

Volume III

University Villages Specific Plan Final Environmental Impact Report

Prepared for:

City of Marina

Prepared by:

EIP Associates
353 Sacramento Street, Suite 1000
San Francisco, CA 94111

May 2, 2005

Volume III

University Villages Specific Plan Final Environmental Impact Report

Prepared for:

City of Marina

Prepared by:

EIP Associates

May 2, 2005

Table of Contents

Page

1. INTRODUCTION

1.1	Background.....	1-1
1.2	How to Use This Report	1-2

2. LIST OF COMMENTERS

2.1	Draft Environmental Impact Report Commenters	2-1
-----	--	-----

3. RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

3.1	Introduction	3-1
1.	Nicolas Papadakis, Executive Director, Association of Monterey Bay Area Governments (letter dated March 10, 2005)	3-2
2.	Kathleen Ventimiglia, University Architect, California State University Monterey Bay (letter dated April 1, 2005)	3-4
3.	David Murray, Chief, Regional Planning/Development Review, California Department of Transportation (letter dated March 30, 2005)	3-7
4.	Colin Gallagher, (email dated April 1, 2005)	3-24
5.	Gary A. Patton, Executive Director, LandWatch Monterey County (letter dated March 27, 2005)	3-33
6.	Marc A. Lucca, P.E., Deputy General Manager/District Engineer, Marina Coast Water District (letter dated March 31, 2005)	3-42
7.	Kimberly Cole, Senior Planner, City of Monterey (letter dated March 31, 2005)	3-48
8.	Jean Getchell, Supervising Planner, Monterey Bay Unified Air Pollution Control District, (letter dated March 28, 2005)	3-51
9.	Enrique M. Saavedra, P.E., Senior Transportation & Development Engineer, Monterey County Department of Public Works (letter dated March 31, 2005)	3-68
10.	Rob Corley, Consultant to the School District, Monterey Peninsula Unified School District (Memorandum dated April 1, 2005)	3-71
11.	Louis Dell'Angela, Community Development Director, City of Seaside (letter dated March 30, 2005)	3-87

Page

12. Robert D. “Dan” O’Brien (letter dated March 30, 2005)	3-102
13. Mike Owen (letter dated March 31, 2005)	3-106
14. Wm. Reichmuth, P.E., Executive Director, Transportation Agency for Monterey County (letter dated March 30, 2005)	3-111
15. Jan Shriner (letter dated March 31, 2005)	3-117
16. Zeke Bean (letter received April 1, 2005)	3-120

APPENDIX

Exhibit 1:	David A. Yount, Director Strategic Development Center, City of Marina (letter dated April 15, 2005)
Exhibit 2:	David Murray, Chief, Regional Planning/Development Review, California Department of Transportation (letter dated April 19, 2005)
Exhibit 3:	Anthony Altfeld, City Manager, City of Marina (letter dated September 3, 2004)
Exhibit 4:	Marc A. Lucc, P.E., Deputy General Manager/District Engineer (April 27, 2005)

Section 1

Introduction

1.1 BACKGROUND

Draft Environmental Impact Report

A Draft Environmental Impact Report (DEIR) was prepared for the City of Marina to disclose potential environmental effects of the University Villages Specific Plan. The DEIR included a description of the proposed project, an assessment of its potential effects, and a description of possible mitigation measures to reduce significant effects that were identified in the DEIR. The DEIR determined that the significant and unavoidable effects of the University Villages Specific Plan include the following:

- The Proposed Project would generate emissions of criteria air pollutants.
- The Proposed Project would temporarily increase noise levels during construction.
- Ten of the study intersections would operate at an unacceptable LOS under background plus project phase 1 traffic conditions.
- Four of the study roadway segments would operate at an unacceptable LOS under background plus project Phase 1 traffic conditions.
- Eight of the study intersections would operate at unacceptable LOS under background plus Proposed Project buildout traffic conditions.
- Five of the study roadway segments would operate at an unacceptable LOS under background plus Proposed Project buildout traffic conditions.

As required under CEQA, the DEIR also provided a description and evaluation of reasonable alternatives to the project (No Project – No Alternative, Reduced Housing Alternative, and Reduced Commercial Alternative) that would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project.

In accordance with the California Environmental Quality Act (CEQA), the DEIR was distributed for public review and comment. The public review period for the DEIR began February 14, 2005 and ended March 30, 2005, according to the timeframe set by the State Clearinghouse. During this timeframe, the document was reviewed by various State, regional, and local agencies, as well as by interested organizations and individuals. Sixteen comment letters were received during the review period.

Responses to Public Comments

This Responses to Comments document includes responses to comments on the DEIR raised during the public review period. The responses substantiate and confirm the analyses contained in the DEIR. No new substantial environmental impact and no increase in the severity of an impact identified in the DEIR have surfaced in responding to the comments.

The previously released DEIR, this Responses to Comments document, and a separately-bound volume containing staff-initiated text changes and the Mitigation Monitoring Program, together constitute the Final Environmental Impact Report (Final EIR) for the University Villages Specific Plan. The City must certify the Final EIR before final approval action can be taken on the project. Certification requires that the Lead Agency make findings that the Final EIR complies with CEQA. In this case, because of the two significant and unavoidable effects, the City as lead agency must also make findings of overriding consideration.

1.2 HOW TO USE THIS REPORT

This document addresses substantive comments received during the public review period and consists of three sections: (1) Introduction; (2) List of Commentors; and (3) DEIR Comments and Responses. Section 1 reviews the purpose and contents of this Responses to Comments document. Section 2 lists the public agencies, organizations, and individuals who submitted comment letters on the DEIR. Section 3 contains each comment letter and the responses to these comments. In Section 3, specific comments within each comment letter have been bracketed and enumerated in the margin of the letter. Responses to each of these comments follow each comment letter. For the most part, the responses to comments provide explanation or additional discussion of text in the DEIR. In some instances, the response or change supersedes or supplements the text of the DEIR for accuracy or clarification. Where text changes to the DEIR are included in the responses to comments, text to be omitted is formatted as ~~strikeru~~ text and text additions are formatted as underlined text. Such text changes to the DEIR, as well as the Mitigation Monitoring Program, will be included in a separately bound Volume IV.

Section 2

List of Commenters

2.1 DRAFT ENVIRONMENTAL IMPACT REPORT COMMENTERS

Written Comments

Comment letters on the DEIR were received from 16 different agencies, organizations, and individuals, as listed below. The number associated with each listed entity corresponds to the comment letters included in Section 3, Comments and Responses.

1. Nicolas Papadakis, Executive Director, Association of Monterey Bay Area Governments (letter dated March 10, 2005)
2. Kathleen Ventimiglia, University Architect, California State University Monterey Bay (letter dated April 1, 2005)
3. David Murray, Chief, Regional Planning/Development Review, California Department of Transportation (letter dated March 30, 2005)
4. Colin Gallagher, (email dated April 1, 2005)
5. Gary A. Patton, Executive Director, LandWatch Monterey County (letter dated March 27, 2005)
6. Marc A. Lucca, P.E., Deputy General Manager/District Engineer, Marina Coast Water District (letter dated March 31, 2005)
7. Kimberly Cole, Senior Planner, City of Monterey (letter dated March 31, 2005)
8. Jean Getchell, Supervising Planner, Monterey Bay Unified Air Pollution Control District, (letter dated March 28, 2005)
9. Enrique M. Saavedra, P.E., Senior Transportation & Development Engineer, Monterey County Department of Public Works (letter dated March 31, 2005)
10. Rob Corley, Consultant to the School District, Monterey Peninsula Unified School District (Memorandum dated April 1, 2005)
11. Louis Dell'Angela, Community Development Director, City of Seaside (letter dated March 30, 2005)
12. Robert D. "Dan" O'Brien (letter dated March 30, 2005)
13. Mike Owen (letter dated March 31, 2005)
14. Wm. Reichmuth, P.E., Executive Director, Transportation Agency for Monterey County (letter dated March 30, 2005)
15. Jan Shriner (letter dated March 31, 2005)
16. Zeke Bean (letter received April 1, 2005)

Section 3

Responses to Written Comments on the Draft EIR

3.1 INTRODUCTION

Written comment letters are reproduced in this section, followed immediately by responses. Discrete comments from each letter are denoted by a vertical line and numbered. Responses follow each comment letter or statement and are enumerated to correspond with the comment number. Response 2.1 for example, refers to the response for the first comment in Comment Letter #2.

AMBAG

ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

Letter 1

RECEIVED

MAR 23 2005

BY: _____

FAXED
3-23-05

APR 08 2005

March 10, 2005

Ms. Christine di Iorio
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

REVISED
→

Re: MCH# 020532- Notice of Availability of Draft Environmental Impact Report for University Villages Specific Plan

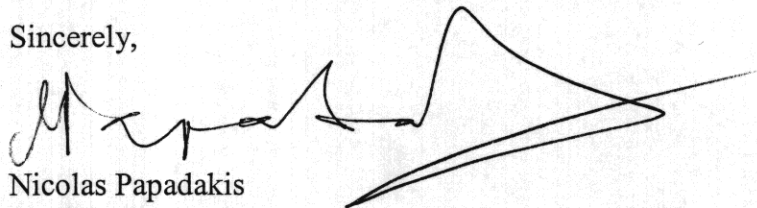
Dear Ms. di Iorio:

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

- 1.1 The AMBAG Board of Directors considered the project on **March 9, 2005** and has no comments at this time.

Thank you for complying with the Clearinghouse process.

Sincerely,



Nicolas Papadakis
Executive Director

1. Association of Monterey Bay Area Governments

- 1.1 The City of Marina appreciates the review and consideration of the project by the Association of Monterey Bay Area Governments.

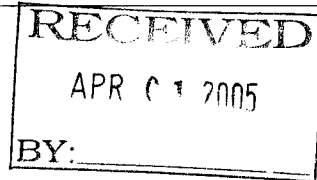


CALIFORNIA STATE UNIVERSITY
Monterey Bay
CAMPUS PLANNING & DEVELOPMENT

100 CAMPUS CENTER, BUILDING 84A
SEASIDE, CA 93955-8001
CP&D 831-582-3709
D&C 831-582-5061 • FAX D&C 831-582-3545
CP&SM 831-582-5061 • FAX CP&SM 831-582-4436
WWW.CSUMB.EDU

Letter 2

April 1, 2005



Ms. Christine di Iorio
Marina Strategic Development Center
265 Reservation Road, Suite E
Marina, CA 93933
Fax: 284-7063

RE: University Villages Specific Plan Environmental Impact Report

Dear Ms de Iorio:

Thank you for the opportunity to comment on the University Villages Specific Plan Environmental Impact Report. California State University Monterey Bay (CSUMB) offers the following comments on stormwater management and traffic issues.

Storm Water

- 2.1 Mitigation HY 5.1 should be restated to reflect that resolution of this issue must be between the city of Marina, University Villages, and CSUMB. CSUMB is requesting that the language of the mitigation measure be enhanced to ensure that the University will have *review, consultation and/or agreement* on this prior to issuance of a grading permit. Additionally, CSUMB should have an opportunity to review and comment on the conceptual drainage plans that were not included in the EIR in order to coordinate planning and agreement on this issue. We concur conceptually that stormwater runoff originating from the CSUMB campus would not be interrupted by the Proposed project's demolition of existing drainage infrastructure, as indicated below.

Page 3.6-19

HY-5.1 'Prior to the issuance of grading permits that would affect those drainage facilities supporting CSUMB, the developer shall demonstrate to the satisfaction of the City Engineer that the phasing and timing of the drainage improvements have been coordinated with CSUMB.'

Traffic

- 2.2 We are in concurrence that the improvements to intersections 17 and 18 are a 'shared contribution' as listed in multiple locations in the draft EIR. We look forward to engaging in negotiations to finalize the cost sharing of these improvements.

Page 3.10-49

2.2
cont'd

TR-1.8 (a) Signalize 4th Avenue (this is **General Jim Moore**)/1st Street intersection (#17) and add a NB and SB left turn lane. (Shared Contribution) OR (b) Install a modern roundabout at the 4th Avenue/1st Street intersection (#17) (Shared Contribution).

TR-1.9 (a) Signalize the General Jim Moore Boulevard/1st Street intersection (#18) (Shared Contribution) OR (b) Install a modern roundabout at the General Jim Moore Boulevard/1st Street intersection (#18) (Shared Contribution).

2.3

TR-3.9 indicates some improvements on CSUMB property. This has not been discussed with the campus previously. We are ready to discuss this with University Village's developers, but feel it must be resolved prior to finalizing CEQA certification. State law and trustees policy require that any property rights transferred or granted to any other entity for uses by other than the state, including easements or licenses, must be compensated at Fair Market Value, so as not to constitute an illegal gift of public funds. Any such grant of easement rights or other non-fee title property rights that provide exclusive benefits to non-CSU users or other entity must be compensated at fair market value.

Page 3.10-61

TR-3.9 Widen the EB and WB approach at the 2nd Avenue/Light Fighter Drive intersection (#20) to provide a second EB left turn lane and a WB right turn lane; re-stripe the SB approach to one left, one through and left and one right turn lane and change the N/S signal phasing to split phasing and SB right turn overlap phasing.

Page 3.10-69

We request additional language to be added as noted in bold, to clarify the following:

2.4 'As part of the CSUMB network changes, 4th Avenue, **or its re-alignment**, would be realigned at **or near the current intersection of 8th Street and California Avenue**. Fifth Avenue would be realigned to the intersection of Imjn Road and 8th Street to create the primary access to the CSUMB campus from the north.'

CSUMB would be pleased to have an opportunity to meet with you to discuss these traffic and storm water related issues.

Sincerely,



Kathleen Ventimiglia, AIA
University Architect

C: Niraj Dangoria, John McCutcheon, David Rosso, Dan Johnson, Steve Reed, Kevin Saunders, Denise Freeman

2. California State University Monterey Bay

- 2.1 The commenter requests that Mitigation Measure HY 5.1 on page 3.6-19 of the EIR be revised to ensure coordination between California State University Monterey Bay (CSUMB), the City of Marina, and the University Villages developers. The commenter also requests that CSUMB have opportunity to review and comment on conceptual drainage plans in order to coordinate planning and agreement on drainage patterns from the Proposed Project. The comment is noted, and Mitigation Measure HY 5.1 on page 3.6-19 in the DEIR has been revised as follows to clarify the process for drainage plan review to ensure coordination with CSUMB:

HY 5.1 Prior to the issuance of grading permits that would affect those drainage facilities supporting CSUMB, the developer shall provide CSUMB and the City of Marina Engineer the drainage plans for review, consultation, and/or agreement. The developer shall demonstrate to the satisfaction of the City Engineer that the phasing and timing of the drainage improvements have been coordinated with CSUMB.

- 2.2 TR-1.8 incorrectly refers to intersection #18 (the 4th/General Jim Moore/3rd Street intersection) as “the 4th Avenue/1st Street intersection” in Table S-1 of the DEIR (page S-23). The same mislabeling occurs on page 3.10-49. This will be corrected in the FEIR. Mitigation measures TR-1.8 and TR-1.9 have been included in the City of Marina Draft Capital Improvement Program (CIP) and their implementation will be finalized through coordination between the City of Marina and CSUMB.
- 2.3 TR-3.9 has been included in the City of Marina Draft CIP and its implementation will be finalized through coordination between the City of Marina and CSUMB. However, if property rights preclude or render this mitigation measure infeasible, it would not be implemented, and the impacts on intersection #19 would remain significant. This potential was disclosed in the DEIR at p. 3.10-48.
- 2.4 The traffic study for the Proposed Project recognized the proposed CSUMB 2004 Master Plan network changes as stated on 3.10-69 of the DEIR. The reference to the realignment of 4th Avenue at or near the current intersection of 8th Street and California Avenue is noted.

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>

Letter 3

*Flex your power!
Be energy efficient!*

March 30, 2005

Christine di Iorio
City of Marina – Project Planner
211 Hillcrest Avenue
Marina, CA 93933

UNIVERSITY VILLAGES SPECIFIC PLAN – DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Ms. Christine di Iorio:

The California Department of Transportation (Department) District 5 has reviewed the Draft Environmental Impact Report (EIR) for the University Villages Specific Plan project. The mixed-use development site consists of 420 acres with plans to phase stages of the development. The development proposed on the property includes 760,000 square feet of office/research space and 750,000 square feet of retail space, 1,237 new housing units, a transit esplanade, and either a 500 room hotel with convention center, an additional 160,000 square feet retail space or an additional 277,042 square feet of office space. District 5 staff offers the following comments for your consideration:

1) There is a lack of consistency in the results of the different exhibits. Exhibit 9B indicates 33.2% of the project generated vehicle trips will travel northbound and 24.1% will travel southbound on Route 1 south of the Route 1/Lightfighter Drive Interchange. Exhibit 9B also shows 7.4% of the project generated vehicle trips will travel northbound and 12.4% will travel southbound on Route 1 north of the Route 1/Reservation Road Interchange. However, a review of Exhibit 7C indicates:

- 3.1
- a) 25% of the project generated vehicle trips will be traveling northbound and southbound on Route 1 south of the Route 1/Lightfighter Drive Interchange.
 - b) 14% of the project generated vehicle trips will be traveling northbound and southbound on Route 1 north of the Route 1/Reservation Road interchange.

Exhibit 9B and 7C should be consistent with one another. Exhibit 7C shows a 25/14 split while 9B is shows a 29/10 split.

- 3.2
- 2) The DEIR does not fully disclose the impacts this project may have on the State Highway System (SHS). CEQA guidelines define this project as one of Statewide, Regional, or Area-wide significance. However, the traffic study only provides analysis limited to the city limits of the Lead Agency. The DEIR fails to provide an adequate traffic analysis of the SHS or local street network within the adjacent jurisdictions including the County of Monterey, and the Cities of Monterey, Seaside, and Salinas. The following information has been extracted from the provided exhibits.

3.2

cont'd

- a) Exhibit 9B shows *project build-out* will result in 1,726 AM and 3,146 PM peak hour trips traveling on Route 1 south of the Route 1/ Light Fighter Drive Interchange.
- b) Exhibit 9B shows *project build-out* will result in 664 AM and 1,056 PM peak hour trips traveling on Route 1 north of the Route 1/ Reservation Road Interchange.
- c) Exhibit 7C shows *project build-out* will result in 1,571 AM and 2,717 PM peak hour trips traveling on Route 1 south of the Route 1/ Light Fighter Drive Interchange.
- d) Exhibit 7C shows *project build-out* will result in 877 AM and 1,534 PM peak hour trips traveling on Route 1 north of the Route 1/ Reservation Road Interchange.
- e) Exhibit 9B shows *project build-out* will result in the generation of 114,586 Average Daily Trips (ADT). In comparison, the Rancho San Juan project is estimated to generate 79,487 Average Daily Trips (ADT). As proposed, this project will generate 35,000 Average Daily Trips, or approximately 44% more trips, than Rancho San Juan.

The traffic study limited its research to the 2 interchanges and 3 segments of Route 1 within the City of Marina. Depending on which exhibit is relied, the traffic study completely ignored the 2,717 – 3,146 peak hour trips traveling Route 1 south of the Route 1/Lightfighter Drive interchange as well as the 1,056 – 1,534 peak hour traveling Route 1 north of the Route 1/ Reservation Road interchange. This deficiency in the study results in several thousand project-generated peak-hour trips not being accounted or analyzed for traffic impacts to the State Highway System and local street network. The traffic study needs to provide the appropriate analysis by disclosing where all these trips are going to or coming from. The appropriate analyses should include interchanges, ramps, mainline, and signalized intersections. CEQA guidelines require “full disclosure.” The failure to disclose the impacts of several thousand peak hour trips is a violation of CEQA and prevents reviewers from having a complete picture of the project trip distribution, making it virtually impossible to identify what locations need to be addressed. In the Department’s response letter to the Notice of Preparation (NOP) for this project dated October 13, 2004, in Item #6, staff recommended the components of the SHS the study need to address. This was again stated in the October 29, 2004 TAMC NOP comment letter. This study has failed to analyze its area of potential impact and we reiterate that the sphere of influence should include:

3.3

- a) Route 1 from Carmel to the Monterey County/Santa Cruz County line
- b) Route 101 from the southern Salinas City limits to the Monterey County/San Benito County line
- c) Route 68 West
- d) Route 68 East
- e) Route 218
- f) Route 183
- g) Route 156

3.4

The potential impacts of this development had been identified in the Initial Study and are contained in the Environmental Checklist of Appendix A (Item 15b, Page 62). This Item states “At a minimum, it is anticipated that the proposed project would exceed the level of service (LOS) standard established by The Department for Route 1.” However, the traffic study did not evaluate Route 1 (including interchanges) based upon the Department adopted threshold of “C/D” cusp. Although this acceptable LOS was specifically stated to the Lead Agency in our

3.4 cont'd ↑ October 13, 2004 NOP comment letter as well as the October 29, 2004 TAMC NOP comment letter, the consultant incorrectly used LOS D.

3) The Mitigation Measures Section of Volume I (page 3.10.48) states that the mitigation measures would require cooperation from an agency or jurisdiction other than the City of Marina and are, therefore, outside the jurisdiction of the City of Marina to implement, enforce, and monitor. Therefore, as to The Department, City of Seaside, and Monterey County, if the controlling agency chooses not to implement the measures, the intersections (also roadways and interchanges) would be significantly impacted by the proposed project. The city concludes that the measures either have been adopted, or can and should be adopted by those agencies. If not, the impacts are significant and unavoidable.

This statement contradicts section 15097 of the CEQA Guidelines. The Lead Agency is required to implement, enforce, and monitor mitigation measures via a Mitigation Monitoring Program as required by CEQA. The CEQA Guidelines in Title 14, Chapter 3, Section 15000 *et seq.*, of the California Code of Regulations, contain provisions for local agencies' monitoring and reporting of mitigation measures imposed on projects for which a mitigated negative declaration ("MND") or an environmental impact report ("EIR") has been prepared pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, "CEQA"). The Lead Agency is solely responsible for complying with CEQA. A Lead Agency must comply with CEQA when the agency proposes to approve this type of project and mitigation measures shall be enforced through permit conditions, agreements, or other measures.

3.5

The City of Marina may not rely on responsible agencies or other agencies to execute their statutory duties for them. In approving projects, lead agencies must consider adopting whatever feasible mitigation measures are within their authority and power, even if the environmental resources in question are also subject to the jurisdiction of another agency with subsequent permitting authority. (*Citizens for Quality Growth, supra*, 198 Cal.App.3d at p.443, fn.8; CEQA Guidelines § 15091, subd.(c).)

The City of Marina makes land use decisions, approves development, approves conditions of approval, approves tentative maps, issue building permits, and issue occupancy permits. The Department, City of Seaside, and the County of Monterey do not have this authority for a City of Marina project. It is incumbent upon the Lead Agency to place the appropriate conditions of approval on this project and prepare a Mitigation Monitoring Program as part of the Final Environmental Impact Report (FEIR).

As a reminder of the CEQA Guidelines, the Department staff includes the following:

"CEQA GUIDELINES - 15097. Mitigation Monitoring or Reporting."

a) This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency **shall** adopt a program for monitoring or reporting on the

revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; **however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.**

"15091. Findings

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) 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 final EIR.

(2) Such changes or alterations 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.

(3) 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.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes, which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material, which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

"Discussion: This section brings together statutory, regulatory, and case law requirements dealing with findings which an agency must make before approving a project for which an EIR was prepared. The statute in Section 21081 provides that a separate finding must be made for each significant effect. This section avoids the problem of agencies deferring to each other, with the result that no agency deals with the problem."

3.5
cont'd

4) Mitigation Measures identified as Significant & Unavoidable (SU) per Volume I pages S-23 to S-29:

- 3.6 a) TR 2.1 – Widen Route 1 north-bound (NB) Off-Ramp at 12th Street (#5) to a two-lane ramp. This is project specific to Phase 1 (LOS D under *background* to LOS F under *background + Phase 1* and *background + buildout*). The Department standards require that an auxiliary lane accompany a two-lane off-ramp. Therefore, in order for the construction of the two-lane ramp improvement to meet the Department standards, inclusion of an auxiliary lane will be a condition of approval.
- 3.7 b) TR 2.2 – Widen Route 1 south-bound (SB) on-ramp at 12th Street (#6) to a two-lane ramp. The two-lane on-ramp will need to be constructed to the Department standards as a condition of approval. This is project specific to Phase 1 (LOS D under *background* to LOS E under *background + Phase 1* and LOS F under *background + buildout*).
- 3.8 c) TR 2.2 – Widen Route 1 SB on-ramp at 12th Street (#6) to a two-lane ramp. The two-lane on-ramp will need to be constructed to the Department standards as a condition of approval. This is project specific to Phase 1 (LOS D under *background* to LOS E under *background + Phase 1* and LOS F under *background + buildout*).
- 3.9 d) TR 3.2 – Convert Route 1 SB off-ramp to become an off-ramp loop at the Route 1 SB ramps/12th Street intersection. This is project specific to project build-out (LOS C under *background + Phase 1* to LOS F under *background + buildout*). This mitigation measure does not “Fix” the background + project build-out LOS F condition (please see the discussion on page 3.10-59 of Volume I), therefore additional project specific mitigation will be required to bring this intersection back to an LOS “C/D” cusp condition. The improvement will need to be constructed to the Department standards as a condition of approval.
- 3.10 e) TR 3.3 – Widen Imjin Parkway and 2nd Avenue at the 2nd Avenue/Imjin Parkway intersection (#9) to provide third NB and west-bound (WB) left turn lanes; add a second NB and east-bound (EB) right turn lanes, add a second EB left turn lane, a third EB and WB through-lane, add a SB right turn lane, and convert the SB and NB signal phasing to a right turn overlap. This is project specific to project buildout (LOS D under *background + Phase 1* to LOS F under *background + project build-out* conditions). This mitigation measure does not “Fix” the LOS E condition under cumulative conditions (LOS D under *background + project build-out* with the above mitigation measure in place to LOS E under cumulative conditions), therefore an additional cumulative mitigation measure that this project is responsible for a “fair share” contribution towards will be required to bring this intersection back to an LOS “C/D” cusp condition. This intersection is not under the jurisdiction of the Department, however due to the close proximity of this intersection to the Route 1/ 12th Street Interchange, operations will be compromised. It is imperative that the Lead Agency conditions this project to develop and construct the appropriate mitigation measures at this intersection.

- 3.11 f) TR 4.1 – Widen Route 1 south of Light Fighter Drive Interchange to an eight lane freeway or provide a Route 1 NB auxiliary lane. This is project specific to project buildout (LOS D under *background + Phase 1* to LOS E under *background + project build-out*). This mitigation measure needs to identify how far south on Route 1 the 8 lanes will be required. The improvement will need to be constructed to the Department standards as a condition of approval.
- 3.12 g) TR 6.1 – Widen Route 1 between the 12th Street and Light Fighter Drive Interchanges to an eight lane freeway or provide a Route 1 NB auxiliary lane. The EIR identifies this as a project “fair share” contribution (LOS D under *background + Phase 1* and *background + project build-out* to LOS E under cumulative conditions). The improvement will need to be constructed to the Department standards as a condition of approval.
- 3.13 h) TR 6.2 – Widen the Route 1 NB off-ramp at Light Fighter Drive to a two-lane ramp. The Department standards require that an auxiliary lane accompanies a two-lane off-ramp. Therefore, the construction of an auxiliary lane needs to be included as a condition of approval. The EIR identifies this as a “fair Share” contribution. The Department disagrees, as this is project specific to project buildout based upon maintaining the LOS “C/D” cusp standard. (LOS C under *background + Phase 1* to LOS D under *background + buildout* to LOS E under cumulative conditions).
- 3.14 i) TR 6.3 – Widen the Route 1 SB on-ramp at Light Fighter Drive to a two-lane ramp. The two-lane on-ramp will need to be constructed to the Department standards. Therefore, the construction of the improvement to the Department standards needs to be included as a condition of approval. The EIR identifies this as a project “fair share” contribution. The Department disagrees, as this is project specific to project buildout based upon maintaining the LOS “C/D” Cusp standard (LOS C under *background + Phase 1* to LOS D under *background + buildout* to LOS F under cumulative conditions).
- 3.15 j) At any of the sites of multiple improvements, the Department expects to review single Project Study Reports (PSR), and the elimination of segmentation of projects.
- 3.16 5) The analysis at the Route 1/12th Street Interchange and 2nd Avenue/Imjin Parkway intersection appears inadequate. Given the close proximity between the Route 1/12th Street Interchange and the 2nd Avenue/Imjin Parkway intersection, the assumption that the NB ramp intersection will continue to operate under free-flow conditions at level of service (LOS) “A” with the addition of 3,626 pm peak hour trips under *project + build-out* conditions may not be correct. For example, under the *background + project build-out* PM peak-hour scenario, the traffic study needs to show how 3,070 trips via two (2) travel lanes (908 from the Route 1 SB off-ramp and 2,162 from the Route 1 NB off-ramp) are going to merge, diverge, or weave into two (2) left turn lanes, three (3) through lanes, and two (2) right turn pockets within a very short distance. The 12th Street/ Route 1 NB Ramps, 12th Street/ Route 1 SB Ramps, and Imjin Parkway/2nd Avenue intersections need to be analyzed as a complete system, rather than isolated intersections. A detailed queue analysis is needed to determine if the queue lengths will effect the operations of the adjacent intersections, and if so, what the appropriate mitigation measures are. The analysis will also need to explain

3.16 how the 2nd Avenue NB to WB Imjin Parkway triple left turn movement will transition into a dual
cont'd left turn movement onto SB Route 1.

3.17 6) A merge/diverge analysis was not completed as part of the freeway analysis and is needed to determine if Route 1, in conjunction with the on and off-ramps, can function at an appropriate level of service. For example, under the *background + project build-out* PM peak hour scenario, Exhibit 14B shows 1,865 pm peak hour trips making the WB left turn movement onto SB Route 1. The traffic study shows a two-lane on-ramp is required, however an analysis was not done to show if Route 1 is capable of receiving the 1,865 trips. A merge analysis would disclose this information.

3.18 7) The Traffix worksheet for the PM cumulative analysis shows 2,321 pm peak hour trips will be turning right from the Route 1 NB off-ramp at 12th Street using a single lane via a free right turn movement. This is an over-capacity condition, as a single lane cannot physically handle 2,321 vehicle trips in an hour. Additional mitigation is required at the ramp terminus.

8) The assumptions used for the signalized intersection analysis at the intersection of Imjin Parkway/2nd Avenue are also of concern to the Department. The actual levels of service reported in the DEIR may be worse than shown for the following reasons:

3.19 a) The cycle length used in the analysis is not long enough to satisfy the required pedestrian crossing times. Intersections with multiple through, left, and right turn lanes become so wide that pedestrian crossing times impede efficient intersection operations.

b) Every approach has a right turn overlap phase. In doing so, this prohibits all vehicles from making a U-turn at this intersection. If the Lead Agency does not prohibit the U-turn movement(s), then the right turn overlap phase cannot be implemented.

c) The assumption that triple left turn lanes will operate under protective phasing may not be appropriate. Typically, triple left turn lanes operate under split phase control because the offset required to clear the opposing left turn movement cannot be satisfied.

9. The DEIR does not provide a discussion on several issues related to the Fort Ord Reuse Authority (FORA) Fee Program and the projects contained within it. These include:

3.20 a) Whether or not this project will be paying into the FORA Fee Program,

3.21 b) A list of projects within the FORA CIP,

3.22 c) A list of mitigation measures not included in the FORA CIP, and

3.23 d) A list of the mitigation measures that will be necessary beyond those identified in the FORA CIP.

Please find attached the Department's letter of February 11, 2005, commenting on the FORA Development Fee Reallocation Study.

Due to the serious nature of the inadequacies of this EIR and its associated traffic analysis, the California Department of Transportation - District 5, is requesting a formal scoping meeting to resolve issues of undisclosed traffic impacts on state transportation facilities related to the University Villages Specific Plan project. As owner operator of the State Highway System, it is the Department's responsibility to maintain the integrity of the ramp and mainline system. We request the Lead Agency schedule a scoping meeting with the Department, as defined in CEQA section 21083.9, to discuss assumptions and trip generators. This meeting is requested per the provisions of the California Public Resources Code Section 21083.9 [a] [1].

- 3.24 Upon receipt of this letter you have thirty (30) calendar days to convene a formal scoping meeting. We will also notify the State Office of Planning and Research (OPR) and request that they assist in conducting the meeting as provided in Section 15082(c) of the Guidelines for California Environmental Quality Act, California Code of Regulations, Title 14, Chapter 3. OPR may notify other affected agencies in order to give them an opportunity to participate in the scoping process.

If we do not hear from you by April 15, 2005, the Department will make arrangements with OPR to conduct the scoping meeting and notify you of the date, time, and location.

Thank you in advance for your consideration and action upon these issues. If you have any questions or would like to discuss this matter further, please contact me at (805) 549-3168.

Sincerely,



DAVID MURRAY, Chief
Regional Planning/Development Review

Attachment

3. Department of Transportation

- 3.1 As stated in the DEIR on page 3.10-29, Proposed Project Trip Distribution and Assignment, the Association of Monterey Bay Area Governments (AMBAG) regional model trip distribution for the Fort Ord Reuse Authority (FORA) Marina traffic superzone was used to determine the origins and destinations of estimated trips to be generated by the University Villages Specific Plan. The commentor references Exhibit 9B from the Traffic Impact Study Report, which is Figure 3.10.10 of the DEIR, entitled “Project Trip Distribution.” This figure shows the extent of the study area and the percentages of inbound and outbound project trips as derived from the AMBAG regional model. Figure 3.10.6 of the DEIR, Level of Service Road Segments, (referenced as Exhibit 7C by the commentor) shows anticipated traffic volumes, adjacent and immediately to the south and north of the project site, based on average distribution percentages as assigned to the study area road segments, including Highway 1, for each of the analysis scenarios.

The percentages referenced by Caltrans (25 percent and 14 percent) were percentages derived by Caltrans from the two-way traffic flow of project trips on Highway 1, adjacent and immediately to the south and north of the project site (using Figure 3.10.6 of the DEIR of the University Villages Specific Plan traffic analysis). The percentages derived by Caltrans were compared to Figure 3.10.10 of the DEIR which contains the projected percentages of outbound trips and inbound trips on the boundaries of the study area, based on the AMBAG model. The AMBAG model provides the trip distribution percentages based on what are called “Superzone Boundaries”. The percentages shown on Figure 3.10.10 reflect AMBAG’s percentages based on these “superzone” areas. The AMBAG model does not provide an indication of what the percentages would be on specific roads, but only what the percentages would be based on the trips to each of the “superzone” areas. In order to analyze the impacts from the project on the surrounding road network, percentages had to be assigned to specific roads based on engineering judgment. Therefore, it is not appropriate to directly compare the percentages of project trips from Figure 3.10.6 with the percentages shown on Figure 3.10.10, as Figure 3.10.10 shows a generalized trip distribution.

- 3.2 The FORA Reuse Plan EIR is a program level EIR as discussed on pages 1-2 and 1-3 of the DEIR.

As stated in Section 1.3 of the Fort Ord Reuse Plan EIR, pages 1-3 to 1-4, it was intended to serve as the program level EIR, and the project-specific analysis would tier off of it. The Fort Ord Reuse Plan EIR contained an extensive analysis of the Regional Roadway Network (see, e.g., pages 4-94 to 4-119). Most importantly, the Reuse Plan was drafted to incorporate policies and programs specifically intended to mitigate the impacts on the regional roadway system. The mitigation was as follows:

Street and Roadways Policy A-1: FORA and each jurisdiction with lands at former Fort Ord shall coordinate with and assist TAMC in providing funding for an efficient regional transportation network to access former Fort Ord.

Program A-1.1: FORA and each jurisdiction with lands at former Fort Ord shall provide a funding mechanism to pay for Fort Ord's share of impact on the regional transportation system.

Program A-1.2: FORA and each jurisdiction with lands at former Fort Ord shall identify specific transportation issues that affect former fort Ord and support and participate in regional and state planning efforts and funding projects to provide an efficient regional transportation effort to access former Fort Ord. (Fort Ord Reuse Plan EIR, p. 4-109.)

These policies are implemented through the FORA CIP program. As explained in the 2003 FORA CIP program in Section I.6, TAMC "conducted a regional transportation study during the development of the FORA [Base Reuse Plan.] The TAMC study concluded in defining the financial contribution required of FORA to be applied to not only the on-site Fort Ord transportation roadways, but also the percentage of financial obligations required of FORA to be applied on roadways outside Fort Ord based upon the projected traffic demands of the proposed development under the [Base Reuse Plan]."

On March 25, 2005, the FORA Fee Reallocation Study was by TAMC in order to further assess and reprioritize the local and region improvements needed to address future growth. This is discussed further below.

The University Villages Specific Plan DEIR is a project specific EIR intended to give the lead agency information regarding specific site environmental issues. Similarly, the University Villages Specific Plan traffic analysis was prepared within the framework of the Base Reuse Plan traffic study. The FORA Reuse Plan thus provided the program level regional traffic impact environmental assessment for subsequent FORA redevelopment projects, such as the University Villages Specific Plan.

The AMBAG model was used to establish the distribution patterns for the project trips, as well as the cumulative FORA and other adjacent project trips. This is a key element of the traffic study and reduced the assumptions the analyst had to make regarding trip distribution. Recent comparison of trip generation volumes for the FORA Reuse Traffic Study and the University Villages Specific Plan traffic study indicates very similar estimates for daily trip generation and peak hour trip generation for the cumulative development of the Fort Ord Redevelopment Area.

The following diagram shows the extent of the FORA Reuse Traffic Impact Study and how the University Villages Specific Plan traffic study area fits into it to reflect the program and project level traffic studies.

current land use and circulation plans. The regional impacts that have been identified in the FORA study were mitigated by the improvements identified in the table below. Therefore, the Proposed Project's payment of the FORA development impact fees satisfies its fair share contribution towards regional infrastructure improvements.

EXHIBIT A Existing and Proposed FORA Fee Allocation			
Project ID	Project Description	Adopted FORA CIP	Proposed Fee Reallocation
Regional Improvements			
R3	Hwy 1-Seaside Sand City	\$8,061,764	\$15,282,247
New	Hwy 1- Monterey Road Interchange		\$2,496,648
R6	Hwy 68 Bypass Fwy	\$22,741,732	
New	Hwy 156 - Freeway upgrade		\$7,092,169
New	Hwy 68 Operational Improvements		\$223,660
R9	Hwy 218 Widening	\$2,053,054	
Subtotal Regional		\$32,856,550	\$25,094,724
Off-Site Improvements			
1	Davis Rd n/o Blanco	\$7,016,254	\$506,958 [a]
2	Davis Rd New Bridge	\$2,557,091	
New	Davis Rd, s/o Blanco		\$8,654,502
3b	Widen Bridge, Blanco to Alisal	\$5,706,893	
4c	New 4 lane from Res to Watkins Gt	\$6,397,294	\$3,813,916 [b]
New	Widen Reservation, Watkins Gt to Davis		\$2,216,321
5	Del Monte-Seaside & Monterey	\$4,308,005	
6	Del Monte-Marina	\$5,102,561	
8	Crescent Ave	\$906,948	\$906,948
Subtotal Off-Site		\$31,995,046	\$16,098,644
On-Site Improvements			
FO1 [b]	Gateway & Misc Safety Improvements	\$5,330,485	
FO2	Abrams	\$759,570	\$759,570
FO4	Blanco/Imjin Connector	\$5,139,375	
FO5	8th Street	\$4,092,120	\$4,340,000 [c]
FO6	Intergarrison	\$4,796,750	\$4,260,000 [d]
FO7	Gigling	\$4,058,395	\$5,722,640 [d]
FO8 [e]	2nd Ave	\$0	
FO9	General Jim Moore Blvd	\$3,480,995	\$24,065,000 [f]
FO11	Salinas Ave	\$3,038,277	\$3,038,277
FO12	Eucalyptus Rd	\$3,192,565	\$5,800,000 [d]
FO13	Eastside Rd	\$5,490,162	\$12,536,370
New	South Boundary Road upgrade (remains 2 lanes)		\$2,515,064
Subtotal On-Site		\$39,378,694	\$63,036,921
Grand Total		\$104,230,290	\$104,230,290

Footnotes

[a] New project includes widening only south of Hwy 183 bridge to Blanco.

[b] Project # FO1: \$1,102,139 in 2006/07 is to be applied to the East Garrison Gateway Improvement Project. The \$469,816 per year nine-year distribution (2007/08-2015/16) is to be applied to continue any necessary safety and rehabilitation improvements.

[c] New project extends from 2nd Ave. to Intergarrison rather than from US101.

[d] New cost estimate.

[e] Project # FO8: FORA's obligation on this project (\$6.6 mil.) is already met and the project has been constructed.

[f] New project includes 4-lane widening from Normandy to McClure.

With regard to the project's contribution to Route 1 traffic, referenced on the top of page two of the comment letter, in subparagraphs a) through d), the City notes that the project's contribution is as noted on Exhibit 7C of the Traffic Impact Study Report (Figure 3.10-6 of the DEIR). The project's contribution at buildout for the am and pm peak hour on the Route 1 roadway segments is the difference between volume density figures comparing "Background Conditions" [the second column with the yellow heading] and the

“Background + Project Buildout Conditions” [the fourth column with the yellow heading]. The commenter correctly notes to total estimated daily trips from the project – 114,586 ADT.

- 3.3 As stated in Response 3.1, the traffic study was prepared within the framework of the Base Reuse Plan. The FORA Reuse traffic study provided the regional traffic impact assessment for the University Villages Specific Plan. Furthermore, as part of the updated FORA Traffic Impact Fee Reallocation Study, regional improvements were identified for Highway 156 and Highway 68. The Regional Improvements are listed in Response to Comment 3.2. The improvements are further described in Table 2 on page 25 of the FORA Fee Reallocation Study. As part of the FORA CIP, contributions will be made towards these regional improvements, including the amount of \$17,778,895 to mitigate the FORA projects’ impact on Highway 1. Through the payment of the FORA traffic impact fee, the University Villages Specific Plan thus contributes to the mitigation improvements on Highway 1.
- 3.4 The majority of the study road network and study intersections fall within the Transportation Agency for Monterey County (TAMC) Congestion Management Plan (CMP) area. The level of service (LOS) “D” or better has been adopted as the level of service goal for the TAMC CMP road network. Highway 1, in the proximity of the Marina University Villages Project site, falls in the TAMC CMP where LOS D or better is applicable as the required operational standard. This LOS issue was discussed and agreed to at the April 15, 2005 meeting with Caltrans and TAMC staff.
- 3.5 The City of Marina is currently preparing a Mitigation Monitoring Program (MMP) pursuant to Section 15097 of the CEQA Guidelines, which will be prepared prior to the certification of the Final EIR and will thus become affective upon certification. However, the MMP need only outline the implementation for measure which are ultimately imposed in accordance with Guideline 15091(a)(1). The requirements obviously do not apply to mitigation measures which are the subject of findings made under either Guideline 15091(a)(2) or 15091(a)(3). (See Guideline 15097(a), first sentence.) If the City Council chooses to approve this project, it will first make all necessary and appropriate findings under CEQA Guideline 15091, and as to all mitigation measures as to which findings under Guideline 15091(a)(1) are made, the corresponding MMP provisions will be adopted.

As to the commenter’s suggestion that the finding authorized under Guideline 15091(a)(2), it should be noted that the City of Marina does not have concurrent jurisdiction over Route 1. Pursuant to the California Streets and Highway Code, Section 90, Caltrans “shall have full possession and control of all state highways.” Further, Caltrans “shall determine the kind, quality, and extent of all highway work done under its control....” For this reason, the City of Marina does not have concurrent jurisdiction over Route 1. The City of Marina met with Caltrans, TAMC, the City of Seaside, and Monterey representatives on April 22, 2005 to review and confirm the recommended improvements and estimated

implementation timing as part of the preparation of the MMP. It should also be noted that the determination of the project specific improvements and contributions to mitigation improvements will be finalized through the disposition and development agreement between the City of Marina and Marina Community Partners.

Furthermore, the City of Marina is in the process of updating its CIP so that it will include the mitigation improvements identified in the project DEIR traffic study that are within the Marina city limits. It was also agreed at the April 22, 2005 meeting with Caltrans that the cost for the preparation of a Project Study Report (PSR) for the Highway 1/ 12th Street interchange would be included in the Marina CIP. Furthermore, the City concurs that the implementation of the proposed mitigations for both the Highway 1 northbound off-ramp (TR-2.1) and southbound on-ramp at 12th Street (TR-2.2) will require coordination with the Department of Defense, FORA, and Caltrans. The implementation of the mitigation improvements recommended in areas outside the City of Marina jurisdiction will be negotiated and coordinated with the relevant agencies, where possible.

- 3.6 The specific design requirements for this improvement will be addressed in the PSR. Please see Response to Comment 3.5.
- 3.7 The specific design requirements for this improvement will be addressed in the PSR. Please see Response to Comment 3.5.
- 3.8 The specific design requirements for this improvement will be addressed in the PSR. Please see Response to Comments 3.5 and 3.9.
- 3.9 The operational deficiency at the southbound off-ramp at the 12th Street interchange has been identified under existing and background traffic conditions. The signalization of this ramp intersection would improve the operating conditions until background plus Project Buildout when additional improvements would be required. The conversion of the southbound off-ramp at the 12th Street interchange would be required due to the conflicting southbound and westbound left turn movements at the intersection. The conversion to a free-flow southbound off-ramp with a capacity of 1,500 vehicles per hour (based on the Caltrans Highway Design Manual) would be adequate. The City concurs that the implementation of the proposed mitigation measure for both the Highway 1 southbound off-ramp (TR-3.2) at 12th Street will require coordination with the Department of Defense, FORA, and Caltrans to determine the appropriate improvements within the surrounding constraints. This will be evaluated further with the preparation of the PSR for the Highway 1/12th Street interchange that will be commissioned in due course.
- 3.10 The Imjin Parkway and 2nd Avenue intersection falls under the jurisdiction of the City of Marina, with a target LOS standard of “D” or better. Therefore, this intersection is anticipated to operate at an acceptable level of service at background plus Phase 1 condition with mitigation. For background with project buildout conditions, the recommended mitigation measures would improve the Imjin Parkway/2nd Avenue

intersection from LOS “F” to “E.” There are no feasible intersection improvements that could avoid or substantially lessen the significant effect for cumulative conditions. The City intends to implement the proposed mitigation for the Imjin Parkway/2nd Avenue intersection (TR-3.3) in coordination with FORA and Caltrans to determine the appropriate improvements within the surrounding constraints. Furthermore, based on the Department’s concern about the operations at the Imjin Parkway/2nd Avenue intersection, it was agreed at the meeting that due to the close proximity of the Highway 1/12th Street interchange and the Imjin Parkway/2nd Avenue intersection, the segment on Imjin Parkway and 2nd Avenue as well as the intersection would be included in the PSR.

- 3.11 The LOS of Highway 1 south of Lightfighter Drive is estimated to degrade from a “D” to “E” with background plus Project Buildout. In accordance with CEQA Guidelines Section 15126.4 (a)(1), the DEIR identified improvements that could minimize significant adverse impacts. The City recognizes that the suggested 8-lane/Auxiliary lane improvements to Highway 1 are likely not feasible. As explained in the DEIR at page 3.10-62, given the lack of funding and other constraints, these measures would be speculative. In addition, the California Coastal commission was in opposition to Highway 1 widening at the time of the Fort Ord Base Reuse Plan. Further, while \$17,778,895 of FORA CIP funding has been reallocated to Highway 1 improvements, these improvements do not include widening the Highway to 8 lanes in this location or adding an auxiliary northbound lane. Ultimately, the lead agency will need to determine whether the remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.
- 3.12 Please see Response to Comments 3.3, 3.5, and 3.11 as it relates to improvements to Highway 1. For the same reasons as set forth in Response to Comment 3.11, the widening of Highway 1, or the addition of an auxiliary northbound lane is not to be feasible at this time. The commenter states that this has been identified as “a ‘fair share’ contribution”. The DEIR at page 3.10-76 recognizes that this is an infeasible measure, and therefore has based its conclusions and analysis on the assumption that it will not be implemented.
- 3.13 The City concurs that the implementation of the proposed mitigation for the Highway 1 northbound off-ramp (TR-6.2) will require coordination with FORA, Caltrans, and City of Seaside during conceptual and detail design of the Highway 1/Imjin Parkway interchange to determine the appropriate improvement given constraints. This will be studied as part of the PRS. Also, please see Response to Comment 3.4 as it relates to level of service.
- 3.14 Please see Response to Comments 3.13 which is applicable to this comment as well.
- 3.15 The Department’s comment is noted. It was also agreed at the April 22, 2005 meeting with Caltrans that the cost for the preparation of a PSR for the Highway 1/12th Street interchange would be included in the Marina CIP.

- 3.16 The specific design requirements for this improvement will be addressed in the PSR. Please refer to Response to Comment 3.8.
- 3.17 Sufficient design information was not available at the time that the University Villages Specific Plan traffic study was prepared to perform a detailed merge/diverge study. However, a merge/diverge analysis will be performed during the conceptual and detail design as part of the PSR for future improvements to the Highway 1/12th Street interchange.
- 3.18 The Highway 1 northbound off-ramp is shown in cumulative conditions as a two-lane off-ramp. A two-lane off-ramp with a capacity of 1,500 vehicles per hour per lane (based on the Caltrans Highway Design Manual) would be adequate to accommodate the 2,321 vehicle trips in an hour.
- 3.19 The Department's concern regarding cycle length and pedestrian clearance/crossing times is noted. The analyses were performed for the worst case scenario and median refuge areas would be provided on all approaches to accommodate signal timing and pedestrian movements. These aspects will be addressed in the PSR. Also, please see the Response to Comment 3.8.
- The concerns raised regarding right turn overlap phasing and u-turning vehicles are noted. However, it is not anticipated that there will be a significant number of u-turning vehicles. This situation will be monitored and u-turns prohibited if it negatively effects the operation of this intersection.
- The Department's comment regarding triple left turn lanes is noted and will be taken into consideration during the detail signal design of the improvement. However, triple left turn lanes operating under protected phasing is not uncommon.
- 3.20 The University Villages Specific Plan shall be subject to paying the FORA Impact Fees. Also, please see Response to Comment 3.2.
- 3.21 A list of the FORA regional improvements can be found on page 3.10-70 of the DEIR. Also, a table showing the list of improvement projects identified in the FORA Fee Reallocation Study, adopted on April 8, 2005 is included in Response to Comment 3.2.
- 3.22 The project specific and other mitigation measures required is listed in Figures 3.10-5a, 3.10-5b and 3.10-7 of the DEIR. The traffic study includes a discussion of each mitigation measure recommended at the end of each traffic scenario chapter as well as in the Conclusion and Recommendations Chapter. The traffic study was included in the DEIR as Appendix F.
- 3.23 Please refer to Response to Comment 3.22.

- 3.24 Representatives of the City, TAMC, and the cities of Seaside, Monterey, and Marina met with Caltrans on April 15 and 22, 2005, to discuss the adequacy of the traffic study for the University Villages Specific Plan and the need for additional scoping. Caltrans staff concluded that discussions to date have satisfied the City's obligation to address Caltrans and TAMC comments and the request for the scoping meeting is being held in abeyance pending Caltrans' completion of its review of the draft Mitigation Monitoring Program. A copy of the letter from Doug Yount, Director, City of Marina Strategic Development Center, to David Murray, Chief, California Department of Transportation, April 15, 2005, and the letter from David Murray to Doug Yount dated April 19, 2005 are included as Exhibits 1 and 2, respectively, in the Appendix.

From: Janet Jacinto [mailto:jjacinto@ci.marina.ca.us]
Sent: Monday, April 04, 2005 9:43 AM
To: Michael Kay
Cc: Christine Di Iorio
Subject: FW: Comment on University Villages Specific Plan Draft Environmental Impact Report

-----Original Message-----

From: Colin Gallagher [mailto:pcvcolin@yahoo.com]
Sent: Friday, April 01, 2005 1:49 PM
To: cdiiorio@ci.marina.ca.us; dyount@ci.marina.ca.us
Cc: Colin Gallagher
Subject: Comment on University Villages Specific Plan Draft Environmental Impact Report

Colin G. Gallagher, RPCV

3158 Eucalyptus St., Apt. 2

Marina CA 93933

April 1, 2005

City of Marina Strategic Development Center

Christine di Iorio, Project Manager

211 Hillcrest

Marina CA 93933

Dear Ms. di Iorio ~

This letter is submitted as a summary of my comments on the University Villages Specific Plan Draft EIR. I ask that these comments, numbered below, be incorporated and addressed by subsequent EIR documents (amended draft and Final EIR). Regardless, please note that there are comments within this letter, that will need to be addressed on or before the April 14, 2005 Planning Commission hearing. I may have further comments upon review of the staff report, and at this time, I am formally requesting that a copy of any future environmental documentation, such as an amended Draft EIR, any amendments or supplements to existing studies and reports (e.g., biological, traffic, archaeology), and a copy of the Final EIR with any Final EIR technical appendices be sent to my address or . I would also like to receive a copy of the staff report to the City Council as soon as it is available.

Hopefully these comments will help City staff identify key issue areas for which further effort, project alterations, and City action will be needed in order to ensure that the maximum benefit to the Marina community through the implementation of the project. While any necessary adoption of final environmental documentation and subsequent project decision(s) are the responsibility of the City Council, it is my sense that in order for the Planning Commission to have adequate information in hand for its recommendation, the following items should be addressed prior to the Planning Commission hearing.

- 4.1 A. A project of this size, and scope, cannot be looked at in the same way as can smaller projects, with respect to the price structure for housing. When we look at CEQA Guidelines Section 15021 (Duty to Minimize Environmental Damage and Balance Competing Public Objectives), we must be very careful (within the context of these large projects) to consider in particular subsections (b) and (d), which read:
- "In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors."
- "CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." In looking at the Draft EIR, there is not enough economic information provided to adequately assess whether the project would truly do its part in meeting the difficult goal of helping to provide "a decent home and satisfying living environment for every Californian." This goal can be summarized in one word: Equality.
- The citizens of Marina and the people of Monterey County must be given equal advantage in terms of ability to make offers and ultimately to purchase the homes that will be built.
- 4.2 1. No information is shown in the Draft EIR relating to project price ranges and estimated percentage of profit obtained by the developer. No condition or mitigation or any recommendation is offered which would afford the residents of Marina or of Monterey County the right to make the first offer on these units. Marina does not need another Seaside Highlands in terms of pricing, where we saw essentially all of the units go initially at 500,000 while people bought and turned them around for 800,000 and 900,000. While it would be premature at this point to develop precise price ranges for all of the units in the development, general price ranges must be developed that ensure that the units which are "workforce" and those which are completely subject to conditions of the market, e.g., market rate, have an estimated price schedule disclosed through either an amended Draft EIR (if one is created in the future), or as part of the Final EIR. The generalized price ranges should be expressed as a **schedule** within the Final

4.2
cont'd

EIR, that is to say, there should be different price range estimates shown based on a range of potential approval **dates**. Absence of generalized price range schedules for market rate units and absence of anticipated percentage of net profit for the developer would not constitute full disclosure as intended by CEQA, for this large project.

4.3

2. The prices will have a direct impact upon traffic because for such a large development, if a significant portion of the homes are market rate (e.g., typical "Seaside-Highlands" initial going rates of \$500,000 or above), the combination of speculative investors and out-of-area buyers acquiring these units will result in exclusion of local area residents, as opposed to the desired goal of "equality" as embodied in Section 15021 of the CEQA Guidelines. In the project as currently proposed, where 70 percent of the the total units produced will be at or above this market rate, the general exclusion radius (a radius delimiting those areas where average households would be unable to purchase a University Villages unit) would extend from the project site all the way south to Sand City and all the way north just past the current boundary of Marina. Thus, a majority of owners would come from, or live within, areas which are greater than 3 miles from the project site, and as well from areas far outside of the County. This places the project at risk for significant growth-inducement and commuter traffic from out-of-area buyers (e.g., those who lived for example in San Jose and purchase in University Villages while commuting to their workplace in Silicon Valley) and increases the possibility of absenteeism. (The basis for establishing this exclusion radius is a map produced by Shea Properties showing that within a three-mile radius of the project site, the area is dominated by average household incomes within the ranges of {30,000 - 44,999} and {45,000 - 59,999}). Assuming a target population in the high end (60,000 annual household income) and a 27% household income expenditure on rent or mortgage (as was calculated for the Peninsula during the most recent Census), the highest supportable monthly mortgage for the area would be between 1400 and 1500 dollars. This leads to the inevitable conclusion that the design of the project must be changed to accommodate a higher density of development so as to facilitate unit development in the 300,000 - 400,000 range as a major (not a minor) percentage of the overall unit construction projections. When the unit density is changed, the traffic study should be amended to contemplate any resulting implications for additional traffic volumes and distributions. There should also be changes as needed to the hydrological analyses in the Draft EIR to disclose any additional impacts of additional units, and, if necessary, alterations to proposed project phasing so as to ensure that adequate well or desal water will become available as the units are built. (Scroll Down to Page Following)

- A. Significant amounts of information are presented regarding traffic impacts of the proposed development. Based on review of California Department of

Transportation (CA DOT) February 11, 2005 comments to the Transportation Agency of Monterey County (TAMC) regarding the FORA Development Fee Reallocation Study, and based on the CA DOT March 30, 2005 comment on the University Villages Specific Plan Draft EIR, the following basic conclusions can be made, based on CA DOT expert comment (as shown in quotations below):

- 4.4 1. "Changes made to transportation facilities" that improve access to Fort Ord "are project-specific in nature," and project applicants should be required to fund the cost of interchanges, and possibly other traffic-related improvements, "as a condition of project approval."
- 4.5 2. In limiting research to "2 interchanges and 3 segments of Route 1 within the City of Marina," the traffic study is deficient. In effect, it fails to account for "several thousand project generated peak-hour trips (...) (on) the State Highway System and local street network." In a strongly worded comment, the CA DOT stated that this **"failure to disclose the impacts of several thousand peak hour trips is a violation of CEQA and prevents reviewers from having a complete picture of the project trip distribution, making it virtually impossible to identify what locations need to be addressed."**
- 4.6 a. Until this issue is addressed - by using the AMBAG three-county regional model to develop trip distribution figures, amending the existing traffic study accordingly, and until the new study and conclusions are provided to the Commission with a staff summary - until that time, it would be inappropriate for the Planning Commission to make recommendations regarding the DEIR, as the Commission would be acting without knowledge of the scope of the actual project impacts. (According to a peer review of the traffic study by Hexagon dated March 22, 2005, "the traffic study should have been completed using the AMBAG model.")
- 4.7 b. Assuming this information can be made available to Commissioners and members of the public prior to the Commission hearing, it is possible that these issues could be adequately analyzed by the Commission and ultimately by the Council. However, a rush to render a decision on the project without implementing the above recommendations would pose a severe detriment to the public, the Commission, and the Council in terms of ability to analyze the impacts of the project. The public would remain uninformed as to the actual scope of the impact of the project; the Commission would be acting without actual knowledge of the real data and thus, the City Council would not have the benefit of seeing recommendations from the Commission which appropriately address topics of project mitigation.
- c. Again, without first re-doing the traffic study (and re-assessing appropriate conclusions and mitigations) per the above recommendations, the whole decision-making process for the project would be compromised by the problems with the traffic study. One solution to this, if the new traffic information (and conclusions with any new mitigations) are not available prior to the April 14, 2005 Planning Commission hearing date, would be

4.7

cont'd

to consider the item, but to defer making a recommendation on any traffic issue until the next available special or regular Planning Commission hearing.

3. Without the amended traffic study and further consultation with the CA DOT, it is really unknown what the appropriate mitigations will need to be regarding Highway 1 widening. A few of my questions follow. None of them are answered by the Draft EIR. The below questions, for the reasons already mentioned, can only be adequately answered after the traffic study is re-done and the new conclusions and mitigations are reviewed again by the CA DOT. Furthermore, if the project density is increased, as was suggested through my comment in section (A)(2) on page 2 of this letter, then the traffic study should not be redone until the new number of units is known. That being said, here are the questions:

4.8

- a. To what extent is the widening of Highway 1 in actuality needed both north and south of the project?
- b. What are the bridges and interchanges that would be affected by the widening?
- c. What is the exact mechanism of funding of all highway and improvements?

4. The existing traffic study "has failed to analyze (the project's) area of potential impact." The statements of both the CA DOT and TAMC in their respective (October 2004) Notice of Preparation letters, as well as in the more recent CA DOT comment on the Draft EIR, made clear that the sphere of influence assessed needs to be much broader than that already utilized for the traffic study. The CA DOT recommendations cannot be whisked away like so much fluff and dander. The CA DOT "reiterates," and I concur, that "the sphere of influence should include:"

4.9

- a. Route 1 from Carmel to Monterey County / Santa Cruz County line
- b. Route 101 from the Southern Salinas City limits to the Monterey County / San Benito County line
- c. Route 68 West
- d. Route 68 East
- e. Route 218
- f. Route 183
- g. Route 156

5. It is clear that the ability of Marina citizens to access the Seaside, Monterey, Pacific Grove, and Big Sur coastal towns using Highway 1 south (and the ability of those communities to access Marina using Highway 1 north) would be severely compromised by the project as currently proposed. An unmitigated effect of "traffic grinding to a halt" at peak hours is simply unacceptable and does nothing for our citizenry except put at risk the economic vitality that is the direct result of the existing speed of interaction between Marina and adjacent coastal communities. If that interaction, in terms of **speedy and**

expeditious traffic movement **at peak hours** going north and south on Highway 1, is not **absolutely assured** through **appropriate mitigations**, the desirability and ultimately the economy of the locale will suffer as a direct result of the project. Cost and feasibility are certainly considerations as well - for the project applicant, they are just as much of a concern as they are for the potential home buyer. In that vein I would like to see an analysis in the EIR documentation of the following:

- 4.10
- a. What is the (economic and environmental) feasibility of:
 - 1. Widening Highway 1 (in certain sectors both north and south of the University Villages project boundary) from six to eight lanes, as opposed to
 - 2. Widening Highway 1 (in certain sectors both north and south of the University Villages project boundary) from six to seven lanes (where a seventh lane would be open to southbound traffic in the morning and open to northbound traffic in the evening)?
 - 3. Adding Bus-Rapid-Transit (bus lane only, upon or adjacent to old railroad tracks, or adjacent to Highway 1) to either of the above options as a mitigation?

- 4.11
- b. What is the (economic and environmental) feasibility of:
 - 1. Widening Highway 1 (in certain sectors both north and south of the University Villages project boundary) from four to six lanes (based on the Project Study Report developed by CALTRANS to widen Highway 1 to six lanes, build a new interchange between Fremont Boulevard and Light Figher Drive interchanges, and make operational improvements at the Fremont Boulevard interchange), as opposed to
 - 2. Widening Highway 1 (in certain sectors both north and south of the University Villages project boundary) from four to five lanes
 - 3. Adding WestStart-CALSTART concepts (such as those shown at http://www.gobrt.org/BRT_An_Opportunity.pdf) to either of the above options as a mitigation?

Sincerely,

Colin G. Gallagher, RPCV

Tel.: (831) 883-9559

pcvcolin@yahoo.com

4. Colin Gallagher

- 4.1 The basic purposes of the California Environmental Quality Act (CEQA) are to (CEQA Guidelines Section 15002(a)): (1) inform decision-makers (lead agency) and the public about the potential significant environmental effects of proposed activities; (2) identify ways that environmental damage can be avoided or significantly reduced; (3) prevent significant unavoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the decision-makers find the changes to be feasible; and (4) disclose to the public the reasons why the decision-makers approved the project in the manner the agency chose if significant environmental effects are involved.

As further stated in CEQA Guidelines Section 15020, each public agency is responsible for complying with CEQA and the CEQA Guidelines and is responsible for the adequacy of its CEQA document. Part of the lead agency's duties are to avoid or minimize environmental damage where feasible (CEQA Guidelines Section 15021). Part of the consideration of whether there are feasible alternatives or mitigation measures available that would substantially lessen any identified significant effect the project would have on the environment, is for the lead agency's decision-makers to consider the specific economic, environmental, legal, social, and technological factors of those alternatives and/or mitigation measures prior to modifying the project (CEQA Guidelines Section 15021 (a) through (d)).

The EIR is not required to provide economic information for assessing whether the project would do its part in meeting the goal of helping to provide a decent home and satisfying living environment for every Californian. This is something outside of the requirements of CEQA and therefore, this EIR. This EIR must disclose to the decision-makers, agencies, and the public, any physical changes that might result in a significant effect on the environment and how those effects might be avoided or minimized.

In considering this EIR for certification and the project for approval, the City Council of City of Marina will take into consideration, as part of determining the feasibility of recommended alternatives and/or mitigation measures, economic, environmental, legal, social, and technological factors of those alternatives and/or mitigation measures prior to modifying the project.

- 4.2 The price of homes is an economic rather than an environmental issue. CEQA Guidelines Section 15131(a) states that "economic or social effects of a project shall *not* [emphasis added] be treated as significant effects on the environment." It is only where this can be traced through to actual physical effects that it is an environmental issue. As an example, the Court in the case of *San Franciscans for Reasonable Growth* (1989) [209.Cal.App.3d 1502, 1522] held that project-specific demands for additional housing in particular areas were social and economic issues, not environmental issues, and therefore, outside the

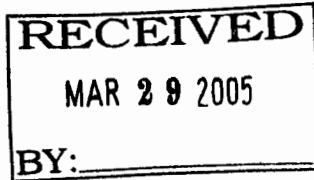
purview of CEQA. In assessing the benefits of the project, the affordability of housing may be a factor to weigh in the City Council's decision whether or not to adopt a Statement of Overriding Considerations. The cost of housing is not a physical change in the environment requiring analysis under CEQA and, therefore, providing price ranges and estimated percentage of profit to be obtained by the developer is outside of the scope of this EIR. The DEIR does, however, provide information on housing types and how the project would achieve the City's requirements for housing mix (including the City of Marina's Housing Element Inclusionary Housing Program, and the Fort Ord Reuse Plan). As stated on page 4-4 and shown in Table 4-2 in the DEIR, 20 percent of the Proposed Project residential units would be for Very Low, Low, and Moderate housing and 10 percent would be provided for affordable workforce housing for a total of 30 percent below market-rate housing. See also Response to Comment 4.1.

- 4.3 Please see Responses to Comments 4.1 and 4.2. The project, as proposed, meets the City's requirements for housing mix. The effects the Proposed Project has on traffic and circulation was evaluated and is included in Section 3.10 in the DEIR. Growth-inducing impacts of the Proposed Project are discussed on pages 4.2 through 4.7. Water supply is evaluated and presented in Section 3.9.

The Proposed Project analyzed in the DEIR is the currently proposed University Villages Specific Plan. If the decision-makers were to modify the project to change the residential unit density from that currently proposed, the environmental analysis in the DEIR would need to be evaluated to determine if it adequately evaluates the modified design, and modified as appropriate, if required.

- 4.4 The determination of project specific contributions to mitigation improvements will be finalized through the Development Agreement and the Disposition and Development Agreement between the City of Marina and the Project Applicant. Furthermore, development within the University Villages Specific Plan will be subject to paying the Fort Ord Reuse Authority (FORA) Impact Fees to address the project's cumulative impacts through construction of projects identified in the FORA Fee Reallocation Study and FORA Capitol Improvement Program (CIP). Also refer to Response to Comment 3.2.
- 4.5 The University Villages Specific Plan is just one of the many projects that are proposed on the former FORA land. At the time that the FORA Reuse Plan was implemented it went through the CEQA environmental review process. The anticipated regional traffic impact from all the FORA projects were evaluated as part of the Fort Ord Base Reuse EIR, certified in 1997. The traffic impacts identified at that point in time were used as the basis on which the FORA traffic impact fee and CIP, which is currently being updated as part of FORA Fee Reallocation Study. The Proposed Project shall contribute its fair share towards regional infrastructure improvements by way of payment of the FORA development impact fees. Also refer to Response to Comment 3.2.

- 4.6 The updated Association of Monterey Bay Area Governments (AMBAG) regional model was not available at the time of the preparation of the University Villages Specific Plan traffic study. However, the AMBAG regional model was used to establish the origin and destination of estimated trips to be generated by the development within the University Villages Specific Plan and to determine the future traffic forecasts. Furthermore, the consultant and the City of Marina staff corresponded with Transportation Agency for Monterey County (TAMC) and AMBAG staff prior to starting the preparation of the traffic study regarding the methodology that will be used in the preparation of the traffic study taking in to consideration that the AMBAG model was not yet available. The letter from the City of Marina dated September 3, 2004 to this extent is included as Exhibit 3 in the Appendix. It should be noted that the methodology used in the traffic study for the Marina University Villages Project could be considered as evaluating a conservative scenario based on the distribution-addition methodology. Please also see Responses to Comments 3.1, 3.2, and 3.24.
- 4.7 As discussed in Responses to Comments 3.1, 3.2, and 3.24, and discussed in subsequent meetings with Caltrans and other agency's staff on April 15 and 22, 2005, the traffic study has satisfied Caltrans and the request for the scoping meeting is being held in abeyance based on the review of the draft Mitigation Monitoring Program; no additional analysis is required. Also, please see Responses to Comments 3.2 and 3.4.
- 4.8 Please see Responses to Comments 3.3, 3.5, and 3.11.
- 4.9 Please see Response to Comment 3.2.
- 4.10 Please see Responses to Comments 3.3, 3.5, and 3.11 relative to Highway 1 improvements. As previously noted, the Proposed Project is subject to the FORA Impact Fee for its fair share contribution towards regional improvements related to the development of the Fort Ord Base Reuse Plan. Based on the updated FORA CIP and Fee Reallocation Study, adopted on April 8, 2005, for Highway 1 south of Lightfighter Drive it was concluded that a 6-lane facility is sufficient to accommodate future traffic growth.
- 4.11 Please see Response to Comments 3.3, 3.5, and 3.11 relative to Highway 1 improvements. As noted, Highway 1 between Fremont Boulevard and Highway 218 is currently identified in the FORA CIP to be improved from four lanes to six lanes based on existing and anticipated volumes. A 5-lane facility would not accommodate the anticipated traffic demand. Any other suggested mitigation in lieu of Highway 1 mainline widening should be directed to FORA for consideration and evaluation as part of its CIP.



March 27, 2005

Christine di Iorio, Project Manager
City of Marina Strategic Development Center
265 Reservation Rd., Suite E
Marina, CA 93933

RE: Draft EIR For University Villages Specific Plan

Dear Christine di Iorio:

LandWatch Monterey County has reviewed the Draft Environmental Impact Report (EIR) for the University Villages Specific Plan. The proposed project encompasses 420 acres. It would result in the demolition of 943 structures, and the construction of 1,237 residential units, 750,000 square feet of retail uses, 760,000 square feet of office/research uses, 500 hotel rooms, a transit esplanade, and parks and recreation facilities.

We have the following comments:

- 5.1 1. Aesthetics – A visual overlay of the proposed project for areas adjacent to Highway 1 should be provided so the finding of “less-than-significant” impact can be evaluated by the public and decision-makers.
- 5.2 2. Air Quality – Page 3.2-25 indicates that the project would have a significant impact on regional air quality generating operational emissions of 622 lbs/day of ROG and 583 lbs/day of NOx or over ½ ton per day of ozone precursor emissions. In addition to onsite mitigation measures identified in the DEIR, offsite mitigation measures should be identified and implemented.
- 5.3 3. Biological Resources – The DEIR, unlike EIRs for other projects on the former Fort Ord, does not provide information on the number or trees or acres of trees to be removed other than for oak woodland at 2.4 acres. Lacking that information, it is not possible to determine if the project would have a significant impact on Monterey Pines, coast live Oaks and Monterey cypress. Even a replacement of 2 to 1 will not mitigate the removal of mature trees in the near term. In addition to biological resource impacts, removal of mature trees could have a significant aesthetic impact. A biological survey of the number of trees or acres of trees to be removed should be completed prior to certification of the Final EIR.

- 5.4 4. Water Supply, Project Impact – The City of Marina disputes the Marina Coast Water District's (MCWD) findings pursuant to SB 610 and SB 221 that there is not a sufficient long-term water supply for the project. Further, the City disputes MCWD's conclusion that water from the Augmentation Project should not be considered available under provisions of SB 610 and SB 221. This disagreement among experts requires additional discussion which should be included in the FEIR. To assure the concurrent availability of water for the proposed project, a mitigation measure requiring project phasing based upon the availability of a long-term and sustainable water supply should be added.
- 5.5 5. Water Supply, Cumulative Impact – The cumulative project list (Page 3.9-32) includes Cypress Knolls, elementary and secondary schools, the Monterey Peninsula College Satellite campus, and the airport business park; it excludes Marina Heights and Marina Station. The DEIR states, "At this time it is not possible to fully determine the water supply needs of these potential developments; however, the Regional Urban Water Augmentation Project has identified a key objective of providing 2,400 AFY of water...." The DEIR concludes that because of possible water supply projects, the Proposed Project in combination with other projects would result in a less-than-significant cumulative impact. Reliance on unquantified cumulative project water demand and on potential water projects that have not been funded or are not under construction does not support a finding of less-than-significant cumulative impact.
- 5.6 6. Traffic – As stated in the DEIR, at buildout the University Villages development would add about 11,000 new vehicles to Marina's traffic in a single hour. Despite the size of this impact, the DEIR does not evaluate the impact that the proposed University Villages project would have on existing traffic conditions. Add to this new traffic the traffic that would be generated by the many other development projects being considered for the Marina area, and likely to be approved (East Garrison, Marina Station, CSUMB, etc.), and over 28,000 new vehicles would be added to Marina and the surrounding area in a single hour, even without Rancho San Juan. This is roughly the amount generated by a city of 40,000 persons – almost twice the current size of Marina.
- 5.7 To assess University Villages' impacts on the roadways and intersections in the area, the DEIR uses simple addition, rather than the sophisticated land use /traffic forecast simulation model currently used by AMBAG as the metropolitan transportation planning agency for the region. Unless compared to traffic forecasts produced by the AMBAG model, there is no way of knowing whether the simple addition approach used in the DEIR correctly predicts the amount of traffic on highways, streets and intersections around the project site, and LandWatch believes that it does not, and that traffic impacts are significantly understated. Even so, the impacts that the DEIR does identify are so large that they would require many very extensive (and expensive) construction projects to mitigate. For example, the DEIR recommends wider roadways and intersection capacity additions at up to 44 locations in Marina, Seaside

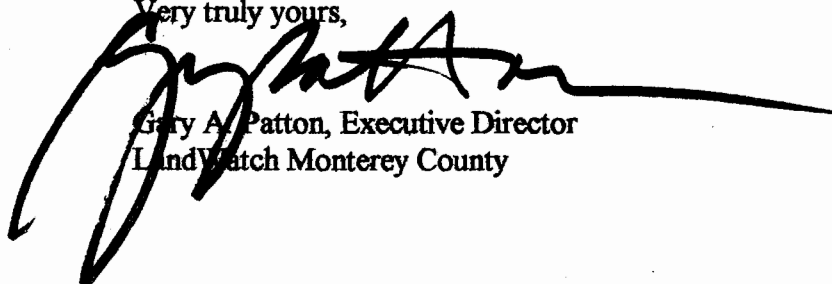
and elsewhere as mitigations for the cumulative traffic impacts of the University Villages development. One of these is to widen Highway 1 to up to ten lanes.

5.8 | Nowhere does the DEIR identify the funding necessary to pay for all those traffic mitigations. Nor does the DEIR identify an alternative which would reduce traffic impacts by scaling back the project, particularly its retail component which generates 54% of all traffic impacts. Unless a complete reworking of the EIR is undertaken, with respect to traffic impacts, the EIR will not be adequate under CEQA.

5.9 | 7. Public Services – The DEIR fails to address public services such as the availability of schools, libraries and police services. A section should be added to the environmental document that addresses public services.

Thank you for the opportunity to review the DEIR. As you can see from our comments, LandWatch believes that the current Draft EIR must be substantially revised, and recirculated, to comply with the mandates of the California Environmental Quality Act.

Very truly yours,



Gary A. Patton, Executive Director
LandWatch Monterey County

5. Land Watch

- 5.1 Section 3.1 (Aesthetics and Visual Resources) provides an analysis of the proposed University Villages Specific Plan on the visual environment. Views of the project site along Highway 1 are described in narrative form on page 3.1-2 in the DEIR, and there are eight photographs illustrating existing views from various locations along Highway 1. The photos show the location of existing buildings relative to Highway 1 and the extent of vegetation. Impact AE-1 on pages 3.1-13 through 3.1-16 in the DEIR discusses how views would change along Highway 1 from each of the viewpoints.

With regard to areas south of Imjin Parkway (Views 3 through 8), the DEIR concludes that existing buildings would be replaced with new buildings of similar or greater scale than existing development, but that intervening vegetation would help partially obscure views of new development. The DEIR (page 3.1-14) notes that buildings or portions of buildings located within 300 feet of the edge of pavement of the easternmost northbound lane of Highway 1 will be limited to 40 feet in height. Nonetheless, the DEIR does not conclude the impact would be less than significant, as suggested by the commenter, but that mitigation would be required to ensure changes in views from along Highway 1 would not be substantially altered. (See page 3.1-16 of DEIR.) This mitigation is in addition to the City's Design Guidelines and landscape setback requirements established in the Fort Ord Reuse Plan.

The proposed land uses along Highway 1 consist of Retail/Service and Office Research south of Imjin Parkway. For the Retail/Service and Office Research Uses, none of the buildings would exceed 40 feet in height. This is consistent with City zoning requirements, and all development would be reviewed through the City Design Review process for conformance with adopted design standards for such development. This process is summarized on pages 2-31 through 2-32 in the DEIR.

For these reasons, the City determined a "visual overlay" of new development south of Imjin Parkway would not provide any meaningful representation of changes in views from Highway 1 south of Imjin Parkway.

With regard to the proposed hotel location on a parcel that abuts Highway 1 north of Imjin Parkway, this structure could be as tall as 90 feet. Table 2-1 in the DEIR, which is based on the University Villages Specific Plan, indicates the proposed hotel is associated with an "Opportunity Phase" OP1A. As stated on page 2-29 in the DEIR, Opportunity Phases would be developed as market demand establishes the need. However, this statement is incorrect. The DEIR has been revised to read as follows:

Opportunity Phases. The areas in the *University Villages Specific Plan* area designated "Opportunity Phases" ~~would be developed together with their supporting infrastructure at such time as market demand establishes the need~~

must be completed within the phase they are identified. If they have the opportunity to be moved up into an earlier phase, then the developer would be allowed to do so.

The DEIR (page 3.1-15) states that the proposed hotel would be the Proposed Project's largest and most visible structure, and it would result in a substantial adverse effect on the viewshed by altering views of the Santa Lucia Range and the Monterey Peninsula. To date, the City has not received an application for development of the hotel, so there is no design detail for the hotel that can be used to scientifically illustrate scale, mass, or setbacks to provide meaningful evaluation of visual effects. Absent such information, it would be inappropriate and speculative to include a "visual overlay" of the hotel site in the DEIR. Because the impact was identified as significant, Mitigation Measure AE-1.2 was identified in the DEIR to require that visual simulations be prepared in conjunction with the Design Review process for that project.

- 5.2 This comment is similar to Comment 8.11 from the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The MBUAPCD was provided with a Notice of Preparation ("NOP") regarding the DEIR. The NOP indicated that the project was likely to cause operational emissions exceeding the thresholds of significance. The MBUAPCD responded to the NOP which suggestions as to the scope of the analysis. The MBUAPCD did not suggest the use of off-site mitigation measure or identify any adopted program for off-site mitigation. The commenter does not specify what off-site mitigation it proposes. In response to this comment and to MBUAPCD's Comment 8.11 and MBUAPCD's offer to provide assistance on this point, the EIP staff contacted MBUAPCD in order to determine what off-site mitigations were available for the Proposed Project. The MBUAPCD was contacted on April 14, 2005 and once again on April 15, 2005. MBUAPCD staff responded that they needed to meet internally to discuss this issue and would respond to the question with a return phone call during the early part of the week of April 18th. This week passed without EIP receiving a return call. The following week, a message was left with the MBUAPCD on April 25th and MBUAPCD staff was spoken to again on April 26th. MBUAPCD staff again responded that they would make a return call to answer this question. As of 12:00 PM on April 28, no return call had been received. Consequently, MBUAPCD has been unable to provide the necessary information which would allow the City to fully respond to this comment. More information must be obtained regarding the nature and cost of the off-site mitigation measures. EIP will continue to work with MBUAPCD staff to determine whether an appropriate off-site mitigation measure strategy may be feasible.
- 5.3 Page 3.3-17 through 3.3-19 in the DEIR specifically address numbers of Monterey cypress, Monterey pine, oak trees, and Eucalyptus trees within the University Villages Specific Plan. Appendix C in Volume II of the DEIR includes the detailed site tree inventory results. As stated on page 3.3-17 in the DEIR, "the University Villages Specific Plan establishes the overall program as to how these trees will be either preserved,

relocated or removed, and replaced.” The approach to mitigating potentially significant effects of tree loss as a result of the Proposed Project is described on pages 3.3-17 and 3.3-18. Impact BR-2 addresses the environmental effects of tree removal as it relates to wildlife habitat loss (second full paragraph on page 3.3-23). As stated in Mitigation Measure BR 2.2-2 on page 3.3-24, tree protection measures (or University Villages Specific Plan Tree Standards) will be implemented.

- 5.4 California Water Code section 10910 -10911 (as amended by SB 610) and Government Code section 66473.7 (as added by SB 221) both specifically permit water supply assessments, in the case of SB 610, and water supply verifications in the case of SB 221, to rely on planned future water sources when determining whether sufficient water exists to serve a project. (*See also Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2005) 127 Cal.App.4th 490, 510 [permitting the use of planned future water supplies to be analyzed to determine whether a project would significantly impact water supplies].) Water Code section 10910 requires a determination as to whether *available* water supplies are sufficient to serve the relevant project over a twenty year horizon. If available supplies are insufficient, then, pursuant to Water Code section 10911, the water supply assessment “shall include ... plans for acquiring additional water supplies, setting forth the measures that are being undertaken to acquire and develop those water supplies.” Based on this required information, the local government “shall determine, based on the entire record, whether *projected* water supplies will be sufficient to satisfy the demands of the project.” Similarly, Government Code section 66473.7 specifically permits water supply verifications to rely on “projected water supplies that are not currently available” when determining whether sufficient water exists to serve a project. On February 8, 2005, the California Court of Appeal upheld a lead agency’s reliance on long-term water supplies where the final availability of the water to serve a 22,500 unit project had not been confirmed but the future water supply had planned and had been evaluated pursuant to CEQA. (*See Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2005) 127 Cal.App.4th 490.) As was the case in *Vineyard Area Citizens*, the City may rely on the Regional Urban Water Augmentation Project as a source of future water supplies, a source of water that has been both adequately planned and fully evaluated in accordance with the California Environmental Quality Act (CEQA).

The commenter’s proposed mitigation measure is not required by CEQA. As set forth in the DEIR, there is sufficient current and future water supplies to serve the Proposed Project, as well as planned future uses. The City has determined that the Proposed Project’s impact on water supplies, both individually and cumulatively, are less than significant. Accordingly, there are not related significant impacts requiring additional mitigation.

- 5.5 Please see Response to Comment 5.4. When the City’s available water supplies are considered in conjunction with those future water supplies proposed by the Regional

Urban Water Augmentation Project, the entire record supports the City's determination that projected water supplies will be sufficient to satisfy the demands of the Proposed Project, in addition to planned future uses. The water demand associated with the Marina Heights project and planned future growth was considered in the Proposed Project's water supply assessment, which is incorporated into the DEIR and referenced in the body of text referred to by the commenter. The Marina Station project has provided its own water to serve that project, as described in the University Village Specific Plan Water Supply Assessment (WSA), and was also factored into the DEIR's water supply cumulative impact analysis.

- 5.6 Figure 3.10-20 of the DEIR depicts in detail the number of daily and peak hourly trips that the development of the Specific Plan area would generate. As shown on that figure, the total daily trips is 114,586. It should be noted that this total includes a total of 26,881 daily trips for land that was included in the Proposed Project based on the University Villages Specific Plan area that are not part of the University Villages project site. The Proposed Project itself would only generate 87,706 daily trips, including 4,545 AM peak hour trips and 8,155 PM peak hour trips. However, this does not take into account the additional 29 percent reduction that was applied by matching trip origins to destinations within the study area and adjacent developments. The final number of project only trips that were sent out to the region was 53,501 daily trips, including 2,772 AM peak hour trips and 4,975 PM peak hour trips for the Proposed Project and 16,397 daily trips, including 1,061 AM peak hour trips and 1,650 PM peak hour trips for the other land that was included in the University Villages Specific Plan area.

Existing conditions were assessed in the traffic study and the results reported in the study report (refer to 3.10-11 in DEIR). The traffic study also evaluated the traffic generated from approved projects within the area that will add to the traffic already on the roadway system (background), prior to development of the Proposed Project (refer to page 3.10-21 in DEIR). Finally, the study also analyzed the cumulative conditions. (DEIR pages 3.10-63 to 3.10-83.)

- 5.7 The Association of Monterey Bay Area Governments (AMBAG) model was not available at the time of the preparation of the University Villages Specific Plan traffic study. The project trip distribution used in this study was based on the available origin/destination matrices used in the AMBAG model to determine the future traffic forecasts. Furthermore, the consultant and the City of Marina staff corresponded with the Transportation Agency for Monterey County (TAMC) and AMBAG staff prior to starting the preparation of the traffic study regarding the methodology that will be used in the preparation of the traffic study taking in consideration that the AMBAG model was not yet available. The methodology used in the traffic study for the University Villages Specific Plan could be considered as evaluating a more conservative or worst case scenario based on the distribution-addition methodology.

The statement that the DEIR recommends that Highway 1 should be widened to 10 lanes is incorrect; the operational deficiency on Highway 1 was identified, and a potential mitigation measure to widen the freeway to eight lanes was evaluated. However, as explained in Response to Comment 3.11 the DEIR also indicated that the widening of Highway 1 would likely be infeasible. The traffic analysis was prepared within the framework of the Base Reuse Plan and the Fort Ord Reuse Authority (FORA) Reuse EIR thus provided the regional traffic impact assessment for the University Villages Specific Plan. As part of the updated FORA Traffic Impact Fee Reallocation Study, regional improvements were identified for Highway 156 and Highway 68. The Regional Improvements are listed in Response to Comment 3.2. The improvements are further described in Table 2 on page 25 of the FORA Fee Reallocation Study. As part of the FORA Capitol Improvement Program (CIP), contributions will be made towards these regional improvements, including the amount of \$17,778,895 to mitigate the FORA projects' impact on Highway 1. Through the payment of the FORA traffic impact fee, the Marina University Villages Project thus contributes to the mitigation improvements on Highway 1. Also, please refer to Responses to Comments 3.1, 3.2, 3.3, and 3.11.

- 5.8 The DEIR is not required to set forth the cost of mitigation measures. Nonetheless, the DEIR does provide information about potential funding. See discussion following "Mitigation Measures" in each section of Chapter 3.10. In addition, the DEIR states (page 3.10-70): The FORA CIP sets forth the *Fort Ord Reuse Plan* required improvements. The primary sources of revenue expected to cover these costs are Development Fees and Land Sale/Lease proceeds. The current FORA Development Fee has been structured to cover costs of five obligations, one of which are Transportation/Transit Projects to the value of \$123,502,882. Furthermore, Traffic Impact Fees would be collected by FORA for on and off base improvements identified in the *Fort Ord Reuse Plan*. Finally, the MMP to be adopted prior to project approval will detail the implementation procedures. Also, please see Responses to Comments 3.2 and 3.4.

Project alternatives are required to be discussed per the requirements of CEQA. The reader is referred to the DEIR commencing on page 5-1. Of particular relevance to the comment is Alternative 3, which includes eliminating 500 hotel rooms and reducing 200,000 square feet of retail space. This alternative would reduce vehicle trips by approximately 16,000 associated with 200,000 square feet less of retail space, plus a further reduction of approximately 4,500 associated with 500 fewer hotel rooms.

No changes to the DEIR are necessary as a result of this comment.

- 5.9 Potential environmental effects on schools, libraries, and police services were addressed in Item 13 in the Initial Study/Notice of Preparation (NOP), which was circulated for public review for a 30-day period beginning September 30, 2004. The discussion of public services impacts is presented on pages 57 through 59 in the Initial Study checklist, which is included in Appendix A in Volume 1 of the DEIR. As stated on page 1-1 in the DEIR,

based on the analysis in the Initial Study, impacts related to public services were determined to be less than significant and would not be further analyzed in the DEIR. No public agencies or individuals submitted any comments on the Initial Study/NOP indicating the need to include an analysis of public services in the EIR.



Letter 6

MARINA COAST WATER DISTRICT

11 RESERVATION ROAD • MARINA, CA 93933-2099
Home Page: www.mcwd.org
TEL: (831) 384-6131 • FAX: (831) 384-2479

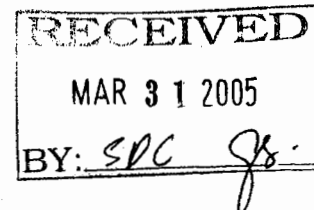
DIRECTORS
THOMAS P. MOORE
President

DAVID W. BROWN
Vice-President

CHARLES H. SCHOLL
KENNETH K. NISHI
HOWARD GUSTAFSON

March 31, 2005

Ms. Christine di Iorio
Project Manager
City of Marina Strategic Development Center
265 Reservation Road, Suite E
Marina, CA 93933



Subject: University Villages Specific Plan Draft EIR – Comments

Dear Ms. di Iorio:

Marina Coast Water District (MCWD) submits the following comments on the subject document (EIR) for your review and consideration. MCWD staff is available to meet with you, Marina Community Partners (Developer) and/or members of the City staff to discuss these comments or to further assist in the preparation of project documentation. Project documentation includes, but is not limited to, plans, master plans, etc. which are described in MCWD's Procedures Guidelines and Design Requirements (*Procedures*).

- 6.1 The Developer has expressed an interest to begin demolition of existing superstructure in July 2005. As of the writing of this letter, the Project has not received any clearances from MCWD as we have only received a conceptual plan. MCWD staff has met with the Developer previously to exchange useful information and discuss MCWD's *Procedures* and need for additional submittals. These meetings have been very productive. Typical information and activities include, but are not limited to a conceptual plan, tentative map submittal, development plans, sewer and water master plans; completion of an Infrastructure Agreement which requires MCWD Board approval; final letter of approval from MCWD, submittal of construction cost information; submittal of construction inspection costs for MCWD inspection services and MCWD Board project acceptance. As you know, the review of plans and master plans for a project of this size will take some time. MCWD currently has a consultant under contract to assist with completing this review; however, the time to complete the review and obtain MCWD approvals is highly dependent upon the completeness of the submitted documentation. The Developer is **strongly urged** to meet with MCWD personnel to discuss required submittals that are necessary to move toward a July 2005 start of construction.
- 6.2 1. Page 3.9-6 last paragraph, states: "MCWD plans to irrigate all City parks, ballfields and other public landscaped areas with recycled water supplied from the MRWPCA's wastewater treatment facility." It would be more accurate to state that MCWD intends to use recycled water for irrigation purposes; however, that is dependent upon availability of recycled water. The near-term focus of additional recycled water is associated with the FORA and MCWD Boards' selection of a Regional Water Augmentation Project that includes a recycled water

- 6.2
cont'd
2. component, i.e., either a recycled water project or the hybrid project. That decision has not yet been made.
- 6.3
3. Page 3.9-13 "Distribution Infrastructure", top of page. The EIR states, "... it is likely that [distribution system improvements] will be able to reduce or stop losses." We interpret "stop losses" to mean "zero" loss. This is again stated under UT-1 (page 3.9-28) as "... a more reasonable estimate consistent with operations of similar systems is 2 percent". Please provide system references where these low loss rates are found. Any comparative information you may have (those systems compared to the Ord Community system) would be most helpful, such as length of time that this standard was achieved, i.e., how many years after infrastructure improvements was this loss rate achieved?, number of customers, geography (several pressure zones versus one pressure zone), was this standard achieved system-wide or limited to only pockets within the system, etc.
- 6.4
4. Page 3.9-13 "Distribution Infrastructure", 1st paragraph states "The Proposed Project would use existing tie-ins north of 3rd Street. It should be noted that the location and number of connections would ultimately be approved by the MCWD as part of the University Villages Master Plan." We agree with this last statement and will rely on all information discussed above and input from the Developer to conclude how the water and sewer service will best be provided.
- 6.5
4. Much of the EIR's discussion regarding water supply focuses on MCWD's *Water Supply Assessment and Written Verification of Supply* (hereafter WSA) which was adopted by MCWD's Board of Directors on January 26, 2005. MCWD's UV WSA is the result of close coordination with the City, the Developer and its engineer -- RBF Consulting. This team discussed with and explained to MCWD the project description, intended land use and long-term development requirements, e.g., water conservation; however, the UV WSA remains a MCWD independent review of the Project. The analysis presented by the consultant in the EIR represents another way of analyzing project-related information.
- 6.6
- a. UT-1 "Use of non-Standard Unit Water Values". This section of the EIR mentions in several places that MCWD used water demand factors that are not in its *Procedures*. This statement is partially true with the difference being that some factors included in the *Procedures* were used, and in some cases, others were identified to better reflect the Project's proposed land uses. The UV WSA is the third WSA completed by MCWD. The previous two WSA's generally held to MCWD's *Procedures*; however, those projects also relied on "aggregate" water demand factors. "Aggregate" factors include water use that includes both interior and exterior uses. However, given the advanced level of detail known about the Project at this stage, the City requested that MCWD complete the UV WSA using a "disaggregate" approach. As described in the UV WSA, "Detailed knowledge of specific uses at a tentative map level of detail at this stage of planning typically is unavailable and as such, actual use will vary depending upon the actual development that takes place. For residential uses, the MCP Project includes a plot plan level of detail for each of the housing units. Therefore, it is possible to define with higher accuracy the expected water use for

6.6
cont'd

landscaping for each type of house. In addition, for both non-residential and residential land uses throughout the Specific Plan, sufficient detail exists in the proposed plan to make credible estimates based on disaggregating indoor from outdoor uses, rather than using gross factors based only on units of development which typically include an estimate of both indoor and outdoor uses.” (UV WSA, pp 12-13) MCWD worked closely with the City and the Developer’s engineer to obtain detailed level of information regarding land uses and applied disaggregated (separate interior and exterior) water demand factors. These factors and associated notes are listed in Table 2-2 of the UV WSA. Water demand factors that are different from those included in the *Procedures* represent a more detailed level of knowledge about the proposed land uses and include additional categories that were not needed in previous MCWD WSA’s. It is anticipated that where future WSA’s are prepared using a “disaggregated” approach, these will benefit from information and water demand factors developed in the UV WSA.

6.7

5. Page 3.9-24, item no. 2, 2nd paragraph. Calculation of the water hook-up fee is developed as part of the documentation included in our introductory comments. MCWD will work quickly to provide detailed information as soon as the Developer initiates the application process.

6.8

6. Page 3.9-26, 2nd paragraph states: “The above listed water conservation measures would reduce demand generated by the proposed Project as summarized in Table 3.9-3.” Included as part of MCWD’s UV WSA disaggregated approach, water conservation measures included in the project description provided during preparation of the UV WSA were taken into account. This is discussed in section 2.1 “Water Demands and Project Conservation Features”.

Please feel free to contact me to discuss these comments.

Sincerely,



Marc A. Lucca, P.E.
Deputy General Manager/District Engineer

xc: M. Armstrong
B. Buck
L. Lowrey

6. Marina Coast Water District

- 6.1 Comment noted. This comment does not raise any environmental issues related to the Proposed Project or the DEIR. The City will work with the Marina Coast Water District (MCWD) personnel as described in the comment.
- 6.2 Comment noted. The DEIR does not state that recycled water for irrigation purposes is currently available, but, rather, that development of recycled water supplies for irrigation purposes is currently being planned by MCWD, as described in MCWD's 2001 Urban Water Management Plan and in MCWD's Regional Urban Water Augmentation Project EIR. The commenter is directed to the second paragraph of page 3.9-12 in the DEIR, which states that MCWD is currently "proposing" a Regional Urban Water Augmentation project and that the two supply alternatives being "proposed" are a new seawater desalination facility at the existing MCWD seawater desalination plant site and a recycled water project, or a combination as a hybrid alternative. It is appropriate for the City to look to future water supplies that are reasonably likely to be available and are not illusory. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2005) 127 Cal.App.4th 490, 510.) In this instance, the MCWD has taken the position in its own official actions that augmented water supply will be available, though the precise source is not yet finalized.

The discussion of water line loss rates on pages 3.9-12, 3.9-13, and 3.9-28 in the DEIR indicates that distribution system improvements within the University Villages Specific Plan area would substantially reduce water line losses. The 10 percent loss factor referenced by the commenter is, and has been, used as a conservative estimate of expected losses due to a variety of factors, including pipeline and valve leakage, fire hydrant use, broken water mains, and emergency releases for system pressure management. While this 10 percent factor is understood to include "unaccounted for" water losses, which typically are associated with un-metered water releases (such as those associated with fire hydrant use, broken pipelines, and emergency releases), it is most likely a conservative estimate of actual losses. In fact, per a Memorandum of Understanding between MCWD and the California Urban Water Conservation Council (CUWCC), MCWD is required to maintain system losses of not more than 10 percent, and is further required to provide water use surveys (including leak detection) for at least 15 percent of all single-family residences and 15 percent of all multi-family residences within its service area by July 1, 2008. The 10 percent loss factor is typically assumed for supply planning purposes, as recommended by the American Water Works Association (AWWA). Water line losses attributable to antiquated distribution system components, such as those serving the Proposed Project site (as indicated in the discussion on page 3.9-13 in the DEIR), represent a relatively small percentage of overall losses included in the Fort Ord Reuse Authority (FORA) 10 percent factor. As such, replacement and overall improvement of the on-site distribution system would reduce line losses from leakage, but some of the expected losses could still be

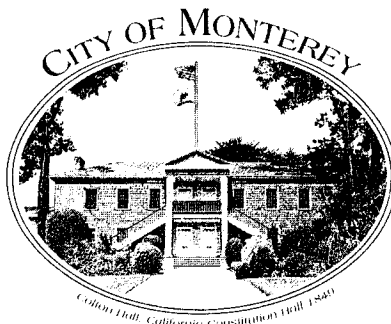
expected to occur, resulting from the aforementioned factors categorized as “unaccounted for” water. However, actual overall water losses could be reduced to near 2 percent, as indicated on page 3.9-28 in the DEIR, as is the case with the Castroville Water District (CWD), located immediately north of the MCWD service area. While CWD has about only half as many service connections as MCWD, the actual water losses within the CWD service area average only about 2.45 percent per year, with some months considerably lower than 2 percent. Consequently, it is reasonable to conclude based on other similar data that actual losses within the MCWD service area could be reduced to near 2 percent with distribution system improvements, though the actual reduction in losses would depend on the particular system improvements implemented. While it is possible that actual system losses could be as low as 2 percent with an upgraded distribution system, for the purposes of water supply planning, it is standard industry practice to apply a conservative loss estimate comparable to the FORA 10 percent factor.

- 6.4 The District’s comment is noted and shall be taken into consideration during the conceptual and detailed designs of the proposed water distribution system.
- 6.5 Comment noted. The City has an independent obligation to evaluate the information provided to the City by the MCWD in the Water Supply Assessment (WSA). Under the California Environmental Quality Act (CEQA) and Senate Bill (SB) 610, the City must “determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the Proposed Project, in addition to existing and future uses.” (14 Cal. Code Regs. § 15083.5(d); Water Code § 10911(c).) A discussion of the City’s independent review of project-related water demand and the analysis presented in the WSA is contained in the DEIR on pages 3.9-19 through 3.9-24.
- 6.6 Comment noted. As noted above in Response to Comment 6.5, the City has an independent obligation to evaluate the information provided to the City by the MCWD in the WSA and an independent obligation to assess the water supply demand for the Proposed Project. The DEIR contains significant discussion relating to the City’s review of water supply demand factors and provides evidence that the calculations used by the MCWD were not as accurate as they could have been. (*See* DEIR pages 3.9-19 – 3.9-27.) The City is permitted to review the comments and analysis of experts and determine which method of analysis is more appropriate to this project. Based on the information before the City, the methodology summarized in the DEIR demonstrates that the City’s demand factors provide a more accurate representation of water supply consumption for the project. As noted by the Commenter (MCWD), the MCWD worked closely with the project applicant and the applicant’s engineer in developing the disaggregated demand factors used for the WSA analysis. The applicant’s engineer utilized revised factors in the evaluation of project-related water demand in the DEIR, based on the engineer’s expertise and understanding of demand assessment methodology. The project engineer’s methodology for deriving demand factors utilized in the DEIR, as well as an explanation of how these factors (and associated demands) vary from those contained in the WSA, is

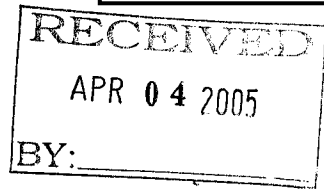
discussed in “*Information Sources, Procedures and Comparisons – Water Demand Estimates for the University Villages Project, Marina, California*” prepared by RBF Consulting in April 2005. Although the analysis presented in the DEIR differs from the WSA calculations with respect to the application of such factors for determination of project-related demands, the factors presented in the DEIR are considered valid where a disaggregated approach is warranted by detailed project-related information.

6.7 Comment noted.

6.8 Comment noted. The project-related conservation features taken into account during the derivation of disaggregated demand factors are discussed on pages 11 and 12 in the Proposed Project’s WSA in Section 2.1, Water Demands and Project Conservation Features. The conservation features listed on page 3.9-26 in the DEIR, while not identical to those discussed in Section 2.1 of the WSA, include those features listed in the WSA, as well as additional features not explicitly listed. Furthermore, the City would require, as a condition of approval of the Proposed Project, that those conservation features listed in the University Villages Specific Plan (including those indicated above) be implemented for all project-related uses, as applicable.



Letter 7



Copy received by fax on
Mar. 31, 2005

March 31, 2005

City of Marina Strategic Development Center
Christine di Orio, Project Manager (University Villages)
265 Reservation Road, Suite E
Marina CA 93933

Sent by Fax and USPS Mail

Re.: *Draft Environmental Impact Report for University Villages Specific Plan*

Dear Ms. di Orio:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the University Villages Specific Plan. The City of Monterey has the following comments and recommendations.

- 7.1 1. On Page 3.10-61-62 of the DEIR, project traffic is identified as creating a significant impact to Highway 1 south of Light Fighter Drive during the P.M. peak. Mitigation TR-4.1(a) proposes to widen Highway 1 south of Light Fighter Drive to an eight lane freeway, but does not specify the length of the widening. The current traffic study is inadequate, because it doesn't fully analyze the potential impacts to State Highway 1 between Marina and the Monterey Peninsula. The magnitude of these trips are expected to have a significant impact to Highway 1. The EIR needs to further analyze impacts and mitigation measures to Highway 1 between Light Fighter Drive and the Monterey-Salinas Highway 68.
- 7.2 2. On Page 3.10-62 of the DEIR, TR-4.1 presents two potential mitigations. Option (a), "Widen Highway 1 south of Light Fighter Drive interchange (segment #1) to an eight-lane freeway," should be adopted as the mitigation for project traffic added to Highway 1. Further evaluation as part of the EIR process is necessary to determine how far the widening would need to go.
- 7.3 3. The project should provide pedestrian and bicycle facilities connecting to the Monterey Bay Coastal Trail that are exceptional, not just adequate. This should include considerations of future access both across and underneath Highway 1. The Monterey Bay Coastal Trail serves as the primary mode of alternative transportation between Marina and the Monterey Peninsula.
- 7.4 A scoping meeting will be needed to discuss the above items. Again, thank you for the opportunity to comment. If you have any questions regarding this letter, please don't hesitate to give me a call.

Respectfully,

Kimberly Cole
Senior Planner

Tel.: (831) 646-3759

c: City Traffic Engineer
City Manager
Community Development Director
California DOT, District 5, 50 Higuera St., San Luis Obispo CA 93401-5415
City of Seaside, Community Development Dept., 440 Harcourt Ave., Seaside CA 93955
Transportation Agency of Monterey County, 55-B Plaza Circle, Salinas CA 93901-2902

7. City of Monterey

7.1 See Responses to Comments 3.1 and 3.2 as relative to the project traffic study area.

Also see Responses to Comments 3.3, 3.5, and 3.11 relative to Highway 1 improvements. The traffic study was prepared within the framework of the Base Reuse Plan. The Fort Ord Reuse Authority (FORA) Reuse Plan thus provided the program regional traffic impact environmental assessment for subsequent projects, such as the University Villages Specific Plan. Therefore, the project's payment of the FORA traffic impact fee mitigates any regional traffic impact as originally assessed through the FORA Base Reuse Plan, and recently updated with the FORA Fee Reallocation Study adopted on April 8, 2005. The Proposed Project does not recommend Highway 1 within the study area to be improved to ten lanes.

7.2 Please see Response to Comment 7.1.

7.3 The comment is noted and will be taken into consideration during the detail design of the pedestrian and bicycle facilities identified as part of the University Villages Specific Plan.

7.4 A scoping meeting for the Proposed Project was held on October 7, 2004 at the City of Marina City Council Chambers. Two subsequent meetings were held on April 15 and 22, 2005 where Caltrans, the Transportation Agency for Monterey County (TAMC), the County of Monterey, and the Cities of Seaside and Monterey were represented. The traffic study has satisfied Caltrans and the request for the scoping meeting has been held in abeyance based on the review of the draft Mitigation Monitoring Program (MMP); no additional analysis is required.



MONTEREY BAY

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

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

Letter 8

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

DISTRICT BOARD MEMBERS

CHAIR:
Lou Calcagno
Monterey County

VICE CHAIR:
Tony Campos
Santa Cruz
County

Anna Caballero
Salinas

Butch Lindley
Monterey County

Ila Mettee-
McCutchen
Marina

Reb Monaco
San Benito
County

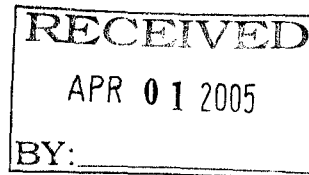
John Myers
King City

Dennis Norton
Cajon

Ellen Pirie
Santa Cruz
County

Jerry Smith
Monterey County

March 28, 2005



Christine di Iorio
Project Manager
City of Marina Strategic Development Center
265 Reservation Rd., Suite E
Marina, CA 93933

SUBJECT: DRAFT EIR FOR UNIVERSITY VILLAGES SPECIFIC PLAN

Dear Ms. di Iorio:

Staff has reviewed the referenced document for a project which includes the demolition of 943 military structures, mixed-use village center, office/research facility, up to 500 hotel rooms, a transit esplanade, and 1,237 dwelling units. We have the following comments:

Air Quality

1. Table 3.2-2. The table should be updated to reflect the following changes for the NCCAB:
 - 8.1 State PM_{2.5} Standard - Attainment
 - Federal PM_{2.5} Standard - Attainment
 - State Ozone Standard - Nonattainment-Transitional
2. Table 3.2-3, PM_{2.5} - PM_{2.5} air monitoring data are available for the NCCAB. The nearest station is the District's Salinas site. PM_{2.5} monitoring began at the Salinas station in 1999, and there have been no exceedances recorded of applicable State and federal PM_{2.5} standards at that site. Air monitoring data from Salinas is somewhat more representative of conditions at the project site than data from the Carmel Valley station used in Table 3.2-5.
 - 8.2
3. Page 3.2-10, Odors - District Rule 402, Nuisance, applies to all odor sources in the District, except those associated with agricultural operations. In the Sensitive Receptors section on page 3.2-11 of the DEIR, sensitive receptors are described as being located north and east of the project site. There are potential odors associated with the project that could cause nearby residents to complain to the District including diesel exhaust during demolition and construction, excavation of odorous soil, evaporation of architectural coatings and asphalt paving.
 - 8.3

4. Page 3.2-18, AQ-1.1. Demolition Haul Trucks. We recommending adding a 15 mph
8.4 speed limit for haul trucks traveling over unpaved surfaces. This would be consistent with AQ-5.1
5. Table 3.2-7. It is estimated that NO_x emissions for trucks hauling demolition debris would be 957.39 lbs per day. The table should separate emissions for hauling to Marina
8.5 and to Kettleman City landfills and include only those emissions occurring in the NCCAB. These emissions should be compared to the District's threshold of significance of 137 lbs/day.
7. Emissions from Demolition of Structures. Emissions from demolition of structures were calculated using the URBEMIS software. This is not likely to be as accurate as the District's construction spreadsheet found on our website, because the MBUAPCD
8.6 spreadsheet emission factors were based on data from the demolition of actual Fort Ord buildings using techniques that will be used during the proposed demolition. The emissions are also by building type. The demolition emissions should be calculated using this more accurate data.
8. Mitigation Measures for Demolition of Structures. The mitigation measures for demolition are acceptable. However an additional item should be added stating that after
8.7 the first building has been demolished, the results of the monitoring shall be submitted to the District for review. Demolition will only be allowed to continue if the District approves the demolition practices associated with acceptable monitoring results.
9. Diesel Exhaust. A risk assessment was not prepared based on diesel particulate emitted during demolition and construction. Nor was one prepared based on acrolein emitted
8.8 from diesel engines. This should be prepared using the construction spreadsheet shown on the MBUAPCD website at <http://www.mbuapcd.org/index.cfm?Cat=3>. The emission calculations that were prepared used URBEMIS which misses many of the activities associated with diesel emissions compared to the District spreadsheet.
10. Page 3.2-23. Table 3.2-8 shows that 322.22 lbs/day of NO_x would be generated by off-road diesel activity during site excavation and grading. The project would generate 1,451.01 lbs/day of NO_x and 195.30 lbs/day of VOC from off-road diesel and 1,095.53 lbs/day from architectural coatings during construction. A consistency determination was undertaken to determine if these emissions are accommodated in the 2004 AQMP. Maximum daily emissions for the excavation, construction and painting phases of the project do not exceed the level of expected daily emissions at both the county and air
8.9 basin level. Emissions for individual years between 2005 and 2010 were not further evaluated because project emissions were within the budgets of each of the years bracketing when these phases of the project are expected to occur. However, if construction were not to occur until 2010, the maximum ROG emissions estimated for the construction phase would represent about three quarters of construction emissions estimated for Monterey County for that year. Since construction related emissions are accommodated in the AQMP, the project is not expected to have a significant impact on regional air quality.

11. Consistency of Proposed Hotel Rooms with AQMP. Staff has determined that the proposed 500 hotel rooms are consistent with the 2004 AQMP. The 2004 AQMP accommodates up to 1,778 new hotel rooms. 524 hotel rooms have been proposed to date, leaving a balance of 1,254. Since the proposed 500 hotel rooms fall within that number, this portion of the project is consistent with the AQMP.
12. Page 3.2-24. Operational project emissions are estimated at 622 lb/day of VOC and 583 lbs/day of NO_x emissions after on-site mitigation. Off-site mitigation should be addressed for ozone precursor emissions prior to making a finding that there are no feasible mitigation measures to reduce emissions to less than significant. The District may be contacted to help identify off-site mitigation. Additionally, we would appreciate receiving the URBEMIS output for our review.
13. Pages 3.2-25 and 3.2-27, Cumulative Impacts. The District's threshold of significance for PM₁₀ is for fugitive dust emissions only, not vehicle exhaust emissions. The finding on page 3.2-27 should be deleted.

Traffic

16. Traffic Impacts on Existing Conditions, (Appendix F, p. 4). The DEIR assessment of traffic and related localized air quality impacts (CO) omitted an assessment of those impacts on existing conditions. Future traffic conditions for 2010, 2013 and 2025 are instead used to assess both the project's direct and cumulative impacts on traffic and related air quality conditions. Omission of this assessment on existing conditions is justified in the DEIR as follows: "The area ...is fairly undeveloped at this point in time. Therefore, the traffic scenarios evaluated ... test the traffic impacts from the project itself, as well as from other proposed projects in the surrounding area." (Appendix F, p. 4). This is inconsistent with CEQA requirements that project impacts be related to the existing environment.
17. Traffic Impact Scenarios, (Appendix F, p. 4). Although the DEIR documents existing conditions without the project, it uses forecast scenarios of background traffic conditions to assess traffic impacts. The forecast scenario used to assess impacts of the project Phase 1 was labeled "Existing Plus Approved.... Conditions (plus or minus 2010)." We have the following comments on that scenario and its use to assess traffic and related air quality impacts:
 - 8.14 This forecast is named "Background ...(plus or minus 2005-2010)" when used to assess Phase 1 project traffic. Which time horizon was assessed – 2005 or 2010?

- 8.15

 - Which projects on the list of cumulative projects shown as Appendix H1 of Appendix F, “Trip Generation for Cumulative Projects” generate a sum total of 21,440 “approved trips”, and how many are from each project. (This table is also referenced as Appendix D1 in Appendix F, page 14).
 - 8.16

 - Explain how “approved” trips were distributed and assigned to turning movements at intersections to create the “Existing Plus Approved.... Conditions (plus or minus 2010)” scenario. (Appendix F, p. 4)
 - 8.17

 - Explain why other planned projects being built or proposed in the vicinity of the project site are *not* included in the Appendix D1 list, such as Marina Heights and Rancho San Juan projects. The EIR should account for traffic generated by those other projects at study intersections.
 - 8.18

 - Explain why the totals shown in Appendix D1 for the East Garrison development are limited to the amount “assumed to be constructed by 2015”, or 7,550 trips, compared with the over 13,000 trips generated by *Phase 1* of that project. (East Garrison DSEIR, September, 2004, p. 4.4-17 and table 4.46)
18. Method used to forecast traffic growth, (Appendix F, p. 5 and also “... trips were assigned to the area road network and subsequently added to the existing traffic volumes to create the background traffic volumes...” Appendix F, p.14). Despite a lack of clear description in the DEIR, it appears that the DEIR used a distribution-addition method to forecast traffic volumes for this report. Traffix® 7.6 software was used to account for generated trips, assigned manually to the roadway network, per the AMBAG model’s distribution of similar project trips from the same general area to/from compass directions on the map. Both project trips and all other traffic generated by each approved or proposed change in land use in the vicinity were forecast together, by simply adding the sets of generated trips from “approved” and cumulative development projects (Appendix F, Appendix H1) to existing traffic volumes.
- 8.19
- The distribution-addition, or traffic engineering method is normally used to assess short or medium term impacts of smaller projects. When a calibrated, validated regional land use/ transportation forecast model is available for a study area, it is the best available forecast tool – especially for large, long term projects such as this one. Regional travel forecast models simulates project and background traffic flows based on network characteristics, travel mode, congested travel time, route and time of day. The simple distribution-addition method used in the DEIR does not include any simulation whatsoever of these key determinants of actual travel behavior, and so cannot produce accurate results for relatively large increments of traffic far in the future. Explain why the distribution-addition method was used in this DEIR, since a regional land use/ transportation forecast model was available under license from AMBAG and could have been used.

- A new traffic study using the AMBAG model to forecast background traffic should be prepared, or an adequate validation of the traffic volume forecasts produced using the distribution-addition method should be provided. The latter validation should consist, at a minimum, of a table comparing the EIR's directional ADT and peak hour turning movement forecasts at study intersections compared to those same volumes assigned by AMBAG's regional travel forecast model, for each study scenario forecast year of 2010, 2015 and 2025. If comparable years are not available, linear interpolations will suffice.

19. Project traffic assignment.

- "...A considerable number of linked trips will occur ...within the Marina University Villages area....and existing and planned surrounding residential developments. The linked trips have been taken into consideration in the project trip distribution to avoid double counting of trips." (Appendix F, p. 17). Were "linked trip" reductions taken to project trips assigned to the network, above the ten percent reductions identified in the project generation tables Exhibit 9A and Exhibit 12 of Appendix F?
- If the answer to the above is yes, where were these additional reductions taken, i.e. where were they taken to on the network? The following should be listed for each scenario in the EIR: Other "approved" and other cumulative trips assigned at their origins, and if different, at the outer edge of the study area.
- The DEIR assigned at least 70% of project traffic to/from the south on Highway 1 to the 12th Street interchange, with the remainder using Light Fighter Drive. (Figure 3.10-21A and 3.10-21B). This is not realistic. Light Fighter offers a shorter route, and its greater capacity makes it faster than the 12th St. interchange.

20. Background Traffic Assignment. To verify if background traffic assigned between 12th and Light Fighter interchanges was forecast realistically, a table should be provided listing southerly Highway 1 background traffic assigned to each interchange for other "approved" and cumulative projects.

21. Intersection Mitigations. Mitigation measures recommended at three of the impacted intersections appear infeasible, impractical or insufficient, as described below:

- Light Fighter at 2nd Ave: The recommended mitigation includes three left

8.24
cont'd

turn lanes (one shared). This configuration has rarely, if ever, been built and appears impractical. To defend the feasibility and practicality of this mitigation, describe another intersection in the State with triple left-turn lanes and demonstrate that it currently functions safely and efficiently. In addition, this mitigation measure had signal phasing which lacked the long pedestrian crossing times needed for three left turn lanes. Recalculate level of service using adequate pedestrian crossing times and revise the mitigation measure as needed.

8.25

• Light Fighter at Gen. Jim Moore. Again, a three left turn (one shared) configuration is proposed. Same comments above.

8.26

• Gen. Jim Moore at Gigling. The improvements proposed are to widen Gen. Jim Moore Blvd. to six lanes plus extra turn lanes at the intersections. Phasing at the intersections would require longer pedestrian crossing times than used to calculate LOS. Level of service should be recalculated with adequate crossing times.

22. 8.27

Responsibility for Mitigations. The DEIR identifies a significant direct and/or cumulative impact at many intersections and roadways both inside and outside the City of Marina. The cost to mitigate those impacts, above costs already funded in adopted plans and budgets such as the FORA CIP, should be identified as being wholly or partly the responsibility of the project, in proportion to the project's traffic impacts.

23. 8.28

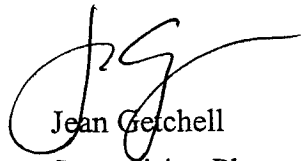
Mitigations on Highway 1. The DEIR proposes mitigating project direct and cumulative impacts by widening Highway 1 to eight lanes south of Light Fighter interchange, for direct impacts of Phase 1. Eight lanes are also proposed between Light Fighter and 12th St. for cumulative impacts of the project. (Appendix F, Mitigation #25, p. 53 and #42, p. 55). The DEIR also recommends mitigating project impacts by widening the SB on-ramp and NB off-ramp at the Light Fighter interchange to two lanes. to accommodate the wider ramps, Highway 1 will need auxiliary lanes in both directions north and south of Light Fighter, for a total of ten lanes in this segment. If this widening is feasible, its cost, above costs already funded in adopted plans and budgets such as the FORA CIP, should be identified as being wholly or partly the responsibility of the project.

24. 8.29

Project vs. Other Traffic Sources. Because the DEIR uses a distribution-addition, or traffic engineering method (with Traffix® 7.6 software) the contribution to traffic volumes at each intersection can be readily obtained by each source of new traffic generated, whether from other projects or the University Villages project itself. The EIR should include a table listing amounts by source of all new traffic causing the impact at each impacted location. The table should be identified as the basis for assessing the project's contribution toward feasible mitigation measures for significant direct and cumulative traffic impacts in the EIR.

Thanks you for the opportunity to review the document. Please call if you have nay questions.

Yours truly,



Jean Grechell
Supervising Planner

8. Monterey Bay Unified Air Pollution Control District

8.1 Table 3.2-2 on page 3.2-3 in the DEIR has been revised as follows to provide updated attainment status information as requested by the commenter:

Table 3.2-2 Attainment Status of the North Central Coast Air Basin		
Pollutant	Federal Status	State Status
Ozone (O ₃) – 1 hour	Maintenance	Moderate Nonattainment Nonattainment Transitional
Ozone (O ₃) – 8 hour	Attainment	Not Applicable
Carbon Monoxide (CO)		Monterey – Attainment
	Unclassified/Attainment	San Benito – Unclassified
Nitrogen Dioxide (NO ₂)	Unclassified/Attainment	Santa Cruz – Unclassified
Sulfur Dioxide (SO ₂)	Unclassified	Attainment
Inhalable Particulate (PM ₁₀)	Attainment	Non-Attainment
Inhalable Particulate (PM _{2.5})	Unclassified Attainment	Not Applicable Attainment

Source: MBUAPCD CEQA Air Quality Guidelines Adopted 1995, Revised 2004, Table 6-1, page 6-4.

8.2 Table 3.2-3 on page 3.2-4 in the DEIR has been revised as follows to incorporate the PM_{2.5} monitoring data requested by the commenter:

Table 3.2-3 Summary of Ambient Air Quality in the NCCAB				
Pollutant	Air Quality Standards	2001	Year 2002	2003
Ozone				
Maximum 1-hour concentration		0.108	0.115	0.111
Number of days exceeding federal 1-hour standard	> 0.12 ppm	0	0	0
Number of days exceeding State 1-hour standard	> 0.09 ppm	3	8	3
Maximum 8-hour concentration		0.088	0.094	0.088
Number of days exceeding federal 8-hour standard	> 0.08 ppm	2	5	2
Sulfur Dioxide				
Maximum 24-hour concentration		N/A ¹	N/A	N/A
Number of days exceeding federal 24-hour standard	> 0.14 ppm	N/A	N/A	N/A
Number of days exceeding State 24-hour standard	> 0.04 ppm	N/A	N/A	N/A
Nitrogen Dioxide				
Maximum 1-hour concentration		0.042	0.049	0.053
Number of days exceeding federal 1-hour standard ^a				

**Table 3.2-3
Summary of Ambient Air Quality in the NCCAB**

Pollutant	Air Quality Standards	Year		
		2001	2002	2003
Number of days exceeding State 1-hour standard	> 0.25 ppm	0	0	0
Carbon Monoxide (CO)				
Maximum 8-hour concentration		1.64	1.38	1.09
Number of days exceeding federal 8-hour standard	≥ 9.5 ppm	0	0	0
Number of days exceeding State 8-hour standard	> 9.0 ppm	0	0	0
Respirable Particulate Matter (PM₁₀)				
Maximum 24-hour concentration		74.0	81.0	90.0
Number of days exceeding federal standard	> 150 µg/m ³	0	0	0
Number of days exceeding State standard	> 50 µg/m ³	8	4	7
Fine Particulate Matter (PM_{2.5})²				
Maximum 24-hour concentration		N/A ¹	N/A-23.5	N/A-15.9
Number of days exceeding federal standard	> 65 µg/m ³	N/A-0	N/A-0	N/A-0
<u>Annual concentration (State)</u>	<u>12 µg/m³</u>		<u>9.1</u>	<u>7.3</u>
<u>Exceeded annual State standard?</u>			<u>No</u>	<u>No</u>

Notes: **ppm** = Parts by volume per million of air; **µg/m³** = Micrograms per cubic meter of air;^a no federal standards set for the appropriate averaging time. ²PM_{2.5} data is from the Salinas monitoring station.

Source: California Air Resources Board, 2004. <http://www.arb.ca.gov/adam/cgi-bin/db2www/adamtop4b.d2w/start>.

8.3 The nearest receptors considered “sensitive” receptors are the day-care center located to the north of the Proposed Project and a child development center on the California State University Monterey Bay (CSUMB) campus. Both of these receptors are approximately 500 feet from the project site. As discussed on page 3.2-10 in the DEIR, no major sources of odors would be involved in the development of the Proposed Project. For minor odor sources, such as those listed in the comment, a 500-foot distance between any odor-producing activities and potential receptors would be great enough that any odors would be dispersed and any impact would be considered insubstantial. Furthermore, any construction activities described by the commenter would be temporary in nature, thereby limiting the potential for adverse impacts on any sensitive receptors.

8.4 Mitigation Measure AQ-1.1 on pages 3.2-18 and 3.2-19 in the DEIR has been revised as follows to include the commenter’s recommendation:

AQ-1.1 Reduction of PM₁₀ during demolition. The following shall be implemented during demolition activities.

- Material to be demolished shall be wetted during demolition and kept wet until the material is removed. Material shall also be wetted during any subsequent disturbance or removal of the material.

- Water all active construction areas at least three times daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Haul trucks shall maintain at least 2'0" of freeboards.
- Cover all trucks hauling dirt, sand, or loose materials.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Traffic on unpaved roads shall be limited to 15 mph or less.

8.5 Table 3.2-7 on page 3.2-18 in the DEIR is intended to show total project emissions. NO_x emissions for trucks hauling demolition debris within the North Central Coast Air Basin (NCCAB) only, as requested by the commenter, is based on the following assumptions and methods, which were described in the DEIR.

Most of the demolished material would go to the Marina landfill. All of these truck emissions would occur inside the NCCAB. Demolished material containing friable asbestos and lead would be transported to the Kettleman City Class I/II facility. Approximately 520 total truck loads are expected to be transported to this facility. These 520 truck loads would only represent about 8 percent to 8.5 percent of the total truck trips. For each of the 520 truck loads being transported to Kettleman City, only a portion of each trip would occur within the boundaries of the NCCAB. Trips to Kettleman City are expected to occur generally along Highways 101, 152, and Interstate 5. Approximately 20 percent of this route occurs within the NCCAB.

The analysis for the DEIR calculates that a maximum of 957.39 pounds per day of NO_x emissions would occur from the trucks transporting demolished material to landfills (as shown in column 2 in Table 3.2-7). Based on the truck trip percentages stated above, 8.5 percent of this amount results in 81 pounds per day from trucks going to Kettleman City. The 20 percent of these trips occurring inside the NCCAB yields a maximum of approximately 16 pounds per day. Subtracting 81 pounds from 957.39 equals 876.39 pounds per day. Re-adding 16 pounds that would occur inside the NCCAB indicates a maximum of approximately 892.39 pounds per day of NO_x that would occur inside the NCCAB.

The threshold of significance noted by the commenter (137 pounds per day) applies to operational NO_x emissions (District California Environmental Quality Act [CEQA] Air Quality Guidelines Table 5-3). As stated on page 3.2-15 in the DEIR, which reflects the

District's CEQA Guidance Manual Table 5-1, the District has not developed or adopted a numerical threshold for construction NO_x. The only numerical threshold is 82 pounds per day for PM₁₀. As such, no comparison is possible.

- 8.6 Impact AQ-1 on pages 3.2-17 through 3.2-19 in the DEIR evaluates emissions that would be generated by demolition of structures. The analysis of demolition criteria air pollutant emissions that would be generated by the Proposed Project follows the methodology specified in the Monterey Bay Unified Air Pollution Control District (MBUAPCD) guidance document for evaluating impacts under CEQA. Page 7-4 of the District Guidelines suggests that URBEMIS 2002 is the appropriate software for estimating construction emissions of criteria air pollutants. The URBEMIS 2002 software is an emissions model available from the California Air Resources Board (CARB) that takes into account the federal EPA emissions factors established in AP-42. No comments were submitted by the District on the Notice of Preparation (NOP) for the Proposed Project that indicated that a methodology different from the URBEMIS 2002 program specified in the District Guidelines should be used.

Nevertheless, the spreadsheet referred to in the MBUAPCD's comment was used to perform an alternate calculation of PM₁₀ emissions from demolition. According to the spreadsheet, demolition of structures would contribute a maximum of 0.12 pounds per day of PM₁₀. Since demolition is expected to occur over the space of approximately one to three years, consisting of 264 working days, a maximum of 31.7 total pounds of PM₁₀ would be produced, according to the daily maximum PM₁₀ emission value given by the District spreadsheet.

This number differs from the demolition-related PM₁₀ emissions estimation given by the CARB's URBEMIS 2002 emissions modeling program used to generate values and make determinations of significance in the DEIR. There are 943 building that will be demolished on the project site over the course of one to three years. Consequently, it was assumed that approximately 3.5 buildings per day would be demolished. When the total estimated volume of the 3.5 buildings to be demolished on one day is input into the URBEMIS model, the resulting maximum daily PM emissions are approximately 171 pounds per day. This exceeds the MBUAPCD threshold of significance for PM₁₀ prior to mitigation, and leads to the finding of potentially significant in the DEIR.

The discrepancy between the number generated by the MBUAPCD spreadsheet and that given by the CARB's URBEMIS model could be due to a number of factors. The MBUAPCD assumes that only a certain amount of deconstruction/demolition will take place on any one day, regardless of the size of a building or the total number of buildings to be demolished. The URBEMIS model allows a user to specify maximum daily demolition activity in terms of total daily volume to be demolished.

- 8.7 Mitigation Measure AQ-4.1 on page 3.2-22 in the DEIR has been revised as follows to include the requirement identified by the commenter:

AQ-4.1 The applicant and the MBUAPCD will monitor one building demolition for airborne lead levels before any additional demolition occurs. The monitoring shall be designed in conference with the MBUAPCD. After the first building has been demolished, the results of the monitoring shall be submitted to the District for review. Demolition will only be allowed to continue if the District approves the demolition practices associated with acceptable monitoring results.

8.8 The Lead Agency for a project uses responses to the NOP from reviewing agencies to determine what issues need to be addressed in the environmental document, and how to address those issues to the satisfaction of the reviewing agency. The NOP response submitted by the District indicated that the District's *CEQA Air Quality Guidelines* can be used to help prepare the air quality analysis. The construction spreadsheet referred to in the MBUAPCD comment on the DEIR was not mentioned in the MBUAPCD response to the NOP for the Proposed Project. The District's *CEQA Air Quality Guidelines* does not reference the spreadsheet.

The MBUAPCD *CEQA Air Quality Guidelines* states in its preface that "The purpose of the CEQA Air Quality Guidelines is to facilitate air quality review and evaluation of projects which are subject to CEQA. It is intended to provide lead agencies, consultants, and project proponents with uniform procedures for assessing air quality impact and preparing the air quality section of environmental documents." The preface also states, "This is an advisory document. It explains MBUAPCD's recommended procedures for analyzing air quality impact in the North Central Coast Air Basin (comprised of Monterey, Santa Cruz, and San Benito Counties.)"

In Chapter 9.0 – *Toxic Air Contaminants* of the MBUAPCD *CEQA Air Quality Guidelines*, when explaining the applicable threshold of significance for construction TAC, the Guidelines state, "Construction equipment or processes would not result in significant air quality impact if they would not comply with Rule 1000." All construction equipment used for demolition on the project site would have to comply with Rule 1000 by law. Consequently, the MBUAPCD Guidelines would indicate that there would be no significant Toxic Air Contaminants (TAC) impact.

When the MBUAPCD was contacted about the use of the spreadsheet referred to in the comment, MBUAPCD staff clarified that the issue of concern was the acute risk represented by the TAC acrolein, one of the components of diesel exhaust. Evaluating a construction project for the acute risk presented by acrolein contradicts all published CARB guidance on this issue. Below are some examples:

CARB's *Risk Management Guidance for Permitting of New Stationary Diesel-Fueled Engines* (CARB, October 2000) states on page 22 "Our analysis shows that the potential cancer risk from inhalation is the critical path when comparing cancer and noncancer risk. In other words, a cancer risk of 10 per million from the inhalation of diesel PM will result

from diesel PM concentrations that are much less than the diesel PM or TAC concentrations that would result in chronic or acute noncancer hazard index values of 1 or greater.”

Page K-2 of Appendix K to the CARB guidance mentioned above states,” As stated above, potential cancer risk is usually the driving health impact for diesel exhaust. However, there may be certain unusual situations where an evaluation of the acute health effects may be warranted. One possible situation is when a nearby receptor is located above the emission release point (e.g. on a hillside or in a multistory apartment building).” As noted in the DEIR, the nearest receptor is 500 feet away from the project’s property line. Also, these receptors would not be located at a point above the construction site.

Finally, a health risk assessment, such as the one the MBUAPCD suggests should be used to estimate risk, is meant to comply with the “Hot Spots” requirements of Cal EPA’s Office of Environmental Health Hazard Assessment (OEHHA). In OEHHA’s *Air Toxics Hot Spots Program Risk Assessment Guidelines – The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA, August 2003) the introduction states, “The Hot Spots Act is designed to provide information to state and local agencies and to the general public on the extent of airborne emissions from stationary sources and the potential public health impacts of those emissions.” (page 1-1). The Guidance Manual also states, “The intent in developing this Guidance Manual is to provide HRA procedures for use in the Air Toxics Hot Spots Program or for the permitting of new or modified stationary sources.” (page 1-2). Construction emissions from the Proposed Project are not a stationary source.

Even though OEHHA guidance specifies that health risk assessments are intended for stationary sources, an argument can be made that permanent sources of mobile emissions can sometimes essentially act as a “stationary source”. Health risk assessments have at times been conducted in order to evaluate the long-term cancer impact when large, permanent sources of mobile emissions (freeways, ports, truck stops) are located in close proximity to sensitive receptors. In the case of the Proposed Project, not only are construction emissions not large, continuous, or permanent, they would be at least 500 feet away from the nearest sensitive receptor. For most of the construction period, construction equipment would be operating at distances far greater than 500 feet from receptor.

CARB literature, as cited above, makes clear that acute risk from diesel is minimal and that diesel is of concern because of its long-term carcinogenic impacts. OEHHA guidance specifies that long-term health risk assessments are meant for stationary sources, or possibly permanent mobile sources of diesel, that can expose individuals to diesel over the course of a lifetime. The Proposed Project falls into neither of these categories.

The DEIR does contain a TAC analysis that is related to the diesel emissions produced by trucks used to haul demolished material as they travel between the project site and the

landfills. However, no official health risk assessment was conducted in this analysis for the reasons listed above.

The City's consultant has worked, and will continue working, with MBUAPCD staff to address MBUAPCD staff concerns.

8.9 The commenter confirms the discussion on page 3.2-22 in the DEIR that concludes that ozone precursor emissions have been accounted for within the emissions inventories of the AQMP and there are no significant construction impacts on regional air quality. No further analysis in the EIR is warranted.

8.10 Comment noted. Impact AQ-11 on pages 3.2-29 and 3.2-30 in the DEIR notes that AMBAG staff concluded that the Proposed Project is included in the population and housing forecasts for 2010 and is, therefore, consistent with the regional Air Quality Management Plan (AQMP). The commenter indicates that emissions associated with the proposed 500 hotel rooms is consistent with the AQMP. No further analysis in the EIR is warranted.

8.11 Please see Response to Comment 5.2.

The URBEMIS output for operational emissions was included in Appendix G of the DEIR. (Note: Appendix G was titled "Existing plus Project/Cumulative CALINE 4 CO Concentrations Modeling Results".) The title for Appendix G in the Table of Contents for the DEIR has been revised as follows to reflect that it includes URBEMIS results in addition to CO results.

Appendix G: ~~Existing Plus Project/Cumulative Caline 4 CO Concentration Modeling Results~~ Air Emissions Modeling Results (URBEMIS and CALINE 4)

8.12 The "significant cumulative impact" finding in the DEIR for cumulative PM₁₀ was based on the MBUAPCD CEQA Air Quality Guidelines statement on page 5-4 that if a project generates 82 pounds per day or more of PM₁₀ at the project site, it would have a significant impact on air quality. On page 5-8 of the Guidelines, under Criteria for Determining Cumulative Impacts and Consistency, there is a statement referring the reader back to page 5-4 for a cumulative PM₁₀ threshold. As discussed above, page 5-4 only discusses "project-only" thresholds of significance. This would indicate that, as is the case in some other air district guidance, a project-only impact translates into a cumulative impact as well. As shown in Impact AQ-6 of the DEIR, the Proposed Project would have a project-only PM₁₀ impact that would exceed MBUAPCD thresholds of significance. Also on page 5-4 is the statement that the threshold for PM₁₀ applies to all indirect and direct emissions. This would include both stationary source emissions of PM₁₀, if any, and also PM₁₀ produced indirectly by vehicles associated with the project, and would constitute a "worst-case" analysis.

MBUAPCD was contacted during the week of April 18th for clarification of this issue. MBUAPCD staff said that they would discuss the issue and clarify with a return phone call. As of 3:00 PM on April 28th, no return phone call had been received.

- 8.13 The traffic study evaluated existing conditions and reported existing operational deficiencies in chapter 2 of the Traffic Impact Study Report, which is included in Appendix F in Volume II of the DEIR.

Impact AQ-7 on pages 3.2-25 and 3.2-26 in the DEIR analyzes carbon monoxide (CO) impacts as a result of project implementation, which combines existing conditions plus the project contribution. Existing plus project CO impacts were determined to not cause or contribute to any violations of CO ambient air quality standards.

- 8.14 It is standard industry practice to not only evaluate the existing traffic conditions, but also the effect that the traffic generation from the already approved projects in the area that will add to the traffic already on the road system, prior to the development of the Proposed Project. It is assumed that approved projects will develop within a five years period and background traffic conditions were evaluated as approximately 2010 in this traffic study.

- 8.15 The *Approved Projects Trip Generation* and *Approved Projects Location Map* were included in the traffic study as Appendices D1 and D2, which are included in Appendix F in Volume II of the DEIR. Please refer to page 3.10-53 of the DEIR for project trip generation.

- 8.16 The trip distribution for each approved project was based on that used in each of the respective approved projects' traffic studies.

- 8.17 The Marina Heights project was included as an Approved Project (refer to Appendices D1 and D2 in Appendix F in the DEIR). However, the Rancho San Juan Project was not approved at the time the NOP for the University Villages Specific Plan was filed, and therefore it could not be evaluated as an approved project.

- 8.18 The specific issue raised by the commenter is not clear. Appendix D1 in the Traffic Impact Study Report refers to Approved Projects which does not include any reference to the East Garrison Project since it has not yet been approved. The East Garrison Project was included as a cumulative project with a buildout time frame of 2030. (See Appendix H1 in Appendix F in the DEIR).

- 8.19 The statement that the Association of Monterey Bay Area Governments (AMBAG) regional model was available for use in the preparation of the University Villages Specific Plan traffic study is not correct. The consultant and the City of Marina staff corresponded with the Transportation Agency for Monterey County (TAMC) and AMBAG staff prior to starting the preparation of the traffic study regarding the methodology that will be used in the preparation of the traffic study taking into consideration that the AMBAG model was

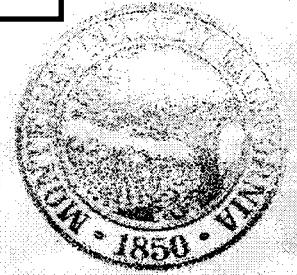
not yet available; the methodology was acceptable to TAMC and AMBAG. Furthermore, the methodology used in the traffic study for the University Villages Specific Plan could be considered as evaluating a more conservative or worst case scenario based on the distribution-addition methodology.

- 8.20 See Responses to Comments 3.1, 3.2, 4.6, and 11.15 regarding the traffic model utilized in the Proposed Project's traffic study. The distribution of the project-related and cumulative trips was based on the AMBAG model. The traffic analysis was based on the latest and best information available for the Proposed Project and other projects in the Fort Ord Reuse Authority (FORA) and adjacent areas.
- 8.21 The internal trip reduction was applied to account for the linked trips within the Proposed Project. Residential and commercial trips were also linked to the numerous other existing, approved and planned projects in the immediate vicinity and the rest of the FORA area. For details on where the additional reductions were taken, please refer to the Approved and Cumulative project lists in Appendices D1 and H1 in Appendix F in the DEIR (Traffic Impact Study Report). The total linked trips accounted for approximately 29 percent of the project trips. Please refer to Response to Comment 5.6 for details regarding project trip generation.
- 8.22 The core of the retail component of the University Villages Specific Plan (and thus the bulk of the generated project trips) is located adjacent to the Imjin Parkway /12th Street corridor and to the east and west of 2nd Avenue. Lightfighter Drive may offer a shorter route to some of the development further south on the project site, but to get to Lightfighter Drive vehicles have to go through several controlled intersections along 2nd Avenue which will add to the travel time. Sections of Lightfighter Drive would also require widening based on the capacity demand from the Proposed Project as well as the other FORA and Military projects located to the north and south of Lightfighter Drive.
- 8.23 Highway 1 from 12th Street and Lightfighter Drive was designated study roadway segment #2 in the traffic study for the Proposed Project. With regards to traffic assigned to this segment from approved projects, the traffic study used the trip generation and distribution from each of the traffic studies for those projects. For the University Villages Specific Plan, and cumulative FORA Projects, the trip distribution was based on the origin/destination matrices in the AMBAG regional model. The traffic consultant concluded the project traffic numbers on roadway segment #2 are accurate. Also, please refer to Responses to Comments 3.1 and 3.2.
- 8.24 Three left turn lanes have been successfully introduced at various locations throughout the State. Two such locations are in Gilroy; at the SR 152/Camino Arroyo intersection (3 left turn) and at the Arroyo Circle/Leavesley Avenue intersection (3 left of which one is a shared through left turn lane). These are often observed by the traffic consultant and operate fine. As with all the mitigation measures a functional equivalent could be identified and coordinated with the responsible agencies to meet the mitigation objective.

The comment is noted and will be taken inconsideration during the conceptual and detail design of the improvement. In regards to signal phasing, please see Response to Comment 3.19.

- 8.25 See Response to Comment 8.24.
- 8.26 See Responses to Comments 3.2 and 3.19.
- 8.27 See Responses to Comments 3.2, 3.3, and 3.5 regarding the project's Mitigation Monitoring Program relative to traffic system improvements.
- 8.28 See Response to Comment 3.3 regarding Highway 1 traffic improvements.
- 8.29 Information regarding the Proposed Project's contribution to traffic volumes at study intersections and roadway sections is included in the DEIR, as is similar information for traffic volumes not related to the proposed project. See Response to Comment 3.2, 3.3, and 3.5 regarding the project's Mitigation Monitoring Program relative to traffic system improvements. The determination of project-specific contributions to mitigation improvements will be finalized through the Development Agreement between the City of Marina and the Project Applicant.

MONTEREY COUNTY



DEPARTMENT OF PUBLIC WORKS

312 E. Alisal Street, Salinas, CA 93901-4371 • (831) 755-4800 • FAX (831) 755-4958

Ronald J. Lundquist, P.E., Interim Public Works Director

MARCH 31, 2005

MS. CHRISTINE DI IORIO
PROJECT MANAGER
CITY OF MARINA
265 RESERVATION RD, STE E
MARINA CA 93933

Via email cdiiorio@ci.marina.ca.us

MS DI IORIO:

**SUBJECT: UNIVERSITY VILLAGES SPECIFIC PLAN DRAFT ENVIRONMENTAL
IMPACT REPORT (DEIR)**

We have reviewed the DEIR for the University Villages Specific Plan project. The project as described in the DEIR proposes to develop 420 acres into a mix of commercial, industrial, and residential land uses, representing one of the largest land use development efforts in Monterey County, in terms of traffic generation.

As the Public Works Department for the unincorporated areas of Monterey County, our main concerns pertain to the traffic impact analysis as follows:

- 9.1 Given the project's size and location, the study must be expanded to adequately assess all potential impacts. The easterly limit of the study area appears to be the intersection of Reservation/Blanco roads, even though more than 25 percent of traffic destinations/origins are from points east of this location. We recommend that a select zone analysis be performed to better gauge the extent of the project traffic distribution and adequately determine which roads to analyze. At a minimum, the entire lengths of Blanco, Davis, Reservation, and Intergarrison roads need to be included in the analysis, as well as the key intersections along these roads, i.e. Blanco/Davis, Reservation/Davis, Intergarrison/Reservation, etc.
- 9.2 Proposed mitigations identified in the DEIR need to be consistent with those improvements identified in other regional planning documents, such as the FORA Capital Improvement Program and TAMC Regional Transportation Plan. The DEIR also needs to accurately describe which mitigating projects will be constructed by the Developer, which impacts will be mitigated by payment of FOR A fees, and which impacts will be mitigated by payment of a pro-rata fair share contribution.
- 9.3 The DEIR inaccurately assumes that the buildout of the East Garrison Specific Plan will not occur until year 2030. The current planning for the East Garrison Specific Plan assumes buildout completion by 2012. Along with the buildout of the East Garrison Specific Area, there are several circulation network changes that may have profound effects on traffic distribution, such as the connection of Intergarrison Road to Reservation Road and continuation of the four-laning of Reservation Road to Davis Road.

- 9.4 ■ Mitigations identified within the unincorporated portion of the County need to be developed in consultation with Monterey County Department of Public Works. We want to have an opportunity to comment on the feasibility and scope of the mitigation proposed for the County road system.

Thank you for taking our comments into consideration. We also request that any subsequent documentation for this project be forwarded for our review. Please feel free to call me at (831) 755-8970 if I can answer any questions regarding this matter.

Sincerely,

RONALD J. LUNDQUIST, P.E.
INTERIM PUBLIC WORKS DIRECTOR

By



Enrique M. Saavedra, P. E.
Senior Transportation & Development Engineer

ES:reh

9. Monterey County Department of Public Works

- 9.1 The regional traffic impact of the development of the Fort Ord Reuse Authority (FORA) land was evaluated as part of the FORA Reuse Plan EIR and mitigated through the FORA Capitol Improvement Program (CIP). The FORA Reuse Plan thus provided the overarching regional traffic impact environmental assessment for the individual projects, such as the University Villages Specific Plan and the project's payment of the FORA traffic impact fee thus mitigated the regional traffic impact from the project. Furthermore, in the Base Reuse Plan EIR, project specific and cumulative significant impacts were identified on the regional transportation system. These were referenced as "unavoidable significant impacts".
- 9.2 The determination of project specific contributions to mitigation improvements will be finalized through the Development Agreement and Disposition and Development Agreement between the City of Marina and the Project Applicant. Furthermore, the University Villages Specific Plan will be subject to paying the FORA Impact Fees to address the project's cumulative impacts through construction of projects identified in the FORA Fee Reallocation Study and FORA CIP.
- 9.3 At the time of the preparation of the traffic study, information received by the traffic consultant indicated that the East Garrison Project will be completed in Phases and that Phase 1 would be completed in the time period approaching 2020. Also, the methodology used in the traffic analysis for the University Villages Specific Plan could be considered as evaluating a more conservative or worst case scenario based on the distribution-addition methodology. It is considered adequate. The regional traffic impact of the development of the FORA land was evaluated as part of the FORA Reuse Plan EIR and mitigated through the FORA CIP. The FORA Reuse Plan thus provided the overarching regional traffic impact environmental assessment for the individual projects, such as the University Villages Specific Plan and the project's payment of the FORA traffic impact fee thus mitigated the regional traffic impact from the project. The connection of Intergarrison Road to Reservation Road and continuation of the 4-laning of Reservation Road to Davis Road are thus considered to have been included in the FORA evaluation.
- 9.4 Comment noted. The city will consult with the Monterey County Department of Public Works on the feasibility and scope of mitigation measures for the county road system.

Letter 10

MEMORANDUM

TO:

Christine di Iorio, University Villages Project Planner
Strategic Development Center
City of Marina
265 Reservation Road, Suite E
Marina, California 93933

FROM:

Monterey Peninsula Unified School District
Rob Corley, Consultant to the School District

SUBJECT:

Comments on Draft EIR
University Villages Specific Plan

DATE:

April 1, 2005

Dear Ms. di Iorio,

Thank you for the opportunity to comment on this document. Comments are listed below in page order as presented in the Draft EIR.

10.1 Page 1-1 Scope: Public Services (fire, police, schools¹ and parks) were determined in the Initial Study not to have a potentially significant effect on the environment and therefore were not analyzed in the Draft EIR. This omission creates a gap in the record for these critical community services. Absence or limited availability of any of these services may have a significant effect and should be re-considered in the Final EIR. Specifically, the Initial Study appears to rely on an elementary school within the project which is not present in the current plan. There is no quantitative analysis whether fees will be sufficient to offset impacts from this project so that the MPUSD would "accommodate" students from the project (see footnote 1).

¹ The City's conclusion appears to be based on section 13-c of the Initial Study, which included the following paragraph: "There would be a corresponding increase in the demand for schools based on the addition of these uses which would increase the area population. The proposed project includes an elementary school site. It is anticipated that the MPUSD would accommodate students generated by the proposed project. School impact fees will be paid to the school district. Therefore a 'less-than-significant impact' would occur and this will not be discussed further in the EIR."

*University Villages Specific Plan DEIR
Comments from the Monterey Peninsula Unified School District*

*April 1, 2005
page 1*

10.2 Page 2-3 Figure 2-2 and the land use tables do not show a school within the University Villages project. It has been reported that the parcel now owned and used by the Marina Coast Water District as its corporation yard may be consolidated with the City's corporation yard and moved to a different location, making the site available for a school. This entire concept depends on a future agreement between two or three public agencies. Neither the City or the MPUSD can assume that the MCWD land is available and no alternative site is shown. In a February 2005 letter to the City, the MPUSD requested that a commitment be provided regarding availability of the MCWD site or that an alternative site be identified. As of today, this has not occurred. If this project is approved, 2,287 homes will have been approved with no school site in either project. This is an important community planning issue that deserves discussion in the Final EIR. Specific impacts may be expected from lack of a nearby school site. Increased vehicle miles traveled, exposure of pedestrian and bike riders to hazardous street crossings to a more distant campus, consistency with City and other plans, and so forth must be addressed in the Final EIR.

10.3 Page 2-6 Please clarify the current status of parcel E2d.3.1 that was not part of FOST 6.

10.4 Page 2-10 Consistency with Fort Ord Reuse Plan Goal II-B should be specifically analyzed to address the lack of a school site within the specific plan area given creation of 1,237 dwellings and a significant number of jobs that will allow workers to enroll their dependents in schools where the parent/guardian is employed.

10.5 Page 2-11 Please expand discussion of the "Non-Application Parcels" (61.9 acres) not included in the application by Marina Community Partners. Discussion at pages 2-24 and 2-25 of the Draft EIR is not specific how these 61.9 acres will be used; for example, what is included in the 561,850 square feet of Public Facilities planned on these 61.9 acres? How will public streets, utilities, or other features serve these widely separated parcels? Traffic, air quality and noise impacts are analyzed², but not other impacts. This consistency issue should be addressed in the Final EIR.

10.6 Figure 2-5e Please provide additional detail on the 10" gas transmission line identified in a note on the map. What material is being transported? Where precisely is the pipe located?

² See page 2-24.

Page 2-26 The Draft EIR comments that the recycled water system will irrigate "school grounds" and other parcels. While the MPUSD supports the concept, use of reclaimed water on school grounds where students will sit directly on the irrigated grass is not yet a universally accepted practice. The Final EIR should clarify that the school district considers reclaimed water to be useable on large playfields rather than kindergarten grass areas and other sensitive areas of school campuses.

Page 2-30 Please clarify whether the proposed General Plan Amendment will re-designate an elementary school site that was proposed in the Master Plan to a non-school use.

Page 3.1-10 Please expand discussion of how the University Villages Specific Plan complies with section 4.9 of the City General Plan (City Form and Appearance) connecting the CSUMB campus with the adjacent areas of the city. This is relevant to the school district as students living on one side of the city line may travel to schools on the other side of the line as all of this territory is within the school district's jurisdiction.

Page 3.1-14 The school district objects to Public Facility height limits within the Specific Plan to a maximum height of 40 feet. Residential units can reach 45 feet high and hotels can be 90 feet high, but a Public Facility can be only 40 feet tall. The rationale and purpose is not explained and may be prejudicial to facilities serving the citizens of Marina. This requirement should be changed to a maximum established by the City Council through a CUP or similar process that accounts for the unique topography and viewsheds of this area.

Page 3.1-17 The Draft EIR discusses the need to minimize excessive night lighting. The school district believes it may be infeasible to comply with the condition "Lighting will not be provided for active nighttime use of the parks; . . ."³ and proposed Mitigation Measure AE-3.1(a) "install light sources so that there is no light radiation above the horizontal plane (i.e., "dark sky")."⁴ (emphasis added) This potentially eliminates most school and local sports teams from playing any evening games during half the year. Dark sky will be available later at night but the City should carefully balance the effect this mitigation measure will have on multiple community activities. CEQA tiering requirements may cause this mitigation measure to be replicated across the city and may prevent sports fields, gymnasiums, and other evening community uses that are highly desirable to the city.

³ Page 3.1-17

⁴ Page 3.1-18

10.12 Page 3.1-19 Nighttime lights are identified as a cumulative impact and are required to conform to the overly restrictive measure AE-3.1 by the cross-referenced mitigation measure AE-5.1. This mitigation measure should be revised as discussed above.

10.13 Page 3.2-11 The analysis presented of particulate emissions appears to minimize potential impacts to sensitive receptors such as schools. Schools will be located "near the project site"⁵. Statements on page 3.2-11 should be corrected and expanded. Page 3.2-24-25 appears to state that PM10 emissions will be between 545 and 497 pounds per day, well over the reported MPAQMD threshold; this reported threshold should be validated by citing the source of this number⁶.

10.14 Page 3.2-21 Please clarify the statement in the 4th full paragraph on this page that the local air district is working to develop a rule on airborne lead from demolition projects. Dust containing fugitive lead is a major concern to state officials who must review and approve new school sites.

10.15 Page 3.2-22 Mitigation Measure AQ-4.4 should be amended to require that all loads containing hazardous lead based paint and other contaminated deconstruction materials should be covered at all times not just when traveling on public roads. Existing homes and residents may otherwise be exposed to hazardous situations.

10.16 Page 3.3-21 Please clarify, including a locator map, where the *Sandmat Manzanita* is located within the project.

10.17 Page 3.5-3 Please clarify when and to what thresholds groundwater remediation will be completed. Text in the DEIR states that the systems are working well and should continue to operate as they do today. Figure 3.5-1 clearly shows TCE contamination underneath at least one of the potential elementary school site that may serve this project.

10.18 Page 3.5-9 The last paragraph on this page erroneously states that no schools are proposed within the Specific Plan area that may be affected by emissions of hazardous air pollutants from any of the commercial or industrial uses in the project. This statement appears incorrect if the MCWD site (in the Specific Plan) is intended to serve the project. Please amend this discussion to clarify both the regulatory requirements and the physical situation on the ground.

⁵ Page 3.2-11, top of page, paragraph 2, last sentence.

⁶ See page 3.2-20, paragraph 1, line 5.

- 10.19 Page 3.6-15 Storm water retention requirements are incompletely defined by this section⁷ and should be revised to cite precise standards to be used. The reader is unable to determine whether the requirements are adequate on one end of the spectrum or feasible on the other end of the same spectrum.
- 10.20 Page 3.7-8 Please clarify and provide a map indicating precisely where the natural environment has been almost completely eliminated "except for pockets of small natural vegetation in the east areas of the project site."
- 10.21 Page 3.8-9 Table 3.8-5 states that 70 dB is conditionally acceptable for exterior noise levels at schools. This is taken from the City's General Plan that in turn quoted the extremely dated state noise matrix. This sound level is not acceptable for schools whether or not the state agrees. Sixty dB is the maximum acceptable level for schools, using a dBA scale rather than the Ldn scale recommended in this table (the Ldn scale underestimates daytime noise impacts and emphasizes nighttime noises).
- 10.22 Page 3.8-20 Please clarify whether the Cypress Knolls project will have a sound wall on the north side of Imjin Parkway as described in the last paragraph on this page. If so, acoustic analysis is needed to determine whether traffic noises will be reflected onto the proposed school site and possibly justify a sound barrier wall on the south side of this busy arterial road.
- 10.23 Page 3.9-6 This DEIR states that "MCWD plans to irrigate all . . . public landscaped areas with recycled water" [from the regional wastewater facility]. Please see comments provided at page 2-26 and elsewhere in this letter. The school district does not support mandatory use of reclaimed water in areas where young children will have significant contact with grass irrigated with reclaimed water. Large playfields and areas where shoes are mandatory (i.e., ball fields) are a distinguishable situation. Please revise to use wording including the phrase "where appropriate". Please understand that the school district appreciates the ability to save water and dollars by using reclaimed water, but many parents who are your voters and ratepayers don't want their young kids sitting or playing on grass watered by what is returned from the sewer treatment plant. Public opinion may change in the future but the City should not make this a mandate.
- 10.24 Page 3.9-7 The first full paragraph on this page uses "likely" and "highly likely" to describe the augmentation water. These are not terms of certainty. Page 3.9-12 states the MCWD is currently proposing an Urban Water Augmentation Project. Please reconcile this with the statement in the first full paragraph on page 3.9-20 that "the city has identified existing and future water supplies that would adequately serve the Proposed Project," This should also be clarified on page 3.9-32 under the finding for UT-5. The record is not clear on the basis for this finding.

⁷ "...FORA's Storm Water Master Plan has suggested using a standard that . . ."

- 10.25 Page 3.9-20 It is of grave concern to the school district that water may not be set aside for schools and other public facility uses within and serving the project. Longstanding FORA policy expects the local jurisdiction (City of Marina) to provide water to schools required to serve homes approved by the City. Please confirm that 114.9 acre feet per year (AFY) have been set aside for all "Non-Applicant Parcels" (including the MCWD site that is under discussion for use as a school) and the City's analysis that this quantity of water will be adequate for the potential uses.
- 10.26 Page 3.9-27 See comment at page 2.26 and 3.9-6 regarding mandatory use of recycled water on playgrounds as stated in this DEIR. This should be modified to use recycled water on grass with expected skin contact (i.e., sitting or playing on grass rather than running with shoes) where such use is appropriate.
- 10.27 Page 3.9-32 City of Marina General Plan Policy 3.50 states that the City shall reserve water for new schools. Impact UT-5 that suggests some users will not have water until the planned augmentation and other supplemental sources are operational. This EIR should provide a commitment that water will be available to schools and other public facilities needed to serve this project.
- 10.28 Page 3.10-45 Please clarify what improvements and mitigations are being proposed for pedestrians and bike riders. After the discussion on page 3.10-45 it is not clear what will be included. Figure 3.10-12 shows only very general information. This is a safety issue for future residents and affects potential paths of travel from home to school.
- 10.29 Page 3-10.71 This section of the traffic study underscores the importance of 2nd Avenue to connecting the existing and future parts of Marina. The organization of your mitigation measures spreads these requirements over various phases, but timely construction of this critical road link must be included in all Capital Improvement Plans and road improvement plans.
- 10.30 Page 3.10-75 With regard to Mitigation Measure TR 5.7 and other portions of the traffic study, please ensure that any roundabouts are sufficiently large to accommodate a full size school bus. School buses in other communities have found difficulty fitting in narrow roundabouts.

Thank you for the opportunity to provide comments on this Draft EIR. Contact me at (831) 645-1239 or (805) 658-2995 or rcorley@mpusd.k12.ca.us if you have any questions.

cc: Superintendent, Chief Business Officer

10. Monterey Peninsula Unified School District

- 10.1 The analysis of potential environmental effects related to fire, police, schools, and parks is part of the record for the Proposed Project EIR and is presented in Item 13 on pages 57 through 59 in the Initial Study, which is included in its entirety in Appendix A in Volume I of the DEIR.

The analysis on pages 57 and 58 in the Initial Study concludes that development of the Proposed Project would increase the demand for fire and police protection services. The analysis notes that response times could be exceeded, but sites have been identified where facilities that would serve the Proposed Project (as well as other locations in Marina) could be built that would satisfy Public Safety Department requirements and that would be adequate to serve the Proposed Project. No further analysis is required.

Item 13d on page 58 in the Initial Study discusses the effect of the Proposed Project on parks. As stated on page 59 in the Initial Study, the Proposed Project includes 40.9 acres of public park to be dedicated to the City of Marina, which exceeds General Plan requirements. (As project details were subsequently refined during preparation of the DEIR, the number of acres of park was increased to 42.9 acres, as shown in Figure 2-2 in the Project Description in the DEIR.) As further noted on page 58, the developer would be responsible for payment of in-lieu improvement fees. Impacts are less than significant, and no further analysis is necessary. In addition, the commenter did not suggest the need for additional analysis in any response to the Notice of Preparation (NOP) filed for the Proposed Project.

The University Villages and Marina Heights projects are anticipated to generate approximately 310 and 263 students (K-12), respectively (Rob Corley, personal communication, April 13, 2005). Additional residential development associated with Marina Station and the East Garrison project will generate long-term population growth and increased numbers of students whereby at some future date additional elementary schools, a middle school, and a high school will be required. Beyond an elementary school site to accommodate University Villages and Marina Heights, there is no certainty relating to location or date of construction of other schools to accommodate future population growth in Marina.

In the interim, as the existing City of Marina elementary schools and middle school are at or very near capacity (Ibid.), for a period of approximately three years following construction of the University Villages and Marina Heights project and before a new elementary school is constructed, students would likely to located in temporary classrooms and structures at existing City of Marina elementary schools. Seaside High School, which serves the community of Marina, is also near capacity and a new high school would need to be constructed at a future date associated with buildout of the City of Marina. It is relevant to note that between the Armstrong Ranch development (i.e., the “Marina

Station” project), Monterey County’s East Garrison development, Marina Heights, University Villages, and to a small extent, the Cypress Knolls project (though the Cypress Knolls project is a seniors residential development it could generate a small number of high school students that could be associated with an older residential population), the school district anticipates 6,000 new residential units and based on a 0.25 per household student generation factor (Ibid.), the total student population of this development would equal 1,500 students.

The commenter correctly notes that a site for a school has not been identified in the University Villages Specific Plan. The developer will endeavor to work with the Monterey Peninsula Unified School District (MPUSD) to locate a new elementary school on, or near the University Villages project sites to serve the near-term future student population generated by future development in Marina. Also feasible is the use of the existing ball field on the California State University Monterey Bay (CSUMB) campus south of 8th Street and east of 4th Avenue (Rob Corley, personal communication, April 13, 2005). When certainty does occur for future development of schools, which will be based on the continual building out of the City of Marina, environmental review per the requirements of CEQA will be necessary at that time.

Currently, developer impact fees are the exclusive method for mitigating impacts on school facilities. By way of background, Proposition 1A/SB 50 is a school construction measure that was approved by the voters on the November 3, 1998 ballot. It authorizes the expenditure of State general obligation bonds primarily for the modernization and rehabilitation of older school facilities and the construction of new school facilities related to new growth. The new construction money is available through a 50/50 State/local match program. The modernization money is available through an 80/20 State/local match program. There are a number of other program reforms that are not summarized here. The School Facilities Law of 1986 limited the amount of any fee or other requirement imposed on a development project for the mitigation of impacts on school facilities. Although the law appeared to prohibit denial of a project on the basis of inadequacy of school facilities, three subsequent court decisions held that this prohibition applied only to administrative land use approvals (such as tentative maps, use permits, and building permits), not to legislative land use approvals (such as general plan amendments and rezoning). These court decisions became known as the Mira-Hart-Murietta trilogy.

In reliance on these decisions, many cities and counties required payment of school fees in excess of the statutory limits as a condition to granting approval of general plan amendments, specific plans, rezoning, and other legislative approvals. Proposition 1A/SB 50 overturns the Mira-Hart-Murietta cases by expressly prohibiting local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act . . . involving . . . the planning, use, or development of real property” (Government Code 65996(b)). In other words, the regulations also explicitly prohibit local agencies from imposing school impact fees in

excess of those provided by the statute in connection with approval of a project. Additionally, a local agency cannot require participation in a Mello-Roos for school facilities; however, the statutory fee is reduced by the amount of any voluntary participation in a Mello-Roos.

As previously noted, Proposition 1A/SB 50 has resulted in full State preemption of school mitigation. Satisfaction of the statutory requirements by a developer is deemed to be “full and complete mitigation.” Proposition 1A/SB 50 does identify certain circumstances under which the statutory fee can be exceeded. These include preparation and adoption of a “needs analysis,” eligibility for State funding, and satisfaction of two of four requirements identified in the law including year-round enrollment, general obligation bond measure on the ballot over the last four years that received 50 percent plus one of the votes cast, 20 percent of the classes in portable classrooms, or specified outstanding debt.

Assuming a district can meet the test for exceeding the statutory fee, the law establishes ultimate fee caps of 50 percent of costs where the State makes a 50 percent match, or 100 percent of costs where the State match is unavailable. All fees are levied at the time the building permit is issued. District certification of payment of the applicable fee is required before the city or county can issue the building permit.

No changes to the DEIR regarding schools are necessary as a result of this comment.

- 10.2 The site referenced by the commenter, the current Marina Coast Water District (MCWD) site, while within the boundaries of the University Villages Specific Plan area, is not proposed for development by the project applicant. It is anticipated that this site would be reserved for a school facility, though that potential reuse of the site has not been specifically analyzed in the DEIR. Any proposed development of the site with a school facility would require coordination and agreements between the MPUSD, MCWD, and the City of Marina, and would be subject to separate environmental review. A letter, dated April 27, 2005, was submitted by Marc A. Lucca, PE, Deputy General Manager/District Engineer for Marina Coast Water District, regarding ongoing negotiations for exchange of its existing facilities for the City’s potential school site. A copy of the letter is included as Exhibit 4 in the Appendix.

With respect to proposed development and associated student generation, it is expected that the project applicant would be required to pay applicable school mitigation fees to the district, pursuant to State law, which would serve as complete mitigation for school facility impacts (please see Response to Comment 10.1). Indirect impacts of school facility locations relative to the project site are not necessarily relevant to the Proposed Project, as project-generated students would be served by the nearest schools with available capacity, until such time as adequate capacity in neighborhood schools can be provided. Provision of school facilities to meet projected growth is the responsibility of the MPUSD as part of the school facilities planning process, and any environmental

effects resulting from lack of nearby facilities is beyond the scope of analysis required by CEQA relative to the Proposed Project.

- 10.3 As indicated by the commenter, Parcel E2d.3.1 was not included in the *Fort Ord Finding of Suitability to Transfer* (FOST) 6 (August 2002). This parcel has been subsequently included in FOST 8, which is currently in progress to allow for transfer of the site for ultimate development with proposed uses. The FOST was submitted for public review, the 30-day review period for which ended on April 24, 2005, and responses to public comments received is pending. Once responses to public comments have been completed, the FOST will be submitted to the Department of the Army for approval and signature, which would start the process for site transfer from the Army to the project applicant. This process typically takes several weeks once the FOST is submitted to the Army for signature, and once completed, the applicant would accept the site and deeds would be drafted, allowing proposed development to occur on-site pending project approval by the City of Marina.
- 10.4 Please refer to Responses to Comments 10.1 and 10.2. The payment of school mitigation fees for project-generated students and associated impacts to MPUSD facilities is considered, per State law, to be full and complete mitigation. The lack of a school site, or lack of inclusion of a site as part of the University Villages Specific Plan, is merely incidental, and it is the responsibility of the MPUSD to expand existing or construct new facilities to meet projected student demands. With payment of applicable fees, MPUSD would be able to expand or construct school facilities commensurate with project-related demands.
- 10.5 As the Non-application Parcels are not part of the Proposed Project and are controlled by other government (e.g., MCWD) and non-government agencies (e.g., Young Nak Church/Goodwill Industries), the ultimate use of these properties will be decided by these agencies in conjunction with the City of Marina. Most of the potential 561,850 square feet of public facilities relates to a future multi-modal transit center associated with the Transportation Agency of Monterey County (TAMC) and (MST) properties between Highway 1 and First Avenue.
- 10.6 The 10-inch gas transmission line illustrated in the Figure 2-5e on page 2-22 in the DEIR is a natural gas pipeline owned and operated by Pacific Gas and Electric Company (PG&E). This transmission line, which serves the entire Monterey Bay area, is part of PG&E's distribution infrastructure network, and is located within an easement for such facilities. Although the exact location of the pipeline is not discernable on Figure 2-5e, the pipeline's precise location, if not currently marked by signs or other surface utility markings, will be confirmed prior to any grading or other ground-disturbing activities in proximity to the gas line easement. As required by law, prior to any ground disturbance near the pipeline and easement, PG&E and Underground Service Alert (USA) will be contacted in order to preclude the potential for adverse effects associated with disruption of pipeline operation. Furthermore, it should be noted that all proposed on-site

development has been designed and located to be compatible with pipeline operation, such that no structures would be placed on or immediately adjacent to the easement, and specific uses (e.g., residential units, schools, etc.) would be located at a safe distance from the pipeline.

- 10.7 Comment noted. Future use of reclaimed water on MPUSD property will have specific applications as approved by the MPUSD. Recycled water that meets specific criteria set forth by the California Department of Health Services, per Title 22 of the California Code of Regulations, is considered safe for human contact and for non-potable applications. Although a permit would be required from the Regional Water Quality Control Board for application (discharges) of recycled water, which meets Title 22 standards and has undergone tertiary treatment at a permitted water recycling facility, use of recycled water would not pose a health risk to people, including young children, exposed by direct contact. Schools are among specific land uses that are approved by the State for application of recycled irrigation water. Furthermore, per MCWD ordinance, recycled water must be utilized for irrigation if a project site, including a school, is located within a specific distance from an existing recycled water connection point. Given that MCWD requires application of recycled water for irrigation if in proximity to existing distribution infrastructure, and that such water meets Title 22 water quality standards, there would be no restriction to using such water for school site irrigation. Nonetheless, watering activities must occur during nighttime hours, per MCWD conservation requirements, which would preclude the possibility of students having direct contact with recycled water.
- 10.8 The proposed General Plan Amendment would simply re-designate the site to Multiple Use. The land use designation, Multiple Use, within the University Villages Specific Plan is consistent with the General Plan designation. According to the University Villages Specific Plan, the MCWD site, which is expected to serve as a school site (developed as part of a separate project by the MPUSD), is designated as “Multiple Use” (MU). The MU designation, per Table 5.6 in the University Village Specific Plan, allows schools as a conditional use. As such, the Proposed Project would not preclude the future construction and operation of a school facility at the current MCWD site.
- 10.9 The proposed University Villages Specific Plan would comply with Section 4.9 of the City’s General Plan. The Proposed Project has been designed to clearly mark the boundaries of the University Villages Specific Plan area with design treatments, yet the project also includes transportation connections with surrounding neighborhoods, including the CSUMB campus to the east. The University Villages Specific Plan connects to the surrounding transportation network, including connections to streets, sidewalks, off-street trails, and bike paths. Because the project would serve to define the City’s boundary through design elements included in the University Villages Specific Plan, and multi-modal transportation connections would be provided to link the project area to surrounding neighborhoods and uses, including CSUMB, the Proposed Project would not preclude or hinder access for people traveling between the City and surrounding jurisdictions. As

such, the Proposed Project would not result in an adverse effect on students traveling to and from school facilities located in jurisdictions other than where they reside.

10.10 This response assumes the commenter is concerned that a district school would be limited to a maximum height of 40 feet. Public school facilities constructed by MPUSD would be constructed on land within the City of Marina but would be under the jurisdiction of MPUSD. As such, the height limits established in the University Villages Specific Plan would not apply.

10.11 Mitigation Measure AE-3.1 is specific to Fort Ord Dunes State Park only. The mitigation addresses lighting in the context of commercial (i.e., non-residential) land uses that flank the east side of Highway 1.

The California Environmental Quality Act (CEQA) concept of "tiering" refers to the coverage of general environmental matters in broad program-level EIRs, with subsequent focused environmental documents for individual projects that implement that specific program or plan. Under Section 15168 of the State CEQA Guidelines, where an EIR has been prepared or certified for a specific program or plan, the environmental review for a later activity consistent with that specific program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines Section 15152[d]). There are no requirements under CEQA for "tiering" to be used to specify mitigation measures to be used in other projects not contemplated within the University Villages Specific Plan, as suggested by the commenter. This does not preclude the possibility, however, that such mitigation could be used as an example of mitigation that could be applied to other projects that could, in turn, result in the restrictions suggested by the commenter.

The City acknowledges the commenter's concern regarding the potential for the nighttime lighting reduction measures outlined in Mitigation Measure AE-3.1 to be precedent-setting. This issue will be considered by the decision-makers during their review of the Proposed Project. No changes to the mitigation measure are necessary.

10.12 The project's contribution to cumulative lighting effects is mitigated by Mitigation Measure AE-3.1. However, as noted in Response to Comment 10.11, this applies only to the areas flanking the east side of Highway 1.

10.13 Page 3.2-11 is a description of existing conditions, which describes the locations of sensitive receptors near the project site. No changes to page 3.2-11 are required, as impacts associated with PM₁₀ emissions are discussed in Impact AQ-6 on pages 3.2-23 through 3.2-25 in the DEIR. Thresholds of significance are specified by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) in its CEQA Guidelines, as stated on page 3.2-15 in the DEIR.

- 10.14 Page 3.2-14 in the DEIR explains that the MBUAPCD is in the process of developing a rule that would regulate airborne lead from demolition activities. Mitigation measures are included in AQ-4 to reduce lead impacts to less-than-significant levels. Additionally any construction and occupation of school sites would occur after demolition on the project site had occurred. Airborne lead would only be an issue during demolition of nearby existing structures.

Building deconstruction and demolition will occur within the first three to five years after project approval in 2005. Deconstruction and demolition for Phase 1 of the project will occur immediately. A new school would not be constructed by MPUSD until the residential population associated with the Proposed Project and the Marina Heights project reaches a threshold where the number of anticipated students generated would justify a new school (elementary school). (See also Responses to Comments 10.1 and 10.18.) This will coincide with the timeframe where most, if not all, structures have been removed from the University Villages Specific Plan project site.

- 10.15 Mitigation Measure AQ-4.4 on page 3.2-22 in the DEIR will be revised as follows to incorporate the commenter's recommendation:

AQ-4.4 All truck loads containing demolished materials ~~and that travel city, county or state roads shall be covered~~ shall be covered at all times.

- 10.16 The Sandmat Manzanita is identified in "plate 2" (reference file "Sensitive Species") on the CD-ROM attached to the Zander Associates report contained Appendix C in Volume II of the DEIR. This CD also contains other relevant maps that support the Zander biological discussion and in Section 3.3, Biological Resources, in the DEIR.

- 10.17 As discussed in Section 3.5 in the DEIR, the contaminated groundwater remediation process is ongoing in various locations on Fort Ord and within or near the project site. As contamination is pertinent to groundwater supply and pumping at depth and is beyond what any future or existing school would experience, and as schools are not be expected to include groundwater pumping, or be supplied with contaminated water, the groundwater remediation process does not appear to be relevant to schools and an environmental impact is not anticipated.

- 10.18 Currently, there are no school sites proposed as part of the University Villages Specific Plan that is analyzed in the DEIR. The DEIR correctly characterizes the existing condition. Though a school site is not currently shown on the project plans, there could be a school on-site or on an adjacent property. A new school would not be constructed by MPUSD until the residential population associated with the University Villages Specific Plan and the Marina Heights project reaches a threshold where the number of anticipated students generated would justify a new school (elementary school). The most likely location for an elementary school on the project site will be east of 4th Avenue on what is

currently identified in the DEIR as the MCWD property (refer to Figure 2-2 of the DEIR)(Rob Corley, personal communication, April 12, 2005).

Location of a school site will consider future adjacent uses and the physical environment. The California Education Code contains specific requirements for school site evaluation that takes into account on-site hazards (e.g., contamination from historic uses), potential on- and off-site sources of toxic air emissions, location relative to high-pressure gas lines, and geotechnical considerations. At the time a specific school site is identified, the environmental review of the school site under CEQA would also be required to address potential hazards related to on- or off-site existing or planned uses that could result in hazardous emissions that could affect the site. Please see also Response to Comment 10.1 regarding environmental review requirements. No changes to the DEIR are required as a result of this comment.

- 10.19 The proposed drainage system is based on federal, State, and local standards as discussed on pages 3.6-6 through 3.6-12 in the DEIR. The drainage system proposed and discussed on pages 3.6-15 and 16 addresses the applicable standards appropriate for the future of the drainage system. The City respectfully disagrees that there is lack of information or clarity on this matter.
- 10.20 The information requested is shown in the CD-ROM included in Volume II of the DEIR and addressed above in Response to Comment 10.16.
- 10.21 The commenter's disagreement with the City's noise standards is noted. The noise standards used in the DEIR analysis were compared to those specified in the Noise Element of the General Plan. As the officially adopted planning document for the City, the General Plan is the most appropriate document to use for determining standards of significance.
- 10.22 The certified EIR for the Cypress Knolls Retirement Community project assumed the construction of a sound wall on the north side of Imjin Parkway as a mitigation measure to protect the residents of the retirement community from roadway noise.

The current University Villages Specific Plan does not include a school site (see Responses to Comments 10.1, 10.2, and 10.8). However, one potential location for a school site is identified as the MCWD "non-application" parcel, which is generally identified as an "opportunity phase-commercial/public facilities" land use in Figure 3.8-1. This figure illustrates locations of noise monitoring. Assuming that location, a school constructed at that location would be set back from Imjin Road behind residential uses. Because these residential uses would be between the school and Imjin Road, any increase in noise caused by the construction of a sound wall on the north side of Imjin Parkway would not be noticeable due to the shielding of the school site by the residential uses. Any roadway noise affecting the school site would come from vehicles traveling on California Avenue, not from sound reflecting off a sound wall.

- 10.23 Please refer to Response to Comment 10.7. This is a comment on the recycled water provided by the MCWD and potential application locations within the University Villages Specific Plan. The comment is noted and will be considered by the decision-makers. Please also see Response to Comment 11.3.
- 10.24 The proposed Regional Urban Water Augmentation Project is required as part of the Fort Ord Base Reuse Plan, and was not introduced as part of the Proposed Project. Nonetheless, the augmentation plan identifies many options for securing additional water supply for future land uses that would occupy the base site, any combination of which may ultimately be deemed appropriate for implementation. At this stage of planning, it is not possible to identify which specific source or combination of sources would be applied to meet the projected demands for the property. As such, the DEIR does not specifically identify which particular supply sources would be utilized to augment supplies.
- 10.25 The commenter is correct that 114.9 acre-feet per year (AFY) have been assumed for the “Non-Application Parcel uses,” as indicated in the DEIR. The MCWD site and nine other sites that are proposed for development within the University Villages Specific Plan area, but which are not proposed to be developed by the project applicant, comprise the land uses that were determined in the Proposed Project’s Water Supply Assessment (WSA) to create a demand for 114.9 AFY. These parcels are referred to in the WSA as “Other Specific Plan Development,” including the 11.3-acre MCWD site, which was assumed to be developed with elementary school uses. As calculated in the WSA, the MCWD site, if developed with school uses, would create a demand for approximately 47.4 AFY, which is included in the 114.9 AFY indicated by the commenter. Irrespective of the discrepancy in the overall project-related water demand between the WSA and DEIR, the 114.9 AFY for the “Non-Application Parcel uses” (or “Outparcels within Specific Plan Area” in Table 3.9-3 on page 3.9-21 in the DEIR) is assumed in both the WSA and DEIR discussion. As such, the WSA (and the associated discussion in the DEIR) has incorporated on-site school uses in water demand projections, and therefore school development has been anticipated in MCWD’s water supply planning forecasts.
- 10.26 Please see Response to Comment 10.7.
- 10.27 Please refer to Responses to Comments 5.4 and 10.25 regarding reliance on planned future water supplies and accountability for school-related water supplies, respectively. The WSA for the Proposed Project accounts for water supplies required to serve the demands of school facilities on the MCWD site. Such supplies for schools are indirectly discussed on pages 3.9-20 and 3.9-21 in the DEIR with regard to planned supply for “Other Specific Plan Development” because such supply is included as part of the analyzed demand. Furthermore, it is permissible to anticipate in the WSA that planned water supplies would be available to serve projected demands, including those associated with on-site school facilities, although such facilities are not necessarily part of the Proposed Project. At which time the Monterey Peninsula Unified School District (MPUSD) pursues development of the school facilities at the MCWD site, MCWD will

have to make a project-specific determination regarding adequacy of supplies, although school-related demands have already been accounted for in the WSA for the University Villages Specific Plan. Because school-related demands have been anticipated for the site in MCWD's water supply planning, it is anticipated that adequate supplies will be available to serve school facilities and other planned development included in the project's WSA.

- 10.28 The text on page 3.10-45 in the DEIR generally explains where bike facilities will be located. Exhibit 5B in the Traffic Impact Study Report (included in Appendix F in Volume II of the DEIR) provides additional detail. This figure shows the Class 1 and Class 2 bike facilities. Class 2 facilities are indicated as "on street striped bike lanes" in the attached figure. The combination of bike lanes, sidewalks, and neighborhood streets provides adequate circulation and access to cyclists and pedestrians. The reader is also referred to Section 3.3 of the University Villages Specific Plan.
- 10.29 Project plans and the CIP will be premised on assuring an integrated road system.
- 10.30 This is a comment on the design of the roundabouts (Mitigation Measure TR-5.7) and is not directed to the analysis in the DEIR. The comment will be considered by the decision-makers during the project approval process.

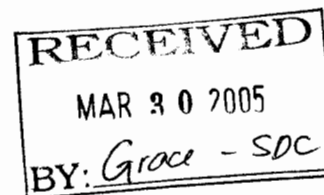


COMMUNITY DEVELOPMENT DEPARTMENT

440 Harcourt Avenue
Seaside, CA 93955

Telephone (831) 899-6737
FAX (831) 899-6211
TDD (831) 899-6207

Letter 11



March 30, 2005

Doug Yount, Director
City of Marina Strategic Development Center
265 Reservation Road, Suite E
Marina, California 93933

Re: University Villages Specific Plan
Draft Environmental Impact Report

Dear Doug:

Following a meeting held between our City Manager, Les White and your City Manager, Tony Altfeld to discuss major environmental issues associated with this project and our meeting held this past Monday to review our City's initial draft response letter on the EIR, we have prepared the following comments to the above EIR document for your review and consideration. The subject EIR was reviewed by staff members from our Community Development and Public Works Departments as well as by our traffic consultant; their input is reflected in this letter.

In responding to this EIR we decided to direct our comments to our major areas of concern rather than note every issue raised by our staff or our consultant. Our City Manager has personally reviewed and approved the contents of this letter. While we recognize the positive aspects of your project and understand its importance to your City, we are concerned about several areas identified in the EIR, most notably the traffic impacts of this project.

Project Description

Page 2-11 Use of "Proposed Project", "Non-Application Parcels", "Opportunity Phases", and Phasing

11.1

The EIR should have fully addressed the proposed land uses within the boundaries of the Specific Plan area, including those that are not immediately proposed for development. The EIR states that the Specific Plan area will be divided into a 358-acre Proposed Project site and 60.5 acres of Non-Application Parcels. The Proposed Project site is further divided into three phases and an Opportunity Phase. While the EIR provides an analysis of the Proposed Project application, there is only a partial analysis of the impacts of the Non-Application Parcels. We trust that additional environmental review will be required prior to approval being granted for development on the Non-Application parcels.

- 11.1 cont'd With the exception of the Transportation and Circulation analysis, the EIR does not adequately consider the potential impacts of a partially constructed project. If the Specific Plan is intended to be a programmed, phased plan, the accompanying analysis of impacts and the proposed mitigation should correspond to each phase.

Page 2-16 Vague Land Uses & Options

- 11.2 The Specific Plan and the EIR provide insufficient detail concerning the proposed land uses. The extensive mixed-use components and the Opportunity Phases create a loose framework of land uses with many variables and options. We believe the City should identify the proposed land uses in each development area in more specific terms so that the environmental impacts of proposed uses could more accurately be addressed.

Page 2-26 Utilities. "Recycled Water System"

- 11.3 It is suggested that the 2nd sentence should read "the recycled water system would (instead of will) reduce demand for potable water by using recycled water for the irrigation" To date, the urban recycled water distribution system has not been engineered or constructed and there is no timeline or regulatory approval to construct it.

Section 3.1 Aesthetics and Visual Resources

- 11.4 **Page 3.1-16 Protection of the Highway 1 Design Corridor and Views of the Santa Lucia Range.**

Impact AE-1.2

The mitigation measures calls for the visual simulations of proposed buildings. Rather than defer the review of aesthetic and visual impacts, the EIR should contain visual simulations of building profiles, assuming a height of 40 feet and maximum development as permitted in the Specific Plan.

Section 3.2 Air Quality

- 11.5 If the traffic modeling and analysis are revised to address the City of Seaside's concerns that are expressed in this letter, the corresponding analysis in the air quality section should also be revised.

Section 3.6 Hydrology & Water Quality

Page 3.6-17 to 3.6-19 Environmental Analysis

Impact HY-1.

- 11.6 The EIR states that the City's storm drainage design standards are less stringent than FOR A's recommended standards yet it relies on City of Marina staff to ensure that the basins and drainage system are adequately sized. A significant impact should be identified and mitigation included requiring that the systems be capable of retaining the 100-year, 24-hour storm, as required by FORA. The FOR A constructed detention basins that receive storm water from this development (East of Highway 1) are temporary and will be abandoned after development on Fort Ord.

The Reuse Plan requires development to retain storm water on-site. There should be no connection from the project into the current storm water system. The project's storm drainage system should be consistent with the "Storm Water Master Plan" adopted by FOR A. In addition, a maintenance agreement based on the phased plan should be in place and be required as a mitigation measure until such time that on site drainage facilities are completed at build-out.

Section 3.7. Land Use and Planning

Page 3.7-7 Land Use and Planning: Methodology for Analysis

- 11.7 Although the EIR discusses the planned adjacent land uses at CSUMB, it does not discuss the planned land uses designations indicated on the City of Seaside's General Plan outside of the CSUMB campus area. Most notably, Seaside's planned regional shopping center use, located directly south of the project, will be impacted significantly, particularly in terms of traffic, by the proposed project. In addition, the Seaside General Plan identifies areas for mixed uses along the south side of Light Fighter Drive, in close proximity to the project area. The EIR should include an analysis of planned land uses contained in Seaside's General Plan that will be impacted by the proposed project.

Section 3.8 Noise

- 11.8 If the traffic modeling and analysis are revised to address the City of Seaside's concerns as expressed in this letter, the corresponding analysis in the noise section should also be revised.

Page 3.8-18 Environmental Analysis

Impact NE-3.

- 11.9 Since the project will create substantial noise impacts on uses in other jurisdictions, it is not sufficient to state that other projects would have to meet the City of Marina's interior noise standards. The requirement that these jurisdictions should simply increase sound attenuation in their buildings, at their own expense, does not appear to be a reasonable noise mitigation.. Alternate means of mitigating project-related noise on nearby properties should be discussed in the EIR.

Section 3.9 Utilities

- 11.10 Project infrastructure should be adequately sized to also accommodate future land uses in the City of Seaside. A mitigation measure should be included to require that all new utilities are appropriately sized and that any existing facilities are appropriately upgraded to accommodate the project, as well as future land uses in Seaside. The FORA CIP, the Seaside CIP, or similar documents cannot and should not be relied upon to mitigate all utility and infrastructure impacts of the project.

Page 3.9-12 Water Quality

- 11.11 The City of Marina and the former Fort Ord water supply is primarily from groundwater wells. In the past, MCWD has also operated a seawater desalination plant and is in the process of implementing a recycled water project. The EIR should address both of these sources of water.

Page 3.9-18 Regulatory Setting: Local

- 11.12 This section should describe the contributions that the proposed project would be obligated to provide to the FORA Capital Improvement Program/Community Facilities District.

Page 3.9-25 Water Supply analysis

- 11.13 SB 221 requires a *Written Verifications of Water Supply* for large subdivisions such as the University Villages project. Such a verification of water supply has not been issued for this project and a less-than-significant impact cannot be assumed. Within the current water constraints, the project cannot be accommodated as proposed as the project exceeds its current allocation. The impact should be considered to be Significant until a *Written Verification of Water Supply* is issued and an adequate water entitlement is secured. We believe that the water analysis should be revised to reflect these concerns.

Section 3.10 Transportation

- Scope of Study – A project of this magnitude must examine regional traffic impacts that extend beyond the project site and adjacent roadways. The EIR should be expanded to analyze potential impacts to State Highway 68 east to Laguna Seca, Highway 156 to the Prunedale/101 interchange,
- 11.14 Highway 1 south to Rio Road and north to Castroville, Reservation Road and Blanco Road to Salinas, Highway 218 to Highway 68 and any other regional roadway that will likely be impacted by a project of this scale. The EIR should also examine existing impacts to the Fremont Boulevard/southbound Highway 1 off-ramp and address the proposed Monterey Road/Highway 1 interchange. The City of Marina should revise the EIR to address regional traffic impacts.
- Study Methodology – The traffic study was completed using the traditional traffic engineering approach of layering on to existing traffic counts successive approved and potential developments. This approach is not appropriate when analyzing large projects that have the potential to completely change traffic patterns in an area. As documented in the EIR, the cumulative analysis of the project
- 11.15 traffic plus traffic from other proposed projects in the area will generate over 28,000 PM peak hour trips. Using the traditional traffic engineering approach, it is not possible to accurately account for the interaction between land uses and the revisions to existing traffic patterns that will occur with such large-scale development. The traffic study should have been completed using the AMBAG model. The report states that the AMBAG model was used to derive the assumed trip distribution pattern. The AMBAG model should also have been used for trip generation and assignment.
- 1st Avenue – The EIR assumes the future availability of 1st Avenue as a means of egress from the proposed project. That portion of 1st Avenue located between 1st Street and Light Fighter Drive is within the jurisdiction of the City of Seaside. It currently bisects land that is planned to be developed with a regional shopping center. The development of this shopping center will likely require the abandonment or, at minimum, the relocation of 1st Avenue. This action will eliminate one of the direct exit routes from the project. The traffic analysis in the EIR should be expanded to
- 11.16 address the possible elimination of this southern portion of 1st Avenue as a means of egress from the project. It is anticipated that the elimination or relocation of this roadway will likely have significant impacts on 2nd Avenue and the intersection of Light Fighter Drive and 2nd Avenue. These impacts warrant additional analysis in the EIR. It is not reasonable to expect the City of Seaside to maintain this section of 1st Avenue as a public street or in its present location just to mitigate traffic impacts of the proposed project. The continued public use of this roadway section would likely hinder the Seaside's efforts to achieve a quality shopping center design on this site.
- Project Trip Assignment – Careful study of the trip assignment figures (Figure 3.10-21A and 3.10-21B) indicates that much more freeway traffic to and from the south was assigned to the 12th Street interchange versus the Light Fighter Drive interchange. Of the traffic to and from the south on Highway 1, about 30% is assigned to Light Fighter in the AM peak and 23% in the PM peak. We believe these percentages are understated. Traffic to and from the south has to “back track” to use the 12th Street interchange. We believe the percentage of proposed traffic that would use the Light Fighter interchange would be closer to 70%. If this percentage is correct, then the proposed improvements to the intersections of Light Fighter/1st and Light Fighter/2nd would not be adequate. We believe that the traffic study should be redone using the AMBAG model that would automatically assign traffic to the shortest path.
- 11.17
- Project Trip Distribution – The traffic assignment to Light Fighter Drive does not match the trip distribution pattern, shown in Figure 3.10-10. Figure 3.10-10 indicated that 24.1% of inbound traffic and 33.2% of outbound traffic to come in and out via Highway 1 to the south. However, the trip assignment, shown in Figure 3.10-21, adds up to 25% of inbound traffic and 25% of outbound
- 11.18

11.18 cont'd traffic. The difference between 33% and 25% has been assigned to northbound Highway 1. We believe your traffic consultant should confirm, using the AMBAG model, that the trip distribution is correct. If the trip distribution is correct, more traffic would use Light Fighter Drive, and the impacts to Light Fighter Drive would be greater than is being shown.

11.19 Unrealistic Intersection Improvements – The study includes seven intersections in the City of Seaside. The EIR states that all of the seven intersections will require improvements either as a result of project impacts alone or as a result of cumulative impacts. In our judgment, the improvements at the following three intersections are an inappropriate approach to addressing traffic impacts: Light Fighter Drive/2nd Avenue, Light Fighter Drive/Gen. Jim Moore Boulevard and Gen. Jim Moore Boulevard/Gigling Road. In these improvements, the EIR assumes that the City of Seaside is willing and financially able to widen its roadways, install roundabouts and three left turn lanes and signalize existing intersections. Those improvements that are above and beyond the FORA CIP are decided by the underlying jurisdiction. The City of Seaside will not add third left turn lanes because of the required widening of corresponding roadways and the hazards associated with three left turn lanes. Improvements to City of Seaside roadways, in excess of improvements identified in the FORACIP, are at the discretion of the City of Seaside and will not be implemented simply to accommodate this project. We believe that the City of Marina should revise the proposed project and the EIR so that required roadway improvements within the City of Seaside need not exceed the projects identified in the FORA CIP and ensure Levels of Service meet City standards.

11.20 Light Fighter/2nd Avenue: The improvement specifies 3 left turn lanes (one shared) from southbound 2nd Avenue to eastbound Light Fighter Drive. It is our experience that very few, if any, 4-way intersections can be made to function safely and efficiently with triple left-turn lanes. One problem is trying to get the lane usage to balance between the three lanes. 2nd Avenue is not wide enough to accommodate the proposed number of lanes and is held in fee title by CSUMB. It is not practical to assume that additional right of way will be granted for the purpose of improving this roadway.

11.21 The EIR should also address the impact on pedestrian crossing times at these large intersections. Streets with multiple through lanes and turn lanes become so wide that pedestrian crossing times become a serious constraint to efficient operations. The Level of Service calculations for the Light Fighter/2nd intersection included in the EIR do not satisfy the required pedestrian crossing times. Therefore, the actual levels of service will be worse than are shown. The EIR should be revised to include analysis of pedestrian crossing times in the review of intersections.

11.22 Light Fighter/Gen. Jim Moore: The improvement specifies three left turn lanes from northbound Gen. Jim Moore to westbound Light Fighter Drive. Also, pedestrian crossing times would not be adequate. For the reasons described above, we consider the proposed mitigation measure to be infeasible and insufficient.

11.23 Gen. Jim Moore/Gigling Road: The improvements specified here do not require triple left-turn lanes, but do require that Gen. Jim Moore Boulevard be widened to at least six lanes with additional turn lanes at the intersection. The pedestrian crossing times would not be adequate. The proposed mitigation is considered to be inadequate. If the pedestrian crossing times were to be met, the level of service would be worse than is being shown. The current roadway is owned in fee title by the U.S. Army and additional right of way to construct improvements may not be feasible. The study should be amended to include improvements that are both reasonable and feasible.

11.24 Mitigation Funding: The improvements necessary at the seven impacted intersections in Seaside are above and beyond the planned FORA CIP improvements. The project would cause significant impacts at four of the intersections and would contribute to a significant cumulative impact at the

11.24 other three. After feasible and acceptable improvements are identified, the study should include cost estimates and funding strategies for each improvement, including freeway improvements. We believe that the project should fully fund the necessary improvements where impacts are caused by the project and partially fund improvements necessary to address for cumulative impacts.

cont'd

A Pavement Evaluation Condition survey should also be conducted in order to determine the projects specific maintenance responsibility for impacts to jurisdictions outside of the project area.

11.25

Freeway Impacts: A Project Study Report (PSR) has been developed by Caltrans to widen Highway 1 to six lanes, build a new interchange between the Fremont Boulevard and Light Fighter Drive interchanges, and make operational improvements at the Fremont Boulevard interchange. The EIR should describe these improvements, discuss their adequacy to accommodate project traffic, and assess the impact of the proposed project. In addition to the 6-lane planned improvement on Highway 1, the project would require Highway 1 to be widened to eight lanes south of Light Fighter Drive and to eight lanes south of the 12th Street interchange under cumulative conditions. In addition the DEIR concludes that the SB on-ramp and NB off-ramp at the Light Fighter interchange will need to be widened to two lanes. Two lane ramps require auxiliary lanes on the freeway; so therefore it is not clear whether this means Highway 1 needs to have six main lanes plus auxiliary lanes, or eight mainline lanes plus auxiliary lanes. In either case, we believe a funding mechanism must be developed to insure that these freeway improvements actually get built. Since there are few alternatives to Highway 1 in northern Monterey County, circulation will be impaired and development will be severely constrained if the capacity of the freeway is not increased. Normally it is argued that new development is too small, individually, to fund freeway improvements. This is not the case with the University Villages project. This project should have the funding ability to make a significant contribution to freeway widening, at least to the 6-lane project, for which a PSR already has been prepared.

11.26

Alternatives – Because of its size, the University Villages project would place demands on the road system well beyond the current planned capacity of these roadways. We believe that the EIR should include a reduced development alternative that would maintain traffic levels in line with planned capacities. For example, an alternative should be included that would allow Highway 1 to function adequately with the planned six lanes rather than eight lanes. An alternative should also be included that would function with feasible and acceptable improvements to Light Fighter Drive under cumulative conditions.

Section 4.0 CEQA Considerations

Page 4-4 Growth-Inducing Impacts

11.27

Employment. The analysis of growth impacts of the project in the EIR uses Table 3-3.1 of the Fort Ord Reuse Plan as the basis for the estimated employment at the project site. A better estimate would, in our opinion, be based on the actual planned land uses in the Specific Plan, not on an estimate that is ten years old and not based on project-specific uses.

Section 5.0 Project Alternatives

11.28

These alternatives provide some comparison to the proposed specific plan. However, as noted in the CEQA Guidelines, alternatives should include those that would avoid significant impacts. The EIR should include a reduced size/scale alternative that avoids most of the significant and unavoidable impacts, instead of simply presenting what we believe are alternatives that would also result in the same significant and unavoidable impacts. We are particularly concerned that the significant and unavoidable traffic impacts will be located within and negatively impact the City of Seaside.

Appendix A

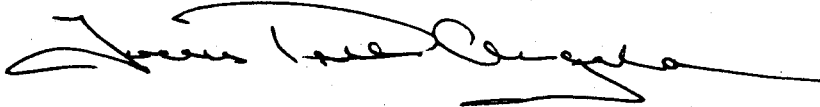
Schools

11.29

The EIR does not evaluate schools, but instead relies on the Initial Study in Appendix A to determine that the project's impact on schools is less-than-significant. The only justification for this conclusion is that the project will be required to pay school fees. This determination does not appear to be based on consultation with the Monterey Peninsula Unified School District. The School District is currently facing budget problems and the impact that the project would have on school resources and facilities should be considered a significant impact. We question whether payment of the required school fees will fully mitigate the impacts on MPUSD of new students generated by the project.

This concludes the City of Seaside's comments on the Draft Environmental Impact Report for the University Villages Specific Plan. The City of Seaside appreciates the opportunity to provide comment on this project and offers them in the spirit of assuring balanced development opportunities for all the land use agencies on Fort Ord.

Sincerely,



Louis Dell'Angela
Community Development Director

cc: Les White, Interim City Manager
Mayor Ralph Rubio & Council Members
Anthony J. Altfeld, Marina City Manager
Christine di Iorio, Marina Project Manager
Diana Ingersoll, Seaside Director of Public Works

11. City of Seaside

- 11.1 The commenter correctly notes that additional environmental review will be required prior to development approvals on Non-Application Parcels. (Note: the correct total of Non-Application Parcels is 61.9 acres [DEIR, page 2-11, page 2-24, and Table 2-1], not 60.5 acres). The City respectfully disagrees with the commenter that the DEIR does not adequately consider the impacts of the Non-Application Parcels, as discussed below.

The DEIR adequately analyzes potential environmental effects associated with Phase 1 of the University Villages Specific Plan. Figures 2-5a through 2-5b show the Tentative Map for Phase 1, for which development entitlements are currently being sought by the applicant in conjunction with certification of the EIR. The analysis in the DEIR for Phase 1 is based on this information. No additional applications for subsequent phases have been submitted to the City for processing, including the Non-Application Parcels. Nonetheless, contrary to the commenter's assertion, the DEIR analyzed potential environmental effects of the Non-Application Parcels to the extent that sufficient information existed to allow for reasoned assumptions about the type or intensity of development, and even though some of the parcels are not within the City of Marina.

The analysis assumed the maximum development potential for the parcels listed in Table 2-1 and summarized in the unnumbered table on page 2-25 in the Project Description. These tables incorporate Non-Application Parcel land use development intensity assumptions.

The DEIR (page 2-24) specifically states that the potential development associated with the Non-Application Parcels "have been included in the traffic, air quality, and noise impact sections of the DEIR." The analysis of water supply effects (Impact UT-1, page 3.9-20) also incorporates the Non-Application Parcels).

Other examples of how the DEIR evaluated the impacts of the Non-Application Parcels can be found in the Aesthetics and Visual Resources chapter (Section 3.1 in the DEIR), in which the analysis of visual effects specifically included viewpoints along Highway 1 adjacent to the Transportation Agency for Monterey County (TAMC) property (a Non-Application Parcel). Figure 3.3-1 in Section 3.3, Biological Resources, illustrates the boundary of the project site and shows habitat types, which includes the Non-Application Parcel areas. The biological resources evaluation in the DEIR (page 3.3-1) characterized the project site as the entire 420 acres, which includes the 358-acre University Villages Specific Plan and the approximately 62 acres of Non-Application Parcels. Figure 3.6-2 in Section 3.6, Hydrology and Water Quality, illustrates that the contribution from Non-Application Parcels was considered in the drainage analysis, as illustrated by subshed boundaries that include the Non-Application Parcel areas. In Section 3.5, Hazardous Materials and Public Safety, site contamination issues associated with historic Fort Ord uses are clearly delineated in Figure 3.5-1 as they relate geographically to Non-Application Parcels. Fort Ord-wide environmental conditions, which includes the Non-

Application Parcels, and the status of cleanup was explained on pages 3.5-1 through 3.5-3 in the DEIR and analyzed in Impacts HM-1 through HM-4.

- 11.2 Table 2-1 and Figure 2-2 in the Project Description contain sufficient detail to provide for adequate environmental review under CEQA. Table 2-1, in particular, specifies a land use and the number of acres of each type of proposed development and when such development is anticipated to occur. In addition, the unnumbered table on page 2-25 in the DEIR shows the entire development potential of the 420-acre site. Project phases are shown in Figure 2-4 in the DEIR. Figures 2-5a through 2-5b show the Tentative Map for Phase 1, for which development entitlements are currently being sought by the applicant in conjunction with certification of the EIR. No additional applications for subsequent phases have been submitted to the City for processing. As such, no further information about subsequent phases was available for inclusion in the DEIR. Nonetheless, reasoned assumptions for development intensities for subsequent phases were made based on existing General Plan land use types and corresponding zoning requirements (e.g., floor-area ratio for businesses, building heights, surface coverage). Please also see Response to Comment 11.1.
- 11.3 Comment noted. The second sentence under the subheading “Recycled Water System” on page 2-26 in the DEIR will be revised as follows:
- The recycled water system ~~will~~ would reduce demand for potable water by using recycled water for the irrigation of major landscape areas, medians, golf courses, playgrounds, school grounds, and parks.
- 11.4 Please see Response to Comment 5.1.
- 11.5 The City has concluded, through consultation with representatives of Caltrans and other affected entities, that no revisions to the traffic impact study and analysis are required, as discussed in Response to Comment 3.24. Consequently, the air quality analysis would not require revision to reflect changes in mobile source emissions.
- 11.6 As stated on page 3.6-15 in the DEIR, proposed on-site stormwater facilities would be designed to meet all applicable standards, including those of the City of Marina and FORA, as applicable. Given that the Fort Ord Reuse Authority (FORA) standards require that “storm facilities be designed to capture and infiltrate on-site drainage so that there is one-foot of freeboard at infiltration basins during the 100-year, 24-hour design storm,” the project would be required to meet this requirement, irrespective of the agency overseeing the design of stormwater facilities. Although City of Marina staff would be responsible for review and approval of such proposed facilities, approval would depend on, among other criteria, whether such facilities are designed according to FORA standards, including the 100-year, 24-hour design storm capacity. As such, proposed facilities, as concluded in the DEIR, would be adequate to retain stormwater on-site and no additional mitigation is required. As related to phasing of stormwater facilities, as stated on page 3.6-15 in the DEIR, “Compliance of development with existing FORA and City standards and requirements would ensure that the impact of the Proposed Project with respect to

stormwater runoff flow and volume (i.e., flooding) would be less than significant by requiring site drainage and percolation system capacity for development to meet approved standards *as it occurs* [emphasis added].” Given that adequate capacity per applicable standards would be required as development occurs, phasing of improvements to accommodate projected flow volumes would occur concurrent with development. As such, no additional mitigation measures are warranted in this regard.

- 11.7 The jurisdiction of Seaside land uses are discussed in the University Villages Specific Plan DEIR on page 3.7-2 under the subheading “Adjacent Land Use” (second sentence). The DEIR states that vacant land currently exists south of 1st Street and West of 2nd Avenue, which is the area to which the commenter refers. In addition, the last paragraph on page 3.7-9 in the DEIR (Impact LU-2) identifies the current land use designation for the area south of 1st Street within Seaside jurisdiction to be Regional Commercial (“RGC”). The DEIR notes that because the proposed future land uses south of 1st Street are commercial, there would be no land use conflict between the Proposed Project and future Seaside commercial land uses.

The commenter is correct in stating that the Land Use section of the DEIR does not contain a discussion of land uses south of Lightfighter Drive. The planned land uses south of Lightfighter Drive are designated in the Seaside General Plan as Open Space/Recreation and Military Enclave. In addition, there is a Neighborhood Retail and Mixed Use District area south of the CSUMB campus and east of General Jim Moore Boulevard. The transportation study prepared for the University Villages Specific Plan DEIR also reflects future Seaside land uses and so responds to the commenter’s concerns. The commenter is referred to the discussion of cumulative impact commencing on page 3.10-63 and the list of future development projects in Figure 3.10-24.

The transportation report contained in Appendix F in the University Villages Specific Plan DEIR provides a variety of impact analyses to include cumulative impacts. The transportation analysis contains intersection analysis for Lightfighter Drive and General Jim Moore Boulevard intersections, which is premised on future Fort Ord development (Marina, Seaside, Monterey, Del Rey Oaks, Monterey County, etc.) and regional development that would result in future traffic flows through Fort Ord that would impact these to important roads. These two particular roads are directly adjacent to the area the commenter refers to south of 1st Street and south of Lightfighter Drive.

- 11.8 The City has concluded, through consultation with representatives of Caltrans and other affected entities, that no revisions to the traffic impact study and analysis are required, as discussed in Response to Comment 3.24. Consequently, the noise analysis does not need to be revised.
- 11.9 The noise analysis for the Proposed Project did not identify any significant project-related noise impacts to sensitive receptors outside the City of Marina. As stated in Impact NE-3, roadway noise would increase as a result of the traffic associated with the Proposed

Project. However, this increase would not result in a significant impact to existing receptors or new receptors and no mitigation measures are required.

- 11.10 Comment noted. Infrastructure has been sized appropriately for the Proposed Project. The commenter references future development of the City of Seaside; however, this “future development” is not a part of the Proposed Project. Additionally the commenter does not provide specific information about future development in Seaside. It is inappropriate to require a mitigation measure for the University Villages Specific Plan to mitigate impacts from Seaside’s future development, since the California Environmental Quality Act (CEQA) only requires mitigation of project impacts. Distribution infrastructure is discussed in the DEIR on pages 3.9-12 to 3.9-13. With respect to Seaside’s CIP, the EIR does not rely on their program.
- 11.11 Comment noted. MCWD’s seawater desalination plant and the implementation of a recycled water project are discussed relative to the MCWD’s proposed Regional Urban Water Augmentation Project in the “Setting” portion of Section 3.9 on page 3.9-12 in the DEIR.
- 11.12 Comment noted. The DEIR indicates that FORA Capital Improvement Program (CIP) requires the payment of development impact fees as a condition to developing property. (DEIR p. 3.9-7.) The development of the project must be consistent with the FORA Base Reuse Plan.
- 11.13 SB 221, which amended the California Subdivision Map Act, requires the preparation and adoption of a written water supply verification as a condition of the City’s issuance of a final subdivision map for the Proposed Project. SB 221 does not, however, impose a supply verification requirement as part of the CEQA review process. MCWD did approve a Water Supply Assessment (WSA) and Written Verification of Supply for the Proposed Project to meet the requirements of SB 610 and SB 221, respectively, on January 21, 2005. The Proposed Project’s tentative map(s) will be conditioned, once submitted to the City, to require a proof of availability of sufficient water supply, as required by Government Code Section 66473.7. The City is not required at this time to make a determination as to whether the Proposed Project’s written verification of supply is adequate to satisfy any condition that may be imposed on the applicant’s tentative subdivision map in accordance with SB 221. That determination will be made prior to certification and recordation of the final map.
- 11.14 See Responses to Comments 3.2 and 3.3 relative to the Proposed Project traffic study area in the context of the Fort Ord Base Reuse Plan.
- 11.15 The Association of Monterey Bay Area Governments (AMBAG) model was not available at the time the Notice of Preparation (NOP) was filed for the preparation of the University Villages Specific Plan traffic study. What was available and used in this study were the origin/destination matrices used in the AMBAG model to determine the future traffic forecasts, as noted on page 3.10-29 of the DEIR. Furthermore, the consultant and the City of Marina staff corresponded with TAMC and AMBAG staff prior to starting the

preparation of the traffic study regarding the methodology that would be used in the preparation of the traffic study taking into consideration that the AMBAG model was not yet available, as noted in Response to Comments 3.2, 3.3, and 4.6. Also, the methodology used in the traffic analysis for the University Villages Specific Plan could be considered as evaluating a more conservative or worst-case scenario based on the distribution-addition methodology.

- 11.16 The best information available at the time the NOP was filed did not indicate abandonment or relocation of 1st Avenue within the City of Seaside. In addition, the City of Seaside did not submit a comment letter on the Notice of Preparation (NOP) detailing such a change. As such, the traffic analysis assumes for buildout conditions the current General Plan circulation system including the FORA CIP, as adopted by those jurisdictions within the study area. Under existing statutes, the potential abandonment or relocation of 1st Avenue would be subject to additional studies (including environmental review) by the City of Seaside prior to the implementation of any proposed changes.
- 11.17 The core of the retail component of the University Villages Specific Plan (and thus the bulk of the generated project trips) is located adjacent to the Imjin Parkway /12th Street corridor and to the east and west of 2nd Avenue. As stated in the response to Comment 11.15, the origin/destination matrices used in the AMBAG model to determine the future traffic forecasts, as noted on page 3.10-29 of the DEIR. Lightfighter Drive may offer a shorter route to some of the development further south on the project site, but to get to Lightfighter Drive vehicles have to go through several controlled intersections along 2nd Avenue which will add to the travel time. The comment that the model would automatically assign traffic to the shortest route is not correct. Regional travel forecast models simulates project and background traffic flows based on network characteristics, travel mode, congested travel time, route, and time of day, which is not necessarily the shortest route. The city's traffic consultant has concluded that the trip assignment in the model is accurate.
- 11.18 The AMBAG regional model distribution was used to determine the Proposed Project's trip distribution. See Response to Comment 3.1 relative to project trip distribution along Highway 1, and Responses to Comments 11.15 and 11.17 regarding the application of traffic models.
- 11.19 The City of Marina made all reasonable efforts to negotiate for the fair share contribution to the mitigation of project traffic impacts outside their jurisdiction. This included communications through telephone conversations and letters as well as group and individual meetings with the relevant public agencies. Agreement has been reached with most of the agencies regarding the process and future procedures to mitigate the Proposed Project (and cumulative projects') impact on the road systems of adjacent and other agencies. These efforts included requests from the City of Marina to the City of Seaside to include the specific intersections within their jurisdiction where improvements have been identified into the City of Seaside's Capital Improvement Program (CIP). If these intersection improvements were included in the Seaside CIP it would provide a mechanism

for the project to do a fair share contribution to the improvement costs and thus meet their obligations in terms of the CEQA requirements. To date efforts at creating such a mechanism have been unsuccessful and in some instances the mitigation measures recommended were considered infeasible by the City of Seaside. Thus, due to the absence of an appropriate CIP to allow for fair share contribution, the traffic impacts by the project on the study intersections within the City of Seaside will be identified as unavoidable significant impacts. Also, please see Response to Comment 3.19.

11.20 Please see Response to Comment 8.24.

11.21 Please see Response to Comment 8.24.

11.22 Please see Response to Comment 8.24.

11.23 Please see Response to Comment 8.24.

11.24 Please refer to Responses to Comments 3.2 and 3.3, and 11.19 regarding the Proposed Project's contribution to the FORA CIP development impact fees. Pursuant to the *FORA Fee Reallocation Study*, General Jim Moore Boulevard (inclusive of intersections) has had a reallocation of fees from approximately \$3.4 million to \$24 million. These funds would be applied to intersection improvements along the affected corridor where impacts are anticipated to be caused, within the framework of the FORA CIP. Just as the City of Marina's roadway maintenance program is updated based on projected overall background traffic, other jurisdictions' roadway maintenance programs would also be updated based on overall traffic, irrespective of the point of origin of vehicle trips.

None of the roadways in question would be designated construction routes for trucks, nor would they be designated long term truck routes. Vehicles associated with the project would be typical for residential and related retail commercial land uses. Therefore, a pavement evaluation would not result in significant long or short term pavement impacts.

11.25 Please refer to Responses to Comments 3.5 and 3.11 relative to Highway 1 improvements within the context of the FORA CIP. Pursuant to the *FORA Fee Reallocation Study*, Highway 1 (inclusive of the Monterey Road interchange) has had a reallocation of fees from approximately \$8 million to \$17.7 million. These funds would be applied to intersection improvements along the affected corridor where impacts are anticipated to be caused, within the framework of the FORA CIP.

11.26 Please refer to Response to Comment 5.6.

11.27 As stated in footnote reference 3 on page 4-4 in the DEIR, the University Villages Specific Plan DEIR employment figure is extrapolated from Table 3-3.1, Summary Land Use Capacity, in the Fort Ord Reuse Plan (page 3-42). The estimate was based on acreages and number of employees per acre. An alternative approach to determining potential future employment is to use the employment generation factors from Table 3-3.1 on a per 1,000- square-foot-basis.

Converting the employees per acre factors assumed in Table 3-3.1 in the Fort Ord Reuse Plan to a square-foot basis, business park/light industrial/office/R&D would generate 2.82 employees and retail uses would generate 2.2 employees per 1,000 square feet. For hotels, Table 3-3.1 indicates there would be one employee per hotel room. Using the University Villages project description on page 2-25 in the DEIR and the modified employee generation factors, the following employment generation is anticipated associated with the University Villages project (not including the “Non-Application Parcels”):

Land Use	Units	Factor	Employees
Office/R&D	760,000 sf	2.82 per 1,000 sf	2,143
Retail	1,122,000 sf	2.2 per 1,000 sf	2,468
Hotel	500 rooms	1 per room	500
Total Employees = 5,111			

The second sentence under the subheading “Employment” on page 4-4 in the DEIR has been revised as follows to reflect the modified employment estimate. The discussion has also been revised to clarify that the analysis of traffic relies on trip generation rates that are based on number of units (or square footage) for each particular land use type (see Figure 3.10-9 on page 3.10-30 in the DEIR), not on the number of people. Traffic volumes estimated in the traffic impact study are then used to quantify air emissions and noise levels.

Employment. According to the *Fort Ord Reuse Plan Final EIR*, buildout of former Fort Ord would generate approximately 18,342 employment opportunities. It is estimated that the Proposed Project could create over ~~4,000~~ 5,000 employment opportunities.³ The day-time population of the Proposed Project, which includes employees, visitors, and clients, ~~was included in the technical analysis of environmental impacts and~~ is reflected in the assumptions of the traffic analysis, ~~air quality, and noise analyses,~~ which uses trip-generation factors related to specific land use types. Air emissions and noise levels are based on the traffic volume estimates.

The second sentence in the second paragraph on page 4-6 in the DEIR has been revised as follows to indicate the revised jobs-housing ratio based on the updated employment total noted above:

Implementation of the Proposed Project would produce a jobs-housing ratio of approximately ~~3.5~~ 4.1 within the project site.

The revised employment figures do not change the conclusions of the DEIR, and no further analysis is required.

- 11.28 The DEIR includes analyses of two alternatives that reflect lower density development. Alternative 2 would have fewer residential units, and Alternative 3 would have less retail/commercial than the Proposed Project. CEQA does not require that an alternative

be identified and analyzed that would “avoid significant impacts,” as suggested by the commenter. CEQA does require that a range of alternatives be identified that could feasibly accomplish most of the basic objectives and avoid or [emphasis added] substantially lessen one or more of the significant effects, as stated on page 5-1 in the DEIR. The comparative analysis in the DEIR for these two alternatives on pages 5-5 through 5-13 indicate that the magnitude of the significant impacts identified for the Proposed Project could be lessened with these alternatives. This conclusion is summarized in Table 5-1 on page 5-13.

The City acknowledges the commenter’s concern regarding the effects of project-generated traffic in the City of Seaside. Traffic impacts were disclosed in Section 3.10 in the DEIR. Caltrans and other entities’ comments on the adequacy of the traffic study and associated mitigations have been addressed in Responses to Comment Letters 3, 4, 5, 8, 14, and 15.

- 11.29 The determination in the Initial Study to exclude the evaluation of school impacts from the EIR is based upon the requirements of State law. Specifically, Proposition 1A/Senate Bill (SB) 50 (Chapter 407, Statutes of 1998) has resulted in full State preemption of school mitigation. Satisfaction of the statutory requirements by a developer is deemed to be “full and complete mitigation.” Please also see Responses to Comments 5.9 and 10.1.

Letter 12

Robert D. "Dan" O'Brien
171 Aaron Way
Marina CA 93933
831-384-8966

March 30, 2005

City of Marina Strategic Development Center
265 Reservation Road Suite E
Marina CA 93933

Comments:**University Villages Specific Plan Environmental Impact Report****1. Table S-1 Page 29 of the EIR states**

HM-2 The Proposed Project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, but it would not create a significant hazard to the public or the environment.

The Conclusion reached is that this is of "Less than Significant Difference".

I disagree with this statement.

- 12.1 A. The project is being built to the west of the OU 2 Toxic Landfill. The landfill is unlined, and a number of Toxic Chemicals are known to be leaking into the underlying groundwater. The groundwater flows in a westerly direction and underlies a certain portion of the land upon which the project will be built. The existence of the plume and its chemical content is well covered by several documents produced by the Army and its contractors. The plume is currently being treated to remove toxic materials, and according to these documents may continue to be for over twenty years or more into the future.

See: Draft Annual Report of Quarterly Monitoring October 2003 through September 2004 Former Fort Ore, California prepared for the Department of the Army by Mactec Engineering.

B. Portions of the project are going to be built overlying another toxic plume known as the sites 2 and 12 plumes. Again this plume and its contents are well documented by reports generated by the Army and its contractors.

See Draft Annual Evaluation Report January through December 2003 Sites 2 and 12 Groundwater Remedy Former Fort Ord, California. Prepared for the Army by Athna Government Services Corporation.

Both of the Referenced Reports are available for review at the Fort Ord BRAC Environmental Coordinators office located on Fort Ord.

The reports both describe the toxic materials contained in the underlying groundwater and describe the processes being used to remove the toxins.

12.1
cont'd

Until these toxic plumes are remedied and the sources of toxic materials removed there will be a significant and ongoing threat to the health and safety to anyone living or working in the vicinity. There have been many documented cases in the State of California where such plumes have caused the release of toxic gas into the atmosphere, and into overlying structures. Please note the toxins involved are known cancer causing agents. To say these are Less than significant could be an error of grave consequence.

Anyone living or working in the vicinity of these plumes should be made well aware of the risks as required by Proposition 65.

2. Water Supplies page 271

12.2

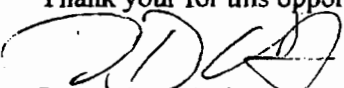
The Current supply of drinking water for the Former Fort comes from three groundwater wells comes from 3 wells which are located a few miles to the East. The wells are drawing water from approximately the 400 ft depth. One of these wells, No 29 to be precise is showing small traces of the toxic chemical TCE. The source of the TCE is believed to be from the OU 2 toxic landfill. At the present time the amount of TCE is small, 0.5 parts per billion against a standard of acceptability of 5.0 parts per billion. With the reuse and development of the Fort Ord lands the demand of water from these three wells will steadily increase. It is unknown what effect this increase of pumping will do. It is estimated that the increased pumping will draw in contaminated water from the nearby toxic plume, and possibly render the water undrinkable.

12.3

The water supply for this project relies on those wells, plus that planned in a Water Augmentation Report produced by the Marina Coast Water District. I would like to point out that the water mentioned in the Water Augmentation Report is in no way real at this point. It will take time to develop any of the sources mentioned in that report. In the meantime if the three Fort Ord wells should fail for some reason there is insufficient water to service the project or for that matter the present water users.

SB 221 is supposed to insure there is sufficient water for the future. I do not feel this case has been adequately proven. Basing a water supply on a report outlining unfunded projects is not sufficient.

Thank your for this opportunity to comment.


Robert D. O'Brien

12. Robert O'Brien

- 12.1 As stated on page 3.5-3 in the DEIR, three groundwater plumes exist on the former Fort Ord. A carbon tetrachloride groundwater plume, which, as noted by commenter, is currently undergoing successful remediation. This plume is northeast of the University Villages Specific Plan and will not impact the Proposed Project. The Proposed Project is above two contaminated groundwater plumes, one from the OU 2 site and the other originating from the RI Sites 2 and 12. The OU2 and RI Sites 2 and 12 plumes are contaminated with low levels of trichloroethylene. The OU 2 and RI Sites 2 and 12 sites are undergoing remediation; both have pump-and-treat systems in place that are operating properly and successfully, as certified by the Environmental Protection Agency (EPA). Parcel E2b.2.5 contains the RI Sites 2 and 12 groundwater treatment facility; their operation would continue after property transfer. The OU 2 groundwater treatment facility is not located within the Proposed Project. The Baseline Risk Assessment determined the groundwater does not pose a threat to occupants of the property, provided groundwater from the contaminated aquifers is not used as a drinking water source. Well drilling and use of groundwater are prohibited within the Proposed Project, with the exception of ongoing remediation efforts. As a result the DEIR correctly concludes that the Proposed Project will have a less-than-significant impact on the environment in this regard. As noted on pages 3.5-10 and 3.5-11 in the DEIR, cleanup of the groundwater plumes underlying the Project site are ongoing and easements on the Project site will permit the operation to continue to completion. Groundwater levels in the vicinity of the project site are at a depth that will ensure groundwater is not encountered by construction workers (at least 180 feet below ground). No drinking water is drawn from the area affected by these plumes. As such, continued utilization of these non-contaminated local groundwater sources to serve current and projected demands, including those of the Proposed Project, would not cause or exacerbate groundwater contamination or otherwise pose a health risk to water consumers within the Marina Coast Water District (MCWD) service area.
- 12.2 In June 2003, TCE, a cleaning solvent, was detected in one of the three water supply wells at the former Fort Ord. TCE levels detected are well below the Maximum Contaminant Levels (MCL) above which water may not be served for potable uses. The contamination originates from the now-closed landfills near Imjin Road that were formerly used by the Army. The Army has responded to the landfill contamination by conducting remediation of this contamination, including the installation of an extensive groundwater cleanup systems to remove the contamination and prevent its further migration. The Army also continuously monitors groundwater quality at the former Fort Ord site to track the contamination location and movement caused by the closed landfills. The amount of TCE in the single affected well was 0.53 to 0.81 parts per billion. State and federal safe drinking water standards allow MCL for TCE of 5.0 parts per billion, or approximately one full magnitude higher than detected levels. Detection of TCE, even at these low

concentration levels, was reported by the MCWD, as required by law, to the California Department of Health Services (DHS). No additional action was deemed necessary by the DHS because the concentration levels of TCE are well below the MCL of 5.0 parts per billion threshold. Both MCWD and the Army regularly monitor the former Fort Ord well (which are not used to draw drinking water) for TCE levels. Any changes in contaminant plume migration due to increased pumping levels in other parts of the aquifer from which MCWD draws its water will be monitored and appropriate actions taken (e.g., move affected wells to avoid effects of plumes). MCWD maintains close coordination with the U.S. Army Corps of Engineers, which manages groundwater cleanup efforts on the former Fort Ord.

- 12.3 The commenter is correct that it will take time to develop supplies pursuant to MCWD's Regional Urban Water Augmentation Project. There is, however, no evidence to suggest that Fort Ord wells will "fail," an entirely speculative proposition. In the unlikely event that such "failure" occurs, it does not follow that the MCWD would not be able to provide Fort Ord water users with groundwater at existing levels of service (e.g., new wells can be drilled in other areas; increased pumping/capacity at other existing MCWD wells).

SB 221, which added Section 66473.7 to the Government Code, requires the preparation and adoption of a water supply verification as a condition of the City's issuance of a final subdivision map for certain large subdivisions. SB 221 does not impose a supply verification requirement as part of the California Environmental Quality Act (CEQA) environmental review process. The MCWD did approve a Written Verification of Supply for the Proposed Project on January 21, 2005. The Proposed Project's tentative map(s) will be conditioned to require a proof of availability of sufficient water supply, as required by Government Code Section 66473.7. The City is not required at this time to make a determination as to whether the Proposed Project's Written Verification of Supply is adequate to satisfy any condition that may be imposed on the applicant's tentative subdivision map in accordance with SB 221. That determination will be made prior to certification and recordation of the final map. Even if CEQA required compliance with SB 221 as part of the environmental impact review process, which it does not, Government Code Section 66473.7 specifically permits water supply verifications to rely on "projected water supplies that are not currently available" when determining whether sufficient water exists to serve a project. This position is further supported by recent case law relating to the analysis of future water supplies. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2005) 127 Cal.App.4th 490, 510.)

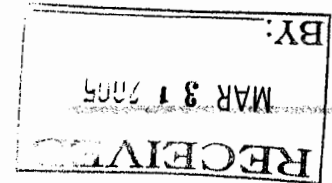
Date: 31 March 2005

From: Mike Owen

TO: Christine di Iorio, AICP, Project Planner

CC: City of Marina

RE: University Villages Specific Plan Draft EIR Volume I and II comments/questions



Handwritten signature

- 13.1 1. **Volume II** page 8, section 3.1.1 citation of Marina Municipal Code chapter 8.54 as basis for tree removals is incorrect. There is no chapt 8.54.
2. **Volume II** Page 1 entitled "Marina University Villages Criteria for Rating Trees July 22, 2004" states approximately 1450 trees were inventoried
- 1) Three pages entitled "Marina University Villages Tree Data" also has heading "GOOD TREES ONLY" lists 291 trees.
- 13.2 (1) Question? = Why is there no data, criteria rating, proposed disposition by removal, relocation or preservation for the missing 1169 trees?
- (2) Were the 1169 trees not inventoried?
- (3) If 1169 inventoried, were they also classified according to good, fair, poor criteria conditions?
- 13.3 2) Question? = Why are most of the trees on page one "Marina University Villages Tree Data" (for example) in fair or poor condition when the page heading is "GOOD TREES ONLY"?
- 3) Question? = Why does the "Tree Number" column on the Tree Data lists skip numerical sequences i.e. 168 lines on 3 pages but last tree number is 463.1
- i.e. why do tree numbers skip from 24.1 to 50.2 or from 64.1 to 108.1 to 133.12 etc.?
- 4) Does the numbering system bear any relation to removal, relocation or preservation of trees?
- 5) Does a number on the tree data list mean anything versus number sequences omitted from the data list?
- Why are there a significant number of tagged trees with numbers **not listed** on the 3 page Tree Data lists? I.e. following 19 tree tags
- 13.4 Tag # 11.16 – cypress 1st ave & 2nd st
- Tag # 11.1 – eucalyptus 1st ave & 1st st
- Tag # 162.1 cypress 1st ave & 7th st
- Tag # 115.1 cypress 1st ave & 7th st
- Tag # 27.1 cypress 1st ave & 3rd st
- Tag # 47.1 cypress 1st ave & between 4th & 5th st
- Tag # 21.7 cypress 1st ave & 5th st
- Tag # 21.1 cypress 1st ave & 4th st
- Tag # 179.1 cypress 1st ave & 10th st
- Tag # 210.1 cypress near 2nd ave between 9th & 10th streets
- Tag # 179.5 cypress near 1st ave & 10th st (S.E. corner)
- Tag # 214.1 (or 219.1) cypress near 2nd ave & 10th st

- 13.4 cont'd
- Tag # 325.1 Not cypress, pine or blue gum – off 9th st 7 lanes west of 3rd ave
 - Tag #325.8 cypress – 9th st 4 lanes west from 3rd ave
 - Tag # 348.1 group of 8 Monterey pines between 10th & 11th streets in open field near 2nd ave
 - Tag # 341.1 cypress east side of 2nd ave close to Imjin
 - Tag # 340.7 cypress east side of 2nd ave close to imjin
 - Tag # 338.1 cypress east side of 2nd ave close to imjin
 - Tag # 338.7 pine east side of 2nd ave close to imjin

- 13.5
- 6) Volume II page two of the tree data list has 20 “notes” stating “good as a group, under power lines”. What is the significance of the power line note? Are the old military power lines to be retained by UV? If not, what is the impact on trees tagged #212.1 through # 213.8?
- 13.6
- 7) The one clue as the physical location of any of 291-tagged trees is, “Point of beginning for the tree inventory is the southeast corner of the project boundary” This is inadequate for any systematic or reasonable verification of tree data listed in volume two.
- 13.7
- 8 There is no grading overlay to determine what trees could be preserved. There are no mitigation plans to save important trees through avoidance. Avoidance is meant to be the primary CEQA method of dealing with potential impacts
- 13.8
- 9 Conclusions as to environmental impacts, less than significant, significant, potentially significant or significant and unavoidable due to tree removals, preservation & relocation affecting visual buffers and scenic vistas or resources are not reliable unless the tree data provided is reliable. There are too many omissions, inconsistencies, errors, and not enough accuracy, or verifiable data provided so far in the draft EIR. I feel the provided tree data is more like a giant puzzle or mystery. If it is not possible to identify location and condition of trees indicated for removal, relocation or saving, it will not be possible to have any accountability for promises made about such tree actions.

VOLUMN 1

- 13.9
1. CULMULATIVE IMPACTS University Villages is adjacent to two other developments. One of the developments which will shortly remove the largest number of trees ever destroyed in a Monterey county development (Marina Heights) has the highest elevation point on the city’s former Ft. Ord looking over scenic highway One with Monterey Bay vistas and pacific ocean sunsets on the horizon. In combination with the 3rd “Cypress Knolls” development over two thousand mature green tree top canopy will be eliminated. Therefore, removals ***on this and the other two projects taking place over a period of time do compound or increase other environmental impacts and therefore are collectively significant!***
2. CEQA DEFINITIONS CEQA article 20. Definitions section 15358 defines **Effects** as follows: “Effects” and “impacts” are synonymous. Effects include direct or primary and indirect or secondary which may include physical changes to the pattern of land use. Section 15382. defines **Significant Effect on the Environment** as substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including ...flora, fauna, or aesthetic significance. Section 15384 defines **Substantial Evidence** as (a) “...enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” The facts here are the sheer number of cumulative trees to be removed.

13.10

3. COMMENT RE: VOLUME I & II There are numerous references to "native" trees, habitats and biological and scenic vista resources throughout both draft volumes. Monterey Cypress and Pines are classified as "Ornamental". A more accurate classification would acknowledge that Monterey Cypress and Monterey Pines are native to our Monterey Bay area; and, that accordingly, the Monterey Cypress is more highly adapted to our severe ocean coastal ecosystem than any other tree including the California live oaks. Native and ornamental classification is simplistic. Palm trees are also ornamental, but are not native to any part of central coastal & northern coastal California. The EIR needs to note the special characteristics of the Monterey cypress beyond the dismissive "ornamental" label.

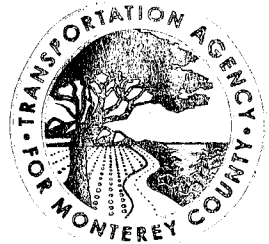
13. Mike Owen

- 13.1 The comment refers to a technical report “Marina University Villages Criteria for Rating Trees” included in Appendix C in Volume II in the DEIR indicating the correct Marina Municipal Code citation for tree removals. The DEIR (page 3.3-16, page 3.3-23 in Impact BR-2, and page 3.3-24 in Mitigation Measure BR-2.2) notes the correct code citation (Chapter 12.04). No changes to the DEIR are necessary as a result of this comment.
- 13.2 The three page “GOOD TREES ONLY” tree data included in the biological section of the DEIR is a subset (good trees only worksheet) of the total tree inventory of some 1,450 trees (Raw Data worksheet) of the Marina University Villages Tree Data excel file. The tree inventory recorded tree data by numbered polygons of tree cover identified from large scale aerial photos. An individual polygon might have as few as one tree, and usually less than ten trees, but a few large polygons with extensive cover contained 50 or more trees, sometimes of different species. Trees within polygons were identified first by the polygon number and then an individual tree number within the polygon. The fifth tree in polygon 344 is noted in the inventory table as 344.5 and all oak, Monterey pine, and Monterey cypress trees were rated using the good-fair-poor criteria. Eucalyptus trees were measured but not rated for condition.
- Data and criteria for all trees (291 + 1,159) are listed in the raw data worksheet of the biological report. Details on the proposed disposition (removal, relocation, or preservation) is prepared as final grading and building plans are developed for each phase, as has just been done for the Phase 1 area recently approved by the Marina Tree Committee.
- The 1,169 (actually 1,159) trees were inventoried and classified as noted above.
- 13.3 The “GOOD TREES ONLY” table included other trees with different ratings that occur in the same polygon as the good tree.
- 13.4 Numerical skips in the listed data are the result of the data being a subset of the total inventory. In a few cases, a polygon number is skipped because trees had been removed that were present on older aerial photo originally used to identify the polygons of tree cover. The numbering is only for identification of individual trees and does not signify anything about tree disposition. To avoid unnecessary time and expense, not all trees were tagged. Only good trees and the first and last trees in multiple tree polygons were tagged.
- 13.5 The powerline note was made to indicate that the trees had been topped and shaped to fit under powerlines but retained some attractiveness and usefulness in a specific setting. To our knowledge, no old military utility lines will be retained.

- 13.6 The physical location of individual trees is identified first by polygon number and then by the numbering and characteristics of the individual trees within the polygon. Numbering of trees within polygons started with the southernmost tree in the polygon. The combination of polygon number, tree numbering in directional order within the polygon, data by individual tree, and representative tagging of individual trees is systematic and makes verification of individual tree data both possible and reasonable.
- 13.7 Detailed grading plans have not and cannot be developed prior to review and approval of the University Villages Specific Plan EIR. However, the University Villages Specific Plan details inventory, identification, trunk location, and rating procedures necessary to assess potential grading impacts and potential effects on tree health and tree retention. Detailed information on tree disposition is required by the University Villages Specific Plan. Please also see Response to Comment 5.3.
- 13.8 As detailed in the above responses, tree data provided is systematic, inclusive, specific, and verifiable. The location and condition of trees are easily understood following the outlined methodology.
- 13.9 Tree preservation and protection within the University Villages Specific Plan will be addressed through the University Villages Specific Plan Tree Standards and Mitigation Measure BR 2.2-2 (please also see Responses to Comments 5.3 and 13.7). Such efforts will reduce the Proposed Project's contribution to cumulative impacts. Conditions of Approval for the Marina Heights project require that project comply with Chapter 12.04 of the Municipal Code relating to tree preservation and replacement. For that project, there would be a three-to-one (3:1) tree replacement. The Cypress Knolls project application process has not been completed, and that developer has not provided any information to the City identifying how many trees could be removed. The source of the commenter's assertion that the Cypress Knolls development would eliminate "over two thousand mature green tree top canopy" cannot be verified. Nonetheless, the Cypress Knolls project, like Marina Heights and the University Villages Specific Plan, would be subject to the City's tree protection and preservation requirements. For these reasons, the City disagrees with the commenter's conclusion that there would be a significant cumulative impact related to loss of trees.
- 13.10 It is well documented that coast live oak is the only tree (other than perhaps some small willows) that is native to the University Villages Specific Plan site and that Monterey cypress and Monterey pine trees did not naturally occur there. The presence of cypress and pine on the site, along with eucalyptus, is the result of introduction by planting during the period of U.S. military ownership and use. There is no question that Monterey pine and cypress are well adapted to local conditions, although pitch canker has limited Monterey pine's suitability in recent years. Both species, but principally cypress, will be retained and used within the University Villages Specific Plan area.



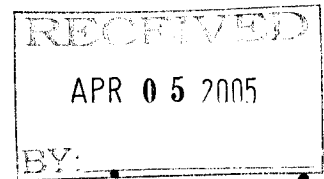
Letter 14



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

March 30, 2005

Ms. Christine di Iorio
Project Manager
City of Marina
265 Reservation Road, Suite E
Marina CA 93933



copy received by fax on 4/1/05

SUBJECT: Comments on the University Villages Specific Plan Draft Environmental Impact Report

Dear Ms. Di Iorio:

Transportation Agency for Monterey County (TAMC) staff has reviewed the Draft Environmental Impact Report (DEIR) prepared for the University Villages Draft Specific Plan in the City of Marina at the former Fort Ord. TAMC is the Regional Transportation Planning Agency and Congestion Management Agency for Monterey County.

The project proposes to develop approximately 400 acres of land on the former Fort Ord. This development will be a mix of commercial and residential land uses including: a mixed use Village Center, a 750,000 square foot retail commercial component, office and light industrial uses, approximately 500 new hotel rooms, public facilities including local and regional transit uses, parks and recreation, approximately 1200 new housing units at a range of affordability and the necessary infrastructure to support the development. This development of the former Fort Ord represents one of the largest land use development efforts in Monterey County over the next twenty to thirty years.

TAMC staff offers the following comments for your consideration:

Consistency with Fort Ord Rease Authority (FORA) Base Reuse Plan and Capital Improvement Program

- 14.1 ↓
1. Mitigation measures identified in the DEIR should be consistent with those identified to address the cumulative impacts of the Base Reuse Plan, and reflected in the FORA Capital Improvement Program (CIP). Several significant mitigation measures identified in the document do not reflect the latest regional planning assumptions being used to allocate infrastructure fees collected by FORA for transportation projects that mitigate the impacts of Base Reuse Plan buildout. TAMC and Caltrans consider these projects to be mitigation for the cumulative impacts of development within the FORA area. Over the past year and

14.1
cont'd a half, TAMC has been working with FORA and FORA area stakeholders to reanalyze the transportation impacts of the Base Reuse Plan in order to reallocate FORA fees to transportation projects that address those impacts based on the latest countywide land use and transportation planning assumptions. TAMC has completed a *FORA Fee Reallocation Study* (the “FORA fee study”), which the FORA Board is scheduled to approve on April 8 for the purposes of updating the FORA CIP. *The analysis of transportation impacts in the EIR should be revised to identify and reflect the assumptions and conclusions included in the FORA fee study.*

Specific discrepancies between the FORA fee study and the traffic analysis prepared for the DEIR include:

- 14.2 • Marina-Salinas Corridor capacity improvements: The DEIR identifies a mitigation measure (TR-2.3) to widen Blanco Road to six lanes north of Reservation Road. The traffic study and EIR should be revised to reflect the FORA fee study which assumes that Reservation and Davis Roads will need to be widened to four lanes to add roadway capacity between Marina and Salinas. No widening of Blanco Road is considered to be feasible within the time horizon of the study. Further, the study assumes that the Reservation and Davis Road capacity project will result in these facilities being widened to four lanes, not six.
- 14.3 • Blanco-Imjin connector: The new roadway identified in the existing FORA CIP to connect Imjin Road with Blanco Road is no longer considered a feasible project and has been dropped from further consideration due to environmental constraints and the lack of regional consensus to widen Blanco Road. Mitigation measure TR-5.1 should be revised accordingly.
- 14.4 • Eastside Road: The Eastside Road project identified in the DEIR in the cumulative scenario analysis for the University Villages plan is no longer considered to be a feasible project. TAMC has worked with FORA stakeholders to identify and reach consensus on a new alignment which is identified in the FORA fee study, and which will be included in the next update of the FORA CIP. The new Eastside Road will be a four lane facility.
- 14.5 • Intergarrison Road: Intergarrison Road is assumed to be a four-lane facility between the new Eastside Road intersection and Reservation Road.
- 14.6 • Highway 1: The DEIR identifies a mitigation measure to widen Highway 1 to eight lanes between Lightfighter Drive and the 12th Street Interchange. TAMC is assuming that Highway 1 will need to be widened to six lanes through Sand City, improvements will be made to the Coe/Fremont interchange, and a new interchange will be constructed between the Coe/Fremont interchange and Lightfighter Drive to accommodate buildout of the Base Reuse Plan. No widening of Highway 1 on the

14.6
cont'd ↑ segment noted in the DEIR was identified in TAMC's model analysis. Highway 1 improvements identified in the FORA fee study are consistent with the Caltrans Highway 1 Sand City PSR.

14.7 ↑ TAMC assumes that cumulative impacts to Highway 1 will be addressed through payment of FORA fees by the project developer.

14.8 ↑ The traffic analysis prepared for the DEIR should be revised to reflect the specific discrepancies identified here, and other assumptions included in the FORA fee study. The EIR should also clearly disclose that the project will be paying FORA infrastructure fees to address the project's cumulative impacts through construction of projects identified in the FORA fee study and updated FORA CIP.

Project-Specific Impacts and Mitigation

14.9 ↑ 2. The DEIR identifies project-specific (Background plus Project Phase 1, and Background plus Project Buildout) mitigation measures to impacts on Highway 1. These measures include TR 2.1, 2.2, 3.2, 3.3, 4.1, 6.1, 6.2, addressing improvements to the 12th Street interchange. Mitigation measure TR 6.3 also identifies improvements to the Lightfighter Drive under the cumulative scenario. The EIR should clearly note that the project will be responsible for fully-mitigating its project-specific impacts in addition to payment of FORA Fees (which address cumulative impacts). TAMC agrees with Caltrans District 5 staff that improvements to the Lightfighter Drive interchange should be considered project-specific in nature and the project's mitigation calculated accordingly. *The proposed mitigations for Highway 1 impacts require review and approval by Caltrans District 5, and the costs of these improvements should be noted in the FEIR.*

Significant and Unavoidable Impacts/Feasibility of Mitigation

14.10 ↑ 3. Impacts on regional roadways are consistently referred-to as *significant and unavoidable* in the DEIR, and the feasibility of mitigation measures for those impacts called-into question. These statements are confusing. The project should be responsible for mitigating its impacts and reasonably feasible mitigation measures should be identified to address them. *Improvements requiring coordination with the County of Monterey and Caltrans should be developed in consultation with those agencies, and the City of Marina should be responsible for requiring mitigation measures identified in the EIR that it will then be responsible for enforcing and monitoring.*

Traffic Analysis

14.11 ↓ 4. Both Caltrans and the City of Seaside have identified discrepancies between project trip assignment and distribution that could affect the adequacy of project specific mitigations identified for interchanges on Highway 1 providing access to the University Villages

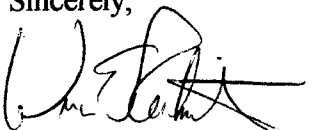
14.11 project. The project trip distribution and assignment should be reviewed and any
cont'd discrepancies corrected.

14.12 5. Caltrans District 5 has called into question the adequacy of mitigations proposed for the 12 street interchange and Imjin Parkway/2nd Avenue intersection in its comment letter dated March 30, 2005. The City of Seaside has also questioned the adequacy and feasibility of mitigations to the Lightfighter Drive interchange as identified in a third party peer review of the traffic analysis by Hexagon Transportation Consultants dated March 22, 2005. *Mitigation for impacts to the 12th Street and Lightfighter Drive interchanges should be further analyzed, reviewed, and approved with Caltrans staff in parallel with a review of the traffic analysis to address the issues noted in comment 4 above.*

14.13 6. Given several agency concerns about the analysis and mitigation of traffic impacts for the University Villages project, TAMC would support a second traffic analysis for the project using the AMBAG regional travel demand model.

Thank you for the opportunity to review this document. We would be happy to meet with you to discuss these comments. We would also like to request that any subsequent documentation on this project be forwarded to our agency for review.

Sincerely,



Wm. Reichmuth, P.E.
Executive Director

cc: Dave Murray, Caltrans District 5
John Olejnik, Caltrans District 5
Michael Houlemard, Fort Ord Reuse Authority
Jim Feeney, Fort Ord Reuse Authority
Lew Bauman, Monterey County Department of Public Works
Nick Chiulos, County of Monterey
Diana Ingersol, City of Seaside Department of Public Works
Neil Hudson, City of Marina Department of Public Works
Nicolas Papadakis, Association of Monterey Bay Area Governments (AMBAG)
Douglas Quetin, Monterey Bay Unified Air Pollution Control District (MBUAPCD)
Frank Lichtanski, Monterey-Salinas Transit (MST)
Nick Nichols, County of Monterey Redevelopment Agency

14. Transportation Agency for Monterey County

- 14.1 Please refer to Responses to Comments 3.1, 3.2, 3.3, and 11.15 regarding the project's traffic analysis within the context of the Fort Ord Base Reuse Plan and compliance with the Fort Ord Reuse Authority (FORA) Capitol Improvement Program (CIP).
- 14.2 At the time the Notice of Preparation (NOP) was filed, the General Plan circulation system for affected jurisdictions were applied including the FORA CIP, and therefore the Blanco Road improvements were assumed. The City of Marina recognizes that the Blanco Road improvements may not be feasible due to the surrounding constraints, nor determined necessary based on the adopted *FORA Fee Reallocation Study*; which has resulted in a change in capacity needs for Davis Road and Reservation Road.
- 14.3 At the time the NOP was filed, the General Plan circulation system for affected jurisdictions were applied including the FORA CIP, and therefore the Blanco-Imjin connector was assumed. The City of Marina recognizes that the Blanco-Imjin connector may not be feasible due to the surrounding constraints, nor necessary based on the adopted *FORA Fee Reallocation Study*.
- 14.4 At the time the NOP was filed, the General Plan circulation system for affected jurisdictions were applied including the FORA CIP, and therefore the Eastside Road improvements were assumed as listed in the FORA CIP. The City of Marina recognizes that the Eastside Road alignment has changed based on the adopted *FORA Fee Reallocation Study*.
- 14.5 At the time the NOP was filed, the General Plan circulation system for affected jurisdictions including the FORA CIP were applied. However, the cross section for Inter-Garrison Road as described in updated FORA CIP is noted.
- 14.6 See Response to Comment 3.3 regarding Highway 1 improvements.
- 14.7 The City of Marina concurs that impacts to Highway 1 will be addressed through payment of FORA CIP development impact fees.
- 14.8 See Response to Comment 3.5 regarding the project's Mitigation Monitoring Program.
- 14.9 See Responses to Comments 3.3, 3.5, and 3.13 regarding the project's Mitigation Monitoring Program relative to Highway 1 improvements within the context of the FORA CIP. Pursuant to the *FORA Fee Reallocation Study*, Highway 1 (inclusive of the Monterey Road interchange) has had a reallocation of fees to the amount of \$17.7 million. These funds would be applied to intersection improvements along the affected corridor where impacts are anticipated to be caused, within the framework of the FORA CIP.

14.10 See Response to Comment 3.5 regarding the project's Mitigation Monitoring Program (MMP) relative to traffic system improvements within the framework of the FORA CIP.

14.11 The Association of Monterey Bay Area Governments (AMBAG) regional model trip distribution for the FORA Marina traffic superzone was used to determine the origins and destinations of estimated trips to be generated by the University Villages Specific Plan. Exhibit 9B of the University Villages Specific Plan traffic study, "Project Trip Distribution," shows the study area and the percentages of inbound and outbound project trips as derived from the AMBAG regional model.

The percentages commented on by Caltrans and referenced in the Transportation Agency for Monterey County (TAMC) comment (25 percent and 14 percent) were average percentages derived from two-way traffic flows on Highway 1 as per Exhibit 7C (Figure 3.10.6 of the DEIR) of the University Villages Specific Plan traffic study. Exhibit 7C, Level of Service Road Segments, shows anticipated volumes for the roadway as assigned to the study area segments, including Highway 1, for each of the analysis conditions. As noted on Exhibit 9B (Figure 3.10.10 of the DEIR), the referenced percentages are the anticipated percentage of outbound trips and inbound trips on the boundaries of the study area, not the average trip percentages.

The traffic study was prepared within the framework of the Base Reuse Plan. The FORA Reuse Plan thus provided the program level regional traffic impact environmental assessment for subsequent FORA redevelopment projects, such as the University Villages Specific Plan. Therefore, the Proposed Project's payment of the FORA traffic impact fee mitigates any regional traffic impact as originally assessed with the FORA Base Reuse Plan, and recently updated with the FORA Fee Reallocation Study (the "FORA Fee Reallocation Study") adopted on April 8, 2005.

14.12 See Responses to Comments 3.4, 3.8, 3.11, 11.20, and 11.21 regarding the Highway 1/12th Street interchange improvements, and Lightfighter Drive improvements.

14.13 Subsequent to receipt of all public comments on the DEIR, the City of Marina has met with affected jurisdictions to reach a consensus regarding the methodology and analysis of the Proposed Project's traffic study, within the framework of the Fort Ord Base Reuse Plan. TAMC was represented at the meetings held on April 15 and 22, 2005.

Letter 15

March 31, 2005

Christine Di Iorio
Strategic Development Center
265 Reservation Rd, Suite E
Marina, CA 93933

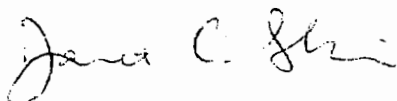
Dear Ms. Di Iorio,

15.1 In response to Draft Environmental Impact Report for University Villages, I request documentation to support the claim that the size and design of the University Villages Phase 1 retail parking area will have little significant impact. If no documentation is available to support paving such a large area, mitigation should be required. \$70 million mitigation was paid by Duke Energy for simply screening and warming bay waters in their cooling system. Mitigation funds of this order could repair and run the pilot desal plant in Marina and fund needed research on Sanctuary impacts we will see from desal processes related to depletion of groundwater and for the increased non-point pollution source of parking lot pavement.

15.2 Mitigate or redesign the parking for University Villages by building 2-4 towers to reduce the surface area by 75%. The tops of the parking towers could have tennis courts or a BMX bike park or another skate park to accommodate both residents and tourists who would like to enjoy a view of the Sanctuary. Require a redesign and bring benefits to the people that they can see and utilize while reducing currently unmentioned and proposed negative impact to water supplies and sanctuary life of the area.

15.3 When we spoke by phone March 9, 2005 you said that you would send me a copy of a document that you could release for University Villages Retail Plan. I had actually asked for the "preliminary Fiscal Impact Study" that was referenced in the Staff Report for City Council June 2004. You mentioned it was confidential and I asked you to put that in writing. As of today, I have not received anything from you at all. I am cc'ing this letter to the City Attorney for this reason. Mr. Wellington did inform me at the last Marina City Council meeting, that any City document with "preliminary" or "draft" in the title is considered confidential. I don't understand the intent of this law but I am feeling lucky that the environmental review process is not as closed as the economic review process of the City of Marina. If you don't have time to put the policy in writing, I hope that Mr. Wellington will send me a written interpretation of the law which allows City documents to be available to some citizens but not others.

Sincerely,



Jan Shriner
Cc: Rob Wellington

15. Jan Shriner

- 15.1 The commenter appears to be addressing impervious surfacing that would occur with proposed parking areas associated with future commercial development. In particular the commenter appears to be concerned with potential off-site drainage impacts to Monterey Bay and groundwater impacts. All runoff generated by the Proposed Project is required to be mitigated on-site as discussed in Section 3.6 in the DEIR (refer to page 3.6-10, Community Land Use Element, Policy 3.57). Furthermore, the impervious surfacing impact to groundwater is off-set through the development of the on-site percolation and/or retention system.
- 15.2 The commenter has submitted creative alternatives to surface parking to address potential impacts to Monterey Bay and to groundwater. Because the Proposed Project impacts related to hydrology and water quality have been addressed and all impacts have been determined to be less than significant, it does not appear that there is justification for building parking towers from strictly a hydrology and water quality standpoint. However, vertical parking structures would reduce the total impervious surfacing associated with the redevelopment of Fort Ord and would reduce the retention/percolation and stormwater runoff conveyance infrastructure requirement. Less drainage infrastructure could then reduce project costs, though this reduction in cost would be expected to be somewhat off-set by the higher costs associated with building foundations capable of supporting the vertical weight and mass of a parking structure. The decision-makers will consider these parking alternatives in their independent review of the DEIR and determine if they are warranted for inclusion in the Proposed Project.
- 15.3 The comment does not directly address the analysis in the DEIR or the California Environmental Quality Act (CEQA) process. The following response is provided for informational purposes to address the commentor's concern about availability of certain City documents.

The study cited by the commenter ("preliminary Fiscal Impact Study"), which was referenced in a June 2004 City of Marina staff report has not been finalized. Section 6254 of the California Government Code provides that the following records are not required to be disclosed per the Public Records Act:

- (a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure...
- (b) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisitions of property, or to prospective public supply and construction contracts, until all of

the property has been acquired or all of the contract agreement obtained [i.e., the real estate negotiations are concluded]...

The study is still being used at this point as an aid in the negotiation process for the Proposed Project. Once the study has been finalized, it would continue to be protected by the real estate negotiation provision in Section 6254(b). Upon completion of negotiations (estimated to conclude in May), the Fiscal Impact Study requested by the commenter will be made publicly available.

CITIZEN INITIATED PROJECT ALTERNATIVE: "BAHIA VISTA" PROJECT DESCRIPTION

Background

The goals for this citizens' alternative are to have it accepted and studied as the University Villages Environmental Impact Report alternative #4: *Bahia Vista*. In comparing this alternative to the other alternatives, impact should be considered in degrees. The long-term cumulative impacts of all planned developments in the immediate area should be studied. The chosen project should be consistent with the established vision and goals and result in a smaller footprint, higher performance, more efficient and productive community. This is an ecologically and economically more sustainable development and should be adopted in lieu of the Specific Plan.

- 16.1 The following proposed changes and alternative plan were derived from input obtained at two public workshops held on March 21st, 2005, 4pm-6pm and 6pm-8pm, at the University Center conference room, California State University Monterey Bay, 1 Campus Center Drive, Seaside, CA 93955. In addition to the workshop, many other resource were used, including the City of Marina General Plan, the Fort Ord Reuse Plan, the University Villages Future Directions Report, University Villages Request for Qualifications, public comment and available meeting minutes related to University Villages from the Design Review Board, the Planning Commission, the City Council, and the Economic Development Commission, and project characterizations and recommended design improvements from 15 planning design, development professionals. All relevant documents are available for review upon request by contacting Ezekiel Bean, Community Affairs Representative, Associated Students of CSU - Monterey Bay, 831/582-0882, Ezekiel_bean@csumb.edu.

In addition to the descriptive portion below, all attachments serve as the plans design documents, and should be considered as part of the plan. Any questions should be addressed to Ezekiel Bean at the above contact info.

Description

The citizens' alternative focuses on phase I and on the Opportunity Phases of the City of Marina, University Villages Specific Plan. The proposed designs of phases II and III, other than the transfer of some housing units into phase I, are not changed.

Information for the following headings is the same as it appears in chapters two and five of the City of Marina, University Villages Specific Plan, Environmental Impact Report: Project Location and Setting, Project Location, Historical Background, Existing Setting, Existing Land Use, Fort Ord Reuse Plan Land Use Designation, City of Marina General Plan Use Designation, Topography and Soils, Air Quality, Flora and Fauna, Project Objectives, Implementation of Fort Ord Reuses Authority Act, Implementation of Fort Ord Reuse Plan, Achieving the Goals of the City of Marina Redevelopment Agency Redevelopment Plan, Implement the City of Marina General Plan, Implementation of the Terms of the U.S. Army – FORA Memorandum of Understanding (MOW) – and the Economic Development Conveyance, Proposed Project, Building Heights, Non-Application Parcels, Building Deconstruction, Demolition and Disposal, Permits and Approvals Required, City Approvals Requested, General Plan Amendments (Chapter 1, Chapter 2, Chapter 3, Chapter 4), Rezone, Design Review, Tentative Subdivision Map, Project Development Agreement, Grading and Building Permits, Tree Removal Permit, EIR Certification, Mitigation Monitoring Program, Other Public Agencies Whose Approval is (or may be) Required.

Utilities

Bahia Vista must take an economies-of-scale approach in order to successfully achieve a sustainable community. Implementation of a sustainable infrastructure at the development level, rather than at the

post-development level, is essential in maximizing cost-efficiency for the residents. The city must mandate that the developer implement appropriate technologies that address several key areas of sustainability, such as: energy production, water supply and disposal, waste minimization, and recyclables interception. Viable technologies exist that can achieve such outcomes in an environmentally conscious manner: photo voltaic arrays, solar furnaces, thermal mass heat storage, solar lighting tubes, water saving and grey water recycling systems. These technologies must be studied so as to determine which are most needed to ensure maximum benefit, and those technologies should be mandated in each unit and included in the baseline price, rather than being as an option at an additional price.

Photo voltaic Arrays- The state offers rebate programs to provide for solar arrays. The governor has stood strongly behind the "million solar rooftop" goal. With some 20+ acres of rooftop available, optimal production is estimated to be some 5 mega-watts peak, enough to supply the entire residential needs and meet perhaps most of the commercial needs. Community based commercial and residential groups could maintain the arrays and pursue money to enable future upgrades and absorb maintenance costs.

Solar furnaces- These are commercially available and could be used to develop a sustainable heating system free of fossil fuels. They would have to be implemented by the developer to utilize the economy of scale. The National Renewable Energy Laboratory has been testing solar furnaces since 1993 to great success.

Thermal Mass- Heat storage could easily be built into home designs, and while it could be done by traditional construction techniques (well insulated attics with heat pumps), it is far more cost effective and sustainable to make these systems as passive as possible (no externally powered moving parts).

Solar Lighting Tubes- It is necessary to mandate that all floors of all buildings should allow for natural lighting adequate for reading and emergency egress. The simple installation of solar light tubes could provide this with little additional cost in the initial construction phase and would see significant savings for the developer as well as the end user in net savings over time in electricity and maintenance. Readily available commercial products like "Sun Dome" and others exist. The most exciting technology is in the fiber optical cable carrying sunlight.

Gray Water & Water Saving Devices- All households and business should be required to use grey water for toilet supply and landscaping needs. Solar hot water heating and pre heating should be mandated, and whenever possible on-demand hot water systems, dual flush and waterless fixtures (such as Envirolet waterless urinal) should be utilized. A single waterless urinal can save as much as 40,000 gal / yr.

Water Supply

On site water collection is an economical and environmentally sound way in which to reduce dependency on outside water supplies and minimize stress on local water sources supply. On site water collection works to lessen chemical and energy inputs required to supply water to a community. The implementation costs associated with these technologies will be paid back and surpassed by the savings associated with preventing future augmentation costs.

Water catchment - Much of the household needs for water could be attained by water catchment and on-site storage for later use. Studies have shown that with water saving technology and rooftop catchment, as little as 6" annual rainfall will meet human daily needs.

Household use of on site diverted water is possible- Roofing materials can be selected that allow for collection and safe consumption and use of water that would otherwise be diverted using storm drain systems. On site interception and use of grey water for sewer needs also reduces the load on MCWD and reduces much of the community's needs in a sustainable method.

Future needs- All needed future supply lines (grey / domestic / recycled water) should be installed together in parallel so as to minimize further system expansion and augmentation.

Natural catch basins, collecting ponds, and storm water interceptors- If coupled with small solar distillation and pumping stations, natural catch basins, collection ponds, and storm water interceptors could supplement additional needs for limited civic uses such as swimming pools and public restroom and shower facilities.

Wastewater System

Further studies must look at the waste water system as a whole. The interception of grey water will save energy and will save taxpayers the cost associated with pumping wastewater to a processing. Housing and retail sections of the development should be updated to match the plan for parking lot runoff interception via bio-filtration and swales. Permeable paving surfaces should be used throughout the development to allow for the natural recharging of the aquifers. The specific plan call for 8" pipe to service all residential development works to limit further development and restrict the project to low-density development, and should be upgraded to a larger pipe.

Grey water reclamation and bio-filtration- Bio-Filtration could take care of a large amount of waste water, preparing it for recycling for consumption or simply to be reused on-site for toilet water supply and landscape irrigation. The current directives should be reviewed to ensure that they call for a large enough system to handle increased future load.

Recycled Water System

Water recycling- Water recycling is the treatment and cleaning of grey water for domestic water use. While it is very eco-friendly to re-duce loads on watersheds through conservation, it can be damaging to the environment if caustic chemicals and toxic waste are part of the production process of manufactured drinking water. It is strongly suggested that all means to eliminate the addition of fluoride, and to minimize if not eliminate chlorine be employed.

Solar distillation and magnetic water softening- Where possible the use of solar energy should be used in the hydro-remediation process. Solar distillation and magnetic water softening can be developed to create an on site sustainable system of water purification and service the needs of the community without the sacrificing of the environment. It may offer reduced cost and reduced maintenance. These water purification techniques would need to employ filtration for particulate, chemical, and organic / biological impurities and would service less critical areas such as landscape irrigation and non-potable services lines (fire hydrants / fountains / public showers). After recycling this same water could be put back into use for domestic use and could serve to augment other customers.

Permeable paving - taken from <http://www.toolbase.org>:

Porous Concrete: Larger pea gravel and a lower water-to-cement ratio is used to achieve a pebbled, open surface that is roller compacted. Expansion joints are cut using a roller with a welded steel flange. This material was recently used in a 16,400 square foot parking area in Fair Oaks, California. Project costs were reduced because no retention pond or connection to the municipal storm drain system was required.

Plastic Grid Systems: High strength plastic grids (often made from recycled materials) are placed in roadway areas. Some are designed to be filled with gravel on top of an engineered aggregate material, while others are filled with a sand/soil mixture on top of an aggregate/topsoil mix that allow grass to be planted on the surface. The grids provide a support structure for heavy vehicles, and prevent erosion. After heavy rains, the grids act as mini holding-ponds, and allow water to gradually absorb into the soil below. This paving material is often selected for gardens or recreational areas that must support vehicular or pedestrian traffic, but where a more natural appearance is desired. A porous grid system was installed

more than ten years ago on East Executive Avenue at the White House in Washington DC to allow both green space and parking in this area.

Benefits/Costs:

As discussed above, the main advantages to permeable pavement are cost savings compared to typical stormwater drainage systems. Water management is likely to become increasingly important to planners, developers, and communities wrestling with land use issues. Permeable pavement may become an important element in finding solutions to water use challenges while still meeting roadway requirements for traffic load support, durability, and safety. Surfaces that allow natural filtration can have a positive effect on soil quality and vegetation. Restoration of soil moisture recharges aquifers and helps support trees and other landscaping that provide shading and oxygen. Some permeable surface options, especially grid systems, absorb and store much less heat than traditional asphalt, and could help reduce absorbed solar heat gain in urban areas. Permeable pavement also tends to be less reflective, causing less glare and allowing motorists to see pavement markings better. Even in areas where runoff pollution is not a high concern, some transportation departments are experimenting with permeable, or "open graded" asphalt roadways to reduce the amount of water that collects on road surfaces, which can cause hydroplaning accidents. Initial costs of permeable paving may be competitive with conventional materials, or somewhat higher. Since the same raw materials, mixing and application equipment are used, there is no technical reason why costs should be higher for permeable material. However, contractors may initially charge higher prices for jobs that involve unfamiliar formulas or techniques. Planning, testing, and engineering fees may also be higher, but these costs are often offset when the need for other types of stormwater drainage is eliminated.

Availability:

Porous asphalt and concrete can be supplied by any qualified contractor who is willing to properly prepare and install materials supplied by local distributors.

Other Utilities

Energy- There is little mention of where all this power to service these customers is going to come from. As needs increase and power becomes a hot commodity, will we look back saying, "Oh if only we had made it more self-reliant"? There was no mention in the specific plan as to the use of solar arrays, and no mention of any other means of power generation. Sustainability requires the implementation of self-reliance in term of all ecological impact and renewability. The architecture does make mention of southfacing structures, but little if any advantage taken by the plan to include passive solar heating and passive natural cooling. If every building utilized solar panels as a primary or even secondary roofing material, the community would reduce their overall load on the grid while providing a preferable means for safe consumption water catchment. If solar light tubes and solar furnaces are put into operation you could further reduce the demand for power and perhaps reduce the need for PG&E substations. Further if residents were made aware and encouraged to conserve and use energy wisely with community incentives like utility credits for those whose used less than their production. Citizens would need less, or pay for it.

Methane Digester- There was little mention of natural gas lines, while they are probably inevitable they could be augmented with something as simple as a methane digester fueled by the waste treatment satellite facility. Excess gas could be burned off in a generator substation similar to the one currently in operation at Marina Municipal Landfill.

Economics of Fuel- The likelihood of the increased cost of fossil fuel related energy production will increase as the worldwide demands peak and decreasing rates of return. The best plan is to counter the need for outside fuel sources by seeking renewable local fuel and energy sources. Combined with the maximum amount of conservation possible.

Roads- Roads should use reclaimed, and rubberized asphalt in all other roads than those not made of permeable paving material. This area provides an excellent chance for the reduction of road noise by the diversion of a product bound for the landfill and dismantler yards. So while providing residents with a

quieter roadway we also recycle a product that has no better end use. What cost can you place on the ability to enjoy a placid and tranquil environment that has been given every possible detail the final touch. The ability to hear the rustle of the tree over the whirl of a car tire, priceless. Rubberized Asphalt is a proven noise pollution mitigator.

Street lighting- Street lighting should be solar powered and easily serviceable and involve no proprietary technologies. There should be extreme care given that they should be energy efficient and perhaps use LED (Light Emitting Diode) technology, paired with new battery technology recently unveiled by Toshiba, and scheduled for commercial use first.

Landscape- The highway edge of the property should be planted with tree species indigenous to the climate and matched for soil type. They should be of the variety that has limited height growth, so as not to impede the view. This would provide a much more aesthetically pleasing buffer from highway noise and pollution. The cost and maintenance of this type of wall would be maintained by Cal Trans just as the current highway landscape already is.

Transportation

Alternative Modes of Transportation – Based on developer's ideas for the Dockside Green development in Victoria, British Columbia. The buildings were designed to conform with the Leadership in Energy and Environmental Design (LEED) parameters.

- Car share/NEV/ Vehicles/Smart Car – Traffic demand studies have articulated a recommendation which states that one co-op vehicle be provided per 150 residential units. Co-op vehicles provided by organizations such as car share co-operatives provide vehicles whose cars are entirely paid for by vehicle usage revenues. This requirement can be exceeded given demand increases.
- Mini-Transit – A mini-transit system can be operated; servicing key drop-off points downtown and will be run during the day and possibly at night depending on demand. Bio-diesel powered buses can potentially serve residential and commercial areas in an effective mixed-used setting.
- Bus Transit: Strategies to be incorporated regarding bus transit include: Providing incentives for high-bus users, Discuss the usage of bio-diesel in buses, providing initial supplies of free bus passes to promote transit usage, and a web-based informational site listing transit information.
- Bicycles – Bike racks should be provided for at least 5% of commercial, office, and industrial occupants as defined by LEED. This also should include shower facilities. For residential occupants the requirement should be upped to 15%, given the necessity of reducing emissions from private vehicles in the area. Lock racks will need to be provided liberally on public land and in public places in order to facilitate the critical implementation of bicycle-ready facilities that should be an integral part of a college-town atmosphere.
- Pedestrian – Sidewalks and trails are crucial to ensuring the viability of pedestrian transportation. Trails should be designed to interconnect vital areas of commerce and residence, and should be well lit and designed with plazas, benches, and other places to encourage a friendly pedestrian environment.
- All of these proposals, for the purposes of University Villages, would need to be integrated with the University community to provide safe, clean public transportation from the development to the University proper.
- Parking – A minimal amount of parking, without impacting the economic viability of the development, is important to avoid the encouragement of traffic. Minimum parking unit restrictions should be established for the different areas of potential development.
- In each of the above modes of transportation, community involvement and participation is vital to guaranteeing successful integration of these items. Workshops, town-hall meetings, and other informational sessions need to be held in order to allow for the greatest design effectiveness.

Other Environmental Items:

- Fly-ash → Approximately one ton of cement generates on average one ton of CO2 emissions. Replacing cement content with fly ash (a byproduct of coal-fired electricity generation) reduces the emissions from the use of concrete by about 35 to 40% for the development.
- Organic Waste Collection – Buildings should have recycling rooms for organic waste collection and strategic partnerships will be forged with local organizations committed to organic waste recycling.
- Tree Planting – Industrial parking/loading areas will have trees between parking stalls to create shade and calm the spaces. Pockets of shade trees should be clustered at the south and west facades of residential buildings to reduce solar heat gain. Plaza's should include high canopy trees to provide shading, enclosure, and clear low level site lines. Indigenous or adaptive species should be used to reinforce the character of the project.

Project Phasing

Phase 1

Phase one will focus on the construction of a pedestrian-friendly city block grid design alternative for the .

Phase 2

Phase 3

Opportunity Phases

Approximately 30 residential acres from phase II in the University Villages Specific Plan Draft Environmental Impact Report, Volume I (planning areas O, P2 & Q in the University Villages Draft Specific Plan) and 37 residential acres from phase III in the University Villages Specific Plan Draft Environmental Impact Report, Volume I (planning areas E, F, G, H & I in the University Villages Draft Specific Plan) will be made available for alternate uses as the residential units will be moved. The southern 37 acres are near the public transit access and near potential opportunity phase office/research park. The first step with any use will be to completely clear the land of old blight and any public hazards that have been left from the US Army service. Then the following ideas can be incorporated into the Bahia Vista *Urban Reserve* for the southern 37 acres as the area recovers.

Urban reserve designation will preserve space for future development needs while creating near-term functionality. It will designate land to ensure that the City's future residential and commercial expansion needs are met. The transfer of more than 650 phase II and III single-family housing units into phase I condominium-style housing units will result in decreased water usage, as condominium-style units typically use less water than do single-family homes.

Suggested near-term uses include:

- Multi-use campground
 - Multi-use campgrounds are in great demand in Coastal California. If a campground is one of the first features to be built in the Urban Reserve, it will help the City to subsidize contracts with vendors to run various portions of the rest of the Urban Reserve.
- BMX bike park
 - Marina alone has dedicated BMX bikers and rollerblade enthusiasts who are concerned for the lack of local facilities. People will be drawn from the Monterey Peninsula and the nearby universities to recreate with these inexpensive, low impact opportunities.
- Public off-leash dog park
 - Dogs are not allowed on the local State Beaches so the off leash dog park will draw campers in the campground, tourists, and residents.

- Wildlife/natural flora and fauna demonstration park
 - The Wildlife/natural flora and fauna demonstration park could be as simple as a small visitor center or cluster of interpretive signs and foot trails with markers for particular plants. Vegetation will need to be brought in and should be native to the area, contact Watershed Institute and CSUMB for more information on native landscaping.
- Other outdoor recreation opportunities
 - Bike and walking recreation trail
 - Rollerblading arena for roller hockey
 - Disk golf course
 - Bocce ball courts
 - Tennis courts
 - Outdoor amphitheater

The near-term use could take advantage of the much-needed opportunity to convey the unique quality of the Monterey Bay Dunes and in particular the community that has adapted to an unusual set of conditions. Only 8 areas in the world share the peculiarities of our climate, which is dominated by coastal fog and wind, periods of heavy rainfall alternating with periods of near drought. The sandy soil type and geologic restlessness combined with the Mediterranean climate have allowed plants and wildlife to settle here that cannot compete in areas that have more stable weather and soil types. Interpretive signs should also include the vista out to the bay and the fact that the recreation area is adjacent to the nation's largest marine sanctuary. The Monterey Bay is an enormous underwater canyon where new species are still being discovered on a daily basis by world-class researchers drawn here because of the close proximity of deep oceans to the mainland. There is a direct link between land use and the Monterey Bay; everything that we do on Fort Ord indirectly impacts life in the bay.

The more northerly portion described as approximately 30 residential acres (planning areas O, P2 & Q in the University Villages Draft Specific Plan) would make a wonderful location for schools, sport fields, and a swimming facility. The proximity of planning area Q to Cypress Knolls will bring residents of every age to the pool and ball fields from early in the morning to late into the evening in the area right next to Opportunity Phase retail. Once the Opportunity Phase is built, the parking could be shared and people could eat at the local deli or coffee shop after their event or exercise.

An elementary or middle school would be a good use in the area north of 9th street (planning area O) due to the proximity of future Faculty and Staff housing on the south side of 9th street, and the location of adjacent parks or open space. This arrangement leaves the remaining acreage (planning area P2) for a high school with potential for lease or share of ball fields and swimming pool in planning area Q.

University Villages Specific Plan EIR
Chapter 5: Project Alternatives

Table 5.1
Alternatives Impact Comparison to Proposed Project

Issue Area	1:No Project/ No Development	2:Bahia Vista Community Plan	3:Reduced Housing	4: Reduced Commercial
Aesthetics and Visual Resources	(+)	(+)	(=)	(-)
Air Quality	(-)	(+)	(=)	(-)
Biological Resources	(-)	(+)	(=)	(=)
Cultural Resources	(=)	(=)	(=)	(=)
Hazardous Materials and Public Safety	(=)	(+)	(=)	(=)
Hydrology and water Quality	(+)	(+)	(=)	(=)
Land Use and Planning	(+)	(+)	(=)	(=)
Noise	(-)	(+)	(=)	(-)
Public Utilities	(-)	(+)	(-)	(-)
Transportation Circulation	(-)	(+)	(-)	(-)
Demographics	(-)	(+)	(-)	(-)

Notes:

- (-) impact is less severe compared to the Proposed Project
- (=) impact is identical compared to the Proposed Project
- (+) impact is more severe compared to the Proposed Project

Plan Performance Comparison

According to established design vision, goals, principles, objectives, policies

The following table is a side-by-side performance comparison between the University Villages Specific Plan and the Bahia Vista Community Plan perform. The following performance categories and sub-categories are taken from the design vision, goals, principles, objectives, policies and supporting visual tools from the following sources:

- 1) Fort Ord Reuse Plan;
- 2) City of Marina General Plan;
- 3) University Villages Future Directions Report (authored by 150 community members);
- 4) 15 planning, design, development professionals characterizations and recommended design improvements;
- 5) CSUMB community initiated retail center design workshop;
- 6) University Villages Request for (development team) Qualifications (RFQ)
- 7) Public comment and meeting minutes related to University Villages from the Design Review Board, the Planning Commission, the City Council, and the economic development commission.

A careful analysis of performance in each category will conclude that the Bahia Vista Community Plan is the superior plan across the board. The following table offers this comparison:

PERFORMANCE CATEGORY	BAHIA VISTA COMMUNITY PLAN	UNIVERSITY VILLAGES SPECIFIC PLAN
DEVELOPMENT PATTERN <ul style="list-style-type: none"> • Pedestrian scale blocks (200-300sf length) • Reflective of Peninsula historical development pattern • Transit-oriented, pedestrian-oriented, walkable • Urban/village concentric rings of development • Compact, walkable • High concentrations of diverse uses and users • Efficient exchange of goods and services • Efficient use of resources • Marina Town Center • Consistent with the character of a college town 	Superior	
MIXED USE <ul style="list-style-type: none"> • Mix of uses and users within easy walking distance • Around the clock uses, activity, vitality 	Superior	
TRANSPORTATION <ul style="list-style-type: none"> • Walkable, transit-supportive commercial and residential densities. Walkable street and sidewalk design. • Intersection design. Using roundabouts as a low-tech, cost-effective design solution which has proven to reduce fatalities (by up to 90%), emergency response costs, operating costs, congestion, air pollution, road rage, noise pollution, natural resource consumption (land, energy, etc), while increasing capacity. • Traffic dispersion and congestion mitigation with an integrated (grid) street system • Development pattern that is compact, walkable and positions non-motorized and multiple occupancy modes of transportation as viable alternative to the automobile. 	Superior	
ARCHITECTURE AESTHETICS AND FUNCTION <ul style="list-style-type: none"> • Urban/Village style architecture serves to enhance visual resources and markets the project to passers by (without offensive signage). • Rows and patterns of windows from corner to corner on all sides of all floors of all buildings is the standard that ensures the perception of safe streets due to the perceived "eyes on the street". Blank walls are a rare exception. (urban businesses are accustomed to "front loading" inventory through the storefront. Necessary loading docks will not disrupt the street level architecture and be integrated into the storefront architecture) • Groundfloor retail/commercial is the primary use on all sides of all mixed-use blocks. There are no "backs" of buildings. Every square foot of groundfloor space is an opportunity for maximum commercial exposure to the sidewalk and street, as well as for sustaining block to block connectivity and street level intrigue. • Roof lines are a visual resource and must be attractive when viewed from the street level as well as from hilltops and higher floors of other buildings. • Rooftops are a valuable visual resource. To the greatest extent 	Superior	

possible rooftop patios, viewing decks, cafes, restaurants and pubs should be built into the project. Public access rooftop views are a tremendous marketing and economic development tool. People go to great lengths to share a great view.		
PARKING <ul style="list-style-type: none"> • Efficient, productive use of valuable urban space • Surface parking is unproductive use of urban space that disrupts block to block connectivity. The rule rather than the exception will be designs that place parking stalls above ground, below ground, or behind groundfloor commercial in the center of the urban block. • To the greatest extent possible parking should not break the chain of groundfloor storefronts or street level intrigue. • Parking structures will have groundfloor retail on all sides to extend the chain of groundfloor storefronts from block to block. 	Superior	
SUSTAINABLE DESIGN AND TECHNOLOGIES <ul style="list-style-type: none"> • Energy use, renewable energy (solar), insulation • Water efficiency, fixtures, drought tolerant, lot sizes • On-site natural filtration • Air quality • 	Superior	
VISUAL RESOURCES <ul style="list-style-type: none"> • Maximizing views of the Monterey Bay and public access • Visual Impacts from Highway One 	Superior	
ECONOMICS <ul style="list-style-type: none"> • Sales tax revenue. Compared to suburban strip malls and power centers, urban mixed-use districts produce four times the annual sales tax revenue on a per acre basis. • Livable wage (management level) jobs. Compared to suburban strip malls and power centers, urban mixed-use districts produce more than four times the management level jobs on a per acre basis. • Municipal services and infrastructure. Compared to suburban strip malls and power centers, the cost of services and infrastructure are significantly lower for urban mixed-use districts on a per capita, per unit, per square foot, or per acre basis. • Business attraction. Urban mixed use villages offer the quality of life experiences that attract leading businesses and employees. • Affordable living. The time and cost efficiencies of urban mixed use villages offer a more affordable way of life. • Urban mixed use villages support a higher percentage of homegrown, small and medium sized businesses, which have been proven to invest three times as much as national chains into the local economy and community. 	Superior	

BAHIA VISTA PLAN

PARKING CALCULATIONS FOR VILLAGE/RETAIL CENTER

① ON-STREET

- 40 FULL BLOCKS (250x250sf)
- 10 STALLS PER SIDE, 40 STALLS PER BLOCK
- ~~1600~~ 1600 STALLS

② OFF-STREET SURFACE

- 4 BLOCKS (250x250sf)
- 150 STALLS PER BLOCK
- 600 STALLS

③ STRUCTURED PARKING

- 4 STRUCTURES
- ≈ 5 BLOCKS (250x250sf)
- 150^{STALLS} PER STORY PER BLOCK
- ALL^{STRUCTURES} 3 STORIES
- 2250 STALLS

$$15 \times 150 =$$

$$\begin{aligned} 10 \times 15 &= 150 \\ 5 \times 15 &= 75 \\ \hline &2250 \end{aligned}$$

⊛ TOTAL PUBLIC PARKING
= 4450

BATHA VISTA PLAN

HOUSING SPECS FOR VILLAGE

① 70 ACRES FROM PHASE II + III

- 10 UNITS PER ACRE
- 700 UNITS
- ALL HOME TYPE INTEGRATED SAME BLOCK & ALTERNATING SMALL BLOCKS

② TYPES UNIT

- 33% TOWNHOME
- 33% CONDO
- 33% APARTMENTS

USE $\frac{1}{3}$ WATER AS SFH
ALLOWING FOR FULL
BUILD OUT WITHOUT
EXPENSIVE ~~WATER~~
TAX-PAYER SUBSIDIZED
WATER AUGMENTATION
PROGRAM (MCWD PESAL)

③ AFFORDABLE

- 20% BELOW MARKET RATE

④ ~~ENTIRE~~ ENTIRE VILLAGE HOUSING WITHIN

EASY WALKING DISTANCE OF DAILY

NEEDS. (SCHOOL, MEDICAL, CIVIC, PARKS, WORK, GROCERIES, SHOPS, DEPT. STORES)

- ~~EA~~ AFFORDABLE LIVING,
- LIVE WITHOUT CAR & \$8,000 ANNUAL COST.
SAVINGS TOWARD MORTGAGE
- HEALTHY, EFFICIENT
- RESIDENTS LIKELY 30% FEWER PER CAPITA
VEHICLE TRIPS, 30% FEWER ^{NOISE POLLUTION, FOSSIL FUEL} POLLUTANTS AIR
- MINIMUM PARKING REQUIREMENTS, LESS BLIGHT
- MORE PRODUCTIVE USE OF SPACE

40 10
40 20
20 20
20 40
6 10
20 20
20 20
20 40
40 40
15 40
20 40
10 20
20 40
20 40

290 440

300
400

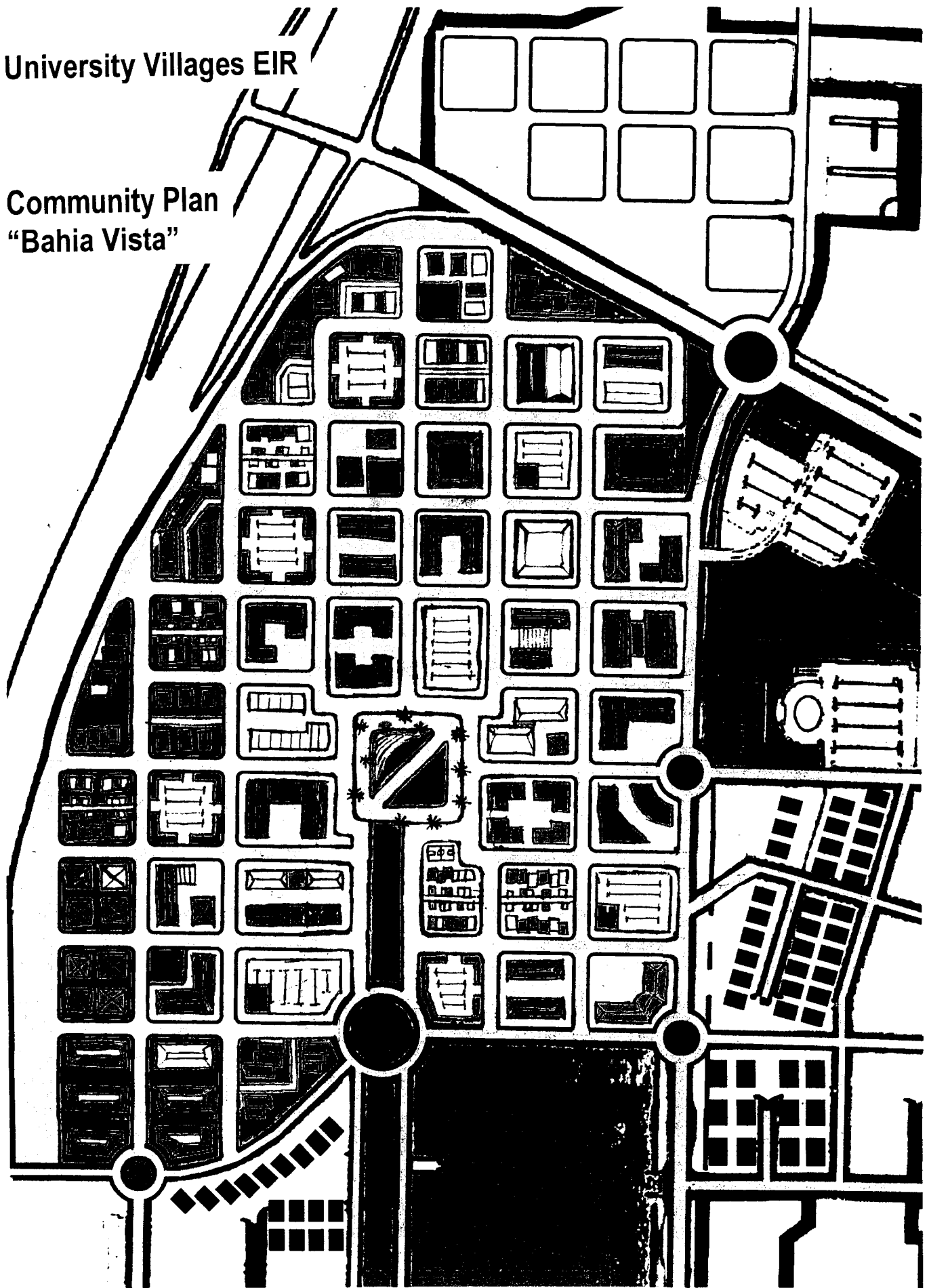
6

120

30% TOWNHOME
30% CONDO
30% APTS

University Villages EIR

Community Plan
"Bahia Vista"



Thinking

- Where would you go to buy a newspaper? To get a haircut? To mail a letter?
- In which places could you have lunch?
- Where could you buy holiday gifts for your family? What gifts might you buy?

BAHIA VISTA COMMUNITY PLAN

● AMERICAN DREAM

● HOMETOWN AMERICA

● HISTORICAL DEVELOPMENT PATTERNS

● RURAL URBAN

● MIXED USE

BAHIA VISTA COMMUNITY PLAN

UNIVERSITY VILLAGES RETAIL/VILLAGE CENTER PLAN

THREE QUESTIONS INFORMATION PACKET

CONTENTS

- A) Three Questions – University Villages Retail Plan (6 pages+map)
- B) University Villages Vision, Goals, Principles, Objectives & Policies (5 pages)
- C) Herald & Weekly Articles on Design Shortcomings (3 pages)
- D) Merced County University Community Plan Town Center Policies (4 pages)
- E) Slides, Images, Analysis of University Villages Retail/Village Plan (15 pages)

THREE QUESTIONS UNIVERSITY VILLAGES RETAIL PLAN

In February, 2005, 15 professionals who work or live within Monterey County were approached individually, given an 8.5"x11" color copy of the University Villages Retail and Village Center plan (attached), and asked the three following questions:

1. HOW WOULD YOU CHARACTERIZE THIS DEVELOPMENT PLAN?
2. WOULD YOU CHARACTERIZE THE PLAN AS SUSTAINABLE DEVELOPMENT?
3. WOULD YOU MAKE ANY CHANGES TO THE PLAN AND WHAT MIGHT THEY BE?

The 15 participants are graduates, members and/or professionals with the following fields or titles. The list adds up to more than 15 because some participants hold multiple positions or degrees:

- ◆ 6 Municipal Land Use Planners
- ◆ 3 US Green Building Council Members
- ◆ 4 Sustainable Systems and Design Consultants
- ◆ 3 Masters in Environmental Policy
- ◆ 2 Masters in Business Administration
- ◆ 1 Architect
- ◆ 1 Water Systems and Infrastructure Specialist
- ◆ 1 Professor
- ◆ 1 Doctorate in Urban Planning
- ◆ 1 Economic Development Specialist
- ◆ 1 Developer
- ◆ 1 Civil Engineer

All participants are either residents or employees in Marina, Carmel, Carmel Valley, Monterey, Pacific Grove, Seaside, Salinas and Monterey County. None of the participants were told the name or precise location of the project. The color map of the University Villages Retail center, enlarged directly from the city's promotional material (unaltered), was presented upside down. Only two of the participants recognized the plan as the University Villages retail center. Participants were told that the project was located in a California town of 40,000 population and that there were two directly adjacent neighborhoods, each with approximately 500 moderate density homes.

For the most part, each comment was individually recorded and numbered. It was not uncommon for one participant to provide five or 10 individual comments for questions One and Three. Question Two allowed for only one answer per participant. The interviewer was very careful to objectively describe all the plan's components, uses, measures and scale with neutral language. The editor swapped the words "north" with "south" for reference with the map when it is rotated back to right-side-up. The participants were not asked to share their name or affiliation, although if the validity of these answers comes into question, many of the participants will likely be quite willing to share their names and affiliations upon request.

ONE: HOW WOULD YOU CHARACTERIZE THIS DEVELOPMENT PLAN?

- (1) This plan is a very standard automobile-centric retail and hotel/motel sprawling development. There appears to be 30 acres out of 85 devoted to parking and 5-10 acres devoted to roadways. Placement of a parking lot to the very north is an incredible waste of high ground that could support buildings that have views of the Monterey Bay, although it may be intended to give the proposed hotel absolutely sweeping views of a bunch of parked cars.

- (2) From the freeway, you will have inspiring views of the back (industrial) side of the shopping center, i.e. attractive loading docks, beautifully sooty tractor-trailers, the cardboard compactors and the dumpsters. As you exit the freeway onto Imjin Parkway, you will have a similar, even more intimate look at the dumpsters, loading docks and compactors. As you turn right onto 2nd Avenue, you will catch a glimpse of the main 20-acre parking lot. If you are lucky and it's a busy day, you will see hundreds of used cars on display in every condition imaginable; if its not a busy day, then you will at least be able to admire the squashed chewing gum and oil and antifreeze stains that have built up over the years.
- (3) From inside the parking lot you will be able to survey many cars and, of course, the facades of whatever national chain franchise stores the developer manages to attract. The stores will be completely unique and different, just exactly like they are everywhere else in the United States.
- (4) Anyway, the overall plan is a cookie cutter copy of downtown and shopping center developments that have been built in hundreds of cities across California and the United States.
- (5) Large format structures not built to last
- (6) Doesn't look like anything new.
- (7) Unfortunately consistent with American model of over-scale massive structures and roof forms to house our Wal-Warts.
- (8) Designed to be a failure.
- (9) I would characterize this plan as uninspired. The primary focus seems to be on buildings and parking. I cannot see any area in this large development that leaves space for all the other inhabitants of this world except us humans. I cannot see a single place where I could stand and feel in touch with the 'earth', our habitat, or other people. I see acres of parking and many buildings. I can't imagine that any part of this development would add an enriching experience for a person to walk through.
- (10) Most of area devoted to surface parking.
- (11) Developments in Monterey don't look like this. Doesn't look like Monterey
- (12) Huge
- (13) Wherever it is it's not something that would be appropriate for Monterey Bay.
- (14) Too clean, sterile
- (15) I don't like it. Strip mall. Not something appropriate for this area anyway.
- (16) Looks like the "new community" crap you see up around Sacramento
- (17) No connection to history. No feeling. Too plastic. No character.
- (18) I wouldn't want to live in an area that does not extend historical context and values.
- (19) Completely designed to be dependent on the car and the big box store
- (20) I shudder to imagine how it feels in the middle of that ocean of asphalt after 10pm. A public safety nightmare.
- (21) The dominant, signature form is the tired, old highway-oriented, auto-dependent, big box power center. This model consistently under-performs from an economic development perspective. Salinas' big box strip mall economic development strategy should be evidence enough, with sales tax revenue steadily declining the last three years. 95 percent of the jobs will be close to minimum wage, which effectively lowers the community's overall standard of living.
- (22) The power center patrons will be forced to get in their cars and drive a 1,000 feet to the shopping village.
- (23) Primarily a shopping mall with a little bit of residential dressing
- (24) Looks like a waste of space. All I see is open space. Grey asphalt.
- (25) Split personalities. Two different districts. The village area is more happening, result of more thought, more appeal
- (26) The plan is essentially a parking lot. It makes me think of Sand City on a busy day, people stuck in their cars, can't get out, poor traffic plan
- (27) The positive is I'd rather see commercial near the highway versus residential
- (28) Give credit for the residential component.
- (29) Driving through the parking lot to get to stores is inefficient.
- (30) This plan is about employing a developer's standard business model that you see everywhere you go. It is not likely tailor-made for the community's benefit.

- (31) So many municipalities are killing themselves with the promise of big box when there are so many alternatives that actually meet community goals, are consistent with land use policy, and are more economically viable and sustainable within the same market parameters.
- (32) Doesn't have the feel that it was the outcome of participatory planning process
- (33) Reminds me of the result when cities compete for big box retail and race to the bottom to see which one can relax their regulations the furthest to seal the deal.
- (34) Characterizing this district as one space is an error
- (35) Three distinct districts. No way integrated. The barrier is perceptual and/or functional between hotel/conference center, large format retail center and village center.
- (36) Integration is not a random result. It is the result of deliberate planning
- (37) This plan is reliant on cheap oil, cheap labor, cheap land and unsophisticated municipal leadership.
- (38) Quality of life advocates would be horrified by this plan
- (39) Cut and paste factory outlets
- (40) That village center is by most professional definitions essentially a retail tunnel because of the large band of surface parking segregating it from neighboring districts, and since there are no recognizable concentric rings of development that defines a village.
- (41) Doesn't appear to consider how the timing of the mixed land uses of (residents, customers, parking) efficiently interact and compliment each other around the clock.
- (42) A real study of the economic impacts and opportunity costs of this plan would motivate a much-improved design.
- (43) Feels like vast swath of asphalt and flat, ugly rooftops
- (44) Big box.
- (45) That's a lot of really high, foreboding blank walls in the power center, which is a shame when these days so many big box chain stores are willing to fit into more urban style, multi-story buildings where most – if not all – sides of the building feature active storefronts.
- (46) The view from the highway will be brutal!
- (47) You've got a village and retail center made up of mostly vacant space and high walls without storefronts. There is no gravity or multiple paths of intrigue, only a long, monotonous linear path that pedestrians will quickly grow tired of.
- (48) I can't recognize a single city block.
- (49) I don't see this plan doing anybody any favors apart from the developers who can't possibly be emotionally or spiritually invested in this community.
- (50) Apart from the few units in the village center, where are all the village people going to live?
- (51) The token village center is a minor segment of the retail district
- (52) Typical 90's big box shopping center
- (53) Not new urbanism
- (54) Landscaping and trees in full bloom will do little to diminish the negative visual impacts of that ocean of asphalt.
- (55) Plan pays homage to the automobile.
- (56) A significant percent of the land is given over to the automobile
- (57) The project objectives appear to be to establish big box retail with token residential element.
- (58) Project lacks balance between on-site commercial and residential uses
- (59) Heavy on big box
- (60) Not pedestrian oriented
- (61) Token nod for high density housing, which is not likely adequate housing stock for a community
- (62) No sense of place or community
- (63) A lot of elements, but the connections need to be fully developed
- (64) On-site residents will have to drive for milk (retail village unlikely to house a grocery store)
- (65) Awful lot of surface parking
- (66) Asphalt nation
- (67) Lacking green spaces
- (68) In excess of 90 percent of the land area appears to be devoted to supporting the large format retail center
- (69) Vast surface parking lots

- (70) Long to walk between shopping districts
- (71) Auto- and highway-oriented
- (72) The village retail area is approaching new urbanism, but no village block pattern.
- (73) Way too much land devoted to surface parking
- (74) Highway oriented
- (75) Looks like commercial and a lot of asphalt
- (76) Somewhat of an attempt at diversity.
- (77) Ugly. Feels like going into the Sand City shopping center.
- (78) Awful lot of parking and commercial, retail area.
- (79) Attempting to adapt and combine traditional neighborhood design with suburban big box
- (80) Trying to blend the big box and mixed use portions as seamlessly as possible
- (81) Trying to lessen the harshness of the surface parking with trees
- (82) Somewhat auto-oriented.
- (83) Attempt at mixed-use.
- (84) Excessive surface parking
- (85) Major issue is connectivity
- (86) Too segmented and pedestrian unfriendly
- (87) Too suburban of a design.
- (88) Not reflective of traditional neighborhood design
- (89) Surface parking represents a huge open space acting as a buffer between vast big box center and mixed-use.
- (90) Looks like an upscale big box shopping center with some traditional neighborhood design concessions.
- (91) Looks like the Gilroy outlet mall
- (92) Big box not accessible by village center users.
- (93) Plan offers a few token village uses.
- (94) The various uses are separated due to the layout and surface parking
- (95) In this plan pedestrians are competing with cars.
- (96) The development "looks and feels" nice at least from above. But from the main arterial that goes out (East/West) I get the feeling that the traffic would be overly heavy and my question looking at the development concept would be, what are the transit options? Bus/light rail/car tunnels?

TWO: WOULD YOU CHARACTERIZE THE PLAN AS SUSTAINABLE DEVELOPMENT?

- (1) No
- (2) Are you kidding? I heard the word sustainable thrown around so many times when I was a Peace Corps Volunteer in (third world country), I wince to hear it now.
- (3) No
- (4) Way short of a model of sustainability
- (5) No. If the development can attract new retail businesses that are not already duplicated ten miles down the freeway, then while they are brand new, they may do fairly well. However, when they get a little old and ratty looking, what will sustain them? Other downtowns in the region have some significant history behind them, history that will always create a basic attraction. (Historic Alvarado Street area; the artists, poets, romance, European charm and art galleries of the Ocean Avenue area; the last hometown in America....) How will this new development manage to compete against the features of these other close by areas? Wait, I know! What about the historic, charming and romantic former Army motor pool area?
- (6) Not really sustainable
- (7) Not sustainable
- (8) Not sustainable
- (9) No
- (10) I would not characterize this development plan as sustainable for a number of reasons. All mobility is involved with a car. A person could not live and work in this area without a car. All

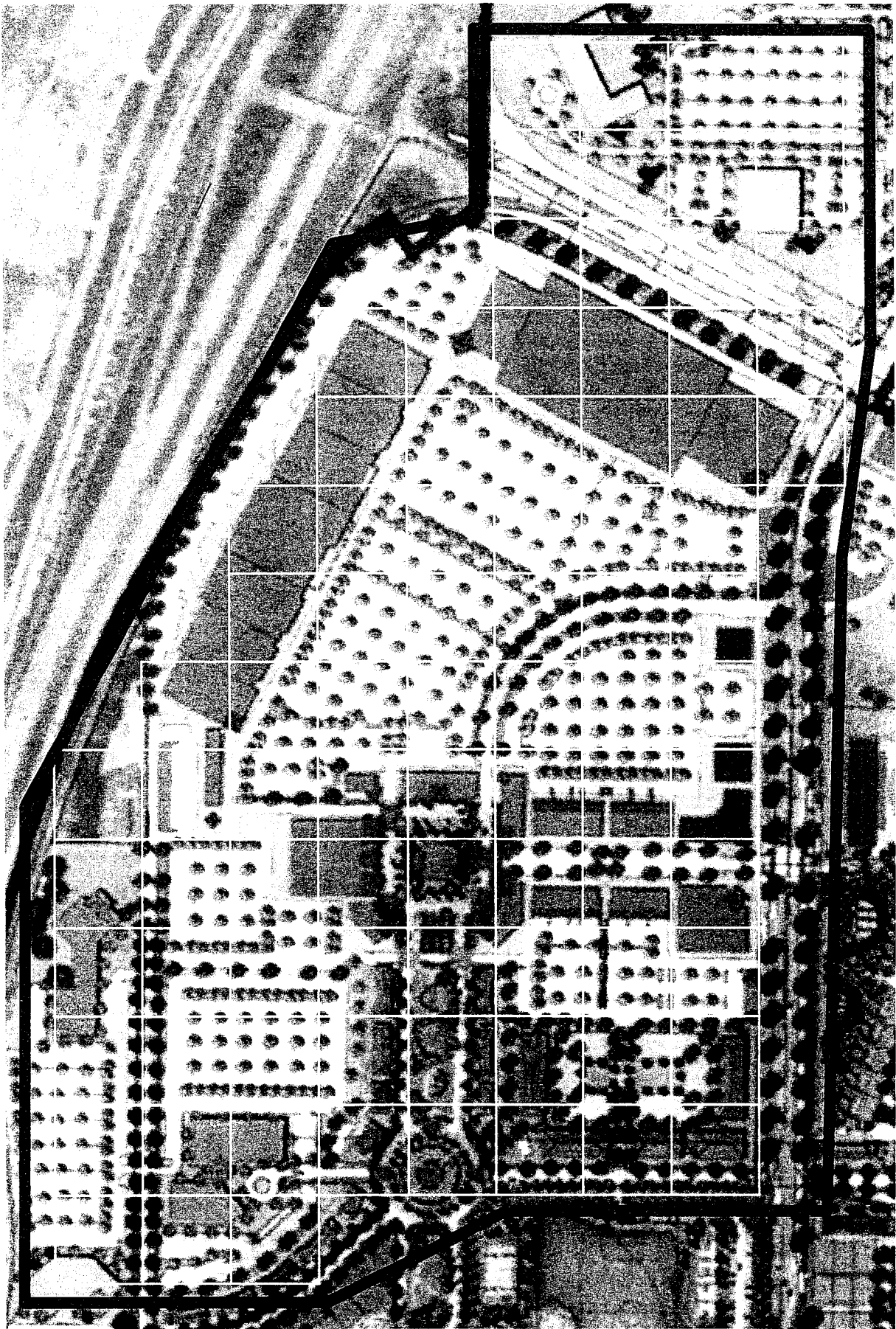
buildings are separated by parking lots. The focus is on car access to all buildings, not foot access or community. There is no land set aside for 'natural' use. The land is incapable of replenishing itself. In rains and droughts, the land is entirely reliant of outside sources for its functioning. There is no rain catchment areas or water purification areas. There is nowhere for the local flora or fauna to live.

- (11) Not economically, socially or ecologically sustainable.
- (12) Not reflective of sustainable development
- (13) Not sustainable
- (14) Not sustainable. How could you characterize it as sustainable? It does not conform to widely accepted concepts and philosophies of sustainable development.
- (15) Doesn't look like sustainable development to me. Certainly not a model of sustainability.

THREE: WOULD YOU MAKE ANY CHANGES TO THE PLAN AND WHAT WOULD THEY BE?

- (1) I would establish a theme for the development area that stands a chance of competing successfully against "historic Monterey," "artsy Carmel" and "family oriented PG."
- (2) I would significantly reduce the imprint of the automobile on the project.
- (3) I would think much more carefully about the use of the high ground to the north and put much of the "downtown" into that compact area first.
- (4) I would hide all the loading docks, dumpsters, compactors, etc....
- (5) I sure wouldn't build a nice hotel right next to and facing the freeway!
- (6) More pedestrian paths
- (7) Parking broken up.
- (8) More walkable
- (9) Underground parking
- (10) Re-evaluate project priorities
- (11) Terraced structured parking.
- (12) Prioritize budget to accommodate aesthetics.
- (13) A more European-style village is a better model.
- (14) Could be laid out better
- (15) Village scale
- (16) Needs parking structures for more productive use (tax revenues, commercial opportunity, job creation) of that land wasted on vast, half-empty surface parking lots. Parking structures with groundfloor retail provide for greater customer convenience by bringing drivers closer to the storefronts and improving connectivity with continuous street-level intrigue from block to block; something surface parking can't offer.
- (17) Needs more urban approach rather than this suburban plan
- (18) A much better utilization of land is possible
- (19) More housing, less surface parking
- (20) Alternate modes of transportation
- (21) Less dependent on car
- (22) Need structured parking
- (23) Limiting the building footprints and surface parking lots to 50,000 square feet would solve so many of the problems that this plan presents.
- (24) More integration
- (25) Deserves to be re-thought with a different philosophy
- (26) Must ask what is the feasibility of making the plan more transit-oriented?
- (27) Needs more high density residential. More integrated. More balance. Better connections.
- (28) Why not more high-density residences?
- (29) Tremendous opportunity for solar energy. Place solar panels across large rooftops. Make productive use of those large rooftops
- (30) Structured parking.
- (31) More residential

- (32) By positioning buildings to utilize the sun, we can significantly reduce cooling costs in the summer and heating costs in the winter. It will also make a much nicer work and living environment.
- (33) I would like to see the housing and business in a denser configuration and multi-layered parking garages utilized to minimize surface parking space. Bring all people together will help create a sense of community, increase foot traffic for retail businesses, and will also reduce the human footprint on the land. Land can then be left natural and undeveloped. That land will provide natural runoff from the buildings. Bringing businesses and housing together can help us be more connected with the land, by not only being able to see, hear and smell it, but also walk in it. Denser configurations can also help for people to connect with one another.
- (34) Condense and reduce available parking. Use multi layered parking garages, or have parking under the buildings. Again this will decrease the human footprint on the land and allow for more open spaces.
- (35) Orientate all buildings to utilize solar south for heating and cooling. Minimize windows on the east and west exposures and use overhangs and side shades to limit sun exposure in the summer and maximize it during the winter.
- (36) The situation could be remediated with having permeable parking areas, but even in this case there is nowhere for the water to drain to naturally. I suspect that before this development there are natural valleys and streams, or at least water flow channels. I would like to see the development work around what is naturally there and help sustain the natural environment.
- (37) The buildings do not seem to take into account solar direction. In most of these buildings the sun would be an added hindrance and cause higher cooling bills in the summer and not provide any significant heating in the winter.
- (38) Bring the stores closer together. Break up and consolidate the parking solution. Multiple rows of commercial development.
- (39) Parking structures could cut the gray area by 75 percent
- (40) San Luis Obispo is a better model
- (41) The village housing needs to butt up against the village center.
- (42) Permeable surfaces, especially concerning the surface parking
- (43) Hire qualified professionals who know how to implement sustainable design and technologies.
- (44) Increase interaction of the various land uses
- (45) Wouldn't have the backs of the buildings facing the highway
- (46) Reverse the commercial uses and don't separate them with a surface parking lot
- (47) Extend the greenbelt through the village center to connect with the big boxes.
- (48) Is there room for about 4,000 square feet of greenhouse-type biofiltration sheds (for every 150 homes or so) to treat sewage for the community, thus reducing effluent load?
- (49) Are there waterless urinals in public facilities?
- (50) Is the development on its own well or will it be phased in to eventually utilize desalinated water?
- (51) How much as a percent of energy used will be generated on site?



UNIVERSITY VILLAGES

VISION, GOALS, PRINCIPLES, OBJECTIVES AND POLICIES

From the following source documents:

- ➔ Fort Ord Reuse Plan
- ➔ University Villages Request for Qualifications (RFQ)
- ➔ Marina General Plan
- ➔ University Villages Future Directions Report

FORT ORD REUSE PLAN

COMMUNITY DESIGN VISION (p.56): (UNIVERSITY VILLAGES) DRAWS ITS INSPIRATION FROM...

- history and culture of the Peninsula
- sound principles of community making
- a responsible and positive attitude toward the environment.

COMMUNITY DESIGN VISION (p.56):

- a community...having a special character and identity
- (development that) will fit with the character of the Peninsula
- (development that is) complementary with the scale and density of the existing communities from Marina to Carmel
- a special place for living and working
- a development approach that is sustainable

DESIGN PRINCIPLE 1: UNIQUE IDENTITY AROUND EDUCATIONAL INSTITUTIONS (p.56)...

- the centerpiece of the community...will be the education centers

DESIGN PRINCIPLE 2: REINFORCE THE NATURAL LANDSCAPE CONSISTENT WITH PENINSULA CHARACTER (p.57)...

- the Former Fort Ord is a critical centerpiece of this landscape and serves as the entry and introduction to the Peninsula for the visitor arriving from...Highway One...an important visual resource within the region.

DESIGN PRINCIPLE 3: MIXED-USE DEVELOPMENT PATTERN WITH VILLAGES AS FOCAL POINTS (p.58)...

- consistent with the character of a college town with a vibrant, around-the-clock level of activity and vitality, the former Fort Ord is planned to consist of a series of villages with mixed-use centers.

- the village pattern will sustain a transit and pedestrian friendly development pattern.
- the core of each village will consist of services and amenities for districts and neighborhood.
- higher development densities and a mix of uses (office and housing over retail) will enhance the vitality of the village centers.
- Marina Town Center (Currently named University Villages)(identified on map and page 63)
...compact and walkable.

DESIGN PRINCIPLE 5: ENCOURAGE SUSTAINABLE PRACTICES AND ENVIRONMENTAL CONSERVATION (p.60)...

- demonstrate a wide range of design and planning practices that are consistent with accepted notions of sustainability and environmental conservation.
- individual sites and buildings should be designed to minimize energy consumption.

DESIGN PRINCIPLE 6: (FORA) ADOPT REGIONAL URBAN DESIGN GUIDELINES (p.61)...

- the visual character of the Monterey Peninsula plays a major role in supporting the area's attractiveness as a destination for many visitors every year...ensure economic vitality of Peninsula...

MARINA TOWN CENTER (P.70)...

- several concentrations of intensive new development which will act as employment and activity centers...including...the (Marina) Town Center complex...
- models of sustainable development and sensitive site and facility planning and design.

LAND USE AND AIR QUALITY (P.388-390)

- Compact development patterns...clustered employment densities and activity centers, mixed-use development and integrated street patterns.
- California cannot support (growth) based on existing housing and transportation patterns without unacceptable economic, social and environmental costs...use too much land, are too spread out, require too much infrastructure, create too much traffic congestion, have adverse air impacts and other environmental costs, and simply cost too much...
- The State cannot afford it as a financial matter. Most people could not afford it, either, if they bore the full costs of these housing and transportation patterns...not sustainable.

UNIVERSITY VILLAGES CONCEPTUAL PLAN/MAP (p.64+68)...

- pedestrian scale block patterns
- state Highway One scenic corridor identified
- housing/retail/office in mixed-use pattern

UNIVERSITY VILLAGES REQUEST FOR QUALIFICATIONS (RFQ)

(p.1-1)...

- the project objective is to create a premier, urban/mixed-use project
- the qualified development team must have substantial urban/mixed-use development experience.
- it is critical that the team include an experienced urban mixed-use developer and an urban design planner with experience in designing large-scale, urban/mixed-use projects

(p.1-2)...

- the Marina University Villages site is a major component of the Fort Ord Reuse Plan which proposes mixed uses for the project area. The Reuse Plan policies promote sustainable development and design guidelines for development within the Highway One corridor.

MARINA GENERAL PLAN COMMUNITY GOALS/PLANNING PRINCIPLES (p.1-6)

- overall goal is a...high quality of life for all residents...which conserves irreplaceable natural resources.
- Goal/Principle B: development which avoids or minimizes to the greatest extent possible the consumption or degradation of...natural resources
- Goal/Principle E: a city designed for and attractive to pedestrians, in which most of the housing, businesses and community facilities are within easy walking distance of each other
- Goal/Principle F: land use/transportation system which minimizes traffic congestion, noise, excessive energy consumption, and air pollution
- Goal/Principle G: avoid sprawl in the region by making efficient use of land
- Goal/Principle H: A city physically and visually distinguishable from other communities, with a sense of place and identity in which residents can take pride
- Goal/Principle O: attractive, distinctive...commercial districts which contribute to the city's overall vitality, image and identity

CITY OF MARINA GENERAL PLAN UNIVERSITY VILLAGES POLICIES

- Policy 4.53: site buildings to...maximize vistas of Monterey Bay
- Policy 4.61: development shall be visually and functionally integrated so as to present a seamless appearance
- Policy 4.63: in retail and commercial areas public parking should be provided on a consolidated basis
- Policy 4.65: the transit corridor right-away shall serve as the major organizing feature of this area...continuous shop frontages shall be maintained along this route

UNIVERSITY VILLAGES FUTURE DIRECTIONS REPORT

Published in May 2003 the City of Marina University Villages Future Directions Report was city-funded and authored by 150 members of the community. The goal of this participatory planning strategy was to provide the necessary higher level of clarity and specificity that the General Plan and Fort Ord Reuse Plan lack. This specificity – in the form of succinct, explicit design objectives and accompanying visualization tools – was to ensure that the Developer Selection Panel and the competing development teams were clear on the community’s expected outcomes from this project; and to ensure that the developer most willing and able to deliver these community design objectives would be chosen for the job.

- (p.1): the Future Directions Report presents the key development objectives (for University Villages)
- the objectives are intended to inform the master developer and help guide future development in the area
- (p.6): development should feature well conceived, urban planning and architecture
- (p.6): architectural and landscape designs should maximize ocean views where possible, providing public uses and access at optimal viewing points
- (p.6): create a sustainable, pedestrian-oriented “University Village” with a small town character
- (p.6): concentrate mixed-use buildings and higher density housing around the center of the villages
- (p.6): provide high-quality, vibrant, urban design and great architecture
- (p.6): take advantage of the ocean views, with publicly accessible landmark buildings and public uses on higher points and ridgelines
- (p.6): design multi-story buildings for large retail stores and parking structures so as to reduce building footprints and improve place-making opportunities
- (p.7): because this large-scale project presents a unique opportunity to integrate sustainable design, residents would like to explore a partnership with CSUMB to promote the educational aspects of sustainable design that the University Villages may offer during and after construction.
- (p.7): integrate sustainable building design and materials, energy conservation, water and sewer systems (including on-site filtration for gray water)
- (p.7): work with CSUMB to develop sustainable design processes and teach new ways of developing community, using University Villages as a working model
- (p.8): provide (land) uses to support a vibrant mix of activities throughout the day and evening
- (p.8): create places for nighttime activities such as restaurants, pubs, live music, movies, wine tasting and sporting events.
- (p.8): development should take advantage of the site’s unique ocean-side setting and dramatic views through rooftop uses, such as roof gardens and roof-top pubs and restaurants
- (p.8): community members highlighted the value of both neighborhood-serving uses, such as locally-owned, walkable retail, as well as visitor-serving uses, such as boutique hotels, conference centers, visitor and cultural centers.

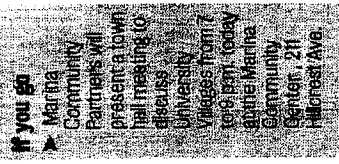
- (p.8): create a real mixed-use downtown area with pedestrian-scale retail, locally owned shops and restaurants, and entertainment.
- (p.8): locate housing close to work, shopping and play in a walkable, mixed-use, international village
- (p.10): a high priority for residents is to promote the type of development that would stimulate sustainable economic growth and provide a wide range of living wage jobs
- (p.10): create a strong, local and sustainable economy with viable commercial uses and industries with living wage jobs to stimulate local economic development and economic growth
- (p.10): strive for the development to have a positive fiscal impact on the city, even in the early stages, looking at comprehensive long-term impacts and lifecycle accounting.
- (p.12): parking areas should be designed to be sensitive to the surroundings, well-landscaped and screened
- (p.12): provide an optimal environment for pedestrians, workers, and shoppers through the use of a modified grid pattern (200-300 foot blocks).
- (p.13): integrate state-of-the-art infrastructure systems such as on site water retention and percolation ponds, recycled gray water systems, on-site sewer (such as “green machines”) and energy
- (p.13): ensure adequate delivery of affordable and sustainable city services, including planning, public safety (police and fire), utilities, health and welfare, and education
- (p.13): explore the possibility of expanding the desalination plant.
- (p.14): participatory planning and design processes should be utilized.
- (p.14): community members see University Villages as an important opportunity to implement innovative designs, and to set an example for base reuse projects in other cities around the country.
- (p.14): build on the community’s commitment to stay involved and be proactive by continuing to use participatory planning and design processes in the ongoing development and implementation of University Villages to inform and involve the community (including schools, churches, and civic organizations).
- (p.14): aim high, think outside the box and set an example for the region, the state, and the rest of the country.
- (p.14): be responsive to community input and build on the community’s vision
- (p.14): be consistent with the General Plan and FORA objectives

Marina

From page B1

not a suburban strip mall," Fitz said.

Addressing a concern that the project might feature too much street parking, clashing with the concept of a walking district, Commissioner Gary Wilnot has suggested that perhaps the city could use a bond or sales taxes to finance multi-story parking garages as was done by Monterey. Another concern that has been raised is the lack of connection to the CSUMB campus.



design has housing abutting the campus along Second Avenue. Planning commissioners said it would make more sense to have businesses there to attract students into the development.

Burnett also wants to see more details of the boardwalk theme the developers talked about while competing for the project. Burnett said the city does too little to incorporate the beach into the city's marketing efforts.

Subhiit Purewal can be reached at 646-4494 or spurewal@montereyherald.com.

THE MONTEREY COUNTY HERALD, WEDNESDAY, APRIL 21, 2004

Monterey County LOCAL STATE

www.montereyherald.com

State
NASA hopes rocket
will prove Einstein
right, B2

City questions 'village' design

BY SUKHJIT PUREWAL
Herald Staff Writer

University Villages is touted as the economic catalyst for Marina. In the words of one planning commissioner, it will help the city become the beacon of the Peninsula.

When finally built, the more than 300 acres of the west and north villages will flank the CSU-Monterey Bay campus on Fort Ord with a mix of homes and businesses.

But so far the design put forward by the development team known as Marina Community Partners has left city residents largely dissatisfied. The early plans call for more residential acreage than the city had planned and a largely spread-out design rather than the vertical approach the city favors to attain a denser, pedestrian-friendly development.

MARINA TO HEAR FROM DEVELOPERS

In a series of meetings, residents and city officials have told the developers to return to the drawing board to come up with more ideas to integrate residential and commercial development.

Marina deserves better, Planning Commission Chairman David Burnett said at a recent meeting.

"Not a lot of the ideas that had been put forward by the residents had been incorporated," he said earlier this week.

The Marina Community Partners team, made up of Centex Homes, Shea Homes and Monterey Peninsula Engineering, says it has taken the new input from the community and incorporated it into the design it will present at tonight's second town hall

meeting. Developers, however, declined to answer specific questions about the project for this article.

Planning for the project is still in the early stages while the development team continues negotiating to acquire the property. Marina Community Partners was selected over three other development teams late last year.

While the recently approved Marina Heights development is supposed to bring in new homes, the villages are supposed to breathe economic and social vibrancy into the city. Marina is looking to University Villages to bring in businesses, jobs, a variety of homes and restaurants, all in distinct small-scale, pedestrian-friendly districts.

City leaders want the development to fill the city's main-street void with a

stacked mixed-use development, to be the lively hub of a town center.

However, in the initial design for the villages, the main street featured only single-story businesses. Planning Commissioner Tim Miller said the city already has plenty of that kind of development.

Although the project is supposed to have 54 acres of mixed-use development, Miller said it appeared Marina Community Partners had devoted only a couple of acres to the concept.

Commissioner Chris Fitz said denser design could open up more open space for parks or other shared community space.

"The whole idea is to have something more pedestrian-friendly, like downtown Monterey or Pacific Grove,

Please see Marina page B2

Back to the Drawing Board

Marina's University Villages slammed at semi-public hearing.

Apr 08, 2004

By Andrew Scutro

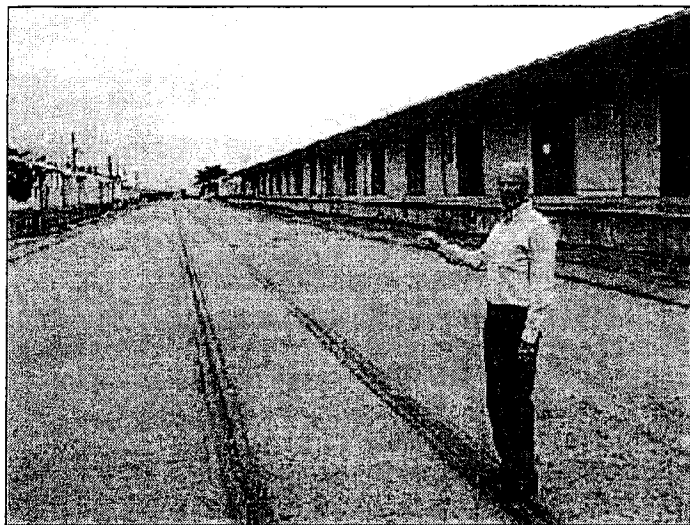
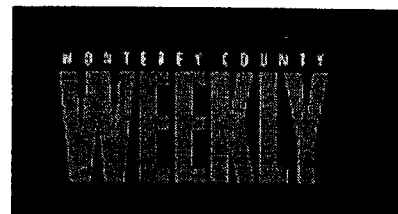


Photo by Andrew Scutro: Right Over There: Marina Community Partners' Bob Schaffer points to the site of a future "arts and culture" district.

The talk of "synergy" and "integration" and "finely-grained neighborhoods" sounded appropriately smooth during a planning meeting last week, until various Marina city commissioners started dismantling the plan for the University Villages project on Fort Ord.

In the end, the fancy lingo seemed to be merely sugar-coating for a standard-issue huge development project.

Slated for 240 acres in an abandoned slice of the old base along Highway 1, between Marina proper and the CSUMB campus, University Villages offers a soup-to-nuts business and residential development that could outshine the city itself. The idea was introduced at a large "town-hall" presentation on Feb. 24.

Last week, the development team put their ideas before the Marina Planning Commission, the Design Review Board, the Economic Development Commission and the Redevelopment Advisory Committee in a semi-advertised council chamber gathering. Some members of the city council and the public attended.

Careful to offer the plans as fluid ideas being "floated" and not firm, the developers presented their project, with hotels, a visitor center, an arts and culture district, a "large-format" (read: big-box) regional shopping center to rival Sand City, plus a smaller-scale village center, a school, a city park, a business park, a beach boardwalk, a transit station and 1,200 units of housing at varied prices.

Not only does the development team, known as Marina Community Partners LLC, want to create what's nearly a town within a town, they want the University Villages project to put Marina on the map as a "coastal destination city."

It sounded nice, but the commissioners were not easily satisfied.

Planning Commissioner Tim Miller, for one, wanted to know why the design did not seem to conform to the city's Future Directions Report—planning guidelines published in May 2003 with University Villages specifically in mind.

“To me that’s a very major concern,” Miller said.

The plan’s reliance on big-box stores caused particular apprehension.

The development team includes Centex Homes and Shea Properties, two of the largest developers in the nation. According to Bob Burke from Shea Properties, who explained the retail plans, the type of stores that might go into the shopping center depend on marketplace demand. Some outlets base their locations on population, not going into cities without at least 500,000 people nearby. As of now, every type of store from books to electronics to places like Crate & Barrel remain on the table.

“We will end up talking to everyone,” Burke said.

Also somewhat critical was planning chair Gary Wilmot, who has been steady in his call for Fort Ord development to be a source of jobs and economic strength for the city.

The current proposal calls for the hill where the Fort Ord Re-Use Authority now sits to be converted to a hotel complex with a visitor center. But separating the hill from the rest of the development is the recently completed four-lane extension of Imjin Parkway, which would seem to be an impediment to visitors drawn to the visitor center who wish to access the rest of the development. Wilmot also criticized the proposed layout for the shopping center, noting the massive retail stores on far sides of a vast parking lot.

“Figure out a way to not make it a sea of cars,” Wilmot said.

Besides concerns about pedestrians trying to negotiate the trip from the visitor center, there were questions as to why the development was not more “urban,” with an emphasis on vertical construction. There were also concerns about the lack of a geographical center, what could be defined as a “town square” or plaza.

Bob Schaffer, who handles community affairs for Marina Community Partners, said the comments are already being worked over.

“They want more information and there was a lot of good input. Our people take that stuff seriously, which is why we have those events,” Schaffer says. “We’d rather have the bad news than the good news.”

University Villages is on the planning commission agenda as a discussion topic for April 8.

Printer Friendly Version

MERCED COUNTY UNIVERSITY COMMUNITY PLAN

POLICY DISCUSSION PAPER

Economic Development

For CPAC Discussion: April 12, 2001 Meeting

I. INTRODUCTION AND SETTING

This Report provides a preliminary set of goals, objectives, and policies for inclusion in the Economic Development Element of the Merced County University Community Plan. The Economic Development Element describes the set of economic goals and corresponding policies that will guide land use development in the University Community and its relationship to the region as a whole. Because of the cross-cutting nature of economic development, many of the policies described herein may overlap with other General Plan elements.

This Report is presented for discussion purposes only and will be updated and refined based on on-going analysis and stakeholder input. A brief discussion of the economic background and setting for the Economic Development Element is provided below. The following section provides specific goals, objectives, and policies for the University Community. A general discussion of the policy options is provided in Section III.

POLICY SETTING

UC Merced will potentially confer significant economic benefits to the University Community and the region as a whole. These economic benefits will be a function of both the scale and character of the campus activities as they emerge over time as well as the economic, institutional, and policy framework in which they occur. As has been the case with other UC campuses, the economic impacts will very likely take decades to unfold. Initially, the campus will be relatively small, with enrollments below 10,000 students during the first decade of operations. The campus size, its location within Merced County, and the larger economic forces affecting the San Joaquin Valley will tend to obscure its economic impacts. Over time, however, the campus will be a part of and will support larger changes in the San Joaquin Valley, a region that is expected to experience significant population and employment growth during the first part of the 21st Century.

Integration of the campus and the University Community into the larger fabric of Merced County will present a number of challenges and opportunities from market, financial, and land use policy perspectives. For example, the large amount of competitive real estate in the area will affect market conditions and absorption within

- **Policy:** Link development of adjacent rural residential areas into the Community Plan process.



OBJECTIVE: ESTABLISH TOWN CENTER AS VIBRANT ACTIVITY HUB



In order to create a strong community identity there must be a clearly identifiable center that serves as the heart of the "town-gown" environment. An important component to creating a vibrant town center is a district that is active and lively into the evening hours. Cafes, bookstores, and restaurants with extended hours draw students and professionals alike and offer a welcome setting for studying and socializing. To promote this environment, retail and entertainment establishments should be concentrated in one village center near the edge of the campus in the early phases of development. High density residential can also contribute to the success of these districts, providing a critical mass of foot traffic.

- **Policy:** Enact land use controls that concentrate early phases of development near the campus.
- **Policy:** Enact land use controls that require development to be concentric.
- **Policy:** Provide ample opportunities for mixed-use; require it in some areas.
- **Policy:** Retain experienced, high quality master developer.

OBJECTIVE: BLEND CAMPUS AND COMMUNITY USES

The campus will need to establish a "soft edge" with the surrounding community in order to create the intensity of uses, facilities, and interactions needed to create a successful new community. Fluidity between the campus and community will be especially important in the early phases of development to stimulate demand for commercial services.

- **Policy:** Enact land use controls that concentrate early phases of development near the campus.

[• **Policy:** Limit maximum building size for non-grocery establishments to encourage local-serving commercial uses.]

- **Policy:** Allow and/or require multi-family housing and other affordable options near campus, village centers, and other designated areas.
- **Policy:** Provide ample opportunities for mixed-use; require it in some areas.
- **Policy:** Retain experienced, high quality master developer.



OBJECTIVE: ENCOURAGE LOCAL-SERVING COMMERCIAL USES



All efforts should be made to ensure that retail, entertainment, and business uses are oriented primarily to serving the campus and University Community. Specialty retail, service, and dining establishments can be blended with larger "chain" stores such as CVS, Barnes & Nobles, The Gap, etc but independent retailers and establishments should be at the core of the University Community.

- **Policy:** Identify appropriate commercial uses in planning ordinance.
- **Policy:** Limit maximum building size for non-grocery establishments.
- **Policy:** Enact standards that require parking to be located behind the commercial establishment.
- **Policy:** Limit set backs for commercial uses.
- **Policy:** Enact design standards for signs.



OBJECTIVE: LIMIT REGIONAL, "POWER-CENTER" DEVELOPMENT



Large strip development or "power centers" (typically 250,000 - 500,000 leasable square feet of national and regional anchor stores) should be discouraged in the University Community. This type of development may detract from existing or planned uses elsewhere in the County and region, may exacerbate traffic and parking problems, and will detract from the Community's image as pedestrian -friendly and neighborhood oriented.

- **Policy:** Identify appropriate neighborhood-serving commercial uses in planning ordinance.
- **Policy:** Limit maximum building size for non-grocery establishments.
- **Policy:** Enact standards that require parking to be located behind the commercial establishment.
- **Policy:** Limit set-backs for commercial uses.
- **Policy:** Enact design standards for signs.

GOAL 3: OFFER MIX OF HOUSING OPPORTUNITIES

In order to achieve social and economic vitality both now and in the future, the University Community should provide a wide range of housing product types at varied price points.

LAND USE RELATED POLICIES

5. **Limit maximum building size for non-grocery establishments to encourage local-serving commercial uses.**

In order to promote neighborhood serving commercial ventures and to avoid development of large destination retailers such as Home Depot, Wal-Mart, etc., the General Plan could limit the maximum building size for non-grocery establishments. The University Community should emphasize neighborhood serving uses in order to avoid competing with other established areas in the City of Merced and in the County and to promote community identity and walkability.

6. **Identify appropriate neighborhood-serving commercial uses in planning ordinance.**

In order to ensure that commercial uses are primarily neighborhood-serving, the County may decide to specifically identify appropriate uses in the General Plan. The potential pitfall of this strategy, however, is that specified uses may not be or may cease to be in line with market demand and feasibility considerations. Trying to micro-manage commercial uses could likely meet with strong resistance from developers who prefer maximum flexibility with regard to tenanting strategy.

7. **Prohibit drive up and drive-through facilities.**

This policy will limit auto-oriented businesses that could detract from the pedestrian friendly and environmentally healthy atmosphere that is envisioned for the University Community. A potential drawback of this policy may be that it deters major chains (such as McDonald's) from locating in the University Community because they feel that drive-through service is integral to their business.

8. **Require parking to be located behind commercial establishments.**

This policy endeavors to promote a pedestrian friendly environment by avoiding large expanses of parking in front of commercial uses. It is possible that such a requirement would deter some chain retailers who have specific corporate requirements regarding the amount and location of parking. However, in recent years many national chains (such as Williams-Sonoma, The Gap, and the Pottery Barn) have shown interest in and have profited by locating in "Main Street" settings.

DEVELOPMENT STRATEGY RELATED POLICIES

9. **Retain experienced, high quality master developer.**

Most of the objectives articulated in the previous section can be furthered by the retention of an experienced and judicious master developer. A master developer can provide a single source for the coordination of development negotiations, site planning, phasing, and implementation. An established developer has the financial reserves to construct major infrastructure improvements and can provide the patient investment capital needed to undertake integrated, long-range planning and development. Finally a master developer can rely on extensive experience to shepherd the project to successful completion.

**University Villages Community Design
Source Documents for
Vision, Goals, Objectives, Policies**

- University Villages Future Directions Report
- Fort Ord Reuse Plan
- City of Marina General Plan
- Request for Qualifications (developers)

7

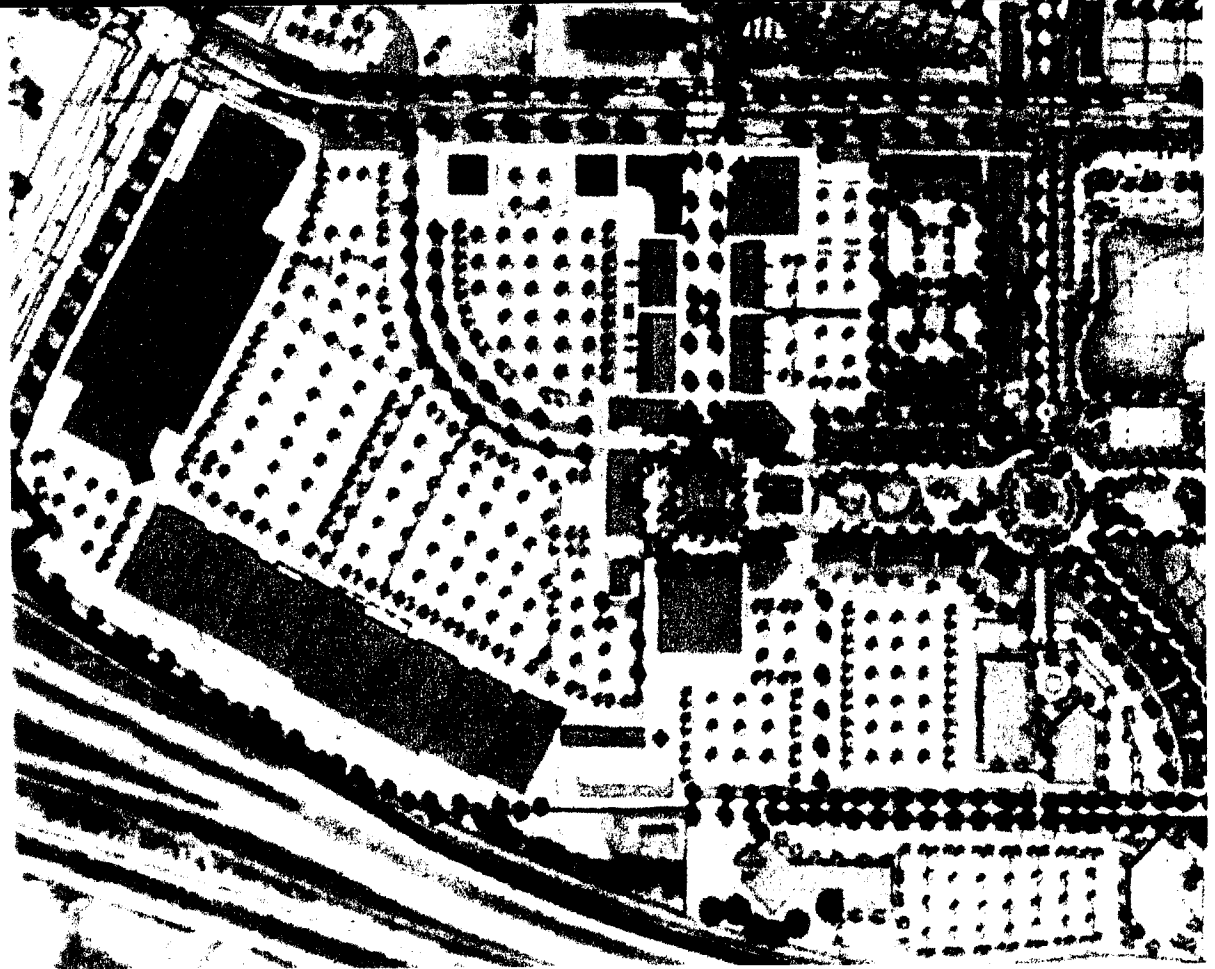
**University Villages Community Design
Summary of All
Vision, Goals, Objectives, Policies**

- Regional & national model of base reuse
- Sustainable development
- Transit- and pedestrian-oriented, walkable
- Inspired by college towns
- Around-the-clock activity
- Marina & Fort Ord Town Center
- Compact, mix of uses and users
- Pedestrian-scale block patterns

8

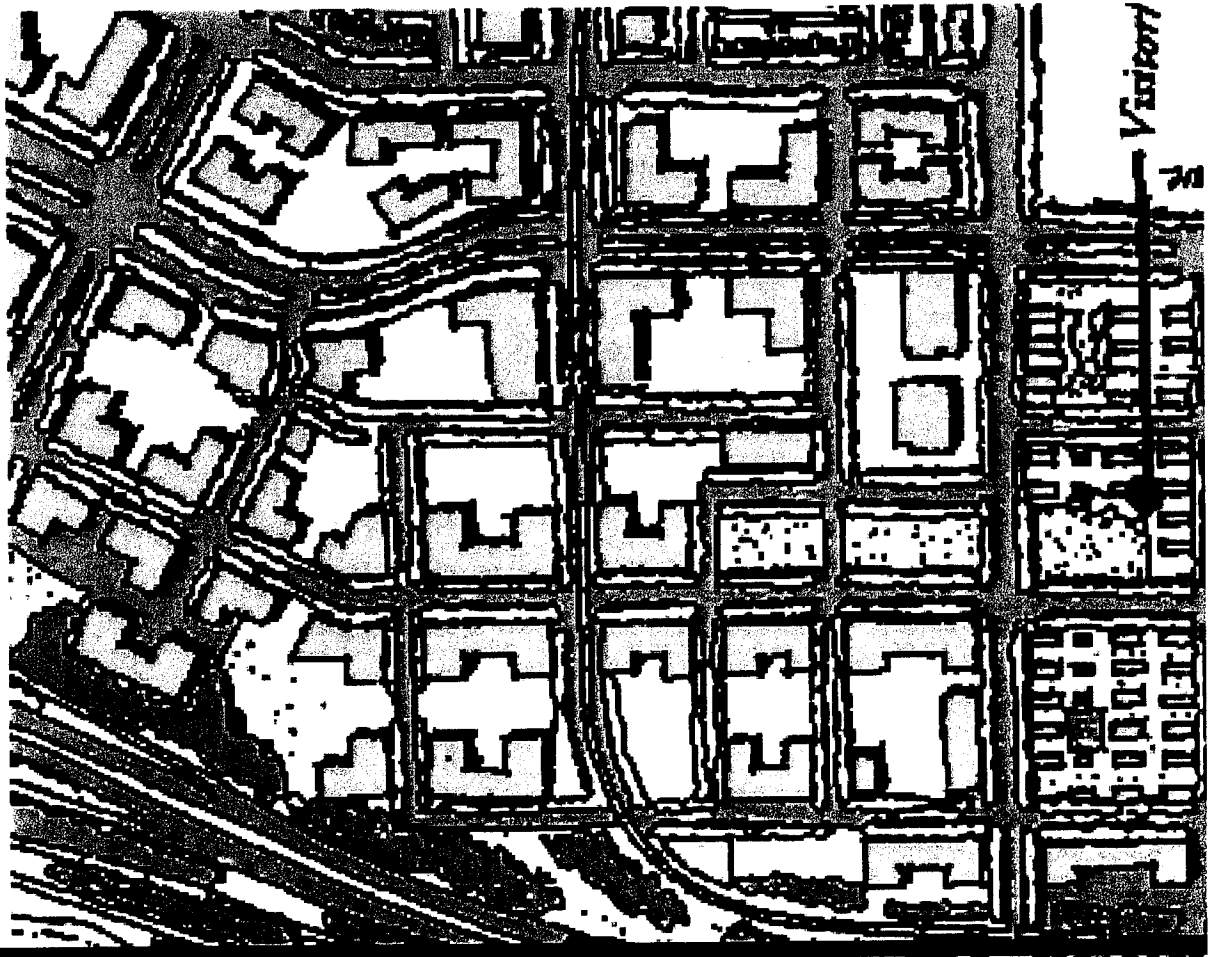
Marina Community Partners Plan

- Big box dominated economy
- Surface parking is dominant feature
- Token retail tunnel "village center"
- Auto-intensive, highway-oriented



Fort Ord Reuse Plan

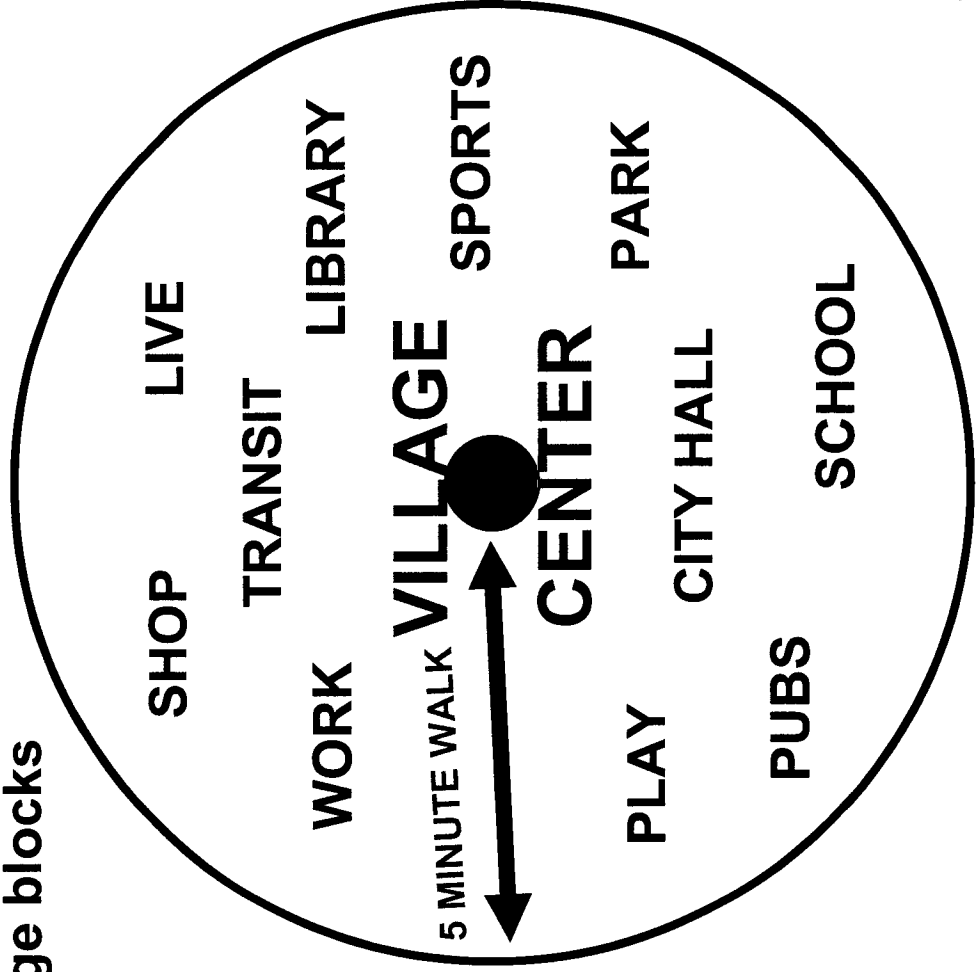
- Marina Town Center
- Pedestrian scale block pattern
- Compact, transit-oriented, walkable
- Sustainable and 24/7 activity



Victory

EASY WALKING DISTANCE

- Quarter mile radius from center
- Five-minute walk
- Six pedestrian scale village blocks
- 1320 feet



LIKE A COLLEGE TOWN
MOST DAILY NEEDS WITHIN
EASY WALKING DISTANCE

VILLAGE CENTER DENSITIES

Mixed-Use Sustainable Village Targets

- 1:1 commercial floor area ratio (0.5:1 minimum)
- 20 residential units per acre (15 minimum)

EASY WALKING DISTANCE

Quarter mile radius

5-minute walk

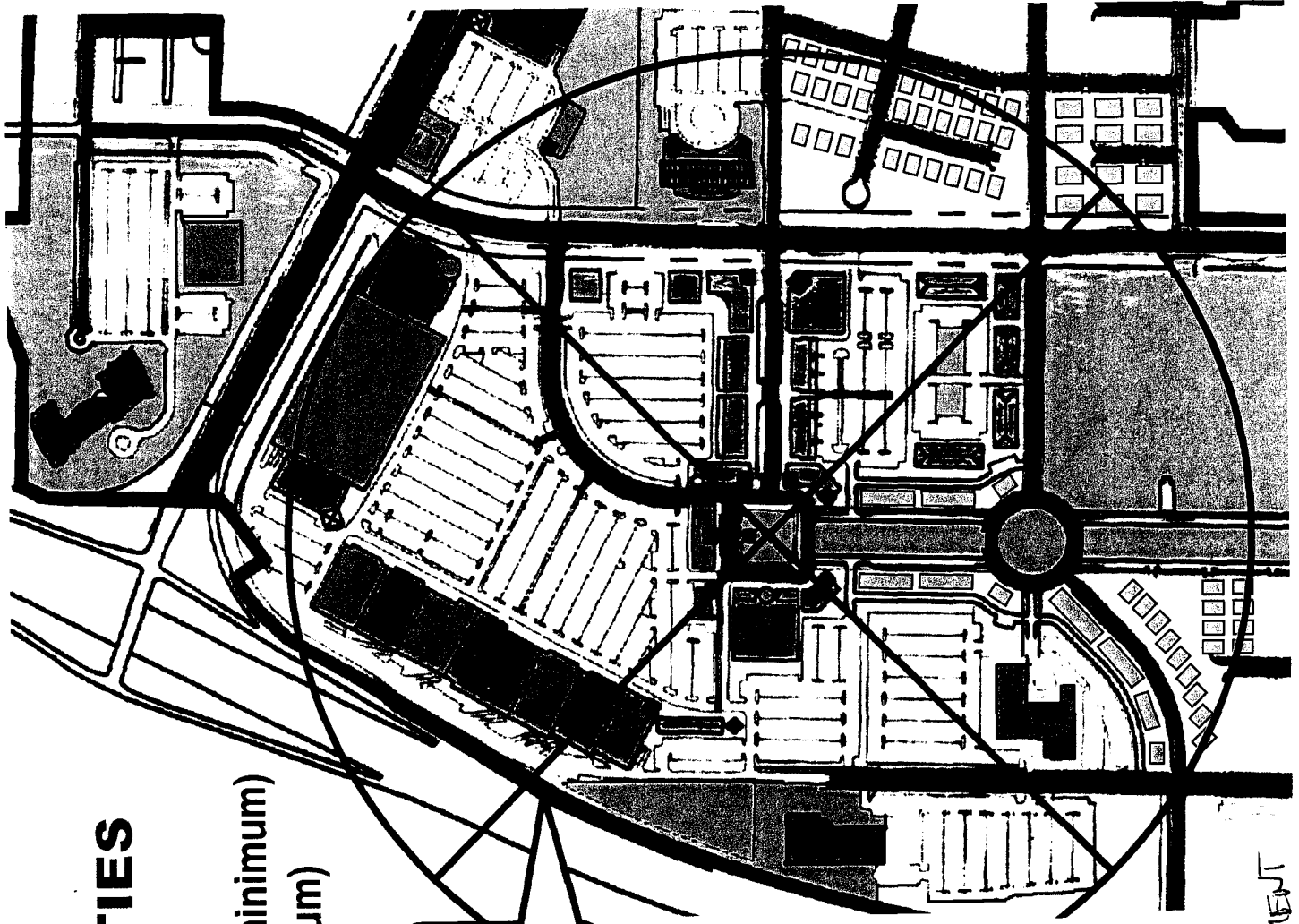
6 pedestrian scale blocks

1320 feet

UNIVERSITY VILLAGES CURRENT PLAN:

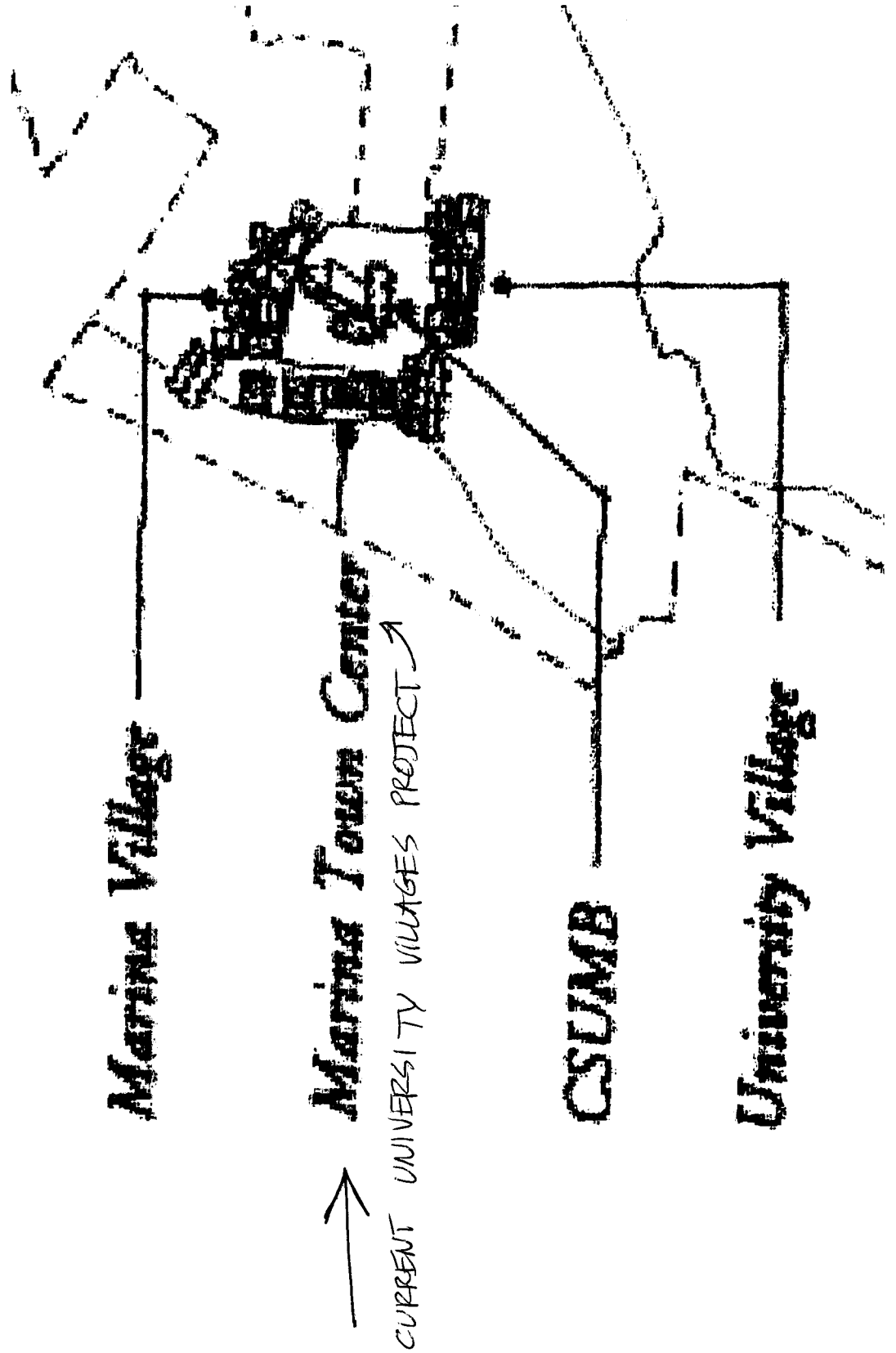
- 85 developable acres within circle
- 300 residential units
- 3.5 residential units per acre
- 17 acres commercial footprint (750,000sf)
- 0.20:1 commercial floor area ratio

- "THERE'S A HOLE IN THE HEART OF THE VILLAGE"
- VERY LOW PERFORMANCE COMMERCIAL REAL ESTATE DEVELOPMENT
- INEFFICIENT USE OF LAND

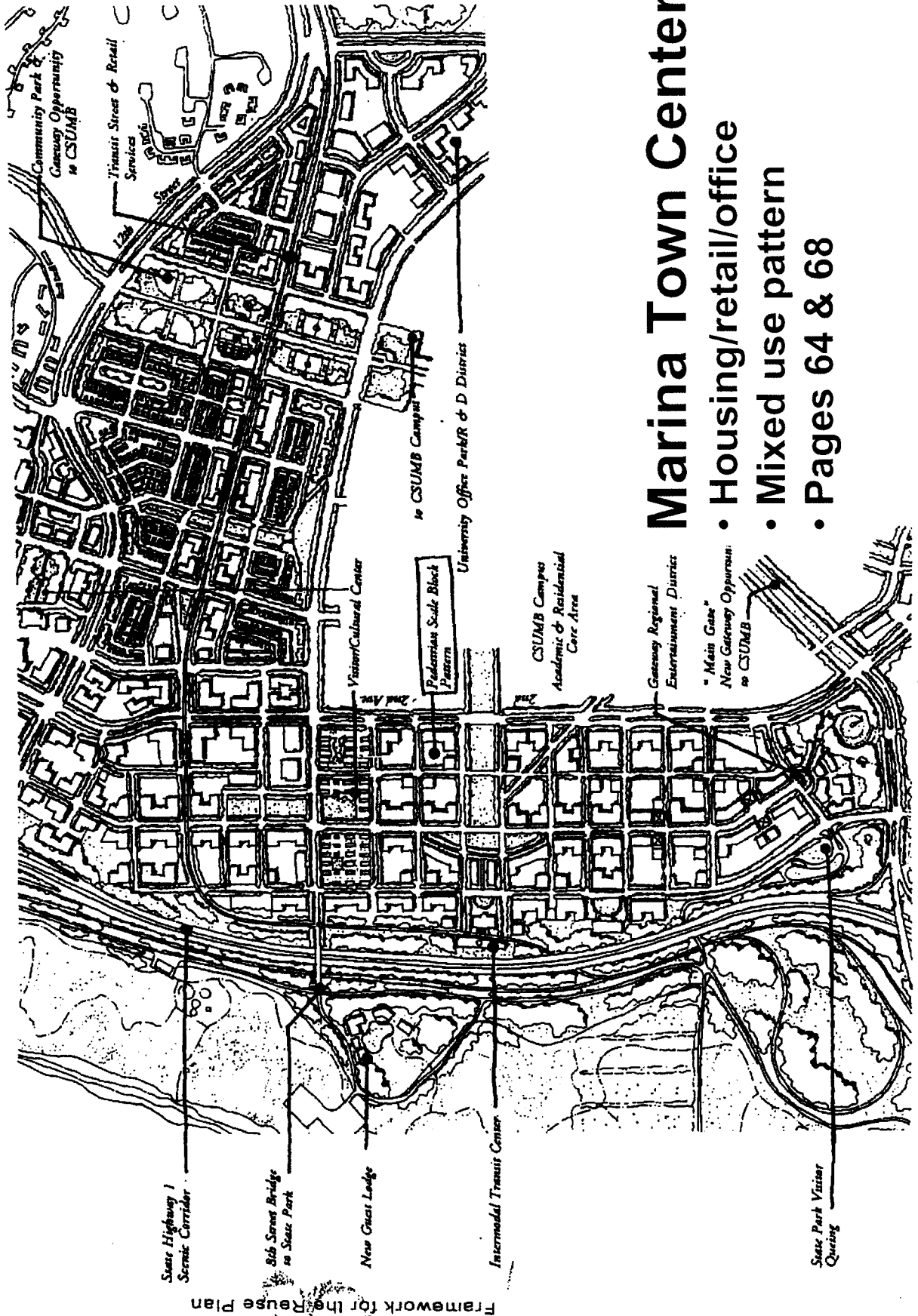


FORT ORD REUSE PLAN

- Design Principle 3
- Mixed use villages map
- Page 59



Fort Ord Reuse Plan

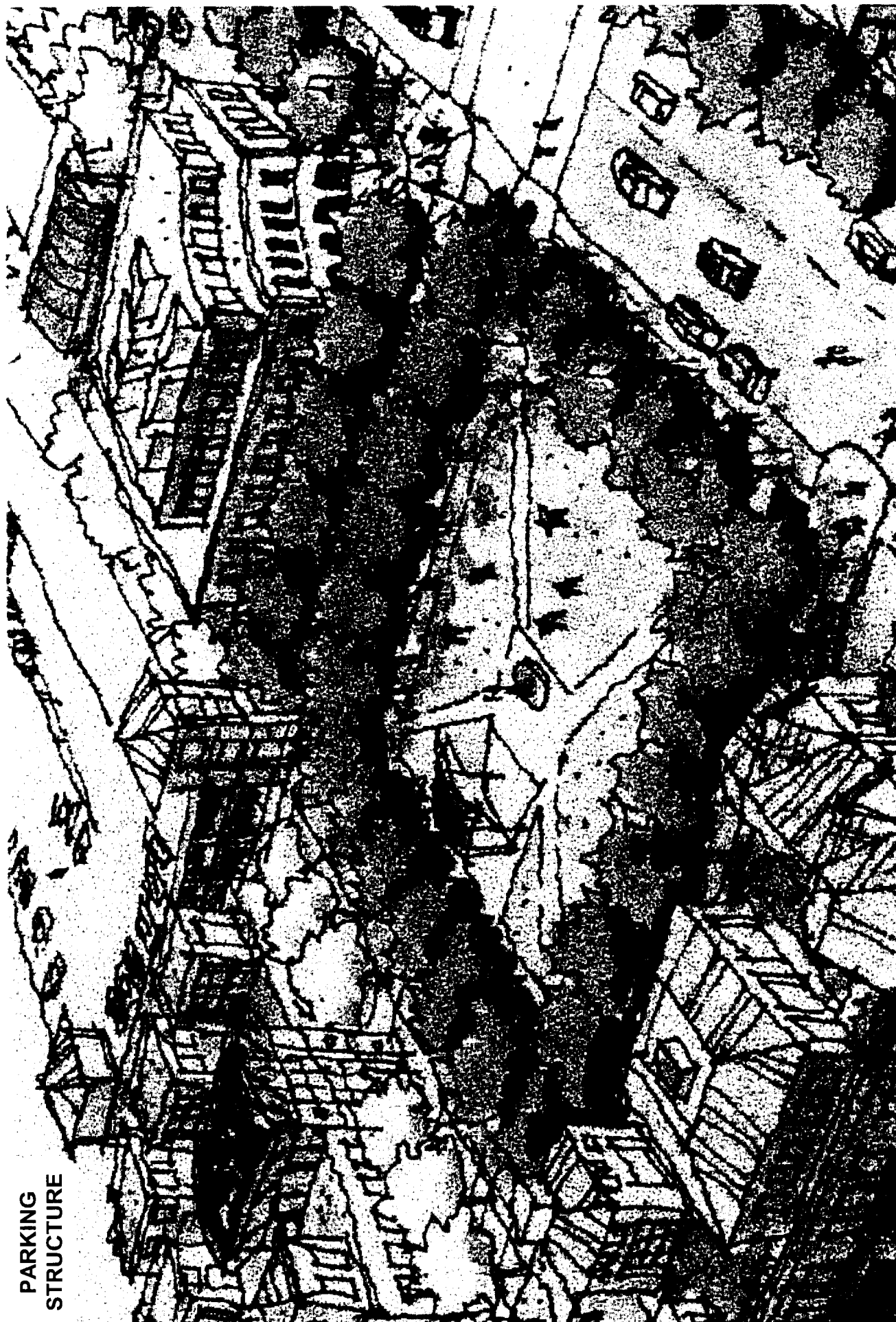


Marina Town Center

- Housing/retail/office
- Mixed use pattern
- Pages 64 & 68

Marina Town Center Illustrative
Housing/Retail/Office in Mixed Use Pattern

PARKING
STRUCTURE

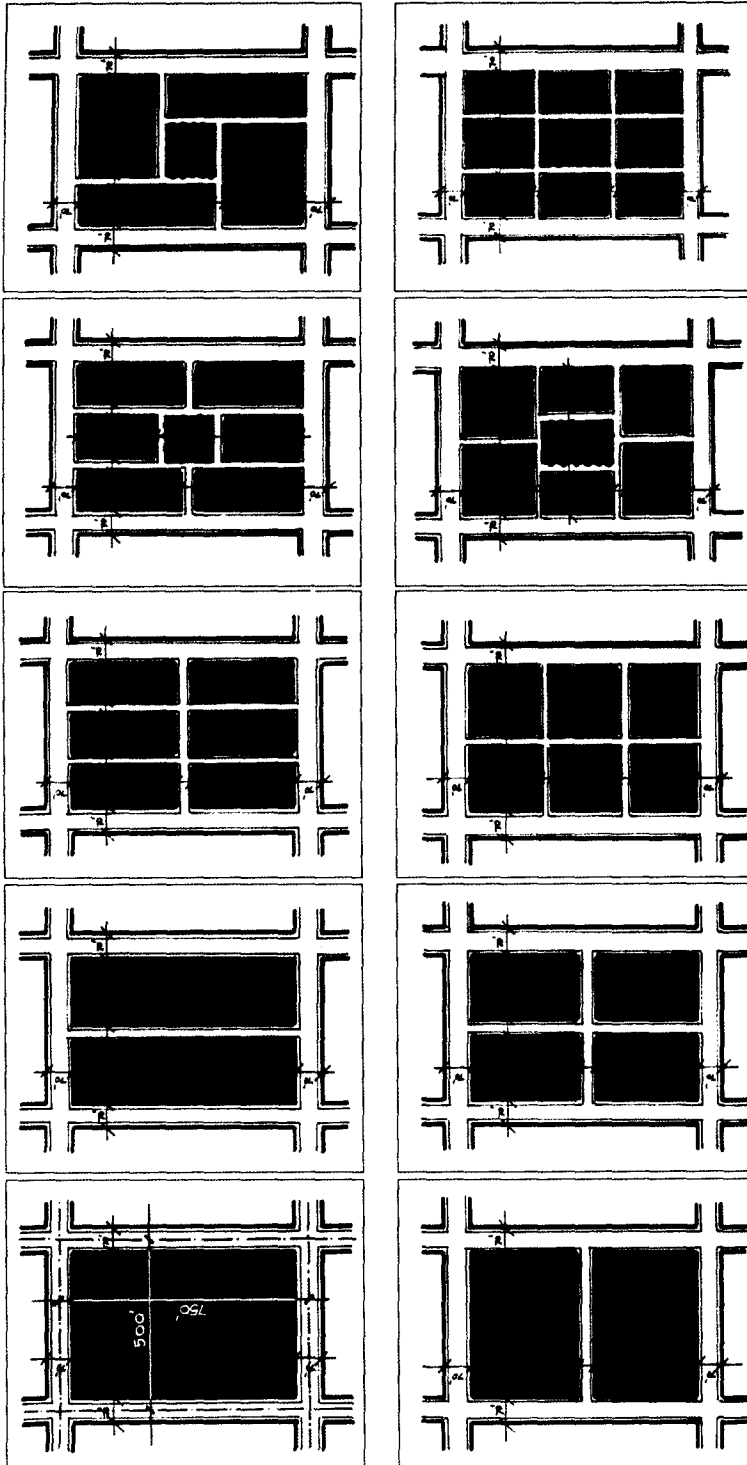


UNIVERSITY VILLAGES FUTURE DIRECTIONS REPORT
VISUALIZATION TOOLS FOR URBAN MIXED USE

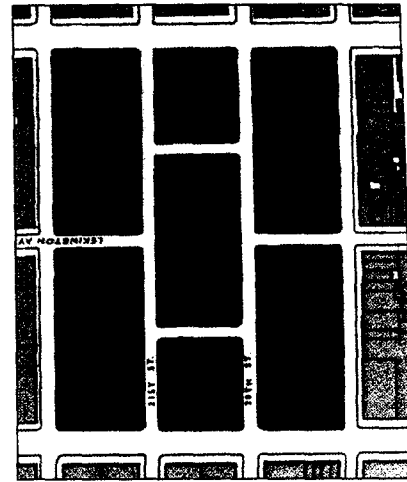
13

EXAMPLES OF PEDESTRIAN SCALE BLOCKS & HISTORICAL DEVELOPMENT PATTERNS. 1 & 2 ACRE BLOCKS 200-300 FEET LONG. MIXED-USE DISTRICTS.

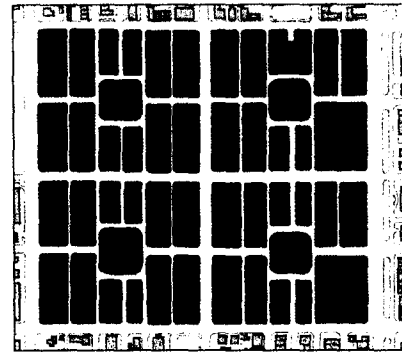
53



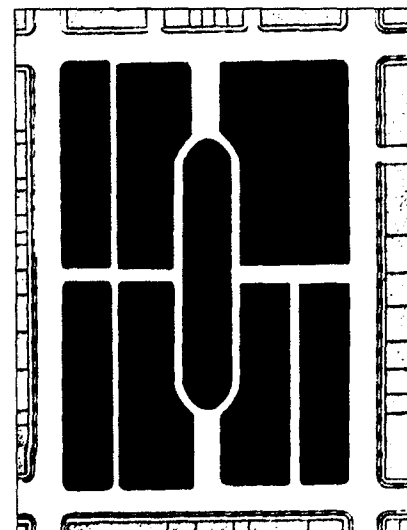
The basic 750'x 500' block can be subdivided in numerous ways to add to the variety and pedestrian scale of the town.



Gramercy Park, New York

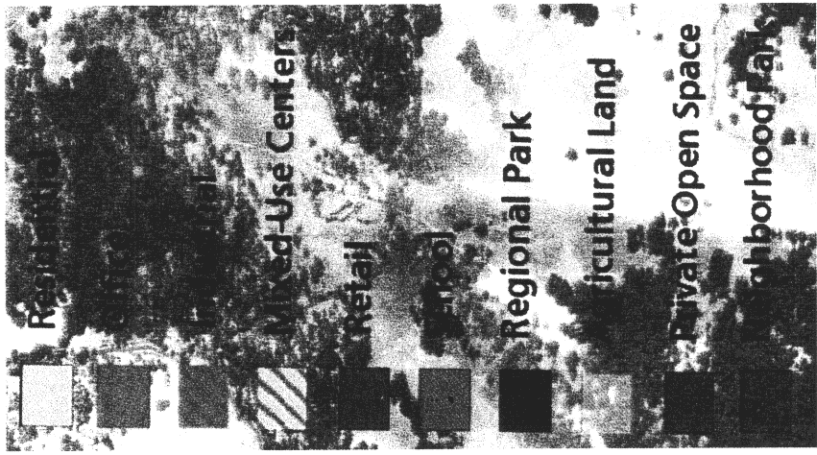


Savannah, Georgia

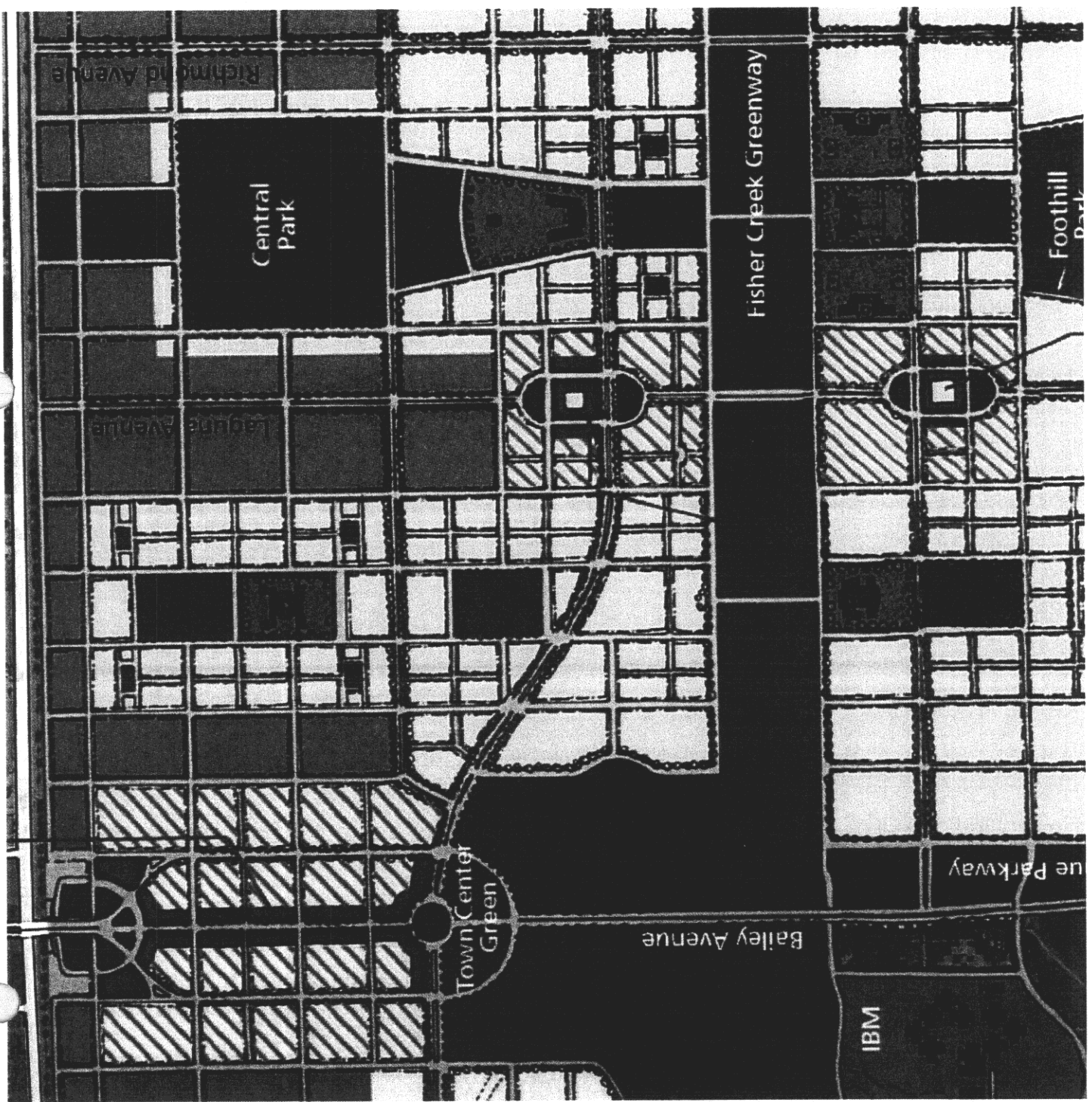


South Park, San Francisco

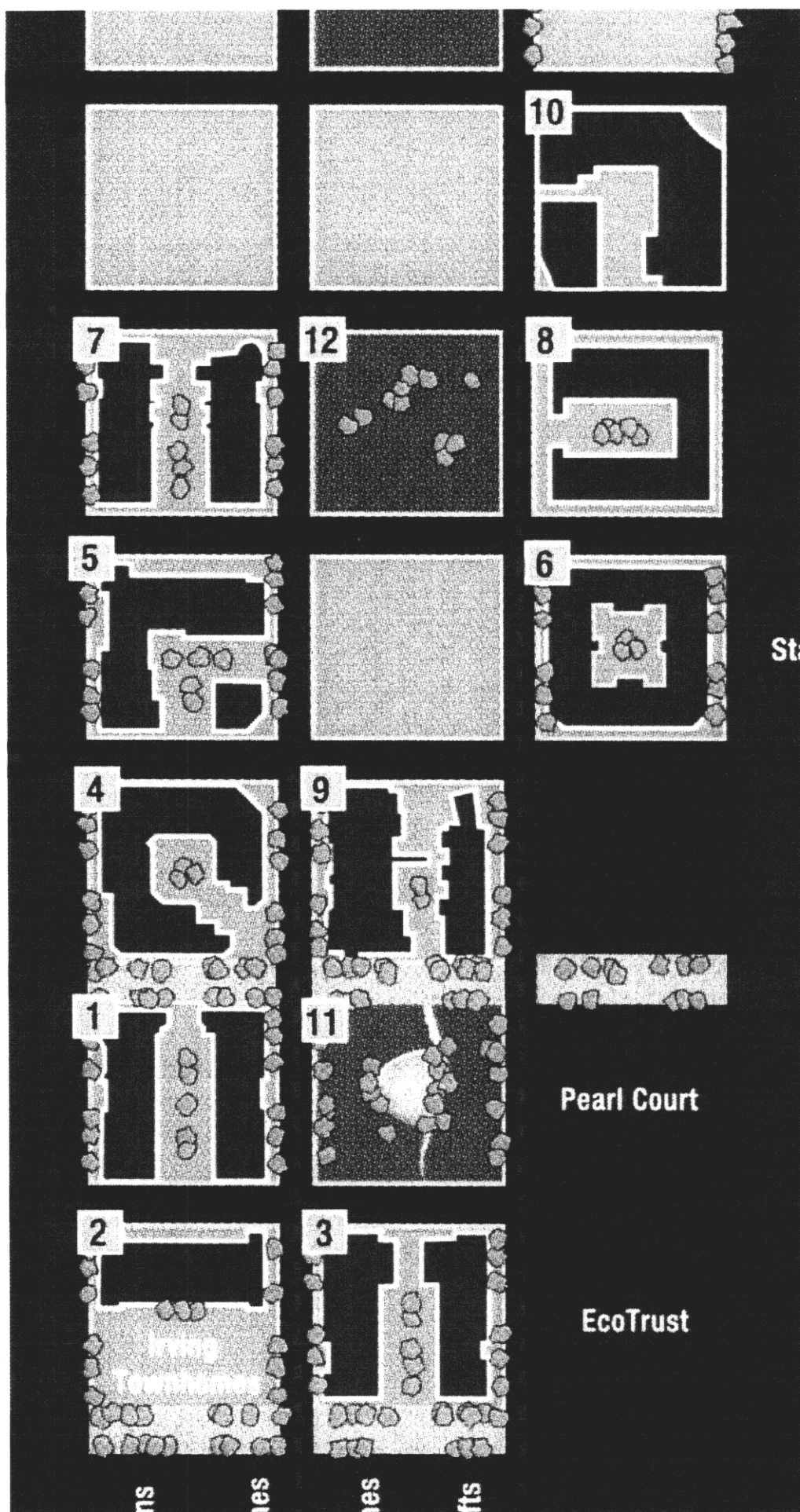
These three diagrams show how the pattern of blocks and squares have been used in other communities to create distinctive urban neighborhoods.



MIXED-USE
DISTRICTS

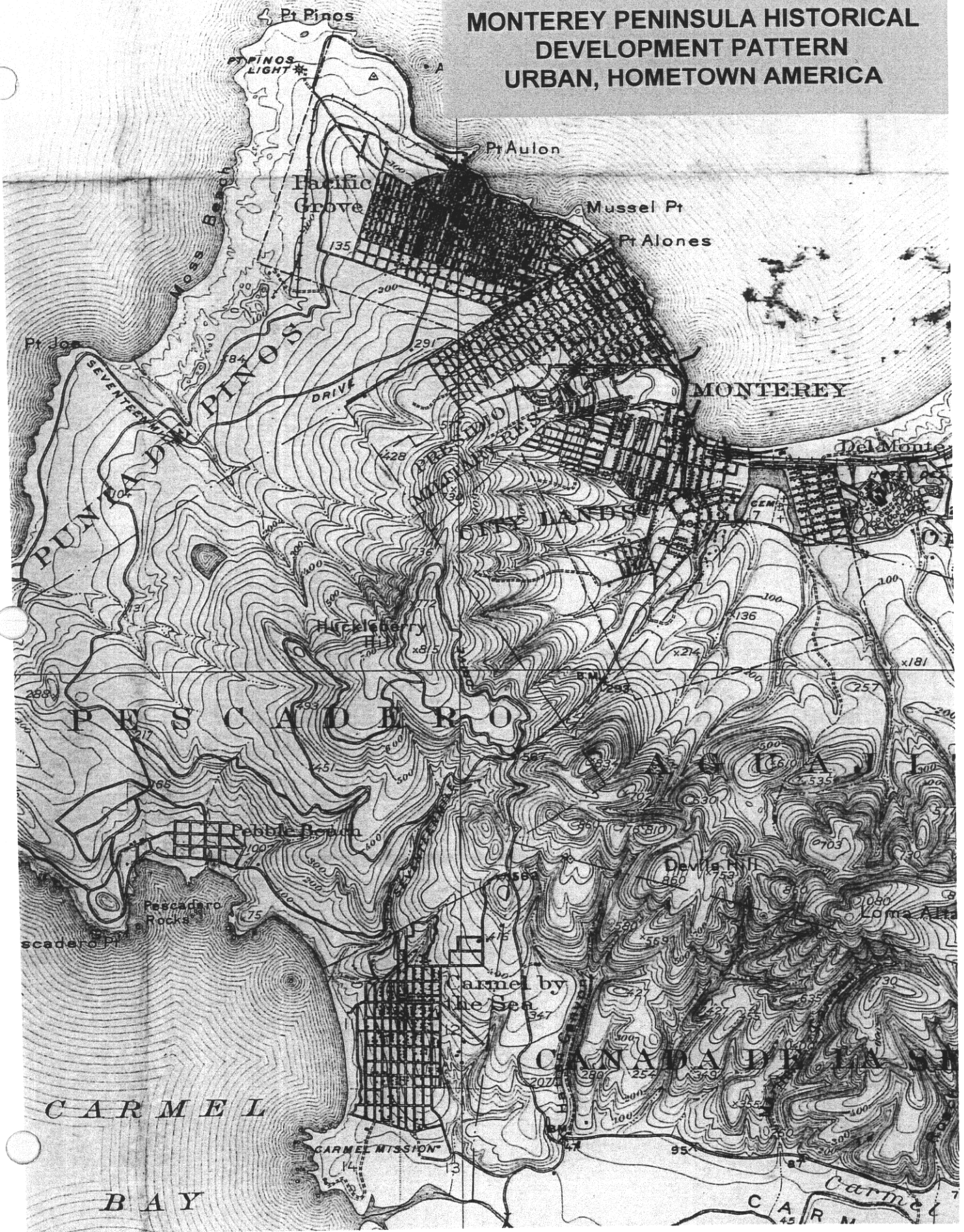


MIXED-USE DISTRICTS

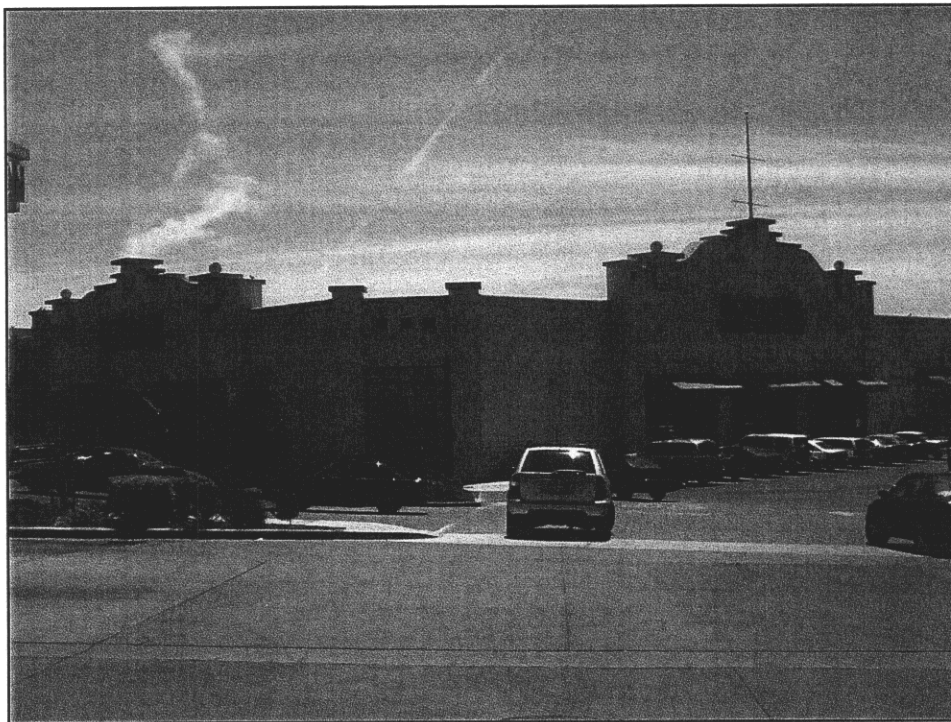


BAHIA VISTA PLAN REFLECTS HISTORICAL DEVELOP. PATTERN

MONTEREY PENINSULA HISTORICAL DEVELOPMENT PATTERN URBAN, HOMETOWN AMERICA



URBAN MIXED USE VILLAGE



AUTO-DEPENDENT, UNSUSTAINABLE
SINGLE USE, SINGLE (FUNCTIONAL) STORY

SUSTAINABLE DEPT. STORE



**MULTI-STORY BIG BOX
PARKING STRUCTURE WITH GROUND FLOOR COMMERCIAL**

33

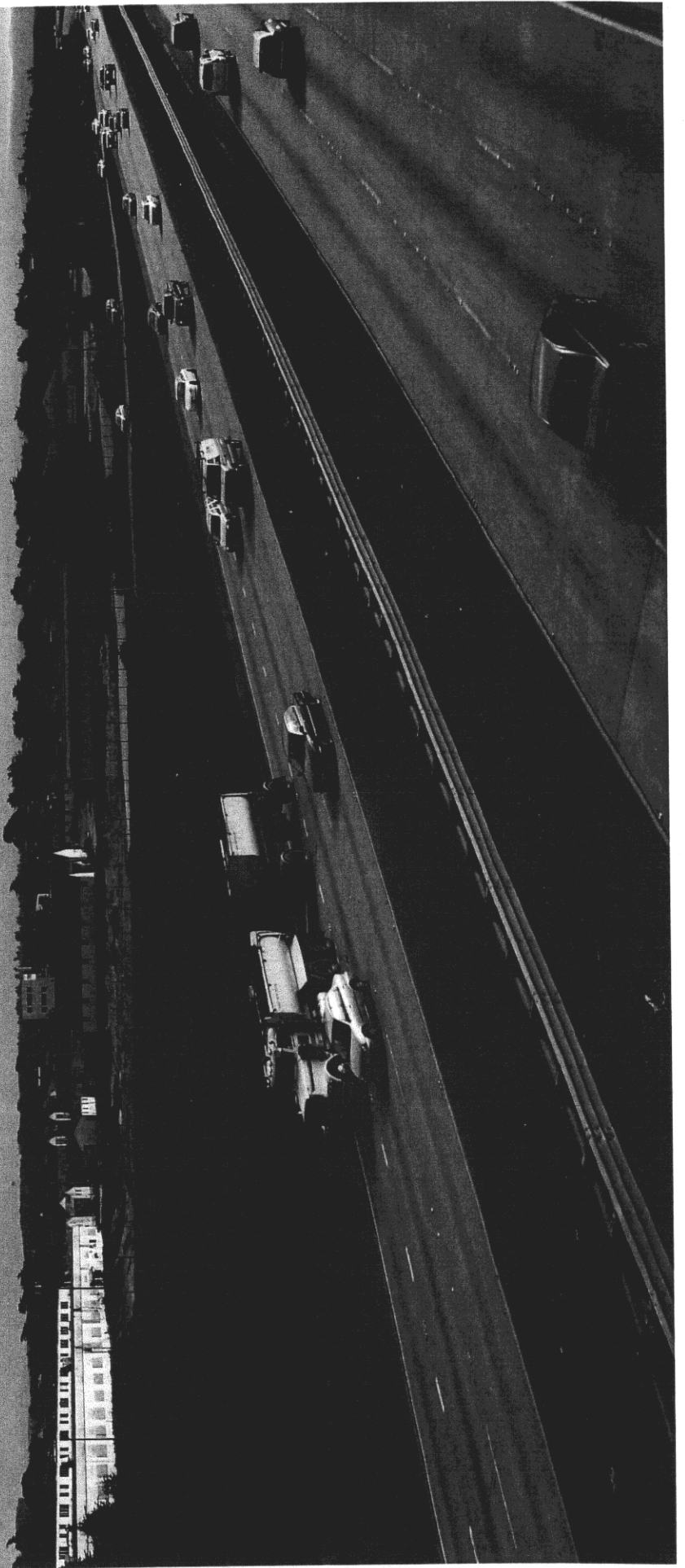


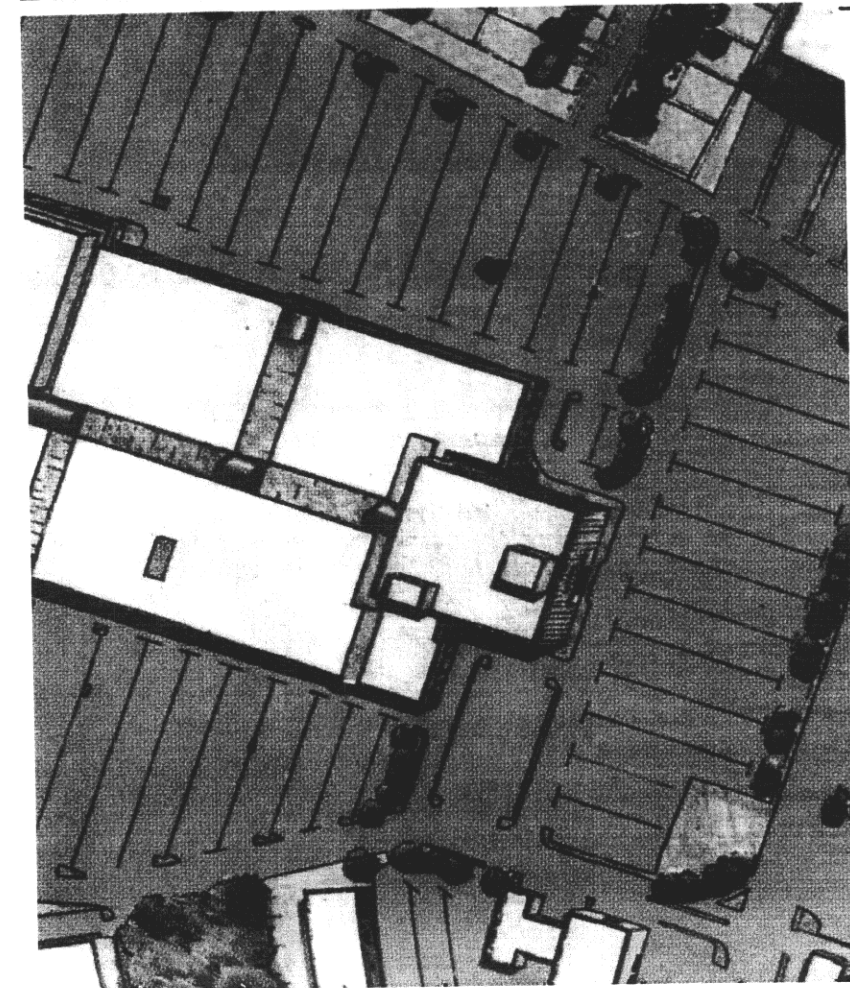
VICTORIA, CANADA

60

SUSTAINABLE PARKING DESIGN FOR BAHIA VISTA COMMUNITY PLAN

VIEW OF UNIVERSITY VILLAGES RETAIL
CENTER SITE FROM HIGHWAY ONE CORRIDOR.
30-40 FOOT HIGH BIG BOX WALLS STRETCH
ALONG THIS GATEWAY FOR A QUARTER MILE
IN THE UNIVERSITY VILLAGES SPECIFIC PLAN.
NO 3D RENDERING OR VISUALIZATION TOOLS
USED TO SHARE THIS PERSPECTIVE.





SIMILAR TO UNIVERSITY VILLAGES
SPECIFIC PLAN



SIMILAR TO BAHIA VISTA
COMMUNITY PLAN

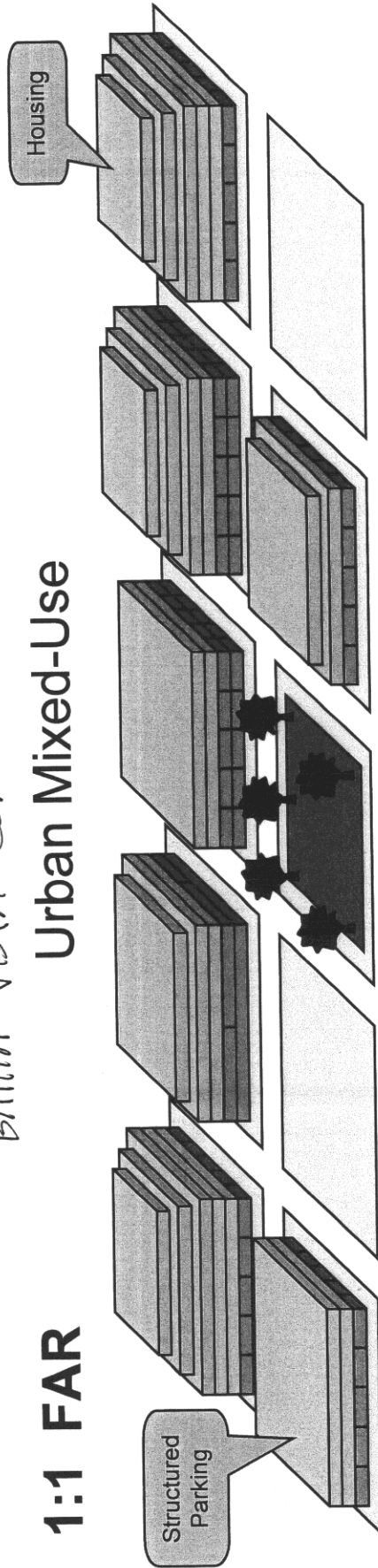


SUSTAINABLE DEVELOPMENT / SMART GROWTH

BAHIA VISTA COMMUNITY PLAN

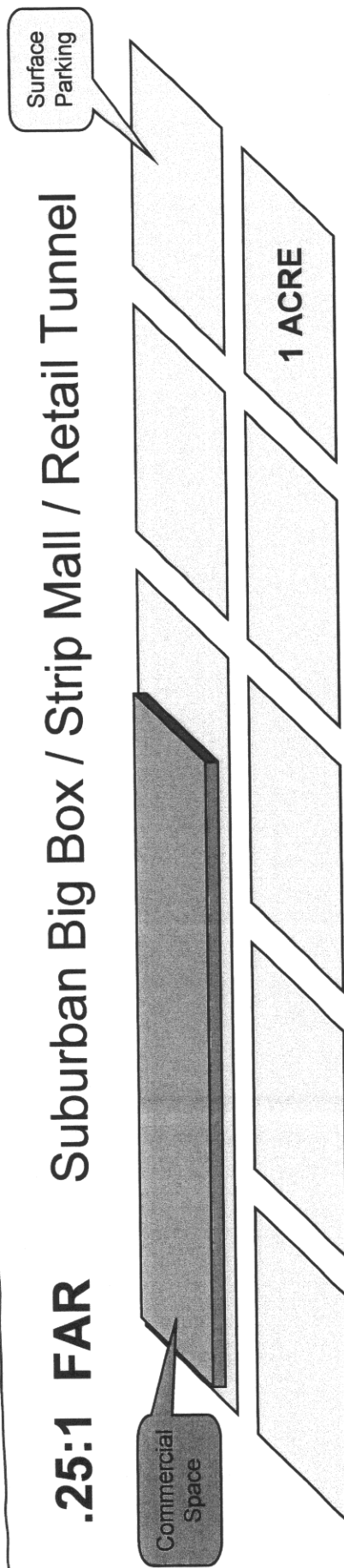
Urban Mixed-Use

1:1 FAR

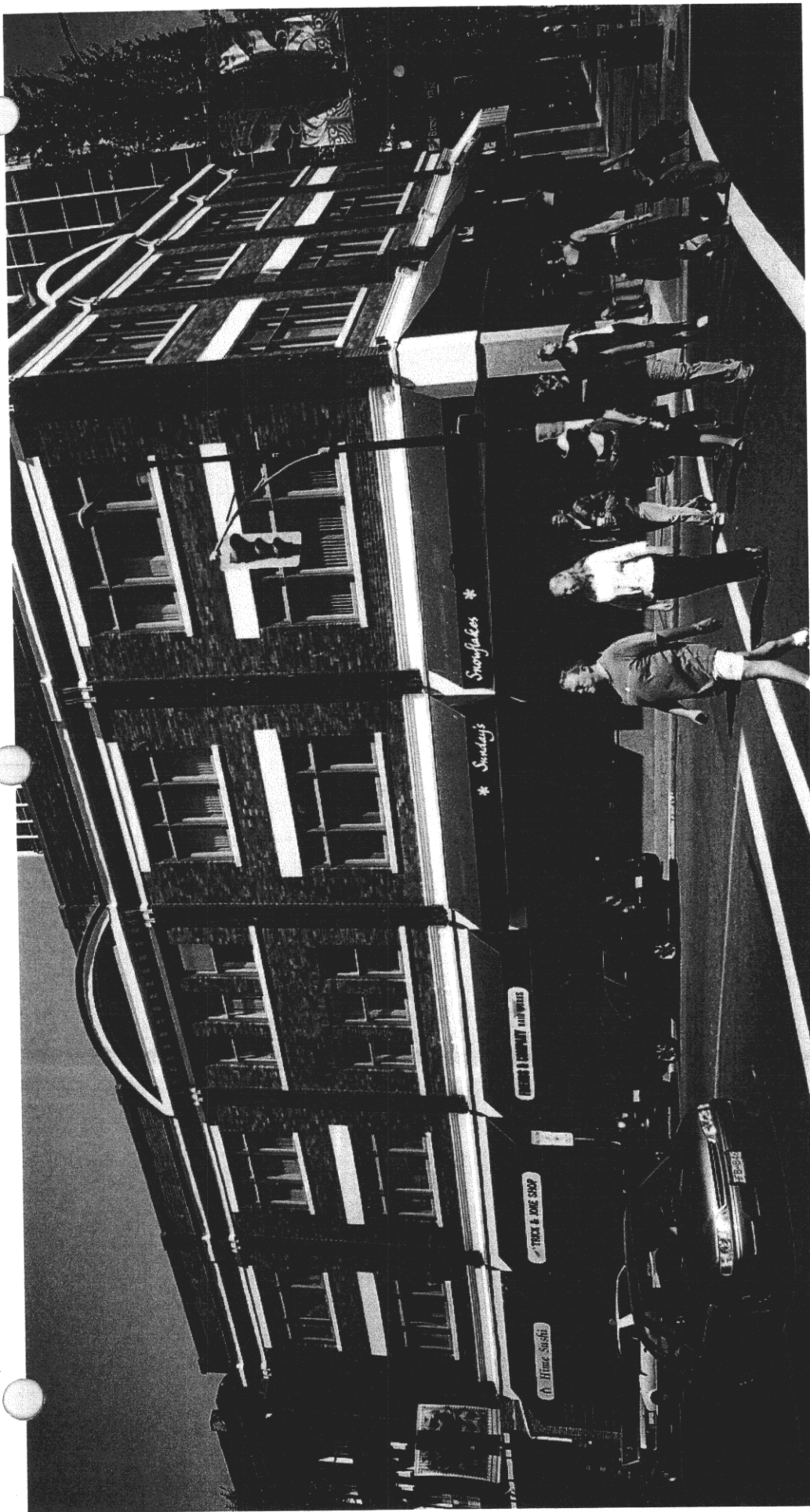


- 285 housing units
 - 160 businesses
 - 800 parking spaces
 - 1-acre park or plaza
- SMALL & MEDIUM SIZE BUSINESSES INVEST 3 TIMES AS MUCH \$\$\$ IN LOCAL COMMUNITY

.25:1 FAR Suburban Big Box / Strip Mall / Retail Tunnel



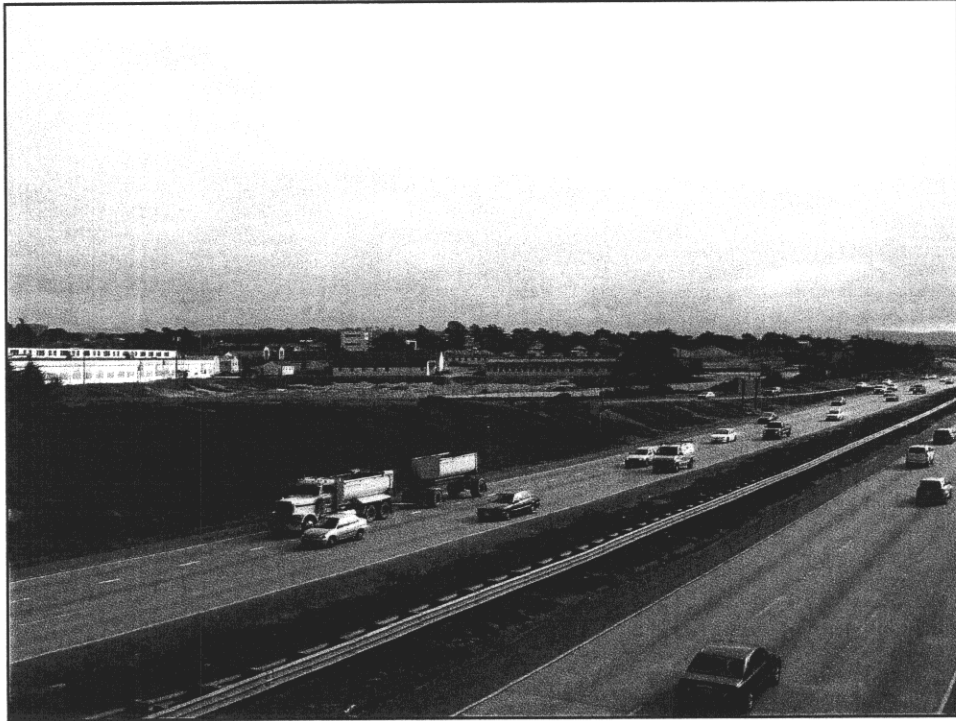
- 1 business
 - 85% of profits leave the municipality
- SIMILAR TO UNIV. VILLAGES SPECIFIC PLAN
IN RATIOS OF SURFACE PARKING TO COMMERCIAL SPACE



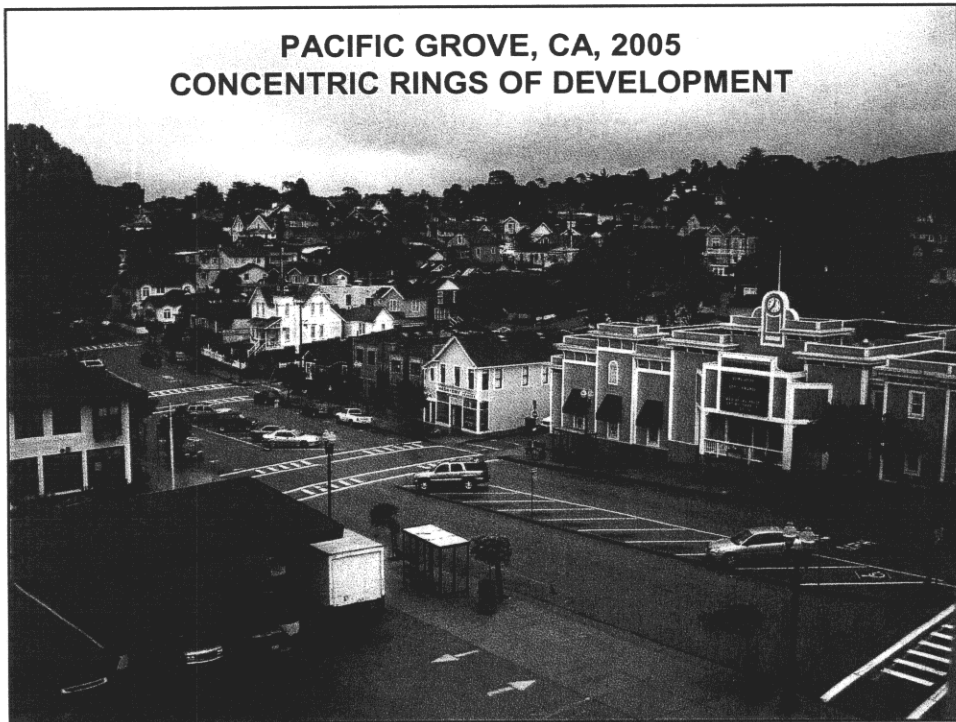
Urban Mixed-Use

- Vertical mixed-use buildings
- Mix of uses and users
- Housing over groundfloor commercial
- Around-the-clock activity & human presence
- Store fronts & windows on all sides
- Merchandise is front-loaded
- Proud, dignified, permanent architecture

VIEW OF UNIV. VILLAGES SITE
FROM 12TH ST. BRIDGE

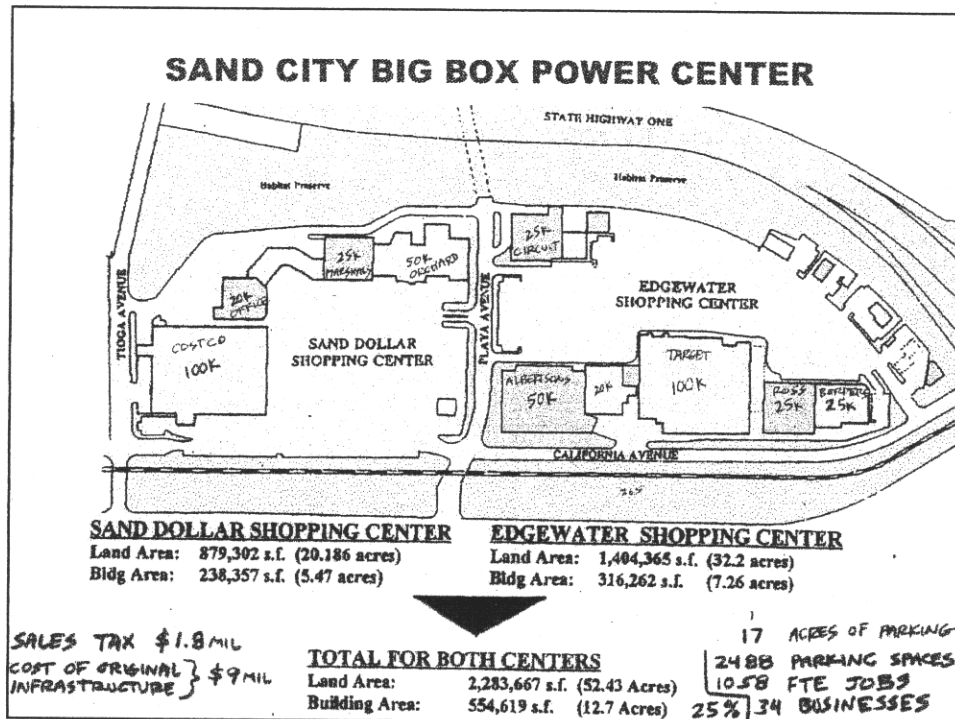
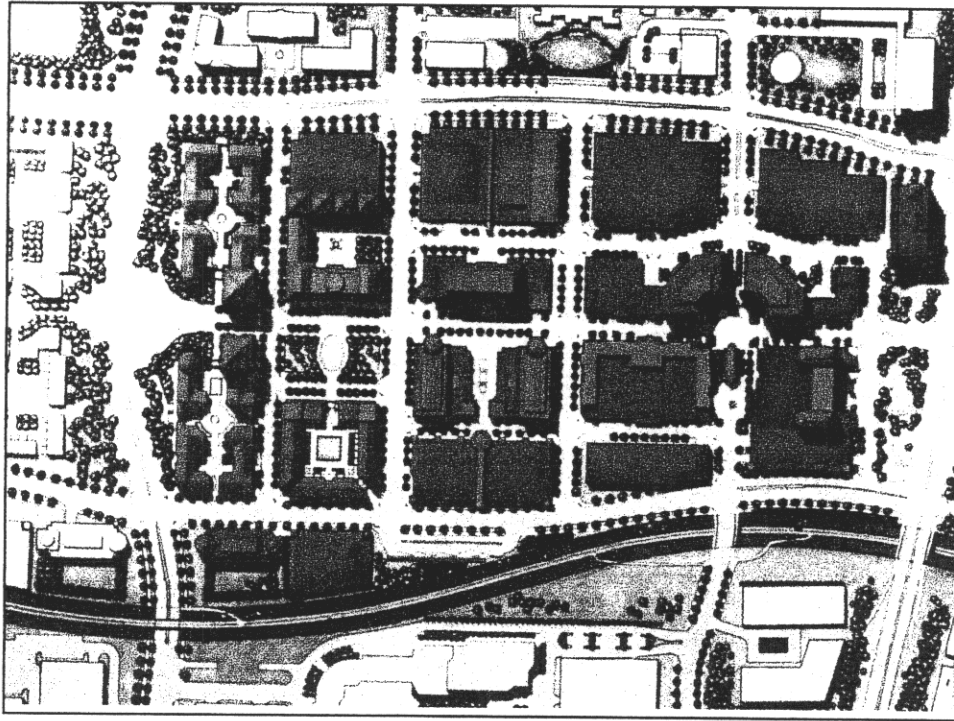


PACIFIC GROVE, CA, 2005
CONCENTRIC RINGS OF DEVELOPMENT



SUSTAINABLE VILLAGE

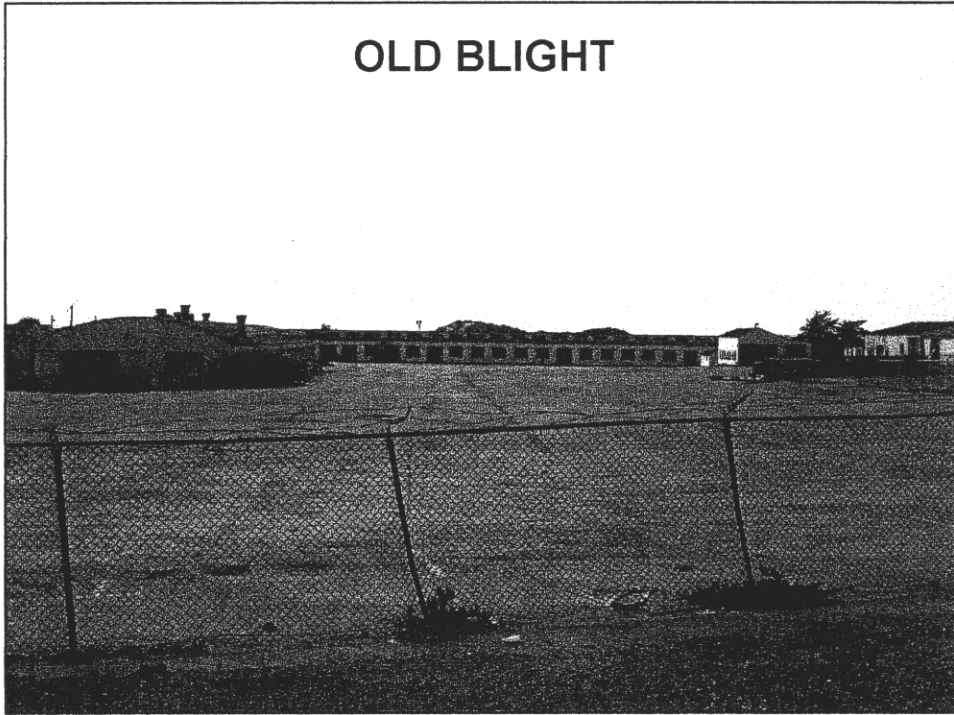
SUSTAINABLE URBAN MIXED USE VILLAGE



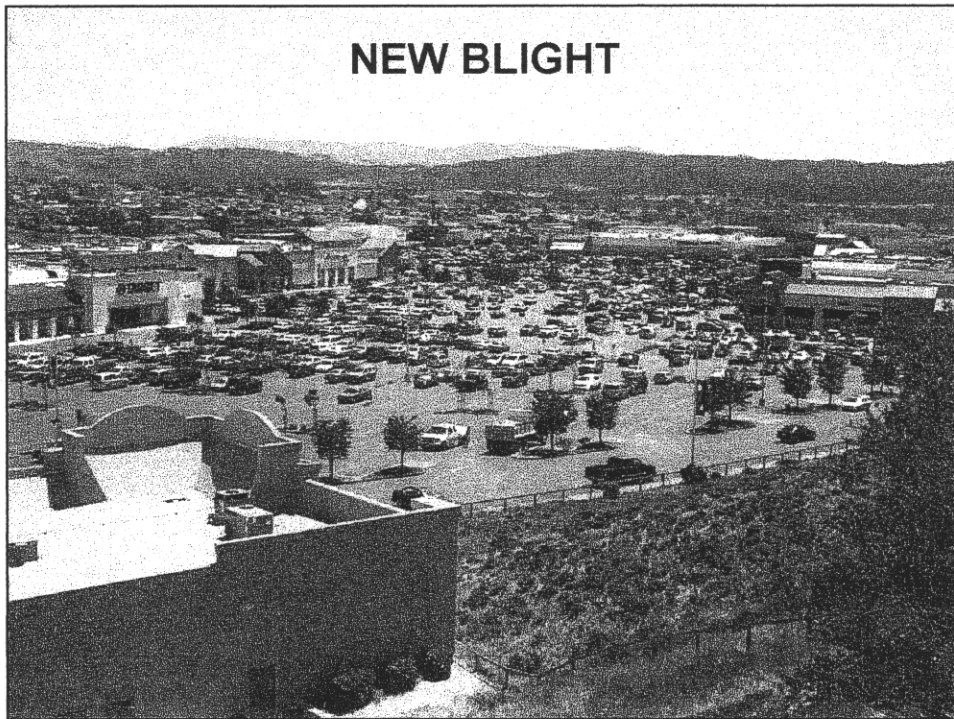
SIMILAR TO UNIV. VILLAGES
SPECIFIC PLAN FOR RETAIL
CENTER

CURRENT UNIV. VILLAGES SITE

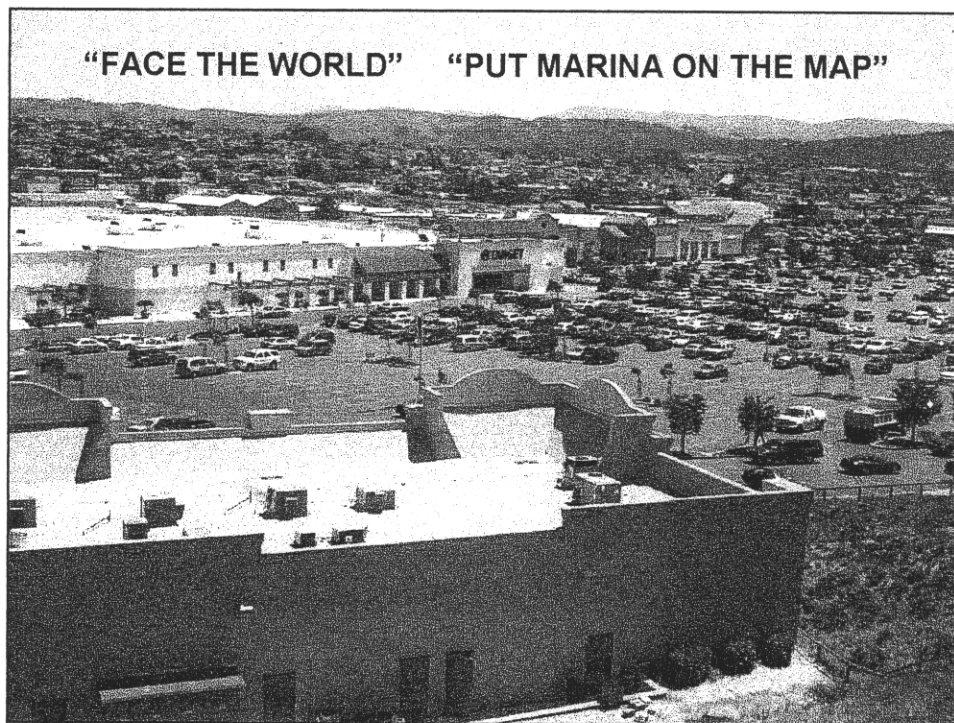
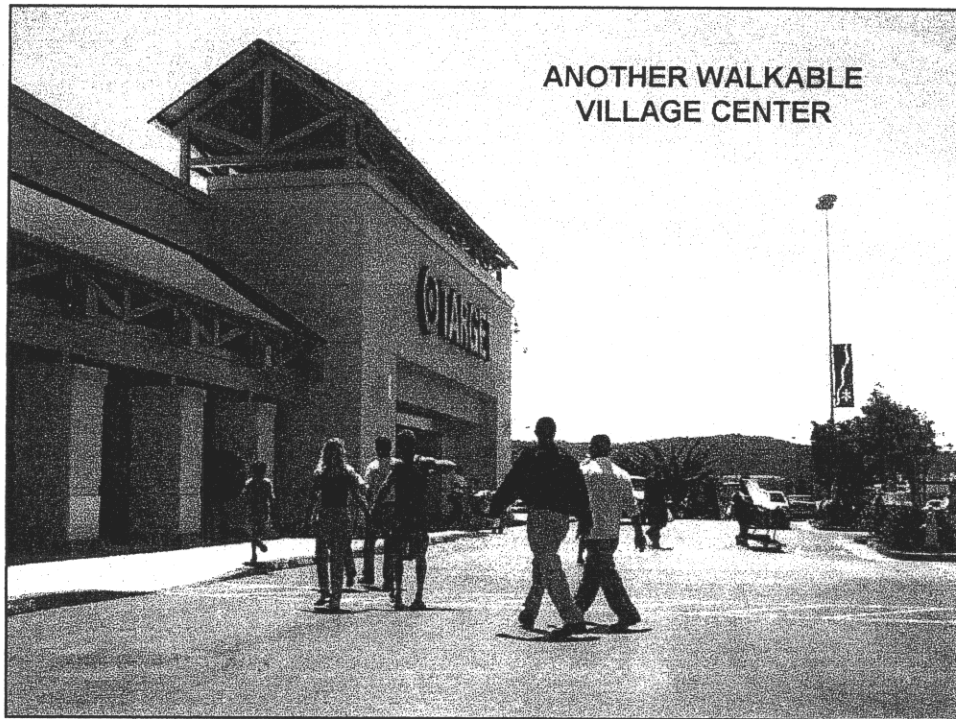
OLD BLIGHT



NEW BLIGHT



SIMILAR TO UNIV. VILLAGES
SPECIFIC PLAN



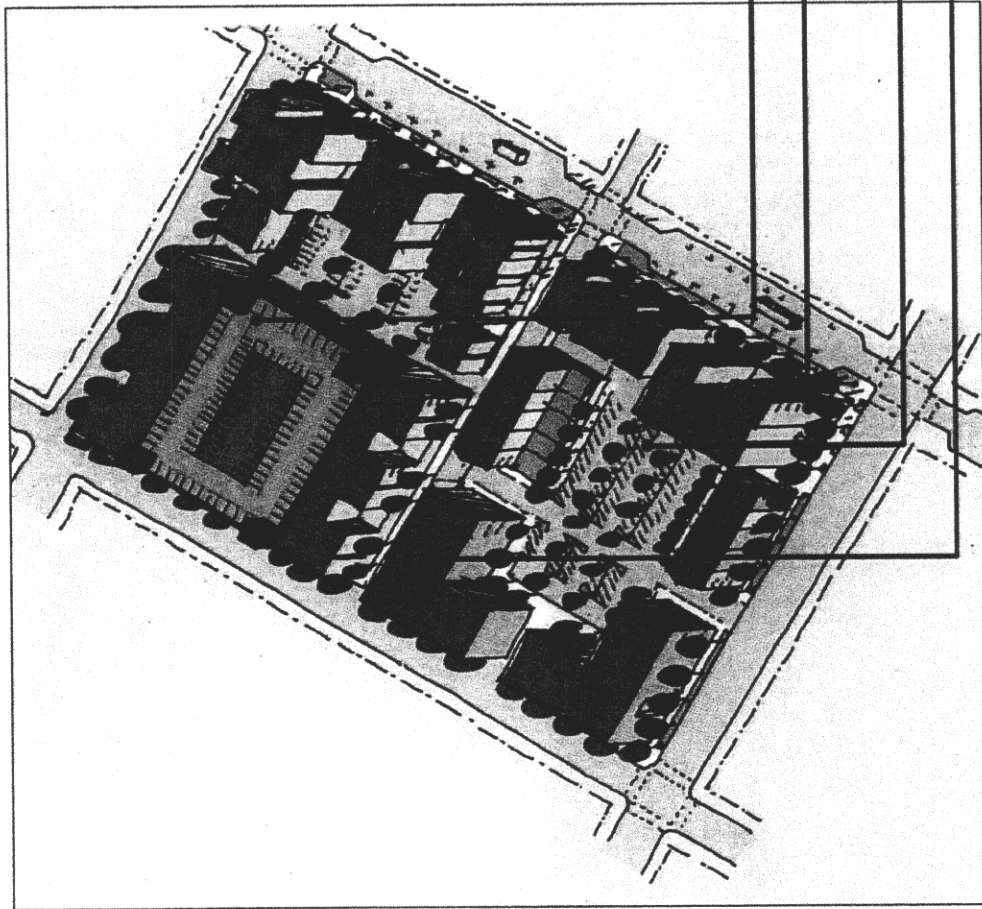
THIS IS ANTITHESIS OF VISION, BUT
SIMILAR TO UNIV. VILLAGES SPECIFIC PLAN

Mixed-Use: Commercial, Retail & Residential

This block is on Bailey Avenue in the Town Center district and shows the mix of uses possible. Retail uses line Bailey Avenue at ground level with either residential or commercial uses above.

Parking is accommodated in a variety of ways, either on street, on interior surface parking lots, or in structured parking garages. The parking structures are lined with other uses to minimize their impact on the street. If two sides are left open, then the parking garage can be naturally ventilated.

- Commercial Density: Up to 2:1 FAR
- Residential Density: 30-50 DU/AC
- Parking Ratio: 2 cars per 1,000 sq. ft.



Parking garage wrapped with building space on two sides
Mid-rise residential buildings over ground floor retail

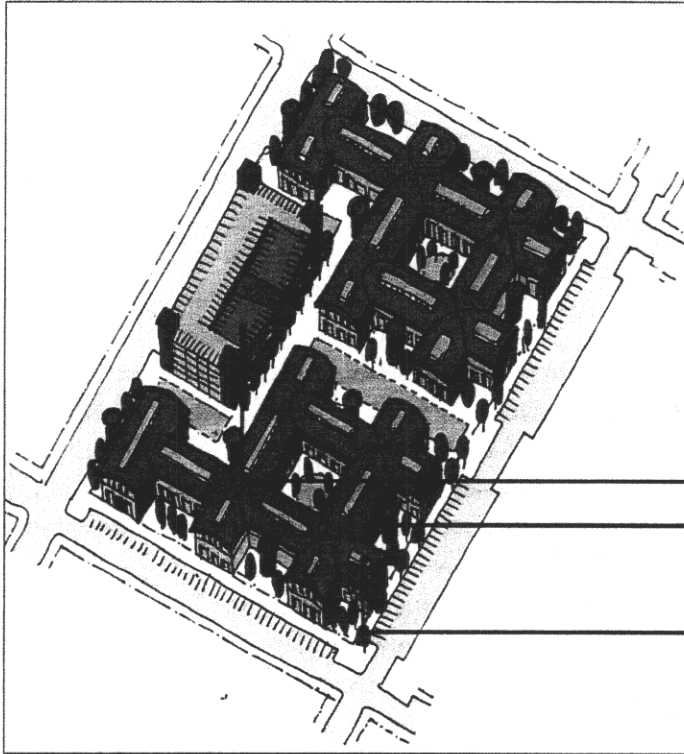
Mid-block surface parking lot

Commercial perimeter block office building

BAHIA VISTA COMMUNITY PLAN
 MIXED-USE EXAMPLE

BAHIA VISTA COMMUNITY PLAN

SUSTAINABLE DEVELOPMENT EXAMPLES



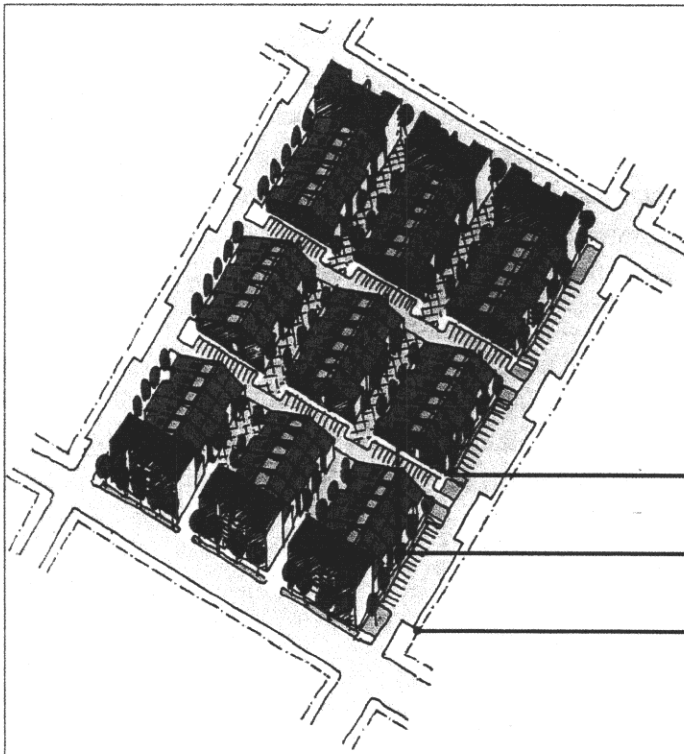
Office buildings with narrow floor plates can permit every workspace to be accessible to daylight, thereby reducing the need for artificial lighting. Light shelves at the windows and top floor roof monitors can control and disperse the amount of daylight and reduce glare from direct sunlight.

Heavily insulated grass roofs reduce the amount of heat-gain in the summer and help reduce the need for expensive air conditioning. During the mild winter and early spring months it should be possible to rely on natural ventilation altogether.

Structured parking garage

Narrow-width office building to allow maximum daylight

Roof monitors and grass roof



The BedZed Live/Work Development in London is shown as an example of a balanced community with south-facing townhouses back-to-back with north-facing office/work spaces. All the units are naturally ventilated with roof cowl to draw air through, and rooftop solar-collectors provide power for neighborhood electric vehicles. The development has its own power plant using wood-chips as fuel and generates more electricity than it consumes.

South-facing townhouses back-to-back with offices

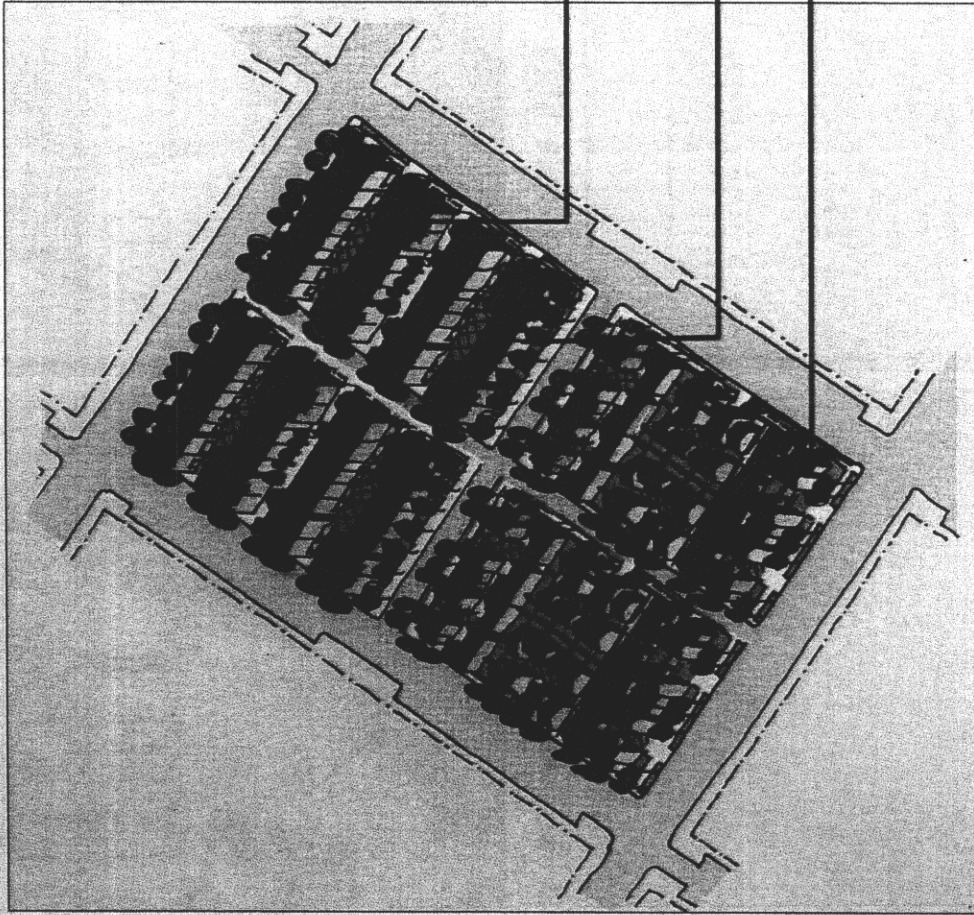
North-facing office/ work spaces

Mid-block pedestrian lanes

Residential: Medium-Density

These moderate density house types are appropriate for affordable and market rate housing.

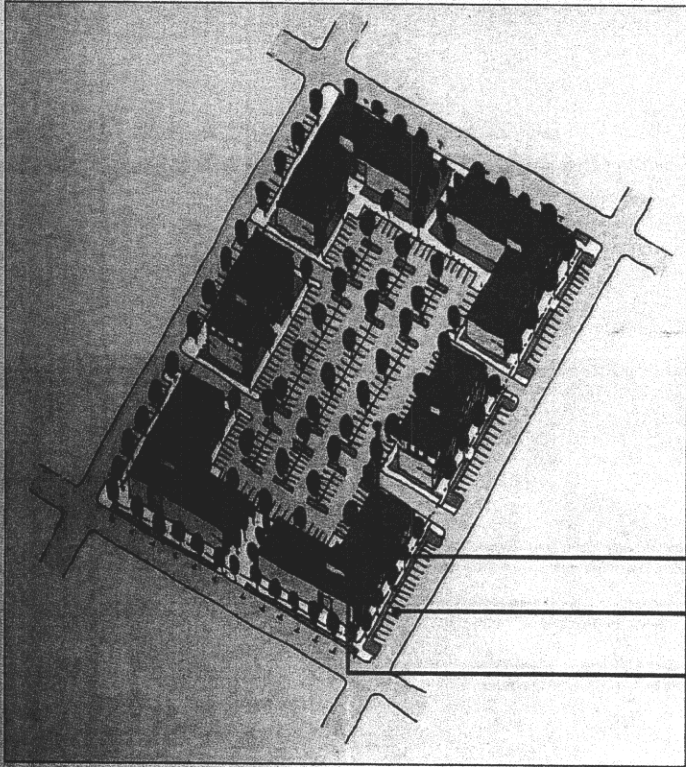
- Residential Density: 25-30 DU/AC
 - Building Types:
 - Townhouses at grade
 - Townhouses with tuck-under parking
 - Stacked Townhouses with tuck-under parking
 - Parking Type:
 - Private garages
 - Congregate garages
- 4-story stacked pair of townhouses over garage
30 DU/AC Density
- 3-story townhouses over own garage
25 DU/AC Density
- 3- and 4-story 8-plex with congregate garages
30 DU/AC Density



BAHIA VISTA COMMUNITY PLAN
RESIDENTIAL EXAMPLE

BAHIA VISTA URBAN COMMERCIAL EXAMPLES & PARKING DESIGN

0.75 : 1 FAR Commercial Building Density



This drawing shows office development with surface parking at 2 cars per 1,000 square feet of building space. Development can take the form of perimeter block buildings hiding the surface parking lot on the interior of the site. Three-story, 50' high buildings are possible. Narrow-width floor plans are encouraged to maintain a continuity of the perimeter street-wall. When configured as narrow-width buildings, as encouraged by green building standards (e.g., 65'), every workspace can have access to daylight.

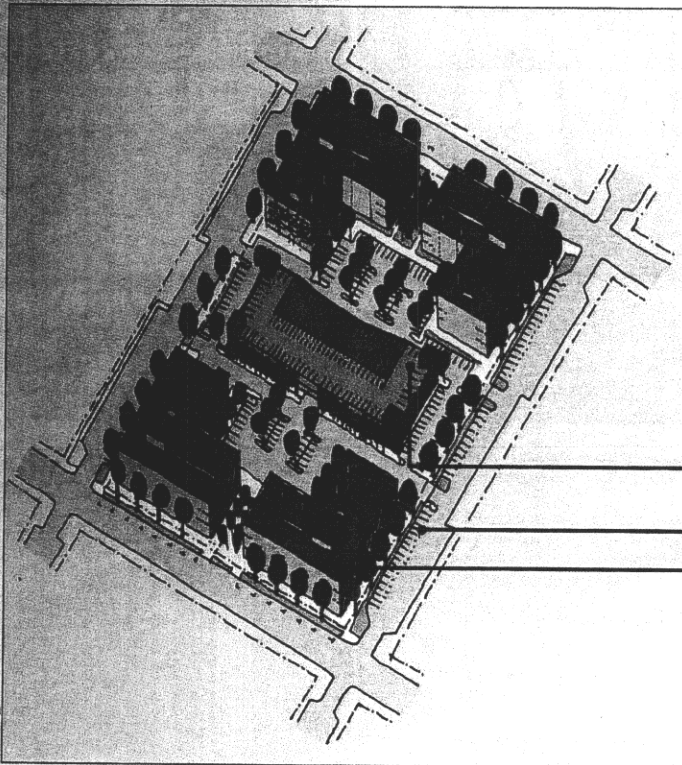
- Commercial Density: 0.75:1 FAR
- Parking Ratio: 2 cars per 1,000 sq ft
- Parking Types: On-site surface and head-in, on-street parking

Mid-block surface parking

On-street parking

Perimeter block office buildings

1 : 1 FAR Commercial Building Density



At this density, some structured parking-garages become necessary. Development can still take form of perimeter-block buildings. Three-story, 50'-high buildings are possible.

- Commercial Density: 1:1 FAR
- Parking Ratio: 2 cars per 1,000 sq ft
- Parking Types: On-site surface and multi-story structured parking and head-in, on-street parking

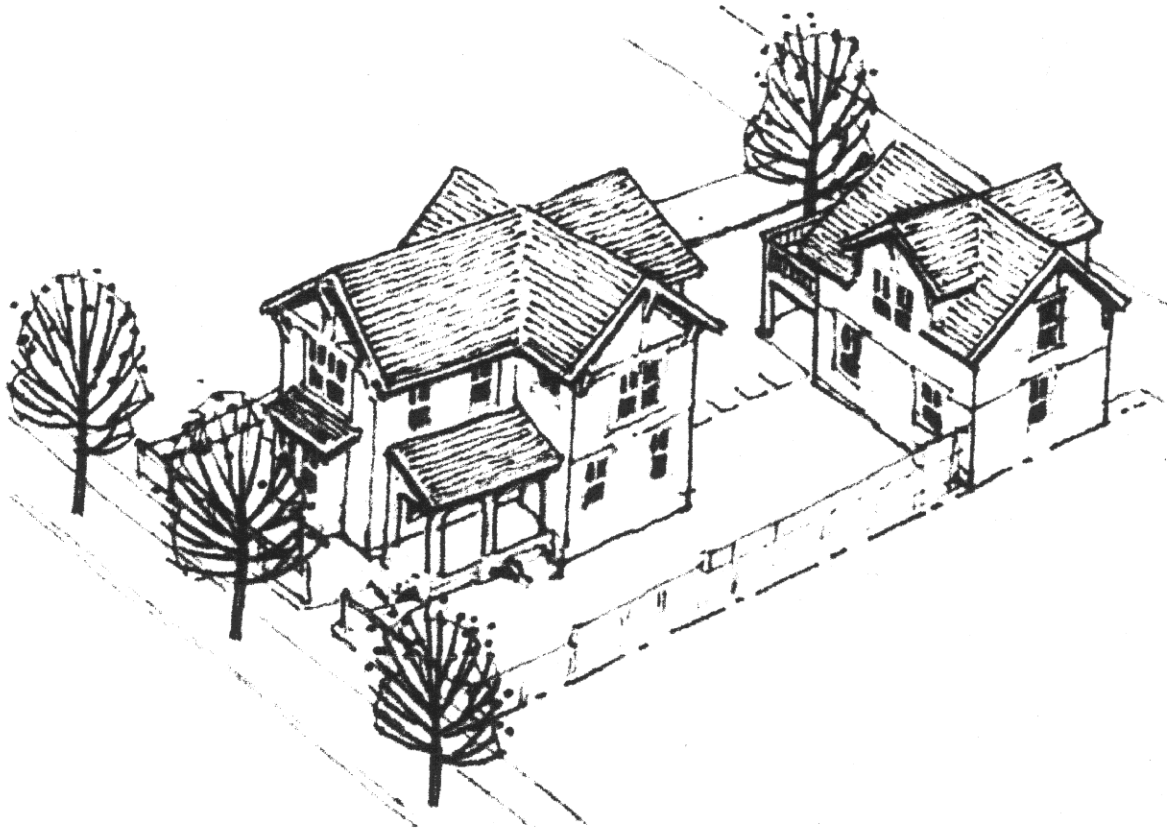
Structured parking garage

On-street parking

Perimeter block office building

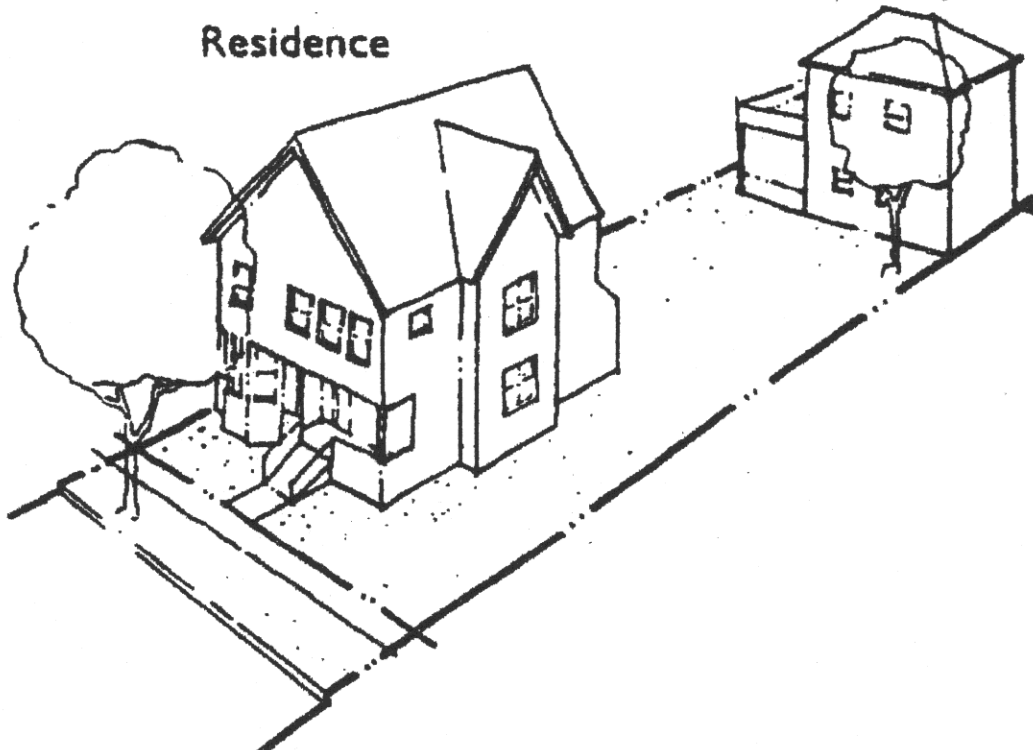
BAHIA VISTA RESIDENTIAL

Urban Single Family Home Plus Carriage House



Residence

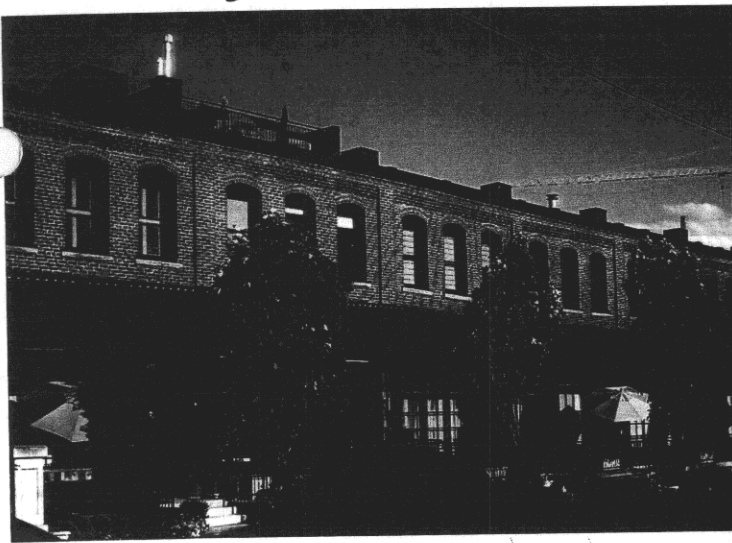
Ancillary Unit



BATHIA VISTA URBAN VILLAGE DESIGN / ARCHITECTURE



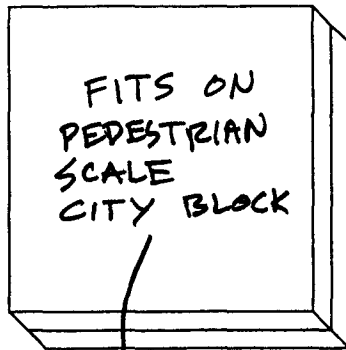
BAHIA VISTA URBAN MIXED USE ARCHITECTURE



BAHIA VISTA PLAN BIG BOX LIMITED FOOTPRINT

UNIVERSITY VILLAGES SMALL, MEDIUM, LARGE FORMAT RETAIL

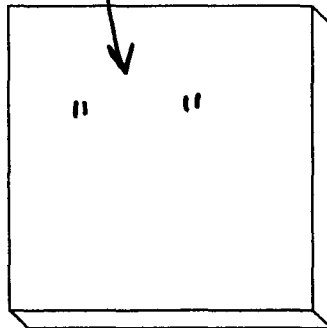
(sf = square feet)



LARGE FORMAT 100,000sf

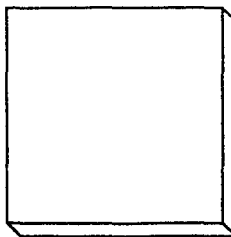
50,000sf footprint limit
Two functional stories

- Kmart
- Orchard Supply Hardware
- Home Depot
- Costco Wholesale
- Wal-Mart
- Mervyn's
- JC Penny



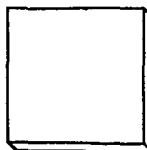
LARGE FORMAT 50,000sf

- Rite Aid
- Orchard Supply Hardware
- Longs
- Albertsons
- Toys R Us
- 13-screen cinema/multiplex



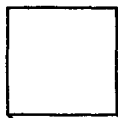
MEDIUM FORMAT 25,000sf

- Michaels Arts & Crafts Supplies
- Cost Plus World Market
- Seaside City Hall
- Food Mart/Gas/Car Wash
- Rite Aid
- Roller Skating Rink
- Safeway
- Borders
- Circuit City
- Staples
- Whole Foods
- Office Depot



MEDIUM FORMAT 10,000sf

- Kelly Moore Paints
- Outback Restaurant
- Blockbuster
- Ace Hardware
- Big 5 Sporting Goods
- Kragen Auto Supplies
- Walgreens
- Smart & Final
- MC Weekly newspaper



SMALL FORMAT 5,000sf

- Kragen Auto Supplies
- Pets & Ponds pet store
- Carl's Jr. fast food



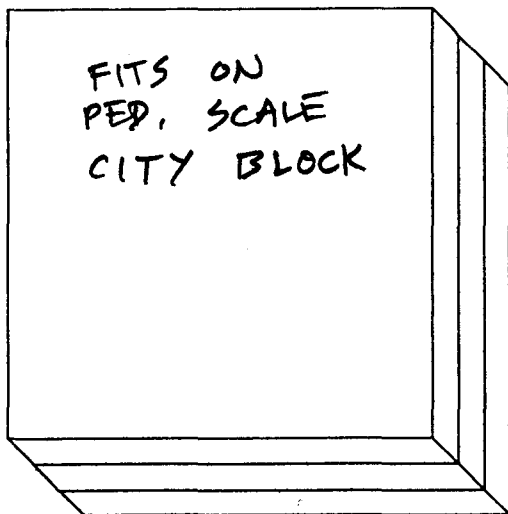
SMALL FORMAT 1,000sf

- Most small businesses
- Subway Deli
- UPS Mailboxes Etc.

UNIVERSITY VILLAGES

SMALL, MEDIUM, LARGE FORMAT RETAIL

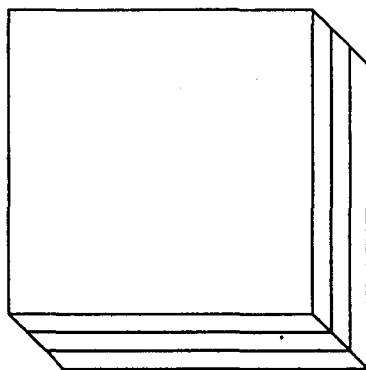
(sf = square feet)



LARGE FORMAT 200,000sf

70,000sf footprint limit
Three functional stories

- Costco
- Wal-Mart
- Macy's
- JC Penny
- Mervyn's



LARGE FORMAT 150,000sf

50,000sf footprint limit
Three functional stories

- Costco
- Wal-Mart
- Macy's
- JC Penny
- Mervyn's

Roundabouts Improve Safety, Capacity and Air Quality

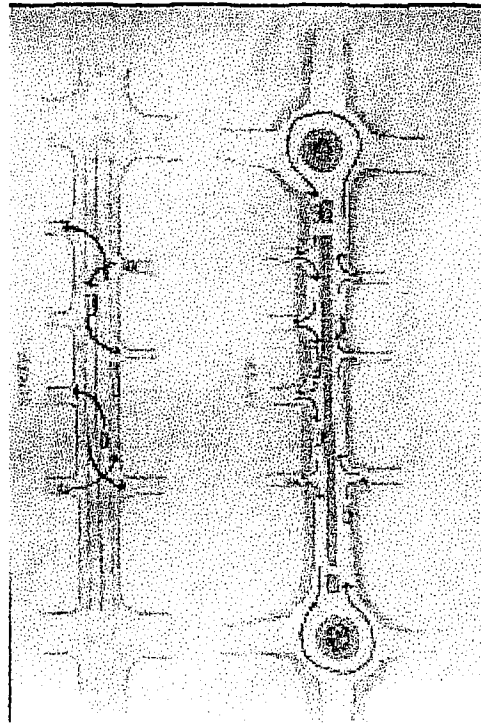
Traffic Flow: Typical vehicle lanes on signalized roads carry approximately 850 vehicles per hour. Currently Hillsborough Street exceeds this capacity. By converting Hillsborough Street to two lanes, the gaps between vehicles will be reduced. More signalized pedestrian crossings are provided to help pedestrians cross the more constant vehicle flow. Roundabouts eliminate left turn vehicles from the through lanes. By removing left turn vehicles from the through lanes, road capacity is significantly increased. Left turn vehicles enter roundabouts just like any other vehicle. As such they do not block a lane unless they are yielding to circulating vehicles.

Access Management: Installing a continuous median blocks left turn access to some driveways. In doing so, crashes are reduced, especially those crashes due to drivers turning left into or out of driveways. Roundabouts compensate for the reduced left turn accessibility by providing for safe U-turns at each roundabout.

In the future, driveway access to parking garages should not be provided from Hillsborough St.

Air Quality: Modern roundabouts reduce vehicle pollution emissions up to 50% in the peak period and 70% in the off peak periods since they reduce:

- The number of vehicles that have to stop
- The time that vehicles are stopped
- The acceleration rate



Roundabouts Improve Safety, Capacity and Air Quality

Creating a New Vision for Hillsborough Street - page 12

Because of the air quality improvements roundabouts are eligible for Federal Congestion Management and Air Quality funds in non-attainment areas.

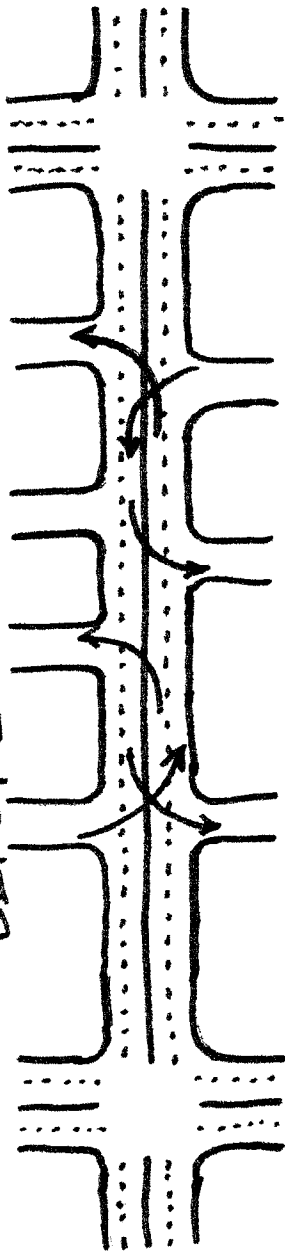
Safety Improvements: The roundabouts featured in the recommended plan provide significant safety benefits as illustrated below.

Recent Traffic Accident History (3 Years) and Expected Improvements due to Roundabouts

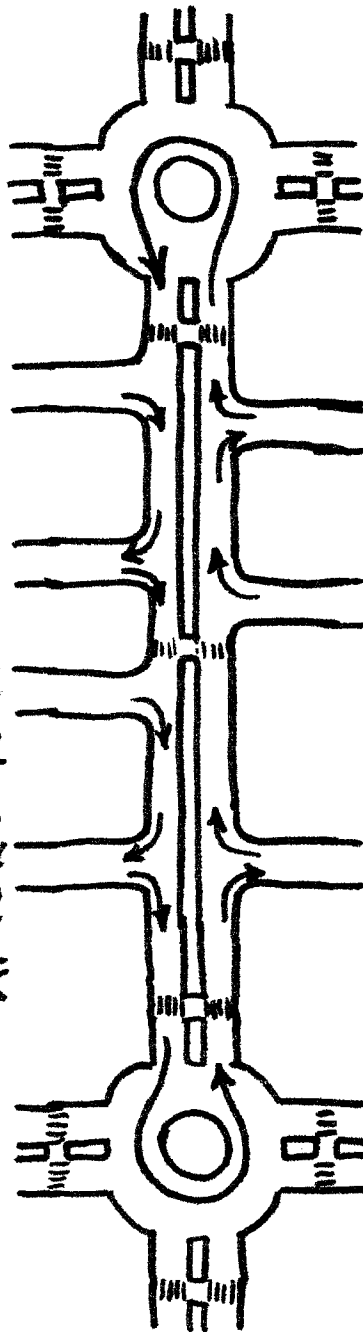
Roundabout Location (Hillsborough Street at)	Rear End	Left Turn	Side Swipe	Right Angle	Pedestrian
Gorman / Faircloth	7	3	9	0	3
Rosemary / Shepherd	26	7	0	0	1
Dixie Trail / Friendly Avenue	18	11	6	5	14
Dan Allen – Brooks Avenue	4	0	4	1	0
Horne Street	28	1	2	4	3
Enterprise / Watauga	25	5	0	2	13
Pullen Road / Ferndale Lane	8	4	4	2	3
Oberlin Road *	11	19	1	0	8
Total without Roundabouts	127	50	26	14	45
Expected Reduction	-64	-50	-23	-11	-40
Total with Roundabouts	63	0	3	3	5
Percent Improvement	50%	100%	90%	80%	90%

BAHIA VISTA ROUNDABOUT DESIGN & BENEFITS

BEFORE: CONVENTIONAL



AFTER: ROUNDABOUTS



• GRASS MEDIAN, NARROWER, MORE ATTRACTIVE BLVD. BETTER FOR...

• EASY U-TURN

• NO LEFT TURNS

• NO WAITING ON LEFT TURNS

• NO LEFT TURN STACKING LANES, MORE PARKING SPACE, BUSN. ACTIVITY

• NO STOP LIGHTS, ALL YIELD, NO WAITING FOR NO REASON

• SLOWER SPEEDS, HIGHER CAPACITY

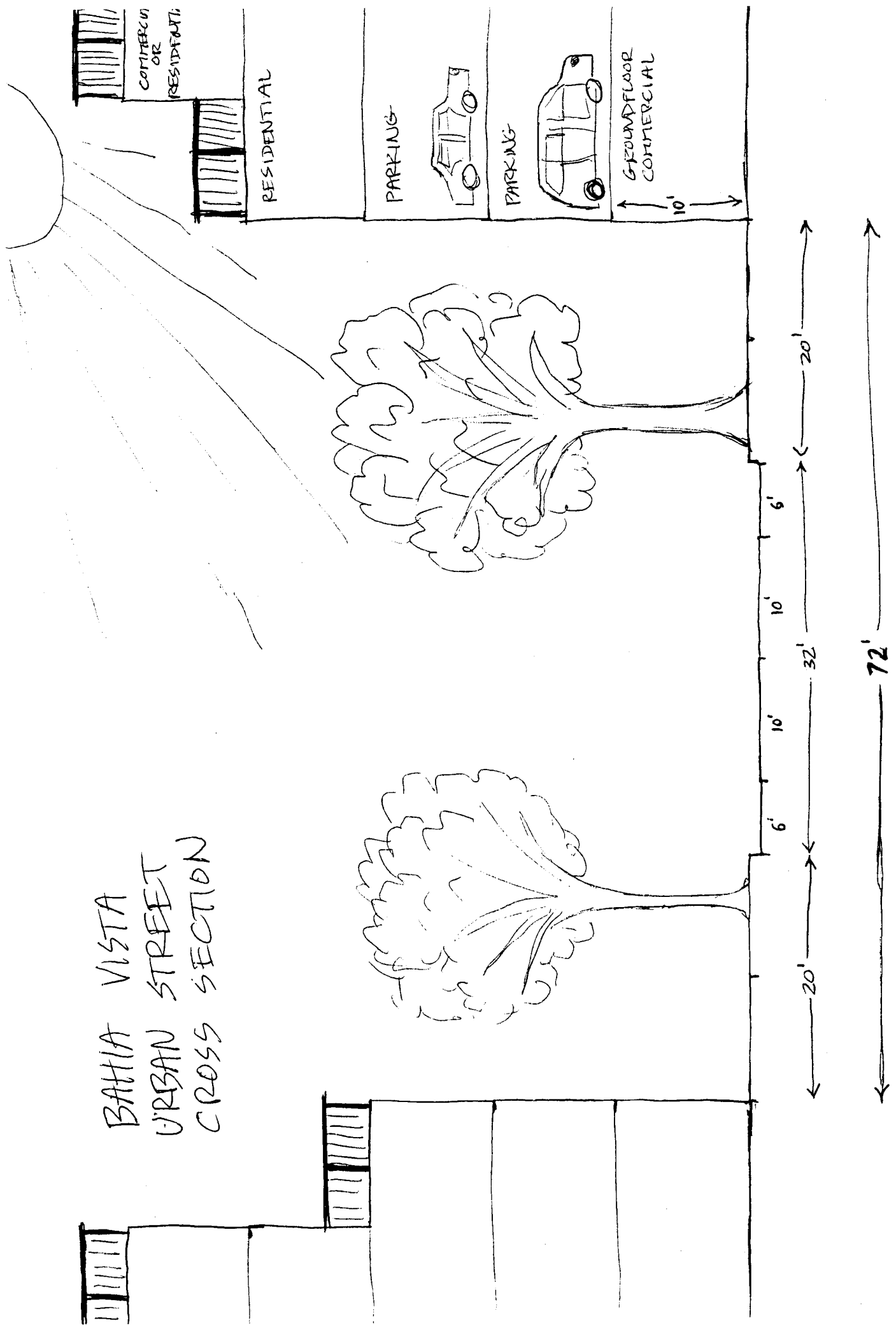
• SAFER, LOWER SPEEDS, LESS CONFLICTS

• SHORTER DISTANCES FOR PEDEST. TO CROSS

• WORKS DURING BACKLOGS, NO HASSLE

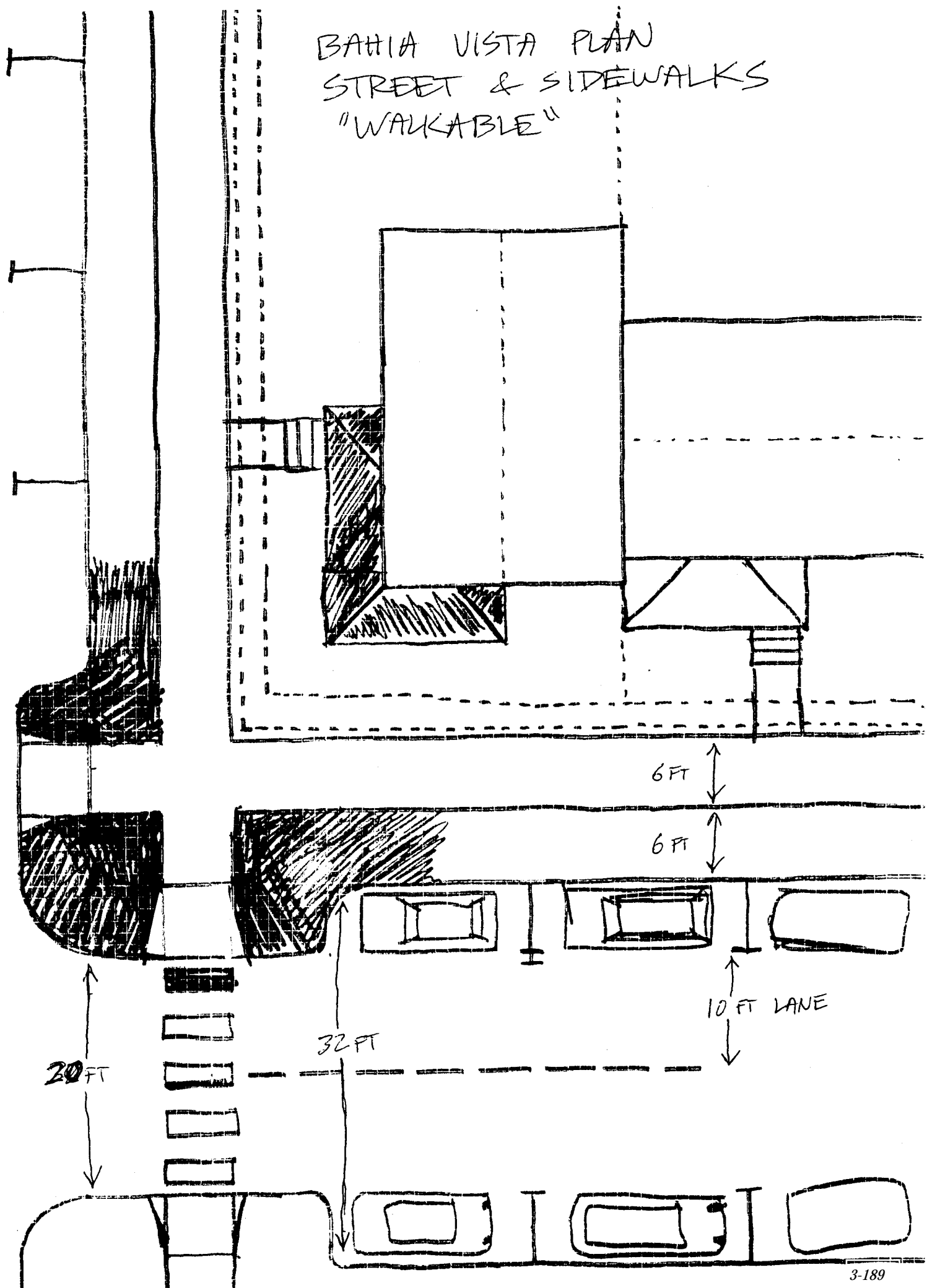
EVER-1
1000 FT

BAYIA VISTA URBAN STREET CROSS SECTION



SMALL BLOCK, NARROW STREET, WIDE SIDEWALK, STEPPED BACK/TERRACED UPPER FLOORS, LETS IN ~~THE~~ SUN LIGHT DOWN TO STREET LEVEL AND BLOCKS & BLOCK FACES

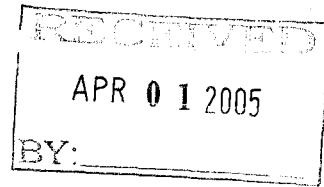
BAHIA VISTA PLAN
STREET & SIDEWALKS
"WALKABLE"



Why Build Green?

The reason for building “green” is really quite important. We need to live more lightly on the earth, because the degradation of our environment is compromising not only our survival, but the survival of most other living beings on the planet. We can no longer ignore the impact we have on the earth's ecosystems. The way we live, the choices we make in providing for our needs, will have an enormous influence on the quality of life of those who will follow us. Now is the time to take responsibility for the consequences of our life styles!

How we build our commercial and residential buildings, both in design and choice of materials, is one of the most significant ways that we can affect our future. Much of the concern boils down to the use of energy. How much energy is embodied in the building materials themselves, in their transportation and assembling? Then once the building is constructed, how much energy does it consume to keep its inhabitants comfortable? Consumption of energy has a direct influence on environmental quality, because of the inherent pollution through greenhouse gasses and other emissions. Then there is the loss of natural beauty, ecosystems and basic resources associated with the extraction of fossil fuels and building materials. The combined effect of this is staggering.



Dear Ms. Christy Di Orio,

Please attach the following graphic to the "Bahia Vista Community Plan" comment letter/package for the University Villages EIR. This graphic is an important component that must have fallen out of the packet during delivery. Thank you.

Sincerely,

Zeke Bean

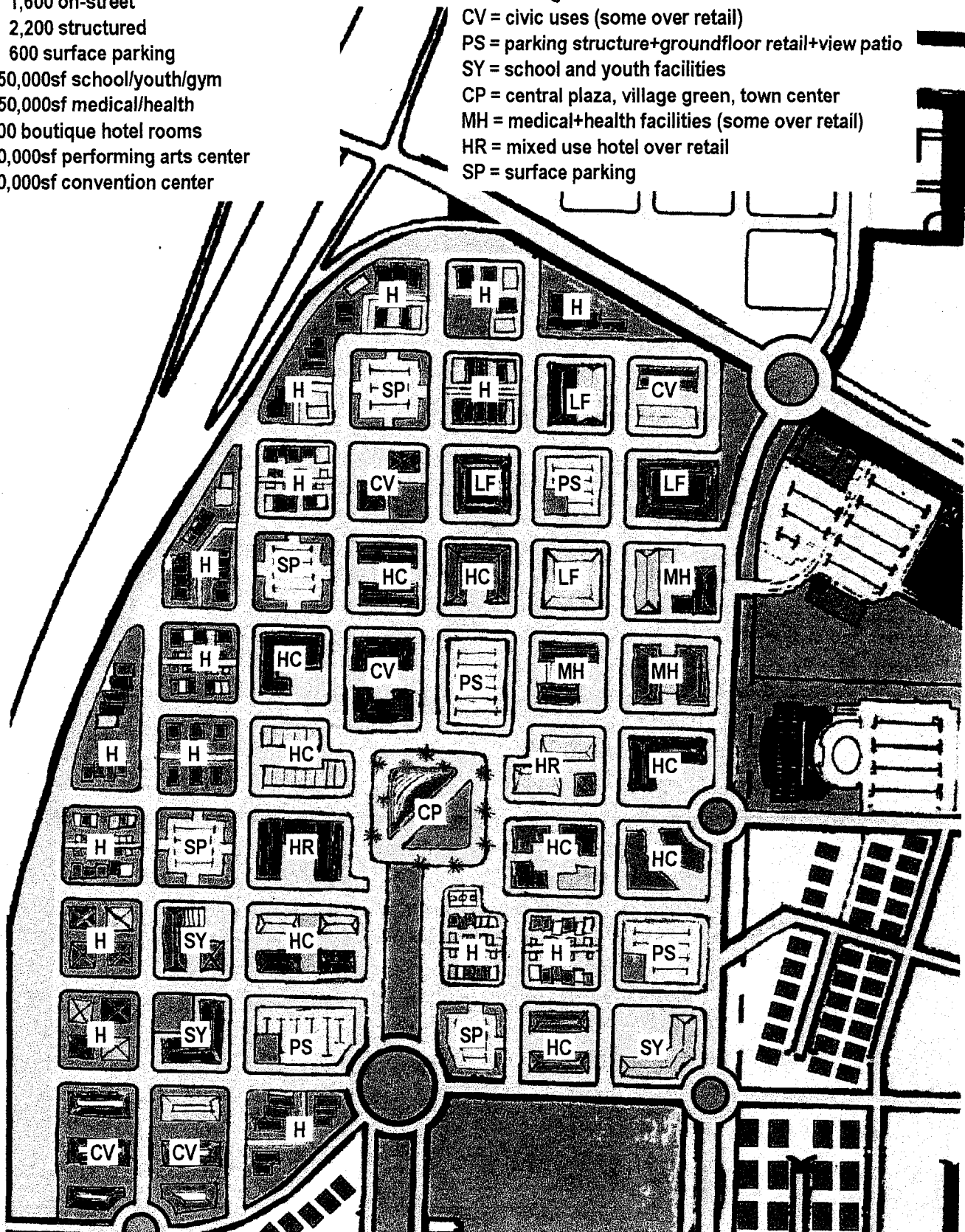
Tel: 310-621-2979

VILLAGE/RETAIL CENTER

≈ 75 acres
 ≈ 700 housing units
 ≈ 750,000sf commercial
 ≈ 250,000sf civic uses/library/day care/etc.
 ≈ 4,000 public parking stalls
 1,600 on-street
 2,200 structured
 600 surface parking
 ≈ 150,000sf school/youth/gym
 ≈ 250,000sf medical/health
 ≈ 200 boutique hotel rooms
 ≈ 50,000sf performing arts center
 ≈ 50,000sf convention center

BAHIA VISTA COMMUNITY PLAN PLAN LEGEND

HC = mixed use housing over commercial
 LF = multi-level large format commercial
 H = housing
 CV = civic uses (some over retail)
 PS = parking structure+groundfloor retail+view patio
 SY = school and youth facilities
 CP = central plaza, village green, town center
 MH = medical+health facilities (some over retail)
 HR = mixed use hotel over retail
 SP = surface parking



16. Zeke Bean

- 16.1 The submitted material describes a number of alternatives to the Proposed Project. The merits and design of the Proposed Project will be discussed at upcoming Planning Commission and City Council hearings on the Project. In addition, Chapter 5 in the DEIR provides an analysis of a range of project alternatives, including a reduced housing alternative and a reduced retail/commercial alternative.

APPENDIX

City of Marina

Exhibit 1

211 HILLCREST AVENUE
MARINA, CA 93933
TELEPHONE (831) 884-1278
FAX (831) 384-9148



April 15, 2005

Mr. David Murray, Chief
Regional Planning/Development Review
Department of Transportation
50 Higuera Street
San Luis Obispo, CA 93401-5415

**Re: University Villages Specific Plan DEIR, SCH No. 2004091167- April 15, 2005
Meeting to discuss Response to Comments**

Dear Mr. Murray:

This correspondence documents the discussion points made and concurrence established at our April 15, 2005 meeting with your representative, Mr. Roger Barnes, Transportation Engineer, along with representatives from TAMC, and City's of Seaside, Monterey, and Marina. This meeting specifically focused on comments received from both Caltrans and TAMC on the DEIR for the above referenced project. Items discussed were as follows:

- The University Villages project DEIR is a project environmental document within the scope of the FORA Base Reuse Plan Program EIR. The analysis of regional impacts was based on the parameters established in the base reuse plan EIR, including consistency in land uses.
- The University Villages project traffic analysis is consistent with the AMBAG model. The project analysis was based on the trip distribution data generated by the AMBAG model as illustrated in the University Villages project Exhibit 9B. Cumulative trips estimated in the FORA Base Reuse Plan are similar to the cumulative trips in the University Villages project cumulative daily and PM peak hour trip assumptions.
- The FORA Fee Reallocation Study, as prepared by TAMC, was approved by the FORA Board on April 8, 2005. This analysis included University Villages project land use assumptions.
- Rte.1/12th interchange improvements have been included in the City of Marina CIP that is currently being processed.

Mr. David Murray, Chief
April 15, 2005
Page 2

From the discussion, consensus was reached on the following items:

- The University Villages traffic study modeling is consistent with the FOR A Base Reuse Plan Program EIR. Therefore, any regional impacts of the proposed project are included and disclosed as part of the FORA Base Reuse Plan and the updated FORA Fee Reallocation Study.
- The suggested 8-lane improvement for Rte 1 south of Lightfighter Drive will be re-evaluated by reference to the FOR A Fee Reallocation Study, or identify as significant and avoidable.
- Level of Service D or better is appropriate for purpose of project analysis.
- The Mitigation Monitoring Program shall clarify mitigation and responsibility, specifically the City of Marina Traffic Impact Fee for the Rte. 1/12th Street interchange and 2nd Avenue/Imjin Parkway recommended improvements.
- Future improvements to Rte. 1/12th Street interchange and 2nd Avenue/Imjin Parkway will require a Project Study Report, and would be coordinated with Caltrans during the concept and detail design.
- City of Marina shall coordinate with the City of Seaside regarding the mitigation and responsibility for Rte.1/Lightfighter Drive recommended improvements.

With the above issues resolved, Mr. Barnes concluded that a scoping session is not necessary, as discussion to date has satisfied the City's obligation to address Caltrans comments regarding the University Villages DEIR. We will assume Caltrans concurrence with this summary, and look forward to our meeting with Mr. Barnes on April 22, 2005, to review the Mitigation Monitoring Report.

Sincerely,

Doug A. Yount
Director Strategic Development Center

c: Roger Barnes, Caltrans
Andy Cook, TAMC
Tim O'Halloran, City of Seaside
Rich Diel, City of Monterey
Christi di Iorio

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>

Exhibit 2

*Flex your power!
Be energy efficient!*

April 19, 2005

Doug A. Yount, Director
Strategic Development Center
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Dear Mr. Yount:

UNIVERSITY VILLAGES SPECIFIC PLAN DEIR

This letter is in response to your recent letter documenting the discussion points made and concurrence established at the April 15, 2005 meeting regarding the University Villages Specific Plan DEIR involving the California Department of Transportation (Department), TAMC, and the cities of Seaside, Monterey and Marina.

The Department is encouraged with the progress made at the April 15th meeting to address the issues raised in our March 30, 2005 comment letter to this proposed project and we agree with your assessment of the issues discussed and the items where consensus was reached. However, we feel that some issues remain unresolved and therefore are not in a position to withdraw our request for a scoping meeting at this time. In particular, the Department needs to review the mitigation monitoring report for this project and the city's Capital Improvement Program (CIP) to assure that our concerns have been adequately addressed. We hope that these issues will be addressed at the meeting scheduled for April 22nd.

I hope this clarifies the Department's position regarding this project. If you have any questions, please contact me at (805) 549-3168.

Sincerely,

DAVID MURRAY, Chief
Regional Planning/Development Review

City of Marina

211 HILLCREST AVENUE
MARINA, CA 93933
TELEPHONE (831) 884-1278
FAX (831) 384-9148

Exhibit 3



September 3, 2004

Mr. Nick Papadakis, Executive Director
AMBAG
445 Reservation Road, Suite G
PO Box 809
Marina, CA 93901

Mr. William Reichmuth, P.E.
Executive Director
TAMC
55-B Plaza Circle
Salinas, CA 93901

Dear Messrs. Papadakis and Reichmuth,

We thank AMBAG for their submittal of the AMBAG Transcad Travel Model-2004 FORA Runs- for the City of Marina. The City is anticipating several large development projects both within the former Fort Ord area as well as within City's urban growth boundaries. This model will assist traffic engineers in the preparation of traffic studies for Environmental Impact Reports for each of the projects.

For example, the entitlements are currently being processed through the City for the University Villages Specific Plan and associated entitlements. The traffic study for this document will be conducted by Higgins Associates. Barbara van Heerden, project manager for Higgins Associates, has discussed the transportation scope of work with Kathy Urlie (AMBAG), Dean Munn (AMBAG), and Debbie Hale (TAMC). Barbara also received verbal approval to proceed with the approach and methodology using the Transcad Travel Model for regional traffic distribution from Dean Munn.

Therefore it is the City's intention to proceed with this approach for all development projects as the complete AMBAG *Select Link Analysis* for determining regional distribution is not available and is forecasted not to be available for many months.

Due to the importance of staying on schedule with each of the City's development projects, we will assume TAMC and AMBAG concurrence with this approach. We are hoping the previous communication with your staff regarding this traffic modeling will provide sufficient review of this approach.

Thank you for your consideration. If you have any questions, please contact Christi di Iorio, Project Planner University Villages, at 884-1236.

Sincerely,

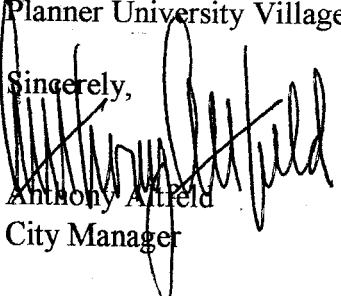

Anthony Attfield
City Manager

Exhibit 4



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD • MARINA, CA 93933-2099

Home Page: www.mcwd.org

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

DIRECTORS
THOMAS P. MOORE
President

DAVID W. BROWN
Vice-President

CHARLES H. SCHOLL
KENNETH K. NISHI
HOWARD GUSTAFSON

April 27, 2005

Mr. Doug Yount
City of Marina Strategic Development Center
265 Reservation Road, Suite E
Marina, CA 93933

Subject: Corporation Yard Property Transfer

Dear Mr. Yount:

As you know Marina Coast Water District (MCWD), the City of Marina (City) and California State University at Monterey Bay (CSUMB) have been actively engaged in developing a property transfer that would relocate MCWD from its current location at 2840 4th Avenue to the Facilities Engineering compound on 8th Street in the former Fort Ord. While we are not privy to details of the City's negotiations with CSUMB, MCWD is generally pleased with its negotiations to date for exchange its existing corporation yard site for the City's future use as a school. There are, as you may know, a few points that must first be worked out before the transfer can be recommended to MCWD's Board of Directors.

Given the representations of the parties involved, I am confident such issues can be worked out in the near future, so that all agencies can proceed over the next several months with an executed agreement and transfer of the properties.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc A. Lucca'.

Marc A. Lucca, P.E.
Deputy General Manager/District Engineer

c: Mike Armstrong