). The California Building Code standards which go into effect in 2020 already contain highly stringent energy efficiency standards, and from a policy perspective the City is not currently proposing to second guess the decisions of the agency tasked with making such feasibility decisions, which are continuously being updated (see Draft EIR page 4.7-6).

Since publication of the Draft EIR, the Project applicant has prepared the GGRP, which identifies a suite of actions that would achieve compliance with Mitigation Measures GHG-1(a) and GHG-1(d) as required by the Draft EIR. Please see Appendix P.

Response 15.2

The commenter recommends providing vinyl flooring and countertops and moderately priced fixtures for low-income housing, and locating more multi-story medium-quality apartments across Street A from the hotel for hotel workers and others.

As noted in Draft EIR Section 2.4.1 “the Proposed Project would provide affordable housing consistent with the City’s inclusionary housing ordinance (Seaside Municipal Code Sections 17.32 and 17.33). Per CEQA *Guidelines* Section 15126.6, “[a]n EIR need not consider every conceivable alternative to a project” such as the use of less expensive building materials or the location of multi-story apartments near the proposed hotel, which does not substantially change the design of the Project to reduce environmental effects. The comment pertains to building material preferences and a suggested reorganization of proposed land uses, and does not address the adequacy of the EIR. Therefore, further response is not warranted.

³⁴ The average miles driven per day of a plug-in electric vehicle in California is between 15 and 30 miles, with few users driving more than 45 miles (California Center for Sustainable Energy 2013). Typical electric vehicles can travel between 150 and 310 miles on one charge (Coren 2019).

Response 15.3

The commenter recommends preserving Monterey Cypress trees within the Plan Area, and designing around these trees.

The commenter does not suggest tree removal would cause a significant environmental impact, but rather proposes preserving existing trees to “further enhance the attractiveness” of the Project to homeowners, tenants, and visitors. The Specific Plan provides detailed standards and guidelines regarding the use of landscaping, including trees, for aesthetic purposes (Specific Plan Section 3.5).

Please refer to Response 9.27 regarding tree replacement plantings. Tree replacement requirements include replacing Monterey Cypress trees as on-site street trees or off-site trees at a ratio of 1:1.2.

Letter 16

From: "David Lesikar <dvd2049lskr@gmail.com>" <dvd2049lskr@gmail.com>

Date: August 22, 2019 at 9:14:07 PM PDT

To: "Kurt Overmeyer" <KOvermeyer@ci.seaside.ca.us>

Subject: Here's my summary comment regarding my comments on Campus Town's DEIR!

Campus Town could be the world's first town designed for a mostly electric-vehicle future!

16.1

Letter 16

COMMENTER: David Lessikar

DATE: August 22, 2019

Response 16.1

The commenter states the Project could be designed for an electric future. Please refer to Response 15.1 regarding the commenter's suggestions. The comment pertains to a preference for electric vehicles and does not address the adequacy of the EIR or CEQA process. The comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Letter 17

>>> Fred Watson <fred@jagungal.net> 8/22/2019 2:05 PM >>>

Dear Kurt,

Please extend the deadline for Campus Town DEIR comments by one week.

Only learned today of the existence of the DEIR, and I believe the comments are due today.

I may be wrong, but I don't *think* I received the Notice of Availability, which would be surprising given that - as a community leader of the FORTAG project - I attended multiple events during the charrette for Campus Town and have maintained a fairly regular communication with City Staff about Campus Town and related projects.

Many thanks,

Fred Watson

17.1

Letter 17

COMMENTER: Fred Watson

DATE: August 22, 2019

Response 17.1

The commenter requests a deadline extension for comments on the Draft EIR. The commenter states they may not have received a copy of the NOA.

The Notice of Availability was available on the City of Seaside's Campus Town Project website and was published on July 8, 2019. The comment period for the Draft EIR started on July 8, 2019 and ended on August 22, 2019 for a total of 45 days, which satisfies the 45-day public review period set forth in Section 15105 of the CEQA *Guidelines*. August 22, 2019 was the end date for receiving comments on the Proposed Project. However, please also see Response 18.1 through Response 18.6.

Comments on the Campus Town Specific Plan

23 Aug 2019

Fred Watson, community co-leader of the FORTAG project

It is appreciated that the Specific Plan acknowledges FORTAG and includes a Class IV bikeway along Malmedy. Some important associated details are as follows:

18.1

1. Figure 1.7. The caption is ambiguous about what is included in the “previously proposed bicycle network”. The preceding text mentions FORTAG, but the proposed FORTAG spurs to and through Campus Town are not shown on the map.
2. Page 37 – Fig 2.9. This conceptual bike network diagram should be clearer about the class of bicycle connections between the three “T” symbols. The connections between the three “T”s should all be physically separate from vehicles (i.e. Class I or IV) except at intersections. For example:
 - a. A safe Class IV connection along Malmedy is clear, but the map also indicates that this transitions to a less-safe Class II connection on Lightfighter before reaching the FORTAG “T” that heads northwest to the CSUMB campus.
 - b. It is unclear how a safe (i.e. physically separate from vehicles) bike connection is made between the north end of Malmedy and the FORTAG “T” to the east, on the north side of the “Campus Adjacent” section of the project (where an historic road bed exists crossing the CSUMB Southern Oak Woodlands).
 - c. It is unclear what class of bike facility is proposed along Gigling. From other parts of the Specific Plan, we can infer that this will be Class I under the transmission lines along the northern side of Gigling. But it is unclear how the connection is made along and across Gigling, from Malmedy to the southern FORTAG “T”. The map seems to suggest a mid-block crossing, which doesn’t seem optimal.

18.2

3. Page 43 – lower left.
 - a. Please also state here that these connections to the FORTAG spurs will occur at **accessible gradients**. This is a crucial conceptual design element at this stage; and it needs to clearly inform subsequent engineering & grading design.
 - b. Please also state the rationale for the location of these connections, which includes:
 - i. That there is a desired regional flow of bike and pedestrian traffic to and through Campus Town extending from CSUMB Main Campus Library/Quad area to existing bike facilities in Seaside that extend as far north as the intersection of Normandy Avenue and General Jim Moore Boulevard
 - ii. That bikeways should generally follow terrain contours, which in this area generally run in a south-west to north-east direction (See Fig. 1.4)
 - iii. Bikeways should reach CSUMB at key focal points i.e. the Tanimura & Antle Library (east end of Divarty) and planned Recreation Center (further west along Divarty)
 - iv. That the eastern of the two northern connections should follow the historic road bed that runs through the CSUMB Southern Oak Woodlands
 - v. That the southern connection should follow the wide north-south high-voltage transmission line easement parallel to and east of General Jim Moore Boulevard (GJMB) as far as Normandy, substantially reducing the risk of vehicles striking

18.3

cyclists on the section of GJMB north of Normandy (the section that does not have a Class I bike facility).	↑ 18.3 (cont'd)
4. Page 49 - Sec 3.2.2; Page 56 – Fig. 3.4; Page 64 – Fig. 3.8; Page 65 – lower-right photograph. We appreciate the 10-ft Class IV bikeway on Malmedy.	18.4
5. The specific plan should more specifically indicate how bike and pedestrian traffic would be able to move through Campus Town safely and accessibly from the southern FORTAG-spur connection point to either of the two northern FORTAG-spur connection points in a manner that is physically separate from vehicles. For example: <ul style="list-style-type: none"> <li data-bbox="324 493 1429 651">a. Page 56 – Fig. 3.4. A FORTAG spur is proposed to connect north and northeast from this Malemedy/Lightfighter intersection toward the CSUMB Main Campus near the planned CSUMB recreation center. There is substantial terrain in this area. The specific plan should indicate how the connection occur at accessible gradients. <li data-bbox="324 651 1429 882">b. Page 93. We appreciate this pedestrian-oriented interface between Campus Town and the CSUMB Southern Oak Woodlands. It should be made clear how cyclists will be able to traverse this area from the historic road bed north of Col Durham (near where the Army Gymnasium used to be) to the north end of Malmedy. Are cyclists intended to use what is drawn as more of a pedestrian (i.e. non-bike) boulevard, in order to avoid sharing the roadway with vehicles on Col Durham? 	18.5
6. Page 198. The plan is unclear about whether reconstruction of Malmedy road is in Phase 1 or Phase 2. It should be in the first phase, including the Class IV bikeway.	18.6

Letter 18

COMMENTER: Fred Watson

DATE: August 23, 2019

Response 18.1

The commenter states appreciation for provision of a Class 4 bikeway along Malmedy. The commenter states the caption on Figure 1.7 is ambiguous regarding the “previously proposed bicycle network.”

The “previously proposed bicycle network” referenced by the title of Figure 1.7 refers to the “future bicycle network” dashed lines shown in the figure. This includes bicycle network improvements that have been proposed previously and are anticipated to be constructed in the future.

Section 1.9.5 of the Specific Plan explains that Figure 1.7 shows the existing and previously planned bicycle facilities within and surrounding the Plan Area. That section also states that FORTAG plans for connections to and through the Plan Area. The FORTAG bicycle network has only been proposed and is not currently existing in the Plan Area.

Response 18.2

The commenter states Figure 2.9 is unclear regarding the class of bicycle connections between the three “T” symbols. The commenter recommends the “T” symbols be physically separate from vehicles (Class 1 or Class 4) except at intersections.

Figure 2.9 of the Specific Plan has been updated to indicate a Class I bikeway along the linear park under the power lines; this revised figure can be viewed in Section 4, *Amendments to the Draft EIR*.

Bikeways on CSUMB campus are not within the Plan Area, which includes the Class II connection on Lightfighter Drive heading north and FORTAG connection along this route. The primary connection to the FORTAG trail, indicated by the “T” symbol, is at the Malmedy Road/Lightfighter Drive transition, with the connection along Colonel Durham Street a neighborhood connection serving the Monterey School of Law. There is not adequate space to create a separated bike facility on Colonel Durham Street, as described in Response 18.5.

The FORTAG connection along Gigling Road is shown for informational purposes; the classification and exact connection orientation is at the discretion of the Transportation Agency of Monterey County, which is the lead agency for the FORTAG project. Gigling Road is outside the Plan Area and beyond the scope of the Project.

Response 18.3

The commenter requests revisions on page 43, including that connections to FORTAG spurs will be at accessible gradients, and requests rationale for the location of certain bikeway connections.

The following statement has been added to page 43 of the Specific Plan (Appendix B to the Draft EIR):

Connection to the FORTAG spurs will occur at accessible gradients where feasible and to the extent that those connections fall within the boundary of this Specific Plan.

The following statement has been added to the Specific Plan (Appendix B to the Draft EIR):

There is a desired regional flow of bike and pedestrian traffic to and through Campus Town extending from CSUMB Main Campus Library/Quad area to existing bike facilities in Seaside that extend as far north as the intersection of Normandy Avenue and General Jim Moore Boulevard.

Bikeways are part of the mobility network, which includes streets, sidewalks, and pathways; and terrain contours were considered during route selection for bikeway improvements. The commenter's suggestion regarding bikeways on the CSUMB campus are not applicable to the Project, as this is outside the Plan Area. The commenter's proposed route along the high-voltage transmission line easement parallel to General Jim Moore Boulevard is also outside the Plan Area and not applicable to the Project. Please see Response to Comment 1.19, for discussion of bicycle improvements and access.

Response 18.4

The commenter states appreciation for the 10-foot Class 4 bikeway on Malmedy. The comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 18.5

The commenter requests specific indications of how bicycle and pedestrian traffic would be able to move through the Plan Area and access the southern and northern FORTAG spur connection point.

As described in Response 18.1, bike routes along Lightfighter Drive north of Malmedy Road are not within the Planning Area. Engineered grades along this route are not within the jurisdiction of the Specific Plan.

The historic roadbed north of Colonel Durham Street is not within the Plan Area and is not part of the Project. Colonel Durham Street is a narrow, calmed street, designed for vehicles traveling at less than 25 miles per hour (mph), making it safe for as a shared street or Class III bike facility. Because most of the land on the north side and some portions of the south side of Colonel Durham Street are not under the control of the City of Seaside, there is no room to add a Class II or Class I bike facility. Please also see Response to Comment 1.19, for discussion of bicycle improvements and access.

Response 18.6

The commenter requests clarification of when the Malmedy Road reconstruction would occur (Phase 1 or Phase 2), and requests it is completed in Phase 1, including the Class 4 bikeway.

The Malmedy Road construction would occur during Phase 2. It is not included during Phase 1 because it is located east of the Phase 1 boundaries (refer to Figure 2-4 of the Draft EIR), and use of the roadway for cyclists would not increase substantially until Phase 2 buildout.

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4 Amendments to the Draft EIR

The following pages provide a summary record of all proposed text amendments to the Draft EIR. Most amendments are the result of comments received during the public review period, and directly respond to those comments, or correction of typographical errors within the Draft EIR. These amendments serve as clarifications and amplifications on the content of the Draft EIR. None of the changes would warrant recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5. The amendments serve to clarify and strengthen the content of the EIR, but do not introduce significant new information.

Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underline font) where text is added. Other minor clarifications and corrections to typographical errors are also shown as corrected in this format, including corrections not based on responses to comments.

4.1 Amendments to the Draft EIR

Executive Summary

Page ES-2:

...Department of Defense ~~Defense Manpower Data Center~~ Monterey Bay, and former Fort Ord land; and is bounded to the south by Gigling Road, and Ord Military Community housing ~~and the United States Department of Defense Army Hospital~~.

Page ES-3:

CEQA Guidelines Section 15378 explains that where the lead agency could describe the Proposed Project as either the adoption of a particular regulation or as a development proposal, the lead agency shall describe the Proposed Project as the development proposal for the purpose of the environmental analysis. To ensure a conservative approach in analyzing environmental effects under CEQA, the Proposed Project assumes maximum buildout projections of new housing units, new commercial development, and related uses. See Table ES-1. The actual rate and amount of development (up to the maximums) could differ; buildout is dependent on market conditions, birth rates, death rates, ~~immigration rates~~, availability of resources, and regulatory processes from Federal, State and local regulations.

Page ES-27 (revised row only):

Impact	Mitigation Measure(s)	Residual Impact
Hazards and Hazardous Materials		
Impact HAZ-1. Implementation of the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This impact would be less than significant.	None required COA HAZ-1: <u>If non-building related ACMs, baseball field light towers, abandoned boiler saddles, and subsurface utility lines, proposed for removal are encountered during demolition or grading, the applicant shall survey the materials for ACMs, and contaminants of concern prior to disturbing and removing the materials. If discovered onsite, ACMs will be handled in compliance with applicable regulations.</u>	Less than significant

Page ES-33 (revised row only):

Impact	Mitigation Measure(s)	Residual Impact
Utilities and Service Systems		
<p>Impact UTIL-1. Impacts related to regional wastewater, stormwater drainage, electric power, natural gas, and telecommunication infrastructure would be less than significant. However, water supply impacts would be significant without mitigation. With mitigation, impacts related to water supply would be less than significant.</p>	<p>UTIL-1 Water Offset Programs. To address the discrepancy between the Proposed Project’s 441.6 AFY of potable water demand and the 181.3 180.6 AFY of available potable water supply, the City shall secure the additional water supplies needed for the Proposed Project. To do so, the City shall implement programs to supply a minimum of 260.3 261 AFY. Programs to achieve this include, but would not be limited to:</p> <ul style="list-style-type: none"> ▪ Bayonet and Blackhorse Golf Courses in-lieu storage and recovery program, which would replace a minimum of 311.08 AFY of existing potable water use with recycled water (up to 450, as outlined in <u>Court’s October 25, 2019 Order and Motion for Approval of In Lieu Groundwater Storage Program</u>. AFY as recycled water supplies increase). If implemented, this program alone could address the remaining potable water supply needed for the Proposed Project. ▪ Seaside Highlands and Soper Field recycled water substitution program to offset 53.1 AFY of potable water use. The Seaside Highlands development was constructed with recycled water mains to supply the landscape irrigation systems. This system is currently fed with potable water, but recycled water will be available within the next few years. Providing recycled water for irrigation of that project would make up to 43.1 AFY of potable supply available for reallocation from Seaside Highlands. An additional 10 AFY may be made available by converting the City’s Soper Field sports complex (adjacent to Seaside Highlands) to recycled water. ▪ Main-Gate offset program, which would require the previously approved Main-Gate project to utilize 42.99 AFY of recycled water in-lieu of previously allocated potable water supply. ▪ The City may also require dual-plumbing of buildings to use recycled water for sanitary fixtures (flushing toilets and urinals), which will offset potable water demand with recycled water. <p>Prior to issuance of a final map, the City</p>	<p>Less than significant with mitigation</p>

Impact	Mitigation Measure(s)	Residual Impact
	shall demonstrate the offset of 260.3 <u>261</u> AFY of potable water based upon available programs, and <u>the applicant</u> shall obtain written verification from MCWD that sufficient water supplies have been secured.	

Section 2 Project Description

Page 2-2:

...Department of Defense-~~Defense Manpower Data~~ Center Monterey Bay, and former Fort Ord land; and is bounded to the south by Gigling Road, and Ord Military Community housing ~~and the United States Department of Defense Army Hospital...~~

Page 2-2, new foot note on “abandoned U.S. Army buildings”:

The former U.S. Army buildings are currently the property of the City of Seaside, with the exception of those within Surplus II, which are the property of the Successor Agency to the Seaside Redevelopment Agency.

Page 2-2:

In December 2018 ~~the Army~~ FORA began demolition of these buildings...

Page 2-2:

During preparation of this EIR, FORA has removed most buildings in the Plan Area that had been identified for demolition (including Surplus II buildings: ten rolling-pin buildings between Malmedy Road and 6th Avenue, ~~two mess halls~~ one cafeteria, five administrative buildings, one gymnasium, and ~~four~~ two armory buildings); the eight hammerhead buildings have not been demolished (FORA 2019b).

Page 2-11:

CEQA Guidelines Section 15378 explains that where the lead agency could describe the Proposed Project as either the adoption of a particular regulation or as a development proposal, the lead agency shall describe the Proposed Project as the development proposal for the purpose of the environmental analysis. To ensure a conservative approach in analyzing environmental effects under CEQA, the Proposed Project assumes maximum buildout projections of new housing units, new commercial development, and related uses. See Table 2-2. The actual rate and amount of development (up to the maximums) could differ; buildout is dependent on market conditions, birth rates, death rates, ~~immigration rates,~~ availability-of resources, and regulatory processes from Federal, State and local regulations. Nevertheless, a conceptual layout for buildout of the Specific Plan is shown by conceptual horizontal construction³ phase in Figure 2-4 and Figure 2-5 (see Specific Plan Section 4.5, Land Use Standards and Guidelines, for detailed discussion of uses). New development will be required to conform to the Private Realm Standards and Guidelines, Chapter 4 of the Specific Plan.

Page 2-19 footnote:

There are two proposed basins at the General Jim Moore Boulevard and Lightfighter Drive intersection; one is within the Plan Area at the southeast corner of this intersection and one is outside the Plan Area and within the CSUMB campus boundaries at the northeast corner of this intersection.

Page 2-23:

Bicycle lanes would be provided on key streets including Lightfighter Drive, Malmedy Road, 6th Avenue, Gigling Road (under the Pacific Gas and Electric easement on the north side of the roadway), and General Jim Moore Boulevard, to connect existing and planned bicycle routes in the surrounding area.

Page 2-25:

Other approvals from other agencies may include:

- Disposition and Development Agreement
- FORA Consistency Determination
- Infrastructure Agreement with MCWD
- MCWD Water Supply Verification Report
- MCWD Annexation
- Approvals from California State University Monterey Bay (CSUMB) for any off-site improvements on CSUMB property
- Approvals from the United States Department of the Army for any off-site improvements on Army property and applicable NEPA review

Section 3 Environmental Setting

Page 3-2:

The Plan Area is mostly developed with former U.S. Army buildings that are mostly vacant and severely dilapidated and currently the property of the City of Seaside, with the exception of those within Surplus II, which are the property of the Successor Agency to the Seaside Redevelopment Agency.

Section 4 Environmental Impact Analysis

Pages 4-3 through 4-5, Table 4-1 (revised rows only):

Cumulative Project	Description	Project Status
Cypress Knolls Senior Residential[±]	Senior residential community with active adult housing, care services, senior community center, and supportive amenities and services on 188 acres.	Approved, not built
<u>East Garrison</u>	<u>Construction of 40,000 sf of retail and 1,470 total residential units, including single-family homes, apartments, and townhomes, as well as recreational and community areas, an artist live-and-work “downtown” residential and visitor-serving area. Approximately 2.7 miles east of the Plan Area.</u>	<u>Approved, partially constructed (869 units)</u>
<u>Sea Haven (formerly Marina Heights)</u>	<u>Removes 828 Fort Ord housing units and constructs 1,050 residential units, including single-family homes and townhomes. Approximately 1 mile north of the Plan Area. Cypress Marina Heights, LLC., the developer of the project made an application for the “Marina Heights Specific Plan” in October of 2002 and the Marina City Council approved the project in 2003.</u>	<u>Approved, partially constructed (201 units)</u>
<u>The Dunes at Monterey Bay (formerly University Villages)</u>	<u>Retail, commercial, and residential project, including 1,237 residential units, 500 hotel rooms, 760,000 sf office, and 570,000 sf retail. Located approximately 0.5 miles north of the Plan Area.</u>	<u>Approved, partially constructed</u>
<u>Seaside Resort</u>	<u>Development of 125 residential units, 330 hotel units, and 170 timeshare units on two former Army golf courses. Located approximately 1 mile south within the Black Horse Golf Course.</u>	<u>Approved, partially constructed (3 units)</u>
<u>Seaside Senior Living Project</u>	<u>This project would construct an assisted living facility, memory care facility, and co-housing assisted living facility, with a total of 144 multi-family units (70 studio units and 74 total one-bedroom, two-bedroom, and co-housing units). Located approximately 1.8 miles southwest of the Plan Area.</u>	<u>Proposed</u>

sf = square feet

Page 4-6:

The infill site ~~has been~~ was previously developed ~~with~~ development with structures and uses associated with Fort Ord, which included 18 barracks buildings (totaling approximately 702,200 sf), five administration buildings (totaling approximately 33,300 sf), two armories (approximately 12,200 sf each), one cafeteria (approximately 11,400 sf), and one gymnasium (approximately 21,000 sf) with an adjacent small metal structure. Of these, only eight barracks buildings remain.

Section 4.1 Aesthetics

Page 4.1-15:

The Plan Area is mostly developed with former two- to three-story U.S. Army buildings, which are now City property.

Section 4.2 Air Quality

Global Changes to the Draft EIR and Appendix E: The air quality modeling was revised as follows, which resulted in a decrease in air pollutant emissions generated by the Proposed Project during construction and an incremental increase (between 0.1 to 3.5 pounds per day, depending on the pollutant, which did not result in an exceedance of any Monterey Bay Air Resources District [MBARD] thresholds) in air pollutant emissions generated by the Proposed Project during operation:

- At the time of the Draft EIR, it was assumed that the Proposed Project would utilize a construction equipment mix consistent with the statewide average. Based on information provided later by the project applicant, the modeling was revised to assume use of Tier 4 Final certified engines for all large construction equipment, which decreased construction-related air pollutant emissions.
- At the time of the Draft EIR, it was assumed that the Proposed Project would not include wood-burning or natural gas fireplaces. Based on information provided later by the project applicant, the modeling was revised to assume that 10 percent of single-family residences would include natural gas fireplaces, which resulted in increased air pollutant emissions associated with area sources.
- The modeling completed for the Draft EIR incorrectly included a 75 percent reduction in the lighting energy intensity factor for the residential land uses of the Proposed Project. The modeling was revised to remove this reduction, which had no impact on air pollutant emissions associated with electricity usage.¹
- The modeling completed for the Draft EIR incorrectly included a 70 percent reduction, rather than a 30 percent reduction, in the Title 24 natural gas energy intensity factor for the Proposed Project to account for the 2019 Building Energy Efficiency Standards. The modeling was revised to include a 30 percent reduction, which resulted in increased air pollutant emissions related to natural gas consumption.
- The modeling completed for the Draft EIR did not include the City's average solid waste diversion rate of 35 percent. The modeling was revised to include this reduction, which had no impact on air pollutant emissions associated with solid waste.²
- The modeling completed for the Draft EIR did not account for the use of reclaimed water in the Proposed Project. The modeling was revised to account for this project feature, which had no impact on air pollutant emissions associated with water usage.³

Page 4.2-11:

Clean Water Act Section 402

In California, the National Pollutant Discharge Elimination System (NPDES) program is administered by the State Water Resources Control Board (SWRCB) through the Regional Water Quality Control Board (RWQCBs) and requires municipalities to obtain permits that outline programs and activities to control wastewater and stormwater pollution. ~~The federal~~

¹ CalEEMod does not calculate or attribute emissions of criteria pollutants from electricity generation to individual projects because fossil fuel power plants are existing stationary sources permitted by air districts and/or the United States Environmental Protection Agency, and they are subject to local, state and federal control measures. Criteria pollutant emissions from power plants are associated with the power plants themselves, and not individual projects or electricity users.

² Ibid.

³ Ibid.

~~Clean Water Act prohibits discharges of stormwater from construction projects unless the discharge is in compliance with an NPDES permit. The SWRCB is the permitting authority in California and adopted an As part of compliance with the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) (Order 2009-0009, as amended by Orders 2010-0014-DWQ and 2012-006-DWQ; SWRCB 2009, 2010, 2012). The Order applies to construction sites that include one or more acre of soil disturbance. Construction activities include clearing, grading, grubbing, excavation, stockpiling, and reconstruction of existing facilities involving removal or replacement. The Construction General Permit requires that the landowner and/or contractor of construction sites that include one or more acre of soil disturbance must prepare and implement a stormwater pollution prevention plan (SWPPP). file permit registration documents prior to commencing construction, then pay an annual fee through the duration of construction. These documents include a notice of intent, risk assessment, site map, stormwater pollution prevention plan (SWPPP), and signed certification statement.~~

The SWPPP must include site Best Management Practices (BMPs) measures to ensure that all pollutants and their sources are controlled, ~~non-stormwater discharges are identified and eliminated, controlled, or treated; site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges; and BMPs installed to reduce or eliminate pollutants after construction are completed and maintained.~~ The Construction General Permit specifies minimum BMP requirements for stormwater control based on the risk level of the site. The Permit also specifies minimum qualifications for a qualified SWPPP developer and qualified SWPPP practitioner. The Monterey Regional Stormwater Management Program is an entity that has developed BMPs for Construction Site Best Management Practices within the City of Seaside (MRSWMP 2014). Construction BMPs include material storage including covering of stockpiles during the day, and particularly during rain and wind events, silt fencing, straw wattles, stabilized construction entrances, routine cleaning, equipment lubricant drip pans, dust control measures including watering trucks to stabilize soil. Although intended to reduce pollutants in stormwater runoff, these Construction BMPs also serve to reduce fugitive dust emissions during construction activities.⁴

Page 4.2-16:

Construction equipment that would generate criteria pollutants includes excavators, graders, haul trucks, and loaders. Some of this equipment would be used during both grading and construction. It is assumed that all construction equipment used would be diesel-powered. Construction equipment for each phase was based on CalEEMod defaults, which are shown in Section 3, *Construction Detail*, of the modeling outputs in Appendix E. The project applicant would require its construction contractor(s) to utilize large construction equipment (i.e., cranes, dozers, excavators, graders, pavers, rollers, scrapers, tractors, loaders, and backhoes) equipped with Tier 4 Final certified engines; therefore, modeling assumes use of Tier 4 Final certified

⁴ More details on SWRCB Order 2009-0009 are available online at:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/constpermits/wqo_2009_0009_complete.pdf

More details on SWRCB Order 2010-0014-DWQ are available online at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2010/wqo2010_0014dwg.pdf

More details on SWRCB Order 2012-006-DWQ are available online at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2012/wqo2012_0006_dwq.pdf

engines for all large construction equipment. This requirement will be included in the Development Agreement.

Page 4.2-17 to 4.2-18:

Area source emissions are generated by landscape maintenance equipment, consumer products, and architectural coating. The Proposed Project would not include wood-burning fireplaces; therefore, this analysis assumes that only natural gas fireplaces would be utilized. Based on similar projects constructed by the project applicant, it was assumed that approximately 10 percent of single-family residences would have gas fireplaces. Emissions attributed to energy use include electricity and natural gas consumption for space and water heating. The lighting energy intensity factor for the residential uses was reduced by 75 percent to account for the lighting requirements of the latest iterations of Title 24, which are not included in CalEEMod. Furthermore, energy usage from single-family residential usage was reduced by 7 percent and non-residential energy usage was reduced by 30 percent to account for the requirements of 2019 Title 24 standards (California Energy Commission 2019). Indoor and outdoor water use rates were based on the Water Supply Assessment prepared for the Proposed Project, which is discussed in Section 4.16, *Utilities and Service Systems*, and is included as Appendix M. The Water Supply Assessment also indicates that all outdoor water use (approximately 9.4 percent of total water use) would be supplied by reclaimed water; therefore, the Reclaimed Water input in CalEEMod was adjusted to reflect this design feature. Solid waste generation rates were based on CalRecycle rates, consistent with those used in the solid waste impact analysis in Section 4.16, *Utilities and Service Systems* (CalRecycle 2018). Based on the City’s solid waste collection data from 2018 to 2019, the City has an average diversion rate of 35 percent, which was included in CalEEMod (Overmeyer 2020).

Page 4.2-24, Table 4.2-5:

Table 4.2-5 Estimated Maximum Daily Construction Emissions

Year	Emissions (pounds per day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
2021	7.8	88.6	55.7	0.1	10.3	6.4
	2.0	18.9	59.3		8.3	4.6
2022	31.1	160.2	154.3	0.5	31.7	11.8
	25.8	96.1	161.7		28.8	9.1
2023	29.1	136.4	143.4	0.5	32.7	12.6
	24.5	81.4	152.8		31.2	11.2
2024	25.2	98.9	106.0	0.4	32.6	12.4
	22.5	67.6	109.5		31.1	11.1
2025	24.4	94.3	100.1	0.4	32.3	12.2
	21.9	65.5	104.1		31.1	11.1
2026	13.9	74.3	82.2	0.3	22.9	6.7
	13.4	63.4	84.8		22.7	6.5
2027	13.4	66.4	73.0	0.3	22.9	6.7
	13.0	60.8	74.0		22.7	6.5
2028	13.0	65.3	69.4	0.3	22.9	6.7
	12.5	59.7	70.5		22.7	6.5

Year	Emissions (pounds per day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
2029	12.5	64.3	66.0	0.3	22.9	6.7
	<u>12.1</u>	<u>58.8</u>	<u>67.1</u>		<u>22.7</u>	<u>6.5</u>
2030	12.0	58.7	63.1	0.3	22.5	6.3
	<u>11.4</u>	<u>55.9</u>	<u>64.2</u>		<u>22.4</u>	<u>6.2</u>
2031	11.5	57.9	60.3	0.3	22.5	6.3
	<u>10.9</u>	<u>55.1</u>	<u>61.3</u>		<u>22.4</u>	<u>6.2</u>
2032	11.0	57.2	57.8	0.3	22.5	6.3
	<u>10.5</u>	<u>54.4</u>	<u>58.9</u>		<u>22.4</u>	<u>6.2</u>
2033	10.7	56.6	55.7	0.3	22.5	6.3
	<u>10.2</u>	<u>53.9</u>	<u>56.8</u>		<u>22.4</u>	<u>6.2</u>
2034	10.4	56.1	53.8	0.3	22.5	6.3
	<u>9.9</u>	<u>53.4</u>	<u>54.9</u>		<u>22.4</u>	<u>6.2</u>
Maximum Daily Emissions for Off-Site Improvements (year unknown)	7.0	24.8	19.2	< 0.1	4.2	2.6
Maximum Daily Emissions (pounds per day)¹	38.1 <u>32.8</u>	185.0 <u>120.9</u>	173.5 <u>180.9</u>	0.5	36.9 <u>35.4</u>	15.2 <u>13.8</u>
MBARD Thresholds	n/a	n/a	n/a	n/a	82 ²	n/a
Threshold Exceeded?	n/a	n/a	n/a	n/a	No	n/a

N/A = not applicable

Notes: All numbers have been rounded to the nearest tenth. Emissions presented are the highest of the winter and summer modeled emissions.

¹ Because it is unknown at this time when off-site improvements would be constructed, maximum daily construction emissions were calculated by adding the highest modeled daily construction emissions from off-site improvements to the highest modeled daily construction emissions from construction of the Proposed Project.

² This threshold only applies if construction is located nearby or upwind of sensitive receptors. In addition, a significant air quality impact related to PM₁₀ emissions may occur if a project uses equipment that is not "typical construction equipment" as specified in Section 5.3 of the MBARD CEQA *Guidelines*.

Source: See Appendix E for CalEEMod calculations and assumptions

Page 4.2-27:

Table 4.2-1 Estimated Maximum Operational Emissions

Source	Emissions (pounds per day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area Emissions	75.7	1.4	122.1	<0.1	0.7	0.7
	<u>75.9</u>	<u>2.9</u>	<u>122.8</u>	<u>0.1</u>	<u>0.8</u>	<u>0.8</u>
Energy Emissions	1.4	12.5	7.4	0.1	1.0	1.0
	<u>1.6</u>	<u>14.5</u>	<u>9.1</u>		<u>1.1</u>	<u>1.1</u>
Mobile Emissions ¹	11.0	68.9	111.7	0.5	51.5	14.0
Project Emissions	88.1	82.8	241.3	0.6	53.2	15.6
	<u>88.5</u>	<u>86.3</u>	<u>243.6</u>	<u>0.7</u>	<u>53.4</u>	<u>15.9</u>
MBARD Threshold	137	137	550	150	82	N/A
Threshold Exceeded?	No	No	No	No	No	N/A ¹

N/A = not applicable

Notes: All numbers have been rounded to the nearest tenth. Emissions presented are the highest of the winter and summer modeled emissions. Numbers may not add up due to rounding.

¹ Default trip generation rates for each land use in CalEEMod were adjusted to reflect the forecast VMT of approximately 22,738,405 net new annual VMT, as closely as possible (Burgett 2019). However, this analysis is conservative because the CalEEMod model assumes 23,739,210 net new annual VMT, which is slightly greater than the annual net new VMT forecasted by TJKM.² The MBARD does not have a significance threshold for operational PM_{2.5} emissions.

Source: See Appendix E for CalEEMod calculations and assumptions.

Page 4.2-28, Impact AQ-5:

Therefore, the Proposed Project's construction activities would not expose sensitive receptors to substantial concentrations of TACs. This conclusion is confirmed by the Construction Health Risk Assessment (Appendix Q of the Final EIR).

Section 4.3 Biological Resources

Section 4.3.1(a), page 4.3-3:

In total, approximately 14.14 acres of coast live oak woodland occur within the Plan Area.

Tree Survey

An Arborist Report was prepared by HMH, dated October 4, 2019; which included an inventory of 891 trees within the Plan Area. The following trees were observed: Coast Live Oak (*Quercus agrifolia*, 619 total trees), Monterey Cypress (*Cupressus marocarpa*, 86 total trees), Blue Gum (*Eucalyptus globulus*, 62 total trees), Monterey Pine (*Pinus radiata*, 61 total trees), Torrey Pine (*Pinus torreyana*, 35 total trees), Blackwood Acacia (*Acacia melanoxylon*, 9 total trees), Red Gum (*Eucalyptus ficifolia*, 9 total trees), Fan Palm (*Washingtonia filifera*, 7 total trees), Myoporum (*Myoporum laetum*, 2 total trees), and Indian Laurel Fig (*Ficus microcarpa*, 1 total tree).

Page 4.3-12:

Given that the HCP has not yet been finalized, USFWS has generally accepted adherence to the HMP conditions as sufficient to avoid and mitigate impacts to Federally listed species within previously developed footprint within designated development areas of the former Fort Ord. CDFW has generally accepted adherence to the HMP conditions as sufficient to avoid and mitigate impacts to non-listed sensitive species within previously developed footprint within designated development areas.

Page 4.3-26:

The Proposed Project retains a portion of one of the areas with coast live oak trees within the Plan Area (approximately 1.5 acres), located directly west of General Jim Moore Boulevard, and designates this location as a “tree save” park. However, the Proposed Project includes the removal of approximately 12.64 acres of oak trees, which as noted above under the environmental setting are degraded and fragmented. While the Proposed Project includes the removal of existing trees in the Plan Area, the Proposed Project also provides for the incorporation of new trees in its thoroughfare regulations (Specific Plan Section 3.3), its parking standards (Specific Plan Section 4.7.14), and its landscape regulations, which include coast live oak, and requires replacement of coast live oak and Monterey Cypress trees, and requires replacement of coast live oak trees and Monterey Cypress trees at a ratios described below of 1:1.5 (Specific Plan Section 3.5). Specific Plan Figures 2.2, 2.10, and 3.25 provide plans for new trees within the Plan Area as well as Arborist Report, Exhibit B.

Existing Coast Live Oak trees recommended for preservation (as identified by the criteria in the Arborist Report) that have a height of 10 feet or more, or a circumference of 20 inches or more measured 24 inches above the ground that are removed as part of construction shall be replaced (i) at a ratio of 1:1 within the Plan Area or (ii) at a ratio of 1:5.0 at an off-site location approved as part of a Conformance Determination for any Development Application, in either case unless a finding is made pursuant to Section 6.3.1A of this Specific Plan that preservation is not feasible due to the health of the tree (including disease or pests). The size of each replacement tree shall be a 15-gallon or larger Coast Live Oak tree meeting *American Standards for Nursery Stock* (ANSI Z60.1) having 1” – 1 1/4” minimum caliper and average height of six to eight feet measured from the base. Trees replaced off-site shall be planted in open space areas for oak forest naturalization from tree pots that have been propagated from the Fort Ord / Marina area.

Existing Monterey Cypress trees recommended for preservation that have a circumference of 20 inches or more measured 24 inches above the ground that are removed as part of construction shall be replaced at a ratio of 1:1.2 within the Specific Plan Area or at an off-site location approved as part of a Conformance Determination for any Development Application, in either case unless a finding is made pursuant to Section 6.3.1A of this Specific Plan that preservation is not feasible due to the health of the tree (including disease or pests). The size of each replacement tree shall be a 15-gallon or larger Monterey Cypress tree, meeting *American Standards for Nursery Stock* (ANSI Z60.1) having 1” – 1 1/2” minimum caliper and average height of six to eight feet measured from the base.

Up to 619 Coast Live Oak trees recommended for preservation would be removed. Approximately 335 replacement Coast Live Oak Trees could be planted on site, on locations

within the Plan Area designated as public open space. Assuming that none of the trees to be removed are found infeasible to preserve due to health,⁵ the remaining 284 Coast Live Oak trees to be removed which cannot be replaced on-site would be replaced off site at the 1:5 replacement ratio, for a total of 1,420 off-site replacement Coast Live Oak trees. It is anticipated that off-site tree replacement would occur on the 72-acre City-owned property located south of the Plan Area (bounded by Parker Flats Cut Off Road to the south and west, existing development to the northwest and north, and Gigling Road to the north) or another location approved by the City that can accommodate the required number of trees to be planted, has soil characteristics conducive to tree growth, and does not contain excessive amounts of utility lines that would interfere with root development, in order to ensure the replanted trees have a high success rate. Up to 86 Monterey Cypress trees recommended for preservation would be removed, and all replacement Monterey Cypress trees could be planted on site as street trees or at an off-site location at a ratio of 1:1.2. The actual number of Coast Live Oak and Monterey Cypress trees recommended for preservation that need to be removed and replaced, the actual number that can be replaced on-site, and the location of off-site replacement, will be determined at the time of each Development Application.

While the Proposed Project includes replacement trees...

Section 4.4 Cultural Resources

Page 4.4-3

No resources listed on the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks list, or the California Points of Historical Interest list are located within the Plan Area (OHP 2018). The FORA EIR determined the 1991 baseline contained a limited number of historic resources in Fort Ord as a whole, including “Stilwell Hall and 35 structures in the East Garrison area” (FORA 1997b, p. 4-194.). All of these buildings are located outside of the Plan Area. The East Garrison area is located approximately three miles northeast of the Plan Area. Stilwell Hall was located west of the Plan Area and was torn down in 2003. An additional study was conducted on November 4, 2019 of the Hammerhead Barracks at the project site. The subject Hammerhead-style barracks at Fort Ord were constructed circa 1955, during the Cold War period of growth. This study concluded that the barracks are ineligible for federal, state, or local designation under any applicable designation criteria and is therefore not considered a historical resource under CEQA. The entire study, including its methodology and photographs of the buildings at issue, are attached to the Final EIR as Appendix N.

Section 4.5 Energy

Global Changes to the Draft EIR and Appendix E: The energy modeling was revised as follows, which resulted in an overall increase in electricity and natural gas consumption associated with the Proposed Project but did not change the significance of the impact determinations related to energy:

- The modeling completed for the Draft EIR incorrectly included a 75 percent reduction in the lighting energy intensity factor for the residential land uses of the Proposed Project. The

⁵ Preservation of trees in poor health is not required; therefore, the removal of any trees in poor health do not require replacement trees be planted elsewhere.

modeling was revised to remove this reduction, which had increased energy consumption related to electricity usage, although all energy consumed by residential land uses would continue to be supplied by renewable energy.

- The modeling completed for the Draft EIR incorrectly included a 70 percent reduction, rather than a 30 percent reduction, in the Title 24 natural gas energy intensity factor for the Proposed Project to account for the 2019 Building Energy Efficiency Standards. The modeling was revised to include a 30 percent reduction, which resulted in increased natural gas consumption.
- The modeling completed for the Draft EIR did not account for the use of reclaimed water in the Proposed Project. The modeling was revised to account for this project feature, which reduced electricity consumption associated with water usage.

Page 4.5-17:

As shown in Table 4.5-2, in addition to transportation energy use, the Proposed Project would require permanent grid connections for electricity and natural gas. The Proposed Project would consume approximately ~~14,559,605~~ 15,953,375 kWh, or ~~49,677~~ 54,433 MMBtu per year of electricity for lighting and large appliances, and approximately ~~48,217,178~~ 55,682,598 kBtu, or ~~48,217~~ 55,683 MMBtu per year of natural gas for heating and cooking (see Appendix E for CalEEMod results). Electricity would be supplied by on-site solar generation, MBCP (the default electricity provider in the Plan Area), or PG&E. Natural gas would be supplied by PG&E. As discussed in detail in Section 4.7, *Greenhouse Gas Emissions*, the 2019 Building Energy Efficiency Standards require installation of solar photovoltaic systems for single-family homes and multi-family buildings of three stories and less, which would supply much of the on-site electricity demand. Furthermore, on-site electricity demand would be substantially less than historic usage within the former Fort Ord, as described in detail in Section 3, *Environmental Setting*. Given historic electricity usage, CEC’s and CPUC’s long range planning efforts, and on-site solar generation, there would be adequate capacity to meet demand for electricity. Furthermore, California natural gas demand, including volumes not served by utility systems, is expected to decrease at a rate of 0.5 percent per year from 2018 to 2035; therefore, the incremental increase in natural gas consumption from the Proposed Project would not indirectly result in the need to secure additional natural gas supplies or construct new or expanded natural gas processing plants (CGEU 2018).

Page 4.5-18:

Table 4.5-2 Proposed Project Operational Energy Usage

Source	Energy Consumption	
Vehicle Trips		
Gasoline	982,978 gallons	107,917 MMBtu
Diesel	264,866 gallons	33,760 MMBtu
Built Environment		
Electricity	14,559,605	49,677
	<u>15,953,375</u> kWh	<u>54,433</u> MMBtu
Natural Gas Usage	48,217,178	48,217
	<u>55,682,598</u> kBtu	<u>55,683</u> MMBtu

See Appendix E for CalEEMod default values for fleet mix and average distance of travel and energy calculation sheets.

Section 4.7 Greenhouse Gas Emissions

Global Changes to the Draft EIR and Appendix E: The greenhouse gas (GHG) modeling was revised as follows, which resulted in an overall decrease in GHG emissions generated by the Proposed Project:

- At the time of the Draft EIR, it was assumed that the Proposed Project would utilize a construction equipment mix consistent with the statewide average. Based on information provided later by the project applicant, the modeling was revised to assume use of Tier 4 Final certified engines for all large construction equipment, which had no impact on construction-related GHG emissions because Tier 4 certification is primarily intended to reduce criteria air pollutant emissions of nitrogen oxides and particulate matter.
- At the time of the Draft EIR, it was assumed that the Proposed Project would not include wood-burning or natural gas fireplaces. Based on information provided later by the project applicant, the modeling was revised to assume that 10 percent of single-family residences would include natural gas fireplaces, which resulted in increased GHG emissions associated with area sources.
- The modeling completed for the Draft EIR incorrectly included a 75 percent reduction in the lighting energy intensity factor for the residential land uses of the Proposed Project. The modeling was revised to remove this reduction, which had no impact on GHG emissions related to electricity usage because modeling assumed that all energy consumed by residential land uses would be supplied by renewable energy.
- The modeling completed for the Draft EIR incorrectly included a 70 percent reduction, rather than a 30 percent reduction, in the Title 24 natural gas energy intensity factor for the Proposed Project to account for the 2019 Building Energy Efficiency Standards. The modeling was revised to include a 30 percent reduction, which resulted in increased GHG emissions related to natural gas consumption.
- The modeling completed for the Draft EIR did not include the City's average solid waste diversion rate of 35 percent. The modeling was revised to include this reduction, which reduced GHG emissions associated with solid waste.
- The modeling completed for the Draft EIR did not account for the use of reclaimed water in the Proposed Project. The modeling was revised to account for this project feature, which reduced GHG emissions associated with water usage.

Page 4.7-9:

Area Source Emissions

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating were calculated in CalEEMod and utilize standard emission rates from the CARB, USEPA, and emission factor values provided by the local air district (CAPCOA 2017). Based on similar projects constructed by the project applicant, it was assumed that approximately 10 percent of single-family residences would have gas fireplaces.

Page 4.7-10:

In California, Title 24 governs energy consumed by the built environment, mechanical systems, and some types of fixed lighting. ~~As discussed in Section 4.2, *Air Quality*, and shown in Appendix E the lighting energy intensity factor for Proposed Project residential uses was reduced by 75 percent to account for the lighting requirements of the latest iterations of Title 24, which are not included in CalEEMod. Furthermore, e~~ Energy usage from single-family residential usage was

reduced by 7 percent and non-residential energy usage was reduced by 30 percent to account for the requirements of 2019 Title 24 standards (California Energy Commission 2019).

Page 4.7-11:

Emissions from waste generation were also calculated in CalEEMod and are based on the IPCC's methods for quantifying GHG emissions from solid waste using the degradable organic content of waste (CAPCOA 2017). Based on the City's solid waste collection data from 2018 to 2019, the City has an average diversion rate of 35 percent, which was included in CalEEMod (Overmeyer 2020).

Pages 4.7-11 to 4.7-12:

Emissions from water usage and wastewater generation calculated in CalEEMod were based on indoor and outdoor water use rates from the Water Supply Assessment prepared for the Proposed Project, which is discussed in detail in Section 4.16, *Utilities and Service Systems*, and is included as Appendix M. The Water Supply Assessment also indicates that all outdoor water use (approximately 9.4 percent of total water use) would be supplied by reclaimed water; therefore, the Reclaimed Water input in CalEEMod was adjusted to reflect this design feature.

Page 4.7-12:

For mobile sources, CO₂ and CH₄ emissions were quantified in CalEEMod based on forecast VMT provided by TJKM, which was calculated based upon AMBAG 2018 Regional Travel Demand Model (RTDM).⁶ As discussed in Section 4.14, *Transportation*, the Proposed Project would result in approximately 62,297 net new daily VMT, or 22,738,405 net new annual VMT; however, this number is conservative because it does not fully account for displaced growth/redistributed population (Burgett 2019). The default trip generation rates for each land use in CalEEMod were adjusted to reflect the forecast annual VMT. The GHG analysis uses the inputs from Section 4.14, *Transportation*, under the Plan's effect on VMT estimation method (Fehr & Peers 2019, Appendix K).

Page 4.7-15:

Area Source Emissions

Area source emissions from the Proposed Project would include consumer product use and landscape maintenance equipment. As shown in ~~Table 4.7-5~~ Table 4.7-3, area source emissions would be approximately ~~26~~ 96 MT of CO₂e.

Energy Use Emissions

Operation of the Proposed Project would consume both electricity and natural gas. The generation of electricity through combustion of fossil fuels typically yields CO₂, and to a smaller extent, N₂O and CH₄. As discussed above, annual electricity and natural gas emissions can be calculated using default values from the CEC-sponsored CEUS and RASS studies, which are built into CalEEMod, as well as adjustments for the most recent iterations of Title 24 standards. As shown in ~~Table 4.7-5~~ Table 4.7-3, electricity and natural gas consumption associated with the Proposed Project would generate an estimated ~~2,615~~ 3,016 MT of CO₂e per year with

⁶ Detailed information in the 2018 AMBAG Travel Demand Model is available online: <https://ambag.org/programs-services/modeling>. Including the AMBAG 2018 RTDM technical documentation: http://ambag.org/programs/Modeling/AMBAG_2018RTDM_TechnicalReport.pdf

approximately ~~2,588~~ 2,989 MT of CO₂e generated by natural gas usage and approximately 27 MT of CO₂e generated by electricity usage.

Solid Waste Emissions

As shown in ~~Table 4.7-5~~ Table 4.7-3, solid waste associated with the Proposed Project would generate approximately ~~1,814~~ 1,179 MT of CO₂e per year.

Water Use Emissions

Based on the amount of electricity used to supply and convey water, operation of the Proposed Project would generate approximately ~~293~~ 277 MT of CO₂e per year (~~Table 4.7-5~~ Table 4.7-3).

Pages 4.7-15 through 4.7-16:

~~Table 4.7-5~~ Table 4.7-3 combines the construction, operational, and mobile GHG emissions associated with the Proposed Project. Construction emissions associated with construction activities (approximately 1,999 MT of CO₂e) are amortized over 25 years (the anticipated life of the Proposed Project). Combined annual emissions generated by the Proposed Project would total approximately ~~15,054~~ 14,873 MT of CO₂e per year.

Table 4.7-3 Combined Annual GHG Emissions

Emission Source	Project Emissions (MT of CO ₂ e per year)
Construction	1,999.0
Operational	
Area	25.6 <u>95.7</u>
Energy	
Electricity	26.9
Natural Gas	2,588.3 <u>2,989.1</u>
Solid Waste	1,814.2 <u>1,179.3</u>
Water	293.5 <u>276.5</u>
Mobile	
CO ₂ and CH ₄ ¹	8,174.6
N ₂ O	131.9
Total Emissions	15,054.0 <u>14,873.0</u>

See Appendix E for CalEEMod results and N₂O mobile emissions data sheets.

¹ Default trip generation rates for each land use in CalEEMod were adjusted to reflect the forecast VMT of approximately 22,738,405 net new annual VMT, as closely as possible (Burgett 2019). However, this analysis is conservative because the CalEEMod model assumes 23,739,210 net new annual VMT, which is slightly greater than the annual net new VMT forecasted by TJKM.

Page 4.7-16:

As discussed in Section 2, *Project Description*, the Plan Area currently contains abandoned U.S. Army buildings (currently City property), a fire station...

Page 4.7-16:

Therefore, for the purposes of this analysis, baseline GHG emissions from the Plan Area are functionally 0 MT of CO₂e per year. Accordingly, the Proposed Project would result in an increase in GHG emissions from the Plan Area of approximately ~~14,873~~ 15,248 MT of CO₂e per year. As discussed in Section 4.7.3(a), *Methodology and Significance Thresholds*, this analysis considers any increase in GHG emissions above baseline conditions to be cumulatively considerable. Therefore, because the Proposed Project would result in an increase in GHG emissions from the Plan Area of approximately ~~14,873~~ 15,248 MT of CO₂e per year, impacts under this baseline analysis would be cumulatively considerable.

Page 4.7-18 to 4.7-19:

The 1992 Air Quality Baseline Study prepared for the former Fort Ord quantified criteria and toxic air pollutant emissions from base operations but did not quantify GHG emissions (United States Army Corps of Engineers 1992). ~~Therefore, in the absence of quantitative data, this analysis qualitatively discusses the magnitude of the Proposed Project's GHG emissions in comparison to the magnitude of GHG emissions generated by the former Fort Ord base.~~ Therefore, operational GHG emissions generated by the former Fort Ord base in 1991 were quantified and compared to those emissions generated by existing, entitled, and planned Fort Ord base reuse development and the Proposed Project. The full supplementary analysis of GHG emissions under the former Fort Ord 1991 baseline, which is incorporated into the following discussion, is provided as Appendix R.

The former Fort Ord accommodated single-family housing, barracks, commercial retail, a hospital, an elementary school, general light industry and stationary combustion sources, a general aviation airport, recreational uses, and a sports/fitness complex (United States Army Corps of Engineers 1992). The former Fort Ord's resident population was 31,270 persons in 1991, which was accommodated in 23,716 housing units. The former Fort Ord base generated approximately 401,028 MT of CO₂e per year (Appendix R).

As discussed in Section 3, *Environmental Setting*, since 1991, there has been a total of 1,282 dwelling units, 1,766 existing/replacement dwelling units, and 988,200 square feet of non-residential space built on the former Fort Ord. In addition, CSUMB has removed 274 military buildings from its campus, reused 66 military buildings, constructed 7 new buildings, constructed recreational facilities, and improved the infrastructure on the campus. Additional residential, commercial, industrial, and institutional development is entitled and planned for the former Fort Ord through 2030. New development, including the Proposed Project, is substantially more efficient than prior base development constructed from the 1950s to the 1970s due to increasingly stringent building codes and vehicle efficiency standards that have increased energy, water, and fuel use efficiency since that time, thereby reducing GHG emissions. Existing, entitled, planned, and reasonably foreseeable future base reuse development through 2030 would generate approximately 292,687 MT of CO₂e per year. Therefore, base reuse development plus the Proposed Project would generate approximately 307,560 MT of CO₂e per year, which would be approximately 93,468 MT of CO₂e per year less than former Fort Ord 1991 baseline conditions (Appendix R). As a result, given that post-1991 development in conjunction with the Proposed Project is less intensive in terms of density and types of uses and more efficient than the former Fort Ord development, it is unlikely that the magnitude of Proposed Project-related GHG emissions combined with GHG emissions generated by all post-1991 development exceeds the magnitude of GHG emissions generated by

~~former Fort Ord operations. As such, it is likely that the Proposed Project in combination with other post 1991 development on the former Fort Ord base generate fewer overall GHG emissions than under the 1991 baseline conditions. Therefore, based upon the 1991 former Fort Ord baseline analysis, impacts would be less than cumulatively considerable.~~

Page 4.7-20

GHG-1(d) Greenhouse Gas Reduction Plan for Operational Emissions

In addition to Mitigation Measures GHG-1(b) and GHG-1(c), the project applicant shall prepare and implement a Greenhouse Gas Reduction Program (GGRP) that reduces GHG emissions to net zero over the operational life of the Proposed Project. To meet the net zero requirement the Proposed Project must reduce its operational GHG emissions by ~~13,055~~ 12,874 MT of CO_{2e} per year, or otherwise demonstrate that GHG emissions are at or below Plan Area baseline. Table 4.7-4 proposes a menu of measures that either singularly or in combination would accomplish the required numeric reductions.

Section 4.8 Hazards and Hazardous Materials

Page 4.8-1:

The Plan Area has remnant hazardous materials from historic military uses at the former Fort Ord base. Between 1917 and closure of the Fort Ord base in 1994, various areas of the Plan area was Fort Ord base were operated as infantry, artillery, and cavalry training grounds. The Plan Area was utilized for a fire training center, housing, training, and recreation.

The 1995 Basewide Remedial Investigation/Feasibility Study for Fort Ord (Harding Law Associates [HLA] 1995) indicates that there is one Hazard Investigation Site/Operable Unit (OU10) present within the Plan Area which includes a Solid Waste Management Unit (SWMU14).

Page 4.8-2:

In December 2001, the Army published a FOSET (U.S. Army 2001) for four parcels located within the Plan Area which makes these required findings for early property transfer. The four parcels are shown in Figure 4.8-1 and described as follows:

- Parcels L2.4.3.1 and L2.4.3.2 include an approximately 1.3-acre site located in the Plan Area, southwest of Colonel Durham Street and 7th Avenue.
- Parcel L32.4.1.2 (formerly a portion of L32.4.1) includes an irregularly shaped approximately 16-acre site in the Plan Area, north of Gigling Road, at Malmedy Road.
- Parcel L37 includes an approximately 5-acre site in the Plan Area located northwest of Gigling Road and 6th Avenue.

These parcels are shown on Figure 4.8-1. As shown therein, not all portions of the Plan Area have been approved for early transfer. It should be noted that Parcel L2.4.2 was also included for early transfer; however, this parcel is located to the east, outside of the Plan Area.

In May 2003, the Army published FOST Track 0 (U.S. Army 2003) for numerous parcels located within the Plan Area which makes findings for property transfer. Nine of these parcels are present in the Plan Area and are shown in Figure 4.8-1, they include: L19.3, L19.2, L1.1, L23.6, L15.1, L19.4, L32.4.1.1, L7.8, and L7.9 (U.S. Army 2003). It should be noted that Parcels L36,

L32.2.2, and L32.3 were also included for transfer with FOST Track 0; however, these parcels are not a part of the Plan Area.

One of these parcels was identified as ECP Category 1, a parcel where no release or disposal of hazardous substances or petroleum products has occurred: L19.3. Eight of these parcels were identified as ECP Category 4, a parcel where a release, migration or disposal of hazardous substances has occurred, and all removal or remedial actions have been taken. ECP Category 4 parcels include: L19.2, L1.1, L23.6, L15.1, L19.4, L32.4.1.1, L7.8, and L7.9.

Plate 12 of FOST Track 0 also indicates that USTs and /or ASTs were formerly present of the following parcels: L32.4.1.1 (2 USTs), L37 (2 ASTs), and IRP 10 (2 ASTs and 2 USTs) as shown in Figure 4.8-1 and described below.

- One UST at Parcel L32.4.1.1 is identified as UST 4430 and was utilized to store diesel fuel from 1954-1992. This 3,000-gallon UST was reportedly closed in place in April 1992 and closure was approved by Monterey County Department of Health in January 1994 (U.S. Army 2003).
- The second UST at Parcel L32.4.1.1 is identified as UST 4440 and was utilized to store diesel fuel since 1954. This 3,000-gallon UST was reportedly closed and closure was approved by Monterey County Department of Health April 1994 (MCDH 1994). It is not known if this tank was closed in place or removed.
- Two ASTs (4460.1 and 4460.2) at parcel L37 were located near building 4460, and as of 2001 the ASTs were empty and inactive (U.S. Army 2001). No additional information regarding the previous use of these tanks or assessment/remediation action in the area was located in the FOST Track 0 or FOSET 2 documents.
- Two ASTs at parcel F2.3.3 (IRP 10) were identified further in a 1990 document discussed later in this report. No additional information regarding the previous use of these tanks or assessment/remediation action in the area was located in the FOST Track 0 or FOSET 2 documents.
- Two USTs at parcel F2.3.3 (IRP 10) were identified further in a 1990 document discussed later in this report. The USTs (4400.1 and 4400.2) were closed by Monterey County Department of Health on December 1995 (MCDH 1995). It is not known if these tanks were closed in place or removed.
- Parcels F2.3.2, F2.3.3, and F2.3.4 Plan Area parcels, located along General Jim Moore Boulevard could not be located in the baseline, FOST Track 0, or FOSET 2 documents. However, these parcels were deeded to the City of Seaside as follows: The 2008 quitclaim deed (DACA05-9-07-512) for parcel F2.3.3 (Site 1/burn pit) indicates that the burn pit area was remediated to EPA satisfaction in 1996 (U.S. Army 2012). However, the deed does not indicate if the USTs at this location were removed or if the area in the vicinity of the USTs and ASTS was assessed for potential fuel impacts.
- The 2008 quitclaim deed (DACA05-9-08-526) for parcels F2.3.2 and F2.3.4 (east of General Jim Moore Boulevard) indicates that the nearby burn pit area was remediated to EPA satisfaction in 1996 (U.S. Army 2012). However, the deed does not indicate if assessments were ever completed onsite.

Page 4.8-2:

In December 2018 ~~the Army~~ FORA began demolition of these buildings and remediation of the Surplus II Area...

Page 4.8-2:

In the Plan Area, the Army is responsible for the cleanup at the Site 10 hazardous investigation site identified in Figure 4.8-1, to the east of General Jim Moore Boulevard and north of Gigling Road.

In the Plan Area, FORA is also responsible for cleaning up hazardous materials at military buildings on the Surplus II site, as well as at the hazardous investigation site and soil excavation area identified in Figure 4.8-1 to the east of General Jim Moore Boulevard and north of Gigling Road.

Page 4.8-4:

Removal and off-site disposal of hazardous wastes by ~~the Army~~ FORA is required prior to demolition of existing contaminated buildings....

Page 4.8-5:

Groundwater in and near the Plan Area is tested periodically for contaminants resulting from former military use. One groundwater testing well (MW-10-04-180) is located in the Plan Area, to the north of Gigling Road and west of Malmedy Road. The most recent groundwater testing at this well, on September 14, 2011 in 2010 and 2011, identified carbon tetrachloride as the only detectable volatile organic chemical (VOC) contaminant (up to ~~0.18~~ 0.14 micrograms milligram per liter [µmg/L]) (State Water Resources Control Board [SWRCB]-~~2011~~ 2019). This volatile organic chemical (VOC) was produced “to make refrigerants and propellants for aerosol cans, as a solvent for oils, fats, lacquers, varnishes, rubber waxes, and resins, and as a grain fumigant and a dry cleaning agent” (USEPA 2016). For reference, California’s maximum contaminant level (MCL) for carbon tetrachloride in drinking water is 0.0005 mg/L (or 0.5 µg/L). This groundwater monitoring well, and other wells formerly located at Site 10, have been abandoned (Ahtna Environmental 2019a).

Page 4.8-13:

The remaining existing structures in the Plan Area contain hazardous materials such as lead-based paint, ACMs, universal waste, and PCBs. Existing structures include non-building structures, such as baseball field light towers, abandoned boiler saddles, and subsurface utility lines which may contain ACM. Exposure to lead can cause adverse health effects, including disturbance of the gastrointestinal system, anemia, kidney disease, and neuromuscular and neurological dysfunction (in severe cases)...

Friable ACMs are regulated as a hazardous air pollutant under the Clean Air Act. As a worker safety hazard, they are also regulated under the authority of Cal/OSHA and by MBARD. In structures slated for demolition, any ACMs would be abated in accordance with State and Federal regulations prior to the start of demolition or renovation activities and in compliance with all applicable existing rules and regulations, including MBARD. This includes removal of non-building structures and facility components, such as baseball field light towers, abandoned boiler saddles, and subsurface utility lines which may contain ACM. (40 CFR Parts 61.141 and 61.145). The Army is required to remediate and safely dispose of hazardous materials such as asbestos, lead-based paint, universal waste, and PCBs as part of the Superfund cleanup process, even though the land has already been transferred for future Campus Town development (FORA 1997b). As discussed above in the Regulatory Setting, many existing structures in the Plan Area

have been safely removed by an industrial hygienist service retained by FORA, which included general assessments to identify toxic and hazardous substances, such as lead-based paint, asbestos, underground storage tank leaks, molds, other hazardous materials, wastes, report preparation, site assessments, preliminary plans, working drawings, remediation, and disposal. The MBARD Asbestos Program regulates the handling of asbestos and operates as a cradle to grave basis through the regulation of all aspects related to the handling of asbestos materials from discovery through removal, through transportation and disposal. These programs would ensure that asbestos removal would not result in the release of hazardous materials to the environment that could impair human health. Therefore, the impact related to ACMs would be less than significant.

Page 4.8-15:

Mitigation Measures

No mitigation is required. However, the following Condition of Approval has been added to ensure implementation of ACM regulations.

COA HAZ-1: If non-building related ACMs, baseball field light towers, abandoned boiler saddles, and subsurface utility lines, proposed for removal are encountered during demolition or grading, the applicant shall survey the materials for ACMs, and contaminants of concern prior to disturbing and removing the materials. If discovered onsite, ACMs will be handled in compliance with applicable regulations.

Page 4.8-16:

Although hazardous materials such as asbestos, lead-based paint, universal waste, and PCBs are currently present in the remaining hammerhead buildings in the Plan Area, ~~the Army FORA is required to remediate and safely dispose of them as part of the Superfund cleanup process, even though the land has already been transferred for future Campus Town development (FORA 1997b).~~ This type of demolition and remediation activity in the Surplus II Area has been previously approved pursuant to the FORA Capital Improvements Program.

For soil and groundwater impacts, the USEPA oversees the remediation process, and the Army must also submit findings to the CalEPA. Remediation of hazardous materials will occur in accordance with the RA-ROD. Although the former Fort Ord base is a listed Superfund site, concentrations of contaminants in the Plan Area would not exceed State regulatory limits after this remediation process. Therefore, under implementation of the Proposed Project, residents, employees, visitors, and other people in the Plan Area would not be exposed to hazardous concentrations of remnant materials from the Fort Ord site.

Section 4.9 Hydrology and Water Quality

Page 4.9-5, Section 4.9.1(c), *Groundwater*:

Seawater intrusion is an ongoing problem in the Salinas Valley Groundwater Basin (DWR 2004). The upper aquifers in the Salinas Valley Groundwater Basin (180-foot aquifer and 400-foot aquifer which is North of the Monterey Subbasin) along the coast are experiencing high salinity due to seawater intrusion.¹ The Draft EIR incorporated by reference the UWMP, including UWMP Figure 4.6, which shows the locations of sea-water intrusion in the overall Salinas Valley Groundwater Basin in the 400-foot aquifer. As shown in that figure, seawater intrusion in the Monterey sub-basin 400-foot aquifer (located approximately south of Reservation Road), has

not substantially progressed since the 1990s. MCWD's wells in the 400-foot aquifer (MCWD-29, 30, 31, 34, and 39) are located outside of this area of sea-water intrusion (UWMP, Figure 2.2 and Section 4.2.5). MCWD's wells in Central Marina, although near the coast, are in the Deep Aquifer within the Monterey Subbasin (DWR, Bulletin 118, Basin No. 3-004.10) of the broader Salinas Groundwater Basin, which has not experienced signs of seawater intrusion and is considered to have reliable quality.

Page 4.9-5 Footnote 1:

According to the 2019 Salinas River Long-Term Management Plan, current 'seawater intrusion extends approximately 7 miles inland within the 180-foot aquifer and 4 miles inland in the 400-foot Aquifer. (Salinas River Long-Term Management Plan 3-41, 3-42, available at http://www.salinasrivermanagementprogram.org/ltmp_doc.html.)

Page 4.9-5 to 4.9-6, Section 4.9.1(d), *Water Quality*:

Onsite groundwater monitoring wells screened in the upper 180-foot aquifer were tested up until approximately 2011 when the wells were deemed unnecessary and abandoned. It appears that onsite wells were not screened or tested in the A-Aquifer, Lower 180-Foot Aquifer, and 400-Foot Aquifer. The wells were utilized initially to determine if groundwater at Site 10 was impacted from the historic use at the burn pit. The groundwater wells were also utilized for a time as upgradient monitoring wells as part of the OU2 groundwater monitoring.

The remediation system at OU2 has been operating since 1995 to remediate the OU2-Aquifer, the OU2 Upper 180-Foot Aquifer, and the OU Carbon Tetrachloride Plume Upper 180-Foot Foot Aquifer (Ahtna 2019b). Deep aquifer groundwater assessment documents were not readily available at the Fort Ord Cleanup website. Assessments have been completed by the Army at the A-Aquifer, Upper 180-Foot Aquifer, and the Lower 180-Foot Aquifer and are available online at the Fort Ord Cleanup website.

Page 4.9-5:

Studies by the United States Geological Survey indicate that Deep Aquifer water in the vicinity of Marina is not of recent origin. Uncorrected Carbon 14 dating of water from a test well in the vicinity of Marina's Deep Aquifer wells indicates the water is between 22,000 and 31,000 years old. The ancient nature of this water raises the possibility that recharge to this aquifer may be insufficient to sustain current pumping, but monitoring well data at the Marina Airport indicates the aquifer is subject to seasonal variations similar to the upper aquifers. Recent stratigraphic analyses have indicated that these aquifers are connected hydraulically at certain locations with the 180-foot and 400-foot aquifers, which may be recharging the Deep Aquifer. (MCWD Draft 2015 Urban Water Management Plan, at p. 37, available at https://www.mcwd.org/docs/agenda_minutes/2016-06-06_board/Item%2011-A%20-%20MCWD%20Draft%202015%20UWMP%20v20160520.pdf.)

Page 4.9-25:

The upper aquifers in the Salinas Valley Groundwater Basin (180-foot aquifer and 400-foot aquifer) along the coast are experiencing high salinity due to seawater intrusion (MCWRA 2019).⁵ The Draft EIR incorporated by reference, the UWMP, including UWMP Figure 4.6, which shows the locations of sea-water intrusion in the overall Salinas Valley Groundwater Basin in the 400-foot aquifer. As shown in that figure, seawater intrusion in the Monterey sub-basin 400-foot aquifer (located approximately south of Reservation Road), has not substantially

progressed since the 1990s. MCWD's wells in the 400-foot aquifer (MCWD-29, 30, 31, 34, and 39) are located outside of this area of sea-water intrusion (UWMP, Figure 2.2 and Section 4.2.5). MCWD's wells in Central Marina, although near the coast, are in the Deep Aquifer within the Monterey Subbasin (DWR, Bulletin 118, Basin No. 3-004.10) of the broader Salinas Groundwater Basin, which has not experienced signs of seawater intrusion and is considered to have reliable quality.

Page 4.9-26:

If groundwater pumping were to be increased to meet this demand without mitigation, this would potentially result in overdraft and lowered groundwater levels which would lead to seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium, etc.). To address the discrepancy between the Proposed Project's 441.6 AFY of potable water demand and the ~~181.3~~ 180.6 AFY of available potable water supply, Mitigation Measure UTIL-1 requires the City to secure water supplies for the Proposed Project by offsetting potable water demands. Because the potable water demands of the Proposed Project would be offset by the City, the Proposed Project would not result in seawater intrusion.

Construction and operation of the Proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. Consequently, the Proposed Project would not conflict with or obstruct implementation of the Basin Plan and impacts would be less than significant.

Sustainable Groundwater Management Plan

As discussed in detail under Impact HWQ-2, mandatory compliance with the Seaside Municipal Code, FORA Stormwater Master Plan, and Central Coast RWQCB post-construction requirements for stormwater management would minimize the Proposed Project's interference with groundwater recharge of the underlying Monterey Subbasin.

The Proposed Project would increase the demand for water, most of which would derive from groundwater sources. As discussed in detail in Section 4.16, Utilities and Service Systems, within the Ord Community, 6,600 AFY of existing Salinas Valley groundwater supply has been allocated among the land use jurisdictions by FORA. The 6,600 acre-feet per year figure is derived from the 1984 peak and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin, not including pumping from a non-potable golf course well. The City has an existing potable water allocation of Salinas Valley Groundwater of 1,012.5 AFY (from the 6,600 AFY regional allocation), and has previously sub-allocated ~~831.2~~ 831.9 AFY to other projects, leaving ~~181.3~~ 180.6 AFY available. Based on the calculations in the WSA, the available water supply of ~~181.3~~ 180.6 AFY is not sufficient to meet the Proposed Project's potable water demand of 441.6 AFY. To address the discrepancy between the Proposed Project's 441.6 AFY of potable water demand and the ~~181.3~~ 180.6 AFY of available potable water supply, Mitigation Measure UTIL-1 requires the City to secure water supplies for the Proposed Project by offsetting potable water demands with in-lieu storage and offset programs. With implementation of these programs, total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection would meet the projected water demand associated with the Proposed Project, in addition to the MCWD's existing and planned future uses.

Page 4.9-29:

As discussed under Impacts HWQ-2 and HWQ-5, the Proposed Project would increase the demand for water, most of which would be derived from groundwater sources. Cumulative development would also increase demands for groundwater supplies. Compliance with applicable regulations and the impending development of groundwater sustainability plans for the Monterey Subbasin would ensure the long-term sustainability of groundwater supplies. Therefore, cumulative development would not result in a significant cumulative impact. To address the discrepancy between the Proposed Project’s 441.6 AFY of potable water demand and the ~~181.3~~ 180.6 AFY of available potable water supply, Mitigation Measure UTIL-1 requires the City to secure water supplies for the Proposed Project by offsetting potable water demands. Consequently, the Proposed Project’s impacts to groundwater supplies and groundwater management efforts would be less than significant and the Proposed Project would not have a cumulative considerable contribution to a significant cumulative impact related to groundwater.

Section 4.10 Land Use Planning

Table 4.10-1, page 4.10-32 and page 4.10-35 (revised rows only):

General Plan Policy	Discussion
Land Use Element	
<p>Goal LU-5: Collaborate with local and regional water suppliers to continue to provide quality water supply and treatment capacity to meet community needs.</p>	
<p>Policy LU-5.4: Promote the use of recycled water for irrigation of parks, golf courses, and public landscaped areas in the community.</p>	<p>Consistent. Chapter 5, <i>Infrastructure</i>, of the Specific Plan requires the installation of a recycled water main in Lightfighter Drive from 1st Avenue to General Jim Moore Boulevard and adjacent to Gigling Road from General Jim Moore Boulevard to 7th Avenue. Following installation of this recycled water main, recycled water could be be used to irrigate public street landscape medians, public parks, opens space, and landscaping for commercial/flex sites and residential front yards. Recycled water may also be provided for domestic (toilets, floor sinks, and other applicable uses allowed under the California Building Code) use by multi-family residential units. Therefore, the Proposed Project would be consistent with Policy LU-5.4.</p>
Circulation Element	
<p>Goal C-3: Promote the increased use of multi-modal transportation.</p>	
<p>Policy C-3.4: Support alternative modes of transportation that encourage physical activity, such as biking and walking.</p>	<p>Consistent. The Specific Plan includes policies to implement a multi-modal transportation network on-site through the design of complete streets for all forms of mobility and the consideration of safety for pedestrians and bicyclists as well as vehicle occupants. The Specific Plan also includes goals and policies to develop well-designed, pedestrian-oriented streetscapes and create a walkable community by restricting providing motorized intersection density at a minimum of 235 238 intersections per square mile. Therefore, the Proposed Project would be consistent with the provisions of Policy C-3.4.</p>

Table 4.10-2, page 4.10-42, page 4.10-56 (revised rows only):

General Plan Policy	Discussion
Land Use and Community Design Element	
Goal LUD-9. A safe environment oriented and scaled to pedestrians and bicyclists.	
<p>Policy. Streetscape design. Create pedestrian-oriented streetscapes by establishing a unified approach to street tree planting, sidewalk dimensions and maintenance, pedestrian amenities, and high-quality building frontages.</p>	<p>Consistent. The Specific Plan also includes goals and policies to develop well-designed, pedestrian-oriented streetscapes and to create a walkable community by providing motorized intersection density of 238 intersections per square mile. The Specific Plan includes development standards to encourage a unified approach. Chapter 4, <i>Private Realm Standards and Guidelines</i>, of the Specific Plan would ensure new development in the private realm exhibits to have high standards of urban design, architecture, and landscaping. These private standards are intended to maintain a consistent street frontage throughout the subareas with uniform building placement and frontage along the street, to create a built environment that emphasizes pedestrian scale and variety by using fenestration, awnings, and frequent building entries. In the Specific Plan Section 3.5, <i>Landscape Standards and Guidelines</i>, specific, allowable street trees and landscape planting types would be determined by their location and function. Section 3.6, <i>Streetscape Guidelines</i>, of the Specific Plan would require streetscape design elements, such as specific paving palette, street furniture, street lighting, and public art as a function of street type.</p>
Goal M-1. A citywide network of “complete streets” that meets the needs of all users, including bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, public transportation, and seniors.	
<p>Policy: Roundabouts. Consider installation of roundabouts as shown on Figure 23, provided the cost of roundabouts does not result in overspending on motor vehicle traffic improvements at the expense of other modes.</p>	<p>Consistent. Implementation of the Proposed Project would in the installation of two roundabouts along General Jim Moore Boulevard, one at the intersection with Gigling Road and the other at Lightfighter Drive.</p>

Section 4.12 Population and Housing

Pages 4.12-7 and 4.12-11 have been revised:

[T]he City’s 2015-2023 Housing Element Technical Appendix identifies available sites for residential development, which include the Plan Area. (HE-App-11958.) According to the 2009-2014 Housing Element, “[r]ecent acquisition of land in the former Fort Ord area has given the City new opportunities for residential and nonresidential development.” (HE-4.) ~~Also, the “former Fort Ord site could accommodate a large number of high density residential units and is available for development.” (HE-App-83.)~~

Section 4.14 Transportation

Page 4.14-1 of the Draft EIR has been revised per the commenter’s suggested edits:

Students, staff, and faculty of CSUMB receive free unlimited access on all MST regular bus routes with their CSUMB Otter ID card. Additionally, all transit users with physical and/or cognitive disabilities may have access to the MST paratransit ~~program~~ service known as (RIDES). This service operates on a point-to-point basis. ~~Appointments are~~ and eligibility is required to ~~guarantee for~~ service, and service is not available on weekends or holidays.

Page 4.14-4, Table 4.14-1:

Table 4.14-3 Existing Transit Route Headways

Route	Description (to/from)	Hours of Operation	Average Weekday Headway
12	The Dunes - NPS	6:45am to 5:38pm	Varies between one and four hours
18	Monterey - Marina	6:07am to 10:45pm	Every 60 minutes
67	Presidio - Marina	Friday from 2:15 pm to 10:10 pm Weekends from 10:15am to 10:10 pm	Every 120 minutes on Fridays Every 60 minutes on weekends
74	Presidio – Toro Park	6:30am to 6:00 pm	One route in each direction in the morning and one evening route towards Toro Park
75	Presidio – Marshall Park Express	5:55 am to 9:56 pm	Varies between 60 to 120 minutes

Source: Fehr & Peers 2019; [transit information dated November 2018](#).

Section 4.16 Utilities and Service Systems

Global Changes to the Draft EIR and Appendix M: Monterey Peninsula College water allocation is hereby revised from 9.0 to 9.7 AFY. Therefore, all references in the Draft EIR and the WSA to the City of Seaside unallocated amount of water from its FORA allocation should be read as changing from 181.3 to 180.6. The City of Seaside’s existing water sub-allocation is also revised from 831.2 to 831.9 AFY. Relatedly, the Project’s demand for water that cannot be met using the FORA allocation is revised from 260.3 to 261.0 AFY, and Mitigation Measure UTIL-1 is revised to require a water offset of 261.0 AFY.

Page 4.16-3:

The 6,600 acre-feet per year amount includes 5,200 acre-feet from the ~~180-foot and 400-foot~~ aquifers, along with 1,400 acre-feet per year from the 900-foot or Deep Aquifer.

Page 4.16-19:

The Salinas Valley Groundwater Basin has a large storage volume and is recharged by the Salinas River, which is augmented by upstream reservoirs. Consequently, the aquifer does not

experience wide level variations due to climatic conditions. Water levels vary by 20 to 30 feet seasonally, and decline an additional 10 to 20 feet during drought periods. MCWD's demands accounted for less than one percent of the total groundwater pumped from the Salinas groundwater basin in 2015, the latest year reported. Therefore, the MCWD's supply is considered reliable on a quantity basis.

The upper aquifers in the Salinas Valley Groundwater Basin (180-foot aquifer and 400-foot aquifer) along the coast are experiencing high salinity due to seawater intrusion (MCWRA 2019).⁶ The Draft EIR incorporated by reference, the UWMP, including UWMP Figure 4.6, which shows the locations of sea-water intrusion in the overall Salinas Valley Groundwater Basin in the 400-foot aquifer. As shown in that figure, seawater intrusion in the Monterey sub-basin 400-foot aquifer (located approximately south of Reservation Road), has not substantially progressed since the 1990s. MCWD's wells in the 400-foot aquifer (MCWD-29, 30, 31, 34, and 39) are located outside of this area of sea-water intrusion (UWMP, Figure 2.2 and Section 4.2.5). MCWD's wells in Central Marina (MCWD wells 10, 11, and 12), although near the coast, are in the Deep Aquifer within the Monterey Subbasin (DWR, Bulletin 118, Basin No. 3-004.10) of the broader Salinas Groundwater Basin, which has not experienced signs of seawater intrusion and is considered to have reliable quality.

Page 4.16-21 through 22:

Within the Ord Community, 6,600 AFY of existing Salinas Valley groundwater supply has been allocated among the land use jurisdictions by FORA. The 6,600 acre-feet per year figure is derived from the 1984 peak and the 1988-1992 average amount of potable water Fort Ord withdrew from the Salinas Basin, not including pumping from a non-potable golf course well. The City has an existing potable water allocation of Salinas Valley Groundwater of 1,012.5 AFY (from the 6,600 AFY regional allocation), and has previously sub-allocated ~~831.2~~ 831.9 AFY to other projects, leaving ~~181.3~~ 180.6 AFY available. Based on the calculations in the WSA, the available water supply of ~~181.3~~ 180.6 AFY is not sufficient to meet the Proposed Project's potable water demand of 441.6 AFY. If groundwater pumping were to be increased to meet this demand without mitigation, this would potentially result in overdraft and lowered groundwater levels which would lead to seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium...

The Proposed Project is projected to use up to 45.83 AFY of recycled water. The City of Seaside has an allocation of 453 AFY from the Phase 1 Recycled Water Project, which will be available in 2019. Once the recycled water distribution system is operational, potable water use that is replaced with recycled water may be reallocated to new projects. Therefore, impacts associated with potable water supply, including groundwater are considered significant.

To address the discrepancy between the Proposed Project's 441.6 AFY of potable water demand and the ~~181.3~~ 180.6 AFY of available potable water supply, several in-lieu storage and offset programs have been identified. Mitigation Measure UTIL-1 has been proposed to address the ~~260.03~~ 261 AFY potable water supply shortfall which includes:

Page 4.16-26

UTIL-1 Water Offset Programs

To address the discrepancy between the Proposed Project's 441.6 AFY of potable water demand and the 181.3 AFY of available potable water supply, the City shall secure the additional water

supplies needed for the Proposed Project. To do so, the City shall implement programs to supply a minimum of ~~260.3~~ 261 AFY. Programs to achieve this include, but would not be limited to:

- Bayonet and Blackhorse Golf Courses in-lieu storage and recovery program, which would replace ~~a minimum of 311.08 AFY of existing potable water use with recycled water (up to 450 AFY, as outlined in Court’s October 25, 2019 Order and Motion for Approval of In Lieu Groundwater Storage Program. as recycled water supplies increase).~~ If implemented, this program alone could address the remaining potable water supply needed for the Proposed Project.
- Seaside Highlands and Soper Field recycled water substitution program to offset 53.1 AFY of potable water use. The Seaside Highlands development was constructed with recycled water mains to supply the landscape irrigation systems. This system is currently fed with potable water, but recycled water will be available within the next few years. Providing recycled water for irrigation of that project would make up to 43.1 AFY of potable supply available for reallocation from Seaside Highlands. An additional 10 AFY may be made available by converting the City’s Soper Field sports complex (adjacent to Seaside Highlands) to recycled water.
- Main-Gate offset program, which would require the previously approved Main-Gate project to utilize 42.99 AFY of recycled water in-lieu of previously allocated potable water supply.
- The City may also require dual-plumbing of buildings to use recycled water for sanitary fixtures (flushing toilets and urinals), which will offset potable water demand with recycled water.

Prior to issuance of a final map, the City shall demonstrate the offset of ~~260.3~~ 261 AFY of potable water based upon available programs, and the applicant shall obtain written verification from MCWD that sufficient water supplies have been secured.

Page 4.16-28:

Cumulative development in the MCWD service area will continue to increase demands on water supplies. Table 3-3 in the WSA (Appendix M1) shows projected water demands for MCWD through 2035. By 2040, MCWD anticipates a total demand of 10,881 AFY, an increase of 6,677 AFY from the 2015 demands (MCWD 2019). As discussed above under Impact UTIL-1, due to water demands from the project in combination with projected growth, there are insufficient existing water supplies to accommodate cumulative development and achieve full buildout of the Proposed Project, which is projected to demand 441.6 AFY of potable water. This results in a cumulatively considerable contribution to a significant cumulative impact. As discussed under Impact UTIL-1, if groundwater pumping were to be increased to meet this demand without mitigation, this would potentially result in overdraft and lowered groundwater levels which would lead to seawater intrusion, which would decrease water quality, by increasing salt concentrations (such as chloride, nitrogen, sodium). To address the discrepancy between the Proposed Project’s 441.6 AFY of potable water demand and the ~~181.3~~ 180.6 AFY of available potable water supply, Mitigation Measure UTIL-1 would require the City to implement programs to offset potable supply, thereby making potable supplies available for the demands of the Proposed Project. The City would be required to demonstrate that sufficient water supplies have been secured prior to issuance of final map. With mitigation, impacts related to water supply sufficiency would be less than significant. Therefore, after mitigation, the Proposed Project would not have a cumulatively considerable contribution to a significant cumulative impact regarding water supply services.

Section 5.4 Urban Decay

Page 5-6:

The Proposed Project would therefore house a variety of commercial business types in a variety of sizes, but no individual store would exceed 40,000 square feet... Additionally, the new residential units incorporated into the Proposed Project would generate on-site demand for retail/commercial uses, and are not expected to take away demand from any centralized location in the AMBAG region such that it would induce urban decay at other locations. An Urban Decay study was conducted by ALH Urban & Regional Economics in November 2019. This study found that “there would... be no Campus Town-induced risk of existing retail business closures,” and concluded that the Project would not result in urban decay (Urban Decay Study page 30). The study found that in the Seaside market area, “the commercial properties... are moderately to well-maintained,” and that the retail vacancy rate as a whole is within typical retail industry standards of 5% to 10%” (Urban Decay Study pages 5–6). The Project will generate a significant portion of the demand of the support for its own commercial spaces, and although some sales within the Plan Area may be diverted from existing market area retailers, there will be new sources of retail demand generated in the market area to offset these potential diverted sales (Urban Decay Study page 6).

Section 7 References

Page 7-6, within the Air Quality subheading:

Monterey Regional Storm Water Management Program (MRSWMP). 2014. SWPPP construction provisions. May 26, 2014. <http://montereysea.org/docs/brochures/2014%20Construction%20Site%20BMP.pdf> (accessed August 2018).

Overmeyer, Kurt. 2020. Economic Development Director, City of Seaside. Personal communication via email regarding City solid waste diversion rates with Megan Jones, Principal, Rincon Consultants, Inc. January 24, 2020.

Page 7-17, within the Greenhouse Gas Emissions subheading:

Overmeyer, Kurt. 2020. Economic Development Director, City of Seaside. Personal communication via email regarding City solid waste diversion rates with Megan Jones, Principal, Rincon Consultants, Inc. January 24, 2020.

Page 7-18 to 7-19, within the Hazards and Hazardous Materials subheading:

Ahtna Environmental. 2019a. Operable Unit 2, Second Quarter 2019 Groundwater Monitoring and Treatment System Report, Former Fort Ord, California. Prepared for U.S. Army Corps of Engineers. September 23, 2019.

. 2019b. Technical Summary Report – Perfluorooctanoic Acid and Perfluorooctanic Sulfonate Basewide Review of Historical Activities and Groundwater Monitoring at Operable Unit 2, Former Fort Ord, California. Prepared for U.S. Army Corps of Engineers. September 27, 2019.

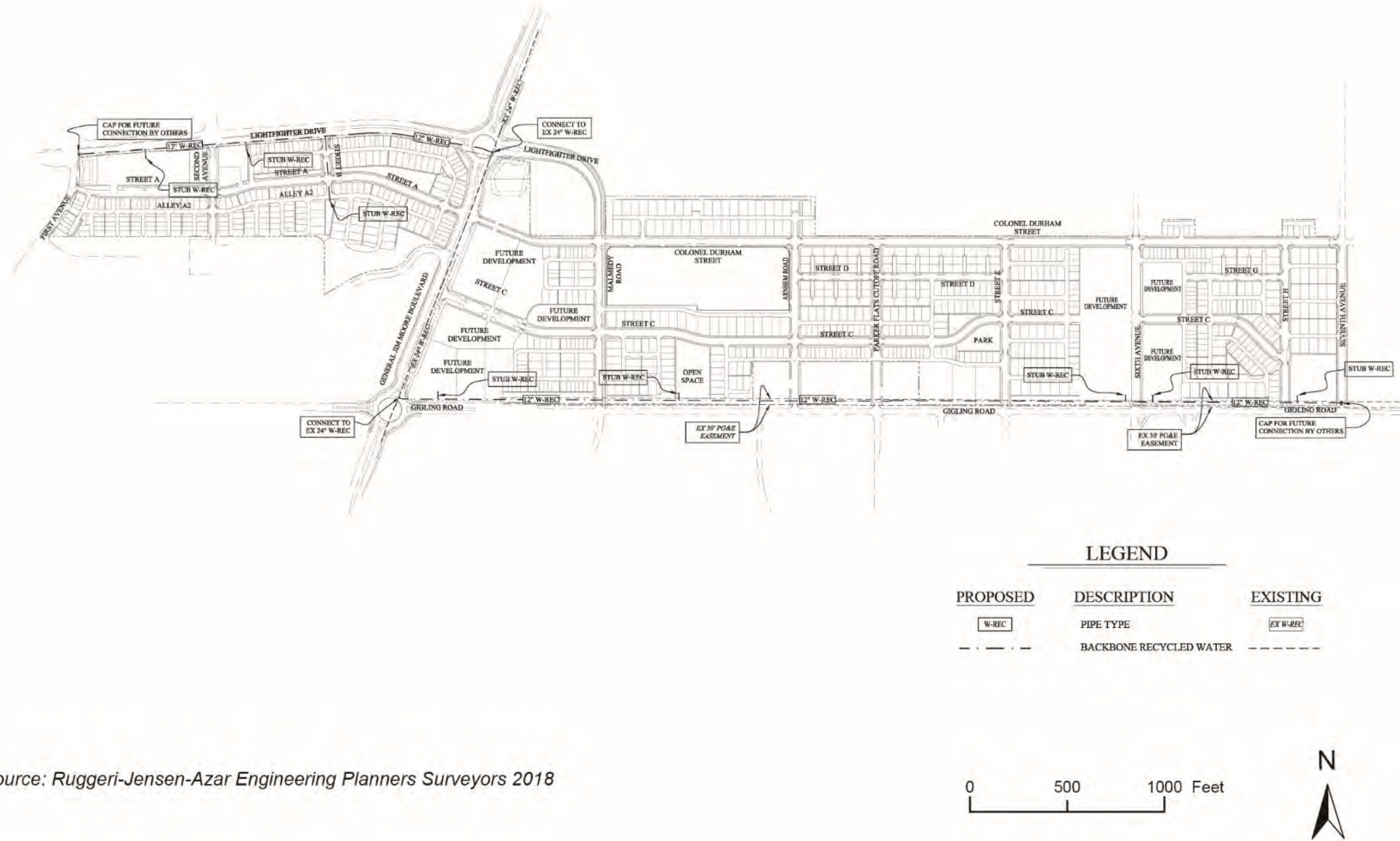
EA Engineering, Science, and Technology Western Division. 1990. Final Site Investigation Report, Fort Ord and Fort Hunter Liggett, California, Part 1- Text. Prepared for U.S. Army Corps

- of Engineers, Omaha District, Omaha Nebraska and Directorate of Engineering and Housing Fort Ord, California. February 8, 1990.
- Harding Lawson Associates (HLA). 1992. *Sampling and Analysis Plan Modification, Site 10 – Burn Pit, Remedial Investigation/Feasibility Study, Fort Ord, California*. Available at: http://docs.fortordcleanup.com/ar_pdfs/AR-BW-0241//BW-0241_text.pdf (accessed February 2018)
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- Monterey County Department of Health (MCDH). 1994. NFA Letter. From Robert J Melton, Director (Monterey County Department of Health) to James Willison, Chief (Environmental and Natural Resources Management Division). April 6, 1994.
- _____. 1995. Re: Underground Storage Tank Closures. From Robert J Melton, Director (Monterey County Department of Health) to Barbara Schmitt, Commander (Presidio of Monterey). December 13, 1995.
- _____. Monterey County Health Department. 2018. Hazardous Materials Management Services. <http://www.co.monterey.ca.us/government/departments-a-h/health/environmental-health/hazardous-material-management> (accessed September 2018).
- State Water Resources Control Board (SWRCB). 2011. ~~GeoTracker Database. Fort Ord – * BW (DOD100196700), Analytical Results – MW-10-04-180.~~ 2019. Geotracker Database: Fort Ord – Basinwide Information (DOD100196700). Analytical Results – MW-10-04-180. http://www.geotracker.waterboards.ca.gov/profile_report?cmd=MWEDFResults&global_id=DOD100196700&assigned_name=MW-10-04-180 (accessed October 2019).
- United States Army. 1995. *Approval Memorandum, Proposed Interim Action Excavation, IA Area 10A, Site – Burn Pit, Fort Ord, California*. April 1995. http://docs.fortordcleanup.com/ar_pdfs/AR-IAFS-146//IAFS-146.pdf (accessed August 2018).
- _____. 2001. ~~*Finding of Suitability for Early Transfer with a CERCLA 120(h)(3) Covenant Deferral: Housing Areas and Former Garrison Parcels, Former Fort Ord, California.* December 2001.~~ (FOSET), Former Fort Ord, California. December 1, 2001.
- _____. 2003. Finding of Suitability to Transfer (FOST), Track 0 Parcels, Former Fort Ord, California. May 27, 2003.
- _____. 2012. Final 3rd Five-Year Review Report for Fort Ord Superfund Site, Monterey County, California. September 17, 2012.

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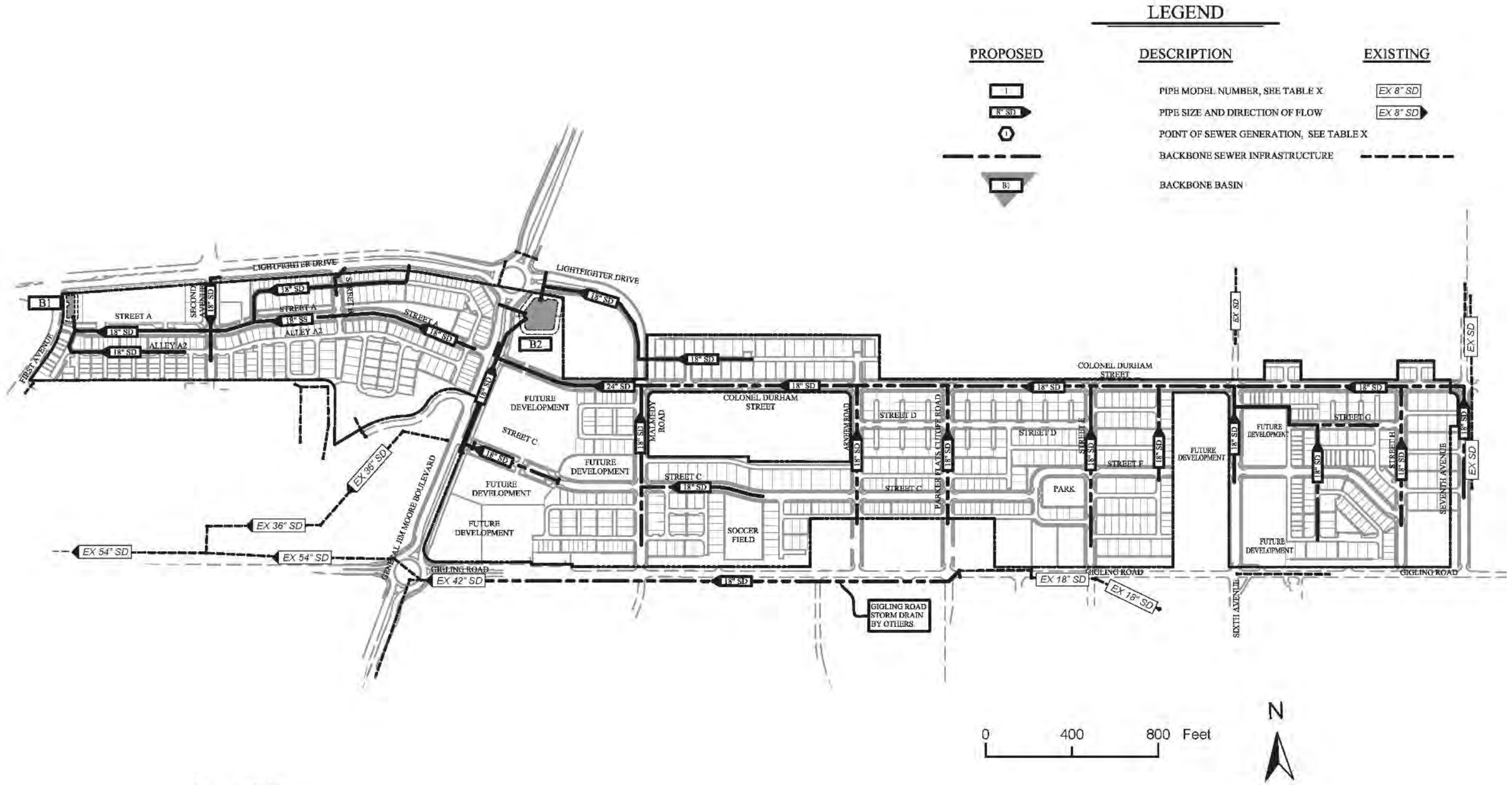
Revised Figures

Figure 2-7 Conceptual Recycled Water System Plan:



Source: Ruggeri-Jensen-Azar Engineering Planners Surveyors 2018

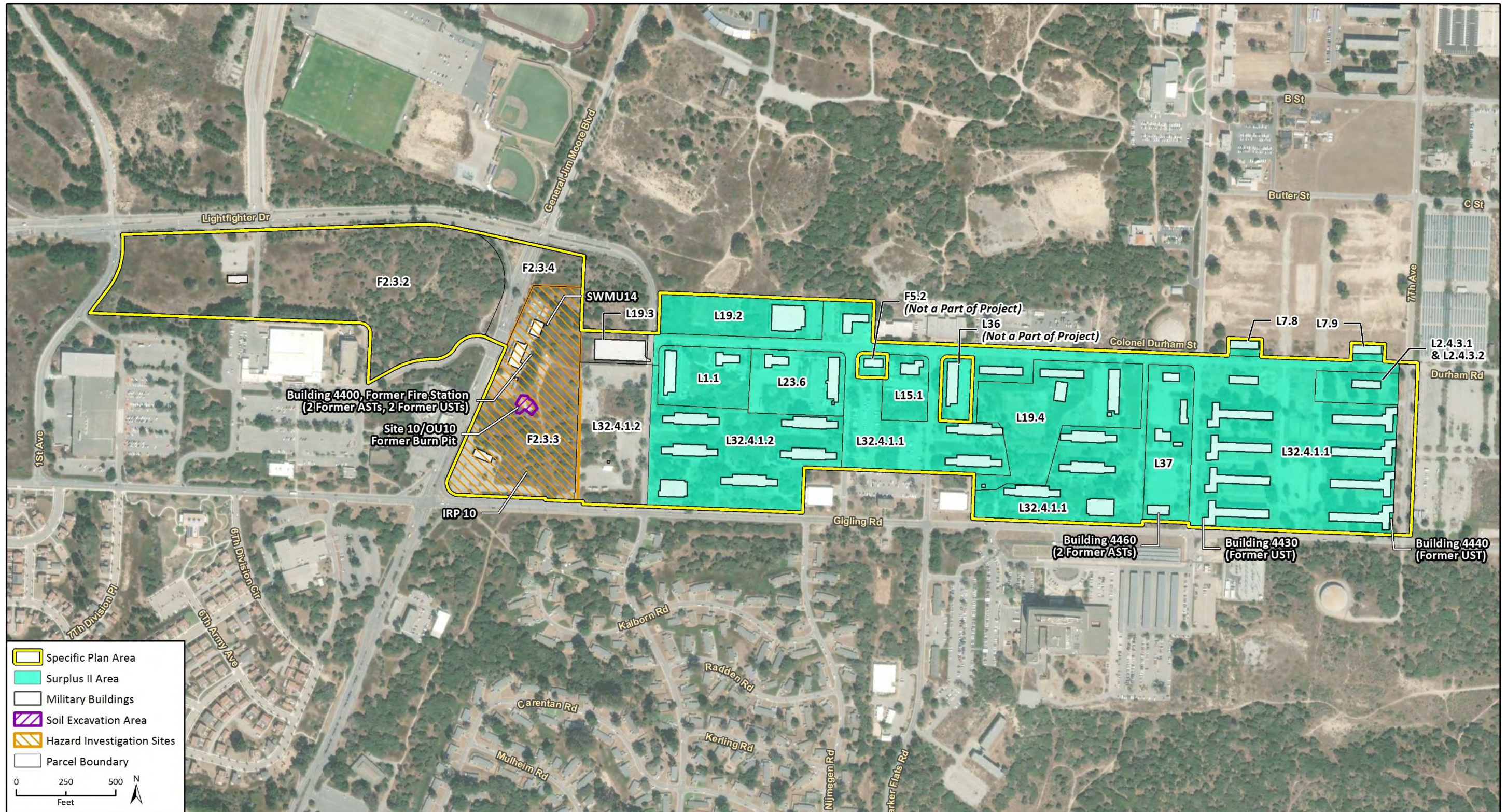
Figure 2-8 Conceptual Stormwater System:



LEGEND	
PROPOSED	EXISTING
[Symbol]	PIPE MODEL NUMBER, SEE TABLE X
[Symbol]	PIPE SIZE AND DIRECTION OF FLOW
[Symbol]	POINT OF SEWER GENERATION, SEE TABLE X
[Symbol]	BACKBONE SEWER INFRASTRUCTURE
[Symbol]	BACKBONE BASIN

Source: RJA

Figure 4.8-1 Surplus II Hazardous Sites in Plan Area

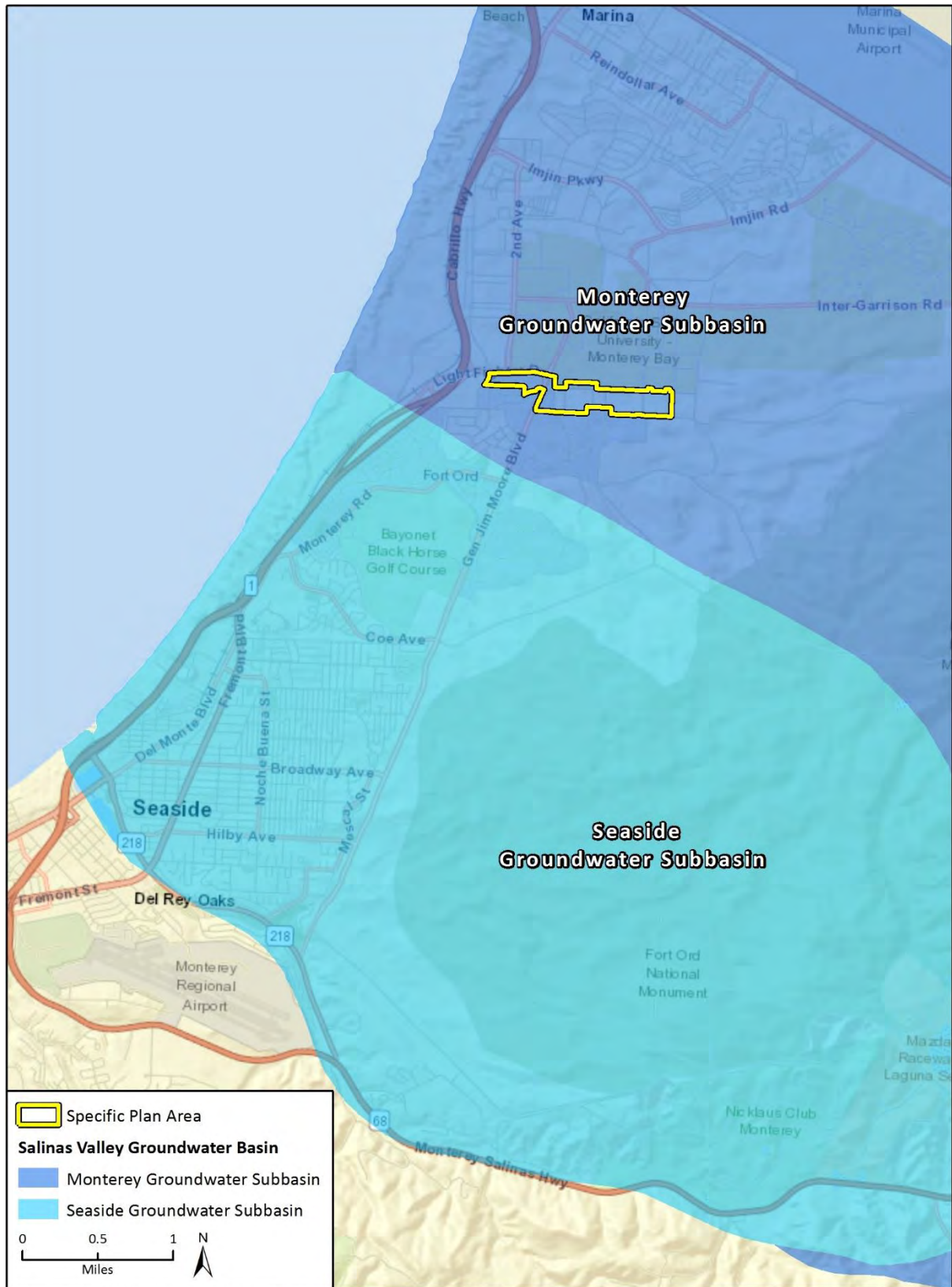


Imagery provided by Microsoft Bing and its licensors © 2019;
 Additional data provided by Fort Ord, 2018.

FigX HazMat_11x17

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Figure 4.9-2 Groundwater Basin Subareas Near Plan Area



Imagery provided by Google, ESRI and their licensors © 2018.
Groundwater basin data provided by the California Department of Water Resources, Bulletin 118 2016.

FigX Groundwater Basins

Figure 4.14-1 Existing and Planned Transit Network



Source: Torti Gallas + Partners Inc. 2019

Figure 4.14-2 Existing and Planned Bicycle Facilities Network



Figure 4.14-3 Existing and Planned Pedestrian Facilities Network:



Source: Torti Gallas + Partners Inc. 2019

Appendix B – Campus Town Specific Plan

Page 22, Figure 1.7:



Figure 1.7 - Existing and Previously Proposed Bicycle Network

Page 37, Figure 2.9:



Figure 2.9 - Conceptual Bicycle and Trails Network Diagram

Page 37:

There is a desired regional flow of bike and pedestrian traffic to and through Campus Town extending from CSUMB Main Campus Library/Quad area to existing bike facilities in Seaside that extend as far north as the intersection of Normandy Avenue and General Jim Moore Boulevard.

Page 43:

Connection to the FORTAG spurs will occur at accessible gradients where feasible and to the extent that those connections fall within the boundary of this Specific Plan.

Page 92, Section 3.5:

Given the unique ecosystem in Monterey Bay, the careful selection of landscaping in the Campus Town Specific Plan Area is linked to the vitality and sustainability of the local natural environment. The appropriate incorporation of street trees and vegetation detailed below will ensure the mutual health of the natural and built environments.

Existing Coast Live Oak trees recommended for preservation [as identified by the criteria in the Arborist Report] that have a height of ten feet or more, or a circumference of twenty inches or

more measured twenty-four inches above the ground that are removed as part of construction shall be replaced (i) at a ratio of 1:1 within the Plan Area or (ii) at a ratio of 1:5 an off-site location approved as part of a Conformance Determination for any Development Application, in either case unless a finding is made pursuant to Section 6.3.1A of this Specific Plan that preservation is not feasible due to the health of the tree (including disease or pests). ~~1:1.5 within the Specific Plan Area.~~ The size of each replacement tree shall be a 15-gallon or larger specimen, measuring one inch or more in diameter at a point of twelve inches above the base, and not less than seven feet in height, Coast Live Oak tree meeting *American Standards for Nursery Stock* (ANSI Z60.1) having 1" – 1 1/4" minimum caliper and average height of six to eight feet measured from the base. Trees replaced off-site shall be planted in open space areas for oak forest naturalization from tree pots that have been propagated from the Fort Ord / Marina area.

Existing Monterey Cypress trees recommended for preservation that have a circumference of 20 inches or more measured 24 inches above the ground that are removed as part of construction shall be replaced at a ratio of 1:1.2 within the Specific Plan Area or at an off-site location approved as part of a Conformance Determination for any Development Application, in either case unless a finding is made pursuant to Section 6.3.1A of this Specific Plan that preservation is not feasible due to the health of the tree (including disease or pests). The size of each replacement tree shall be a 15-gallon or larger Monterey Cypress tree, meeting *American Standards for Nursery Stock* (ANSI Z60.1) having 1" – 1 1/2" minimum caliper and average height of six to eight feet measured from the base.

Page 114, Section 4.5.1:

Within the CC Sub-area, no building permit for any non-fire station use shall be issued for the land located on the east side General Jim Moore Boulevard between Lightfighter Drive and Gigling Road that currently house the existing fire station, until replacement fire services are operational.

Page 114, Section 4.5.1.9:

4.5.1.9 Large Format Retail (over 15,000 sf), including but not limited to the following: supermarkets, furniture stores, department stores, and cinemas. No individual use may exceed ~~75,000~~ 40,000 sf, although two or more users may occupy a single building so long as no individual use exceeds 40,000 sf. on a single story.

Page 146, Section 4.6.2.J(C)(2):

The maximum anchor floor footprint is 60,000 gross square feet. No single use may exceed 40,000 gross square feet, but multiple users may utilize the full 60,000 square feet. The City may grant...

Page 148, Section 4.6.2.K(C)(2):

The maximum anchor floor footprint is 60,000 gross square feet. No single use may exceed 40,000 gross square feet, but multiple users may utilize the full 60,000 square feet. The City may grant...

Page 190, Section 6.3.1A:

1. Tree Removal and Replacement. Each Development Application shall specify any tree to be removed or altered and shall demonstrate compliance with the Coast Live Oak and Monterey Cypress tree replacement policies in this Specific Plan. Such application shall identify the Lot or off-site location on which the tree is located, or to be planted, provide a perimeter outline of an existing or proposed building on the Lot, specify the location of the tree, and furnish a brief statement of the reason for the request. The following finding must be made if it is determined that any of the trees recommended for preservation should be removed: the preservation of the tree(s) would impair the implementation of the Base Reuse Plan, the General Plan, and/or the Specific Plan on the site in question, and/or the preservation is not feasible due to the health of the tree (including disease or pests). Final approval of a Conformance Determination with respect to any Development Application indicating any trees to be removed shall constitute a permit to remove or alter any trees so designated, subject to tree replacement requirements solely to the extent required by Section 3.5 of this Specific Plan. Appeal of such permit shall be subject to the same provisions as appeal of a Conformance Determination, as provided herein.

Appendix K – Traffic Impact Study, Fehr & Peers

Other minor revisions not included in this summary include revising table numbers, correcting capitalization, and defining acronyms in text.

Page 7:

Scenario 5: Cumulative (2040) Conditions – Vehicle miles traveled from the future year (2040) travel demand forecasting model from AMBAG. ~~This includes any land use updates as part of the City's proposed Seaside 2040 General Plan, not including the Campus Town Specific Plan development.~~

Page 21:

Students, staff, and faculty of CSUMB receive free unlimited access on all MST regular bus routes with their CSUMB Otter ID card. Additionally, all transit users with physical and/or cognitive disabilities may have access to the MST ~~para-transit program (paratransit service known as RIDES)~~. This service operates on a point-to-point basis and eligibility is required for service.

Page 34:

Results from the AMBAG model were provided by TJKM for use in this analysis. ~~Additional information about the model, any changes that were made, and how the data was extracted can be found in the model documentation provided by TJKM as part of the draft Seaside 2040 General Plan.~~ VMT estimates were developed for the Plan area, for the following scenarios:

Page 34:

As discussed in Chapter ~~1: Vehicle Miles Traveled~~ 3, SB 743...

Page 36:

However, the VMT estimates are primarily affected by the ~~dominate~~ dominant land use in the Plan area...

Page 37, new footnote after the sentence “For the VMT analysis the base year, VMT was adjusted to 2018 conditions by interpolating between the 2015 and 2040 conditions”:

10 The AMBAG travel demand forecasting model uses a 2015 base year. The model results from 2015 and 2040 were interpolated to obtain 2018 base year results. Formula: $VMT_{2018} = \frac{VMT_{2015} + (2018 - 2015) * [(VMT_{2040} - VMT_{2015}) / (2040 - 2015)]}{1}$.

Page 37-38:

The model contains freeways, arterials, and local streets within the Monterey Bay region. Land uses are summarized in traffic analysis zones. The model includes similar detail in the rest of the AMBAG area of Santa Cruz and San Benito Counties. Information regarding VMT, service population and number of trip ends for the Plan traffic analysis zone (TAZ) and the AMBAG region was provided for the base year and 2040 future year by the City of Seaside's Seaside 2040 General Plan transportation consultant, TJKM, on May 8, 2019. ~~These future year estimates include growth assumed in Seaside as presented in the preliminary Seaside 2040 General Plan.~~

Page 60, Existing without Plan Traffic Volumes:

Traffic volumes for Existing Conditions are based on turning movement counts as described in Chapter 32

Page 84-85:

Under Existing Conditions, southbound segments are generally more congested during the morning peak hour. In addition, congestion is experienced along State Route 1 between Del Monte Boulevard and Canyon Del Rey Boulevard in northbound direction during evening peak hour. Existing freeway segments operations are summarized in **Table 18** and freeway merge and diverge operations are found in Table 19. Detailed calculation sheets are presented in **Appendix H**.

Table 18 Existing with Plan Freeway Segment Level of Service

Segment	Dir. ¹	Capacity	Peak Hour ²	Existing Conditions		Existing with Plan Conditions			
				Density ³	LOS ⁴	Density ³	Plan Trips	Plan Percent of Capacity	LOS ⁴
1 State Route 1 between Lightfighter Drive and Del Monte Boulevard	NB	7,050	AM	15.2	B	15.54	39	0.5%	B
			PM	25.32	C	25.8	88	1.2%	C
	SB	7,050	AM	30.45	D	31.1	70	1.0%	D
			PM	16.9	B	17.23	69	1.0%	B
2 State Route 1 between Del Monte Boulevard and Canyon Del Rey Boulevard	NB	4,700	AM	20.04	C	20.34	39	0.8%	C
			PM	32.1	D	33.3	88	1.8%	D
	SB	4,700	AM	34.57	D	35.67	70	1.5%	E
			PM	21.2	C	21.7	69	1.5%	C

Notes: **Bold** text indicates freeway segment operates at unacceptable level of service.

1. NB = northbound; SB = southbound

2. AM = morning peak hour; PM = evening peak hour

3. Density is measured in passenger cars per mile per lane.

4. Level of service based on density.

Source: Fehr & Peers, 2019.

Table 19 Existing with Plan Freeway Merge and Diverge Level of Service

Segment	Type	Number of Lanes	Peak Hour	Existing		Existing with Plan	
				Density (vphpl)	LOS	Density (vphpl)	LOS
State Route 1 - Northbound							
Canyon Del Rey On-Ramp	Merge	2	AM	21.4	C	21.8	C
			PM	31.7	D	32.4	D
Fremont/Del Monte Off-Ramp	Diverge	2	AM	25.3	C	25.7	C
			PM	36.5	E	37.3	E
Fremont/Del Monte On-Ramp	Merge	2	AM	15.2	B	15.5	B
			PM	25.7	C	26.2	D
Lightfighter Off-Ramp	Diverge	3	AM	20.4	C	20.7	C
			PM	29.3	D	29.8	D
State Route 1 - Southbound							
Lightfighter On-Ramp	Merge	3	AM	30.8	D	31.4	D
			PM	19.6	B	20.2	C
Fremont/Del Monte Off-Ramp	Diverge	3	AM	30.4	D	31.1	D
			PM	16.9	B	17.2	B
Fremont/Del Monte On-Ramp	Merge	2	AM	33.4	D	33.9	D
			PM	23.1	C	23.6	C
Canyon Del Rey Off-Ramp	Diverge	2	AM	37.6	E	38.2	E
			PM	26.1	C	26.7	C

Note: **Bold** font indicates LOS F conditions.

Source: Fehr & Peers, 2019.

Background with Plan Conditions

Freeway volumes for the Background and Background with Plan Conditions were developed as described in **Chapter 7**. Future operations of freeway mainline segments in Monterey County were evaluated using level of service and percent of Plan traffic added to each roadway segment.

Table 20 and **Table 21** presents the summary for the Background and Background with Plan Conditions freeway operations, and freeway merge and diverge operations, respectively. All segments operate below LOS C under without Plan and with Plan Conditions, except northbound State Route 1 between Lightfighter Drive and Del Monte Boulevard during the AM peak hour and southbound State Route 1 between Lightfighter Drive and Del Monte Boulevard during the PM peak hour. **Appendix H** includes the freeway density calculations and levels of service.

Table 20 Background with Plan Freeway Level of Service

Segment	Dir. ¹	Capacity	Peak Hour ²	Background Conditions		Background with Plan Conditions			
				Density ³	LOS ⁴	Density ³	Trips	Plan Percent of Capacity	LOS ⁴
1 State Route 1 between Lightfighter Drive and Del Monte Boulevard	NB	7,050	AM	21.7	C	21.9	39	0.5%	C
			PM	35.0	E	35.9	88	1.2%	E
	SB	7,050	AM	39.4	E	40.4	70	1.0%	E
			PM	24.8	C	25.2	69	1.0%	C
2 State Route 1 between Del Monte Boulevard and Canyon Del Rey Boulevard	NB	4,700	AM	32.4	D	32.9	39	0.8%	D
			PM	>45.0	F	>45.0	87	1.8%	F
	SB	4,700	AM	>45.0	F	>45.0	70	1.5%	F
			PM	38.7	E	39.9	69	1.5%	E

Notes: **Bold** text indicates freeway segment operates at unacceptable level of service.

1. NB = northbound; SB = southbound

2. AM = morning peak hour; PM = evening peak hour

3. Density is measured in passenger cars per mile per lane.

4. Level of service based on density.

Source: Fehr & Peers, 2019.

Table 21 Background with Plan Freeway Merge and Diverge Level of Service

Segment	Type	Number of Lanes	Peak Hour	Existing		Existing with Plan	
				Density (vphpl)	LOS	Density (vphpl)	LOS
State Route 1 - Northbound							
Canyon Del Rey On-Ramp	Merge	2	AM PM	31.67 --	D F	32.0 --	D F
Fremont/Del Monte Off-Ramp	Diverge	2	AM PM	36.7 --	E F	37.1 --	E F
Fremont/Del Monte On-Ramp	Merge	2	AM PM	21.7 35.9	C E	21.9 36.8	C E
Lightfighter Off-Ramp	Diverge	3	AM PM	27.6 35.6	CD E	27.9 36.1	C E
State Route 1 - Southbound							
Lightfighter On-Ramp	Merge	3	AM PM	36.8 29.1	E D	37.4 29.7	E D
Fremont/Del Monte Off-Ramp	Diverge	3	AM PM	39.4 24.8	E C	40.4 25.2	E C
Fremont/Del Monte On-Ramp	Merge	2	AM PM	-- 35.5	F E	-- 36.1	F E
Canyon Del Rey Off-Ramp	Diverge	2	AM PM	-- 40.0	F E	-- --	F F

Note: **Bold** font indicates LOS F conditions.
 Source: Fehr & Peers, 2019.

Cumulative with Plan Conditions

Freeway volumes for the Cumulative and Cumulative with Plan scenarios were developed as described in **Chapter 7**. Future operations of freeway mainline segments in Monterey County were evaluated using level of service and percent of Plan traffic added to each roadway segment.

Table 22 and **Table 23** presents the summary for the Cumulative and Cumulative with Plan Conditions freeway operations. All segments operate below LOS C under without Plan and with Plan Conditions, except northbound State Route 1 between Lightfighter Drive and Del Monte Boulevard during the AM peak hour. **Appendix H** includes the freeway density calculations and levels of service.

Table 4-22 Cumulative with Plan Freeway Level of Service

Segment	Dir. ¹	Capacity	Peak Hour ²	Cumulative Conditions			Cumulative with Plan Conditions		
				Density ³	LOS ⁴	Density ³	Plan Trips	Plan Percent of Capacity	LOS ⁴
1 State Route 1 between Lightfighter Drive and Del Monte Boulevard	NB	7,050	AM	23.20	C	23.43	39	0.5%	C
			PM	37.54	E	38.4	88	1.2%	E
	SB	7,050	AM	42.67	E	43.78	70	1.0%	E
			PM	26.6	D	27.04	69	1.0%	D
2 State Route 1 between Del Monte Boulevard and Canyon Del Rey Boulevard	NB	4,700	AM	36.15	E	36.77	39	0.8%	E
			PM	>45	F	>45	87	1.8%	F
	SB	4,700	AM	>45	F	>45	70	1.5%	F
			PM	44.1	E	>45	69	1.5%	F

Notes: **Bold** text indicates freeway segment operates at unacceptable level of service.

1. NB = northbound; SB = southbound
2. AM = morning peak hour; PM = evening peak hour
3. Density is measured in passenger cars per mile per lane.
4. Level of service based on density.

Source: Fehr & Peers, 2019.

Table 23 Cumulative with Plan Freeway Merge and Diverge Level of Service

Segment	Type	Number of Lanes	Peak Hour	Existing		Existing with Plan	
				Density (vphpl)	LOS	Density (vphpl)	LOS
State Route 1 - Northbound							
Canyon Del Rey On-Ramp	Merge	2	AM	33.8	D	34.1	D
			PM	--	F	--	F
Fremont/Del Monte Off-Ramp	Diverge	2	AM	39.1	E	39.4	E
			PM	--	F	--	F
Fremont/Del Monte On-Ramp	Merge	2	AM	23.2	C	23.4	C
			PM	38.4	E	39.4	E
Lightfighter Off-Ramp	Diverge	3	AM	29.0	D	29.3	D
			PM	36.7	E	37.2	E
State Route 1 - Southbound							
Lightfighter On-Ramp	Merge	3	AM	--	F	--	F
			PM	30.9	D	31.5	D
Fremont/Del Monte Off-Ramp	Diverge	3	AM	42.6	E	43.7	E
			PM	26.6	D	27.0	D
Fremont/Del Monte On-Ramp	Merge	2	AM	--	F	--	F
			PM	--	F	--	F
Canyon Del Rey Off-Ramp	Diverge	2	AM	--	F	--	F
			PM	--	F	--	F

Note: **Font** indicates LOS F conditions.

Source: Fehr & Peers, 2019.

Page 85, Existing with Plan Conditions:

This section summarizes the queues calculated in Synchro using the ~~Poisson distribution method~~ 2010 HCM outputs at the off-ramps with signalized terminal intersections.

Page 86, Cumulative with Plan Conditions:

This section summarizes the queues calculated in Synchro using the ~~Poisson distribution method~~ 2010 HCM outputs at the off-ramps with signalized terminal intersections.

Figure Revisions

Figure Titles:

- Figure 1: Campus Town Specific Plan Vicinity Map
- Figure 2: Campus Town Specific Plan Site Plan Area
- Figure 3: Campus Town Specific Plan Proposed Roadway Classifications
- Figure 4: Existing Peak Hour Traffic Volumes and Lane Configurations
- Figure 5: Existing and Approved Transit Routes Network
- Figure 6: Existing and Approved Bicycle Facilities
- Figure 7: Existing and Approved Pedestrian Network
- Figure 8: Campus Town Specific Plan - Trip Distribution
- Figure 9: Campus Town Specific Plan - Trip Assignment for Existing and Background Trip Assignment Conditions
- Figure 10: Campus Town Specific Plan - Cumulative Trip Assignment for Cumulative Conditions



Source: Monterey-Salinas Transit, 2018

Figure 5
Existing and Approved Transit Network

Monterey-Salinas Transit (MST)
 Regular Service Routes 20 minutes: 26
 60 minutes: 18, 16, 19, 25, 75, 76
 120 minutes: 67
 Limited: 12, 74, 75
 Planned Monterey LRT/BRT



Appendix C, MainStreet Summary, has been added to this appendix:

MainStreet

Current accepted trip generation methods, such as the Institute of Transportation Engineers (ITE) Trip Generation method, are primarily based on data collected at suburban, single-use, freestanding sites. These defining characteristics limit their applicability to mixed-use or multi-use development projects, or where complementary land uses are added (such as adding residential units to an office rich area). The land use mix, design features, and setting of the proposed Campus Town Specific Plan land use alternatives would include characteristics that influence travel behavior differently from typical single-use suburban developments. Thus, traditional data and methods, like ITE, would not accurately estimate the project vehicle trip generation. In response to the limitations in the ITE method, and to provide a straightforward and empirically-validated method of estimating vehicle trip generation at mixed-use developments, the US Environmental Protection Agency (EPA) sponsored a national study of the trip generation characteristics of multi-use sites. Travel survey data was gathered from 239 mixed-use developments (MXDs) in six major metropolitan regions, and correlated with the characteristics of the sites and their surroundings. The findings indicate that the amount of external traffic generated is affected by a wide variety of factors, each pertaining to one or more of the following characteristics:

- **The relative numbers of residents and jobs on the site** – the better the site jobs/housing balance, the greater the proportion of commute trips that remain internal.
- **The amount of retail and service use on the site relative to the number of residences** – the greater the degree to which retail and service opportunities match the needs generated by site residents, the greater the internalization of household-generated shopping, personal services and entertainment travel.
- **The amount of retail and service use relative to the number of employees** – the better the balance of employee-oriented retail and service opportunities, the greater the internal capture of lunchtime and after-work dining, shopping and errands by site employees.
- **The overall size of the development** – the larger the scale of the development in terms of acreage and total amounts of residential and commercial use, the greater the likelihood that travel destinations can be satisfied within the site as a whole.
- **The density of development** – the greater the concentration of dwellings and commercial space per acre, the greater the likelihood that the interacting land uses will be near enough together to encourage walking or short-distance internal driving.

- **The internal connectivity for walking or driving among different activities** – measured in terms of the ratio of intersections to total land area within the site directly influences trip internalization and the number of trips made by walking instead of driving.
- **The availability of transit** – the greater the number of jobs within a reasonable travel time via transit, the greater the share of travel likely to occur by transit, and the lower the traffic generation.
- **The number of convenient trip destinations within the immediate area** – the number of retail and other jobs in neighborhoods immediately surrounding the multi-use site reduces the amount of walking to/from the site and reduce traffic generation.

These characteristics were related statistically to the trip behavior observed at the study development sites using Hierarchical Linear Modeling (HLM) techniques. This quantified relationships between characteristics of the MXDs and the likelihood that trips generated by those MXDs will stay internal and/or use modes of transportation other than the private vehicle. These statistical relationships produced equations, known as the EPA MXD model, that allows predicting external vehicle trip reduction as a function of the MXD characteristics. Applying the external vehicle trip reduction percentage to “raw trips”, as predicted by ITE, produces an estimate for the number of vehicle trips traveling in or out of the site.

Fehr & Peers developed a web application called MainStreet to apply the MXD+ model for any location in the United States. MainStreet was utilized for the Campus Town Specific Plan.

Validation of MainStreet/MXD+ model

Since the conclusion of the EPA sponsored study, Fehr & Peers has been actively enhancing the MXD model to improve sensitivity to various site characteristics, improve peak hour performance, and continue to validate the model against MXDs where data is available.

A set of 27 independent MXD sites across the country that were not included in the initial model development have been tested to validate the model. These sites represent locations where it is expected that traditional data and methods, such as ITE, would not accurately estimate the Project vehicle trip generation. Table A1 presents the performance of the MXD model against ITE and ITE internalization procedures. Based on all statistical measurements, the MXD model performs better than the ITE recommended procedures for these types of sites.

The MXD model has been approved for use by the EPA⁷. It has also been peer-reviewed in the ASCE Journal of Urban Planning and Development⁸, peer-reviewed in a 2012 TRB paper

⁷ Trip Generation Tool for Mixed-Use Developments (2012). www.epa.gov/dced/mxd_tripgeneration.html

evaluating various smart growth trip generation methods⁹, recommended by SANDAG for use on mixed-use smart growth developments¹⁰, and has been used successfully in multiple certified EIRs in California.

TABLE A1
MAINSTREET/MXD+ MODEL
VALIDATION STATISTICS COMPARISON

Validation Statistic	ITE raw	ITE with internalization	MainStreet/MXD+
<i>Daily</i>			
<u>Average Model Error¹</u>	<u>28%</u>	<u>16%</u>	2%
<u>% RMSE²</u>	<u>40%</u>	<u>27%</u>	17%
<u>R-Squared³</u>	<u>0.77</u>	<u>0.89</u>	0.96
<i>AM Peak Hour</i>			
<u>Average Model Error</u>	<u>54%</u>	<u>49%</u>	12%
<u>% RMSE</u>	<u>54%</u>	<u>53%</u>	21%
<u>R-Squared</u>	<u>0.81</u>	<u>0.81</u>	0.97
<i>PM Peak Hour</i>			
<u>Average Model Error</u>	<u>49%</u>	<u>35%</u>	4%
<u>% RMSE</u>	<u>64%</u>	<u>49%</u>	15%
<u>R-Squared</u>	<u>0.40</u>	<u>0.65</u>	0.97

1. Average model error measures the difference between the estimated trip generation and the counted trip generation of the 28 survey sites.
2. RMSE stands for percent root mean squared error is a demand assessment of performance of transportation models in that it does not apply average that would allow over-estimates and under-estimates to cancel one another out and it penalizes proportionally more for large errors. A % RMSE of less than 40% is generally considered acceptable in transportation modeling.
3. R-squared is a statistical measure that indicates, in this case, the degree to which each method explains the variation in trip generation among the 27 survey sites. An R-Squared value closer to 1.0 indicates that the method fully explains the variation in trip generation amongst the survey sites and would be suitable to be used for that set of site types.

Source: Fehr & Peers, 2017.

⁸ "Traffic Generated by Mixed-Use Developments—Six-Region Study Using Consistent Built Environmental Measures." Journal of Urban Planning and Development, 137(3), 248–261.

⁹ Shafizadeh, Kevan et al. "Evaluation of the Operation and Accuracy of Available Smart Growth Trip Generation Methodologies for Use in California". Presented at 91st Annual Meeting of the Transportation Research Board, Washington, D.C., 2012.

¹⁰ SANDAG Smart Growth Trip Generation and Parking Study.
<http://www.sandag.org/index.asp?projectid=378&fuseaction=projects.detail>

Appendix M – Campus Town Water Supply Assessment

Global Changes to the Draft EIR and Appendix M: Monterey Peninsula College water allocation is hereby revised from 9.0 to 9.7 AFY. Therefore, all references in the Draft EIR and the WSA to the City of Seaside unallocated amount of water from its FORA allocation should be read as changing from 181.3 to 180.6. The City of Seaside’s existing water sub-allocation is also revised from 831.2 to 831.9 AFY. Relatedly, the Project’s demand for water that cannot be met using the FORA allocation is revised from 260.3 to 261.0 AFY, and Mitigation Measure UTIL-1 is revised to require a water offset of 261.0 AFY along with the additional text revisions outlined in the revisions to Section 4.16 above.

Page 21:

It also has a small desalination plant in the Central Marina Service Area that is currently not in operation.

Page 22:

The 6,600 acre-feet per year amount includes 5,200 acre-feet from the ~~180-foot and 400-foot~~ aquifers, along with 1,400 acre-feet per year from the 900-foot or Deep Aquifer.

Page 22, Footnote 9:

After execution of this agreement and until Project Implementation, Ford Ord/POM/RC may withdraw a maximum of 6,600 acre-feet of water per year from the Salinas Basis, provided no more than 5,200 acre-feet per year are withdrawn from the ~~180-foot aquifer and 400-foot~~ aquifer.

Page 28, Table 5-2:

Table 4-4 City of Seaside Sub-Allocations

Land Use Jurisdiction	Existing Groundwater Allocation (AFY)
City of Seaside	
SunBay Apartments	120.0
Brostram Park (Bay View MHP)	84.8
Seaside Highlands	168.5
Seaside Resort	161.4
MPUSD	81.0
Monterey College of Law	2.6
Monterey Peninsula College	9.0 <u>9.7</u>
Chartwell School	6.4
Main Gate "Retail Lifestyle Mall"	149.0
American Youth Hostel <u>Hostel</u>	5.5
Seaside Senior Living	40.0
Other Existing Use	3.0
City of Seaside Total	831.2 <u>831.9</u>
FORA Allocation	1012.5
City of Seaside Unallocated	181.3 <u>180.6</u>

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SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into as of September 17, 2018 by and between Petitioners LANDWATCH MONTEREY COUNTY (“LandWatch”) and KEEP FORT ORD WILD (“KFW”) (collectively referred to herein as “Petitioners”) and Respondents MARINA COAST WATER DISTRICT and MARINA COAST WATER DISTRICT BOARD OF DIRECTORS (collectively referred to herein as “MCWD”). The parties hereto are LandWatch, KFW, and MCWD, and may be collectively referred to as the “Parties” and individually as a “Party.”

DEFINITIONS

For the purposes of this Agreement, including the Exhibits hereto, the terms listed below are defined as follows:

1. “Actions” mean *LandWatch Monterey County v. Marina Coast Water District, et al.* (Monterey County Superior Court, Case No. 18CV000877) and *Keep Fort Ord Wild v. Marina Coast Water District, et al.* (Monterey County Superior Court, Case No. 18CV000883).
2. “ATW” means advanced treated water.
3. “Agreement” means this Settlement Agreement.
4. “Annexation” means the Annexation Application to the Local Agency Formation Commission (“LAFCO”) of Monterey County approved by the MCWD Board of Directors in Resolution No. 2018-09 on February 20, 2018.
5. “CEQA” means the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.).
6. “CEQA Guidelines” means the Guidelines for Implementation of the California Environmental Quality Act (California Code of Regulations, title 14, Section 15000 et seq.)
7. “County” means the County of Monterey.
8. “Court” means the Superior Court of the State of California in and for the County of Monterey.

9. "Effective Date" means the date this Agreement takes effect. The Effective Date shall be the date the Parties sign this Agreement, as indicated below. If the Parties sign this Agreement on different dates, then the latest date of signing by a Party shall be the Effective Date.

10. "Final Land Use Approval" means that a parcel or a portion of a parcel has received final land use approval by the Land Use Jurisdiction through a specific plan, master plan, or individual project approval adopted or approved in reliance on a post-1997 CEQA document prepared and approved by the Land Use Jurisdiction for that plan or project. "Final" means that the Land Use Approval has not been challenged in court and the limitations period for a challenge has run.

11. "FORA" means the Fort Ord Reuse Authority.

12. "Future Annexation of Deleted Areas" means approval by MCWD of any application for annexation of any of the parcels or portions of parcels listed in Exhibit A to this Agreement that were included in the Project but are not included in the Modified Project, or approval by LAFCO of such an application.

13. "GS Plan" means the future Groundwater Sustainability Plan for the Monterey Subbasin.

14. "IS/ND" means the Initial Study/Negative Declaration adopted by the MCWD Board of Directors on February 20, 2018 for the Ord Community Sphere of Influence Amendment and Annexation.

15. "KFOW" means Keep Fort Ord Wild, the unincorporated association identified in the *Keep Fort Ord Wild v. Marina Coast Water District, et al.* (Monterey County Superior Court, Case No. 18CV000883), including its officers, directors, and agents, to the extent the officer, director, or agent is acting in his or her capacity as a representative or agent of Keep Fort Ord Wild.

16. "LAFCO" means the Local Agency Formation Commission of Monterey County.

17. “LandWatch” means LandWatch Monterey County, the California non-profit public benefit corporation identified in *LandWatch Monterey County v. Marina Coast Water District, et al.* (Monterey County Superior Court, Case No. 18CV000877), including its officers, directors, and agents, to the extent the officer, director, or agent is acting in his or her capacity as a representative or agent of LandWatch Monterey County.

18. “LUJ” means Land Use Jurisdiction.

19. “MCWD” means Marina Coast Water District.

20. “Modified Project” means the MCWD’s Ord Community Sphere of Influence Amendment and Annexation Application that the Board authorized MCWD’s General Manager to file with LAFCO on February 20, 2018, as modified by MCWD to be consistent with the terms of this Agreement. The Modified Project includes all the parcels or portion of parcels included in MCWD’s February 20, 2018 approvals with the exception of the parcels or portions of parcels listed in Exhibit A to this Agreement.

21. “Petitioners” means the Keep Fort Ord Wild and LandWatch Monterey County, individually and jointly, including each entities’ officers, directors, and agents.

22. “Project” means MCWD’s Ord Community Sphere of Influence Amendment and Annexation Application that the Board authorized MCWD’s General Manager to file with LAFCO on February 20, 2018.

23. “SGMA” means the Sustainable Groundwater Management Act (SGMA).

24. “SOI” means Sphere of Influence.

25. “SVBGSA” means the Salinas Valley Basin Groundwater Sustainability Agency.

RECITALS

A. On February 20, 2018, the Board of Directors for Respondent MARINA COAST WATER DISTRICT (“MCWD”) adopted Resolution No. 2018-09 that authorized the filing of a Sphere of Influence (“SOI”) amendment and annexation application with the Local Agency Formation Commission (“LAFCO”) of Monterey County and adopted the Initial Study/Negative Declaration (“IS/ND”) for the Ord Community Sphere of Influence Amendment and Annexation (“Annexation” or “Project”) pursuant to the California Environmental Quality Act (“CEQA”). As part of Project approval, the Board of Directors adopted findings that the Annexation is not a project subject to CEQA; made findings that the Annexation is exempt from CEQA; authorized MCWD’ General Manager to submit an Annexation application to the Monterey County LAFCO; and directed staff to hold off submitting an application for the Annexation to LAFCO for 30 days to further work with Seaside County Sanitation District.

B. MCWD’s position is that it is contractually obligated to provide water, wastewater and recycled water service to the former Fort Ord (or “Ord Community”) under the Water/Wastewater Facilities Agreement with the Fort Ord Reuse Authority (“FORA”) dated March 13, 1998 and under contracts with the U. S. Army,-

C. FORA will cease to exist in 2020, unless extended by State legislation.

D. MCWD’s position is that it holds title to, and is the owner of, all of the public water, sewer and recycled water infrastructure within the Ord Community.

E. MCWD has made significant investments in the Ord Community in the form of water, wastewater and recycled water infrastructure, addition of staff and equipment, adoption of redevelopment standards and procedures, and the preparation of urban water management plans, master plans, and water supply project studies.

F. Annexation of the part of the Ord Community that MCWD currently serves for water supply and wastewater collection would provide improved governance for customers by virtue of their inclusion in the jurisdictional boundaries of the District for purposes of voting for, and being eligible to seek election to, the District’s Board of Directors.

G. In the LAFCO-adopted 2006 Municipal Services Review, the LAFCO made the determination that MCWD may consider annexation of the former Fort Ord portion of its service area.

H. MCWD exercises no land use authority for the areas to be annexed, therefore the boundary modification cannot grant any entitlement for land uses in the affected area.

I. The FORA Annual Report for FY 2016-17 on page 7 reports that total new residential units actually built within the former Fort Ord through FY 2016-17 was 909 residential units. The report projected an additional 234 new residential units would be built during FY 2017-18.

J. Except for the northern portion of the Marina Municipal Airport, a substantial portion of the former Fort Ord is located within the Monterey Subbasin along with all of MCWD's existing production wells. The southern portion of the former Fort Ord is within the adjudicated Seaside Subbasin and MCWD has no production wells within the Seaside Subbasin.

K. MCWD under a coordination agreement with the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) will be preparing the Groundwater Sustainability Plan (GS Plan) for the Monterey Subbasin pursuant to the Sustainable Groundwater Management Act (SGMA). The GS Plan will among other requirements identify the sustainable yield, the sustainability goal, and the sustainable groundwater management program for the Monterey Subbasin in accordance with SGMA. The GS Plan is required to be adopted no later than January 31, 2022 pursuant to Section 10720.7(a)(2) of the Water Code.

L. Pursuant to contractual rights to recycled water, MCWD is entitled to 1,427 AFY of advanced treated water from the Pure Water Monterey Project for use within the former Fort Ord. The first 600 AFY of that advanced treated water ("ATW") is projected to be available for use within the former Fort Ord in 2019. The intent of this ATW is to replace and offset existing groundwater irrigation uses and to provide ATW for uses within yet-to-be-built residential developments thereby eliminating the use of groundwater for non-potable uses for those new units.

M. Petitioner LandWatch filed a Petition for Writ of Mandate on March 9, 2017 against MCWD that challenged the Board of Directors adoption of Resolution No. 2018-09 pursuant to CEQA, including adoption of the Initial Study/Negative Declaration for the Annexation, its CEQA findings regarding the Annexation, and its authorization of an application to LAFCO for the Annexation.

N. Petitioner KFOW filed a separate Petition for Writ of Mandate on March 9, 2017 against MCWD that also challenged the Board of Directors adoption of Resolution No. 2018-09 pursuant to CEQA, including adoption of the Initial Study/Negative Declaration for the Annexation, its CEQA findings regarding the Annexation, and its authorization of an application to LAFCO for the Annexation.

O. On April 27, 2018, the Parties participated in a mandatory settlement conference pursuant to CEQA.

P. Following the April 27, 2018 settlement conference, the parties continued to engage in settlement discussions and exchanged proposed settlement terms until reaching this agreement.

Q. The Parties to this Agreement believe that their mutual interests will be best served if any and all legal disputes between them included in the Actions are resolved without further litigation.

[End of Recitals]

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and/or covenants contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. RECITALS

The above recitals are true and are hereby incorporated by reference as part of this Agreement.

2. OBLIGATIONS OF MARINA COAST WATER DISTRICT

A. **Agreement Binding on MCWD.**

MCWD will abide by all terms of this Agreement for the term of this Agreement, including but not limited to the terms set forth in this Section.

B. **MCWD's Obligations Relating to Annexation Application.**

1. The MCWD Board will promptly consider approving a resolution in the form of the draft resolution attached as Exhibit B to this Agreement, which the Parties intend will modify its February 20, 2018 project approvals to delete parcels and portions of parcels that do not have Final Land Use Approvals.

2. If LAFCO objects to the exclusion of any parcels or portions of parcels set forth in this agreement or requires their inclusion in MCWD's proposed annexation, MCWD agrees to confer with Petitioners in good faith to amend this Agreement or take other action necessary to achieve the intent of this Agreement and to address LAFCO's concerns, if agreed by Petitioners.

3. Pursuant to contractual rights to recycled water, MCWD is entitled to 1,427 AFY of advanced treated water from the Pure Water Monterey Project for use within the former Fort Ord. The first 600 AFY of that advanced treated water (ATW) is projected to be available for use within the former Fort Ord in 2019. The intent of this ATW is to replace and offset existing groundwater irrigation uses and to provide ATW for uses within yet-to-be-built residential developments thereby eliminating the use of groundwater for non-potable uses for those new units. With reference to this provision, MCWD agrees that it will not provide, or commit to provide in the future, a groundwater-sourced water supply for new residential units in Fort Ord beyond the 6,160 of total new residential units within the former Fort Ord in accordance with Fort Ord Reuse Plan Section 3.11.5.4(b)(2) of the FORA's Development and Resource

Management Plan, as that number may be amended from time to time by FORA, and subject to the Groundwater Sustainability Plan for the Monterey Subbasin as approved by the California Department of Water Resources.

4. If the Exhibit B resolution is approved, MCWD will promptly file a Notice of Exemption and a Notice of Determination as specified in Exhibit B, notify LAFCO of the Modified Project, and will support and defend the Modified Project in good faith and consistently with this Agreement.

5. Notwithstanding Section 20, Notices, MCWD shall notify Petitioners as soon as practical by email, and no later than one (1) business day, of service of any initial pleadings on MCWD challenging the approval of the Modified Project.

6. If litigation is filed by a third party before the limitations period has expired for challenging approval of the Modified Project, MCWD agrees to confer with Petitioners in good faith to consider amending this Agreement or taking other action necessary to achieve the intent of this Agreement and to address LAFCO's concerns, if agreed by Petitioners.

3. PUBLIC AGENCY DISCRETION

The Parties understand and acknowledge that approval of the actions under this Settlement Agreement cannot be guaranteed, and may be subject to procedural or substantive obligations under CEQA, the CEQA Guidelines, the State Planning and Zoning Law, or other laws potentially applicable to such approvals. The Parties further understand and acknowledge that land use regulations involve the exercise of a public agency's police power and, at the time of executing this Agreement, it is settled California law that government may not contract away its right to exercise its police power in the future. (*Trancas Property Owners Assn. v. City of Malibu* (2006) 138 Cal.App.4th 172, 182–83; *Avco Community Developers Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 800 (1976).)

4. OBLIGATIONS OF PETITIONERS

A. Agreement Binding on Petitioners.

Petitioners LandWatch and KFOW will abide by all the terms of this Agreement for the term of this Agreement, including but not limited to the terms set forth in this Section.

B. Dismissal of Lawsuit.

Petitioners agree to file fully executed requests for dismissal “with prejudice” in each Action within fifteen (15) days after the expiration of the 35-day limitations period for the Notice of Exemption and the 30-day limitations period for the Notice of Determination filed by MCWD pursuant to Section 2(B)(4), whichever is later, provided that no litigation has been filed by any third party challenging approval of the Modified Project. If litigation is filed by a third party before the limitations period has expired challenging approval of the Modified Project, Petitioners agree to confer with MCWD in good faith to consider amending this Agreement or taking other action necessary to achieve the intent of this Agreement, if agreed by MCWD.

C. Petitioners’ Agreements Regarding Future Approvals

1. If the Exhibit B resolution is approved by the Board, Petitioners shall not oppose MCWD’s annexation application and any discretionary approvals that may be required from any governmental agency to implement the Modified Project. Petitioners agree the spreadsheet and maps attached as Exhibit “A” to this Agreement list all of the parcels in dispute and how they are resolved by this Agreement. Petitioners agree the maps included in Exhibit “A” will resolve any question regarding what parcels and portions of parcels in dispute are to be excluded from MCWD’s annexation application.

2. If LAFCO objects to the exclusion of any parcels or portions of parcels set forth in this agreement or requires their inclusion in MCWD’s proposed annexation, Petitioners agree to confer with MCWD in good faith to amend this Agreement or take other action necessary to achieve the intent of this Agreement and to address LAFCO’s concerns, if agreed by MCWD.

3. Provided the Exhibit B resolution is approved by the Board and is being implemented and conducted in a manner consistent with its approval by MCWD’s Board and in accordance with the terms of this Agreement, Petitioners agree to the following:

a. Petitioners shall not submit any written comments or present oral testimony to MCWD or LAFCO objecting to the Modified Project or Future Annexation of Deleted Areas provided that the area to be annexed has received a Final Land Use Approval subsequent to September 1, 2018;

b. Petitioners shall not submit written comments or present oral testimony to MCWD or LAFCO in connection with any environmental review of the Modified Project or

Future Annexation of Deleted Areas provided that the area to be annexed has received a Final Land Use Approval subsequent to September 1, 2018;

c. Petitioners shall not file, join, or support any litigation challenging the Modified Project or Future Annexation of Deleted Areas provided that the area to be annexed has received a Final Land Use Approval subsequent to September 1, 2018; and

d. Petitioners shall not fund any litigation by any other party challenging the Modified Project or Future Annexation of Deleted Areas provided that the area to be annexed has received a Final Land Use Approval subsequent to September 1, 2018.

3. Without limiting the generality of the foregoing, Petitioners shall not directly or indirectly participate in any activities described in Section 4(C)(3) above by or on behalf of any person or entity that is not a party to this Agreement.

4. Other than as specified in this Agreement with regard to MCWD and LAFCO, Petitioners shall retain and do not waive their rights in any way with regard to any actions by agencies, including land use actions related to water supply and groundwater. Petitioners retain and do not waive their right to challenge Future Annexation of Deleted Areas if the area to be annexed has not received a Final Land Use Approval subsequent to the effective date of this Agreement.

5. **ATTORNEY FEES AND COSTS**

Provided that the 35-day limitations period for the Notice of Exemption and the 30-day limitations period for the Notice of Determination filed by MCWD pursuant to Section 2(B)(4) expires and no litigation has been filed by any third party challenging approval of the Modified Project by the MCWD Board of Directors: (1) the Parties agree not to file a memorandum of costs with the Court, or otherwise claim or seek to recover costs or attorneys' fees against any other Party to this Agreement in connection with the Actions, and (2) as against any other Party to this Agreement, the Parties will not retain any rights to attorneys' fees or costs arising out of the Actions and no right to fees or costs in connection with the Actions accrue to any third parties. The Parties' counsel have been made aware of the releases of attorneys' fees and all other claims including, but not limited to, claims pursuant to Code of Civil Procedure section 1021.5 contained in this Agreement.

6. **TERMINATION**

This Agreement shall continue in effect from its effective date until the earlier of the following dates: (a) the date all parties agree in writing to terminate this Agreement; (b) litigation is filed by a third party before the limitations period has expired challenging approval of the Modified Project and the Parties are not able to reach an agreement to modify this Agreement satisfactory to all Parties; or (c) the date MCWD elects to terminate this Agreement in the event Petitioners fail to cure a breach of Sections 4(C)(3)(a) or 4(C)(3)(b) as provided in Section 17(B) of this Agreement. If MCWD elects to terminate this agreement based on the foregoing provision, MCWD shall provide Petitioners with notice 10 days in advance of the termination of this Agreement.

7. **NO ADMISSIONS**

The Parties understand and agree that nothing in this Agreement, or in the execution of this Agreement, shall constitute or be construed as an admission by any Party of any inadequacy or impropriety in connection with the allegations contained in this Action. This Agreement is the result of a compromise and nothing contained herein shall be construed as an admission of liability, responsibility, or wrongdoing by any Party hereto. It is agreed that all statements contained herein and the conduct of any Party in connection with this Agreement shall be inadmissible as evidence under Federal Rules of Evidence 408 and California Evidence Code § 1152(a), except that the statements contained herein shall be admissible in any action to enforce or interpret this Agreement.

8. **MODIFICATIONS; WAIVER**

This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements, representations, and understandings of the Parties. This Agreement may not be amended or modified by the Parties except in writing executed by all Parties. No waiver of any provision of this Agreement shall be binding unless executed in writing by the Party making the waiver. No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar. Nor shall any waiver constitute a continuing waiver.

Petitioners for and in consideration of the mutual promises and consideration set forth in this Agreement, expressly release, waive and relinquish and forever discharge MCWD from all

claims, demands, actions, liabilities and causes of action, of every nature and kind whatsoever, whether known or unknown, suspected or unsuspected, asserted or unasserted, or hereafter discovered or ascertained, in law or equity, by reason of any matter, cause or thing whatsoever, it has with respect to MCWD's February 20, 2018 approval of the Project including claims set forth in the Petitions, and those claims Petitioners could have included in their Petitions or otherwise presented in the Actions. Petitioners understand, acknowledge, and agree that this Agreement constitutes a complete and sufficient defense barring any such claim, and MCWD can rely upon this Agreement as a complete defense.

Upon the Effective Date of this Agreement and consistent with Petitioners' representations and warranties contained herein, and except as to such rights or claims that may be created by this Agreement, Petitioners fully release and discharge MCWD, and all its directors, employees, attorneys, and consultants, from any and all claims of attorneys' fees or expenses in the Actions, including without limitation claims for private attorney general fees pursuant to Code of Civil Procedure section 1021.5, out-of-pocket expenses and costs, arising from the events and permit approval process that are the subject of the Actions and the Actions themselves.

Upon dismissal of the Actions as provided herein, and except as to such rights or claims that may be created by this Agreement, MCWD fully releases and discharges Petitioners and all its directors, employees, attorneys, and consultants, from any and all claims relating to attorneys' fees or expenses in the Actions, including those for attorneys' fees, out-of-pocket expenses and costs of suit, and claims for malicious prosecution and abuse of process arising from the events and permit approval process that is the subject of the Actions and the Action themselves.

The Parties acknowledge and agree that all rights under Section 1542 of the California Civil Code are expressly waived. That section provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

The Parties acknowledge that their attorneys-at-law have explained to it the meaning and effect of this statute. The Parties understand fully the statutory language of Civil Code Section 1542

and, with the understanding, the Parties nevertheless elect to, and do, assume all risk for claims released under this Agreement heretofore and hereafter arising, known or unknown, and the Parties specifically waive any rights it may have under Civil Code Section 1542. The Parties fully understand that if the facts with respect to this Agreement are found hereafter to be other than or different from the facts now believed by it to be true, that each party expressly accepts and assumes the risk of such possible difference in facts and agrees that this Agreement shall be and remain effective, notwithstanding such difference in facts.

_____	LandWatch Monterey County (Initials)
_____	Keep Fort Ord Wild (Initials)
<u>WPM</u>	Marina Coast Water District (Initials)
<u>WPM</u>	MCWD Board of Directors (Initials)

Petitioners hereby further agree never to commence, prosecute, or fund against MCWD, any litigation based upon any rights, liens, claims, demands or causes of action waived, released or discharged by this Agreement. This Agreement may be pled as a full and complete defense to any subsequent action or other proceeding involving any person or Party which arises out of the rights, liens, claims, demands or causes of action waived, released and discharged by this Agreement.

The Parties acknowledge that this Agreement is being entered into in settlement and to avoid further dispute, expense or litigation. The Parties agree that neither execution hereof nor performance of any of the provisions of this Agreement shall constitute or be construed as an admission on the part of any Party of any liability regarding the claims in the Actions, and nothing herein shall be admissible in any proceeding as an admission of any factual matter, liability or fault against any Party.

9. **AMBIGUITIES AND INTERPRETATION**

This Agreement shall be deemed to have been drafted equally by all of the Parties and shall not be interpreted for or against any Party by reason of the alleged authorship of any provisions. The Parties understand and agree that the general rule that ambiguities are to be construed against the drafter shall not apply to this Agreement. Each Party acknowledges that it is represented by counsel, and has had the benefit of advice from counsel with respect to this Agreement.

and, with the understanding, the Parties nevertheless elect to, and do, assume all risk for claims released under this Agreement heretofore and hereafter arising, known or unknown, and the Parties specifically waive any rights it may have under Civil Code Section 1542. The Parties fully understand that if the facts with respect to this Agreement are found hereafter to be other than or different from the facts now believed by it to be true, that each party expressly accepts and assumes the risk of such possible difference in facts and agrees that this Agreement shall be and remain effective, notwithstanding such difference in facts.

 MDD **LandWatch Monterey County (Initials)**
 Keep Fort Ord Wild (Initials)
 Marina Coast Water District (Initials)
 MCWD Board of Directors (Initials)

Petitioners hereby further agree never to commence, prosecute, or fund against MCWD, any litigation based upon any rights, liens, claims, demands or causes of action waived, released or discharged by this Agreement. This Agreement may be pled as a full and complete defense to any subsequent action or other proceeding involving any person or Party which arises out of the rights, liens, claims, demands or causes of action waived, released and discharged by this Agreement.

The Parties acknowledge that this Agreement is being entered into in settlement and to avoid further dispute, expense or litigation. The Parties agree that neither execution hereof nor performance of any of the provisions of this Agreement shall constitute or be construed as an admission on the part of any Party of any liability regarding the claims in the Actions, and nothing herein shall be admissible in any proceeding as an admission of any factual matter, liability or fault against any Party.

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and, with the understanding, the Parties nevertheless elect to, and do, assume all risk for claims released under this Agreement heretofore and hereafter arising, known or unknown, and the Parties specifically waive any rights it may have under Civil Code Section 1542. The Parties fully understand that if the facts with respect to this Agreement are found hereafter to be other than or different from the facts now believed by it to be true, that each party expressly accepts and assumes the risk of such possible difference in facts and agrees that this Agreement shall be and remain effective, notwithstanding such difference in facts.

_____ Land Watch Monterey County (Initials)
MS _____ Keep Fort Ord Wild (Initials)
_____ Marina Coast Water District (Initials)
_____ MCWD Board of Directors (Initials)

Petitioners hereby further agree never to commence, prosecute, or fund against MCWD, any litigation based upon any rights, liens, claims, demands or causes of action waived, released or discharged by this Agreement. This Agreement may be pled as a full and complete defense to any subsequent action or other proceeding involving any person or Party which arises out of the rights, liens, claims, demands or causes of action waived, released and discharged by this Agreement.

The Parties acknowledge that this Agreement is being entered into in settlement and to avoid further dispute, expense or litigation. The Parties agree that neither execution hereof nor performance of any of the provisions of this Agreement shall constitute or be construed as an admission on the part of any Party of any liability regarding the claims in the Actions, and nothing herein shall be admissible in any proceeding as an admission of any factual matter, liability or fault against any Party.

9. **AMBIGUITIES AND INTERPRETATION**

This Agreement shall be deemed to have been drafted equally by all of the Parties and shall not be interpreted for or against any Party by reason of the alleged authorship of any provisions. The Parties understand and agree that the general rule that ambiguities are to be construed against the drafter shall not apply to this Agreement. Each Party acknowledges that it is represented by counsel, and has had the benefit of advice from counsel with respect to this Agreement.

10. CONVENIENCE AND REFERENCE

The headings and numbers used in this Agreement are included for the purpose of convenience of reference only and they shall not be used to explain, limit, or extend the meaning of any part of the Agreement.

11. MISTAKE

Each of the Parties to this Agreement has investigated the facts pertaining to the Petition and to this Agreement to the extent each Party deems necessary. In entering into this Agreement, each Party assumes the risk of mistake with respect to such facts. This Agreement is intended to be final and binding upon the Parties regardless of any claim of mistake.

12. SEVERABILITY

If any term or provision of this Agreement or the application thereof to any person or circumstance shall be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law, unless the exclusion of such term or provision, or the application of such term or provision, would result in such a material change so as to cause completion of the obligations contemplated herein to be unreasonable, in which case the Parties shall work in good faith to amend this Agreement and/or take other action necessary to achieve the intent of this Agreement in a manner consistent with the ruling of the court.

13. NO PRIOR ASSIGNMENT

The Parties represent and warrant that they have not sold, assigned, transferred, hypothecated, pledged, encumbered or otherwise disposed of or set over to any person or entity, in whole or in part, voluntarily or involuntarily, any claim, demand, or right covered by this Agreement.

14. SUCCESSORS AND ASSIGNS BOUND

The terms of this Agreement shall be binding and inure to the benefit of the Parties hereto and their successors, assigns, heirs, and representatives.

15. NO THIRD PARTY BENEFICIARIES

The Parties do not intend to create any third party beneficiaries to this Agreement. This Agreement is not intended to confer upon any person other than the Parties any rights or remedies thereunder and no person or entity other than the Parties shall have standing to enforce this Agreement.

16. GOVERNING LAW; VENUE

This Agreement shall be construed under and governed by the laws of the United States and the State of California with venue in Monterey County.

17. REMEDIES FOR BREACH OF AGREEMENT

A. Notice and Opportunity to Cure

The Parties agree that they will promptly meet and confer in good faith with regard to any alleged material breach of this Agreement. Any Party shall give written notice within 30 days of the discovery of any alleged material breach of this Agreement. Upon receipt of any written notice of material breach, the receiving Party has 30 days to cure the alleged material breach. If after 30 days the alleged breach has not been cured to the satisfaction of the Party alleging the material breach, the alleging Party may seek a court order demanding specific performance consistent with subparagraph B of this Section. The Party alleging the breach may not unreasonably refuse to accept a Party's cure of an alleged breach of an affirmative obligation as set forth in this Agreement. The Parties agree that the formal written withdrawal of a comment letter or oral testimony submitted to a governmental agency is an adequate for any violations of Sections 4(C)(3)(a) or 4(C)(3)(b) of this agreement. Any enforcement of this Agreement may be sought against only the Party or Parties claimed to be in breach of the Contract, as well as their heirs, successors, assignees, and transferees.

B. Remedy if Party Fails to Undertake an Obligation under This Settlement Agreement

The Parties agree that specific performance is the exclusive remedy for enforcement of this Agreement. The Parties further agree that MCWD may elect to terminate this Agreement if Petitioners fail to cure a breach of Sections 4(C)(3)(a) or 4(C)(3)(b) of this Agreement within 30 days as specified in subparagraph A of this Section. This Agreement shall be admissible in any proceeding for its enforcement in accordance with Sections 1118 and 1123 of the California

Evidence Code. The prevailing party in any action to enforce this Agreement shall be entitled to their reasonable attorney fees and costs.

18. AUTHORITY TO ENTER INTO THIS AGREEMENT

Each person signing this Agreement on behalf of a Party hereby represents and warrants that he or she has complete authority to bind that Party to the terms and conditions of this Agreement.

19. SUBJECT TO PUBLIC AGENCY APPROVAL

The Parties acknowledge that the Agreement is subject to approval by the MCWD Board of Directors. The individual signing this Agreement on behalf of MCWD represents that the governing body of that public agency has approved the Agreement.

20. NOTICES

All notices required under this Agreement shall be in writing, and may be given either personally or by registered or certified mail (return receipt requested). Any Party may at any time, by giving ten (10) days' written notice to the other Party, designate any other person or address in substitution of the address to which such notice shall be given. All notices required under this Agreement shall be given to the Parties at their addresses set forth below:

IF TO LANDWATCH:

Michael Delapa
LandWatch Monterey County
306 Capitol St. Suite 101
Salinas, CA 93901
execdir@landwatch.org

With copies to:

John H. Farrow
M. R. WOLFE & ASSOCIATES, P.C.
555 Sutter Street, Suite 405
San Francisco, CA 94102
jfarrow@mrwolfeassociates.com94111
Telephone: (415) 369-9400
Fax: (415) 369-9405

IF TO KFOW:

Michael Salerno
c/o Molly Erickson,
STAMP ERICKSON
479 Pacific Street, Suite One
Monterey, CA 93940
erickson@stamplaw.us
Telephone: (831) 373-1214
Facsimile: (831) 373-0242

With copies to:

Molly Erickson,
STAMP ERICKSON
479 Pacific Street, Suite One
Monterey, CA 93940
erickson@stamplaw.us
Telephone: (831) 373-1214
Facsimile: (831) 373-0242

IF TO MCWD:

Keith Van Der Maaten
General Manager
Marina Coast Water District
1 Reservation Road
Marina, CA 93933-2099
(831) 883-5938
KVanDerMaaten@mcwd.org

With copies to:

Howard F. Wilkins III
Christopher Stiles
Remy Moose Manley, LLP
555 Capitol Mall, Suite 800
Sacramento, CA 95814
(916) 443-2745
hwilkins@rmmenvirolaw.com

Roger K. Masuda
David L. Hobbs
Griffith & Masuda
A Professional Law Corporation
517 E. Olive Street
Turlock, CA 95380
(209) 667-5501
rmasuda@calwaterlaw.com

21. COUNTERPART EXECUTION

This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the date hereinafter written.

LANDWATCH MONTEREY COUNTY

By: _____
Name: **Michael D. Delapa**
Title: **Executive Director**
Dated: September __, 2018

KEEP FORT ORD WILD

By: _____
Name: **Michael Salerno**
Title: **Authorized Representative**
Dated: September __, 2018

MARINA COAST WATER DISTRICT AND MARINA COAST WATER DISTRICT BOARD OF DIRECTORS

By: Thomas P. Moore
Name: Thomas P. Moore
Title: President
Dated: September 17, 2018



21. COUNTERPART EXECUTION

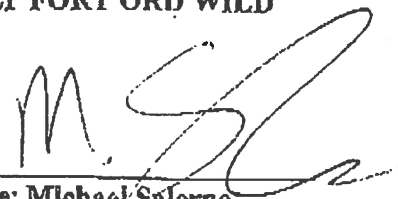
This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the date hereinafter written.

LANDWATCH MONTEREY COUNTY

By: _____
Name: Michael D. Delapa
Title: Executive Director
Dated: September __, 2018

KEEP FORT ORD WILD

By: 
Name: Michael Salerno
Title: Authorized Representative
Dated: September 14, 2018

MARINA COAST WATER DISTRICT AND MARINA COAST WATER DISTRICT BOARD OF DIRECTORS


By: _____
Name: _____
Title: _____
Dated: September __, 2018

21. **COUNTERPART EXECUTION**

This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the date hereinafter written.

LANDWATCH MONTEREY COUNTY

By: 
Name: **Michael D. Delapa**
Title: **Executive Director**
Dated: September 15, 2018

KEEP FORT ORD WILD

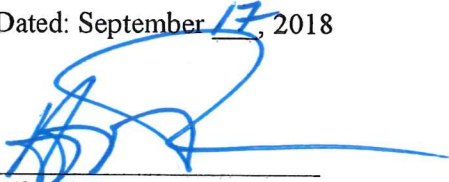
By: _____
Name: **Michael Salerno**
Title: **Authorized Representative**
Dated: September ____, 2018

**MARINA COAST WATER DISTRICT AND MARINA COAST WATER DISTRICT
BOARD OF DIRECTORS**

By: _____
Name: _____
Title: _____
Dated: September ____, 2018

Approved as to form:

Dated: September 17, 2018

A handwritten signature in blue ink, appearing to be 'HFW', written over a horizontal line.

HOWARD F. WILKINS III on behalf Marina Coast Water District and Marina Coast Water District Board of Directors

Dated: September ____, 2018

JOHN H. FARROW on behalf of LandWatch Monterey County

Dated: September ____, 2018

MOLLY ERICKSON on behalf of Keep Fort Ord Wild

Approved as to form:

Dated: September ___, 2018

HOWARD F. WILKINS III on behalf Marina Coast Water District and Marina Coast Water District Board of Directors

Dated: September 17, 2018



JOHN H. FARROW on behalf of LandWatch Monterey County

Dated: September ___, 2018

MOLLY ERICKSON on behalf of Keep Fort Ord Wild

SETTLEMENT AGREEMENT

EXHIBIT A

Erickson Questioned Properties May 7, 2018 Letter; Proposed Removed June 25, 2018 (R1); Final List September 10, 2018 (R2)

Remove parcel
Remove a portion of the parcel (split parcel)

Note: "Land Use Approvals" means when a parcel or parcels receive land use approvals by the Land Use Jurisdiction through a specific plan, master plan, or individual project approval.

Parcels within proposed "Campus Town":

Map ID	Parcel	Description	Status	Customers	Note
1	031-151-032	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
2	031-151-029	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
3	031-151-031	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
4	031-151-040	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
5	031-151-037	FORA	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
6	031-151-039	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
7	031-040-024	MST	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
8	031-151-025	MST	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
9	031-151-036	County of Monterey	No approved projects or allocations.	No	Will be annexed upon future land use approvals.

Parcels that have existing Customers with Existing Meters, Area between 7th and 8th:

Map ID	Parcel	Description	Status	Customers	Note
10	031-101-060	County of Monterey	Appears no water use.	No	Will be annexed upon future land use approvals.

Parcels that have existing Customers with Existing Meters

Map ID	Parcel	Description	Status	Customers	Note
11	031-151-048	Parker Flats below DOD Center	Existing barracks/office area. Existing water/sewer mains and services. Existing tank site	Yes	Remove portion of parcel except the portion with the tank site and substation to be kept in annexation (split parcel). Removed portion will be annexed upon future land use approvals.
12	031-111-027	MBEST west of Blanco	Existing warehouses/offices. Existing water/sewer mains and services	Yes	Remove portion of parcel except the portion with the building that has existing customers (split parcel). Removed portion will be annexed upon future land use approvals.

Specific Plans/CEQA complete on Parcel

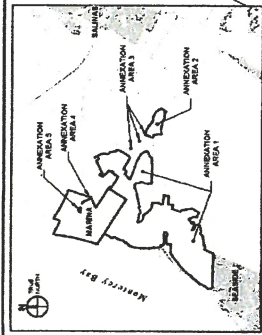
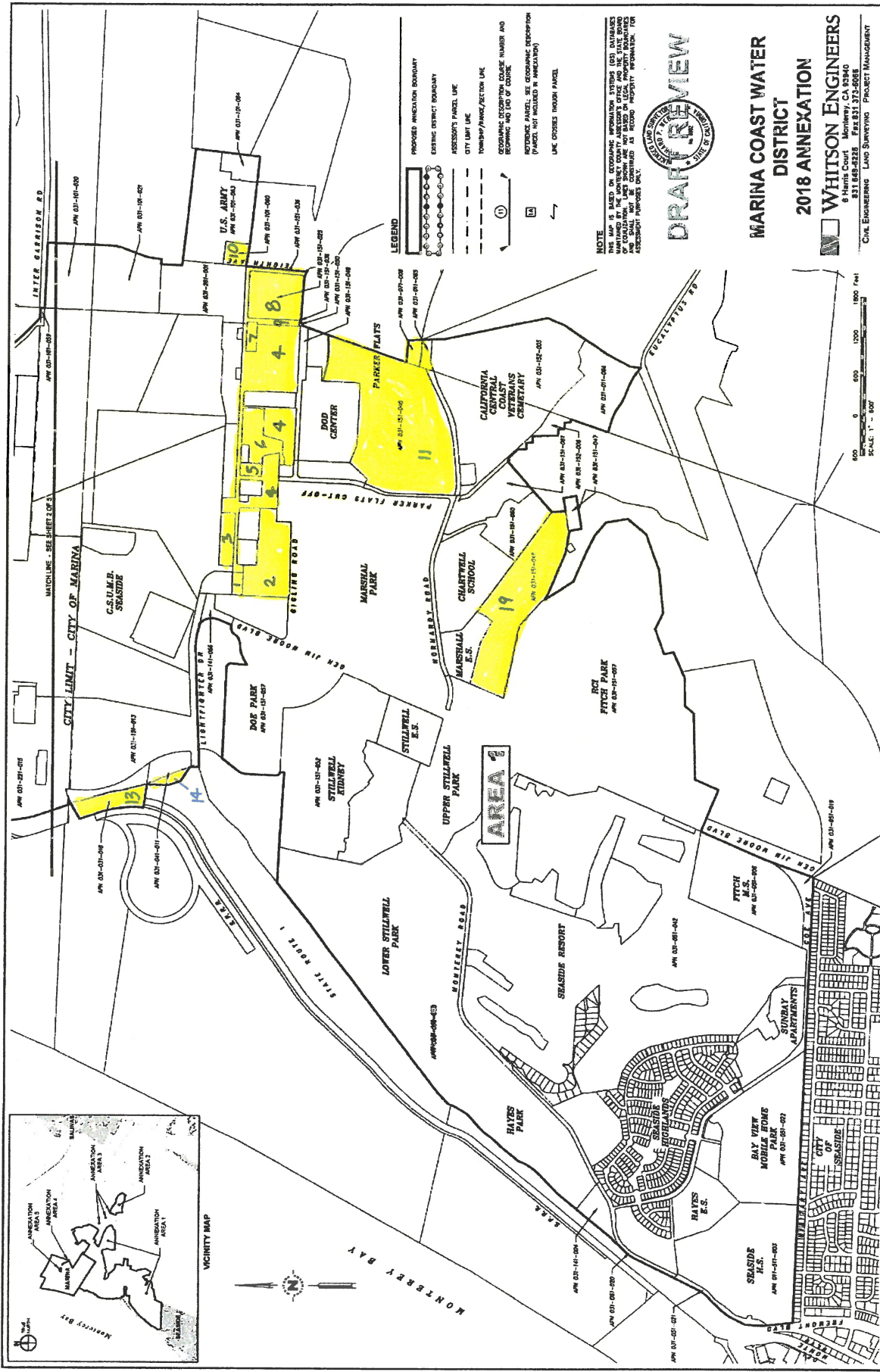
Map ID	Parcel	Description	Status	Customers	Note
13	031-031-018	Main Gate Specific Plan Area	Specific Plan approved by City of Seaside	No	Remove portion of parcel outside Main Gate SP (split parcel). Removed portion will be annexed upon future land use approvals.
14	031-041-011	Main Gate Specific Plan Area	Specific Plan approved by City of Seaside	No	Remove portion of parcel outside Main Gate SP (split parcel). Removed portion will be annexed upon future land use approvals.
15	031-021-050	Marina near Hwy 1/Del Monte	Parcel is partially in University Villages (Dunes at Monterey Bay), partially in Cypress Knolls. Parcel is in both specific plans. Existing housing area. Existing water service but no customers yet. City allocated water to both. MCWD has the Booker lift station on this Parcel.	No	Remove portion of parcel outside Dunes and Cypress Knolls (split parcel). Removed portion will be annexed upon future land use approvals.

MCWD Infrastructure Parcels

Map ID	Parcel	Description	Status	Customers	Note
16	031-081-023	North of Preston Park (City of Marina Property)	Existing MCWD Infrastructure on property (Property contains MCWD easements, water pipes, and sewer pipes).	No	Will be annexed upon future land use approvals.
17	031-121-003	North of Preston Park (UC Regents Property)	Existing MCWD Infrastructure on property (Property contains MCWD easements, water pipes, and sewer pipes).	No	Will be annexed upon future land use approvals.
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Other Parcels

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DRAFT REVIEW

MARINA COAST WATER DISTRICT
2018 ANNEXATION

WHITSON ENGINEERS
 8 Harris Court Monterey, CA 93940
 TEL: 408.255.0500
 FAX: 408.255.0501

CIVIL ENGINEERING LAND SURVEYING PROJECT MANAGEMENT
 DATE: APRIL 12, 2018 SHEET NO. 302

NOTE:
 THIS MAP IS BASED ON AERIAL PHOTOGRAPHY SYSTEM (GPS) DATA
 OBTAINED BY THE DISTRICT'S SURVEYING OFFICE AND THE STATE BOARD
 OF SUPERVISORS. THE DISTRICT'S SURVEYING OFFICE HAS
 VERIFIED THE ACCURACY OF THIS MAP AS SHOWN ON THIS MAP.
 THE DISTRICT'S SURVEYING OFFICE SHALL NOT BE RESPONSIBLE FOR
 ANY ERRORS OR OMISSIONS THAT MAY OCCUR AS A RESULT OF
 THIS MAP'S PREPARATION FOR ANY PURPOSES OTHER THAN
 AS STATED ABOVE.

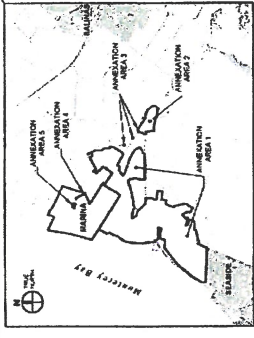
- LEGEND**
- PROPOSED ANNEXATION BOUNDARY
 - EXISTING DISTRICT BOUNDARY
 - ASSessor'S PARCEL LINE
 - CITY LIMIT LINE
 - TOWNSHIP/SECTION LINE
 - GEODESIC DESCRIPTION CORNER MARKS AND BEARING AND TO OF COURSE
 - EXTENSIVE PARCEL, SEE ECONOMIC DESCRIPTION (PARCEL NOT INCLUDED IN ANNEXATION)
 - LINE CLOSE TO OTHER PARCEL

Removed Parcel (or partial Parcel)

Parcels not in dispute, not excl. in annex. application

PG 1/3

Pg 2/3



LEGEND

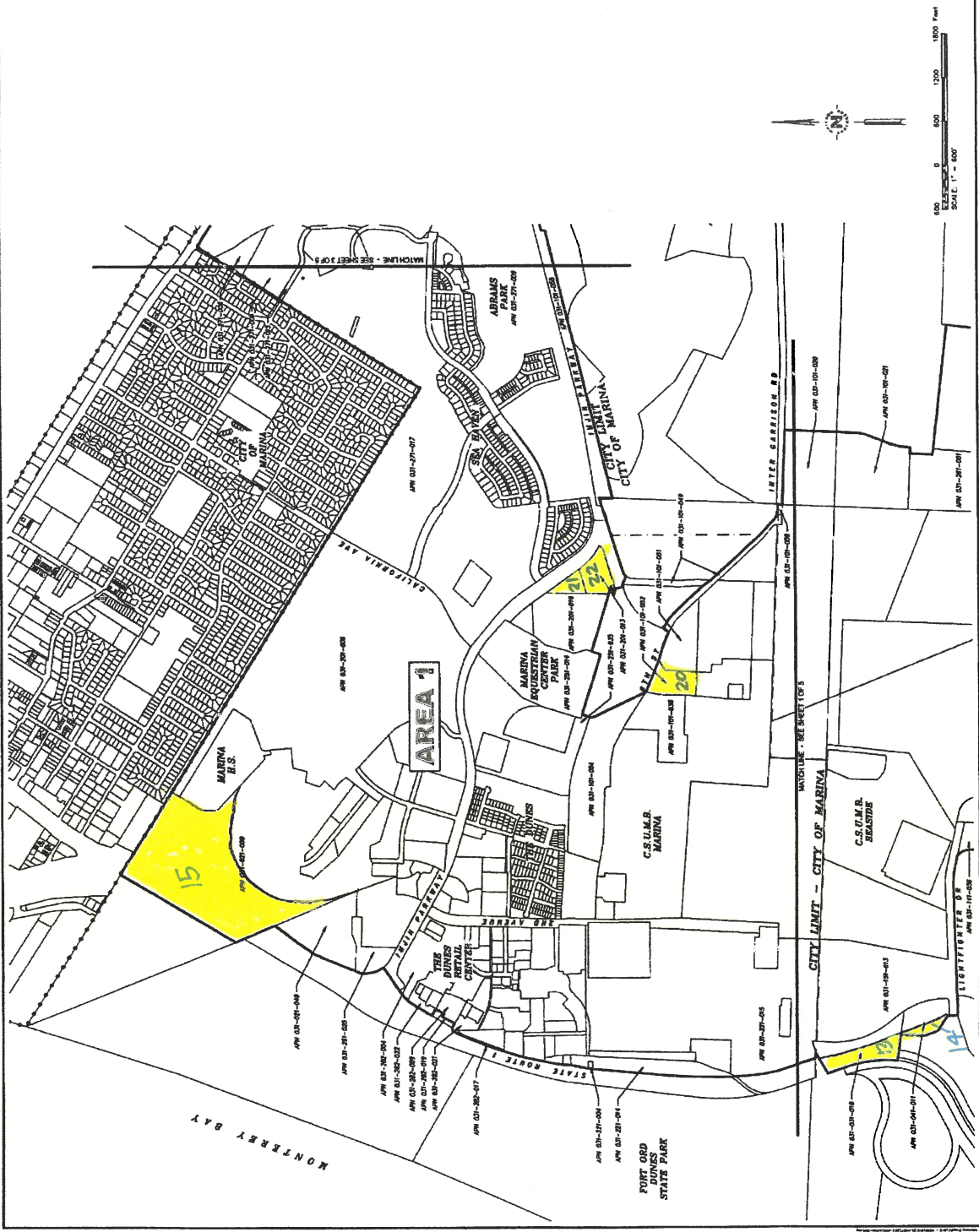
- PROMISED ANNEXATION BOUNDARY
- EXISTING DISTRICT BOUNDARY
- ADJACENT PARCEL LINE
- CITY LIMIT LINE
- TOWNSHIP/PARCEL/SECTION LINE
- GEODESIC DESCRIPTION COURSE NUMBER AND BEARING AND END OF COURSE
- REFERENCE PARCEL, SEE GEODESIC DESCRIPTION (PARCEL NOT INCLUDED IN ANNEXATION)
- LINE CROSSES THROUGH PARCEL

NOTE
 THIS MAP IS BASED ON GEODESIC INFORMATION SYSTEM (GIS) DATA MAINTAINED BY THE MONTEREY COUNTY ASSESSOR'S OFFICE AND THE STATE BOARD OF SUPERVISORS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION FOR ALL PURPOSES.

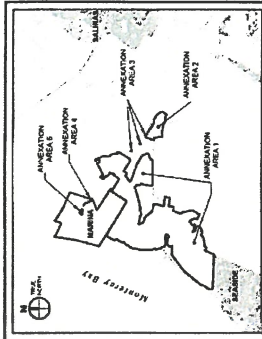


MARINA COAST WATER DISTRICT
2018 ANNEXATION
WHITSON ENGINEERS
 CIVIL ENGINEERING LAND SURVEYING PROJECT MANAGEMENT
 4175 CALIFORNIA AVENUE, SUITE 200
 MARINA, CALIFORNIA 93953
 TEL: 831.688.5225 FAX: 831.372.5588

DATE: APRIL 15, 2018 18:00 HRS. SHEET 2 OF 5



19/3/3



- LEGEND**
- PROPOSED ANNEXATION BOUNDARY
 - EXISTING DISTRICT BOUNDARY
 - ASSESSOR'S PARCEL LINE
 - CITY LIMIT LINE
 - TOWNSHIP/RANGE/SECTION LINE
 - COORDINATE LOCATION CORNER NUMBER AND BEARING AND USE OF PLAT
 - INTERSECTION POINT, SET GEODOMIC DESCRIPTION (PARCEL NOT INCLUDED IN ANNEXATION)
 - LINE CROSSES THROUGH PARCEL

NOTE

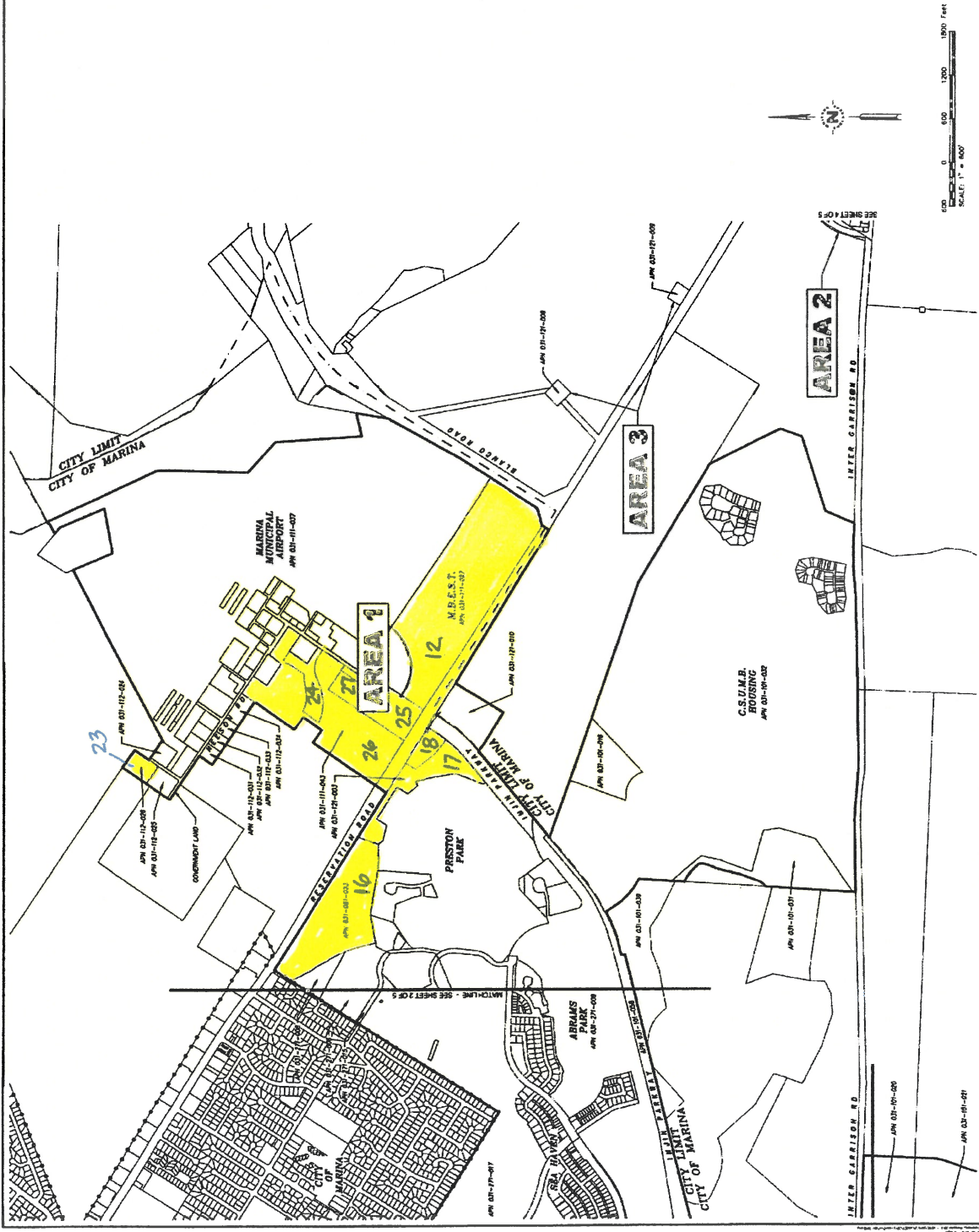
THIS MAP IS BASED ON GEODOMIC INFORMATION SYSTEM (GIS) DATAFILES OF CALIFORNIA. LINES SHOWN ARE NOT BASED ON LEGAL PROPERTY BOUNDARIES AND SHOULD BE VERIFIED AS LEGAL PROPERTY INFORMATION FOR INVESTMENT PURPOSES ONLY.



MARINA COAST WATER DISTRICT
DISTRICT
2018 ANNEXATION

WHITSON ENGINEERS
 6 Harris Court, Monterey, CA 93940
 831.648.8225 Fax 831.373.5985
 CIVIL ENGINEERING LAND SURVEYING PROJECT MANAGEMENT

DATE: APRIL 12, 2018 ME JOB NO. 3012 SHEET 3 OF 5



SETTLEMENT AGREEMENT
EXHIBIT B

September 17, 2018

Resolution No. 2018-56
Resolution of the Board of Directors
Marina Coast Water District

Modifying Resolution No. 2018-09 by Excluding Certain Parcels and Portions of Parcels from the Ord Community Sphere of Influence Amendment and Annexation Application

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District” or “MCWD”), at a regular meeting duly called and held on September 17, 2018, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, on February 20, 2018, the Directors adopted Resolution No. 2018-09, adopting an Initial Study/Negative Declaration for the Ord Community Sphere of Influence Amendment and Annexation, finding that the Ord Community Sphere of Influence Amendment and Annexation was not a project subject to CEQA and was also exempt from CEQA, and directing District staff to file the Sphere of Influence Amendment and Annexation Application (“Application”) with Monterey County Local Agency Formation Commission (“LAFCO”); and

WHEREAS, District staff filed the Application with LAFCO on April 17, 2018; and

WHEREAS, LandWatch Monterey County and Keep Fort Ord Wild each filed a Petition for Writ of Mandate in the Monterey County Superior Court challenging the Directors’ approval under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”); and

WHEREAS, a settlement agreement (“Settlement Agreement”) has been proposed that provides for modifications to the Ord Community Sphere of Influence Amendment and Annexation by excluding certain parcels and portions of certain parcels identified on the spreadsheet and maps attached as Exhibit A to this resolution and to the Settlement Agreement. The Ord Community Sphere of Influence Amendment and Annexation as modified by Exhibit A is referred to as the “Modified Project.”

NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Directors, after consideration of the terms of the Settlement Agreement and the information contained in the September 17, 2018, Staff Report to the Directors, hereby:

1. Finds that it is in the best interests of the District to approve the Settlement Agreement (which is incorporated into this resolution by reference); approves the Settlement Agreement; and authorizes and directs the President to sign and initial the Settlement Agreement on behalf of the District and on behalf of the Board of Directors.

2. Finds that, pursuant to the Settlement Agreement, the parcels and portions of parcels set forth in Exhibit A shall be excluded from the District’s Ord Community Sphere of Influence Amendment and Annexation Application to LAFCO because they have not received final land use approvals by the applicable land use jurisdiction through a specific plan, master plan, or

individual project approval adopted or approved in reliance on a post-1997 CEQA document prepared and approved by the land use jurisdiction for that plan or project. All references in Resolution No. 2018-09 to parcels included in the Ord Community Sphere of Influence Amendment and Annexation hereby exclude all of the parcels and portions of parcels set forth in Exhibit A. All other parcels and portions of parcels shall remain in the Application unchanged. The excluded parcels shall be re-designated for future study only.

3. Rescinds the CEQA findings adopted in Resolution No. 2018-09 only as they relate to the parcels or portions of parcels listed in Exhibit A. The CEQA findings in Resolution No. 2018-09 shall otherwise remain unchanged.

4. Finds that any public agency considering land use approvals for the parcels or portions of parcels listed in Exhibit A will need to determine whether CEQA applies to said land use approvals independent of MCWD's February 20, 2018, project approvals and CEQA findings.

5. Finds that, having considered the Initial Study/Negative Declaration adopted by the Board on February 20, 2018, and the analysis in the Staff Report, the modifications to the Ord Community Sphere of Influence Amendment and Annexation under the "Modified Project" would not result in any potential environmental impacts beyond those analyzed in the Initial Study/Negative Declaration and none of the conditions in CEQA Guidelines section 15162 have occurred, and therefore, no additional environmental review is required under CEQA (see Public Recourses Code section 21166 and CEQA Guidelines sections 15162).

6. Finds that the "Modified Project" is not subject to CEQA because it would not cause or lead to any change in the physical environment.

7. Finds that the "Modified Project" is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15319, entitled "Annexations of Existing Facilities and Lots for Exempt Facilities" ("Class 19").

8. Finds that the "Modified Project" is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, entitled "Existing Facilities" ("Class 1").

9. Finds that the "Modified Project" is exempt from CEQA under the "common sense" exemption provided under CEQA Guidelines section 15061, subdivision (b)(3), which applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (see *Muzzy Ranch Co. v. Solano County Airport Land Use Comm.* (2007) 41 Cal.4th 372), because the "Modified Project" would not cause or allow any changes in the physical environment and there is no possibility that the project may have a significant effect on the environment.

10. Finds that there are no "exceptions" to the categorical exemptions that would remove the "Modified Project" from the exempt classes of projects; there are not unusual circumstances that distinguish this proposal from other projects covered under the categorical exemptions and the proposal would not cause any significant impacts due to any unusual circumstances; the proposal would not cause or contribute to any cumulatively significant impacts and there are no successive projects of the same type in the same place that will result in a significant cumulative impact.

11. Adopts this Resolution No. 2018-56.

12. Authorizes the General Manager to file a Notice of Determination and Notice of Exemption as soon as reasonably practical.

13. Authorizes and directs the General Manager to notify LAFCO of the "Modified Project" and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.


PASSED AND ADOPTED on September 17, 2018, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors Lee, Shriner, Moore

Noes: Directors Cortez, Gustafson

Absent: Directors None

Abstained: Directors None


Thomas P. Moore, President

ATTEST:


Keith Van Der Maaten, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2018-56 adopted September 17, 2018.


Keith Van Der Maaten, Secretary

Exhibit A

Resolution No. 2018-56

Erickson Questioned Properties May 7, 2018 Letter; Proposed Removed June 25, 2018 (R1); Final List September 10, 2018 (R2)

Remove parcel
Remove a portion of the parcel (split parcel)

Note: "Land Use Approvals" means when a parcel or parcels receive land use approvals by the Land Use Jurisdiction through a specific plan, master plan, or individual project approval.

Parcels within proposed "Campus Town":

Map ID	Parcel	Description	Status	Customers	Note
1	031-151-032	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
2	031-151-029	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
3	031-151-031	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
4	031-151-040	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
5	031-151-037	FORA	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
6	031-151-039	Redevelopment Agency of Seaside	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
7	031-040-024	MST	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
8	031-151-025	MST	No approved projects or allocations.	No	Will be annexed upon future land use approvals.
9	031-151-036	County of Monterey	No approved projects or allocations.	No	Will be annexed upon future land use approvals.

Parcels that have existing Customers with Existing Meters, Area between 7th and 8th:

Map ID	Parcel	Description	Status	Customers	Note
10	031-101-060	County of Monterey	Appears no water use.	No	Will be annexed upon future land use approvals.

Parcels that have existing Customers with Existing Meters

Map ID	Parcel	Description	Status	Customers	Note
11	031-151-048	Parker Flats below DOD Center	Existing barracks/office area. Existing water/sewer mains and services. Existing tank site	Yes	Remove portion of parcel except the portion with the tank site and substation to be kept in annexation (split parcel). Removed portion will be annexed upon future land use approvals.
12	031-111-027	MBEST west of Blanco	Existing warehouses/offices. Existing water/sewer mains and services	Yes	Remove portion of parcel except the portion with the building that has existing customers (split parcel). Removed portion will be annexed upon future land use approvals.

Specific Plans/CEQA complete on Parcel

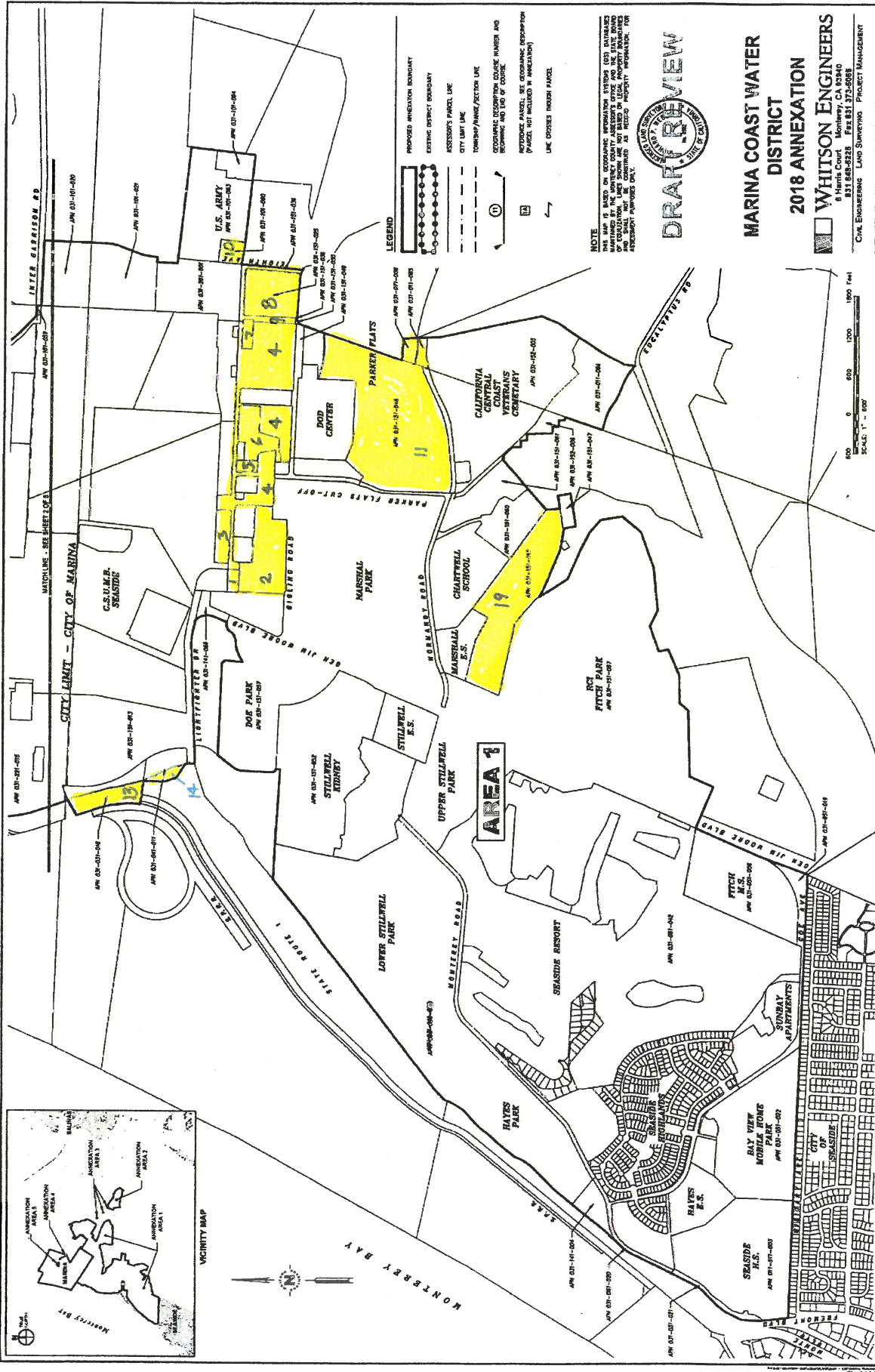
Map ID	Parcel	Description	Status	Customers	Note
13	031-031-018	Main Gate Specific Plan Area	Specific Plan approved by City of Seaside	No	Remove portion of parcel outside Main Gate SP (split parcel). Removed portion will be annexed upon future land use approvals.
14	031-041-011	Main Gate Specific Plan Area	Specific Plan approved by City of Seaside	No	Remove portion of parcel outside Main Gate SP (split parcel). Removed portion will be annexed upon future land use approvals.
15	031-021-050	Marina near Hwy 1/Del Monte	Parcel is partially in University Villages (Dunes at Monterey Bay), partially in Cypress Knolls. Parcel is in both specific plans. Existing housing area. Existing water service but no customers yet. City allocated water to both. MCWD has the Booker lift station on this Parcel.	No	Remove portion of parcel outside Dunes and Cypress Knolls (split parcel). Removed portion will be annexed upon future land use approvals.

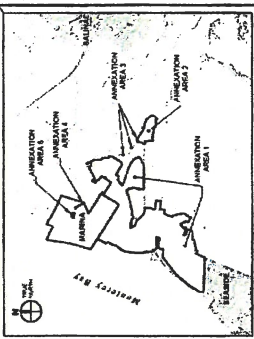
MCWD Infrastructure Parcels

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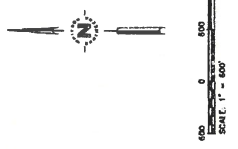
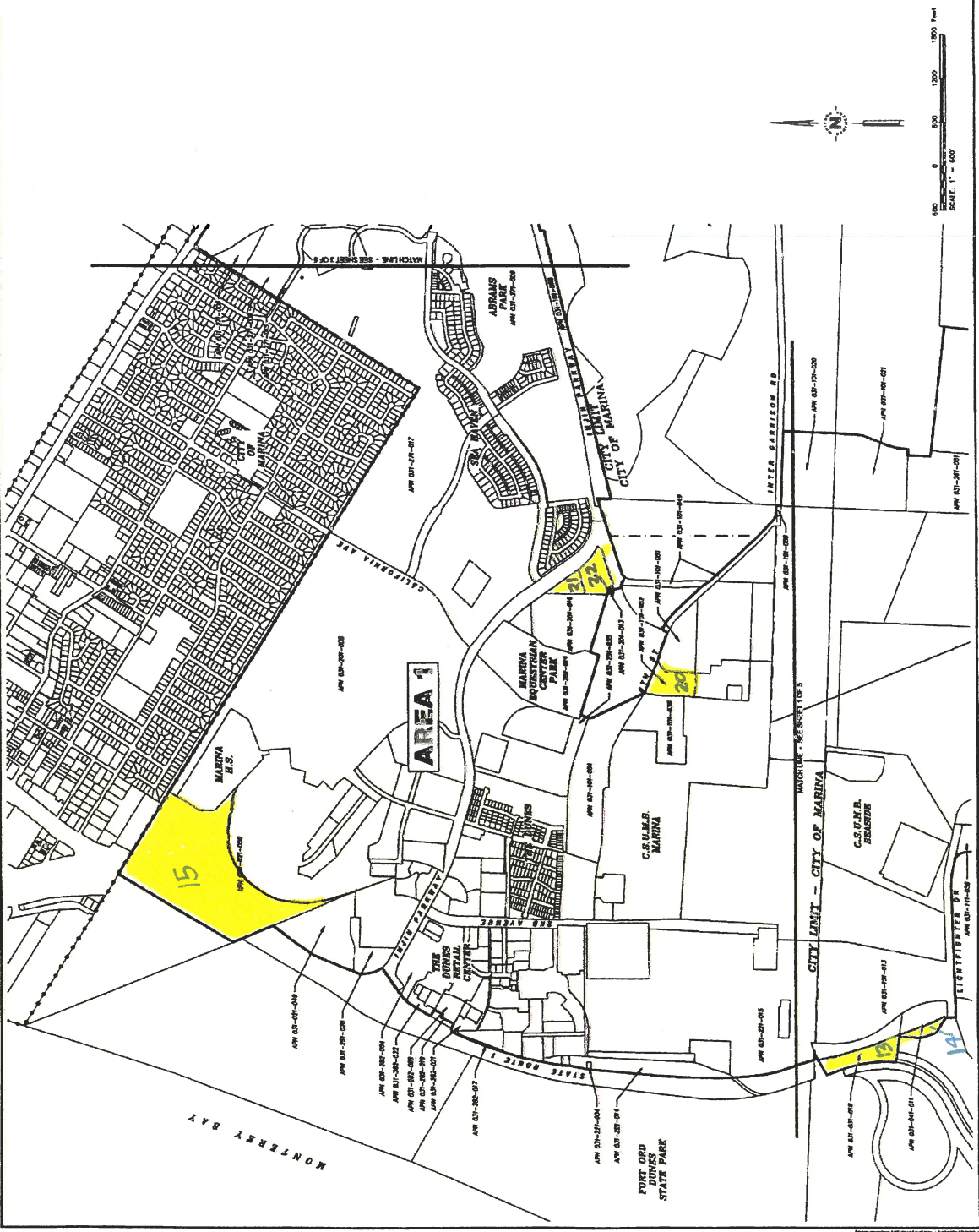
- LEGEND**
- PROPOSED ANNEXATION BOUNDARY
 - EXISTING DISTRICT BOUNDARY
 - ANNEXATION PARCEL LINE
 - CITY LIMIT LINE
 - TOWNSHIP/PARISH/DISTRICT LINE
 - BOUNDARY DESCRIPTION COURSE, METERS AND BEARING AND USE OF COURSE
 - REFERENCE PARCEL, SEE COORDINATE DESCRIPTION PARCEL, NOT INCLUDED IN ANNEXATION
 - LINE CROSSES THROUGH PARCEL

NOTE
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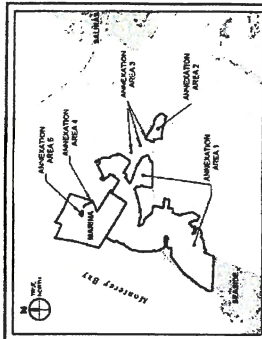


MARINA COAST WATER DISTRICT
2018 ANNEXATION
WHITSON ENGINEERS
 8 North Coast Monterey, CA 93940
 831.948.8225 Fax 831.372.6686
 CIVIL ENGINEERING LAND SURVEYING PROJECT MANAGEMENT

DATE: APRIL 12, 2018 WE JOB NO. 1812 SHEET 2 OF 3



193/3



- LEGEND**
- PROPOSED ANNEXATION BOUNDARY
 - EXISTING DISTRICT BOUNDARY
 - ASSESSOR'S PARCEL LINE
 - CITY LIMIT LINE
 - TOWNSHIP/RANGE/SECTION LINE
 - ECONOMIC ASSESSMENT CODES NUMBER AND DESCRIPTION AND USE OF ZONING
 - REFERENCE PARCEL. SEE ECONOMIC DESCRIPTION (PARCEL NOT INCLUDED IN ANNEXATION)
 - UIC CROSSES THROUGH PARCEL

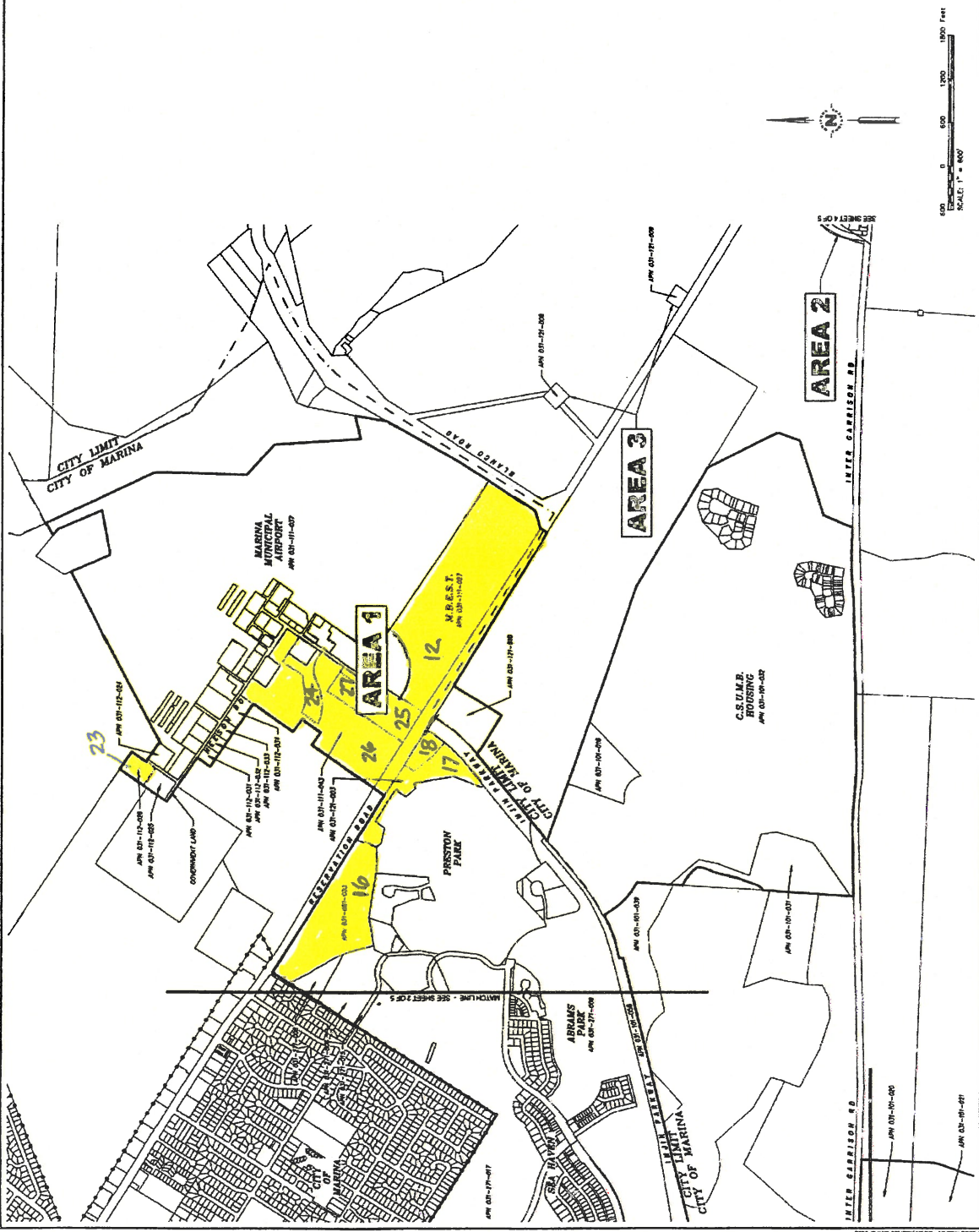
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**MARINA COAST WATER DISTRICT
 2018 ANNEXATION**

WHITSON ENGINEERS
 9 Harris Court
 Monterey, CA 93940
 831.648.8225 Fax 831.375.5885
 CIVIL ENGINEERING LAND SURVEYING PROJECT MANAGEMENT

DATE: APRIL 12, 2018 UCJ08100.0012 SHEET 3 OF 5



DYETT & BHATIA
Urban and Regional Planners