

EXHIBIT O
RECOMMENDED RESOLUTION
RECOMMENDING CERTIFICATION OF FINAL
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

Before the Planning Commission in and for the
County of Monterey, State of California

Resolution No. _____)
Resolution of the Monterey County)
Planning Commission recommending)
that the Board of Supervisors certify the)
Final Subsequent Environmental Impact)
Report (EIR#04-04), adopt the associated)
Mitigation Monitoring and Reporting)
Plan, and adopt a Statement of)
Overriding Considerations for the)
East Garrison Specific Plan Project)
(PLN030204), Greater Monterey)
Peninsula Area Plan)

The Final Subsequent Environmental Impact Report (EIR#04-04) for the East Garrison Specific Plan application (PLN030204) came on for public hearing before the Monterey County Planning Commission on July 13, 2005. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby recommends that the Board of Supervisors adopt the following findings:

1. **FINDING: ENVIRONMENTAL REVIEW PROCESS.** Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. and the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000 et seq. (collectively, “CEQA”), a Subsequent Environmental Impact Report (“EIR”) was prepared to analyze the environmental effects of the East Garrison Specific Plan and its related entitlements (“Project”). Monterey County, the CEQA lead agency for the Project, prepared the EIR in cooperation with Michael Brandman Associates. Pursuant to CEQA Guidelines section 15090, the Board certifies that the Final EIR (“FEIR”), constituting the Draft Subsequent EIR and Response to Comments document, has been completed in compliance with CEQA. The FEIR was presented to the decision making body of the lead agency, the Board of Supervisors, and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the project. The Board of Supervisors further certifies that the Final EIR reflects its independent judgment and analysis.

EVIDENCE:

- (a) The Subsequent Environmental Impact Report (EIR#04-04, SCH No. 2003081086) is a “tiered” environmental document, as explained in Chapter 1.3

of the Draft Subsequent EIR. The document tiers from the Fort Ord Reuse Plan EIR certified by the Fort Ord Reuse Authority on June 13, 1997.

- (b) Project Description. The Project analyzed in the Subsequent Environmental Impact Report is fully described in Chapter 3.0 of the September, 2004 Public Review Draft Subsequent EIR (“EIR”), as amended by the Response to Comments document (together “FEIR”). The proposed Project is evaluated in the FEIR at a project level. The FEIR consists of the September 2004 DEIR and the Response to Comments document (June 2005) containing copies of all written and oral comments, a list of commentators, and all responses to oral and written comments and proposed revisions to the DEIR in accordance with the California Environmental Quality Act (“CEQA”) Sections 21081, 21081.5, and 21081.6, and the CEQA Guidelines, Title 14, California Code of Regulations, Sections 15091 through 15093.
- East Garrison Specific Plan Project. The Project (PLN030204) consists of:
1) Amendments to the Monterey County General Plan including: Policy 26.1.9 (ridgeline development), and Commercial Land Use Policy A-1, 2) Amendments to Title 21 (Monterey County Zoning Ordinance [non-coastal]) including amending 21.08.060 (Application of Specific Plan Zoning to the East Garrison Specific Plan Area), 3) the East Garrison Specific Plan project to include the following: 1470 residential units; a town center with up to 75,000 square feet of community and mixed use retail space; 100,000 square feet of artist and community space; 11,000 square feet of civic space; 37.1 acres of open space with a trail system; 12.7 acres of public parkland; and installation of infrastructure; 4) Combined Development Permit consisting of a Vesting Tentative Map, Use Permit for development on slopes over 30 percent, Use Permit for tree removal; 5) Adoption of a Mitigation Monitoring and Reporting Plan; 6) Allocation of 470 acre-feet per year of water from the County’s 560 acre-feet per year water allotment for the former Fort Ord; and 7) adoption of a Development Agreement. In addition, the Redevelopment Agency of Monterey County will utilize the EIR as a Responsible Agency to take action on the project, including adoption of a Disposition and Development Agreement. LAFCO will also utilize the EIR in establishing a Community Services District for the project site. LAFCO will also utilize the EIR along with other information in establishing new boundaries for the Salinas Rural Fire District. Other Responsible and Trustee agencies may also utilize the FEIR prior to issuing permits or entering into agreements. The Project site is fronting on and southerly and westerly of Reservation Road, north of Watkins Gate Road, east of West Camp Road, Greater Monterey Peninsula Area Plan area, in the former Fort Ord
- (c) In 2003, an EIR to address the Project identified in subsection (a) above was initiated pursuant to an application to process development entitlements for the proposed Project.
- (d) The County issued a Notice of Preparation (“NOP”) for the EIR pursuant to Section 15082 of Title 14 of the California Code of Regulations (CEQA Guidelines). This NOP was distributed to the State Clearinghouse (SCH No. 2003081086), responsible and trustee agencies, interested groups and individuals,

and surrounding property owners for a 30-day comment period pursuant to CEQA to obtain comments on the proposed scope of the EIR for the Project. Availability of the NOP was advertised, pursuant to CEQA Guidelines Section 15082, through direct mailing to all property owners within 300 feet of the project area, certified mailing to the State Clearinghouse and Responsible and Trustee agencies, and by publishing notices in local newspapers consisting of the Monterey County Herald and Salinas Californian. In addition, the NOP was published on the County's web site.

- (e) Monterey County also held an EIR scoping meeting on September 4, 2003 to provide information about the Project, the potential environmental impacts and the CEQA review process, as well as the schedule for Project implementation. Members of the public and other interested parties had the opportunity to ask questions and express their concerns and interests regarding environmental issues surrounding the Project early in the EIR process.
- (f) On September 15, 2004, the Draft EIR was published and distributed to the State Clearinghouse as well as responsible and trustee agencies for a minimum 45-day public comment period as required by CEQA. Copies of the Draft EIR were made available on Monterey County's web site where it could be downloaded for review. In addition, copies were provided at various local public libraries and to interested individuals and agencies. A Notice of Completion ("NOC") and a Notice of Availability ("NOA") of the Draft EIR were prepared and circulated, as required by CEQA Guidelines Sections 15085 and 15087. The Notices were circulated, as applicable, to the State Clearinghouse, responsible and trustee agencies, adjacent property owners and interested parties, including any person who filed a written request for such a notice. The NOA was posted with the County Clerk and published in newspapers of general circulation, including the Salinas Californian and Monterey County Herald.
- (g) The public comment period for the Draft EIR ended on November 1, 2004. During that time, 17 letters were received; one letter was submitted well after the comment period, but was included and responded to in the FEIR. All comments on the DEIR have been reviewed and considered, including comments from responsible and trustee agencies and the public, and any testimony before the Subdivision Committee and the Planning Commission during public hearings. The Final EIR was released on July 1, 2005. The Final EIR includes Responses to Comments, clarifying information, the comment letters themselves, and changes to the DEIR. Copies of the Final EIR were sent to all commenting agencies and individuals, the Monterey County Free Library in Marina, the Steinbeck Library in Salinas, and any person who filed a written request. In addition, the Final EIR was available on Monterey County's website and available for public review upon request.
- (h) On November 4, 2004, and November 10, 2004, the Monterey County Subdivision Committee, acting as a technical advisory body to the Planning Commission, held public hearings to consider the Combined Development Permit pursuant to the proposed Specific Plan and accompanying Draft EIR. After receiving public testimony and comments, the Subdivision Committee voted 4 to 0 to recommend to the Planning Commission that the design and improvements of

the Combined Development Permit for the Project is technically feasible (Resolution 04022).

- (i) The Planning Commission considered the Project at a publicly noticed hearing on November 15, 2004 and considered the Project along with the Final EIR at a publicly noticed hearing on July 13, 2005. On July 13, 2005, the Planning Commission adopted a resolution (Resolution No. __) recommending that the Board certify the FEIR, adopt the Mitigation Monitoring and Reporting Plan, and adopt a statement of overriding considerations for significant and unavoidable impacts to cultural resources, air quality, public services and utilities, and transportation and circulation.
- (j) The Board of Supervisors considered the Final EIR at a publicly noticed hearing on August 16, 2005. The Board has reviewed and considered the information contained in the Final EIR, and in the record as a whole before it. The Board of Supervisors finds that the Final EIR reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in this Resolution and the Final EIR and in consideration of testimony and information received, and scientific and factual data presented as evidence during the public review process. Studies, data and reports prepared by staff from various County departments including, but not limited to, Planning and Building Inspection, Public Works, Environmental Health, Water Resources Agency, and Housing support the certification of the Final EIR for the project. The Board of Supervisors considered the administrative record as a whole, which includes but is not limited to the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Fort Ord Reuse Plan, studies, data and reports supporting the conclusions of the FEIR, as well as additional documentation requested by staff in support of these findings; information presented during public hearings; and staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data, reports and the EIR. In sum, nothing in the record alters the Board of Supervisors' environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

2. **FINDING: IMPACTS NOT FOUND TO BE SIGNIFICANT.** Chapter 4 of the DEIR identifies and analyzes impacts that were found to not be significant. In addition, Table 2-1 summarizes less than significant impacts. The Board of Supervisors confirms, on the basis of the record before it, that the following impacts are less than significant. A full discussion on each topic is included in the FEIR.

EVIDENCE:

- a. **EIR Chapter 4.1. Land Use and Related Planning Programs, Impacts 4.1-A, 4.1-B, and 4.1-C.** Residential uses were anticipated under the General Plan, as amended in 2001, and no existing units will be displaced. Construction will not divide an existing community, conflict with policies or regulations adopted to avoid an environmental effect, or conflict with a Habitat Conservation Plan. There is no

- existing community in the area, the project has been determined consistent with environmental policies, and no Habitat Conservation Plan has been adopted for the area. A Habitat Management Plan, as amended by a Land Swap Assessment, is in place for Fort Ord and this project is consistent with its provisions.
- b. **EIR Chapter 4.3. Hydrology and Water Quality, Impacts 4.3-A, 4.3-B, 4.3-C, and 4.3-D.** The project would not involve significant effects to drainage patterns, groundwater recharge, degrade water quality, or expose people to hazardous materials in surface water or groundwater. Drainage will be collected on site, using Best Management Practices, and will be percolated into the ground to replenish the aquifer.
 - c. **EIR Chapter 4.5. Air Quality, Impacts 4.5-A, 4.5-D, and 4.5-E.** The project has been determined consistent with the Air Quality Management Plan. In addition, ambient CO levels will not exceed standards and odor and toxic air contaminant levels will be at less than significant levels.
 - d. **EIR Chapter 4.9. Aesthetics, Impact 4.9-1.** The environmental effects of views of the site from off-site areas are less than significant, as explained in the EIR.
 - e. **EIR Chapter 4.10. Population, Housing and Employment, Impact 4.10-A, 4.10-B, 4.10-C, and 4.10-D.** Project construction will not create significant effects to housing supply, population growth, or a jobs/housing balance. The resulting housing and population growth are within the Association of Monterey Bay Area Government forecasts and this project will partially fill the County's fair share requirement to provide housing.
 - f. **EIR Chapter 4.11. Public Services and Utilities, Impacts 4.11.2-A, 4.11.3-A, 4.11.4-A, 4.11.5-A, 4.11.7-A, 4.11.8-A, and 4.11.9-A.** The project will not create significant environmental impacts to law enforcement services, educational services, library services, or result in a substantial increase in solid waste generation that has not already been accommodated in regional plans. In addition, the impacts to wastewater services, recreation demand, and energy use are considered less than significant. Law enforcement and library services will be a part of the community. The school district is trying to ascertain needed facilities, but has not yet come to a conclusion due to existing underutilized facilities. The Marina landfill has capacity to serve the community. The regional wastewater plant has sufficient capacity to accommodate this project and many others. The project will provide its own parks and open space facilities. Energy use is accommodated in growth projections for the area and can be served by existing regional facilities.
 - g. **EIR Chapter 4.12. Hazardous Materials, Impact 4.12-A.** The past use and storage of hazardous materials in the area and on site are not a significant effect. The site has been cleaned, as required, prior to transfer from the Army. The Finding of Suitability to Transfer document prepared for the Track 0 parcels identified whatever hazardous materials remain on site. These are limited to asbestos and lead-based paint. Clean up of these materials is heavily regulated and is not considered a significant environmental effect.
 - h. **Cumulative Impacts**
 - **EIR Chapter 5.1.1. Land Use and Related Planning Programs.** The intensity of land use proposed for this project is less than allowed under the current General Plan, and is consistent with the Reuse Plan and Land Swap Assessment.

- **EIR Chapter 5.1.2. Geology and Soils.** Standards for new construction, as well as project-specific mitigation measures, are expected to result in less than significant cumulative impacts for seismic safety and engineering issues.
- **EIR Chapter 5.1.3. Hydrology and Water Quality.** Impacts would be less than significant due to the design of the stormwater system which regulate peak flows and protect water quality, provide groundwater percolation areas, and include best management practices.
- **EIR Chapter 5.1.6. Noise.** Cumulative noise contributions were predicted for increases from both the project and from cumulative growth projections. The project's contributions were shown to be statistically undetectable.
- **EIR Chapter 5.1.7. Biological Resources.** In accordance with the Land Swap Assessment that amended the Habitat Management Plan for Fort Ord, habitat and species losses at East Garrison, and from cumulative impacts, are mitigated by the habitat preserved at Fort Ord, and are enhanced by increased acreage protected at Parker Flats.
- **EIR Chapter 5.1.8. Cultural Resources.** The demolition of historic structures at the project site is a localized impact, identified as significant and unavoidable, but does not contribute to a significant cumulative effect. The structure styles are found on bases throughout the United States.
- **EIR Chapter 5.1.9. Aesthetics.** The Specific Plan implements the goals as outlined in the Reuse Plan and, in conjunction with other development at the former Fort Ord, is complementary in scale with other Peninsula uses, as proposed in the Reuse Plan. Some of the historic buildings will be preserved and architectural styles from the area are used as a basis for the Pattern Book, which requires that construction be in conformance with its designs. Full cut-off lighting fixtures will be utilized to minimize night time visibility.
- **EIR Chapter 5.1.10. Population, Housing and Employment.** All development within Fort Ord, including East Garrison, is consistent with AMBAG population projections. Employment opportunities were planned in the Fort Ord Reuse Plan to replace jobs lost from the closure of Fort Ord. The new jobs projected for the former Fort Ord will help to balance the jobs/housing balance in the area, which is currently considered balanced for some areas of the County, as discussed in the EIR.
- **EIR Chapter 5.1.11. Public Services and Utilities.** The project will provide many of its own facilities, and will fund services through a Community Services District and Homeowners' Association. Recreation services are also provided on site. The project, therefore, is fiscally neutral for the County budget so that services to other portions of the County are not affected by the East Garrison project. The landfill has adequate capacity to serve the projected population growth in the County, including East Garrison buildout. MCWD's Water Supply Assessment details the availability of a long term water supply for both the project and for their region. The wastewater treatment plant also has sufficient capacity to accommodate the project population growth in the County, including East Garrison buildout.

- **EIR Chapter 5.1.12. Hazardous Materials.** The only cumulative hazardous material issues relate to asbestos and lead-based paint. Removal and disposal of such materials are heavily regulated and no cumulative impact is expected.

3. **FINDING: POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY THE MITIGATION MEASURES IDENTIFIED IN THE EIR AND RECOMMENDED FOR ADOPTION FOR THE PROJECT.**

Chapter 4 of the EIR analyzes potentially significant environmental impacts and identifies impacts that can and will be mitigated to a less-than-significant level or avoided by incorporation of mitigation measures into the Project. The impacts and related mitigation measures identified below are presented in summary form. For a detailed description of impacts and mitigation measures, see the appropriate text in the Final EIR.

The Board of Supervisors has incorporated the mitigation measures described below into the Project, thereby requiring that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. The measures are set forth in full in the Monterey County Planning and Building Inspection Condition Compliance and Mitigation Monitoring and Reporting Plan, which is approved and adopted by the Board of Supervisors concurrently with approval of the Project. As explained in the FEIR, implementation of these mitigation measures will reduce the impacts identified below to a less than significant level. Therefore, the Board finds that the mitigation measures described below would lessen their respective impact(s) to a less than significant level.

EVIDENCE:

- a. The Board finds that each of the identified impacts will be reduced to a “less-than-significant” level by mitigation measures identified in the Final EIR and adopted by the Board, as set forth below:

1. **Geology and Soils: Potential Impacts associated with seismic hazards, landslides, erosion, hazards to people due to soil failure and corrosion of building materials; Impacts 4.2-A, 4.2-B, 4.2-C, 4.2-D, and 4.2-E.**

Mitigation Measures:

4.2-A-1. Appropriate setbacks shall be maintained from the existing top of slope for the perimeter bluff areas as recommended by a licensed geotechnical engineer for permanent improvements and structures. The setback area shall be placed in a conservation easement. Proposed fill slopes shall also be adequately keyed into competent older dune deposits and subdrained.

4.2-A-2. Final plans shall include establishment of setbacks for structures and other improvements from the natural bluff in the eastern portion of the site, based upon slope stability analysis (static and pseudo-static) of existing materials. For interior slopes to remain and proposed new slopes, additional stability analysis shall be performed and stabilizing techniques shall be developed based upon the results of the analysis. This analysis shall be performed by a licensed

geotechnical engineer during review of 40-scale grading plans; the final setbacks shall be depicted on the 40-scale grading plans.

4.2-B-1. Stormwater runoff systems shall be implemented and maintained by the following procedures so that less runoff is directed over the bluff:

- Site grading will be accomplished to direct surface water runoff away from the slope crest and include debris bench catchment areas and subdrainage as appropriate.
- The project engineer shall submit a plan to control stormwater runoff during design phase of the project. This plan shall describe required maintenance by the CSD for the debris bench catchment areas including the removal of soil accumulation from and observation of all subdrain outlets and cleanouts to confirm proper function on an annual basis. During maintenance activities, the need for maintenance including possible regrading, shoring and backfilling shall be assessed. This plan shall be reviewed and approved by the Monterey County Water Resources Agency.

4.2-C-1. The Geotechnical Engineer shall observe and document all grading activities and shall be informed when import materials are planned for the site. A sample of such material shall be submitted to the Geotechnical Engineer for evaluation prior to being brought on the site and the import soil shall be in adherence with the guidelines provided in Guide Contract Specifications.

4.2-C-2. A layer of site strippings, topsoil, other organic soil, or other appropriate erosion control measures, no more than 6 inches in thickness, shall be track-walked onto all graded slopes (cut or fill) following rough grading to promote the growth of vegetation on areas outside of building construction envelopes. Subject to approval by the Landscape Architect, organically contaminated soil material may also be utilized in landscape areas located outside the building footprint. These materials shall be stockpiled in an approved area that is unaffected by grading operations until their future use. The location of stockpile areas shall be shown on grading plans for the project.

4.2-C-3. During grading plan development, selective grading schemes shall be developed to reduce the presence of expansive soil within the upper lot areas by placing the highly expansive materials as engineered fill at the base of deeper fills, or by selectively placing such materials outside building areas.

4.2-C-4. Building damage due to volume changes associated with expansive soils shall be reduced by deepening the foundations to below the zone of significant moisture fluctuation, or by using structural mat foundations which are designed to resist the deflections associated with the expansive soils. The foundations shall be designed to address this potential deflection. A detailed review of fill thickness shall be performed during the preparation of the final 40-scale grading, and fill performance testing on remolded samples of engineered fill materials shall be provided to the County during grading. Additionally, local sub-excavation of soil material and replacement with engineered fill as directed by the Geotechnical Engineer may be necessary.

4.2-C-5. The upper 12 inches (1 foot) of building pad subgrade soils shall be scarified, mixed, and recompact as engineered fill. If a highly variable

subgrade material is encountered at the time of cutting, the depth of subexcavation may be increased to 24 inches (2 feet) if recommended by a geotechnical engineer. This increase shall depend upon review and approval of grading plans at the time of grading by an engineer or geologist based on the swell potential of the surface materials.

4.2-C-6. Graded cut and fill slopes up to 20 feet in height, shall be no steeper than 2:1 (horizontal:vertical). For slopes between 20 and 30 feet in height, a 2.5:1 or flatter slope gradient shall be provided, while for slopes exceeding these height guidelines, a maximum slope gradient of 3:1 shall be provided. If steeper and/or higher slopes are desired, guidelines for geotextile slope reinforcement shall be developed.

4.2-C-7. Cut slopes shall be observed by an Engineering Geologist during grading to determine whether any adverse geologic conditions are encountered on the exposed slope. If adverse conditions are noted, additional recommendations, possibly including slope reconstruction, may be required. Additional recommendations to reduce the need for cut slope reconstruction shall be provided during grading plan development. These supplemental recommendations could include measures such as use of flatter slope gradients, modification of the orientation of the slope face, or provisions for a debris bench.

4.2-C-8. Differential in fill thickness under individual buildings shall be limited to approximately 10 feet. Local sub-excavation of soil material and replacement with engineered fill may be necessary to achieve this limitation. A detailed review of fill thickness shall be performed during the preparation of the final 40-scale grading, and fill performance testing on remolded samples of engineered fill materials shall be provided during grading.

4.2-C-9. The exposed soils shall be compacted and moisture conditioned as directed by the Geotechnical Engineer. In general, they shall be kept moist by occasional sprinkling. If the re-moisturizing of silty soils is required, it shall be done through excavation, moisture conditioning, and recompaction.

4.2-C-10. The Geotechnical Engineer shall prepare a remedial grading plan that will depict all the anticipated area of remedial grading, including areas of sub-excavation, keyways, subdrainage, etc. The extent of the localized existing fills shall be evaluated during grading operations, and the existing fills shall be removed and replaced with engineered fill. All soft/compressible materials (such as residual soil, colluvium, and undocumented fill) shall be removed and replaced with engineered fill to provide a more stable base material for the proposed overlying fill. The general depth of removal of unsuitable materials in developable areas may be around 2 to 3 feet in thickness, with isolated identified areas that may require up to an additional 3 to 6 feet of additional sub-excavation to achieve a competent base. Anticipated areas of mitigation for compressible materials that extend beyond common grading activities shall be refined during the 40-scale plan review. Actual depths shall be determined in the field by the Geotechnical Engineer at the time of grading.

4.2-D-1. Additional slope stability analysis shall be performed once 40-scale grading plans are developed. The additional analysis will be performed for selected major cut and fill slopes as well as additional slopes along the existing

bluff. Remolded samples for additional shear tests shall be performed if deemed appropriate by the Geotechnical Engineer. Based on the slope stability analyses, the required size of keyways and the extent of slide excavation will be determined to obtain a static factor of safety of 1.5 and a seismic factor of safety of 1.1.

4.2-D-2. Geologic review during remedial grading activities shall be performed by the Geotechnical Engineer, and additional mitigation may be required if adverse field conditions are discovered.

4.2-D-3. Techniques such as over-excavation as necessary to create benches during fill placement shall be implemented during grading to address the potential adverse effects of soil creep on slope areas that are adjacent to residential structures.

4.2-D-4. Cut slopes shall be rebuilt as engineered fill if they exceed slope height and gradient recommendations of the geotechnical report. If lots abut open space slopes, especially cut slopes, a debris bench (designated by the Geotechnical Engineer) with a drainage ditch shall be constructed. The need for a debris bench shall be determined by the geotechnical engineer on a case by case basis and will depend on factors such as slope gradient, slope height and geologic conditions. The purpose of this bench is to intercept erosion or slope debris from the uphill area. Access to this bench shall be provided for maintenance purposes.

4.2-D-5. Any graded slopes or localized sections of disturbed or unstable natural slopes shall include erosion control protection by means of jute matting or other synthetic products until mature vegetation occurs.

4.2-E-1. Prior to the issuance of building permits, corrosivity tests shall be conducted on subgrade soils following grading and prior to foundation and utility construction. One of the primary purposes for corrosion testing is to establish concrete design parameters for construction, based on the criteria presented in the 1997 Uniform Building Code (UBC). This information is also used to establish cathodic protection requirements for buried steel pipelines. This testing is typically performed after rough grading has been completed. If corrosive soils are found on the project site, concrete mixtures resistant to corrosion shall be used in the construction of the project.

Implementation of the above mitigation measures will reduce potential impacts associated with geology and soils to a **less than significant** impact.

2. **Noise: Potential Impacts associated with construction-related noise and vibration, traffic-related noise, and community noise associated with the development and use of the community, including Town Center activities; Impacts 4.6-A, 4.6-B, and 4.6-C.**

Mitigation Measures:

4.6-A-1. Under geometrical spreading losses, the combined noise level reduces to 85 dB at 118 feet from the center of the activities. The off-site residences may be marginally at the outer limits of the noise impact zone during brief periods.

Noise mitigation is recommended during heavy equipment operations within 118 feet of any occupied residence as follows.

- a) Construction activities shall be limited to avoid nighttime construction to the hours between 7:00 a.m. and 6:00 p.m. on weekdays and between 8:00 a.m. and 5:00 p.m. on Saturdays. Construction shall not be allowed on Sundays or national holidays.
- b) The contractor shall locate all stationary noise-generating equipment, such as pumps and generators, as far as possible from nearby noise-sensitive receptors. Stationary noise sources located less than 500 feet from noise-sensitive receptors would be equipped with noise-reducing engine housings. Portable acoustic barriers shall be placed around noise-generating equipment located within 200 feet of residences. Water tanks and equipment storage, staging, and warm up areas would be located as far from noise-sensitive receptors as possible. The location of staging and storage areas shall be shown on all improvement and grading plans.
- c) The contractor shall assure that all construction equipment powered by gasoline or diesel engines has sound-control devices at least as effective as those originally provided by the manufacturer, no equipment shall be permitted to have an unmuffled exhaust.
- d) The contractor shall assure that any impact tools used during demolition of existing infrastructure are shrouded or shielded.
- e) The contractor shall assure that mobile noise-generating equipment and machinery are shut off when not in use for more than five (5) minutes.
- f) Throughout the construction period, the contractor shall implement additional noise mitigation measures at the request of Monterey County as needed to comply with the County's noise ordinance. Additional measures may include changing the location of stationary noise-generating equipment, shutting off idling equipment, rescheduling construction activity, installing acoustic barriers around stationary sources of construction noise, temporarily relocating residents where practicable, using alternative equipment or construction methods that produce less noise, and other site-specific measures as appropriate.

4.6-B-1. Prior to filing of the final tract map or submittal of subdivision improvement plans, whichever occurs first, a preliminary acoustical report shall be prepared by the project applicant to determine requirements for walls, berms, or other barriers to meet the 65 dB CNEL minimum acceptable exterior standard for residential or other noise-sensitive uses. The Monterey County Environmental Health Division (MCEHD) shall review the acoustical report and approve its recommendations. The MCEHD will be responsible for monitoring this mitigation measure.

4.6-B-2. If exterior façade levels are predicted to exceed 60 dB CNEL at area buildout, at plan check for each tract, a final acoustical report shall be submitted

by the project application to verify structural attenuation capability to achieve 45 dB CNEL. The MCEHD shall review the final acoustical report and approve its recommendations. The MCEHD will be responsible for monitoring this mitigation measure.

4.6-C-1. Prior to the issuance of a building permit, the project applicant shall demonstrate compliance to the satisfaction of the Monterey County Planning and Building Inspection Department with respect to procedures related to the maintenance, operation, and orientation of mechanical equipment, as described below. The MCPBID is responsible for monitoring the following procedures associated with this mitigation measure:

- Mechanical equipment shall include specifications of quiet equipment;
- Mechanical equipment shall be properly selected and installed, and shall include sound attenuation packages; and
- To the extent possible, mechanical equipment shall be oriented away from the nearest noise sensitive receptor.

Implementation of the above mitigation measures will reduce potential impacts associated with noise to a **less than significant** impact.

3. **Biological Resources: Potential Impacts associated with consistency with the Habitat Management Plan, disturbance of plant communities, loss of wildlife habitats, loss of special status plant species, and loss of special status animals; Impacts 4.7-A, 4.7-B, 4.7-C, and 4.7-D.**

Mitigation Measures:

4.7-A-1. The County shall ensure compliance with the General Conditions and East Garrison Conditions as outlined in the Land Swap Assessment and listed below. The conditions and compliance status are listed below.

General Conditions

1. The County of Monterey shall sign the April 1997 HMP.
Compliance status: On July 29, 2003, the Board of Supervisors of the County of Monterey authorized County signature of the April 1997 HMP.
2. FORA, the County, BLM and MPC shall agree, through a Memorandum of Understanding or equivalent binding agreement, to the land use modifications at East Garrison, Parker Flats and the MOU facility as described in this report.
Compliance status: On September 23, 2003, the Board of Supervisors of the County of Monterey approved and authorized the Chair to sign a Memorandum of Understanding on behalf of the County with FORA, BLM, MPC and the Army. The Army signed the MOU in August 2004 and the revised MOU is currently being recirculated for signature by the other agencies.
3. FORA and the County shall revise the cost and funding estimates for habitat management, to include the additional costs associated with prescribed burning and monitoring in the new habitat areas at Parker Flats, in accordance with changed habitat management responsibilities resulting from

the proposed modifications described in this report. Funds previously allocated for habitat management shall not be reallocated to accommodate new prescribed burning requirements.

Compliance status: Representatives of the County and FORA are involved in ongoing discussions with the U.S. Fish and Wildlife Service and others through CRMP regarding the appropriate procedures for prescribed burning and monitoring at Parker Flats. Until the issues regarding prescribed burning are resolved, costs estimates cannot be accurately revised.

East Garrison Conditions

1. Final development siting and boundary adjustments at East Garrison shall be coordinated with the Service, BLM and the CDFG based on a maximum development footprint, exclusive of existing roads, of 451 acres, approximating the limits of development illustrated on Figure 4 in the LSA. Borders between habitat areas and development areas shall be established to allow fire breaks, fire management access and adequate habitat setbacks, all of which shall occur within the developable footprint.

Compliance status: This condition refers to the final development siting and boundary designations for full buildout of the 451 acres that were identified for development at East Garrison in the Land Swap Assessment. The current development footprint accounts for approximately 240 acres, largely within the existing developed areas of the East Garrison polygon, and does not extend into the southern area of the polygon where there are higher densities of maritime chaparral and other HMP species. The primary purposes of this condition are to assure that the effects of development do not extend beyond the limits presented in the Land Swap Assessment for the East Garrison polygon and that the interface between development and habitat meets standards acceptable to USFWS, BLM and CDFG. A meeting was held November 19, 2003 with the USFWS and BLM to preview the development siting and boundary adjustments for the EGSP. Ongoing coordination with these agencies and with CDFG and the Army will continue prior to final approval of the project by Monterey County.

2. FORA and the County shall make all reasonable efforts to realign the HMP-designated Future Road Corridor (Figures 1, 3 and 8 of this report) linking Reservation Road with East Garrison to avoid isolating habitat reserve lands. If such realignment is not possible, the resulting isolated habitat reserve land acreage will be designated for development and developable land of comparable value and size, contiguous with other reserve lands shall be redesignated as habitat reserve.

Compliance status: The "Future Road Corridor" shown in the HMP has been realigned in the EGSP so that habitat reserve lands are not isolated and no additional land area, beyond that anticipated by the HMP, will be required to link Reservation Road with East Garrison. A concept of this realignment was discussed with USFWS and BLM in a meeting held November 19, 2003.

3. FORA and the County recognize the potential impacts to California tiger salamander and other HMP Species that could result from increased use of minor roads leading out of East Garrison into habitat reserve areas. The disposition and use of these roads shall be addressed through the CRMP program, and appropriate habitat protection measures shall be incorporated into the HCP prepared through CRMP.

Compliance status: No minor roads leading out of East Garrison into habitat reserve areas (e.g. Watkins Gate Road) are proposed for improvement or active use as part of the EGSP. Inter-Garrison Road and Reservation Road are expected to be the primary travel routes servicing East Garrison. Barloy Canyon Road provides access to Laguna Seca raceway during events but is otherwise gated to through traffic at Eucalyptus. BLM manages the gate closure on Barloy Canyon Road and has considered moving the gate to the southern end of the East Garrison polygon when development occurs there. The ultimate disposition and use of minor roads leading out of East Garrison into habitat reserve areas will be addressed through CRMP as the HCP is revised.

4. A low wall or other suitable barrier to migration of California tiger salamanders shall be constructed along the development/reserve boundary to the east of the vernal pool illustrated on Figure 3 of this report when development occurs in that area. Such a barrier is intended to discourage movement of California tiger salamanders into developed areas, thereby reducing the potential for harm to the species.

Compliance status: This condition applies to development that would occur in subsequent phases beyond the project site (outside Track Zero at East Garrison). The subject

vernal pool is located to the southwest of the EGSP development area.

- 4.7-B-1.** As outlined in the FMP, project implementation shall include the following:

- To facilitate protection of trees that occur either at project or grading margins, a forester, arborist or other tree care professional shall be involved in the review and development of final grading and construction plans where trees occur either at project/grading margins. In such locations, it may be possible to incorporate special retention or other construction methods that will permit safe and healthy retention of existing trees. Onsite consultation with a forester or other tree professional should occur to establish operating parameters and protective measures including exclusionary fencing prior to removal of existing facilities, installation of the detention basin, and landscaping beyond delineated grading limits in the northeast corner of the project area.
- Protective fencing shall be erected along the approximate driplines around each tree or group of trees to be preserved.
- Where guidance of a tree professional is used to evaluate conditions and to establish the location of protective fencing, encroachment within the dripline of retained trees may occur in order to minimize tree removals.

- No storage of equipment, construction materials, or parking of vehicles is permitted within the tree-rooting zone, which is defined by the fencing of the construction boundary.
- No soil shall be removed from within the dripline of any retained tree and no fill of additional soil shall exceed two inches (2”) within the driplines of retained trees, unless it is part of approved construction and is approved by a qualified forester, arborist, or other tree care professional.
- Fill shall not be allowed to be placed against the base of any tree. Permanent wells shall be constructed at original grade out from the trunk at a minimum distance of one foot.
- Before commencement of construction, a qualified arborist or other tree professional should identify trees where significant pruning will be necessary and make recommendations to help protect the tree.
- Onsite consultation with a qualified forester, arborist, or other tree care professional shall occur to establish the operating parameters and protective measures. These would include exclusionary fencing whenever operations commence and occur in the northeast corner of the project where the removal of existing facilities, installation of a detention basin, and site landscaping beyond shown grading limits is proposed.
- The Monterey County Agricultural Commissioners office shall be consulted, immediately, prior to any work that requires cutting and removal of oak materials from the site so that current requirements can be followed and enforced.
- Non-native trees near retained oak woodland areas, such as the eucalyptus in polygon 31 reference on the tree map (Exhibit 4.7-2) shall be eradicated.

4.7-C-1. The loss of sand gilia would require a project-specific incidental take authorization from CDFG (i.e., Section 2081 Permit) if basewide authorization is not granted prior to initiation of construction for the proposed project. The incidental take authorization would likely require mitigation beyond that provided by the HMP for the loss of at least 70 sand gilia plants and approximately 1.1 acre of potential habitat. In order to seek incidental take authorization, mitigation will need to be provided. This mitigation can be accomplished through seed and seedbank salvage and restoration or creation of habitat of an appropriate size and character at a suitable location at Fort Ord. Two areas where restoration could occur are within the County’s East Garrison Reserve Parcel (Parcel 11 a) or at Parker Flats. The East Garrison Reserve Parcel is immediately adjacent to where the sand gilia plants will be removed for the project and it contains suitable conditions for transplanting/replanting these gilia. The specifics of how the plants will be salvaged and who will be responsible for implementation and monitoring will be included in the mitigation plan for the Section 2081 Permit. Monitoring will be required for a minimum of five years following transplantation and/or seeding.

4.7C-2. Independent take authorization from the Service would not be required for the removal of the Monterey spineflower plants in the EGSP area. However, if there is a federal nexus (e.g. Army granting of Right of Entry in areas occupied by spineflower) to actions that might affect

spineflower or critical habitat for spineflower, the federal entity involved would likely need to consult (Section 7) with the Service to comply with the federal Endangered Species Act (ESA). In similar situations on development parcels at Fort Ord in the past, the consultation process is a formality that does not result in additional mitigation requirements.

4.7-D-1. To comply with the Fish and Game Code and the Migratory Bird Treaty Act, pre-construction surveys for active bird nests are recommended as follows:

California horned lark and northern harrier: Both of these species are ground nesters and if active nests are present they shall be avoided. To avoid disturbance of an active nest, ground-disturbing activities shall be initiated between August and January. If these activities are initiated after January and before August, a qualified biologist shall conduct a survey for active nests within a certain radius around the area that will be disturbed. The survey area shall be determined by the biologist considering the nature of the activity and the site characteristics. If active nests are found and the biologist determines that construction activities would remove the nest or have the potential to cause abandonment, then those activities shall be avoided until the young have fledged as determined through monitoring of the nest. Once the young have fledged, construction activities can resume in the vicinity

Migratory birds: This survey is focused on the trees that are to be removed and is intended to determine if any active nests are present in the trees at the time they are being proposed for removal. If construction activities are initiated after August 1 and before January 15 (outside of the typical nesting season for the birds-of-prey and migratory birds that may nest in the study area), then pre-construction surveys for active nests shall not be necessary. If activities are initiated before August or after January, then pre-construction surveys for active nests within a certain radius of proposed activities are recommended. If active nests are found and the biologist determines that construction activities would remove the nest or have the potential to cause abandonment, then those activities shall be avoided until the young have fledged as determined through monitoring of the nest. Once the young have fledged, construction activities can resume in the vicinity.

4.7-D-2. Within 30 days of building demolition or tree removal, a qualified biologist shall conduct pre-construction surveys for presence of roosting bats. If special-status bat species are present, the following measures should be implemented:

- Building removal and/or tree removal shall not occur if maternity bat roosts are present in the building or tree. Maternity roosts are typically present between April 15 and August 1.
- No building or tree removal shall occur within 300 feet of the maternity roost until all young bats have fledged—as determined by a qualified biologist.
- If special-status bats are present but there is not an active maternity roost, a Memorandum of Understanding (MOU) with the California Department of Fish and Game (CDFG) shall be obtained in order to remove the animals prior to building demolition and/or tree removal. Alternate habitat shall be

provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics shall be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFG that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that mitigates for loss of bat roosting habitat shall be prepared by a qualified biologist and approved by CDFG prior to building/tree removal.

4.7-D-3. Prior to initiation of construction, a qualified biologist shall be designated to monitor construction activities and advise construction personnel of the potential biological issues associated with development of the site. The biological monitor shall attend weekly construction meeting and provide onsite direction for addressing habitat- or species-specific issues as they are encountered during construction. If as a result of pre-construction surveys the biologist establishes exclusion zones around trees or buildings to protect nesting birds or roosting bats, the biological monitor should advise the construction crews of those areas and of the importance of respecting and maintaining those zones.

4.7-D-4. The County shall ensure compliance with the restrictions contained in Exhibit "C" of the recorded Memorandum of Agreement Regarding Endangered Species Act Enforcement of Development Restrictions on the East Garrison Portions of The Former Fort Ord. Compliance with these restrictions will render the County, East Garrison Partners, and the Redevelopment Agency of the County of Monterey exempt from the prohibitions against "take" of California tiger salamander under the ESA arising from development within the portions of East Garrison to be transferred to the County prior to approval of the HCP/IA (Track Zero).

Implementation of the above mitigation measures will reduce potential impacts associated with biological resources to a **less than significant** impact.

4. **Cultural Resources: Potential Impacts associated with the potential to uncover archaeological resources during earth moving activities; Impact 4.8-2.**

Mitigation Measures:

4.8.2-A. A qualified archaeologist shall monitor the site during all potential ground disturbance activities. The archaeologist shall prepare a monitoring plan that details the procedures that shall occur in the event that cultural resources are uncovered. At a minimum, all excavation shall cease within 5 meters of the discovery until it is evaluated by a qualified cultural resource specialist and/or County coroner, as applicable.

4.8.2-B. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or

subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The MCPBID and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4.8.2-C. Prior to the commencement of project excavations, all construction personnel shall read and sign an agreement that describes and protects Native American remains and any/all potential, subsurface cultural resources.

4.8.2-D. An archaeological sensitivity map of East Garrison shall be prepared. The map shall incorporate former, current, and future theoretical information regarding potential prehistoric deposits. Existing conditions (i.e. buildings, roads) and future plans (i.e. trenching for residential projects) and potential impacts to archaeological resources shall be taken into consideration when developing the map.

4.8.2-E. The expertise of local archaeological specialists shall be utilized for the preparation of subsequent cultural resources reports at East Garrison.

4.8.2-F. All future Army documents and related material regarding cultural resources at Fort Ord shall be provided to the California Historical Resources Information System, Northwest Information Center at 1303 Maurice Avenue in Rohnert Park, California 94928-3609.

4.8.2-G. If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

- There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- If the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission and MCPBID within 24 hours.
 - The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

- Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
- The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
- The descendent identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Implementation of the above mitigation measures will reduce potential impacts associated with cultural resources to a **less than significant** impact.

5. **Aesthetics: Potential Impacts associated with altering the visual characteristics of the site and surrounding area and the introduction of new sources of light and glare; Impacts 4.9-2 and 4.9-3.**

Mitigation Measures:

4.9-2-A. A landscaping plan incorporating trees plantings to reduce the visibility of structures shall be prepared. The landscaping plan for the bluff open space shall be submitted to the Monterey County Planning and Building Inspection Department (MCPBID) for approval.

4.9-3-A. Project design features shall be incorporated by the builder to reduce ridgeline visibility including restrictions on skylights to southwest facing roof planes only for development located along the bluff. This restriction will further reduce the potential for glare and decrease the visibility of structures.

Implementation of the above mitigation measures will reduce potential impacts associated with aesthetics to a **less than significant** impact.

6. **Public Services and Utilities: Potential Impacts associated with increased demand for fire protection and emergency medical services; Impact 4.11.1-A.**

Mitigation Measures:

4.11.1-A-1. The project proponent shall pursue the application and fulfill the mandated requirements for annexation into the SRFD.

4.11.1-A-2. Staffing for the new station shall consist of a minimum of two firefighters on duty at all times by the end of Phase II of the EGSP and a minimum of three firefighters at all times by the end of Phase III of the EGSP.

4.11.1-A-3. The apparatus serving the EGSP area shall be a fully equipped 75-foot Quint fire apparatus.

4.11.1-A-4. The construction of the station shall meet the needs of the SRFD and fit the character of the community (designed consistent with the EGSP Pattern Book). The details of the construction pertaining to impacts to the environment shall follow the general guidelines of the entire project.

4.11.1-A-5. On duty crews from the East Garrison Fire Station shall conduct Fire Prevention Safety Inspections at the commercial facilities and Public Education Safety Programs for the community.

4.11.1-A-6. A financial analysis to determine an adequate financing mechanism for the ongoing staffing and operational costs of the fire station shall be completed. This analysis should address the alternatives of using a combination of a proportionate share of the applicable property tax and/or a developer imposed special tax. This analysis shall address the ongoing costs verses the property tax allocation to the SRFD and determine the amount of any special tax needed to fund any negative difference.

This funding mechanism, the stipulations of the annexation process, the fire station site and construction, and the acquisition of the fire apparatus shall be a requirement of the *Development Agreement* between the County and the project proponents. This shall also be outlined in detail in a *Development and Stipulation Agreement* between the EGSP project proponents and SRFD.

Implementation of the above mitigation measures will reduce potential impacts associated with public services and utilities to a **less than significant** impact.

7. **Hazardous Materials: Potential Impacts associated with exposure of construction personnel to hazardous materials (lead-based paint and asbestos); Impact 4.12-B.**

Mitigation Measures:

4.12-B-1. The applicant shall hire a certified hazardous materials consultant to conduct pre-demolition soil removal at one building, perform post demolition soil sampling, and remove hot spots identified in the post-demolition sampling. The applicant shall prepare a Demolition Plan for the abatement and disposal of materials impacted by LBP and asbestos, and for the disposal of building debris. This Demolition Plan will meet permitting and regulatory notification requirements (i.e. Monterey Bay Unified Air Pollution Control District [MBUAPCD], U.S. Army, DTSC, California Department of Health Services [CDHS], and California Division of Occupational Safety and Health [DOSH]). Further, safe demolition of existing structures at the EGSP area will be reviewed and approved by the Monterey County Planning & Building Inspection Department prior to the issuance of demolition permits.

4.12-B-2. The Demolition Plan shall include a program of air monitoring for dust particulates and attached contaminants that addresses dust control and suspension of work during dry windy days.

4.12-B-3. Prior to the issuance of a demolition permit, a lead and asbestos survey shall be conducted in accordance with the requirements set forth by the MBUAPCD.

4.12-B-4. All transportation of hazardous or contaminated materials from the project site shall be performed in accordance with a *Demolition Plan and Removal Action Workplan* approved by the Environmental Health Division of the Monterey County Health Department. The Demolition Plan shall be prepared by a qualified environmental professional and shall address both on-site worker protection and off-site resident protection from both chemical and physical hazards.

4.12-B-5. All contaminated building materials shall be tested for contaminant concentrations and shall be disposed of at appropriately licensed landfills. Prior to demolition of contaminated buildings, hazardous building materials such as peeling, chipping and friable LBP and asbestos containing building materials shall be removed in accordance with all applicable guidelines, laws and ordinances.

For the impact of flaking and peeling LBP the requirements of Title 8, California Code of Regulations, §1532.1 must be followed. These include, but are not limited to, the following:

- Loose and peeling LBP shall be removed prior to building demolition. Workers conducting removal of must receive training in accordance with the regulations.
- The LBP removal project shall be designed by CDHS certified project designer, project monitor or supervisor.
- Workers conducting removal of LBP must be certified by a CDHS certified lead project designer.
- Workers that may be exposed above the DOSH action level for lead must have their blood lead levels tested prior to commencement of lead work and at least quarterly thereafter for the duration of the project. Workers that are terminated from the project shall have their blood lead levels tested within 24 hours of termination.
- A written exposure assessment must be prepared in accordance with the regulations.
- Any amount of lead waste generated from painted building components must be characterized for proper transportation and disposal in accordance with Title 22, §66261.24.

Implementation of the above mitigation measures will reduce potential impacts associated with hazardous materials to a **less than significant** impact.

- 4. FINDING: SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS.** The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project. The Board of Supervisors has incorporated the mitigation measures described below into the Project, to mitigate the impacts to the extent feasible. These impacts will remain significant after identified feasible mitigation measures are implemented. The Board of Supervisors finds and determines that specific economic,

legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. The Board further finds and determines that these significant and unavoidable adverse impacts are acceptable and that the Project may be approved despite these impacts for the reasons specified in the Statement of Overriding Considerations (Finding 7). The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce the following impacts to a less than significant level. The Board also finds that some of the impacts identified are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The impacts and related mitigation measures identified below are presented in summary form. For a detailed description of impacts and mitigation measures, see the appropriate text in the Final EIR.

EVIDENCE:

a. Significant Irreversible Environmental Changes. Chapter 5.4 of the East Garrison Specific Plan project EIR explains that implementation of the Specific Plan would result in the following irreversible impacts. These impacts were addressed in the Fort Ord Reuse Plan EIR. These irreversible environmental changes would be representative of what would normally be associated with urban development that would occur under the Fort Ord Reuse Plan's designation of the area as Planned Development/Mixed Use:

1. Use of non-renewable resources, such as energy, fossil fuel, sand and gravel, steel, copper, lead.
2. Occasional accidental spills of paints, fuels or other construction-related materials.
3. Use of slowly renewable resources, such as lumber and water.

b. Significant Unavoidable Impacts. Chapters 5.2 and 5.3 of the East Garrison Specific Plan project EIR provides an analysis of the significant impacts and mitigation measures. The Final EIR identifies the following potentially significant impacts associated with the Project, which will remain significant even after implementation of the mitigation measures identified in the Final EIR:

1. **Transportation and Circulation: Potential Impacts associated with incremental worsening to existing unacceptable levels of service at some project intersections or cause an exceedance of acceptable levels of service at intersections and roadway segments; Impacts 4.4-1 and 4.4-2.**

Mitigation Measures:

4.4-1-A. The County shall work with FORA for the inclusion of the intersection at Reservation Road/Davis Road in the CIP. Please see the project fair share analysis, in Section 4.4, for additional information on timing and funding of this improvement.

- Reservation Road/Davis Road/"The Bluffs"
Install a traffic signal.

4.4-2-A. The County shall work with FORA for the inclusion of widening of the following roadway segments in the CIP. Please see the project fair share analysis, in Section 4.4, for additional information on timing and funding of this improvement.

- Reservation Road between Portola Drive and SR 68.
- SR 183 between Cooper Road and Espinosa Road.

Implementation of the above mitigation measures will reduce potential impacts to the extent feasible, but the impact will remain significant and unavoidable.

2. Air Quality: Potential Impacts associated with temporary air emissions from earth moving activities and an increase in air emissions from community operations; Impacts 4.5-B and 4.5-C.

Mitigation Measures:

4.5-B-1. The use of best available control measures (BACMs) shall be required during grading operations. BACMs that shall be incorporated into the project, as approved by the MCPBID, are described below. The MCPBID is responsible for monitoring the following BACMs, associated with this measure:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily, with water sweepers, all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles, such as dirt, sand, etc.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

4.5-C-1. There are no feasible mitigation measures that will create sufficient emissions reductions to achieve a less-than-significant impact. Impacts should nevertheless be mitigated to the maximum extent feasible. The following measures are recommended:

- Contribute \$2,600,000.00 to fund air quality mitigation programs, including the following potential programs:
 1. \$841,260.00 to the MBUAPCD Moyer Program for agricultural pump repowers, to mitigate NOx impacts. This would fully mitigate NOx impacts to a less than significant level.

2. \$1,459,350.00 to purchase nine CNG school buses to mitigate, to the extent feasible, for ROG impacts.
3. Contributions to bike path and bike lane programs to reduce operational NOx and ROG emissions.

Fees shall be paid at the rate of \$1,857.14 per building permit, at the time of permit issuance.

- Encourage future site access by transit or para-transit systems,
- Incorporate bicycle connections between amenities in the EGSP area,
- Wire homes with 220 volts for electrical vehicle charging,
- Wire homes with multiple data channel access to assist in in-home employment.

Implementation of the above mitigation measures will reduce potential impacts to the extent feasible, but the impact will remain significant and unavoidable. The MBUAPCD has provided information to support the mitigation measures presented here, and the County's air quality consultant has worked with the District to determine potential mitigation measures. The District states, in its July 1, 2005 letter, that full mitigation for ROG impacts is not feasible (Page 1, number 3, and Tables 2 and 3).

3. Cultural Resources: Potential Impacts associated with the demolition of eleven National Register of Historic Places-eligible buildings and altering the integrity of the East Garrison National Register Historic District; Impact 4.8-1.

Mitigation Measures:

4.8.1-A. No demolition of Historic District contributors shall occur until Phase 3 begins or demolition is required for the construction of adjacent properties or infrastructure in Phases 1 and 2.

4.8.1-B. Prior to demolition of any buildings by the landowner, all buildings shall be maintained per the guidelines found in National Parks Service Preservation Brief #31, Mothballing Historic Buildings.

4.8.1-C. Prior to the issuance of demolition permits for contributing structures, a preservation consultant shall be hired by the project applicant to create a construction-monitoring plan that will ensure rehabilitation of the Historic District contributors is in compliance with the Guidelines for Rehabilitating Buildings at the East Garrison.

4.8.1-D. Prior to the issuance of demolition permits for any contributing structures for Phase 1 and 2 construction, HABS/HAER Level I (drawings, photographs, written data) documentation of 1 of each of the major Historic District contributor types (Mess Halls, Latrines, and Warehouses) as well as other types of Historic District contributors shall be prepared by a qualified architectural historian in consultation with the local preservation agencies and the Army. The remaining types of concrete buildings shall be documented to HABS/HAER Level III.

- Oral histories should be included as part of written data.
- Distribution of complete HABS/HAER report to local repositories such as:
 - East Garrison Library
 - Monterey County Free Library
 - Salinas Public Library
 - Monterey Public Library
 - Monterey County Parks and Recreation Department
 - Northwest Information Center

4.8.1-E. Prior to demolition of contributing structures for Phase 3 construction, an Interpretative Exhibit at East Garrison Library shall be created by the project applicant temporarily in the Chapel with graphic panels documenting the history of the military post, Works Progress Administration (WPA) involvement, and construction techniques. Said Exhibit shall be reviewed and approved by the MCPBID.

4.8.1-F. Prior to demolition, copies of plans, photographs, research material and other documentation shall be collected by the project applicant and donated to a repository with professional archival staff and storage.

4.8.1-G. An East Garrison History Walk Plan interpreting the development of site and the role of WPA and Army shall be created by the project applicant. The walk shall include signs that are self-guided and durable. Said Plan shall be reviewed and approved by the MCPBID in conjunction with the Parks and Public Works Department. Said Plan shall include a phasing schedule for development of the walk in conjunction with project specific development of the Specific Plan to ensure public health, welfare, and safety, during construction.

4.8.1-H. Prior to issuance of grading permits for Phases 1 and 2, the subdivider/developer shall submit, to MCPBID and the State Historic Preservation Officer (SHPO), a historic preservation plan. The plan shall be subject to the requirements of the Agreement and Covenant associated with this land parcel, and shall be consistent and in conformance with *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures*. The Applicant shall submit certification from the Redevelopment Agency of Monterey County to the MCPBID that the proposed plan is financially feasible. Grading permits shall not be issued until Monterey County approves the Plan in consultation with SHPO and until the Redevelopment Agency certifies the feasibility.

Prior to demolition, grading or building permits, within the proposed East Garrison Historic District, the County of Monterey and the developer of the Historic District shall execute an agreement to implement the Historic

Preservation Plan. The agreement shall include a timetable for completion and method for achieving the timetable commitments.

4.8.1-I. Phase 3 of East Garrison as determined by the land conveyance the Army and SHPO shall be nominated as a Monterey County Historic District. To nominate a property locally, the applicant fills out Department of Parks and Recreation form 523 (both the Primary Record and the Building Structure Object Record) and submits them to the Historic Resources Review Board (HRRB). The HRRB then makes a recommendation to the Board of Supervisors to list the property. The Board of Supervisors has the final vote.

4.8.1-J. Wherever feasible, materials from said demolitions shall be store for future repairs within the district. If reuse is infeasible said materials shall be stored for future repairs or made available for donation to local non-profit agencies.

Implementation of the above mitigation measures will reduce potential impacts to the extent feasible, but the impact will remain significant and unavoidable. The demolition of “contributing” historic structures cannot be mitigated to a level of less than significant as any loss is significant.

4. Public Services and Utilities: Potential Impacts associated with increased water demand and construction of new water supply and infrastructure; Impact 4.11.6-A.

Mitigation Measures:

4.11.6-A-1. Based on MCWD’s Water Distribution System Master Plan, Capital Improvement Program, Table 7-1, MCWD will be required to construct a new 4.0 mg reservoir by Year 2004 based on water demands modeled within their system. Prior to issuance of the first building permit for commercial development within the EGSP, the project applicant shall be required to obtain written verification from MCWD that sufficient fire flow/fire suppression capacity is available in the Existing Reservoir “F”, or excess storage in Zone C or that the capacity in the new reservoir is available to accommodate the commercial fire flow suppression requirements associated with commercial development of the EGSP. If any portion of the commercial development is accelerated within the EGSP area to occur in earlier phases of project implementation, the project applicant shall be required to coordinate with MCWD to determine whether a portion of the existing excess storage in Zone C could be reserved for commercial fire flow. Such reservation would need to be confirmed and validated in writing by MCWD, and would need to be balanced against any remaining capacity for residential development.

Implementation of the above mitigation measures will reduce potential impacts to the extent feasible, but the impact will remain significant and unavoidable. The

impacts are unknown as the project location, as it was still in the planning stage, relocated during preparation of the Draft EIR and since the public review period closed. The location has now likely been determined, but the exact scope of the project has not yet been prepared. Potentially significant effects are possible as explained in the Draft SEIR, Chapter 4.11.

5. **Cumulative Impacts.** Chapter 5.1 of the EIR addresses cumulative impacts as required by Section 15130 of the CEQA Guidelines. Chapters 5.1.4 and 5.1.5 identify significant cumulative impacts that will remain significant even after implementation of the mitigation measures identified in the EIR. These significant unmitigated cumulative impacts include impacts related to air quality and transportation and circulation.
- **EIR Chapter 5.1.4. Cumulative Transportation and Circulation Impacts.** The project will be contributing to cumulatively significant impacts to road segment and intersections when considering other projects to be constructed in the region. These impacts are identified in Tables 5-1, 5-2, 5-5 and 5-6.

Mitigation Measures:

4.4-2-A. The County shall work with FORA for the inclusion of widening of the following roadway segments in the CIP. Please see the project fair share analysis, in Section 4.4, for additional information on timing and funding of this improvement.

- Reservation Road between Portola Drive and SR 68.
- SR 183 between Cooper Road and Espinosa Road.

5-1. The County shall work with FORA for the inclusion in the CIP of the following improvements for the intersections at SR 68 westbound and eastbound ramps and Reservation Road, and Reservation Road/Davis Road.

- Reservation Road/Davis Road/”The Bluffs”
 - Install a traffic signal
 - Add a through lane on the westbound Reservation Road approach
 - Add a left turn lane on the eastbound Reservation Road approach
 - Implement “Free” right turns for vehicles turning right into westbound Reservation Road from southbound Davis Road.
- SR 68 Westbound Ramps/Reservation Road
 - Add a left turn lane on the Highway 68 Westbound Off Ramp
 - Add a lane on the eastbound Reservation Road approach so that it has one through lane and one right turn lane (instead of one shared through-right turn lane.
- SR 68 Eastbound Ramps/Reservation Road

- To accommodate the additional left turn lane on the Highway 68 Westbound Off Ramp approach at Reservation Road, the left turn lane on the eastbound Reservation Road approach should be restriped to a shared left-through lane at the intersection of Highway 68 Eastbound Ramps/Reservation Road.
- Also, split phasing will need to be implemented on Reservation Road at Highway 68 Eastbound Ramps and the average intersection delay is expected to increase because of the utilization of split phasing.

Implementation of the above mitigation measures would reduce potential cumulative impacts associated with transportation and circulation to a **less than significant** impact. However, it is uncertain that these intersection improvements will be approved and funded, so the impact is considered significant and unavoidable until such time as the improvement is funded. In addition, such changes or alterations, for the improvements identified on state highways, are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- **EIR Chapter 5.1.5. Cumulative Air Quality Impacts.** The project will contribute to cumulative air quality impacts for Reactive Organic gasses and PM₁₀. These impacts are identified in Table 5-7 and discussed in the Final EIR.

Mitigation Measures:

See project specific mitigation measures in Finding 4(b)(2), above.

5. **FINDING: MITIGATION MONITORING PROGRAM.** When making findings, a lead agency must adopt a reporting or monitoring program for the mitigation measures it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. In approving the Project, the Board of Supervisors is adopting, as conditions of approval, the mitigation monitoring and reporting plan (MMRP) for the Specific Plan Project.

EVIDENCE:

- a. Per CEQA and Board policy, the Board of Supervisors adopts a Mitigation Monitoring and Reporting Plan for the East Garrison Specific Plan project (**Attachment A**). Matrices that include mitigation measures for each respective project are attached hereto and incorporated herein by reference. The Mitigation Monitoring and Reporting Plan lists each condition of approval and mitigation measure, actions to be completed, specifies the responsible party, timing, and means of verification of compliance.
- b. The mitigation measures identified in the FEIR are incorporated as conditions of approval and the applicant/owner of the Project will be required to enter into an

“Agreement to Implement a Mitigation Monitoring and Reporting Plan” as a condition of project approval for monitoring of the Project.

- c. The Monterey County Board of Supervisors finds that the mitigation measures incorporated into and imposed upon the Project, including mitigation measures that were added or revised in the FEIR, will not have new significant environmental impacts that were not already analyzed in the Final EIR for the Project (PLN030204).

6. **FINDING: ALTERNATIVES**. Section 15126.6(f) of the CEQA Guidelines requires that an EIR include “a range of reasonable alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project.” The County has reviewed the significant impacts associated with a reasonable range of alternatives as compared with the proposed Project, and in evaluating the alternatives has also considered each alternative’s feasibility, taking into account a range of economic, environmental, social, legal, technological, and other factors. In evaluating and rejecting the alternatives described in this finding, the Board of Supervisors has also considered the important factors listed in Finding 7, the Overriding Considerations.

EVIDENCE:

- a. Based on results and conclusions of the analysis in Chapter 5 of the EIR, the Project would result in significant and unmitigated impacts to transportation and circulation (project and cumulative), air quality (project and cumulative), public services and utilities (project), and cultural resources (project). Significant and unmitigated cumulative impacts of the Project would occur with respect to air quality and traffic and circulation. Table 6-1 in Chapter 6.6 of the EIR provides a summary of the impacts of the Project alternatives as compared to the Project.
- b. The EIR considered five alternatives to the Specific Plan Project. The Board of Supervisors find that each of these alternatives is infeasible or less desirable than the proposed Project due to environmental or other adverse impacts, based on the following:
 1. *Off-site Alternative – Parker Flats*. This alternative was designed to avoid impacts to cultural resources. In order to achieve this objective, this alternative would relocate the project to Parker Flats, which does not contain known significant cultural resources. Parker Flats is a 946 acre area that was originally designated for 3184 residential units on 520 acres, among other uses. Due to unexploded ordinance being located in the area, and the potentially incompatible uses identified at East Garrison as a result of the Reuse Plan process, a Land Swap Assessment was prepared that analyzed moving residential uses from Parker Flats to East Garrison, and analyzed moving Monterey Peninsula College’s uses from East Garrison to Parker Flats. As compared to the Project, this alternative would result in equal or somewhat lessened impacts to cultural resources, but increased impacts to biological resources, Land use and related planning programs, and hazardous materials. All other impacts would be similar to the proposed project. See the full discussion in Chapter 6.1. The identified

significant and unavoidable impacts would all remain under this alternative.

2. *No Project/No Development Alternative.* Chapter 6.2 of the FEIR identifies that this alternative assumes no new development in the specific plan area and that the entire project site would remain unchanged. The existing buildings would remain and rehabilitation of historic structures would occur. This alternative would result in fewer impacts to geology and soils, hydrology and water quality, transportation and circulation, air quality, noise, biological resources, public services and utilities, and hazardous materials than the proposed project. Greater impacts would occur to land use and related planning programs, and population, housing, and employment impacts. Impacts to aesthetics and cultural resources would be similar. This alternative would not meet some project objectives as explained in Section 6.2.2, would likely force future development into previously undeveloped areas, and would not utilize existing infrastructure at the project site. The identified significant and unavoidable impact to cultural resources would remain under this alternative. Development displaced into other areas could also cause significant and unavoidable impacts to transportation and circulation, and air quality.
3. *No Project/Development Under the Existing General Plan.* Chapter 6.3 of the FEIR identifies that this alternative assumes that new development in the specific plan area would consist of a business park/light industrial development project as described in the Chapter. The development would be more intense than proposed by the project. This alternative would result in greater impacts to geology and soils, hydrology and water quality, transportation and circulation, air quality, noise, cultural resources, public services and utilities, and hazardous materials. A similar level of impacts would occur to land use and related planning programs, biological resources, aesthetics, and population, housing and employment. This alternative would meet most of the project objectives as explained in Section 6.3.2, but would lead to greater impacts than the project. The identified significant and unavoidable impact to cultural resources, transportation and circulation, public services and utilities, and air quality would all remain under this alternative.
4. *Avoidance of Historic Structures Alternative.* Chapter 6.4 of the FEIR identifies that this alternative would eliminate the demolition of the eleven “contributing” structures proposed for demolition and would not allow infill development in the historic district, eliminating 442 dwelling units. The development, therefore, would be less intense than proposed by the project. This alternative assumes that rehabilitation of the historic structures would not be done. This alternative would result in fewer impacts to geology and soils, hydrology and water quality, transportation and circulation, air quality, noise, aesthetics, public services and utilities,

and hazardous materials. A similar level of impacts would occur to cultural resources and biological resources. Greater impacts would occur to land use and related planning programs, and population, housing and employment. This alternative would not meet some of the project objectives as explained in Section 6.4.2. The identified significant and unavoidable impact to cultural resources, transportation and circulation, public services and utilities, and air quality would all remain under this alternative.

5. *Reduced Density Alternative.* Chapter 6.5 of the FEIR identifies that this alternative assumes new development in the specific plan area would be reduced by 50 percent and located within the same building area, as described in the Chapter. This alternative has been identified as the environmentally superior alternative.

This alternative would result in reduced impacts to geology and soils, hydrology and water quality, transportation and circulation, air quality, noise, aesthetics, public services and utilities, and hazardous materials. A similar level of impacts would occur to land use and related planning programs, biological resources, and cultural resources. Greater impacts would occur to population, housing and employment. This alternative would meet some of the project objectives as explained in Section 6.5.2, but would not be feasible to fully create a mixed-income community and likely result in less affordable housing due to a scarcity of housing and possibly larger lot sizes. It is also questionable whether the size of the project would provide sufficient revenue to provide site infrastructure. The identified significant and unavoidable impact to cultural resources and, possibly, public services and utilities would remain under this alternative.

- c. Table 6-1 and Chapter 6 of the East Garrison Specific Plan Project EIR provide an expanded discussion of the impacts of each alternative considered.

7. **FINDING: STATEMENT OF OVERRIDING CONSIDERATIONS (SOC).** In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits of the Specific Plan Project against their unavoidable significant environmental impacts in determining whether to approve the Project, and has determined that the benefits of the Projects outweigh their unavoidable, adverse environmental effects so that the adverse environmental effects may be considered "acceptable."

EVIDENCE:

- a. Finding 4 of this Resolution summarizes the impacts identified in the EIR that cannot be mitigated to a level of insignificance.
- b. Each benefit set forth below constitutes an overriding consideration warranting approval of the Specific Plan Project, independent of the other benefits and despite each and every unavoidable impact.

1. *Achievement of the County's Goals and Objectives.* The Specific Plan provides a comprehensive strategy for the development within an area designated for growth in the General Plan Housing Element. The Project furthers numerous goals of the General Plan and Greater Monterey Peninsula Area Plan (GMPAP), adopted in 1982 and 1984 respectively, and will achieve the following County objectives:
 - A) Affordable Housing. The Specific Plan project would be required to provide a minimum of 20% inclusionary housing units under the County Code in place at the time the Option Agreement was entered into between East Garrison Partners and the Redevelopment Agency of Monterey County. The proposed Plan includes a design that would provide 280 (20%) inclusionary units for very low, low, and moderate income households, and includes an additional 70 second units. The project applicant has also agreed, under the Disposition and Development Agreement, to construct 140 (10%) Workforce II income-restricted housing units. Integrating affordable housing with market-rate housing will reduce neighborhood social barriers associated with segregated affordable housing projects. The Specific Plan is consistent with and furthers the Housing Element's strategy for meeting the County's regional housing need allocation (Goal H-6 of 2003 Housing Element).
 - B) Preserves Prime Agricultural Lands. Development in the unincorporated area, including annexations to cities in the Salinas Valley, tend to convert agricultural land to urban uses. Fort Ord reuse and redevelopment is identified for development in order to better achieve aspects of growth management such as the preservation, enhancement, and expansion of agricultural lands and other protected resources. East Garrison is designed to provide for the County's long-term growth (10-20 years). Prime farmland is located outside of the project site. Adopting the Specific Plan reduces development pressure on prime farmlands outside of East Garrison by concentrating planned growth in a non-agricultural area and furthers an important goal of the General Plan to protect agricultural lands.
 - C) Smart Growth. The Project has been designed to accommodate some of the ideas of new urbanism, which integrates resources into the overall design of the Project and, therefore, provides significant environmental benefits to water resources, energy efficiency, and recycling that will have long term cumulative benefits. The Fort Ord Reuse Plan, which this project implements, incorporates the concept of jobs/housing balance resulting in less traffic, noise, and air pollution, which would serve as a standard for future County development. The Reuse Plan also directs East Garrison to be a walkable community. The project achieves this goal with all housing units within an approximate five minute walk of the Town

Center and of planned bus stops. These features also contribute to less traffic, air pollution, and noise.

2. *Proximity to Employment Opportunities.* The East Garrison Specific Plan provides housing in an area that will serve large employment centers identified in the former Fort Ord. The planned UC MBEST East Campus is located across Reservation Road from the project's west entrance and CSUMB is within a bike or shuttle ride of the community. The community itself is proposed to have 114 Live/Work units, 100,000 square feet of studio/public facilities, 75,000 square feet of commercial areas, and civic uses. The jobs-housing balance in the former Fort Ord provides opportunities for residents to live where they work.
3. *Redevelopment.* Provide for the redevelopment of the former East Garrison site.
4. *Redevelopment Plan.* Further the purposes of the Redevelopment Plan, including eliminating and preventing blight, strengthening the economic base of the Project Area, and achieving the Project Objectives as outlined in Section 110 of the Redevelopment Plan. The Project will provide increased tax revenue for the Agency for use in the Project Area, including tax increment funds available for use within the East Garrison Specific Plan area.
5. *Historic Preservation.* Provide for the rehabilitation, reuse, preservation and maintenance of historic buildings.
6. *Inclusionary Housing.* Construction of twenty percent (20%) deed-restricted affordable (very low, low and moderate income) housing, including within the twenty percent (20%), two percent (2%) more low-income housing units than required by the County Code.
7. *Additional Income-Restricted Housing.* Provide ten percent (10%) "Workforce II" housing, in addition to the requirements for twenty percent (20%) for very low, low and moderate income deed restricted housing.
8. *Hazardous Material Clean Up.* Removal of hazardous materials, including remediation/removal of soil contaminated with lead-based paint.
9. *Public Facilities.* Provide up to THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) for public facilities, including a fire station that will serve the project site as well as provide protection for areas within the Salinas Rural Fire District boundaries, including UC MBEST, the Bureau of Land Management lands, CSUMB, and provide aid to the cities of Marina and Salinas. The THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) will also contribute to other public facilities such as a library and a Sheriff's Community Field Office, as determined by the Agency.
10. *Infrastructure.* Provide infrastructure improvements that can be utilized by regional users, such as Laguna Seca County Park, the Bureau of Land Management, and future users of County and other agency lands within the former Fort Ord. Improvements include:
 - a. Regional access improvements identified in the Fort Ord Reuse Authority Capital Improvement Program,

- b. Regional improvements to Reservation Road and to its intersection with Davis Road, and
 - c. Contribution of pro-rata funding toward regional transportation improvements identified in the Final Supplemental EIR.
 - 11. *Revenue Neutrality*. Structure the East Garrison Community operations and maintenance such that roads, drainage, law enforcement, parks, open space, lighting, transit, and fire services provided within the community are fully funded by the community and does not affect the County's General Fund.
 - 12. *Housing Need*. Provide needed market-rate housing to help meet local demand and growth projections identified by the State Housing and Community Development Department and the Association of Monterey Bay Area Governments. The Monterey County General Plan Housing Element, dated October 2003, identified East Garrison as one location where housing demand could be met.
8. **FINDING: RECIRCULATION NOT REQUIRED**. The amplifications and clarifications made to the Draft EIR in the Final EIR do not collectively or individually constitute significant new information within the meaning of Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5 and therefore re-circulation is not required. The Final EIR does not contain significant new information, as defined in CEQA Guidelines Section 15088.5, which would require re-circulation of the modified sections or entire document.

EVIDENCE:

- a. In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and some new information amplifying and clarifying information in the Draft EIR has been added into the Final EIR.
- b. No substantial changes to the DEIR or Specific Plan were proposed as a result of the public comment process. The Final EIR responds to comments and makes only technical changes, clarifications, or additions to the DEIR. The changes, clarifications, and additions to the DEIR do not identify or result in any new significant impacts or any substantial increase in the severity of any environmental impacts. For example, the County reviewed its traffic analysis and modeling assumptions in response to comments from Caltrans and other agencies, but modifications did not substantially alter the EIR's conclusions regarding the severity of traffic impacts and validated the results of the earlier studies. Changes to DEIR text clarified the discussion based on comment letters and did not change conclusions regarding environmental effects. Changes to mitigation measures helped to clarify or amplify the content of the measure. Mitigation measures 4.7-A-1 and 4.7-D-5 were changed to update information on a recently prepared Memorandum of Understanding (MOU) and a Memorandum of Agreement (MOA), respectively. Changes to mitigation measure 4.7-B-1 clarified the language regarding tree protection. Mitigation measure 4.7-D-3 was removed as it was the same as mitigation measure 4.7-D-2. Timing of a mitigation measure was clarified by changes to mitigation measure 4.8.1-G. The elimination of two

mitigation measures (DSEIR, 4.8.2-B and 4.8.2-C) relating to cultural resources does not change the conclusion that the impact, with mitigation, is less than significant and does not increase the level of impact whatsoever. As the changes constituted clarification or amplification of existing language, and environmental conclusions were not changed, recirculation of the DEIR is not required.

9. **FINDING: RECORD OF PROCEEDINGS.** Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the Monterey County Planning and Building Inspection Department, the Secretary of the Planning Commission, and the Clerk to the Board are the custodian of the documents and other material that constitute the record of proceedings upon which the Monterey County Board of Supervisors action is based.

EVIDENCE:

- a. Planning and Building Inspection file PLN030204, staff reports to the Subdivision Committee, Planning Commission and Board of Supervisors, minutes and record of Subdivision Committee, Planning Commission and Board of Supervisors proceedings, and other documents and materials constitute the record of proceedings upon which the Board of Supervisors bases its actions contained herein.
- b. The documents and other material that constitute the record of proceedings are located at Monterey County Planning and Building Inspection Department, 168 W. Alisal Street, Salinas, CA 93901.

10. **FINDING: FISH AND GAME FEE.** Considering the record as a whole, there is evidence that the Project may have the potential for an effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code.

EVIDENCE:

- a. For purposes of the Fish and Game Code, the Project will have a potentially significant adverse impact on the fish and wildlife resources upon which the wildlife depends.
- b. The administrative record as a whole indicates the Projects could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. There is evidence that the Project, as a whole at build-out, will have the potential for some effect either individually or cumulatively on wildlife resources, including native or non-native plant life, rare and unique plant life, threatened, protected, special status or endangered plants or animals or their habitats, or biological diversity as defined under Sections 759.2 and 711.2 of the Fish and Game Code. Therefore, this project is not subject to a de minimis exemption and the applicants are required to pay the Fish and Game fee for an EIR.
- c. Section 4.7 of the EIR discusses specific impacts related to biological resources.
- d. Materials and documents contained in File No. PLN030204.

11. **CONCLUSION.** In accordance with Public Resources Code Section 21081 and CEQA Guidelines, Section 15091, the Board of Supervisors finds as follows:

EVIDENCE:

- a. Based on the foregoing Findings and the information contained in the record, the County hereby makes one or more of the following findings with respect to each of the significant environmental effects of the Project:
 - 1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (Findings 2, 3 and 4); or
 - 2) Specific economic, legal, social, technological, or other considerations, including that some of the mitigation measures are under the jurisdiction of another agency, made infeasible some the mitigation measures or alternatives identified in the Environmental Impact Report (Findings 4 and 6).
- b. Based on the foregoing Findings and the information contained in the record, the Board of Supervisors finds that:
 - 1) All significant effects on the environment due to the approval of the Project will be eliminated or substantially lessened where feasible through the incorporation and implementation of mitigation measures (Findings 3 and 4).
 - 2) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Finding 7.
- c. These findings are based on the Draft and Final EIR #04-04, Greater Monterey Peninsula Area Plan, Mitigation Monitoring Plan and Conditions of Approval for the East Garrison Project, Development Agreement, comments from other responsible agencies and the public received on the Draft EIR, testimony before the Subdivision Committee, the Planning Commission and the Board of Supervisors during public hearings, staff analysis and commentary, and the administrative record as a whole.

DECISION

IN VIEW OF THE ABOVE FINDINGS AND EVIDENCE AND STATEMENT OF OVERRIDING CONSIDERATIONS, the Monterey County Planning Commission recommends that the Board of Supervisors certify the Final Subsequent Environmental Impact Report (EIR#04-04), adopt the foregoing findings for the East Garrison Specific Plan project (PLN030204) based on changes to the Project and Mitigation Measures as noted in the Condition Compliance and/or Mitigation Monitoring Reporting Plan and presented to the Board of Supervisors on August 16, 2005, and adopt the Mitigation Monitoring and Reporting Plan, attached hereto as Attachment A and incorporated herein by reference.

PASSED AND ADOPTED on this 13th day of July, 2005, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote, to-wit:

AYES:
 NOES:
 ABSENT:

By _____
DALE ELLIS, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON: