

MONTEREY COUNTY PLANNING COMMISSION

Meeting: November 17, 2004 at 10:30 a.m.	
Project Description: Application (PLN030204, East Garrison Partners) to allow development of the East Garrison area within the former Fort Ord, consisting of the following: 1) Specific Plan; 2) two General Plan text amendments; 3) Zoning Ordinance text amendments; 4) Development Agreement; 5) Combined Development Permit consisting of a standard subdivision to create parcels for 1470 dwelling units (including 70 second units), commercial uses, and public uses, Use Permit for tree removal, General Development Plan, Use Permit to allow development on slopes over 30 percent; and design approval.	
Project Location: East Garrison, Track 0, Former Fort Ord; south of Reservation Road and north of Watkins Gate Road, at the East Garrison gate (Assessor's Parcel Numbers 031-011-030 and 031-011-031)	
Plan Area: Greater Monterey Peninsula	
Zoning Designation: P/QP	CEQA Action: Subsequent Environmental Impact Report (EIR)
Department: Planning and Building Inspection	

RECOMMENDATION:

At the November 17, 2004 public hearing, consider the Draft Subsequent EIR and open the public hearing and take testimony. At the December 1, 2004 public hearing, consider the Final Subsequent EIR and recommend that the Board of Supervisors adopt the Findings and Evidence (Exhibit "D") and Conditions of Approval (Exhibit "E") approving a Specific Plan, including a Pattern Book and Guidelines for Rehabilitating Buildings at the East Garrison, and adopting general plan amendments, a Development Agreement, zoning map amendments, amendments to Title 21 to create a "Specific Plan" overlay zoning district and describe zoning ordinance requirements that are applicable to East Garrison, and approve a Combined Development Permit.

OVERVIEW OF PROPOSED ACTION

See Exhibits "B" and "C."

SUMMARY

This project implements the Fort Ord Reuse Plan and County's General Plan Housing Element. It is important to consider the project in light of the earlier basewide Reuse Plan, such as concerns about the jobs/housing balance, traffic, air quality, biology, and tree removal. Most of these issues have been satisfactorily addressed in planning for the reuse of the former Fort Ord. Site specific issues have been identified and mitigation measures and conditions have been recommended.

On November 17, 2004, the Planning Commission should open the hearing, consider the Draft Subsequent EIR, and take testimony. The Development Agreement and Final SEIR will not be available for the November 17, 2004 hearing. The hearing then needs to be continued open until December 1, 2004. At that meeting, the Commission will take testimony on, and consider the Final SEIR, project, and draft Development Agreement. After public hearings are concluded, the Planning Commission makes a recommendation to the Board of Supervisors.

OTHER AGENCY INVOLVEMENT:

✓ Water Resources Agency

- ✓ Environmental Health Division
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Salinas Rural Fire Protection District
- ✓ Sheriff Office
- ✓ Monterey County Library
- ✓ Monterey County Tax Collector
- ✓ Monterey County Administrative Office
- ✓ Monterey County Housing and Redevelopment
- ✓ State Office of Historic Preservation
- ✓ Monterey County Airport Land Use Commission (ALUC)
- ✓ Historic Resources Review Board
- ✓ LAFCO
- ✓ AMBAG
- ✓ Marina Coast Water District
- ✓ Fort Ord Reuse Authority
- ✓ Base Reuse and Closure Commission
- ✓ Bureau of Land Management
- ✓ CSUMB
- ✓ UC MBEST
- ✓ CA Department of Toxics and Substance Control
- ✓ Monterey Peninsula Unified School District
- ✓ Monterey-Salinas Transit
- ✓ Transportation Agency of Monterey County

All of the above have reviewed this project. Conditions are recommended by most County departments (see Exhibit "E").

ADVISORY BODY RECOMMENDATION:

The Historic Resources Review Board recommended approval of this project on November 4, 2004 with a condition that the mothballing of buildings be in compliance with National Park Service standards. The Airport Land Use Commission considered this project on October 25, 2004. The ALUC was concerned about lighting and requiring an overflight (avigation) easement. The concerns of these two bodies have been incorporated into the project conditions of approval. The Subdivision Committee considered the project at public hearings on November 4 and November 10; recommendations will be forwarded by separate memorandum for any changes they may recommend.

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cc: Planning Commission, County Counsel (Wendy Strimling), David Nawi, Mike Novo, file, Scott Hennessy, Alana Knaster, Redevelopment Agency (Jim Cook), Jim Colangelo, Salinas Rural Fire District, Bob McElroy (Library), Meg Clovis (Parks), Mike Brassfield (Sheriff), Applicant, Army, UDA, RBF, MBA, FORA, MCWD, PG&E, SBC, TAMC, SHPO.

Attachments: Exhibit "A" Project Data Sheet
Exhibit "B" Background and Setting

- Exhibit “C” Project Description and Discussion
- Exhibit “D” Findings and Evidence
- Exhibit “E” Conditions
- Exhibit “F” Vicinity Map
- Exhibit “G” Tentative Map
- Exhibit “H” Land Use Map (from Specific Plan)
- Exhibit “I” EIR Comment Letters
- Exhibit “J” Resolution for recommending General Plan amendments
- Exhibit “K” Resolution for recommending adoption of Zoning Ordinance amendments
- Exhibit “L” Draft Ordinance for adopting Zoning Ordinance amendments
- Exhibit “M” Resolution for recommending Specific Plan adoption
- Exhibit “N” Draft Ordinance for adopting Specific Plan (delivered for December hearing)
- Exhibit “O” Resolution for recommending Development Agreement adoption (delivered for December hearing)
- Exhibit “P” Draft Ordinance for adopting Development Agreement (delivered for December hearing)
- Exhibit “Q” CEQA Resolution (delivered for December hearing)

The Planning Commission has already been delivered the Specific Plan, Tentative Map and Draft SEIR.

EXHIBIT “B”
Background

Reuse Plan

The Fort Ord Reuse Plan (Reuse Plan) was prepared by the Fort Ord Reuse Authority (FORA) pursuant to Senate Bill 899 to guide the development of the former Fort Ord. The closure of the base meant the loss of significant employment, both on the base and for surrounding communities. The Reuse Plan established a “Land Use Capacity,” a projected development yield based on anticipated market absorption, land characteristics, and community vision. The Reuse Plan provides “flexibility and diversity within planning areas or districts” (page 232). As such, the capacities provide a general guide to assist in land resource management and infrastructure commitments and financing. The land use designations set the “range of permissible housing types and an overall maximum development intensity averaged over entire planning areas...” (page 232). The aggregate totals provide a ‘not to exceed’ limit of development; they are not absolute. The exact mix of uses is expected to vary in response to market conditions and FORA actions.

The projected ultimate development under the Reuse Plan is planned to accommodate growth for a 40-60 year timeframe, with a not-to-exceed limit on total development. The Reuse Plan projected a need for 6,520 new homes on the former base by 2015, representing approximately 63% of the housing demand of the Peninsula cities. One of the primary tenets of the Reuse Plan is to provide the housing first, to support planned former Fort Ord job growth. The Reuse Plan proposed that the County’s share of new housing would be 3184 new units, with an average of 2.6 people per dwelling unit.

Private development is planned to occur on approximately 15% of the former base’s land, with the rest reserved for public use. The Reuse Plan identifies East Garrison as one of the major development sites of the former military base. The Reuse Plan describes villages being created around the base and that these villages would be linked by transit routes and open space corridors. The villages were to be designed as compact, walkable communities, each developed with their own identity and character. The Reuse Plan points to key attributes for these village centers: mixed use, small scale streets, and a vibrant mix of architectural styles. One of the defining elements for East Garrison was the Arts District and to have residential uses in a village setting as part of an East Garrison Historic District. The community was also to provide housing design that embraces the public street area, includes local conveniences, provides a mix of densities and style, and provide a generous amount of park and open space areas for day to day use. The East Garrison Specific Plan (EGSP) has been designed with all this in mind.

The Reuse Plan envisions mixed use areas located near commercial and employment centers and extensive non-residential development, with land use designations to accommodate more than 1,500 acres of Business Park, light industrial, office, research and development or retail uses. The East Garrison project site is within walking and biking distance of the UC MBEST jobs center and CSUMB. In addition, the EGSP proposes 75,000 square feet of commercial use and 100,000 square feet of artist/cultural/educational space in renovated historic structures. While this is a small portion of the total non-residential uses anticipated by the Reuse Plan, the EGSP implements several Reuse Plan East Garrison concepts: the Arts District, live/work and mixed use.

As shown in the Table below, the Reuse Plan anticipated over 22,000 new dwelling units. Monterey County was allocated 3,184 new residential units on 520 acres. The EGSP proposes 1,400 residential units plus up to 70 accessory (carriage house) units on 244 gross acres. The EGSP constitutes approximately 46% of Monterey County’s housing share, on 18% of the residential acreage. The remaining residential units can be accommodated in the remaining area of the East Garrison district and at UC MBEST.

Land Use Capacity Comparison Table

Land Use	Former Fort Ord Total Capacity*		Monterey County BRP Capacity		East Garrison Specific Plan		EGSP % of Monterey County BRP Capacity	
	Acres	DUs/SF	Acres	DUs/SF	Acres	DUs/SF	Acres	DUs/SF
Residential	2,042	12,449	520	3,184	94.2	1,470	18.1%	46.2%
Business Park/ Light Industrial/ Office/ R&D (000’s SF)	1,346	12,036	797	6,676	12.9	100	1.6%	1.5%
Retail (000’s SF)	183	1,968	13	117	7.9	75	60.8%	64.1%
Public Facilities	1,072		340		1.3	11	0.4%	
Total Acres & Dus	4,643	22,232	1,670	6,277	244	1,470	14.6%	23.4%
Total SF (000’s)		14,004		6,793		186		2.7%

* Includes additional lands allocated to the cities of Seaside and Marina.
 **The Reuse Plan contains additional land uses (e.g. Open Space, Parks, Streets & ROW) not described here.
 DU means dwelling units. SF means square feet.
 Sources: *Fort Ord BRP*, Table 3.3-1 Summary Land Use Capacity Ultimate Development, *EGSP Draft Supplemental EIR*, Table 3-2 Proposed Land Uses and Phasing.

Biology and Residential Relocation from Parker Flats to East Garrison

The *1997 Fort Ord Installation-Wide Multi-species Habitat Management Plan (HMP)* outlines management requirements for all lands on the former Fort Ord. The HMP identifies four general categories of parcel-specific land uses: habitat reserve, habitat corridor, development with reserve areas and restrictions, and development with no restrictions. The HMP assumes a reuse development scenario for the entire base that will result in the removal of up to 6,300 acres of existing vegetation and habitat. East Garrison is designated as an area of development with reserve area or restrictions.

The Reuse Plan envisioned intensive development of the Parker Flats area and the HMP limited development in East Garrison to 200 acres. However, in 2002, FORA, the County of Monterey, and Monterey Peninsula College (MPC) submitted proposed modifications to the HMP to the U.S. Army and to the U.S. Fish and Wildlife Service for a Land Swap Agreement (LSA). The purpose was to exchange land identified for a Public Safety Training Center from East Garrison area to Parker Flats. The County would move residential development to East Garrison. The proposed modifications were based on an *Assessment of East Garrison – Parker Flats Land Use Modifications Fort Ord, California*.

The purpose of the LSA was to resolve land use conflicts stemming from a long history of ordnance and explosives use, competing conveyance requests for surplus property at the former base, and to address impacts associated with potential East Garrison development conflicts. The assessment proposed boundary changes and other modifications to the HMP; these changes increased the overall acreage of habitat reserve

lands. The assessment found that the goals, objectives and overall intent of the HMP would not be altered and that protection of the HMP species would be expanded and enhanced. The LSA amended the HMP to allow an additional 210 acres to be developed at East Garrison in exchange for the preservation of approximately 447 more acres at Parker Flats. At the MOUT facility, 13.4 acres of habitat reserve is added. The result is that the protected habitat increases by 246.7 acres.

Overall Habitat Losses/Gains in Land Swap Agreement Table

	Maritime Chaparral	Oak Woodlands	Grassland	Total
East Garrison				
Loss	(5.6)	(189.9)	(14.5)	(210)
Parker Flats				
Gain	195.8	249.5	17.9	463.2
Loss	(16.1)	0	0	(16.1)
Net	179.7	249.5	17.9	447.1
Military Operations/Urban Terrain Facility				
Gain	5.2	8.2	0	13.4
Loss	(1.7)	(1.5)	(0.6)	(3.8)
Net	3.5	6.7	(0.6)	9.6
Overall Net	177.6	66.3	2.8	246.7
Source: <i>Assessment East Garrison-Parker Flats Land Use Modifications</i> (Zander Associates, May 2002)				

On September 23, 2003, the Board of Supervisors approved a Memorandum of Understanding (MOU) with Monterey Peninsula College and the Fort Ord Reuse Authority to allow the LSA. The County, FORA and MPC signed the MOU on October 14, 2003.

Growth Management

The Fort Ord Reuse Plan developed a Development and Resource Management Plan (DRMP) as a tool to manage buildout of the base. The purpose was to restrict growth so that it did not outpace resources and services. The DRMP established Level of Service standards for transportation, water, public services, and capital planning. One of the components of the DRMP is that development will be allowed on a first-come, first serve basis up to the limitations.

Management of Transportation Improvements

DRMP requirements for development of transportation improvements are more a financial constraint than a resource constraint. The funding of an adequate transportation system must be paired with measurement of current and future traffic congestion to ensure compliance with Level of Service standards. Programs to implement this component of the DRMP include:

- ❑ Fair Share Financing Program
- ❑ Reimbursement Programs for On-site and Off-site Improvements
- ❑ Regional Improvements
- ❑ Monitoring Transportation Improvements

Management of Water Supply

As defined in the DRMP, FORA adopted a program for allocation of the existing potable water supply by jurisdiction. FORA has allocated the County of Monterey 560 acre-feet per year (AFY) within the former Fort Ord. Of the County's 560 AFY allocation, the County has allocated 52.5 AFY to Monterey Peninsula College, and reserved 470 AFY for the East Garrison Project, pending project approval, leaving an uncommitted balance of 37.5 AFY allocation.

Other Public Services

In addition to the above, the DRMP requires monitoring of the availability of wastewater and fire protection services at the time of project review, as well as habitat management (see discussion above). The Monterey Regional Water Pollution Control Agency wastewater treatment plant has a treatment capacity (permitted) of 27 million gallons per day (mgd). The plant currently has an unused capacity of 8.6 mgd of wastewater; this project will result in 0.68 mgd during wet conditions. The Fire District is requiring the construction of a new fire station within the community, which will be staffed by the end of Phase 2 construction. Until then, the Fire District will respond from the Toro station. The project site is not currently within the Salinas Rural Fire District's (SRFD) service boundaries. The project area will be required to annex into the SRFD. SRFD policy allows that an area may be annexed as long as it does not reduce service levels within the current SRFD boundaries. The Sheriff's Office has required that a Community Field Office be provided. They are looking at this community with an eye toward providing urban levels of service, with a target rate of one deputy per thousand residents. Until the local office is constructed, the community will be served from Salinas and Monterey. The CSD established for this project will pay costs for public services. Under Mutual Aid Agreements, this area is also served by CHP, CSUMB Police, Presidio of Monterey, Marina, and BLM.

2001 General Plan Amendment

The Reuse Plan allows an agency to adopt and rely on the Reuse Plan as its local general plan for the former Fort Ord area. On November 20, 2001, the Monterey County Board of Supervisors adopted the Fort Ord General Plan Amendment (GPA), to guide the preparation of future land uses proposed under County jurisdiction in the former Fort Ord. The GPA was based on the Reuse Plan and the FORA Board determined the County's GPA for the Fort Ord Redevelopment Project Area was consistent with the Reuse Plan, and approved Resolution No. 02-3.

Charettes

A series of meetings were held by the developers to have affected stakeholders help them plan the site. The developers held stakeholder meetings as well as formal design charettes. The stakeholders included resource agencies, representatives from the schools and universities, city and county representatives, and representatives from planned surrounding land uses. See the discussion in Specific Plan Section 1.9.

Transfer Process

The EGSP project area is located on one of the parcels designated as a Track 0 parcel. Track 0 parcels of Fort Ord are in the process of being transferred from the Army to FORA. Before the land can be transferred, it has to be cleared of most dangerous materials. The clean up for East Garrison, Track 0 parcel, has been completed. FORA will transfer the land to the Redevelopment Agency of Monterey County, which will ultimately convey the land to the developer. The land will transfer with a covenant disclosing the historic use of the site and related potential hazards.

Setting

With the adoption of the Reuse Plan and its incorporation into the county General Plan in 2001, much of the former Fort Ord now falls under the County's jurisdiction. Fort Ord lies within the Greater Monterey Peninsula Area Plan area of the County's General Plan. The Reuse Plan designated a series of planning areas for development and conservation. The East Garrison District is located in the Reuse Plan's Reservation Road Planning Area. East Garrison is one of five districts in the County's designated former Fort Ord territory that extends along Reservation Road:

- ❑ UC MBEST Center Cooperative Planning District
- ❑ UC Habitat Management District
- ❑ East Garrison District
- ❑ Youth Camp District, and
- ❑ County Habitat Management District

The East Garrison District consists of approximately 751 acres. Although the LSA modified the HMP to enable additional acreage for development at East Garrison, the EGSP has limited the urbanized area to 207 acres. Additional residential and other uses may occur in the remaining areas of the East Garrison District in the future, consistent with DRMP provisions.

Section 3.10.3 of the Reuse Plan describes the projected land uses for the Reservation Road Planning Area. The East Garrison District was designated as a "Planned Development Mixed Use District" in the Reuse Plan. This designation is planned for pedestrian-oriented community centers that support a wide variety of commercial, residential, retail, professional services, cultural and entertainment activities. Land uses initially proposed at East Garrison under the Reuse Plan called for an East Garrison Village, an Employment Center and a Conservation Area. The EGSP has substantially incorporated these elements, including:

- ❑ An Arts District with live/work studios, gardens and galleries incorporated into the historic structures.
- ❑ A new residential neighborhood with convenience retail and services built within the historic district to augment the live/work resources.
- ❑ Shared open space features within the Specific Plan area such as a common meeting room in the historic chapel, common exhibition space for the arts community, neighborhood recreation facilities, and open space areas.

The EGSP covers 244 of the 751-acre East Garrison District. Future planning for other Reuse Plan facilities will be considered in planning for the rest of the East Garrison District, such as visitor serving and an agricultural showcase. Projected uses in the Reuse Plan that are not incorporated into the EGSP include the UCMBEST site where a major job center is planned.

Adjacent Land Uses

The site is located on a bluff top surrounded by open space land except for agricultural uses to the east, northeast and northwest and a few residential parcels to the north. The land to the northeast and east across Reservation Road, currently in agriculture, is separated from the project by an approximately 100 foot change in elevation and will be further separated from the project by the bluff open space and park proposed as part of the project. The few residential parcels located to the north are expected to remain and are accessed from Reservation Road.

The land currently farmed to the northwest is the site of the future UCMBEST East Campus. Planning for this area by the University has begun; the area is expected to include Research and Development facilities and a small residential component. UCMBEST was identified in the Reuse Plan to be one of the major job centers of the former base. As the East Garrison Specific Plan is across the street from UCMBEST, a mutually beneficial relationship is expected to develop over the years.

Open space around the project site is found to the south and west. The property to the west is planned for two different uses. The former Army Travel Camp property, which is south of Intergarrison Road, is planned to be converted to a Monterey County Youth Camp. The area north of Intergarrison Road is identified in the Fort Ord Reuse Plan as a habitat corridor. These two areas will remain in permanent open space. Watkins Gate Road, which is the southern boundary of the Specific Plan, continues to the west through the Youth Camp parcel. This road is expected to be gated in the Youth Camp property to limit access to the Youth Camp and to other areas further west. Further west from the Youth Camp and habitat corridor is CSUMB campus and housing areas. Intergarrison Road, which terminates in East Garrison, provides a direct connection to the campus area, turning into Third Street.

The area immediately south of the Specific Plan includes a portion of the Youth Camp property as well as the future development area for East Garrison. Under the Reuse Plan and Land Swap Agreement, the County could provide the remainder of its housing units in this area. This area is also one possible area for a K-8 school, should the school district decide that it is an appropriate location and seeks to acquire the site.

Further to the south and southwest is the Bureau of Land Management (BLM) area, an area that will remain in permanent open space. Barloy Canyon Road cuts through the BLM area to provide access from East Garrison to the Laguna Seca Recreation area for occasional events. Future use of this road is expected to remain limited. All of these uses were planned as part of the Reuse Plan.

Further to the west is the Marina Airport, the airport for the former Army base. The planning area of the airport just touches on East Garrison. The project was reviewed by the Airport Land Use Commission on October 25, 2004. The ALUC recommended that overflight easements be placed on the parcels, that lighting be controlled in their planning area, and that measures should be taken to not attract birds. As the detention and retention ponds are not expected to hold water for long periods, their concern relates to trash dumpsters in the Town Center being covered.

EXHIBIT “C”

Project Description

Summary

The project application includes the development of a new community with residential, commercial, public, cultural, and open space land uses at the East Garrison District of the former Fort Ord. The community will consist of three residential neighborhoods surrounding a mixed use town center. The EGSP allows for the construction of up to 1,470 residential units, 75,000 square feet of commercial space, 11,000 square feet of institutional uses, and 100,000 square feet of artist studio space. In addition, the Plan contains approximately 50 acres of open space, parks and natural areas.

The EGSP proposes three neighborhoods (including the Arts District and a Town Center), a Bluff Greenway; multi-use paths and open space areas; and a main entrance. The three residential neighborhoods include a variety of proposed housing types. Forty-four percent of new dwelling units will be townhomes, condo/loft/apartments, live/work, or accessory units. Fifty-six percent of the new units will be single-family detached homes. In addition to the residential, commercial and artist/cultural/education space in renovated structures, the project includes a library, fire station, and a sheriff’s field office.

The maximum residential density allowed is twenty (20) dwelling units per gross acre. As described in the EGSP, housing densities will be approximately 5.7 units per gross acre, or over 11 units per net developed acre, which is within the permitted density range of the Reuse Plan’s land use designation for East Garrison. Lot sizes for single family dwellings generally range from 1500 to 5000 square feet. For a complete project description, see Draft SEIR Chapter 3.0.

Specific Plan

The land use plan prepared for East Garrison consists of a walkable community with a Town Center and Arts District as its main features. The plan proposes 1400 residential units, with 70 second, or carriage, units. The project will include 280 deed restricted units affordable to very low, low and moderate income households. The overall residential density of the project is over 11 units per net acre. The majority of residences will be located on narrow streets and will have garages at the rear of the lots, accessed by a rear lane. This design provides for narrow streets at the front of the units and a more walkable feel to the community. All units will be located within walking distance of the Town Center commercial area and transit stops. The community will be laced with a network of bike paths that will connect to future regional bike paths and trails.

As part of development of the community, planning was coordinated with the Sheriff’s Office, Library, and Salinas Rural Fire District. The community will include a number of public buildings and uses. In addition to an enhanced transit stop in the Town Center, a civic building will be located at the head of the Town Square and will be used as a library. The project includes a site for a fire station in the Phase 1 area and opportunities for placement of a Sheriff’s Field Office. The fire station site, at a location desired by the District, is located near the edge of the community to serve the former Fort Ord and surrounding areas. The chapel will be used as a Vision Center and house a historical interpretive exhibit while the community builds out and can be used as a non-

denominational facility for the community. Two existing buildings, the Theater and the Battle Simulation Building may be preserved, if feasible, for public types of uses (e.g., meeting rooms, theater, sport center). The Sheriff's Office is expected to be located in the Town Center, possibly within the Library. As part of an agreement between the Redevelopment Agency and developer, financial contributions and timing have been negotiated between the parties to ensure that these facilities are constructed.

The site will be served by typical urban level services. Water and sewer service will be provided by the Marina Coast Water District (MCWD). The Monterey Regional Water Pollution Control Agency (MRWPCA) and the MCWD are the agencies responsible for wastewater transmission and treatment for the project. New wastewater collection facilities will need to be constructed to serve the EGSP and are addressed by the Draft SEIR. The developer will install infrastructure to tie to the regional system, including main lines along Reservation Road and pump station upgrades within the project. The existing MRWPCA Regional Treatment Plant can accommodate the increased wastewater that will be generated from the EGSP within its current permitted capacity.

The developers will install all infrastructure within the site as the existing on-site infrastructure cannot be used. Phone, gas, electricity, and cable will be provided by underground utility connections. Storm drains will flow to three retention or detention ponds. MCWD already serves the East Garrison site with water and will continue to serve the project with sufficient water for the community's build out. MCWD recently adopted a Master Plan and identified needed upgrades to their system. The East Garrison development will be responsible for replacing all on-site infrastructure and installing off-site pipelines to tie to the existing MCWD system. The developers will work with the water district to build needed system upgrades. A new sewer line was recently installed to serve East Garrison along Reservation Road and can be used for much of the project buildout.

Building design will be closely regulated by the Specific Plan. A Pattern Book will guide the construction of all new construction, while guidelines are presented for the rehabilitation of the "contributing structures" in the historic district. A design process will include review by a town architectural committee. The County's involvement during initial buildout of the community will be to ensure conformity with the Pattern Book, regulations and guidelines. After the community is initially constructed, the County Design Approval process will be followed for subsequent (second generation) construction.

The Specific Plan is proposed to be constructed in three primary phases, with the commercial center able to be constructed during any of the phases, as demand occurs. The first phase is the northwest triangle of the property and will consist of a mix of residential units (single family, townhouses and apartments). During this phase, the Main entrance will be constructed from Reservation Road, as well as a new road connecting Intergarrison Road to Reservation Road. Stop lights will be installed at these two intersections. This phase consists of 398 housing units. Two parks and a portion of the community park will be constructed during this phase.

The second phase is located across Intergarrison Road from the first phase, between West Camp Road and the Town Center area. This phase will consist of approximately 470 units and will see the reopening of a portion of Watkins Gate Road. This phase includes a

neighborhood park, a small park and greenway, and more construction within the community park. The first two phases will require the majority of on-site grading. Due to the density proposed and the need to accommodate gravity flow of water, sewer and storm drain lines, 1,400,000 cubic yards of grading will be conducted on the site and the removal of most trees except in the future open space areas.

The Town Center is located in the center of the community and will consist of up to 75,000 square feet of commercial buildings and residential units in a mixed use setting. The Town Center is anticipated to provide neighborhood commercial uses, retail shops to serve visitors, and public buildings. A list of allowed uses is included in Section 3.5 of the Specific Plan. The Town Center will connect to the proposed Arts District through enhanced sidewalk treatments and other amenities (Condition). The Town Center includes 89 residential units, including up to 49 live/work units. Parking is provided in two parking lots, behind commercial buildings, and along streets.

One of the primary visions established by the Reuse Plan for this community is the proposed Arts District, which is included in the third phase. The Arts District will consist of the reuse of up to 100,000 square feet of the historic structures found at the site and will include a cluster of 65 new, affordable Live/Work artist's units fronting on a civic green area that can be used for art festivals, and a connection to, and building in, the Town Center. The plan is laid out to emulate the historic tent city that occupied the site during World War II preparations. The Live/Work artist area and its park will provide a connection between arts uses on Ord Avenue and Sherman Avenue. The Arts District has been one of the primary themes of the community since its initial planning. This theme, along with the walkable design, narrow streets, proximity to jobs at CSUMB and UCMBEST, and adjacent open space uses make the East Garrison Specific Plan more than just a subdivision. Off-site road improvements will include the rest of Watkins Gate Road and a stop light at its intersection with Reservation Road. This third phase will also include completion of the parks system and substantial open space area on the bluff.

Preservation of the Historic District is also an important component of the plan. Along with the preservation and use of the majority of contributing structures, history related displays will be created. An interpretive display will be established first at the chapel and later at the Library. A history walk will also be created. The Arts District will be an integral part of the Historic District. The only portion of the property that will include the retention of old structures will be in the Historic District. Twenty three of the concrete buildings (clay tile roofs) will be retained. The Chapel building will also remain. The Battle Simulation Building and Theater are proposed to remain if structurally and financially feasible.

Tentative Map

The Specific Plan is implemented by the Tentative Map and its associated improvements. The tentative map provides details on parcel sizes and location, infrastructure details, grading plans, existing structures and vegetation, topography, and surveying information. The map shows that many of the existing historical structures and streets will be preserved in their existing settings. The map also shows the drainage and utility infrastructure proposed and the road improvements associated with buildout of the community, including how they will tie into existing roads. The perimeter roads are proposed to remain public roads; internal roads will be private. The community will not be gated.

Zoning

The application includes the creation of a new overlay zoning district for Title 21, the Specific Plan (SP) overlay district. This section, as well as designation of the entire site with an SP zoning district, will be adopted by ordinance as part of the final decision on this project. This new section is expected to be used for all future Specific Plans, except where those plans rely on existing zoning districts. The Specific Plan includes development regulations for lot buildout, permitted and conditional uses, design, signs, lighting, and parking. From that aspect, the EGSP acts as an ordinance that regulates how parcels of land will be used. Two specific areas of the Specific Plan provide the regulations for development of the community—the Pattern Book and Section 3.5. The Pattern Book provides regulations for lot development, including setbacks, open space requirements, and design. Section 3.5 provides regulations relating to height, parking, signs, lighting, and allowable uses.

However, because the community will be part of the larger unincorporated area of the County, the project area is proposed to utilize regulations from other portions of the County Code, including the Zoning Ordinance. Sections of Title 21 that will be applied to the community include all other topics that are not covered by the East Garrison Specific Plan regulations. These will be outlined in the ordinance approved by the Board of Supervisors and include topics such as definitions, enforcement, processes, and regulations relating to other applicable topics, such as wireless communications, home occupations, cottage industries, permits, code enforcement, administrative processes, and appeals.

Financial Terms

The Redevelopment Agency of Monterey County (Agency) adopted a Redevelopment Plan for Fort Ord. The East Garrison area is located within the boundaries of the Redevelopment Area. The benefit of being located within the Redevelopment area is that the Agency can choose to use Tax Increment (TI) funds to revitalize the area.

The Agency entered into an Option Agreement with the East Garrison developers. The Option Agreement requires that the developers fund at least 3.5 million dollars in public facilities and provide a minimum of 34,000 square feet of neighborhood serving retail and public areas in the Town Center. The County consented to the Option Agreement between the Redevelopment Agency and developer, and has insisted that this project be financially self sufficient. One of the mechanisms proposed to do that is to establish a Community Services District (CSD). The CSD will serve as a local governmental organization that will oversee maintenance and use of areas commonly owned by the community. Except for perimeter roads, the community will own all the roads, parks and open space areas. In addition to the CSD, a Homeowners Association (HOA) will be formed to oversee functions related to the private property aspects of the community: design, landscaping, architectural review, CC&Rs, etc.

As the site is in a Redevelopment area, FORA will transfer the land to the Redevelopment Agency (Agency). The Agency is negotiating a Disposition and Development Agreement (DDA) with the developers to determine financial and transactional terms for buildout of the project. The DDA assigns respective financial and procedural obligations. The Agency, upon adoption of the draft DDA, would participate in funding portions of the community to assist with the production of affordable housing, renovation of historic buildings, and construction of civic buildings and uses. As part of the Disposition

and Development Agreement, financial contributions and timing are being agreed to by the parties to ensure that these facilities are constructed as the project builds out. The Agency will use future tax increment to finance their share of obligations. As part of the project approval, the Redevelopment Agency will have to adopt the DDA.

The EGSP implements the Monterey County Inclusionary Housing Ordinance. Provisions in the EGSP project for very low and moderate-income housing will assist in lessening the countywide problem of affordable housing. The project would reserve 20 percent, or 280 out of the total 1,400 units, for very low income to moderate-income households. Deed restrictions will be recorded to maintain the affordability of the designated units. At least one non-profit housing developer is expected to construct the majority of the affordable units; some will be provided by market rate developers. The Redevelopment Agency will contribute financially to the affordable units. Other aspects of the community will create additional affordable units, although they will not be deed restricted. For example, seventy of the lots will include the ability to construct a second (carriage) unit (Condition ■). In addition, the community will have market rate apartments, townhouses, and possibly condominiums.

Development Agreement

Development Agreements have been used around the state of California for many years. Recently the Board of Supervisors adopted a Development Agreement Ordinance. The County and the developer are negotiating a Development Agreement, which can benefit both parties. The County can obtain more exactions by negotiation than it can through the normal mitigation and condition process associated with development projects. The normal process involves the requirement that exactions be related to the impact caused and roughly proportional to the impact. A Development Agreement, as a negotiated contract, is not subject to such limitations. The developer obtains surety in the entitlement process, after the project decision, that they get to construct the project subject to the terms they have negotiated. The Development Agreement will need to be approved by the Board of Supervisors as one of the project approval steps.

General Plan Amendments

Two General Plan text amendments are proposed as part of the application. The first is an amendment to Policy 26.1.9, Ridgeline Development (proposed new text is underlined):

“In order to preserve the County’s scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditions by permit will not create a substantially adverse visual impact when viewed from a common public viewing area. New subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development. Siting of new development visible from private viewing areas may be taken into consideration during the subdivision process. This policy shall not apply in areas governed by Specific Plans. Each Specific Plan shall address viewshed issues as part of the plan’s regulations.”

The second amendment is proposed to change the text of one of the policies that was incorporated into the General Plan from the Fort Ord Reuse Plan by the GPA— Commercial Land Use Policy A-1 (proposed new text is underlined, text proposed for deletion is ~~struck through~~):

“The County of Monterey shall allocate land uses and commercial and office categories adequate to provide goods and services for the needs of its citizens, other Fort Ord jurisdictions and their trade areas. In the absence of a Specific Plan, Commercial land use shall be designated not to exceed the following as follows:

Business Park/Light Industrial

East Garrison District (Polygon 11b): 70 acres, 0.2 FAR, 609,840 feet²

Office/R&D

East Garrison District (Polygon 11b): 25 acres, 0.20 FAR, 217,800 feet²

Convenience/Specialty Retail

East Garrison District (Polygon 11b): ~~5 acres, 54,461 sq. ft.~~ 75,000 square feet of specialty retail and 100,000 square feet of artists’ studio space. The ground floor of live/work units can also be utilized for commercial use.

Square footage limitations shall not apply in areas governed by Specific Plans, so long as the Specific Plan sets forth an alternative allocation of commercial land uses, including office, research/R&D and Convenience/Specialty which total square footage does not exceed the aggregate of commercial square footage set forth above. Such alternative allocations may include hybrids of commercial land uses and residential uses, including but not limited to Live/Work, Town Center, Artists studios, or Mixed Use designations.”

The first amendment recognizes that constructing a dense community on hilly land will cause ridgeline development, an unworkable policy for an urban community. As long as the community as a whole is planned with these views in mind, and the Plan addresses aesthetic issues through design, setbacks, height or other means, the ridgeline development policy is not necessary in dense urban areas. The second amendment also recognizes the reality of developing a dense, compact community and also memorializes the changes associated with the residential unit move from Parker Flats to East Garrison.

Land Use

General Plan

The project has been analyzed for consistency with the General Plan and Greater Monterey Peninsula Area Plan. The General Plan was amended in 2001 to incorporate the Reuse Plan goals, objectives and policies for this new area. As discussed above, two General Plan text amendments are proposed to ensure that the project is consistent with the Plans. The discussion on consistency is found in the EIR in Section 4.1 and Appendix B.

Specific Plan

The California Government Code allows cities and counties to prepare Specific Plans for areas under their jurisdiction. One of the advantages of preparing a Specific Plan is that an area, often a community or neighborhood, can be planned as a single cohesive unit. Specific Plans have a procedural benefit for the eventual development of the property.

Under many circumstances, development of the site can proceed without further environmental review as long as it is in conformance with the Specific Plan. In that sense, a Specific Plan provides direction to developers that the jurisdiction intends for this area to develop and has provided the environmental analysis to show what issues are associated with that development. This certainty is of importance to many developers and can relieve pressure from seeking out speculative development sites—a benefit to the developer and to the community itself.

Zoning

In addition to laying out the shape of the community, the Specific Plan acts as a regulatory document, outlining zoning regulations. The EGSP is recommended to be approved by ordinance, and establishes districts and development regulations for the community. As explained above, other County Code regulations will also apply to East Garrison.

Design

New construction within the community will be regulated by the design standards of the Pattern Book. The process will include review by an Architectural Review Board for the community. Initial buildout of the project will involve a Board that includes the Pattern Book designers to ensure that the community is built as envisioned and to help interpret intent. During initial buildout, and with the expertise on the Board, any concerns with interpretation can be identified and fixed. The County's responsibility in the design process will not include a formal Design Approval process for this initial buildout of 1470 units; however, the County will check for conformance with the Pattern Book. All building permits issued must be consistent with the Pattern Book. After the Community has been built out, the process will revert to a County Design Approval process in place at that time (Condition).

Any development project within the Historic District will be subject to review by the Historic Resources Review Board. Initial buildout of the Phase 3 home construction and rehabilitation of the historic structures will be approved as a single action by the HRRB in approving the Pattern Book and *Guidelines for Rehabilitating Buildings at the East Garrison*. However, the HRRB will review any exterior changes to materials or additions to contributing structures. After this initial buildout of the residential component of East Garrison, the HRRB will review qualifying development as outlined in their regulations or as outlined in the Zoning Ordinance in effect at the time (Condition).

Issues

Cultural Resources

One of the more difficult aspects of reuse of the East Garrison site is the rehabilitation and reuse of the Historic District “contributing structures.” The site consists of 34 concrete buildings with red clay tile roofs. These buildings are considered to be significant to the designation of the site as a Historic District. What made the planning of the site difficult is that, as contributing structures, alteration and demolition of the buildings is tightly controlled by the Army and the State Office of Historic Preservation. Through numerous meetings, a plan for reuse of 23 of the buildings and the demolition of 11 was proposed. A number of other structures exist at the site. They are not considered to be “contributors” to the Historic District as they are typical structures found either throughout Fort Ord or throughout the nation on Army bases. Some are considered to be temporary buildings by the Army and many were constructed without foundations.

The “contributing structures” are primarily structures that were used to serve the tent city during the World War II era. Ten of the structures are former latrines for the non-officers that stayed in the tent city. The majority of these latrines are in bad shape and are not of a size that is useable. Two of these buildings will be retained to help provide examples and context for the historic use of the site. Nine structures are former mess hall buildings. Three of these will be removed to allow site grading to provide adequate drainage for the community. The six that will be preserved are located in a row, with open space between each. Preservation of this cluster of buildings will help to provide the historical context. Across the street from these preserved mess halls are five other structures, which were primarily used by officers and will be preserved. A Rod and Gun Club building will also be retained. The remaining structures that will be preserved were storage buildings along Sloat Street.

Three “non-contributing” structures are being considered for preservation. The Chapel is proposed to remain and extensive rehabilitation has already occurred. The former Battle Simulation Building is being looked at for a number of possible uses. The Theater building is a wonderful asset, but is in disrepair and may not be economically or structurally feasible to preserve. In addition to habitable structures, other historic features will be preserved, including many of the rock retaining walls, the layout and existing width of Sherman Avenue, Ord Avenue, and Sloat Street. The former bluff park will be restored as open space and a park. A history walk and a history interpretive display will also be included.

As part of the transfer of the property, a covenant ensuring preservation of historic features and continued oversight will be included. Property with historical significance will include information on their individual deeds to ensure that owners are aware of the commitment to maintenance of the historical aspects of the property (Condition).

Transportation

The Fort Ord Reuse Plan identified a long list of road improvements needed for buildout of the base. Recognizing that widening of Highway 1 was unlikely to occur, a new Eastside Road was proposed to serve as an alternate traffic route to Highway 1. Part of the Reuse Plan’s focus was to provide a strong connection between the base and Salinas along Reservation and Davis Roads, thereby relieving pressure from the Blanco Road corridor. As explained below, these improvements are a critical component of East

Garrison development, and for development of the former base. The long-term strategy is to provide jobs within the former base to reduce the need to commute on these regional roadways.

As part of the Fort Ord Reuse Authority's (FORA) oversight over base reuse, they have adopted an impact fee applicable to all residential development within the former Fort Ord. A significant portion of that impact fee is dedicated to regional road infrastructure needs related to base reuse. By paying the impact fee for the residential construction proposed at East Garrison, this project will be paying over 50 million dollars in impact fees, approximately half of which are used for regional transportation improvements.

The FORA Capital Improvement Plan (CIP) enumerates the financial obligation required of FORA on a series of on-site, off-site and regional transportation improvements. Off-site and regional improvements are coordinated in conjunction with the Transportation Agency for Monterey County (TAMC), which prepared a regional transportation study during the development of the Reuse Plan to define financial contributions required of FORA. The contributions are for FORA transportation improvements, and also pay a percentage of financial obligations for roadways outside Fort Ord based upon the projected traffic demands of the proposed development under the Reuse Plan and all other jurisdiction's General Plans. A revised (updated) transportation allocation study is currently being prepared by TAMC in coordination with FORA to more accurately reflect current development proposals, including the proposed East Garrison project.

The project applicant, in consultation with the Monterey County Public Works Department (PW), will be responsible for contributing their fair share fees for transportation improvements associated with the project's transportation impacts. The fees will go towards the following intersection improvements:

Davis Road/Blanco Road	Highway 1/Reservation Road
General Jim Moore Blvd/Canyon Del Rey	Highway 1/Canyon Del Rey

The following roadway segment improvements, which the project will pay their fair share fee toward, are identified in the CIP:

- Blanco between Reservation and Davis (2 segments)
- Davis between Ambrose and Central
- Davis between Reservation and Salinas River
- Reservation between Watkins Gate and Davis

The East Garrison DSEIR also identified one intersection and two roadway segments that are not included in the FORA CIP and that will be impacted as a result of the proposed project:

Intersection:	Reservation Road/Davis Road
Segments:	Reservation Road between Portola Drive and SR 68 SR 183 between Cooper Road and Espinosa Road

The mitigation measures require Monterey County to work with FORA to include these improvements in the next revision to the FORA CIP, as the need derives from Fort Ord growth.

The project applicant (in consultation with PW) is expected to make payments during project construction except for improvements at Reservation Road/Davis Road. For this intersection, the project applicant expects to pay the entire improvement costs (~\$750K). As part of a reimbursement agreement program with the applicant, PW is expected to reimburse the improvement costs that are not attributable to the project after future development projects make their fair-share payments.

In addition to automobile and road projects, the Reuse Plan identifies a strong desire to provide pedestrian and bicycle friendly infrastructure, as well as transit systems. The Reuse Plan encourages the development of villages near job centers and states that bus service can generally be supported by densities of 7-15 units per acre. The application includes an entire system of bike and pedestrian paths and sidewalks to provide both internal circulation and to connect to future external paths and trails. See Specific Plan Sections 4.2 and 4.3 for details on the pedestrian and bicycle plans. The application also proposes bus stops around the site that will be served by Monterey-Salinas Transit and a shuttle from CSUMB. The Town Center will include a more substantial transit stop. See Specific Plan Section 4.4.

A full discussion of traffic issues and effects is included in Section 4.4 of the Draft SEIR.

Noise

Due to significant traffic along Reservation Road from regional growth, noise will be a concern for adjacent residential units. Noise modeling shows that some of the units will be located in areas where exterior noise levels may exceed 65 decibels. Some of the Reservation Road corridor has elevation differences to the residential units, which may reduce noise levels. Other areas are at grade with Reservation Road. The EIR addresses this issue and identifies mitigation measures to ensure that residential interior noise levels do not exceed the 45 decibel threshold. A detailed study will be required that analyzes the residential distances, topography and other noise factors and makes recommendations on maintaining noise goals. Conventional construction is expected to relieve most of the noise issues, although there may have to be small stretches where fences or sound walls may be needed. A full discussion of noise issues and effects is included in Section 4.6 of the DSEIR.

Water Use

The Reuse Plan proposed a level of buildout for Fort Ord that would require 9000 acre-feet of water use per year. Section 3.11.5 of the Reuse Plan identifies a constrained development scenario based on available water, called the Development and Resource Management Plan (DRMP). The DRMP limits total residential development to ensure capacity for industrial/commercial land use and to prevent residential development from outstripping the existing 6,600 AFY potable water supply for the former Fort Ord. The DRMP identified a level of development that would not exceed the available water supply. As part of that program, the Fort Ord Reuse Authority has allocated water to each of the jurisdictions receiving water. Monterey County has been allocated 560 acre-feet per year of water use under the current 6,600 acre-foot per year limits. The EGSP is consistent with the DRMP.

The Marina Coast Water District will be providing water to East Garrison. As part of the environmental review process, the County requested a Water Supply Assessment (WSA)

in conformance with the State of California Water Code. A WSA for the project was prepared and adopted by the MCWD Board on July 14, 2004. The Assessment demonstrates that the agency is capable of delivering water to the project, even in dry periods. The Assessment determined that the project water needs will be 470 acre-feet per year.

Hazardous Materials

As a former Army base, Fort Ord had large quantities of hazardous materials, including ordnance. As the East Garrison area that is proposed for development was used primarily as a residential area (tent city and support buildings), the site is free of much of the ordnance found around the base. However, other hazardous materials are found on the base, such as lead based paint and asbestos.

Prior to the Army transferring any property, they are required to prepare a Finding of Suitability to Transfer (FOST). These FOST documents detail the hazardous materials found on the property and provide information relating to the source and quantity of material. In East Garrison, Track 0, the FOST found that the site has buildings with lead based paint and asbestos. These buildings will be transferred with these materials. Other materials that were found have been cleaned from the site. These included clay pigeon fragments, which were cleared from the site in 2004. No ordnance or explosives were found on this site. Deed disclosures are required by the Army to transfer with the land to each purchaser so they are aware of the former use as an Army base.

Drainage

Drainage from the developed East Garrison community will be controlled by a system of storm drains, with some grass swales. These drainage features drain stormwater runoff to three ponds. Two of the ponds will serve as detention ponds (holding the water for release) and one will serve as a retention pond for percolation. The westernmost pond is a retention pond and will be located between the community and the new connector road from Intergarrison Road to Reservation Road. The middle pond will serve dual purpose as a portion of the community park. Due to the permeable soils located at the site, it is expected that this pond will drain into the ground primarily, with larger storm event runoff carried from the pond. The easternmost pond is located between Reservation Road and Ord Avenue. This pond will serve only as a detention basin and will be lined to limit percolation. This runoff will be directed to drainage pipes that currently drain the site down slope to the farmlands across Reservation Road. The rate of runoff will not exceed historic rates, and will be reduced in larger storm events as the pond and pipes act as a metering system. Stormwater runoff can contain urban pollutants, particularly during the first rains of the season. The drainage system will include traps to capture pollutants. Maintenance will be provided by the CSD.

Public Safety

The Salinas Rural Fire Protection District (SRFD) will provide fire protection services to the EGSP project site. As detailed in the EGSP DSEIR, a new fully equipped and staffed fire station will serve the project area. Prior to the construction and staffing of the East Garrison Fire Station, emergency response will be provided by SRFD's existing fire stations.

Several mitigation measures are identified by the EGSP DSEIR to ensure that adequate levels of fire protection services are provided. These mitigation measures include:

- Annexation into the Fire District
- Detailed staffing requirements tied to project progression
- Apparatus requirements
- Fire Station construction requirements
- Fire Prevention and Public Education requirements
- Financial analysis to determine an adequate financing mechanism for the ongoing staffing and operational costs of the fire station.
- Funding mechanism will need to be developed and implemented to provide for the ongoing staffing and operational costs.

In addition, a detailed Development and Stipulation Agreement between the SRFD and the EGSP project proponents will outline the timeline and process for accomplishing the above mitigations.

Biology

A Habitat Management Plan has been prepared and adopted to identify development and non-development areas. The HMP supports legal agreements among jurisdictions receiving property on the former base. As explained above, the HMP was modified by a Land Swap Agreement, which relocated residential use from Parker Flats to East Garrison and moved the MPC uses to Parker Flats.

The site was planned to take advantage of the disturbed areas of the site, with the Phase 2 and Phase 3 neighborhoods, as well as the Town Center, being located in the former tent city areas. The Phase 1 neighborhood, which is located along Reservation Road, running west from the current East Garrison gate, is an area of extensive oak woodlands. The vast majority of oaks in this area will need to be removed due to the density of the project and the need to grade the site for that type of density. As explained earlier, the development of housing in the unincorporated area of Fort Ord was primarily designated for Parker Flats and for the mixed use development site at East Garrison. As part of the Land Swap Agreement and actions by FORA and the County, Parker Flats residential development was relocated to East Garrison. This action meant that the development could be located on a smaller footprint by providing a dense community. The results of the Land Swap are that more acres of oak woodland, maritime chaparral, and grassland are preserved in the former Fort Ord than originally planned.

Other sensitive botanical species located in the SP area include Monterey spineflower (1.5 acres), Sand gilia (approximately 70 plants) and Hooker's manzanita (six plants). These species losses are partially offset by preservation elsewhere in the former Fort Ord. Sand gilia would likely be replanted just west of the project site as mitigation for an incidental take permit. Monterey spineflower removal will not require a take authorization.

The site also includes the potential for several wildlife species, including Monterey dusky footed woodrat, Monterey ornate shrew, California tiger salamander, California black legless lizard, and Special Status bird species. The impacts and mitigation measures for these species are identified in Chapter 4.7 of the Draft SEIR. Preconstruction surveys are required for the majority of these species. The Draft SEIR identifies that the project will not substantially reduce aestivation habitat available for California tiger salamander at Fort Ord. However, the site may be considered as potential upland habitat. Potential impacts to California tiger salamander may require an incidental take authorization from US Fish and Wildlife Service.

Jobs/Housing Balance

The Fort Ord Reuse Plan emphasized a jobs/housing balance by designating much of the land for job creation. According to the Reuse Plan, the mix of planned land uses at the former Fort Ord is expected to provide, at buildout, a total of approximately 45,000 to 46,000 jobs and approximately 17,000 dwelling units plus an additional estimated 5,100 on-campus housing units within the core area of CSUMB. The UCMBEST site, which is part of the County's Reservation Road Planning Area, is projected for uses that will enable extensive job creation adjacent to East Garrison.

Jobs-to-housing ratios demonstrate to what degree a community is providing sufficient housing to meet the needs of a local work force or vice versa. A low ratio indicates that there are more housing units than jobs and residents must commute *out* of the area, and a high ratio indicates that there are more jobs than housing and employees must commute *into* the area. A jobs-to-housing balance is considered to be generally within the range of 0.75 to 1.25. The overall County of Monterey jobs-to-housing ratio, including the cities within the County, is estimated at 0.88 in 2002 and projected at 0.72 in 2020. These countywide numbers do not reflect internal jobs-to-housing balance between regions within the County. For example, where outlying unincorporated areas have more housing than jobs, the Monterey Peninsula cities have more jobs than housing. New dwelling units at East Garrison will positively impacts the jobs/housing balance in the regional context, given shorter commute distances to jobs than from other unincorporated areas. In the long term, as Fort Ord job centers are built, East Garrison is expected to serve the large job centers projected for the former base.

The EGSP component of the Reuse Plan will include up to 186,000 square feet of non-residential uses (i.e. commercial, studio, and retail space) anticipated to support up to 380 jobs in the project area. The EGSP will also provide for 114 live/work units as part of the overall housing units. The overall balance of job creation to new dwelling units is low within the project area. However, in the area of East Garrison, two large job centers will exist—CSUMB and UC MBEST. Both of these areas will be within walking or biking distance of East Garrison and will also be served by busses and, possibly, shuttles. The East Garrison project is putting in a new intersection at a new connector road and Reservation Road. This intersection is expected to include direct access to UC MBEST, making pedestrian and bicycle access convenient from East Garrison. In addition, the EGSP is located between the two largest employment areas in Monterey County, Salinas and the Monterey Peninsula.

Aesthetics

The project has three primary aesthetic issues: Ridgeline Development, tree removal, and lighting. A General Plan amendment is needed to address the fact that this new community on hilly terrain will result in ridgeline development. As would any urban area on hilly terrain, structures will be visible against the ridgelines from public roads. The project proposes setbacks from the bluff, larger lots (5000 square feet) on the edge that has the highest potential for ridgeline development, and landscaped open space areas along the bluff edge. The Draft SEIR identifies the impact to these views as less than significant with mitigation. The mitigation measure recommends using trees to help break up the development edge as viewed from Reservation Road and Davis Road, as well as longer views from the Salinas Valley. See Draft SEIR Chapter 4.9 for a complete discussion.

Tree removal will be extensive to provide the development density, and associated grading, for this project. The County Zoning Ordinance requires that trees normally be replaced on a 1:1 basis for development projects. However, for this project, that is neither possible nor needed. The Reuse Plan provides for development areas and habitat areas. The primary method for establishing development and habitat preservation areas is through the HMP, which has been amended by the LSA. As envisioned by the amended HMP, the relocation of residential units from Parker Flats to East Garrison will result in increased preservation of oak woodlands, maritime chaparral, and grasslands over the original HMP and Reuse Plan. Some oak plantings will occur in open space and park areas to partially replace some of the removed woodlands.

Street lighting can create a significant environmental change if not done properly. Aside from the public enjoyment of dark skies within Fort Ord, there are also observatories in the area that require protection from light intrusion into the sky (MIRA and Fremont Peak). The Specific Plan has proposed full cut-off fixtures to be used in street lighting. A condition has been recommended that the developer submit a lighting program with the Subdivision Improvement Plans so that the County can ensure that perimeter street lighting, in particular, uses cut-off fixtures to illuminate only the Specific Plan development area. All street lighting will be required to include cut-off optics (Condition).

Schools

The Reuse Plan identified that five elementary schools, one middle school and a school site was transferred to the school district to help accommodate base reuse. The Reuse Plan also identified that a new High School would be needed in the Marina area. The County has worked with the Monterey Peninsula Unified School District to ensure that their needs are met for this project. From the initial steps of this application, County staff met with District staff to determine the needs for schools. We have continued that conversation throughout the process and the District has stated that they do not need any new K-8 facilities to serve this project. A High School is being considered for the eastern side of the City of Marina, which when built can serve this project. Until the time that the school district identifies and constructs needed new facilities, this project will be served by Crumpton Elementary, Los Arboles Middle and Seaside High Schools. The District will be planning out future needed facilities, but has not identified the need for a new school. The remaining area of the East Garrison District provides opportunity for locating a K-8 school.

Parks

The application proposes several parks. The Reuse Plan identified a need for neighborhood parks that each would serve 500 to 1500 residents within communities and stated that they should be within easy walking and biking distance. The Specific Plan proposes three neighborhood parks, one community park, four other parks, and four greenways. In addition to these developed parks, the project includes many acres of open space, described as greenways in the Specific Plan. Surrounding areas also provide thousands of acres of open space managed by the Bureau of Land Management. See Specific Plan Section 4.6 for a complete description. The facilities proposed as part of East Garrison exceed the demand identified in the Reuse Plan (Table 4.3-2).

Closure of Fort Ord involved the preparation of an Environmental Impact Statement, which is the federal equivalent of an EIR. When the Fort Ord Reuse Plan was prepared by FORA, an Environmental Impact Report was prepared. Under the California Environmental Quality Act, the County is allowed to utilize those environmental studies for the processing of the EGSP. The County identified the need to prepare a Subsequent EIR (SEIR) for EGSP, however, which incorporates some of the information from these earlier studies (see EIR Chapter 1.3 for a full explanation).

The Draft SEIR was prepared under contract to the County. The Draft SEIR identified the potential for significant effects in many areas, most of which were able to be mitigated to below significant levels. Four topics where Significant and Unavoidable effects were identified, primarily due to the size of the project or the lack of planned improvements, were Air Quality, Cultural Resources, Public Services and Utilities, and Traffic. See Draft SEIR Chapter 2.3 for a full discussion.

One of the components of the Air Quality analysis is to determine whether the project is consistent with the Air Quality Management Plan (AQMP). When the Air District updates the AQMP, they accommodate population growth. In doing so, the Air District can recommend programs to attempt to achieve air pollution levels that can be maintained within state and federal standards. The County requested a consistency determination from the Association of Monterey Bay Area Governments (AMBAG), which responded that the project is consistent with the AQMP. Consistency with the AQMP means that the project growth projections, including timing of occupancy, is consistent with the population projections by AMBAG.

Due to the amount of grading required to create an entire community, with the density proposed, Air Quality significance thresholds will be exceeded temporarily during construction. Even though this is a temporary impact, it will involve several months of earthmoving. After construction, the community will emit substantial quantities of pollutants primarily from traffic trips. In 2012, local air quality thresholds are projected to be exceeded for Reactive Organic Gasses and Particulate Matter (PM10). The future use of telecommuting and proximity to future jobs may reduce these pollutants, but is too speculative to quantify. See Draft SEIR Chapter 4.5 for a full discussion.

Cultural Resources impacts were Significant and Unavoidable due to the demolition of eleven “contributing structures,” structures that are considered important to the Historic District. As demolition of contributing structures is not consistent with *The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures*, the impact is considered significant. Although many mitigation measures are proposed to reduce impacts to the Historic District, the act of demolition means that the impact cannot be reduced to a below significant level. See Draft SEIR Chapter 4.8 for a full discussion.

Traffic impacts were also identified as Significant and Unavoidable as some of the needed regional improvements are not currently identified in any plan or program and the certainty of them being constructed is not yet assured. This finding relates to improvements needed at the Reservation Road/Davis Road intersection and for Reservation Road (between Portola Road and Highway 68) and for Highway 183 between Cooper Road and Espinosa. These needed improvements will be submitted for

inclusion in FORA's next CIP update. The other impacted intersections and road segments are included in regional plans and will be mitigated through payment of the FORA impact fee. All other traffic impacts were mitigated to less than significant levels. See Draft SEIR Chapter 4.4 for a full discussion.

Public Services were identified as Significant and Unavoidable due to the need for a new water tank(s) to serve Fort Ord. The tank(s) will be constructed as part of an overall water system being installed by the Marina Coast Water District. As part of their water master plan, MCWD identified that they need a 4 million gallon tank in the area of the project, to serve development for the campuses, campus housing, East Garrison, and other projects in the area. One potential tank site has been identified in the habitat area, but MCWD has not yet requested the property and is still looking at alternative locations. In early October 2004, an alternative site was being considered. As such, the impact is being identified as Significant and Unavoidable until the location is determined and impacts analyzed. The tank and its location are under the jurisdiction of MCWD. See Draft SEIR Chapter 4.11 for a full discussion.

EXHIBIT “D”
RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: The project proposed in this application consists of a Specific Plan and its regulations, general plan text amendments, rezoning, a Development Agreement, a Combined Development Permit and Vesting Tentative Subdivision Map for the subdivision of 244 acres into parcels to accommodate 1470 residential units, 75,000 square feet of commercial buildings, 11,000 square feet of public buildings, and 100,000 square feet of artist studio/public uses (File PLN030204). As described in Condition #1 and as conditioned, the project will conform with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), Monterey County General Plan, Greater Monterey Peninsula Area Plan, and Monterey County Zoning Ordinance (Title 21). The property is on parcels occupying approximately 244 acres south of Reservation Road and north of Watkins Gate Road, at the East Garrison gate (Assessor's Parcel Numbers 031-011-030 and 031-011-031). The parcel is zoned PQP-D (Public/Quasi-Public, with Design Overlay District).

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) Monterey County General Plan;
- b) Greater Monterey Peninsula Area Plan;
- c) Monterey County Zoning Ordinance (Title 21); and
- d) Monterey County Subdivision Ordinance (Title 19)
- e) Proposed General Plan text amendments

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, the Housing and Redevelopment Agency, Sheriff's Department, Tax Collector, Library, and the Salinas Rural Fire District. There has been no indication from these agencies that the site is not suitable for the proposed development. Other federal, state, and local agencies have participated in the design and review of this project. The Draft Subsequent Environmental Impact Report (SEIR) demonstrates that no physical or environmental constraints exist that would indicate the site, as mitigated, is not suitable for the proposed development.

EVIDENCE: Written and verbal public testimony submitted at public meetings before the Subdivision Committee and Planning Commission.

EVIDENCE: The on-site inspection of the subject parcel by the project planners on multiple dates during 2003 and 2004.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: All structures and infrastructure necessary to serve the project will be installed by the subdivider.

EVIDENCE: Draft SEIR Chapters 3.0 and 4.1.

EVIDENCE: Draft SEIR Appendix B.

- EVIDENCE:** *Preliminary Hydrology Report for the East Garrison Project, Monterey County, California*, by Balance Hydrologics, Inc. dated October 2003.
- EVIDENCE:** *Water Supply Assessment and Written Verification of Supply, East Garrison Specific Plan Development*, by Byron Buck & Associates, dated June 3, 2004.
- EVIDENCE:** *Preliminary Geotechnical Exploration: East Garrison, Fort Ord—Phase 1, Monterey, California*, by ENGEO Incorporated, dated April 11, 2003.
- EVIDENCE:** *East Garrison Specific Plan Air Quality Analysis, Monterey, California*, by Giroux and Associates, dated May 28, 2004.
- EVIDENCE:** *East Garrison Specific Plan Noise Impact Analysis, Monterey, California*, by Giroux and Associates, dated May 25, 2004.
- EVIDENCE:** *Traffic Impact Study for the East Garrison Development in Monterey County*, by TJKM Transportation Consultants, dated August 10, 2004.
- EVIDENCE:** *Forest Management Plan by Staub Forestry and Environmental Consultants* dated January 2004.
- EVIDENCE:** *East Garrison Specific Plan: Fort Ord, Monterey County, California*, by Urban Design Associates, dated July 12, 2004.
- EVIDENCE:** *Assessment: East Garrison—Parker Flats Land Use Modifications, Fort Ord, California*, by Zander Associates, dated May 2002.
- EVIDENCE:** *Biological Resources Assessment East Garrison Specific Plan*, by Zander Associates, dated January 2004.”

- 2. FINDING:** The total number of new residential units within the former Fort Ord does not exceed 6,160 new units with the addition of the East Garrison Specific Plan units (*Fort Ord Reuse Plan (FORP)*, page 197).
- EVIDENCE:** The East Garrison Specific Plan identifies up to 1,470 new residential units out of the FORP allocation of 3,184 new residential units to Monterey County for full buildout of its territory of the former Fort Ord. (*FORP*, page 91, Section 3.3.1, Table 3.3-1, Summary Land Use Capacity Ultimate Development)
- EVIDENCE:** The FORP establishes an interim limit of 6,160 new residential units under the Development and Resource Management Plan (DRMP). (*FORP* page 197, Section 3.11.5.4(b)).
- EVIDENCE:** Residential units proposed by EGSP constitute approximately 46 percent of Monterey County allocation for new units under Base Reuse Plan, on eighteen percent of the total acreage dedicated to Monterey County for residential use (*FORA Consistency Determination*, Section 2.1.1, page 8, prepared by RBF Consulting, dated October 2004)
- EVIDENCE:** Marina Heights Specific Plan Project – Local jurisdiction and FORA project approval for 1,050 dwelling units. (City of Marina, FORA)
- EVIDENCE:** Seaside Highlands Project - Local jurisdiction and FORA approval for 380 dwelling units. (City of Seaside, FORA)
- EVIDENCE:** University Villages Project – Project anticipates 1,237 dwelling units, not yet approved (City of Marina, FORA)

- 3. FINDING:** The project can be served with adequate public services for wastewater, habitat management, and fire protection (*FORP*, page 202).
- EVIDENCE:** *FORP*, page 197, Section 3.11.5.5 requires FORA to ensure that adopted service levels will not be exceeded.
- EVIDENCE:** Draft SEIR, Section 4.11, Public Services and Utilities.
- EVIDENCE:** New wastewater facilities are proposed to be constructed to serve the EGSP, including a pump station and other facilities, as part of construction of the overall community. (*DSEIR*, Section 4.11.7, page 4.11-23).
- EVIDENCE:** Wastewater flows from the EGSP site through the Marina Coast Water District system to the Monterey Regional Water Pollution Control Authority (MRWPCA) Wastewater Treatment Plant (WTP). The existing WTP can accommodate the increased wastewater that will be generated from the EGSP. The WTP has an additional 8.6 million gallons per day (mgd) of permitted capacity; this project will utilize 0.68 mgd during wet weather conditions (*DSEIR*, Section 4.11.7, page 4.11-23).
- EVIDENCE:** On September 23, 2003, the Board of Supervisors approved a Memorandum of Understanding with Monterey Peninsula College and the Fort Ord Reuse Authority to allow a Land Swap Agreement (LSA), the purpose of which was to resolve land use conflicts and to address impacts associated with development in the East Garrison District (*Assessment of East Garrison – Parker Flats Land Use Modifications Fort Ord, California; FORA Consistency Determination*, page 13).
- EVIDENCE:** The LSA amended the HMP (*1997 Fort Ord Installation-Wide Multi-species Habitat Management Plan*) to allow an additional 210 acres of development at East Garrison in lieu of intensive development at Parker Flats. The net increase of protected habitat area established by the LSA is approximately 247 acres. (*Assessment of East Garrison – Parker Flats Land Use Modifications Fort Ord, California; FORA Consistency Determination*, Table 2.3-1, page 14, prepared by RBF Consulting, dated October 2004).
- EVIDENCE:** The LSA and the EGSP DSEIR include a set of conditions and mitigation measures that provide necessary assurances that the proposed modifications will not compromise the overall goals of the Fort Ord HMP or result in a net loss of HMP species or habitat. (*DSEIR*, Section 4.7, page 4.7-20).
- EVIDENCE:** The Salinas Rural Fire District (SRFD) will provide fire protection services to the project site, and mitigation measures are identified by the EGSP DSEIR to ensure adequate levels of protection services, including annexation of the project area to the SRFD and a financial analysis to determine an adequate financing for the ongoing staffing and operational costs of the fire station. (*DSEIR* Chapter 4, Section 4.11.1, Fire Protection/ Emergency Medical Services. *FORA Consistency Determination*, page 17, prepared by RBF Consulting, dated October 2004).
- EVIDENCE:** The project site will be annexed into the SRFD, and shall include a financial analysis to adequately determine funding needs and

mechanisms to meet adopted service levels (*DSEIR* Chapter 4, Section 4.11.1, Fire Protection/ Emergency Medical Services).

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

4. FINDING: The project is consistent with FORA’s CIP or can be served by infrastructure provided to the project from outside the former Fort Ord boundaries. (*Fort Ord Reuse Plan*, page 202).

EVIDENCE: FORP, page 202, Section 3.11.5.6 requires FORA to ensure that the CIP adequately addresses the rate of buildout of the Reuse Plan area so that levels of service are not exceeded.

EVIDENCE: The project applicant, in consultation with the Monterey County Public Works Department (MCPWD), will be responsible for contributing their fair share fees for transportation improvements identified in the FORA CIP associated with the EGSP project. (DSEIR, Section 4.4, page 4.4-28)

EVIDENCE: The fair share of fees for transportation improvements identified in the FORA CIP that are associated with the EGSP project include the following intersection improvements:

- Davis Road/Blanco Road
- Highway 1/Reservation Road
- General Jim Moore Blvd/Canyon Del Rey
- Highway 1/Canyon Del Rey

The following roadway segment improvements, which the project will pay their fair share fee toward, are identified in the FORA CIP:

- Blanco between Reservation and Davis (2 segments)
- Davis between Ambrose and Central
- Davis between Reservation and Salinas River
- Reservation between Watkins Gate and Davis

(DSEIR, Section 4.4, page 4.4-28, Appendix E: Traffic Impact Study)

EVIDENCE: The project applicant, in consultation with Public Works, is expected to make payments over the course of the construction of the different phases of the project except for the improvements at Reservation Road/Davis Road. For this intersection, the applicant will pay for the improvements with reimbursement from future projects.

EVIDENCE: Two road segments, Reservation Road between Portola Drive and SR 68, and SR 183 between Cooper Road and Espinosa Road, are not identified in the FORA CIP, but are needed as a result of cumulative regional growth, including Fort Ord reuse. A condition has been recommended that the County work to include the Fort Ord share of these improvements into the FORA CIP. The project will pay its fair share toward these improvements.

5. FINDING: The project and related land use decision is intended to be carried out in a manner fully in conformity with the Fort Ord Reuse Authority Act (*Fort Ord Reuse Plan*, page 204). The project and related land use decision is consistent with FORA’s adopted plans and policies and is otherwise consistent with the Fort Ord Reuse Authority Act (*Fort Ord Reuse Plan*, page 205).

EVIDENCE: FORA is required to determine that projects are consistent with the Reuse Plan (*FORP*, page 204, Section 3.11.6).

EVIDENCE: To implement the *FORP*, *FORA Master Resolution Chapter 8* requires all jurisdictions preparing local plans to make a determination of consistent pursuant to the Fort Ord Reuse Authority Act and with this Chapter (*FORA Master Resolution Chapter 8*, Section 8.01.010(c)).

EVIDENCE: A Consistency Determination analysis was prepared for the East Garrison Specific Plan project and determined the project is in substantial conformance with the Reuse Plan and the *FORA Master Resolution Chapter 8* Consistency Criteria, including legislative land use decision and development entitlement consistency and the inclusion of specific programs and mitigation measures as required by Chapter 8 in the legislative land use decision (*Monterey County East Garrison Specific Plan FORA Consistency Determination*).

EVIDENCE: Consistency Analysis contained in Draft SEIR, Appendix B.

EVIDENCE: Findings and Evidence numbers 1, 2, 3, 4, 5, 9, 13, and 14.

6. FINDING: The development of residential lots at the proposed densities is consistent with the zoning designations of the project site.

EVIDENCE: The Fort Ord Reuse Plan, Table 3.4-1, states that East Garrison is planned for up to 20 dwelling units per acre.

EVIDENCE: Specific Plan, Section 3.1 states the project will have a density of eleven units per net acre.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: Monterey County Housing Element adopted November 4, 2003.

EVIDENCE: The rezoning of the site proposed with the application will allow the proposed density described in the Specific Plan.

7. FINDING: In approving the vesting tentative map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

EVIDENCE: The project is in compliance with the requirements of the Inclusionary Housing Ordinance (#4185) based on the requirement that 20 percent of the units be affordable.

EVIDENCE: Monterey County General Plan Housing Element.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

8. FINDING: For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Draft SEIR, Chapter 4.7, *Biological Resources*, contained in the project file. The project may result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.

9. FINDING: The 84.5 acres of oak trees to be removed are the minimum under the circumstances and the removal will not involve a risk of adverse environmental impact.

EVIDENCE: The removal of any landmark oak trees in any area of the County, requires approval of a tree removal permit. Landmark trees are those which are 24 inches or more in diameter when measured two feet above the ground, or trees which are visually significant, historically significant, or exemplary of their species.

EVIDENCE: Section 21.64.260 of the Monterey County Zoning Ordinance (Title 21 of the Monterey County Code).

EVIDENCE: The proposed tree removals will not involve a risk of adverse environmental impacts such as soil erosion, water quality degradation, ecological impacts upon existing biological or ecological systems, noise pollution, air movement or significant reduction of available wildlife habitat for wildlife existence and reproduction or result in the immigration of wildlife from adjacent or associated ecosystems. The vast majority of trees on the site and the entire oak woodland habitat will be retained. The trees sought to be removed by the Butterfly Village Combined Development Permit Application represents 5.5% of the approximately 623 oak trees existing on the subject property. Roughly two-thirds of the trees in the largest diameter class will be retained. In addition, two mature buckeyes and one willow on the property would be retained. The conditions of approval require protection measures for trees to be retained during construction.

EVIDENCE: Monterey County Planning and Building Inspection File PLN030204.

EVIDENCE: Section 21.64.260.C.5 of the County Code requires that a Use Permit be obtained for the removal of landmark oaks.

EVIDENCE: *Forest Management Plan by Staub Forestry and Environmental Consultants* dated January 2004.

EVIDENCE: Mitigation Measures of the SEIR require that the County follow the provisions of the basewide Habitat Management Plan, as modified and protect trees that are to remain. In addition, conditions of approval have been recommended to replant the bluff area with some oaks, grown from on-site acorns or trees.

EVIDENCE: *Assessment: East Garrison—Parker Flats Land Use Modifications, Fort Ord, California*, by Zander Associates, dated May 2002 (LSA).

EVIDENCE: *Biological Resources Assessment East Garrison Specific Plan*, by Zander Associates, dated January 2004.

EVIDENCE: *1997 Fort Ord Installation-Wide Multi-species Habitat Management Plan*.

EVIDENCE: See discussion in Exhibit “B” of November 17, 2004, Planning Commission staff report describing the oak trees preserved as part of the overall Habitat Management Plan, as modified by the Land Swap Agreement. Development originally planned for Parker Flats was moved to East Garrison and, as a result, an additional 247 acres of habitat will be preserved from the amount identified in the Fort Ord Reuse Plan.

EVIDENCE: Findings and Evidence numbers 1 and 10.

EVIDENCE: Mitigation Measures of the SEIR require that the County follow the provisions of the LSA. A Forest Management Plan has been prepared that includes provisions for the protection of trees to be retained.

10. FINDING: The project includes three (3) locations where grading will occur on cross slopes in excess of 30%. There is no feasible alternative that would allow development on slopes of less than 30 percent, and the proposed development better achieves the goals, policies and

objectives of the General Plan and the Greater Monterey Peninsula Area Plan than other development alternatives.

EVIDENCE: All substantial development on slopes of 30% or more requires a Use Permit.

EVIDENCE: Section 21.64.230 of the Zoning Ordinance (Title 21 of the Monterey County Code).

EVIDENCE: The East Garrison Specific Plan and Combined Development Permit Application seeks a Use Permit for development on slopes in excess of 30% in order to provide for the creation of a dense, urban community, provide for proper drainage for sewer and stormwater lines, and provide road grades in residential areas that are predominately at 5%, which provides for a walkable community.

EVIDENCE: Monterey County Planning and Building Inspection File PLN030204.

EVIDENCE: The project proposes a dense, urban community on hilly land. The project will require the installation of urban infrastructure, including storm drain and wastewater lines. To create a walkable and accessible community, internal roads are proposed to be at or below five percent grade. With these two limiting factors, extensive grading is proposed. To provide the correct gradients and residential densities, small areas of 30 percent slope or above will be graded in the future Phase 1 area.

EVIDENCE: The areas of 30% slope are 1) man made slopes at the old sewer plant site and along Reservation Road, and 2) the bluff slopes along Watkins Gate Road, where standardizing the road width and installation of drainage facilities may encroach into 30 percent slopes.

EVIDENCE: *East Garrison Specific Plan: Fort Ord, Monterey County, California*, by Urban Design Associates, dated July 12, 2004. The Specific Plan describes the concepts of the dense, walkable community. Figure 2.12 depicts the small areas of 30 percent slope.

EVIDENCE: Vesting Tentative Map, prepared by Carlson, Barbee, & Gibson Inc., dated January, 2004. The Tentative Map depicts the existing slopes and the finished grades needed to achieve the correct slopes for drainage, wastewater flows, and road gradients.

EVIDENCE: *Preliminary Geotechnical Exploration: East Garrison, Fort Ord—Phase 1, Monterey, California*, by ENGEO Incorporated, dated April 11, 2003.

EVIDENCE: Preceding and following Findings and supporting Evidence.

11. FINDING: That none of the findings found in Section 19.03.025.F of the Monterey County Code Title 19 (Subdivision Ordinance) can be made.

EVIDENCE: Section 19.03.025.F requires that the subdivision be denied if any one of the findings is made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan, the Greater Monterey Peninsula Area Plan, and the Fort Ord Reuse Plan (see Evidence for Findings 1, 2, 3, 4, 5, and 6). The site has been determined to be physically suitable for the type and density of development (see Evidence for Findings 1, 3, 6, 9, 10, 13, and 14). The design and improvements, as conditioned, are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Subsequent Environmental Impact Report prepared for this project (See Evidence in Findings 1, 3, 8, and 9). The design and improvements will not conflict with easements for access

through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project, as conditioned, does not conflict with existing easements. The easement holders have all been sent copies of the application materials and will be involved with the final map preparation.

EVIDENCE: The property provides for adequate building sites, as mitigated, as evidenced by the application materials submitted for the project and subsequent review in the SEIR. Soils are geotechnically suitable for residential construction and septic systems, as evidenced in the *Preliminary Geotechnical Exploration: East Garrison, Fort Ord—Phase 1, Monterey, California*, by ENGEIO Incorporated, dated April 11, 2003. The project has an adequate source of water as identified in approval of the Water Supply Assessment by MCWD (*Water Supply Assessment and Written Verification of Supply, East Garrison Specific Plan Development*, by Byron Buck & Associates, dated June 3, 2004). Drainage is fully controlled in conformity with county policies and regulations (*Preliminary Hydrology Report for the East Garrison Project, Monterey County, California*, by Balance Hydrologics, Inc. dated October 2003).

EVIDENCE: Biological issues have been addressed in the Fort Ord Reuse Plan, its Habitat Management Plan, Development and Resource Management Plan, and Land Swap Agreement (see Evidence for Finding 3).

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: See Evidence for Findings 1, 3, and 4 and conditions of approval regarding access and easements.

EVIDENCE: SEIR and Technical Appendices, including preparation of technical reports, and independent peer reviews of applicant-submitted technical reports.

12. FINDING: The subject property is in compliance with all the rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

EVIDENCE: Site visit and inspection by Planner, review of county records, and the tentative subdivision map and application materials found in the project file.

13. FINDING: The source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Environmental Health Division and the Water Resources Agency and further analyzed in the SEIR. It was determined that sufficient water resources exist to meet the requirements of all applicable health and safety regulations.

EVIDENCE: *Water Supply Assessment and Written Verification of Supply, East Garrison Specific Plan Development*, by Byron Buck & Associates,

dated June 3, 2004. The Water Supply Assessment was adopted by the MCWD Board on July 14, 2004.

EVIDENCE: Fort Ord Reuse Plan, including Section 3.11.5.4, Development and Resource Management Plan (DRMP), Management of Water Supply. The DRMP section was adopted as part of the Reuse Plan to ensure that demand on services does not exceed resource constraints. The East Garrison project is consistent with this section.

EVIDENCE: FORA Consistency Analysis prepared by RBF Consulting, dated October, 2004.

EVIDENCE: FORA has allocated 560 acre-feet per year of water use for the County to implement the Development and Resource Management Plan. The original allocation of 545 acre-feet was amended by the FORA Board on October 9, 1998 to provide 560 acre-feet per year to the County. The County has reserved 52.5 acre-feet per year for MPC. The East Garrison Specific Plan area, at buildout, would require 470 acre-feet per year. The amount needed for both projects is 37.5 acre-feet below the allocation.

14. FINDING: The establishment, maintenance, or operation of the uses or structures applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Water Resources Agency, Marina Coast Water District, Sheriff's Department, Tax Collector, and Salinas Rural Fire District as part of the project design process and as part of the environmental review process. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: Materials in file PLN030204.

EVIDENCE: Preceding Findings and supporting Evidence.

15. FINDING: On November 4, 2004 and November 10, 2004, the East Garrison Combined Development Permit Application was reviewed by the Monterey County Standard Subdivision Committee at a noticed public hearing.

EVIDENCE: Monterey County Planning and Building Inspection File PLN030204; agenda and minutes of November 4, 2004 and November 10, 2004 Subdivision Committee meetings.

16. FINDING: A public hearing before the Monterey County Standard Subdivision Commission was noticed and agendized to consider making recommendations to the Planning Commission on the East Garrison Combined Development Permit Application (PLN030204), including the Vesting Tentative Subdivision Map and two Conditional Use Permits. The Standard Subdivision Committee continued an open public hearing

from November 4, 2004 to November 10, 2004. The Standard Subdivision Committee considered the accompanying draft Environmental Impact Report (DEIR #04-04). At the conclusion of the hearing, by a vote of [redacted] to [redacted], the Subdivision Committee recommended to the Planning Commission to affirm the design, improvements, and technical feasibility of the Combined Development Permit for the East Garrison Project (PLN030204), subject to the recommended Findings and Evidence and the recommended Conditions of Approval.

EVIDENCE: (a) Monterey County Planning and Building Inspection File PLN030204; records and minutes of Subdivision Committee meeting of November 4, 2004 and November 10, 2004; Subdivision Committee Resolution No. [redacted]; administrative record.

17. FINDING: On November 17, 2004 and December 1, 2004, the Planning Commission conducted noticed public hearings on the East Garrison Specific Plan and Combined Development Permit.

EVIDENCE: Monterey County Planning and Building Inspection File PLN030204; Public Notices and agendas for November 17, 2004 and December 1, 2004 Planning Commission public hearings.

18. FINDING: On November 17, 2004, in a Special Meeting of the Planning Commission, the Planning Commission conducted a field trip to East Garrison.

EVIDENCE: Monterey County Planning and Building Inspection File PLN030204; Minutes of November 17, 2004 Planning Commission meeting; administrative record.

19. FINDING: On November 17, 2004, the Planning Commission conducted a duly noticed public hearing to begin consideration of the East Garrison Specific Plan and Combined Development Permit. On December 1, 2004, the Planning Commission considered recommendations to the Board of Supervisors relative to the certification of the Final EIR and consideration of the East Garrison Specific Plan and Combined Development Permit Application.

EVIDENCE: (a) Monterey County Planning and Building Inspection File PLN030204; Public Notice and agenda for November 17, 2004, and December 1, 2004 public hearings.

20. FINDING: Prior to making a recommendation regarding the East Garrison Specific Plan and Combined Development Permit Application, the Planning Commission considered the draft and final EIR prepared for East Garrison Specific Plan and Combined Development Permit and recommended that the Board of Supervisors certify the final EIR, finding, among other findings, that the EIR had been completed in compliance with CEQA, that the EIR was presented to the Commission and that the Planning Commission reviewed and considered the information in the draft and final EIR, and that the EIR reflects the County's independent judgment and analysis.

EVIDENCE: Planning Commission Resolution Number [redacted]; Minutes of November 17, 2004, and December 1, 2004 Planning Commission meetings.

21. FINDING: Prior to making a recommendation regarding the East Garrison Specific Plan and Combined Development Permit Application, the Planning Commission made recommendations to the Board of Supervisors concerning proposed amendments to the Monterey County General Plan, proposed amendments to Title 21 (Zoning Ordinance), and the proposed East Garrison Specific Plan, dated July 12, 2004.

EVIDENCE: Planning Commission Resolution Number [redacted]; Minutes of November 17, 2004, and December 1, 2004 Planning Commission meetings.

