

**FINAL
ENVIRONMENTAL IMPACT REPORT
FOR THE
MARINA STATION SPECIFIC PLAN**

State Clearinghouse #2005061056

CITY OF MARINA

February 2008

TABLE OF CONTENTS

1.0 INTRODUCTION	
1.1 Background	1
1.2 Public Participation	1
2.0 RESPONSE TO COMMENTS	
2.1 Introduction	2
2.2 List of Comment Letters.....	2
2.3 Responses to Comments.....	3
3.0 REVISIONS TO THE DRAFT EIR	110

Appendices

1. January 2008 URBEMIS Analysis
2. Updated Biological Information
3. Water Supply Assessment

1.1 Background

This volume, together with the Draft EIR, constitutes the Final Environmental Impact Report for the Marina Station Project. This volume consists of an introduction, comment letters received during the extended 90-day public review period, responses to comments, and revisions to the Draft EIR. A copy of the April 2007 Update to the Draft EIR is also included in this volume.

The project is located on an approximately 320-acre site on the north side of the City of Marina along both sides of Del Monte Boulevard, on a portion of the Armstrong Ranch property. The project is a mixed-use development including 1,360 residential units of varying types, 60,000 square feet of commercial/retail uses, 143,808 square feet of office uses, 651,624 square feet of industrial uses and approximately 58 acres of open space and park land. The project includes three mixed-use village centers to provide shopping and services to support residential development. Project approvals include a Specific Plan and a Vesting Tentative Map.

The Draft EIR was prepared to inform the public of the significant environmental effects of the project, identify possible ways to minimize the significant effects, and describe a reasonable range of alternatives to the project.

1.2 Public Participation

The City notified all responsible and trustee agencies, interested groups, and individuals that a Draft EIR had been completed for the proposed project. The City used the following methods to solicit input during the preparation of the EIR. The following is a list of the actions taken during the preparation, distribution, and review of the Draft EIR.

- The Notice of Preparation (NOP) was filed with the State Clearinghouse on June 10, 2005. The California State Clearinghouse assigned the Clearinghouse Number 2005061056 to the Draft EIR. The NOP was distributed by the City to responsible and trustee agencies, and interested groups, organizations and individuals.
- Two scoping meetings were held to receive input for the Draft EIR on June 17, 2005 and June 18, 2005.
- On March 9, 2007, the Draft EIR was distributed for a 45-day public review period to responsible and trustee agencies, interested groups, and individuals. An Update to the Draft EIR was prepared and circulated to the public, extending the EIR review period to 90 days. The public review period for the Draft EIR ended on June 4, 2007.

2.0 RESPONSE TO COMMENTS

2.1 Introduction

This section provides responses to comments on the Draft EIR in accordance with Section 15088 of the CEQA Guidelines.

2.2 List of Comment Letters

The following is a list of comment letters received on the Draft EIR and the dates these letters were received:

Agency/Individual	Date
A. Association of Monterey Bay Area Governments (AMBAG)	April 11, 2007
B. California Regional Water Quality Control Board – Central Coast Region	March 26, 2007
C. Monterey Bay Unified Air Pollution Control District	March 29, 2007
D. Law Offices of Richard Rosenthal	April 9, 2007
E. Monterey Bay Unified Air Pollution Control District	April 18, 2007
F. Public Utilities Commission	April 19, 2007
G. Monterey Peninsula Unified School District (MPUSD)	April 20, 2007
H. North Monterey County Unified School District	April 23, 2007
I. City of Monterey	May 2, 2007
J. John Olejnik – Department of Transportation (DOT)	May 3, 2007
K. Association of Monterey Bay Area Governments (AMBAG)	May 14, 2007
L. Sierra Club – Ventana Chapter	May 29, 2007
M. Monterey Bay Plumbing, Inc. (MBP)	May 31, 2007
N. North Monterey County Unified School District (NMCUSD)	June 1, 2007
O. INDTEC	June 1, 2007
P1. Thomas Moore	June 3, 2007
P2. Monique Fargues	June 3, 2007
Q. Transportation Agency for Monterey County (TAMC)	June 4, 2007
R. Suzanne Worcester	June 4, 2007
S. City of Seaside	June 4, 2007
T. California Coastal Commission	June 4, 2007
U. California Office of Planning & Research	June 5, 2007*
V. Leon Heller	March 27, 2007
W. Monterey Bay Unified Air Pollution Control District (two letters)	July 3, 2007*
X. Monterey County Water Resources Agency	August 2, 2007*

*Received after close of the public review period.

2.3 Response to Comments

Each letter received on the Draft EIR is presented in this chapter, as identified in Section 2.2 above. Individual comments within each letter are numbered. Correspondingly numbered responses to each comment are provided in the discussion following the comment letter.

Where the response notes an addition or deletion to the text, tables, or figures in the Draft EIR, a brief description of the change is given and the reader is directed to Section 3, Revisions to the Draft EIR. Where a comment does not raise a significant environmental issue and, therefore, does not require a response under CEQA, the response so states.

RECEIVED

APR 16 2007

STRATEGIC DEVELOPMENT CENTER

April 11, 2007

Mr. Robert Borchard
Project Manager
Development Services Department
City of Marina
3056 Del Monte Avenue # 205
Marina, CA 93933

**Re: MCH# 20070309 – Draft Environmental Impact Report for Marina Station
Specific Plan**

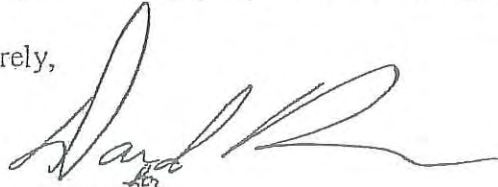
Dear Mr. Borchard:

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

The AMBAG Board of Directors considered the project on **March 31, 2007** and has no comments at this time.

Thank you for complying with the Clearinghouse process.

Sincerely,



Nicolas Papadakis
Executive Director

A 1

**LETTER A: ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS
(AMBAG)**

A1: The letter states that AMBAG considered the project on March 31, 2007 and has no comments at this time. No response is required.



California Regional Water Quality Control Board Central Coast Region



Linda Adams
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Acrovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

RECEIVED

March 26, 2007

MAR 29 2007

Robert L. Borchard
City of Marina
3056 Del Monte Avenue, #205
Marina, CA 93933

STRATEGIC DEVELOPMENT CENTER *df*

Mr. Borchard:

RE: Draft Environmental Impact Report, Marina Station Specific Plan, Monterey County SCH#2005061056

Thank you for the opportunity to review the above-referenced document. The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff understands that the project proposes the development of 1,360 residential units; 651,624 square feet of business park space; 143,808 square feet of office space; and 60,000 square feet of commercial space on a 319 acre site.

The City of Marina is subject to the NPDES Phase 2 Municipal Stormwater Permit (General Permit). As part of its responsibility, the Water Board must determine permittees' compliance with General Permit requirements. This includes determining whether municipalities have reduced pollutant discharges to the Maximum Extent Practicable (MEP)¹. The MEP standard is an ever-evolving and flexible standard which balances technical feasibility, cost, effectiveness, and public acceptance. The General Permit requires permittees to prevent or minimize water quality impacts from new development and redevelopment projects². The volume and velocity of storm water discharged from impervious surfaces can cause increased bank erosion and downstream sedimentation, scouring, and channel widening which significantly impact aquatic ecosystems and degrade water quality. Therefore, permittees must develop and implement Storm Water Management Programs (SWMP) that require that new and re-developments maintain pre-development hydrologic characteristics, such as flow patterns, surface retention, and recharge rates in order to minimize post-development runoff impacts to water bodies. In most cases, MEP standards are not met by conventional site layouts, construction methods, and storm water conveyance systems with "end of pipe" basins and treatment systems that do not address the changes in

B1

¹ "Permittees must implement Best Management Practices (BMPs) that reduce pollutants in storm water runoff to the technology-based standard of Maximum Extent Practicable (MEP) to protect water quality." Effluent Limitations, General Permit Fact Sheet, pg. 6.

² "Post-Construction Storm Water Management in new Development and Redevelopment – The Permittee must: 1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects...by ensuring that controls are in place that would prevent or minimize water quality impacts", General Permit, pg 11, Provision e.1.

California Environmental Protection Agency

volume and rates of storm water runoff and urban pollutants (including thermal pollution). Low Impact Development (LID) practices meet the MEP standard and are more effective at reducing pollutants in storm water runoff at a practicable cost.

LID is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control stormwater runoff where it is generated. The objective is to disperse LID devices uniformly across a site to minimize runoff. LID serves to preserve the hydrologic and environmental functions altered by conventional stormwater management. LID methods provide temporary retention areas, increase infiltration, allow for pollutant removal and control the release of stormwater into adjacent waterways (Anne Guillette, Whole Building Design Guide). For further reference please see:

<http://www.epa.gov/owow/nps/lid/>

Eight Common LID Practices Include:

1. Reduced and Disconnected Impervious Surfaces
2. Native Vegetation Preservation
3. Bioretention
4. Tree Boxes to Capture and Infiltrate Street Runoff
5. Vegetated Swales, Buffers, and Strips
6. Roof Leader Flows Directed to Planter Boxes and Other Vegetated Areas B1
7. Permeable Pavement
8. Soil Amendments to Increase Infiltration Rates

Water Board staff considers a project that meets the following descriptions (inclusive) to be a "Low Impact Development" project:

A. Runoff Volume Control. The pre-development stormwater runoff volume is maintained by a combination of minimizing the site disturbance, and providing distributed retention BMPs. Retention BMPs are structures that retain the excess (above pre-development project volumes) runoff resulting from the development for the design storm event (2-, 10-, and 25-year, 24-hour duration storm). Note that "retention" is required, as opposed to "detention"; retention may be achieved using infiltration methods, and capture-for-use methods.

B. Peak Runoff Rate Control. Low impact development practices maintain the pre-development peak runoff discharge rate. This is done by maintaining the pre-development time of concentration and then using retention and/or detention BMPs (e.g., rain gardens, open drainage systems, etc.) that are distributed throughout the site, to control runoff volume. If retention practices are not sufficient to control the peak runoff rate, detention practices may be added.

C. Flow Frequency Duration Control. Since low impact development emulates the pre-development hydrologic regime through both volume and peak runoff rate controls, the flow frequency and duration of post-development conditions must be identical (to the

California Environmental Protection Agency



greatest extent possible) to those of pre-development conditions. Maintaining pre-development hydrologic conditions will minimize or eliminate potential impacts on downstream habitat due to erosion and sedimentation.


Permittees must, therefore, incorporate LID methodology into new and redevelopment ordinances and design standards unless permittees can demonstrate that conventional BMPs are equally effective, or that conventional BMPs would result in a substantial cost savings while still adequately protecting water quality and reducing discharge volume. In order to justify using conventional BMPs based on cost, permittees must show that the cost of low impact development would be prohibitive because the "cost would exceed any benefit to be derived." (State Water Resources Control Board Order No. WQ 2000-11.). You must require Low Impact Development techniques be included as mitigations in the Draft EIR for this project.

B1

We look forward to seeing and commenting on the Draft EIR and request we be contacted when the document is available. If you have questions, please contact Chris Adair at (805) 549-3761.

Sincerely,



 Roger W. Briggs
Executive Officer

S:\CEQA\Comment Letters\Monterey County\Marina Station.doc

LETTER B: CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD – CENTRAL COAST REGION

B1: The Draft EIR describes the Regional Board and National Pollutant Discharge Elimination System (NPDES) requirements in **4.7 Hydrology and Water Quality**. As set forth in the Draft EIR, the project must conform with the NPDES permit requirements including implementation of Best Management Practices (BMPs). The text of Mitigation 4.8-3 has been revised to clarify that Low Impact Development techniques would be included in the project. In addition, the project design has been modified to include several small detention basins rather than one large basin. The revised Figure 4.8-1 is presented in Section 3, Revisions to the Draft EIR.

The project addresses the issue of compliance with the new NPDES Phase 2 permit by designing the site and incorporating Low Impact Development (LID) practices such that the potential pollutant discharges would be reduced to the maximum extent practical. The Regional Board's staff considers a project to be a "Low Impact Development" if the project controls the runoff volume, peak runoff rate, and the flow frequency duration to emulate the pre-development hydrologic regime.

The project site's pre-development storm water runoff volume would be maintained by minimizing the disturbed area of the site and by providing small retention areas at frequent intervals throughout the site. These small retention areas would retain and percolate the excess runoff from the development for the 2-, 10-, and 25-year storms.

The project has been designed to maintain the pre-development peak runoff discharge rate by implementing retention BMPs, such as rain gardens, that are distributed throughout the site to control runoff volumes. These areas are designed as retention areas and not detention areas.

The project has been designed to maintain the pre-development hydrologic regime to the maximum extent practical by incorporating the following LID practices into the site design:

- Reduced and disconnected impervious surfaces
- Native vegetation preservation
- Capturing and infiltrating street runoff
- Vegetated swales, buffers, and/or strips
- Roof leaders directed to vegetated areas
- Porous concrete
- Capitalizing on the site's highly permeable soils to maximize infiltration

Because the Marina Station Specific Plan meets the Regional Board's description of a Low Impact Development, the project has reduced its pollutant discharges to the maximum extent practicable and would be in compliance with the General Permit requirements.



MONTEREY BAY

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

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

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

DISTRICT BOARD MEMBERS

- CHAIR:
Reb Monaco
San Benito
County
- VICE CHAIR:
Jerry Smith
Monterey County

Lou Calcagno
Monterey County

Tony Campos
Santa Cruz
County

Dennis Donohue
City of Salinas

Doug Emerson
San Benito
County Cities

Ila Mattee-McCutcheon
Monterey
Peninsula Cities

Ellen Pirie
Santa Cruz
County

Simon Salinas
Monterey County

Sam Storey
Santa Cruz
County Cities

George Worthy
South Monterey
County Cities

March 29, 2007

Sent by Facsimile to (831) 384-7063
Original Sent by First Class Mail

Mr. Robert Borchard, AICP
City of Marina
Development Services Department
3056 Del Monte Avenue, #205
Marina, CA 93933

SUBJECT: EXHIBITS AND APPENDICES FOR TRAFFIC IMPACT ANALYSIS
FOR THE MARINA STATION SPECIFIC PLAN DRAFT EIR

Dear Mr. Borchard:

The Traffic Impact Analysis that was included in the Draft EIR did not include Exhibits 1A-12B or the Appendices. Please have them sent to us immediately. Given the need to request the omitted documents and the associated delay in reviewing the Traffic Analysis, the District would appreciate a two week extension of the deadline to submit comments, to May 7.

C1

Thank you for your consideration.

Yours truly,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

*Note - hand delivered hard copy of Traffic Report to
JEAN Getchell on 3-29-07*

RECEIVED

MAR 30 2007

STRATEGIC DEVELOPMENT CENTER

**LETTER C: MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
(MBUAPCD)**

C1: A copy of the entire traffic analysis, including exhibits and appendices, was hand delivered to the MBUAPCD on March 29, 2007. The MBUAPCD's request for an extension of the deadline for submission of comments became irrelevant because the deadline was extended due to modifications of the Draft EIR relating to biological resources issues. The MBUAPCD submitted one comment letter on April 18, 2007 (Letter E) and two comment letters on July 3, 2007 (collectively Letter W). The City has responded to all of these letters.

LAW OFFICES
RICHARD H. ROSENTHAL
A PROFESSIONAL CORPORATION

27880 DORRIS DRIVE, SUITE 110, CARMEL, CA 93923
P.O. BOX 1021, CARMEL VALLEY, CA 93924
(831) 625-5193
FAX (831) 625-0470

Marina Landing 1

9 APRIL, 2007

FAX TRANSMISSION

To: Robert Bouchard 384-9148

Re: Marina Station Specific Plan EIR

Dear Mr. Bouchard:

Thank you for sending Save Our Peninsula a copy of the Marina Station Specific Plan EIR.

The project seems to have many positive sustainable development strategies. Notwithstanding these positive attributes, the project's mass along with the recently approved projects on the former Fort Ord will bring the City to its knees regarding water, traffic and greenhouse impacts.

The EIR fails to adequately address these issues. There is nothing in the EIR relating to greenhouse effects from this and cumulative projects. The traffic section fails to consider the project's impacts on Hi-way 1 and Imjin Road on and off ramps. The EIR impermissibly finds mitigation measures 4.13-14 thru 4.13-23 infeasible because these mitigation measures (road improvement projects) are not in the City's CIP or TIF. In other words, the projects are not funded. The City's failure to adequately plan for the anticipated impacts from the development of the former Fort Ord cannot form the basis of a finding of infeasibility. If the mitigation measures are not implemented the project will be inconsistent with the City's circulation element, and a finding of consistency between the project and the City's General Plan cannot be made.

| D1
| D2
| D3

Regarding water, I have not received a copy of the WSA for the project. However, the EIR understates the salt-water intrusion issues and fails to adequately assess the viability of the Salinas Water Project. In essence, the EIR fails to assess the impacts of providing water to this and other projects.

| D4

If you have any questions or would further like to discuss the matter please feel free to call.

Regards,

Richard H. Rosenthal on behalf of Save Our Peninsula

FOR U.S. MAIL DELIVERY: P.O. BOX 1021, CARMEL VALLEY, CA 93924
FOR EXPRESS MAIL DELIVERY: 27880 DORRIS DRIVE, SUITE 110, CARMEL, CA 93923

LETTER D: LAW OFFICES OF RICHARD ROSENTHAL

D1: The issue of global warming is discussed in **4.3 Air Quality** of the Draft EIR (see page 4.13-25). As discussed in the Draft EIR, there is a great deal of uncertainty regarding the analysis of potential impacts of a single project on global warming. It is generally acknowledged that a typical individual project does not generate sufficient greenhouse gas emissions to have significant or measurable individual influence on global warming, and the issue of global warming within the context of an EIR is usually addressed as a cumulative impact. There are currently no adopted CEQA thresholds or approved methods for determining whether a project's potential contribution to cumulative global warming impacts may be considerable. Additionally, analysis on a global rather than local scale demands consideration not only of the gross greenhouse gas emissions from activities of project occupants, but also of the extent of the displacement effect of translocation of those occupants, the impacts of new occupants of the previously occupied homes, and of the displacement effect of their translocation. Such an analysis must consider factors such as the energy efficiency of the new and former homes, the extent of change in household energy use, land use patterns affecting commute distances, vehicle trips for shopping, school, recreation and other activities, and incorporation of energy-efficient features such as solar technology, recirculating hot water heaters, high-efficiency appliances, and low-voltage lighting. In the absence of accepted methodology and thresholds of significance, and in light of the number and complexity of the variables involved, the significance of a project's net effects on global warming cannot realistically be determined or quantified, and may be considered somewhat speculative. In addition, the actual physical effect of new or relocated greenhouse gas emissions on the atmosphere is complex and not well understood. However, given the commenter's concerns and the growing interest in global warming in the wake of AB 32, a more detailed discussion of potential project impacts on global warming is provided below. This discussion provides additional general information regarding the share of greenhouse gas emissions from a new home in the U.S., the relative energy efficiency of newer and older homes, the energy-saving features of the proposed project, and the role of the project's vehicle usage in contributing to greenhouse gas emissions.

I. Share of Greenhouse Gas Emissions from New Homes

In its entirety, the residential sector contributes significantly to the U.S.'s total greenhouse gas emissions, largely in the form of CO₂ emissions from electric power consumption. In 2005, the residential sector accounted for 21.5% of overall U.S. energy consumption (21,652 of 100,691 trillion Btu);¹ however, the sector's total share of nationwide greenhouse gas emissions was 18.0%, reflecting its relatively low share of non carbon dioxide emissions.² Energy-related CO₂ emissions comprise 98.6% of residential greenhouse gas emissions, a much higher share than in the commercial, industrial, or transportation sectors.³ Seventy-one percent of all emissions in the residential sector are from the sector's pro-rated share of electric power sector emissions.⁴ Additionally, the residential sector can be considered indirectly responsible for carbon emissions from automobile trips to the extent that residences are located a long distance from jobs, services, and other destinations. These indirect impacts are addressed later in this discussion.

New homes account for a relatively small part of the residential sector's greenhouse gas emissions. Energy consumption data for U.S. households in 2001 show that new homes built between 1990 and 2001

¹ Energy Information Administration, Annual Energy Review 2005, at 38 (2006), available at http://www.eia.doe.gov/emeu/aer/pdf/pages/sec2_4.pdf.

² Energy Information Administration, Emissions of Greenhouse Gases in the United States 2005, at xvi (2006), available at <ftp://ftp.eia.doe.gov/pub/oiaf/1605/cdrom/pdf/ggrpt/057305.pdf>.

³ Id. The residential sector accounted for 1,266.1 million metric tons of carbon dioxide in 2005, while non-carbon-dioxide emissions came to only 17.9 million metric tons carbon dioxide equivalent and included methane (8.9), nitrous oxide (4.5), and sulfur hexafluoride (4.6). Id.

⁴ Id. at 15.

consumed 14.5% of all residential energy (1.43 of 9.86 quadrillion Btu).⁵ When placed against the residential sector's low nationwide share of greenhouse gas emissions (18.0%), these data suggest that new homes account for 2.6% of all U.S. greenhouse gas emissions.

II. Energy Efficiency in New Homes

Energy efficiency is widely recognized as critical to reducing greenhouse gas emissions. According to a Pew Center on Global Climate Change report, energy efficiency has increased nationwide since the late 1970s: "The United States has made remarkable progress in reducing the energy use and carbon intensity of its building stock and operations."⁶ The report attributes this progress to technological improvements, such an increase in wall, ceiling, and attic insulation and advances in window construction. Increasingly, windows now feature insulated glass or can be considered "high-efficiency low-emissivity" coated windows.⁷

The California Energy Commission calls using energy efficiency "a far-reaching strategy" for addressing global warming.⁸ The Commission sets energy efficiency standards for residential buildings (the California 2005 Building Energy Efficiency Standards or "Title 24" standards). Recently, these standards have caused residential electricity usage to fall sharply even as state population has increased. From 2000 to 2006, California's population grew by 7.6%,⁹ yet over a shorter period (2001 to 2005), low-rise residential electricity usage dropped 20.4% (from 483.9 to 385.2 GWh).¹⁰ The magnitude of this decrease is largely due to California's strict energy efficiency building standards. The National Academy of Sciences has praised California's efforts in this regard, citing the state as a nationwide leader in combating global warming with energy efficiency measures.¹¹

National energy consumption data indicates that new homes are more energy-efficient than older homes. Residential units built in 2000 and the first several months of 2001¹² consume 36,600 Btu per square foot annually, while those built in the 1990s use 38,500 Btu each year. For older homes these figures are even greater: the annual energy consumed by homes built before 1940 is 56,000 Btu—and those units built in the 1940s—53,900 Btu.¹³ Residences built at the beginning of this century consume approximately two-thirds of the energy used by built in the 1940s, the beginning of the post-war housing boom.

As indicated in the Draft EIR, the new homes in the Marina Station project are designed to be energy-efficient. Every single-family home will meet Title 24 energy efficiency standards.¹⁴ Additionally, all single-family homes will be wired for solar panels, and installation of solar panels will be offered to

⁵ Energy Information Administration, Office of Energy Markets and End Use, Forms EIA-457 A-G of the 2001 Residential Energy Consumption Survey, tbl.CE1-2c, [available at](http://www.eia.doe.gov/emeu/recs/recs2001_ce/ce1-2c_construction2001.html) http://www.eia.doe.gov/emeu/recs/recs2001_ce/ce1-2c_construction2001.html (last visited July 5, 2007).

⁶ Marilyn A. Brown, Frank Southworth, and Therese K. Stovall, [Towards a Climate-Friendly Built Environment 2](#) (Pew Ctr. on Global Climate Change Report, 2005), [available at](http://www.pewclimate.org/docUploads/Buildings_FINAL.pdf) http://www.pewclimate.org/docUploads/Buildings_FINAL.pdf.

⁷ *Id.* at 3.

⁸ California Energy Commission, [2005 Building Energy Efficiency Standards: Residential Compliance Manual 1-4](#) (2005), [available at](http://www.energy.ca.gov/title24/2005standards/residential_manual.html) http://www.energy.ca.gov/title24/2005standards/residential_manual.html.

⁹ To be precise, this growth occurred between April 1, 2000 and July 1, 2006. U.S. Census Bureau, California QuickFacts, [available at](http://quickfacts.census.gov/qfd/states/06000.html) <http://quickfacts.census.gov/qfd/states/06000.html> (last visited July 5, 2007).

¹⁰ California Energy Commission, [2005 Building Energy Efficiency Standards](#), *supra* note 12, at 1-4.

¹¹ *See id.* at 1-6.

¹² The 2001 figures include only those housing units built and occupied by the April-August 2001 period when data collectors conducted household interviews. Energy Information Administration, Office of Energy Markets and End Use, Forms EIA-457 A-G of the 2001 Residential Energy Consumption Survey, tbl.CE1-6.2u & n.2, [available at](http://www.eia.doe.gov/emeu/recs/recs2001_ce_pdf/enduse/ce1-62u_sqft_useind2001.pdf) http://www.eia.doe.gov/emeu/recs/recs2001_ce_pdf/enduse/ce1-62u_sqft_useind2001.pdf (last visited July 5, 2007).

¹³ *Id.* at tbl.CE1-6.2u.

¹⁴ [Marina Station Specific Plan](#), *supra* note 1, at 5-3.

homebuyers subject to the availability of appropriate credit programs. This could supply approximately 70 to 80 percent of each home's electricity (provided that the January 2006 subsidy and tax credit program remains in effect and the homebuyer chooses solar).¹⁵ Energy-efficient appliances will be installed in every single-family home, including high-efficiency clothes washers (known as "front loading" or "horizontal axis" washers), high-efficiency dishwashers, and energy-efficient light fixtures. Finally, home purchasers will have a series of options to upgrade, at a reasonable cost, to even more efficient products, which may include light fixtures of dimmable compact fluorescent lamps with occupancy controls, higher efficiency HVAC equipment, solar water heating, larger photovoltaic systems, and low-voltage exterior lighting.¹⁶ Together, these features will enable proposed homes to be more energy efficient. In addition, the Marina Station project will prohibit the use of wood-burning fireplaces and stoves, which is likely to result in fewer greenhouse gas emissions than other new homes (and older homes). Burning wood releases large quantities of CO₂ into the atmosphere; forests that are cut down and burned account for about 20% of all greenhouse gas emissions globally.¹⁷

III. Residential Filtering Process

By adding new energy-efficient homes into the housing stock, the Marina Station development will enable some of its residents to move out of older, less efficient homes. These old homes will eventually "filter out" of the housing stock entirely, allowing the average energy efficiency of the remaining homes to increase. When new real estate is built in a given region and available housing supply increases, existing real estate eventually "filters out" of the housing stock and is generally razed and replaced with newer homes. By adding new homes in a metropolitan area, builders allow for the abandonment or replacement of the less-desirable housing.¹⁸ These homes are disproportionately old: in 2001, homes built before 1950 left the housing stock at a substantially higher rate than those built later.¹⁹ Given the relative energy inefficiency of pre-1950s-era residences,²⁰ the filtering process effectively substitutes new, energy-efficient homes for old, inefficient ones.

Although the process of demolishing inefficient homes and building efficient ones consumes energy, the increased efficiency over the life of the home far exceeds the energy consumed in construction and demolition. In a standard contemporary American home of 2,450 square feet, 91% of the home's lifetime energy consumption (assuming a 50-year life) occurs during its use, including energy required for maintenance and improvement; only 9% of its energy consumption is attributable to materials production, construction, and demolition.²¹ A study found that for a virtual wood-frame house in Minneapolis, carbon dioxide emissions from demolition and waste disposal would amount to 0.1% of the emissions from

¹⁵ *Id.* at 4-21.

¹⁶ *Id.* at 5-2, 5-4.

¹⁷ Christopher Joyce, "Paying Developing Countries Not to Burn Forests," *NPR.org* (Morning Edition, June 26, 2007), [available at](http://www.npr.org/templates/story/story.php?storyId=11382961) <http://www.npr.org/templates/story/story.php?storyId=11382961>. See also American Forests, Climate Change Calculator, [available at](http://www.americanforests.org/resources/ccf/assumptions.php) <http://www.americanforests.org/resources/ccf/assumptions.php> (last visited June 29, 2007) (also citing the 20% figure and indicating that "burning one ton of wood (approximately one cord of dried hardwood) releases nearly 4000 pounds of carbon dioxide when fully combusted").

¹⁸ Thomas Bier, *Moving Up, Filtering Down: Metropolitan Housing Dynamics and Public Policy 6* (Brookings Institution Ctr. on Urban and Metropolitan Policy Discussion Paper, 2001), [available at](http://brookings.edu/es/urban/publications/bier.pdf) <http://brookings.edu/es/urban/publications/bier.pdf>.

¹⁹ Based on data provided in Paul Winistorfer, Zhangjing Chen, Bruce Lippke & Nicole Stevens, "Energy Consumption and Greenhouse Gas Emissions Related to the Use, Maintenance, and Disposal of a Residential Structure," 37 *Wood and Fiber Science* 128, 131 (2005), [available at](http://www.corrim.org/reports/2005/swst/128.pdf) <http://www.corrim.org/reports/2005/swst/128.pdf>.

²⁰ See Part II of this response.

²¹ Gregory A. Keoleian, Steven Blanchard & Peter Reppe, "Life-Cycle Energy, Costs, and Strategies for Improving a Single-Family House," *Journal of Industrial Ecology*, Spring 2000, at 135, 135-56; [available at](http://www.mitpressjournals.org/doi/abs/10.1162/108819800569726) <http://www.mitpressjournals.org/doi/abs/10.1162/108819800569726>.

energy used for heating, cooling, and structural maintenance.²² Day-to-day energy consumption accounts for most residential carbon emissions.

IV. Local and Global Impacts

Traditional analysis of air quality impacts from new development proceeds from the assumption that all impacts – from vehicles, construction, household uses and other activities – are new and additional. The fact that people who move to the new project will no longer have air quality impacts in the areas in which they formerly resided is rarely considered. Whether or not future residents have formerly lived in the same general area (and should thus be omitted from the analysis) is usually considered too speculative for consideration. Any analysis of whether new development will cause a change in greenhouse gas emissions should involve a netting-out process. Because the impact of greenhouse gas emissions is global, not local, whether a project's impact will be negative, positive, or neutral requires numerous assumptions about former greenhouse gas-emitting activities of the people who will occupy the homes or places of employment. If a person moves from one development whose location, land patterns and climate require substantial vehicle use for commuting and other activities and significant use of energy for heating and/or air conditioning to another development that requires shorter and fewer vehicle trips, more walking and/or biking, and overall less energy usage, the new development may potentially result in a net reduction in global greenhouse gas emissions.

A macro analysis based on empirical demographic data suggests that the overall global warming impacts of new development in California (generally) and Monterey County (specifically) may potentially be more positive than negative. California has a well-documented shortage of housing. Despite a strong economy, California's homeownership rate is the second lowest in the nation; only New York has a lower percentage of homeowners. Only 55.7 percent of California households owned their own homes in 1999, compared to 66.8 percent for the nation as a whole.²³ The addition of new homes in California, and within Monterey County, allows for in-migration that might not otherwise occur. In addition to direct occupancy of new homes by people moving into California (or from other counties into Monterey County), the movement of existing residents frees up their prior residences for potential occupancy by those in-migrating. The greenhouse gas emissions impact of such in-migration is likely to be beneficial. California is 49th out of 50 states in residential energy consumption per capita.²⁴ California also ranks 48th out of 50 states in total energy consumption per capita. (Only residents of New York and Rhode Island consume less energy per capita).²⁵ The change in net global warming impacts from movement of population from certain states can be dramatic; for example, residents of several states produce more than 300% of the greenhouse gas emissions produced by California's residents and more than 200% of the residential greenhouse gas emissions of California residents.²⁶

In addition, in-migration to Monterey County each year is estimated to decrease total global energy consumption from the previous year's level by an amount equivalent to 4.7% of the estimated total annual energy consumption in the County.²⁷ Additionally, in-migration to Monterey County is responsible for an estimated decrease in residential sector energy consumption by an amount equivalent to 6.7% of estimated annual residential sector energy consumption in Monterey County; the analogous figure for the transportation sector is smaller - a 1.1% decrease. This is due to moderate weather in the State and County that allows for less heating and air conditioning usage, resulting in less energy consumption and fewer CO₂ emissions.

²² Winistorfer et al., *supra* note 22, at 128, 133-36.

²³ US Department of Commerce, Bureau of the Census, *Housing Vacancies and Homeownership Annual Statistics*, 1999 (February 10, 2000), Tables 13 and 14, available at <http://www.census.gov/ftp/pub/hhes/www/housing/hvs/annual99/ann99ind.html>.

²⁴ See "Per Capita Energy Consumption, by State."

²⁵ *Id.*

²⁶ *Id.*

²⁷ See "Decrease in Energy Consumption due to In-Migration to Monterey County."

It cannot, therefore, be assumed that a new development in Monterey County will *ipso facto* result in increased greenhouse gas emissions or have a negative impact on global warming. To determine the net change in global warming from movement of people into a new subdivision, one must incorporate a set of variables about where a project's new residents and employees currently live, work, and shop; what percentage of new residents will be from out-of-state or out-of-county; whether movement of people to the new housing will result in occupancy of their former dwellings by people moving from other states; how the energy usage patterns will change once they move homes or change jobs; whether their commutes will lengthen or become shorter; whether they will use public transportation, walk, and bike more or less often; and how much energy they will consume for heating and air conditioning relative to their prior use. There is no accepted methodology for conducting this analysis and no obvious criteria on which to base these assumptions. As such, attempting to accurately quantify the net impacts of a new development on global warming and reach a conclusion as to whether those net impacts are significant and adverse rests largely on speculation about residents' current and future behavioral patterns.

VI. Project Design and "Green Building"

In addition to its location, the design and features of a development project can heavily influence its net global warming impact. As discussed in the Draft EIR and earlier in this discussion, the Marina Station project features a number of sustainable design elements and project elements that are likely to result in use of alternative forms of transportation and lower energy consumption. The project locates new homes near services, workplaces, and recreational areas, thus enabling its residents to work close to their homes and to walk or bike to their jobs and other community destinations. The proposed development also features a pedestrian and bikeway network that encourages the use of these alternate forms of transportation. Additionally, retail, service, and high-density housing uses will be clustered within close walking distance of planned transit facilities, allowing for other simple alternatives to driving.²⁸ Other project elements, such as solar energy systems, will substantially reduce household energy consumption. Other project elements, listed below, will have additional beneficial impacts on energy use:

- Reflective Roofs
- Energy Star Appliances (Dishwasher; Washer/Dryer)
- Fluorescent Fixtures
- Dimmer Switches/Timer Switches
- Dual Pane Windows
- Insulation that exceeds Title 24 requirements by at least 15%
- Hot Water Recirculation
- Use of Recycled Materials
- Use of Sustainable Wood Products

The combination of all of the above elements could reduce energy consumption by as much as 65%.

VI. Conclusions

Empirical analysis of net global warming impacts of new development is not at a stage where reliable conclusions can be drawn. No accepted methodology exists, no thresholds of significance have been officially adopted, and the number and complexity of the variables that require considered in the analysis are currently speculative. The portion of greenhouse gas emissions associated with the project that would truly be "new" on a global scale, rather than simply displaced from one location to another, is not known and cannot be determined without demonstrated and accepted methodologies that adequately consider baseline issues.

²⁸ Marina Station Specific Plan, *supra* note 1, at 5-1 to 5-3.
Marina Station

With regard to this project, demographic analysis, project location, surrounding land use patterns, design, configuration and energy-saving features suggest a potential net positive impact rather than a negative impact. However, the extent of the difference cannot reliably be quantified, nor can any meaningful conclusions be drawn regarding the project's contribution – positive or negative -- to cumulative greenhouse gas impacts.

D2: The City is currently planning for construction of improvements to the interchange at the intersection of Imjin Parkway and Highway 1 in the City. The interchange improvements include three components: 1) interim improvements to the Highway 1 NB off ramp and the Highway 1 SB on-ramp; 2) funding for a CalTrans Project Study Report on improvements to the interchange; and 3) long-term improvements to the interchange to convert the SB Highway 1 off-ramp to become an off-ramp loop at the Highway 1 SB ramp/Imjin Parkway intersection, or its functional equivalent, as determined following completion of the Project Study Report. The specific modifications to the interchange that will be included within the long-term improvements will be determined based upon the Project Study Report. The City recently updated its city-wide Public Facilities Impact Fees (“PFIF”). The updated Development Impact Fee Study was approved by City Council last year with a \$24,750,000 line item to the PFIF for the long-term improvements. The Marina Station project will pay its fair share of the long-term improvements through its payment of the PFIF.

D3: As explained in the Draft EIR on pages 4.13-33 to 4.13-35, the responsibility for funding and implementation of mitigation measures 4.13-14 through 4.13-23 does not rest solely with the City of Marina. The improvements identified in the mitigation are for regional intersections and segments. Therefore, the Transportation Agency for Monterey County (TAMC) also has a responsibility to partially fund these improvements. TAMC is currently updating its traffic impact fee program, and it is uncertain at this time if TAMC will fund its share of the improvements identified within the Draft EIR. The City's traffic impact fee funds the City's share of costs of the improvements within the city boundaries, and the project applicant's payment of said impact fees covers the project's responsibilities towards those improvements. The City's responsibility is only its share of the improvement costs; therefore, it is meeting its obligations as per the policies of the Circulation Element and General Plan.

D4: The results of the Water Supply Assessment are summarized in **4.14 Utilities and Service Systems** of the Draft EIR. A copy of the WSA for the project is attached to this document as Appendix 3. As described in the Draft EIR, both the Urban Water Management Plan and the WSA prepared by the Marina Coast Water District (MCWD), which are incorporated by reference into the Draft EIR, take into account the salt water intrusion and Salinas Valley Water Project (SVWP) issues; the EIR concludes that adequate water is available to serve the proposed project.

The EIR contains substantial information regarding the saltwater intrusion issues in the groundwater basin. It points out that the Salinas Valley Groundwater Basin is experiencing overdraft, with seawater intrusion of about 9,000 acre-feet per year (AF/Y) at its coastal margins affecting portions of the 180-foot and 400-foot aquifer systems (see Draft EIR at page 4.8-2). It also observes that any new wells in or increased extraction from the 180-foot and 400-foot aquifers will continue to exacerbate seawater intrusion. The Draft EIR refers the reader to detailed information regarding the background and history of the condition of the Salinas Valley Groundwater Basin, including the cause and extent of overdraft and seawater intrusion, current and future water needs and trends, and efficacy of alternative mitigation measures contained in the EIR/EIS for the Salinas Valley Water Project. (As noted in the Draft EIR, refer to http://www.mcwra.co.monterey.ca.us/SVWP/DEIR_EIS_2001/index.htm).

The information and analysis in the Salinas Valley Water Project EIR/EIS is expressly incorporated into the Draft EIR at page 4.14-3. Under Public Resources Code Section 21061, information or data that is relevant to the environmental analysis and is a matter of public record or is generally available to the public need not be repeated in the EIR, but may be specifically cited as the source for conclusions stated in the EIR. It is sufficient that such information or data is briefly described and that its relationship to the

EIR is indicated. As set forth in Guideline Section 15150(a), where all or part of another document is incorporated by reference, the incorporated language is considered to be provided in full as part of the EIR text.

As noted in the Draft EIR, there have been no detailed studies or modeling concerning impacts on seawater intrusion rates specifically from increased pumping by the MCWD from the 180-foot and 400-foot aquifers. However, as the Draft EIR points out, the extent of the MCWD's pumping represents a very small fraction of the total pumping from the Pressure Subarea. MCWD operates a monitoring well located between Monterey Bay and MCWD's production wells, which is intended to identify any future seawater intrusion that might subsequently affect the wells located further inland (refer to page 4.8-3). Detection of seawater in the monitoring well would provide advance notice to MCWD to install or reinstate one or more back-up wells further inland, where Monterey County Water Resources Agency (MCWRA) data indicate ample recharge is available, to replace any potential future loss of production capacity (see page 4.8-3, citing Feeney, 2004 and UWMP, 2005). As the Draft EIR notes, there is no evidence of seawater intrusion in the deep aquifer, nor is there evidence that such intrusion will likely occur.

The commenter states that the Draft EIR "fails to adequately assess the viability of the Salinas Valley Water Project," but does not indicate what issues the commenter believes should have been assessed regarding the viability of this project. As the Draft EIR states, funding for the SVWP under a special property assessment in accordance with Proposition 218 was approved by a vote of property owners in a mailed ballot election in 2003, and the MCWRA has secured federal grants to fund analysis of the second phase of the project, which involves supplying a portion of the available surface water to coastal urban water agencies to further reduce pumping in the coastal areas (refer to page 4.14-4). Additionally, as noted in the Draft EIR, the State Water Resources Control Board has been monitoring the MCWRA's ongoing efforts to halt seawater intrusion in the basin and has provided \$1.4 million in funding to the MCWRA for development of this seawater intrusion solution (see page 4.14-4). As discussed in the SVWP, after reviewing the technical documents analyzing the probable effects of the SVWP on seawater intrusion, the SWRCB concluded "that seawater intrusion can be stopped" (refer to page 4.14-4, citing SVWP EIR). However, the Draft EIR also points out that given the lack of full understanding of the relationship between the Salinas Basin as a whole, and the Pressure Subarea in the vicinity of the former Fort Ord, it is uncertain whether this outcome will be achieved at currently expected levels of pumping increases in the coastal margins of the Pressure Subarea (refer to page 4.8-4).

The Draft EIR also notes that MCWRA has acknowledged that the SVWP, as currently constituted, may not halt intrusion in the long run and that additional surface water deliveries into the coastal region through a third phase of the project might be needed. The MCWD intends to participate in this monitoring and evaluation process to assure SVWP modifications are made as necessary to assure that its own water supplies are protected from seawater intrusion (refer to page 4.8-4).



MONTEREY BAY

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

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

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

April 18, 2007

DISTRICT BOARD MEMBERS

CHAIR:
Reb Monaco
San Benito County

VICE CHAIR:
Jerry Smith
Monterey County

Lou Calcagno
Monterey County

Tony Campos
Santa Cruz County

Dennis Donohue
City of Salinas

Doug Emerson
San Benito County Cities

Ila Mettee-McCutcheon
Monterey Peninsula Cities

Elien Pirie
Santa Cruz County

Simon Salinas
Monterey County

Sam Storey
Santa Cruz County Cities

George Worthy
South Monterey County Cities

Mr. Robert L. Borchard, AICP
City of Marina
Development Services Department
3056 Del Monte Avenue, # 205
Marina, Ca 93933

Sent Electronically to: rborchard@ci.marina.ca.us
Original Sent by First Class Mail.

SUBJECT: DRAFT EIR FOR MARINA STATION SPECIFIC PLAN

Dear Mr. Borchard:

Staff reviewed the Draft EIR and submits the following comments:

Natural Gas Hearths / No Wood-Burning Fireplaces or Wood-Burning Stoves

On page 4.3-13, the document states that "No wood-burning fireplaces or wood-burning stoves are included in the proposed project." The URBEMIS calculations included in Appendix C and in Table 4.3-9 corroborate this and also demonstrate that Area Source and Operational Emissions, even with project-included mitigation, exceed thresholds of significance for reactive organic gases (ROG). To ensure that impacts to air quality are reduced and mitigated as much as possible, the District requests that the implication of the statement on page 4.3-13 be added as Mitigation Measure 4.3-7, as follows:

Suggested Mitigation Measure 4.3-7

"The installation or operation of a wood-burning fireplace or a wood-burning stove shall be prohibited in perpetuity on all residential, commercial and industrial properties included in the Marina Station Specific Plan. This restrictive covenant shall run with the land."

Diesel-Powered Equipment: Mitigation Measures 4.3-2 and 4.3-3

The District considers the listed mitigations to be appropriate and would like to be consulted regarding the project-specific configuration of equipment to be used, to ensure that impacts will be mitigated.

E1

E2

Facility Improvement Measures: Mitigation Measure 4.3-4

Inasmuch as page 8 of the On-Road Motor Vehicle Emissions of the URBEMIS calculations (Appendix C) lists specific mitigation measures that are described and quantified (secure bike parking, showers and changing facilities, guaranteed ride-home program, car-sharing services, dedicated employee transportation coordinator, carpool matching program, preferential carpool, vanpool parking), Mitigation Measure 4.3-4 should be written so it can be enforced. Accordingly, the text of the mitigation measure that reads, “...to the extent appropriate for the specific land uses...” should be deleted. The mitigation measure must be specific and enforceable or its quantified reduction in the URBEMIS calculation should be deleted.

E3

500 Foot Setback: Mitigation Measure 4.3-6

Development should be prohibited within 500 feet of the nearest travel lane of Highway 1 until it can be demonstrated that the health risk would be within acceptable levels, not prohibited through a specific date, i.e., 2015.

E4

Construction Impacts

The construction impacts described on page 4.3-17 should reflect the fact that they would be experienced by residents to the south and west of the project site, not to the south and east. In addition, winds move from both the west and east, depending on the time of day and year. This could affect sections of Marina, including Olson School and the residents along Michael Drive, downwind of grading operations.

E5

The mitigation measures listed in Section 4.3-1 (page 4.3-17 of the Draft EIR) do not have control efficiencies close to 90%. Documentation of the 90% efficiency should be included in the Final EIR or the URBEMIS calculations should be revised.

Fort Ord Burns

Burns to remove vegetation in advance of removal of unexploded ordnance were conducted in 2003 and in 2006. Additional burns by the U. S. Army and other agencies are expected in the future, which could raise levels of PM₁₀ in the area.

E6

Estimated Emissions – Significant and Feasibly Mitigable

The DEIR specifies that the project would have significant indirect impacts from operational and area sources during the life of the project. The impacts above District thresholds of significance would be from reactive organic gases (ROG), an ozone precursor pollutant. Lifetime average summer day impacts were found to be 104 lbs. / day above the District threshold of 137 lbs. / day for ROG emissions (equivalent to 19 tons per year). A feasible program, which would fully mitigate impacts, could be selected from a list of programs similar to those being implemented in the region with incentive grants from the District AB2766 grant program. A list of ROG-reducing programs is attached to this letter. The ROG reductions shown in that list are cost-effective at \$40,000 per total weighted ton of all pollutants reduced (including ROG) over the life of the programs.

E7

The District proposes that the City of Marina require the Project Applicant to mitigate the air quality impacts identified in the Marina Station project by funding an incentive grant program. The program would fully mitigate the 19 tons per year of ROG emissions in excess of thresholds for a 15-year period, which would begin with initial occupancy of the project. The incentive grant program could be implemented by the District, the City of Marina, or a third party acceptable to the District.

Suggested Mitigation

The two least-costly programs would replace gasoline vehicles with neighborhood electric vehicles (NEVs) or fund the incremental cost of B99 biodiesel for school buses. Of the two programs, the NEVs would be more cost-effective in reducing ROG and would fully mitigate project impacts through \$6.3 million in incentives for 676 NEVs, to be purchased and operated in the District over 15 years. The NEV incentive grants could be offered as a purchase incentive to prospective purchasers of the homes in Marina Station, at approximately \$4,600 per residential unit. In contrast, biodiesel for school buses would cost \$9.1 million for full mitigation, but could not be implemented until a method is developed to eliminate the increased emissions of NOx associated with use of this fuel. Other feasible, though less cost-effective, mitigations are listed in the attachment.

E7

Thank you for the opportunity to review the document.

Yours truly,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

Attachments: Tables - Marina Station DEIR.xls

Comment Letter
Marina Station Specific Plan DEIR

Marina Station DEIR										N Projects to Fully Mitigate Significant ROG Impacts	
Feasible ROG(VOC) Emissions Reduction Projects										TPY	
Significant ROG Emissions to be Mitigated =										18.96	
ROW	TYPE	Average Grant per Project, incl. 15% Admin.	TPY of ROG reduced	Average Life, years	Cost for 15 yrs of ROG Reductions	For above ROG TPY, 15 yr cost	N Projects Needed	This Many Projects Feasible?			
6	Neighborhood Electric Vehicles (NEVs)	\$3,096	0.03	5.0	\$9,289	\$6,277,622	676	yes			
7	Construct Park & Ride Lots	\$66,515	0.17	12.2	\$81,781	\$9,085,664	111	no			
8	B99 Biodiesel for School Buses [See note]	\$224,515	1.28	5.0	\$673,544	\$9,955,083	15	yes			
9	Vanpool Projects	\$37,558	0.11	8.9	\$63,237	\$10,766,220	170	no			
10	Trip Reduction/ Ridesharing	\$33,931	0.33	1.7	\$308,467	\$17,836,714	58	no			
11	Traffic Signal Coordination	\$328,004	0.94	5.0	\$984,013	\$19,846,350	20	no			
12	CNG vehicles	\$54,000	0.06	12.4	\$65,119	\$21,033,949	323	no			
13	Convert Hybrids to Plug in Hybrids	\$4,000	0.01	5.0	\$12,000	\$29,574,827	2465	no			
14	New Transit Bus Service	\$194,956	1.13	1.3	\$2,193,260	\$36,927,340	17	maybe			
15	New CNG School Bus	\$161,000	0.02	20.0	\$120,750	\$93,679,245	776	no			
16	Cleaner Engine Projects	\$124,080	0.05	7.4	\$251,001	\$101,032,385	403	no			
17	Telecommute	\$36,489	0.06	1.2	\$475,943	\$139,610,668	293	no			
18	New School Bus Service	\$1,678,253	0.22	15.0	\$1,678,253	\$143,607,195	86	no			
19	Class II bike lanes	\$4,015,375	0.37	15.0	\$4,015,375	\$203,976,764	51	maybe			

Notes

TPY = Tons per year of reductions; ROG =Reactive Organic Gases; VOC = Volatile Organic Compounds
 Source: Averages of AB2766 funded projects with ROG (approx equal to VOC) Emissions Reductions, 1998-2007
 CNG School Bus mitigation based on 9 school buses to serve E. Garrison, achieving 0.22 TPY ROG reductions.
 Biodiesel fuel for School Bus not eligible unless 1.28 TPY NOx impact is also mitigated.

SUMMER DAY MARINA STATION EMISSIONS in LBS/ DAY

line	Summer Day URBEMIS Result	TYPE	ROG	NOx	CO	SO2	PM10	NOTES
------	---------------------------	------	-----	-----	----	-----	------	-------

Project Emissions Estimates in DEIR

9	CONSTRUCTION EMISSION ESTIMATES 2007-2011	MITIGATED	1,196	611	807	0.03	54	DEIR Worst case construction impacts
10	SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES: 2020	UNMITIGATED	228	117	1,006	2	261	DEIR
11	SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES: 2020	MITIGATED	221	109	928	2	240	DEIR

Identification of Significant Emissions Impacts

	TYPE	ROG	NOx	CO	SO2	PM10	NOTES
17	DIRECT	1,196	611	807	0.03	54	DEIR
18	INDIRECT	221	109	928	2	240	DEIR
19	MBUAPCD THRESHOLDS. NOx and ROG thresholds are for avg. lbs./day of both direct(construction) and indirect (operational) emissions. PM10 threshold is for worst year construction emissions.						
20	SIGNIFICANT AIR QUALITY IMPACT, LBS./DAY		137	N.a.	N.a.	82	Source: MBUAPCD CEQA guidelines
		104	ROG operational (indirect) emissions exceed threshold. Line 14 - 19 for ROG only.				

Potential Mitigations Which Fully Mitigate the Significant Emissions Impacts

	ROG Lbs./ day	ROG TPY	Life, Yrs.	N Projects	Total Cost [2]
22	Mitigation Program				
23	104	18.96	15	1	
	104	18.96	15	676	\$6,277,622
	104	18.96	15	15	\$9,085,664

Notes

- TPY = Tons per year of reductions; ROG =Reactive Organic Gases; VOC = Volatile Organic Compounds
- 1. Other mitigations include reducing the project scope.
- 2. Incenitive grant cost only, plus 15% Admin. cost of grant programs. Other costs incurred by grantees.
- 3. Units shown are projects to purchase NEVs to replace gasoline or diesel vehicles.
- 4. B99 Biodiesel fuel for School Buses not eligible until 1.28 TPY NOx impact is also mitigated. Units shown are bus fleets, and not all school bus fleets could implement B99 fueling.

Marina Station DEIR

Feasible ROG(VOC) Emissions Reduction Projects

Significant ROG Emissions to be Mitigated =

18.96

TPY

		N Projects to Fully Mitigate Significant ROG Impacts						
		Average Grant per Project, incl. 15% Admin.	TPY of ROG reduced	Average Life, years	Cost for 15 yrs of ROG Reductions	For above ROG TPY, 15 yr cost	N Projects Needed	This Many Projects Feasible?
6	Neighborhood Electric Vehicles (NEVs)	\$3,096	0.03	5.0	\$9,289	\$6,277,622	676	yes
7	Construct Park & Ride Lots	\$66,515	0.17	12.2	\$81,781	\$9,085,664	111	no
8	B99 Biodiesel for School Buses [See note]	\$224,515	1.28	5.0	\$673,544	\$9,955,083	15	yes
9	Vanpool Projects	\$37,558	0.11	8.9	\$63,237	\$10,766,220	170	no
10	Trip Reduction/ Ridesharing	\$33,931	0.33	1.7	\$308,467	\$17,836,714	58	no
11	Traffic Signal Coordination	\$328,004	0.94	5.0	\$984,013	\$19,846,350	20	no
12	CNG vehicles	\$54,000	0.06	12.4	\$65,119	\$21,033,949	323	no
13	Convert Hybrids to Plug in Hybrids	\$4,000	0.01	5.0	\$12,000	\$29,574,827	2465	no
14	New Transit Bus Service	\$194,956	1.13	1.3	\$2,193,260	\$36,927,340	17	maybe
15	New CNG School Bus	\$161,000	0.02	20.0	\$120,750	\$93,679,245	776	no
16	Cleaner Engine Projects	\$124,080	0.05	7.4	\$251,001	\$101,032,385	403	no
17	Telecommute	\$36,489	0.06	1.2	\$475,943	\$139,610,668	293	no
18	New School Bus Service	\$1,678,253	0.22	15.0	\$1,678,253	\$143,607,195	86	no
19	Class II bike lanes	\$4,015,375	0.37	15.0	\$4,015,375	\$203,976,764	51	maybe

Notes

TPY = Tons per year of reductions; ROG =Reactive Organic Gases; VOC = Volatile Organic Compounds
 Source: Averages of AB2766 funded projects with ROG (approx equal to VOC) Emissions Reductions, 1998-2007
 CNG School Bus mitigation based on 9 school buses to serve E. Garrison, achieving 0.22 TPY ROG reductions.
 Biodiesel fuel for School Bus not eligible unless 1.28 TPY NOx impact is also mitigated.

TOW

SUMMER DAY MARINA STATION EMISSIONS in LBS/ DAY

line	Summer Day URBEMIS Result	TYPE	ROG	NOx	CO	SO2	PM10	NOTES
------	---------------------------	------	-----	-----	----	-----	------	-------

Project Emissions Estimates in DEIR

9	CONSTRUCTION EMISSION ESTIMATES 2007-2011	MITIGATED	1,196	611	807	0.03	54	DEIR Worst case construction impacts
10	SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES: 2020	UNMITIGATED	228	117	1,006	2	261	DEIR
11	SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES: 2020	MITIGATED	221	109	928	2	240	DEIR

Identification of Significant Emissions Impacts

	TYPE	ROG	NOx	CO	SO2	PM10	NOTES
17	DIRECT	1,196	611	807	0.03	54	DEIR
18	INDIRECT	221	109	928	2	240	DEIR
19	MBUAPCD THRESHOLDS. NOx and ROG thresholds are for avg. lbs./day of both direct(construction) and indirect (operational) emissions. PM10 threshold is for worst year construction emissions.						
20	SIGNIFICANT AIR QUALITY IMPACT, LBS./DAY		137	N.a.	N.a.	82	Source: MBUAPCD CEQA guidelines
		104	ROG operational (indirect) emissions exceed threshold. Line 14-19 for ROG only.				

Potential Mitigations Which Fully Mitigate the Significant Emissions Impacts

	ROG Lbs./ day	ROG TPY	Life, Yrs.	N Projects	Total Cost [2]
22	Mitigation Program				
23	104	18.96	15	1	
	104	18.96	15	676	\$6,277,622
	104	18.96	15	15	\$9,085,664

Notes

- TPY = Tons per year of reductions; ROG =Reactive Organic Gases; VOC = Volatile Organic Compounds
- 1. Other mitigations include reducing the project scope.
- 2. Incentive grant cost only, plus 15% Admin. cost of grant programs. Other costs incurred by grantees.
- 3. Units shown are projects to purchase NEVs to replace gasoline or diesel vehicles.
- 4. B99 Biodiesel fuel for School Buses not eligible until 1.28 TPY NOx impact is also mitigated. Units shown are bus fleets, and not all school bus fleets could implement B99 fueling.

LETTER E: MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT (MBUAPCD)

E1: The suggested mitigation measure has been added to the text of the Draft EIR. Refer to Section 3, Revisions to the Draft EIR.

E2: Mitigation measures 4.3-2 and 4.3-3 require consultation with the MBUAPCD to select the pollution control technology. The text of these mitigations has been revised calling for consultation on the project-specific configuration of equipment to be used. Refer to Section 3, Revisions to the Draft EIR.

E3: The correction has been made. Refer to Section 3, Revisions to the Draft EIR. Please also see Response E7.

E4: Mitigation measure 4.3-6 has been modified as requested. Refer to Section 3, Revisions to the Draft EIR.

E5: The text on page 4.3-17 has been revised in response to this comment regarding prevailing wind direction and locations of sensitive receptors. Refer to Section 3, Revisions to the Draft EIR. As noted on page 4.3-17, the PM₁₀ analysis conducted for the Draft EIR assumed the worst-case prevailing wind direction and locations of sensitive receptors were assumed to be in worst-case locations (i.e., for PM₁₀ immediately adjacent to the site and downwind in low wind conditions).

In response to the comment regarding control efficiencies of the mitigation measures for fugitive dust emissions during grading and as requested by MBUAPCD in their July 3, 2007 letter, response to comment W1 provides a manual calculation of the reductions to PM₁₀ emissions due to these measures. Based on this calculation, a control measure has been added which limits active grading areas to 11 acres per day. Refer to response to comment W1 and Section 3, Revisions to the Draft EIR.

E6: The text of the Draft EIR has been revised in response to this comment. Refer to Section 3, Revisions to the Draft EIR.

E7: Comment E7 asserts that the project would exceed MBUAPCD's threshold for ROG by 104 lbs per day (or 19 tons per year) and that this impact could feasibly be mitigated by the payment of \$6.3 million into an incentive grant program for 676 neighborhood electric vehicles (NEVs). The comment's statement that the project's ROG impact would be significant is correct, but the statement regarding the extent of the ROG impact is erroneous. Table 4.3-9 of the Draft EIR shows that with project-included mitigation, the project would cause summer operational emissions of up to 221 pounds per day. Subtracting the District threshold of 137 from 221 results in 84 pounds per day, not the 104 pounds per day asserted in the comment. In addition, as stated in the Draft EIR, both the traffic and air quality calculations were made before the project's residential component was reduced from 1,504 units to 1,360 units, so all residential-related traffic and air quality impacts were overstated by approximately 10% in the Draft EIR.

To arrive at a more precise calculation of the ROG and other air quality impacts of the proposed project, the City's consultants have re-run the operational air quality model for the project, using the new (November 2006) version of Urbemis, which was not available when the original analysis was completed in February 2006. The new Urbemis run used the 1,360 residential unit count; corrected an assumption that the project would include drive-through fast food restaurants, which are now expressly forbidden by the proposed Specific Plan; and corrected and updated certain assumptions regarding project-included mitigation measures (e.g., assumptions regarding use of low-VOC architectural coatings and electrical landscaping equipment). The results show that at buildout, the project would exceed the District's 137 lbs per day ROG threshold by 17 lbs per day. These results are attached as an appendix to this Final EIR.

The text of the Draft EIR has been revised and mitigation added to address the ROG impact. Refer to Section 3, Revisions to the Draft EIR.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



RECEIVED

April 19, 2007

APR 23 2007

Robert Borchard
City of Marina
3056 Del Monte Boulevard, Suite 205
Marina, CA 93933

STRATEGIC DEVELOPMENT CENTER *pdf*

RE: Marina Station, SCH# 2005061056

Dear Mr. Borchard:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the City be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Any project that includes a modification to an existing crossing or proposes a new crossing is legally required to obtain authority to construct from the Commission. If the project includes a proposed new crossing, the Commission will be a responsible party under CEQA and the impacts of the crossing must be discussed within the environmental documents.

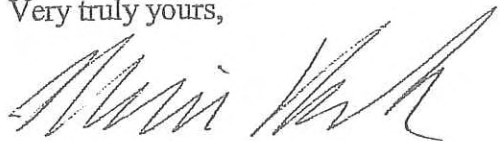
Of specific concern is the lack of discussion in the document regarding a new at-grade highway-rail crossing on the proposed northern access road. The Commission has discretionary permitting authority over any new highway-rail crossings. The EIR does not mention this fact in Section 3.4; "Required Permits and Approvals". There is no discussion within the document as to how the development will proceed if the Commission does not grant authority to construct the new highway-rail crossing, which is likely since the Commission has a policy of not allowing new at-grade heavy rail crossings.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the City.

F1

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles". The signature is fluid and cursive, with a large initial "K" and "B".

Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Debbie Hale, Transportation Agency for Monterey County

LETTER F: PUBLIC UTILITIES COMMISSION

F1: Currently, there is no active traffic on the rail line through the project site. TAMC and the City of Marina are exploring a bus rapid transit system along the rail right-of-way within the City limits and no future rail use is planned. The bus service is expected to operate similarly to a train in that it would provide uninterrupted travel between stops. Appropriate safety measures would be provided by TAMC along the bus rapid transit line, including pedestrian barriers. The City of Marina will work with TAMC to ensure that the Del Monte Boulevard/Marina Greens Drive and Del Monte Boulevard/Beach Road intersections are compatible with proposed bus rapid transit uses and signalized with preemption for bus service.



MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT

P.O. Box 1031
700 Pacific Street
Monterey, CA 93942-1031

(831) 645-1227
(831) 649-3130 FAX
www.mpusd.k12.ca.us

Tom Woodruff, Chief Business Officer twoodruff@mpusd.k12.ca.us

April 20, 2007

RECEIVED

APR 24 2007

Mr. Bob Borchard, Project Manager
City of Marina Development Services Department
3056 Del Monte Avenue, Suite 205
Marina, California 93933

STRATEGIC DEVELOPMENT CENTER *PL*

RE: Comments on Draft EIR for Marina Station

Dear Mr. Borchard,

The Monterey Peninsula Unified School District submits the following comments on the Marina Station Draft EIR. As noted in the Draft EIR, the project is not currently within the Monterey Peninsula Unified School District. It is expected that the project will be annexed to this District in the near future so that the entire City of Marina will be in one school district. Therefore, comments are presented regarding impacts on the Monterey Peninsula Unified School District.

- 1. Please clarify status and possibility of changes to the draft Airport Comprehensive Land Use Plan for the Marina Municipal Airport that may affect Olson School (see page 4.7-3). | G1
- 2. Any change to the General Plan regarding school sites on Armstrong Ranch (see pages 4.9-19) must clearly state that future development plans on portions of the Armstrong Ranch not in Marina Station may require one or more school sites, depending on future plans. | G2
- 3. Please clarify how the City will apply "Conditionally Acceptable" noise standard (page 4.10-4) at schools. Is there a formal process to grant the conditional approval for noise sources exceeding the 60 dBA standard? | G3
- 4. The Draft EIR states that a change in pavement type may reduce noise on adjoining properties (page 4.10-17). The EIR should expand discussion whether this would provide a meaningful improvement in noise from Beach Road adjacent to Olson School. | G4

5. School impacts (page 4.12-1):

- a. MPUSD now has four high schools, including Central Coast Continuation High School. Marina High School opened in fall 2006.
- b. Page 4.12-2 of the Draft EIR should be revised to show current 2006-07 enrollment of 11,205 students. This should replace the 2004-05 information shown in the Draft EIR.
- c. Page 4.12-2 of the Draft EIR should be revised to show available District capacity for 11,305 students. Additional facilities will be needed, particularly in the Marina area, to accommodate students from new development.

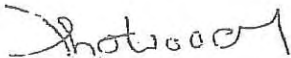
G5

6. Please clarify whether a stop sign or other changes will be recommended to Beach Road at the intersection of Michael Drive/Begonia Circle (see page 4.13-26).

G6

If you have any questions regarding this letter, please contact me at (831) 645-1227.

Sincerely,



Thomas Woodruff
Chief Business Officer

TW/apb

LETTER G: MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT (MPUSD)

G1: The commenter raises a question that does not pertain to environmental impacts of the project. As discussed in the response to Comment H2, below, consideration and mitigation of school impacts under CEQA is strictly prescribed by statute, and the Draft EIR's evaluation of school impacts adheres to those limitations. The scope of the review under the Draft EIR does not extend to evaluation of the impacts of revisions to the Airport Comprehensive Land Use Plan (ACLUP) on Olson School. As indicated in the Draft EIR, to comply with the safety compatibility zones for general aviation airports established by the Caltrans Division of Aeronautics, the 2006 ACLUP modifies and increases the airport area safety zones (as shown in 4.7-3). These safety zones are based on the future runway length identified in the 1996 ACLUP (5,240 feet) as well as the most recent airport standards and aviation forecasts. The specific changes to the ACLUP are discussed in Section 4.7 of the Draft EIR and are reflected in the ACLUP itself.

The Marina Station Specific Plan and the amendments to the City General Plan and zoning were referred to and reviewed by the Monterey Airport Land Use Commission and approved at its meeting of April 24, 2007. The Commission expressly approved the use of 2006 ACLUP in making planning and land use decisions regarding the project. It is the City's intention to use the updated 2006 ACLUP information as guidance for the review of new development in the airport safety zones and located within the Marina City limits and its General Plan. The City does not have jurisdiction to determine how the changes to the ACLUP may specifically affect the Olson School. Those determinations are made principally by the school district in consultation with, the California Department of Education and the California Department of Transportation, Aeronautics Program, Office of Airports.

G2: The commenter requests a statement concerning future development on portions of Armstrong Ranch outside of Marina Station and the need for one or more school sites. The proposed redesignation of the three school sites currently shown on the project site is based upon a number of factors, including a change in the plans and requirements of the MPUSD, revisions to airport safety standards that prohibit schools within airport safety zones, and other planning considerations. It is not intended to increase or decrease the mitigation for school facilities impacts of the project, and is not analyzed as an environmental impact under CEQA. See also Responses to Letter H.

G3: Noise standards contained in the General Plan apply to new noise sensitive uses planned in areas adjacent to noise sources such as arterial roadways, railroads, airports, commercial and industrial areas, etc. With the operation of the project, the noise exposure at Olson School is calculated to be 65 dBA L_{dn} at a distance of 30 feet from the center of the roadway and 60 dBA L_{dn} at a distance of 80 feet from the center of the roadway. There are no noise-sensitive exterior use areas or offices or classrooms located within 80 feet of Beach Road. The nearest building is located approximately 90 feet from the center of Beach Road and would be exposed to future noise levels that would be considered "Normally Acceptable" for schools. The area reserved by the project for expansion of Olson School is not expected to be exposed to noise levels in excess of the acceptable level of 60 dBA L_{dn} .

For school or other noise sensitive facilities subject to noise exposures exceeding 60 dBA L_{dn} (i.e., in the "conditionally acceptable" range), the City applies conditions to the building or other applicable permit requiring preparation of an acoustical study and implementation of identified noise abatement measures.

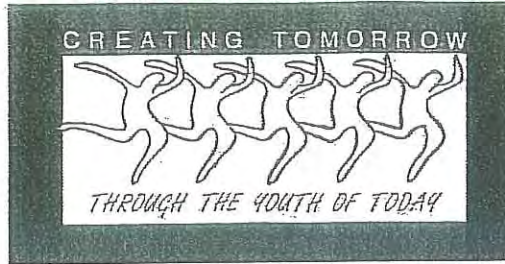
G4: Case studies have shown that the replacement of dense grade asphalt (standard type) with open-grade or rubberized asphalt can reduce traffic noise levels along residential-type streets by two to three dBA.²⁹

²⁹P. Donovan, "Reducing Traffic Noise with Quieter Pavements," NOISE-CON 2005, Minneapolis, Minnesota, October 2005; P. Donovan, "Pavement Rehabilitation and Traffic Noise Reduction along an Arterial Street," NOISE-CON 2004, July 2004; P. Donovan and B. Rymer, "Quantification of Tire/Pavement Noise: Application of the Sound Intensity Method," 33rd International Congress and Exposition on Noise Control Engineering, Prague, Czech Republic, August 2005.

(These studies are available at the City of Marina Community Development Department.) A possible noise reduction of two dBA would be expected using conservative engineering assumptions. The expected noise benefit provided by “quiet pavement” would reduce the overall increase in noise levels along Beach Road near Olson School to less than two dBA L_{dn} . The mitigation would not provide a meaningful improvement in existing noise levels, but rather would reduce future noise levels to within two dBA L_{dn} of existing levels. The overall increase in noise levels, assuming the implementation of mitigation, would not be perceptible to most people.

G5: The text of the Draft EIR has been revised to reflect the information provided in this comment. Refer to Section 3, Revisions to the Draft EIR. Additional facilities would be funded under Government Code section 65996, whereby authorized development fees are deemed to be full and complete mitigation of impacts to school facilities (see also Response H2).

G6: Operations would remain within the City of Marina’s overall level of service (LOS) standard of D and side-street operations would also continue to operate at acceptable levels at the Michael Drive/Beach Road intersection. Therefore, no improvements are required for this location.



NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT

DISTRICT OFFICE • 8142 MOSS LANDING ROAD • MOSS LANDING, CALIFORNIA 95039-9617 • (831) 633-3343

April 23, 2007

Robert L. Borchard, AICP
Project Manager, Marina Station
Development Services Department
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Dear Mr. Borchard:

Please consider this correspondence the response of the North Monterey County Unified School District (NMCUSD) to the Draft Environmental Impact Report (DEIR) for the Marina Station Specific Plan.

We consider the DEIR to be incomplete, inaccurate and out of compliance with CEQA requirements for the reasons set forth below.

1. The Wrong School District Was Consulted in Preparation of the Draft EIR.

Section 7.2 of the DEIR lists persons and agencies contacted in the preparation of the document. The list includes a representative from the Monterey Peninsula Unified School District (MPUSD). NMCUSD was not contacted by the preparers of the DEIR. The DEIR discussions concerning school issues all appear to be based upon input and data from MPUSD. Because the project is located in NMCUSD, not MPUSD, the failure to obtain input from NMCUSD and the reliance upon input and data from the wrong school district constitutes a basic flaw in the DEIR.

H1

NMCUSD was informed in August 2006 that the City of Marina had just learned that the Marina Station Project (Project) was located in the territory of NMCUSD. For several years prior to that time, development of the Project plans had proceeded under the mistaken belief that the Project was located within the boundaries of MPUSD.

After learning of this mistake, City of Marina officials approached NMCUSD officials and requested that NMCUSD petition for a transfer of its territory, located north of the City of Marina, to MPUSD. NMCUSD considered this request, and for a number of reasons denied it. A letter from NMCUSD Superintendent Carolyn Post to Marina City Manager Anthony Altfeld confirms this, a copy of which is attached as Exhibit A to these comments.

Rather than accepting the fact that the Project is located in NMCUSD, the City of Marina has continued its efforts to change the territorial boundaries of NMCUSD and MPUSD. Hostile territory transfers forced upon school districts by property owners have never succeeded in Monterey County, and are extremely rare in the rest of the State. School district boundaries are simply not re-drawn every time a land owner, or, as here, a city, wants to switch school districts in order to achieve some perceived benefit for its development. For the City of Marina to base its DEIR school analysis on the slim chance that it may some day successfully engineer a hostile school district territory transfer is irresponsible and renders the DEIR analysis of all issues relating to schools meaningless.

H1

2. The Student Generation Data Provided by MPUSD is Inapplicable to North Monterey County and Well Below Actual Rates.

The student generation data provided by MPUSD and based upon MPUSD's experience with developments in MPUSD is not applicable to the Project because the Project is situated in NMCUSD. The DEIR notes that "no school sites have been requested by MPUSD from the Marina Station Project" (page 4.12-2). The DEIR also notes that for MPUSD, currently, "there is excess capacity for new students" (page 4.12-2). Finally, the DEIR recites student generation data provided by MPUSD, which is substantially lower than what NMCUSD is projecting for developments in its school district. The DEIR fails to make the logical connection between these points, which is clear to those familiar with how public schools are typically funded and built. Having "excess capacity" usually means that the State will not provide the funding to build a new school. School districts with excess capacity must first use up that capacity before receiving funding for a new school. One possible reason that MPUSD is not requesting a new school for the Project is that it would not likely get any State funding for it. Without State funding, MPUSD would have to rely on other more speculative sources of funding, such as a local bond measure. Regardless of MPUSD motivations, the DEIR should not have relied upon their input to begin with given that the Project is not in MPUSD.

H2

The relevant student generation rates for development in NMCUSD which should have been relied upon in the DEIR are as follows:

The NMCUSD has a current enrollment of 4,698 Kindergarten-12th grade students (October 2006 CBEDS). The NMCUSD operates four elementary schools, one middle school, one high school, and one continuation high school. The NMCUSD facility capacity analysis prepared for the 2007 NMCUSD Facility Master Plan demonstrates the total K-12 facility capacity of the District to be 4,960. Facility capacities compared to 2006-2007 enrollments indicate all schools in the NMCUSD, with the exception of the North Monterey County High School, are operating above their facility capacity with no room to house new students.

Table 1. NMCUSD Facility Capacity Compared to 2006-2007 Enrollments

Grade Level	Capacity	2006-2007 Enrollment	Unhoused Students
K-6	2,329	2,386	57
7-8	579	649	70
9-12	2,052	1,497	0
Total	4,960	4,532	127

H2

*Source: NMCUSD 2007 Facility Master Plan
 Figures do not include students enrolled in Independent Study.*

As outlined in Table 1, there is currently no excess capacity at K-6 and 7-8 grade levels and projections indicate an increase of students at all grade levels, further impacting NMCUSD facilities. Therefore new K-8 facilities will be needed to house students from new residential development, including accommodating students generated from the Marina Station Project. The North Monterey County High School is currently under capacity and is projected to remain under capacity through 2016-17.

To accurately forecast the potential students generated by this project, NMCUSD student generation rates were applied to the housing types outlined in the Marina Station Project Specific Plan, as provided in information obtained from the developer of the project. The student generation factors, types of housing units and estimated students by grade group are outlined in Table 2.

Table 2 demonstrates that there will be a total of 487 K-6th grade students generated; 116 7-8th grade students generated; and 282 9-12th grade students generated.

Table 2. NMCUSD Facility Capacity Compared to 2006-2007 Enrollments

	Number of Units	Grade Level	Student Generation Rate	Number of Students Generated
Single-Family Residential	576	K-6	0.326	188
	576	7-8	0.067	39
	576	9-12	0.192	111
Total			0.585	338
Multi-Family Residential	377	K-6	0.241	91
	377	7-8	0.052	20
	377	9-12	0.078	29
Total			0.371	140
Low-Income/BMR	407	K-6	0.511	208
	407	7-8	0.140	57
	407	9-12	0.349	142
Total			1.000	407
Total Students Generated				885
Total K-8 Students Generated				603

H2

Based on the 603 K-8 students to be generated from the Marina Project, the NMCUSD will need, at minimum, a ten usable acre site within the proposed project area. Upon designation of the school site, the NMCUSD will commence the site approval process with the California Department of Education.

3. The Proposed Specific Plan Eliminates Previously Zoned School Sites on Armstrong Ranch Leaving Zero Space Zoned for a New Elementary School.

The existing general plan governing Armstrong Ranch, in which the Project is located, includes zoning for three school sites. (General Plan secs. 2.92-95.; DEIR Table 4.9-14.) The City's proposed specific plan for the Project eliminates zoning for these three school sites. The City, therefore, is not simply neglecting to zone for a new school site, it is actively seeking to eliminate the existing zoning for three new school sites on the Armstrong Ranch.

H3

4. The Original Marina Station Project Plans Included a New School Site—Which the City Inexplicably Eliminated.

According to CEQA guidelines, project alternatives must be considered. The original plans for development submitted by the developer of the Project to the City of Marina included land set aside for construction of a new school. Major land developers in the State of California are typically very aware of the need for schools which arise with new housing construction, and will set aside land in their planning for that purpose. The City of Marina, however, apparently requested that the school site be removed from the plan and be replaced with additional residential development. The only apparent benefit to the City from preventing land within the Project from being dedicated to a new school site would be in maximizing tax revenue for the City. A public school district does not pay property tax on the land dedicated for a public school, nor does a public school generate any of the other tax revenue that businesses generate for municipalities. There is, accordingly, a financial gain to the City of Marina from eliminating a school site from the Project. This financial gain for the City, however, should be weighed against negative environment impacts from not setting land aside for a school, including traffic, education and quality of life issues.

H4

5. The Nearby Marina Airport Does Not Preclude Construction of a School in The Project.

The majority of the land in the Project is outside any existing airport safety zones, as shown in both the existing 1996 ACLUP Marina Airport Safety Zones map (DEIR figure 4.7.2), and the proposed 2006 Draft ACLUP Marina Airport Safety Zone map (DEIR figure 4.7.3). Failure to zone for a new school site cannot, therefore, be attributed to the proximity of the Marina Airport to the Project, unless a formal determination is rendered by the California Department of Transportation, Division of Aeronautics.

H5

6. The DEIR Never Considers the Alternative of Zoning for a New School to Serve the Pupils Residing in the 1360 Homes.

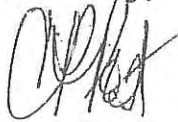
The DEIR considers several alternatives to the Project in its analysis. It does not, however, include consideration of an alternative to the Project which would zone sufficient land for a new school site. As a result, the DEIR fails to sufficiently consider alternatives to the Project as proposed.

In the summary of significant environmental impacts and mitigation (Table 2-1 page 2-17) the report indicates that the level of significance is reduced to less-than-significant since developer fees shall be paid and two acres shall be reserved for expansion of the existing Olson School, which, like the Project area, is also physically located in NMCUSD, although it serves students from MPUSD. This mitigation measure does not reduce the level of impact to less-than-significant since the NMCUSD needs a minimum of ten usable acres as a school site in the project area.

H6

We request that the DEIR be amended to address the comments made and issues raised in this letter, and that all references to the speculative issues regarding the transfer of territory from NMCUSD to MPUSD be deleted from the DEIR.

Sincerely,



Carolyn Post
Superintendent, NMCUSD

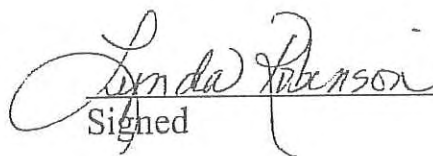


North Monterey County Unified School District

DISTRICT OFFICE • 8142 MOSS LANDING ROAD • MOSS LANDING, CALIFORNIA 95039-9617 • (831) 633-3343

Monday, April 23, 2007

I have received a copy of the Response to the North Monterey County Unified School District Draft Environmental Impact Report for the Marina Station Specific Plan.

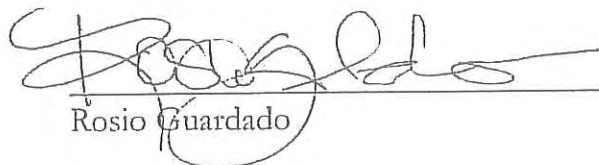

Signed

4-23-07
Date/Time

4:43 pm

Delivered to:
211 Hillcrest Avenue
Marina, CA 93933

Delivered By:


Rosio Guardado

04-23-07
Date/Time

04:40 pm

LETTER H: NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT (NMCUSD)

H1: The Draft EIR clearly identifies the project's location within the NMCUSD service area on page 4.12-6. At the time that the Draft EIR was prepared, it was assumed that the project site would be transferred to the Monterey Peninsula Unified School District (MPUSD); thus, the MPUSD was the party consulted regarding school facilities. As evidenced in the NMCUSD's comment letter, the NMCUSD was contacted regarding transfer of the property and is presently included as a consulting agency through the EIR public review process. The school territory transfer issue is addressed further in the responses below.

H2: The Draft EIR assumed that the project site would be transferred to the MPUSD prior to project development; therefore, data provided by MPUSD was used to evaluate schools. Information regarding school enrollment, capacity, etc. from the MPUSD has been updated in accordance with information provided in their comment letter (Letter G). The text of the EIR has also been updated to include the NMCUSD school data (refer to Section 3, Revisions to the Draft EIR).

The analysis of the student generation data is included in the Draft EIR by way of background information, and not as a means of determining the specific mitigation for school impacts, either upon the need for new schools or the need for school sites. As discussed below, consideration and mitigation of school impacts under CEQA is strictly prescribed by statute, and the Draft EIR's evaluation of school impacts adheres to those limitations.

In November 1998, California voters passed Proposition 1A, a \$9.2 billion statewide school bond measure. Proposition 1A was linked to legislation enacted in 1998 (SB 50) that significantly limited the application of CEQA to consideration of school impacts and mitigation. Government Code sections 65995-65998, part of SB 50, collectively provide that payment of school impact fees by new development is the exclusive means of "considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property" (§65996(a)). The legislation further provides that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (§65996(b)).

Government Code section 65996(a) clarifies that analysis of school impacts under CEQA is limited to consideration of payment of school fees. It states "Notwithstanding Section 65858,27 or [CEQA], or any other provision of state or local law, the following provisions [discussed below] shall be the exclusive methods of considering and mitigating impacts on school facilities that occur or may occur as a result of any legislative or adjudicative act . . . involving, but not limited to, planning, use or development of real property . . ." The "exclusive methods" of considering and mitigating impacts are:

- (1) Education Code section 17620, which authorizes the imposition of statutorily prescribed development fees by school districts; and
- (2) Chapter 4.7 of Division 1 of Title 7 (sections 65970 and following), a rarely used statute, which requires a study and findings of overcrowding by a school district to support additional developer exactions for interim school facilities, which must be approved by the district with the concurrence of the local agency.

The total amount of school fees imposed under either or both of the above statutes may not exceed the amounts specified in section 65995(b).

Prior to these 1998 enactments, local governments were authorized to exact from new development the dedication or reservation of school sites, construction of new facilities, and expansion or maintenance of

existing facilities, and other mitigation when development involved a legislative act (e.g. adoption of a specific plan or amendment to a zoning ordinance and/or general plan). Thus, analysis of these impacts, and the appropriate mitigation, was frequently conducted under CEQA. This analysis and mitigation was precluded by SB 50 and Proposition 1A.

Under Government Code section 65996, the authorized development fees are deemed to be full and complete mitigation of school facilities. The statute expressly provides that “notwithstanding . . . [CEQA], or any other provision of state or local law . . . a local agency may not deny or refuse to approve” a development on the basis that school facilities are inadequate.

SB 50 and Proposition 1A have, thus, preempted the ability of cities to exercise their police power to mitigate school impacts, and have limited consideration under CEQA to payment of the fees authorized under section 65996. These statutes and constitutional provisions have established a comprehensive system of state funding of school facilities through bond revenue, together with the authorized local fees.

SB 50 authorizes imposition of fees at three levels:

Level 1: This fee is limited by statute to \$2.63 per square foot of residential development and \$0.42 per square foot of commercial/industrial development.

Level 2: This fee is calculated based upon the estimated cost of funding 50% of the cost of new land and school facilities needed to accommodate students from new development. To impose Level 2 fees, the school district must (i) affirmatively participate in the state school facilities funding program established under SB 50 and Proposition 1A; (ii) conduct a school facilities needs analysis that assesses the impact of development and the cost of new facilities; and (iii) satisfy two of four statutory requirements (including having a certain percentage of students in year-round schools, use of a specified percentage of portable classrooms, and other mitigation measures). Under the program, the state then provides the other 50% of the cost of land and facilities.

Level 3: If the state no longer has funds available to provide the 50% state match under Level 2, under certain circumstances, a district may levy fees based upon 100% of the estimated cost of providing necessary school facilities.

The NMCUSD currently levies a Level 1 fee, in the amounts specified above (\$2.63 per square foot of residential development and \$0.42 per square foot of commercial/industrial develop). It does not appear to have sought to qualify for imposition of Level 2 fees under the applicable statutes.

The Draft EIR notes that the above-referenced statutes specify “the payment of a school impact fee as the exclusive method of offsetting the effect of new development on the adequacy of school facilities” (see page 4.12-7). In accordance with this limitation, the Draft EIR provides that the developer shall pay the developer fee established pursuant to the criteria set forth within section 65995. If the project site remains in the NMCUSD, the prevailing developer fee is \$2.63 for residential and \$0.42 for commercial/industrial development.

H3: The proposed redesignation of the three school sites currently shown on the project site is based upon a number of factors, including a change in the plans and requirements of the MPUSD, revisions to airport safety standards that prohibit schools within airport safety zones, and other planning considerations. It is not intended to increase or decrease the mitigation for school facilities impacts of the project, and is not analyzed as an environmental impact under CEQA.

As noted by the commenter, the proposed Specific Plan (and an accompanying General Plan amendment) would eliminate the three school sites from the project site. As stated in the Marina General Plan, the *Marina Station*

designation of school sites (including the two elementary school sites and the middle school site on the project site) was based upon the then-current enrollment projections and projected needs of the MPUSD (refer to General Plan Table 4.9-2 and section 2.92). The sites were designated several years ago, pursuant to the mutual understanding that the current Marina Station site was within the MPUSD, not the NMCUSD. The designation also occurred prior to adoption of the City's Urban Growth Boundary (UGB). Multiple changes in land use and school site planning have occurred, in part due to the UGB adoption. Based on these changes and more recent enrollment projections and other factors (including current school siting plans), the MPUSD has informed the City that it no longer requires any of the school sites identified on the project site. Given this change, as well as the restrictions of the updated ACLUP discussed below, the City proposes to amend the General Plan Land Use Map to eliminate these school sites from the project site.

As reflected in a Memorandum of Understanding re: School Facilities and Financing between the City of Marina and the MPUSD, approved in May 2007, enrollment from new homes is expected to be accommodated through a combination of expanding existing schools and constructing new schools on designated sites. One of the school expansion projects involves the expansion of Ione Olson Elementary School to accommodate an additional 280 students. This expansion will be facilitated by the planned dedication to MPUSD by the project proponent of two acres adjacent to the existing site, as discussed in the Draft EIR. None of the remaining sites (priority or contingency) designated in the MOU are on the project site. Please also refer to Response H2.

H4: Please see Responses H2 and H3.

H5: The General Plan has recognized since the original designation of the sites on Armstrong Ranch that "flexibility is needed in siting the proposed middle school and elementary schools on the Armstrong Ranch property due to aviation safety concerns and that, therefore, the designated sites may be subject to future adjustment" (General Plan, section 2.95). As discussed in the Draft EIR, to comply with the safety compatibility zones for general aviation airports established by the Caltrans Division of Aeronautics, the 2006 ACLUP modifies and increases the airport area safety zones (see Figure 4.7-3 of the Draft EIR). These safety zones are based on the future runway length identified in the 2006 ACLUP (5,240 feet) as well as the most recent airport standards and aviation forecasts. (The specific changes to the ACLUP are discussed in Section 4.7 of the Draft EIR and are reflected in the ACLUP itself.)

The four safety zones identified in the 1996 ACLUP, 1) the runway protection zone, 2) the approach protection zone, 3) the traffic pattern zone, and 4) the overflight protection zone, are shown in Figure 4.7-2 of the EIR. Specific land use policies were developed for each of these zones, and the General Plan designations (including school sites) were based upon the 1996 ACLUP. As indicated on Figure 4.7-2, a portion of the east side of the project site was located within the approach protection zone and a small portion in the north east side of the project was located within the traffic pattern zone (refer to Figure 4.7-2). The 1996 ACLUP prohibited schools, hospitals, daycare centers and other sensitive uses within the approach protection zone and the traffic pattern zone (1996 ACLUP, §2.2.4). Under the General Plan, no school sites were located within these zones on the project site.

In 2002, the Caltrans Division of Aeronautics standards were changed, as reflected in the "California Airport Land Use Planning Handbook" (2002 Handbook). The ACLUP was updated in 2006 to conform to the 2002 Handbook in terms of forecasts, noise modeling software, statewide adopted safety zone methodology and other elements. The changes in the ACLUP have altered the permissible land uses on the Marina Station site. Specifically, the extension and reconfiguration of the Outer Safety Zone (Safety Zone 3) and the Traffic Pattern Zone (Safety Zone 6) have substantially reduced the areas on the site suitable for school site use. Under the 1996 CLUP, approximately five percent of the site was within the Traffic Pattern Zone. Per the 2006 CLUP, over half of the project site is within the Traffic Pattern Zone, including most of the easterly portion of the site (east of Del Monte) on which the school sites were designated. The ACLUP states that that uses such as schools and daycare centers should be avoided in

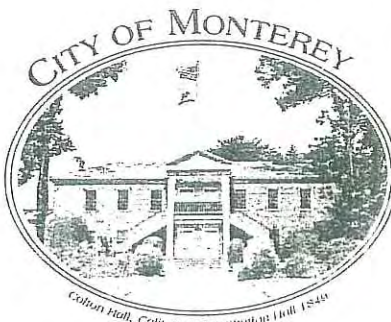
this zone. Additionally, the ALUC, in its decision approving the Marina Station specific plan and related land use changes on the basis of the 2006 ACLUP, expressly stated that “Development within the Specific Plan area that is located within the Airport Safety Zones identified on Figure 5-1 shall be limited to the land uses identified by the California Airport Land Use Planning Handbook, January 2002 edition (Tables 9B and 9C) for each specific safety zone.” The Airport Land Use Planning Handbook states that siting of schools within the Traffic Pattern Zone should be avoided “unless no feasible alternative is available” (Planning Handbook, p. 9-45, January 2002).

Based on these considerations, as well as those discussed in Response H3, the City determined that the school sites originally designated on Armstrong Ranch were no longer appropriate and proposes to amend the General Plan to redesignate these sites.

As pointed out by the commenter, the proposed siting of schools near airports must be reviewed and approved by the State Department of Transportation (Department). The Department investigates and makes a formal decision regarding a proposed school site after receiving a written notice from the State Department of Education that includes a scaled map accurately depicting the location and boundaries of the proposed school site relative to any airport runway. The Department's investigation must consider factors such as comments relevant to the proposed site acquisition received from the airport land use commission having jurisdiction, the local planning commission having jurisdiction, and other public entities; existing and forecast aviation activity for each airport runway; location of the proposed school site lies relative to aircraft flight paths and aircraft generated noise; and consistency with an adopted airport land use plan, General Plan, and similar planning documents. Based on this investigation, the Department evaluates whether or not a school in the proposed location would be consistent with the enabling statute's guiding principles of promoting the safety of pupils, comprehensive community planning, and the greater educational usefulness of school sites. The Department must recommend against acquisition of any proposed school site that it determines may not provide an adequate level of safety or non-disruptive noise for students based on aviation safety and aircraft noise considerations at the proposed site. In addition, pursuant to applicable statutes and regulations, the Department may object to the acquisition of a proposed school site that would be within the traffic pattern zone or the outer approach/departure zone (Education Code Section 17215; California Code of Regulations, Title 21, Section 3570). As noted, the entire easterly portion of the site, which includes the three school sites currently shown on the General Plan map, is within the outer approach/departure zone.

Under the same regulations, the Department may also object to a proposed site where an adopted airport land use plan “identifies schools as not normally compatible or not normally recommended.” (§ 3570(d)(2)(B)). As noted above, the 2006 ACLUP states that schools within the outer approach/departure zone should be avoided. Thus, in addition to the change in circumstances and MPUSD school site needs and the restrictions of the 2006 ACLUP, the City's consideration of the appropriateness of retaining the designated school sites on the project site is also influenced by the prospect that the Department of Transportation may object to use of that property for school purposes and the Department of Education may disapprove such use.

H6: As discussed above (see Response H2), California state statutes limit the consideration of school impacts under CEQA to payment of authorized school fees. The Draft EIR's discussion is limited to these considerations. The Draft EIR cannot, and does not, analyze an alternative to the project that would include zoning of sufficient land for a new school site. The need for, provision of, or appropriate location of school sites as mitigation for impacts of development of the project is not an appropriate subject of analysis under SB 50. The commenter's statement that payment of prevailing development fees does not adequately mitigate school impacts is incorrect since Government Code section 65996 provides that authorized development fees are deemed to be full and complete mitigation of school facilities impacts under CEQA as a matter of law.



RECEIVED

MAY 11 2007

STRATEGIC DEVELOPMENT CENTER

May 2, 2007

Mr. Robert Borchard, AICP
Project Manager
City of Marina
Development Services Department
3056 Del Monte Avenue, #205
Marina, CA 93933

RE: Comments on Marina Station Draft EIR

Dear Mr. Borchard,

Thank you for the opportunity to comment on the Marina Station Draft EIR. The project site encompasses 319 acres and will result in the development of 1,360 housing units and 855,432 square feet of non-residential uses. The plan incorporates pedestrian trails, bike trails, and planning for a future rail station. The rail project is innovative and will help ameliorate the Peninsula's long-term regional traffic.

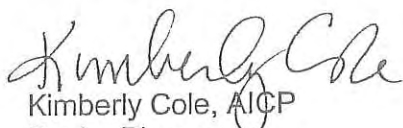
The Draft EIR's Traffic Analysis reports that approximately 610 trips during the a.m. peak and 700 trips during the p.m. peak will head towards the Monterey Peninsula.

The City hired Hexagon Transportation Consultants to review the traffic analysis and evaluate key intersections in our community. As the attached analysis demonstrates, the Marina Station project will contribute to a significant cumulative impact at the following intersections:

- Camino Aguajito and Fremont Street
- Sloat Avenue and Del Monte Avenue

The City of Monterey has feasible roadway improvement projects at these impacted intersections. We request that the Final EIR include appropriate mitigation and fair share contributions towards these improvements. City staff is available to discuss this issue with you. Please feel free to contact me at (831) 646-3759.

Sincerely,


Kimberly Cole, AICP
Senior Planner

KC:mb

- Attachments: 1. Letter from City of Monterey on Notice of Preparation
2. Hexagon Transportation Consultants Evaluation dated April 30, 2007

11



April 30, 2007

Ms. Kimberly Cole
City of Monterey
Community Development Department
Planning Division, Colton Hall
City Hall
Monterey, California 93940

Re: Peer Review of the Transportation Impact Analysis for the Proposed Marina Station Mixed-Use Development in Marina, California

Dear Ms. Cole:

Hexagon Transportation Consultants, Inc. has completed our review of the Draft Environmental Impact Report (DEIR) for the proposed Marina Station Specific Plan in the City of Marina, California. The Transportation Section of the DEIR, which was prepared by Denise Duffy & Associates, Inc., is based on a Traffic Impact Analysis (TIA) report by Higgins Associates, dated December 5, 2006.

Our peer review includes a critique of the analysis scenarios, study methodology, analysis assumptions, study intersections and roadways, data sources, technical accuracy and study conclusions. In particular, the review focused on potential project impacts and possible mitigation measures at transportation facilities within the City of Monterey.

Based on our review, Hexagon concludes that the project trip generation estimates and trip distribution assumptions prepared for the Marina Station project are well founded in that they are based on widely recognized sources and methods. However, the Higgins traffic analysis fails to identify significant traffic impacts at key intersections in the City of Monterey. The traffic impacts could be satisfactorily mitigated by fair share funding contributions to specific intersection improvement projects identified by the City of Monterey.

I2

The following sections discuss our review in more detail.

Project Trip Generation

The attached excerpt from the Higgins report (Exhibit 6A) presents the trip generation estimates for the Marina Station project at buildout.

The project trip estimates calculated by Higgins Associates are based on trip rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation, Seventh Edition*, 2003. The ITE manual does not provide an AM peak-hour trip rate for specialty retail uses. The AM peak-hour trip estimates for this use were based on trip rates compiled by the San Diego Association of Governments (SANDAG). These two sources are the most comprehensive and commonly used references for trip generation rates. The specific ITE land use categories from which the trip

generation rates were obtained accurately portray the proposed mix of uses.

The gross project trip estimates calculated using the published trip rates were reduced by 5% to account for captured trips that would be contained entirely within the proposed mixed-use development. Furthermore, the trip generation estimates for the proposed fast food restaurant and convenience market components of the project also were reduced by 25% and 30%, respectively, to account for diverted trips. The reductions applied by Higgins are reasonable and conservative.

Project Trip Distribution and Assignment

The project trip distribution was developed by Higgins Associates based on origin/destination matrices provided by AMBAG, from its TransCAD regional traffic model. It is believed that this approach provides an accurate representation of the distribution of project trips within the Monterey Peninsula and the surrounding region.

The attached excerpt from the Higgins report (Exhibit 6C) shows the project trip distribution pattern, including a breakdown of project trips with origins or destinations within the City of Monterey. As shown on this exhibit, the Marina Station Project is estimated to attract a notable percentage of trips from or through the City of Monterey at the following gateways to Highway 1:

- Del Monte Avenue (7.5%)
- Fremont Street/Camino Aguajito (7.0%)
- Munras Avenue/Soledad Drive/Pacific Street (6.5%)
- Holman Highway (SR 68) (2%)

I2

Study Intersections

Despite the high percentage of Marina Station trips estimated to traverse City of Monterey roadways, the traffic analysis completed by Higgins does not include an analysis of potential traffic impacts within the City of Monterey. Hexagon evaluated key intersections within the City of Monterey and determined that the Marina Station project would contribute to a significant cumulative impact at the following intersections:

- Del Monte Avenue and Sloat Avenue
- Fremont Street and Camino Aguajito

Our findings are based on year 2025 traffic volume forecasts prepared for the City's General Plan Update. Table 1, attached, presents a summary of the intersection level of service analysis. Intersection level of service calculation sheets are attached.

Both of the above intersections are expected to operate at substandard levels of service (below level of service D) in the year 2025 without the Marina Station project. Based on the project trip estimates and trip distribution information presented above, it is estimated that the Marina Station project would add between 150 and 200 peak-hour trips at each intersection. The additional traffic generated by the Marina Station project would cause the average delay per vehicle to increase by 7.9 to 33.4 seconds above year 2025 base conditions. According to the

Ms. Kimberly Cole
April 30, 2007
Page 3 of 4

standards of significance set forth by the City of Monterey (attached) as well as those established by the City of Marina, this constitutes a significant cumulative impact.

Mitigation Measures

The City of Monterey has identified feasible roadway improvement projects at each of the impacted intersections that would satisfactorily mitigate the impact of the additional traffic generated by the Marina Station project. The Del Monte Avenue widening project would mitigate the impact at the Del Monte/Sloat intersection by adding a third eastbound through lane and an exclusive westbound left-turn lane. The impact at the Fremont/Camino Aguajito intersection would be satisfactorily mitigated by the construction of dual left-turn lanes on the north and south Camino Aguajito approaches.

The City of Monterey is in the process of securing funding for each of the above listed transportation improvements. Neither project is fully funded at this time. The City of Monterey is advised to request fair share funding contributions for these improvements from the sponsors of the proposed Marina Station development.

If you have any questions, please do not hesitate to contact me or Gary Black.

Sincerely,

HEXAGON TRANSPORTATION CONSULTANTS, INC.



Michelle Hunt
Principal Associate

I3

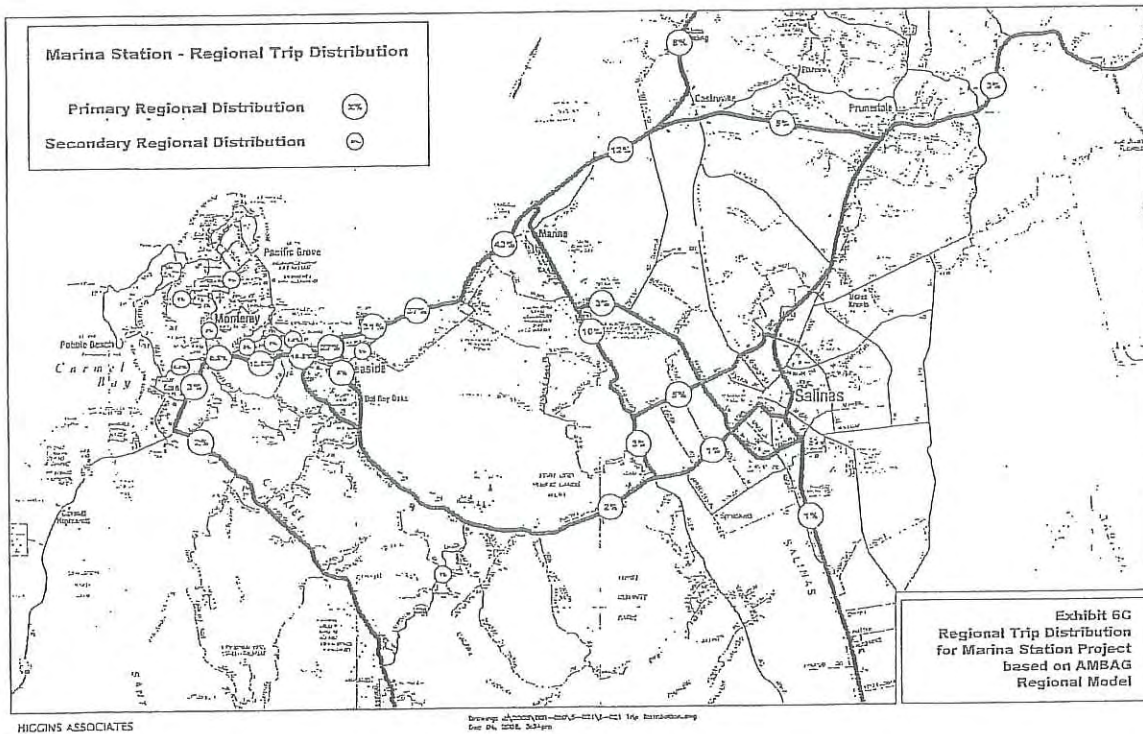
City of Monterey Standards of Significance

The City of Monterey has established Level of Service (LOS) D as the minimum standard for roadway segments that do not adequately serve alternative modes of transportation as shown in Table 2 (attached). On roadway segments that are adequately served by alternative modes of transportation, the City accepts a minimum level of service standard of LOS E and LOS F as shown in Table 2.

The City of Monterey defines the traffic impact study area to be analyzed as all roadway segments where project traffic is expected to increase the existing traffic by two percent or more. The project is said to create a significant adverse impact on traffic conditions if the roadway segment is expected to operate at LOS E or LOS F under cumulative traffic conditions during typical (i.e., non-summer) weekday traffic conditions.

As stated in General Plan Policy j.3, the City of Monterey requires projects to build or fund a pro-rata share toward improvements necessary to mitigate significant traffic impacts.

I3



LETTER I: CITY OF MONTEREY

I1: The intersections recommended for analysis by the City of Monterey are considered regional facilities, due in part to their distance from the project site. With regards to regional transportation facilities, the Draft EIR concluded that “the project would make a cumulatively considerable contribution to significant cumulative impacts at regional transportation facilities outside the project study area” (page 4.13-33.) In response to the City of Monterey’s concerns and peer review, Higgins Associates confirmed the results of the peer-review analysis and confirmed that the project could impact the intersections of Camino Aguajito/Fremont Street and Sloat Avenue/Del Monte Avenue in Monterey. The results are as follows:

- Camino Aguajito/Fremont Street: The project trips would increase delay by 10 seconds causing a significant impact under the existing plus project and the cumulative plus project conditions at an intersection operating at LOS F. (Project contribution is 3.7%.)
- Sloat Avenue/Del Monte Avenue: The project trips would increase delay by 25 seconds, resulting in a significant impact under cumulative conditions by causing the LOS to degrade from E to F. (Project contribution is 4.6%.)

Mitigation has been added to the text of the EIR requiring the project developer to pay to the City of Monterey a fair-share contribution to fund improvements for the impacted intersections. Refer to Section 3, Revisions to the Draft EIR for the details of the mitigation.

I2: See above.

I3: See above.

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
 SAN LUIS OBISPO, CA 93401-5415
 PHONE (805) 549-3101
 FAX (805) 549-3077
 TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>

RECEIVED



MAY - 7 2007

*Flex your power!
 Be energy efficient!*

STRATEGIC DEVELOPMENT CENTER

May 3, 2007

MON-001-78.88
 SCH# 2005061056

Robert Borchard
 City of Marina
 211 Hillcrest Avenue
 Marina, CA 93933

Dear Mr. Borchard:

COMMENTS TO MARINA STATION DRAFT EIR

The California Department of Transportation, District 5, Development Review, has reviewed the above referenced project and offers the following comments.

1. We request the 100-year and 24-hour hydrology and drainage calculations to review prior to approval of the project.
2. Further, we would also like the opportunity to review detailed grading plans (when they are available) that show pre- and post-development topography.

J1

We would appreciate if the above requests (and our subsequent review/approval of the data) were included as part of the conditions of approval for the project. If you have any questions, or need further clarification on the items above, please don't hesitate to call me at (805) 542-4751.

Sincerely,

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

cc: Lyn Wickham (D5)

LETTER J: CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

J1: A preliminary grading plan and 100-year and 24-hour hydrology and drainage calculations are available for review at the City of Marina Community Development Department. Improvement plan level information would be prepared after project approval. If the project is approved, the applicant will be required, as a condition of project approval, to provide detailed grading plans to Caltrans that show pre- and post-development topography.



ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

RECEIVED

MAY 16 2007

STRATEGIC DEVELOPMENT CENTER

May 14, 2007

Mr. Richard Borchard
City of Marina
Development Services Department
3056 Del Monte Boulevard, Suite 205
Marina, CA 93933

Re: MCH# 20070404 – Draft Environmental Impact Report and Supplemental Environmental Impact Report for Project Draft Specific Plan and Environmental Impact Report Marina Station Project

Dear Mr. Borchard:

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

K1

The AMBAG Board of Directors considered the project on May 9, 2007 and has no comments at this time.

Thank you for complying with the Clearinghouse process.

Sincerely,

Nicolas Papadakis
Executive Director

LETTER K: ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG)

K1: The letter states that AMBAG considered the project on May 9, 2007 and has no comments at this time. No response is required.



SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 624-8032

RECEIVED

JUN - 1 2007

STRATEGIC DEVELOPMENT CENTER

May 29, 2007

Robert L. Borchard
City of Marina
3056 Del Monte Boulevard, Suite 205
Marina, CA 93933

Re: Marina Station Draft Environmental Impact Report

Mr. Borchard:

While the Sierra Club appreciates the new urbanism design principles applied to the project to create a pedestrian friendly, mixed use development with integrated parks and greenbelts, we believe it comes at too high a cost due to the lack of accommodation given to sensitive habitats and species, the loss of scenic views from Highway 1, and the dramatic decrease in land originally zoned for Habitat Reserve and Other Open Space, and Parks and Recreation.

L1

Marina's General Plan provides zoning for 96 acres for Parks and Recreation, and an additional 36 acres for Habitat Reserve and Open Space, a total of 132 acres within the project site compared to the 58 acres (20 and 38 acres respectively) similarly identified in the Project Specific Plan. This net loss of 74 acres is unacceptable.

L2

Although the project is adjacent to and not a part of Marina's Coastal Zone, we believe the site to be part of a contiguous coastal habitat that should be afforded the same protection as the habitat it is a part of to the west of Highway 1. The lack of specific planning given to the 51 acres of federally protected Monterey spineflower that would be removed from the site is unacceptable. The lack of planning given to the coastal dune scrub, native grass, and wet meadows that would be removed from the site is unacceptable. Further, any take and replanting of these biological communities would have to be at least at a 2:1 ratio, not the 1:1 ratio called for in the Draft EIR, and not on land already designated and used for coastal habitat preservation. The overall sum of land provided for coastal habitat preservation and restoration must not be reduced. Further, if land is identified for use to replant sensitive plant species at a 2:1 or higher ratio, jurisdictional and funding agreements must be finalized prior to the acceptance of the Project Specific Plan and Final EIR.

L3

However, we are encouraged by the mitigation prospect of a portion of Armstrong Ranch immediately to the north of the project site as a restoration site in combination with the land designated for Phase 8 on the westernmost portion of the project site adjacent to Highway 1. By combining the 50 acres of Phase 8 with an additional 125 acres from adjacent Armstrong Ranch that borders Highway 1 and Lapis Road, a

L4

...To explore, enjoy, preserve and protect the nation's forests, waters, wildlife and wilderness...

175-acre multi-use, passive and active park and habitat preserve could be established. Such a park/preserve could accommodate the replanting of all 51 acres of Monterey spineflower, 33 acres of coastal dune scrub, 21 acres of native grass, and preserve and restore the 2 acres of wet meadow. Additionally the preservation and restoration of the 2 vernal ponds located in this portion of Armstrong Ranch just 1,100 feet from the project's northwestern boundary would provide suitable habitat for any federally threatened California tiger salamanders found within or near the project site. Such a park/preserve also would maintain the scenic character from Highway 1 and possibly improve on it.

Establishment of a 175-acre park/preserve would require change to only the 8th and final phase of the project. The number of housing units that may need to be eliminated by the establishment of such a park/preserve would be just 99 out of a project total of 1,360—just 7 percent. None of the commercial, office, or industrial components of the Marina Station Project would be affected by establishing this park/preserve. This park/preserve would be a great asset for the City of Marina, regional residents, and visitors drawn to Marina's flourishing outdoor recreation activities and businesses.

We believe modification of the Marina Station Project to include the proposed Phase 8 plus Armstrong Ranch, 175-acre park/preserve would transform the project from a development with significant environmental impacts to a model of progressive environmental design complemented by its new urbanism characteristics. To quote the City's Vision Statement, "The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting." This park/preserve would reduce the removal and disruption of protected and sensitive coastal habitat, the loss of scenic resources, and the loss of dedicated park and open space to less than significant. Under these conditions, the Sierra Club would favor the revised Project Specific Plan. Considering the Project Specific Plan in its current form, the Sierra Club favors the no project or reduced project alternatives as identified in Chapter 6 of the Draft EIR.



Steve Zmak
Executive Committee Member
Sierra Club, Ventana Chapter
3200 Crescent Ave., Marina 93933
831-883-4459

cc: Ken Gray, California Parks Department
Mike Watson, California Coastal Commission
Tim Jensen, Monterey Peninsula Regional Parks District
Corky Matthews, California Native Plant Society
Joey Dorrell-Canepa, Beach Garden Project
Laura Lee Lienk, CSU Monterey Bay Watershed Institute, Return of the Natives
Chris Fitz, LandWatch Monterey County

SZ/RD/GT/GB/LR

LETTER L: SIERRA CLUB – VENTANA CHAPTER

L1: This introductory comment summarizes subsequent, more detailed comments. Please see responses below.

L2: If the Marina Station Specific Plan is approved, the land uses identified in the proposed Specific Plan will be inserted into the City's General Plan, replacing the land use designations currently shown for the site. The proposed Specific Plan includes 58 acres of parks and open space. This includes linear parks that will include large portions of undisturbed open space. The current General Plan designates approximately 36 acres within the project site as *Habitat Reserve & Other Open Space* to protect potential vernal pools. However, the biological evaluation for the project did not find any vernal pools on the site and this designation would be eliminated as part of the Specific Plan. The project includes a General Plan amendment to reflect the designation of approximately 58 acres of open space. The project would result in approximately 3,794 residents within the 320-acre project. The provision of 20 acres of parks for these residents (58 acres total of open space) meets the City's standard of 5.3 acres of parkland for every 1,000 residents.

L3: Because the project site is not within the designated Coastal Zone it is treated differently from lands that are within the Coastal Zone. A biological study of the project site was prepared early in the planning process to identify the biological resources within the site. Due to the presence of various biological resources throughout the project site, avoidance was not feasible for the proposed project. As a result, the Draft EIR evaluated impacts to sensitive habitats and special-status species and identified mitigation measures to reduce impacts to a less-than-significant level. Section 4.4 **Biological Resources** of the Draft EIR describes the methods used to evaluate sensitive habitats and special-status species within the site, the definitions of sensitive habitats and special-status species, and the regulatory framework. Specifically, General Plan provision 4.116 requires that impacts to sensitive habitats (here, coastal dune scrub and native grassland but not wet meadow) be mitigated at a 2:1 ratio; the EIR applies this requirement. The 1:1 mitigation ratio for impacts to Monterey spineflower was identified as a matter of professional judgment, based on the amount of low quality habitat within the project site (especially non-native, invasive annual grassland), general success of restoration of Monterey spineflower, and the fact that one of the spineflower's optimal habitats (i.e., coastal dune scrub) is required to be mitigated at a 2:1 ratio. With implementation of identified mitigation, there would be no net loss of sensitive habitat or Monterey spineflower.

The identified mitigation measures for impacts to sensitive habitats and Monterey spineflower require the preparation and approval of restoration and management plans and secured funding for implementation of those plans prior to issuance of any grading permits for the project. Specifying a mitigation site is necessary to the preparation of these detailed plans. CEQA does not require that jurisdictional and funding agreements be finalized prior to certification of the EIR or approval of the project.

The comment asserts that habitat restoration on public lands already designated and used for coastal habitat preservation would be unacceptable as mitigation. It is sometimes the case, however, that the managers of existing habitat lands seek funding for habitat restoration projects on those lands, so that private parties can fund valuable habitat restoration that would not otherwise occur. This is one valid form of natural resources mitigation under CEQA. If habitat restoration in existing habitat areas is not agreed to with the managers of any such areas, then the project sponsor would be required to protect new habitat areas.

L4: The comment proposes a mitigation measure for biological resource impacts that would eliminate development on the 50 westernmost acres of the proposed project site, and combine those 50 acres with 125 acres of Armstrong Ranch property north of the proposed project site, to create a 175-acre multi-use, passive and active park and habitat preserve. Because the Draft EIR identifies mitigation measures that would mitigate all significant impacts of the proposed project on biological resources, additional

mitigation measures are not required. In addition, the City does not have jurisdiction over the 125 acres of Armstrong Ranch north of the project site.

RECEIVED

JUN - 4 2007

STRATEGIC DEVELOPMENT CENTER

MBP, INC.
Monterey Bay Plumbing, Inc.

PO Box 693
Seaside, CA 93955
Phone/Fax# (831)393-9777
License # 828353

May 31, 2007

City of Marina
Strategic Development Center
3056 Del Monte Blvd., Suite 205
Marina, CA 93933
Atten: Doug Yount

Re: Marina Stations Project

Dear Mr. Yount:

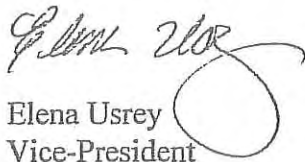
We are future Marina Station Buyers. Our company is growing and we are interested in buying into the Marina Station Project. We recently received a letter from Creekbridge Homes stating that the current estimated delay for our project is 24 months. This delay is due to a finding of California Tiger Salamander eggs. In order to preserve the habitat for these animals we are required to postpone our construction.

I am writing to you to ask if there is any way that this matter can be resolved sooner than the estimated delay of 24 months. We are currently renting an office and shop area in Sand City but are looking forward to owning our own place of business. When we heard of the plans for the Marina Station Project we thought that this would be a great business opportunity for us.

M1

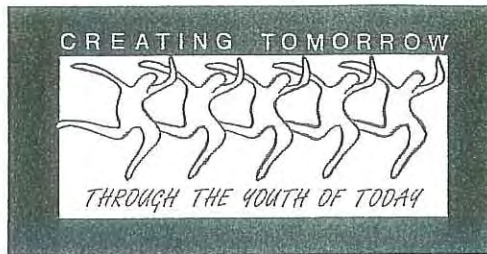
This delay has caused us hardship in that we now are renting from month to month. We do not know how long we will be able to keep renting the building we have in Sand City. We were hoping that the project in Marina would be starting soon, so that we could move our business to your city. I hope this matter can be resolved quickly, as I know that there are many other interested parties who feel the same way we do. Thank you.

Sincerely,


Elena Usrey
Vice-President

LETTER M: MONTEREY BAY PLUMBING, INC.

M1: This letter expresses the hope that the industrial/commercial portion of the proposed project will not be delayed by the discovery of tiger salamanders near the project site. Genetic testing of the tiger salamanders encountered at the nearby agricultural pond determined that the individuals were comprised primarily of non-native genes and the site had been subject to invasion by introduced non-native tiger salamanders. This issue has, thus, become irrelevant. Refer to Section 3, Revisions to the Draft EIR and also Response N1.



RECEIVED

Letter N JUN - 1 2007

STRATEGIC DEVELOPMENT CENTER

NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT

DISTRICT OFFICE • 8142 MOSS LANDING ROAD • MOSS LANDING, CALIFORNIA 95039-9617 • (831) 633-3343

June 1, 2007

Robert L. Borchard, AICP
Project Manager, Marina Station
Development Services Department
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Re: Response to Biological Update to the Draft Environmental Impact Report for the Marina Station Specific Plan

Dear Mr. Borchard:

Please consider this correspondence the response of the North Monterey County Unified School District (NMCUSD) to the Biological Update (Update) to the Draft Environmental Impact Report (DEIR) for the Marina Station Specific Plan. The April 23, 2007 response of NMCUSD to the original DEIR is fully incorporated herein by reference and all of the serious concerns outlined in that response still need to be addressed by the City of Marina.

We consider the DEIR to be incomplete, inaccurate and out of compliance with CEQA requirements for the reasons set forth below.

- 1. No Sites for Construction of a New School Adjacent to Marina Station Can Be Identified Until a Habitat Conservation Plan (HCP) Is in Place Years from Now.**

With the documented presence of a California Tiger Salamander Breeding Site within 2 kilometers of the Marina Station project, the developer will now have to undergo the lengthy process of creating a Habitat Conservation Plan to protect the Tiger Salamander's habitat. Based upon current practices, it is likely that biologists will need to collect data for at least three years to establish to the population size and other relevant factors. During this study and HCP preparation period, any potential development—including construction of a new school site—in the area outside of Marina Station will effectively be halted. Further,

NI

even beginning the school site selection process would not be feasible given the uncertainty over what land, if any, might be permitted in the HCP for construction of a new school.

N1

2. It is Unlikely the HCP, When Completed, Would Permit Construction of a New School Adjacent to Marina Station.

Years from now, when the Habitat Conservation Plan for the Tiger Salamander is completed, it is unlikely that the Plan will allow for construction of a new school site outside of and adjacent to the Marina Station Development. The 2 kilometer radius from the documented breeding site (Updated DEIR Fig. 4.4-2) encompasses the majority of the open land adjacent to Marina Station. It is likely that this undeveloped property will be set aside for the Salamander's habitat. Keeping in mind that the 2 kilometer radius from the breeding site is just an estimate, the sliver of adjacent land beyond the 2 kilometer buffer zone may also be designated as salamander habitat. Even if the far western edge of the development were designated by the HCP as appropriate for a school construction, it would be extremely challenging to get all the necessary approvals for such a project as all of that land lies in the California Coastal Zone and is adjacent to State Highway 1.

N2

As a result, at the end of the long HCP development process, there is very little hope that construction of a new school will ever be built to serve the future residents of Marina Station.

3. The City of Marina Has Made Certain That Elementary Students Will Be Unnecessarily Bussed.

Given the City of Marina's active efforts to remove all new school zoning from Marina Station, the only other alternative to house the Marina Station students in a neighborhood school would be to build one adjacent to the project. With the discovery of the California Tiger Salamander breeding site, this option is no longer realistically feasible.

N3

With the City of Marina blocking any new elementary school, future residents of Marina Station will likely have to be bussed to school. Even if the Olsen School—located in NMCUSD territory but owned and operated by MPUSD—were available to these families, Olsen does not have the capacity. Marina Station is predicted to generate 487 kindergarten through sixth grade students (see NMCUSD Response to DEIR, April 23, 2007). With Olsen already housing 300-400 students, its capacity would be exceeded even if most of its blacktop play areas and fields were converted to accommodate portable classrooms. As a result,

Robert L. Borchard, AICP
Project Manager, Marina Station
June 1, 2007

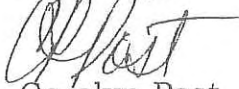
either current Olsen students or future Marina Station K-6 students
would end up being bussed to school.

N3

We request that the DEIR be amended to address the comments made
and issues raised in this letter, as well as the comments made and
issues raised in the April 23, 2007 letter by NMCUSD, and that the City
of Marina cease its ongoing efforts to prevent a new school from ever
being built to serve the future Marina Station residents.

N4

Sincerely,



Carolyn Post
Superintendent, NMCUSD



North Monterey County Unified School District

DISTRICT OFFICE • 8142 MOSS LANDING ROAD • MOSS LANDING, CALIFORNIA 95039-9617 • (831) 633-3343

Friday, June 1, 2007

I have received a copy of the Response to the North Monterey County Unified School District Draft Environmental Impact Report for the Marina Station Specific Plan, dated June 1, 2007.

Lynda Robinson 6-1-07 4:20 pm
Signed Date/Time

Delivered to:
211 Hillcrest Avenue
Marina, CA 93933

Delivered By:

Rosio Guardado 06-01-07 @ 4:20 pm
Rosio Guardado Date/Time

LETTER N: NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT

N1: With authorization from the U.S. Fish & Wildlife Service (USFWS), genetic testing was conducted by Dr. H. Brad Shaffer's genetics lab at the University of California at Davis on the tiger salamanders discovered at the agricultural basin near the project site. The results of the testing concluded that the individuals encountered were comprised primarily of non-native genes and that the site had been subjected to an invasion by introduced non-native tiger salamanders. The USFWS concurred with these findings and concluded that the tiger salamanders using the agricultural basin and the surrounding upland habitat are not afforded protection under the Endangered Species Act. The concurrence letter from USFWS, dated November 1, 2007, is attached (see Appendix 2). Based on this information, the project area is not subject to any HCP requirements and the issues raised in this comment are no longer relevant. Refer to Section 3, Revisions to the Draft EIR for additional details.

N2: As per the above response, the tiger salamander and HCP issues are no longer relevant. See Responses to Letter H and Response N3 regarding construction of new schools.

N3: As indicated in the Draft EIR, the General Plan showed two elementary school sites and one middle school site on the Marina Station site. These sites were designated as potential future school sites in consultation with the MPUSD a number of years ago, pursuant to the mutual understanding that the current Marina Station site was within the MPUSD, not the NMCUSD. The designation also occurred prior to the adoption of the Urban Growth Boundary. Multiple changes land use and school site planning have occurred (in part due to the UGB adoption) and the MPUSD has advised the City that it no longer requires these sites. Other sites considered more appropriate for new elementary and middle schools are now designated within the MPUSD.

In addition, the General Plan has recognized at all times since the original designation of the sites on Armstrong Ranch that "flexibility is needed in siting the proposed middle school and elementary schools on the Armstrong Ranch property due to aviation safety concerns and that, therefore, the designated sites may be subject to future adjustment" (refer to General Plan Section 2.95). As discussed in the Draft EIR, to comply with the safety compatibility zones for general aviation airports established by the Caltrans Division of Aeronautics, the 2006 ACLUP modifies and increases the airport area safety zones (see Figure 4.7-3 of the EIR). These safety zones are based on the future runway length identified in the 1996 ACLUP (5,240 feet) as well as the most recent airport standards and aviation forecasts. The specific changes to the ACLUP are discussed in Section 4.7 of the Draft EIR and are reflected in the ACLUP itself.

The changes in the ACLUP have altered the permissible land uses on the Marina Station site. Specifically, the extension and reconfiguration of the Outer Safety Zone (Safety Zone 3) and the Traffic Pattern Zone (Safety Zone 6) have substantially reduced the areas on the site suitable for school site use. Under the 1996 CLUP, approximately five percent of the site was within the Traffic Pattern Zone. Per the 2006 CLUP, over half of the project site is within the Traffic Pattern Zone, including most of the easterly portion of the site (east of Del Monte Blvd.) on which the school sites were designated. The ACLUP states that that uses such as schools and daycare centers should be avoided in this zone. Additionally, the ALUC, in its decision approving the Marina Station specific plan and related land use changes on the basis of the 2006 ACLUP, expressly stated that "Development within the Specific Plan area that is located within the Airport Safety Zones identified on Figure 5-1 shall be limited to the land uses identified by the California Airport Land Use Planning Handbook, January 2002 edition (Tables 9B and 9C) for each specific safety zone." The Airport Land Use Planning Handbook states that siting of schools within the Traffic Pattern Zone should be avoided "unless no feasible alternative is available" (Planning Handbook, p. 9-45, January 2002).

Based on these considerations, the City determined that the school sites originally designated on Armstrong Ranch were no longer appropriate and is proposing to amend the General Plan to redesignate these sites on the revised General Plan land use map.

N4: Please refer to responses to Comments H1 to H6 and N1 to N3.

Letter O

RECEIVED

JUN - 1 2007

STRATEGIC DEVELOPMENT CENTER

To: City of Marina
Strategic Development Center
3056 Del Monte Blvd. Suite 205
Marina, CA 93933
Attn: Doug Yount

Cc: CreekBridge Homes
2093 Landings Drive
Mountain View, CA 94043
Attn: Robert Bikle

Date: 05/29/2007
Re: Marina Station project delay

Dear Mr. Yount,

We just received the memo about the delay of the Marina Station Project.

Our business has been in Marina for over five years and currently has about twenty employees most if not all from Marina City and a few from Seaside City.

We are looking forward to have our own building in Marina in the last few years and hope to grow along with the City of Marina. The delay will leave us no choice but to relocate our business to somewhere else.

We understand the important of the preservation of our endangered species such as the California Tiger Salamanders but hope that you and your team can find a quick resolution to the salamander issue so the project will not be delayed too long.

Thank you for your consideration.

Sincerely,



INDTEC CORP.
Dungvan Trinh
Owner & CEO.

01

Marina-Station-07

Marina Station

72

Final EIR

LETTER O: INDTEC

O1: This letter expresses the hope that the business portion of the proposed project will not be delayed by the tiger salamander discovery at a nearby site. Please refer to Responses M1 and N1.

Letter P1

RECEIVED

JUN - 4 2007

Thomas P. Moore
3235 Isla del Sol Way
Marina, CA 93933-4321

STRATEGIC DEVELOPMENT CENTER

June 2, 2007

Mr. Robert L. Borchard
City of Marina, City Hall
211 Hillcrest Avenue
Marina, CA 93933

Dear Mr. Borchard:

Please add the following comments to the final EIR for Marina Station:

1. While the developers are to be complimented for proposing parks acreage in the Marina Station specific plan that exceeds the minimum acreage required by the City of Marina, there is a problem with the proposed phasing and location of the parks acreage. More than half of the 22 acres of formal parkland proposed in the specific plan is located in Phases 6 and 8 of the proposed development. According to Figure 8-1 of the specific plan, the construction of Phase 6 will begin in the year 2018 and Phase 8 in the year 2022. Yet by 2018, significantly more than half of the planned residential units will have been constructed. It appears from the specific plan that **more than half the residential units will be built well before half of the parks are built.** Until Phases 6 and 8 are completed (or their respective formal parks built) the residents of Marina Station are likely to place an additional burden on existing City parklands.

P1-1

2. Although the road that continues north from the north end of De Forest Road contains parklands in its median area, these areas should not be counted as parkland. This split road will be the major north-south thoroughfare through the industrial park portion of the project. Therefore this road is likely to carry a significant amount of traffic, especially at the end of the day; and a significant amount of heavy truck traffic. This is not conducive to use of the median strip as a park. Parents will not want their children crossing a road that has heavy truck traffic on it, nor will they want their children breathing the diesel fumes from such passing trucks. Should this area be used anyway for park activities, these will inevitably involve balls rolling out into the roadway (due to the narrow geometry of the proposed area), chased by children – this is a recipe for disaster for some family. **Due to the likelihood of heavy traffic on this roadway, the parklands located in the median of this road should not count as parklands as their use will be limited by traffic conditions.**

P1-2

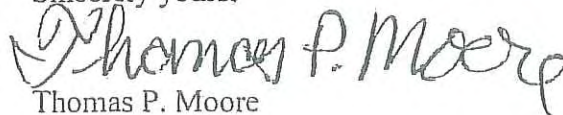
3. According to the EIR, “The De Forest Road/Beach Road intersection (unsignalized) would operate at LOS C during the AM and LOS B during the PM peak hours. The worst movement would operate at LOS F during the AM and LOS E during the PM peak hours. Mitigation identified under the earlier scenarios (Mitigation 4.13-6) would reduce impacts at this intersection to a less than significant level.” (EIR, page 4.13-32) I disagree that this mitigation measure will be adequate. The De Forest Road/Beach Road intersection is immediately adjacent to Windy Hill Park, which is heavily used by families and young children. Due to the geometry

P1-3

of Windy Hill Park, the proximity of Olson Elementary School and the proposed high density residential development in the project, the majority of users of Windy Hill Park will have to cross De Forest Road to reach the park. At the very least, **an additional mitigation should be added that: prevents heavy truck traffic from passing through the De Forest/Beach Road intersection; and significantly reduces the likelihood that cars and smaller trucks will be able to pass at high speed through the proposed four-way stop for this intersection.**

P1-3

Sincerely yours,

A handwritten signature in black ink that reads "Thomas P. Moore". The signature is written in a cursive style with a large, prominent initial "T".

Thomas P. Moore

LETTER P1: THOMAS MOORE

P1-1: The proposed project contemplates numerous park areas distributed throughout the plan area, with formal and passive recreation areas sited to facilitate each phase of development. Located directly adjacent to each Neighborhood Center, formal and passive recreation areas have been designed to meet the needs of both the single family residential homes and the high density communities of the plan area. The parkland to be developed in Phase 1 would be 7 acres (approximately 32% of the project's 22 acres of formal parkland), although Phase 1 includes only 22% of the project's residential units.

In addition, the expansion of Windy Hill Park would represent a 27% expansion over the existing facilities. This expansion would include both the dedication of land and park improvements. This expansion exceeds the requirements of the Quimby Act and has been volunteered by the project applicant.

The City does not anticipate that an additional burden on existing City parklands would occur between the completion of Phase 1 of the project and completion of the entire project.

P1-2: De Forest Road is not planned as a conduit for heavy truck traffic. All truck traffic would be directed through the industrial area and out to Del Monte Blvd. (Please refer to Specific Plan Figure 3-1, Roadway Circulation Plan, and Figure 4.13-4 of the Draft EIR.)

The formal park on De Forest Road is designed to incorporate active recreation uses centered on a 14-foot-wide paved pathway. Some of the recreation uses envisioned include jogging, walking, and general socializing. The park would be formally planted with a variety of plant and tree species along its length, which would preclude active recreation activities such as baseball, football, and soccer through the nature of its design. Marina Station includes three times the formal and passive recreation acreage normally required by the City of Marina, and includes baseball, football, and soccer parks, which would provide adequate space to facilitate sports programs for younger children.

P1-3: The mitigation as currently structured would adequately mitigate impacts at this location. The official truck route through the project site would be via Crescent Avenue, not De Forest Road. No heavy trucks would use De Forest Road or Beach Road en route to and from the project site. In addition, the intersection modifications at the De Forest Road/Beach Road intersection would improve pedestrian crossing safety and slow traffic speeds. As recommended by the City's traffic consultants, a roundabout would be utilized at the De Forest Road/Beach Road intersection. The roundabout would incorporate pedestrian-friendly components to further enhance pedestrian safety. Refer to Section 3, Revisions to the Draft EIR, for the revised Mitigation 4.13-6.

Letter P2

Monique P. Fargues
3235 Isla del Sol Way
Marina, CA 93933
384-3234

RECEIVED

JUN - 4 2007

STRATEGIC DEVELOPMENT CENTER

6/3/07

Robert L. Borchard
Development Services Department
3056 Del Monte Av., #205
Marina, CA 93933

Re: Comments of EIR for Marina Station

Please find below my comments and concerns regarding the proposed Marina Station development.

1) Lack of open space/parks in high density areas of the proposed development:

- The majority of major park acreage is contained in phases 6 and 8. There is insufficient parks acreage in earlier phases. What park facilities will serve the residents in these earlier phases in the years prior to completion of phases 6 thru 8? P2-1

- The proposed development shows significant park/open space acreage along the Highway 1 section of the development which is already slated for lower density housing but does not show open space/parks in high density sections of the development, especially those located in phase 1 of the proposed development along Beach Road. Thus, current planned open space/parks areas distribution is unbalanced and does not address the expected demand from high density residential sections of the proposed plan. P2-2

- The proposed "extension" to Windy Hill Park shown in the plan is too small and is completely inadequate to handle the expected higher usage resulting from residents expected to move in phase 1. As is, Windy Hill Park is already heavily used in the afternoons and on week-ends by current residents south of the proposed development. P2-3

- The development should be required to provide park facility *close* to the proposed high density areas. Given the proposed high density area proposed along Beach Road, the development should include adequate park facilities within proximity of that area. The resulting extended Windy Hill park should be extended to twice the current area to minimize usage impacts on already existing city park facilities and to insure that the expected higher usage of park facilities in that area are properly met. P2-4

- These above concerns have not been addressed properly in the EIR. P2-5

2) Lack of green Belt Area along windy Hill Park and neighboring residential area:

- The proposed development plan shows no green belt in two areas along the southern portion of the development, as indicated on the attached map as Areas C. P2-6

- Measure E requires the inclusion of a greenbelt along the entire portion of the development bordering existing Marina.
- Development plans should be revised to include a greenbelt along the entire portion of the development adjacent to the currently developed section of Marina in order to satisfy Measure E requirements.

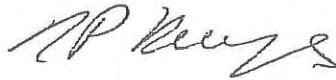
P2-6

3) Development access from Michael Drive:

- The proposed development currently indicates vehicular access points to link the two sides of Michael Drive to the proposed office/industrial section of the development.
- Opening road access to the development at these two access points will have significant negative impacts on the current residents living along Cosky Drive and both sides of Michael Drive.
- Access from Michael drive has been addressed in the EIR. However, I do not believe the conclusions stating that no more than an expected 5% additional traffic is correct, given the access from Michael Drive would provide a faster and straighter connection to the proposed industrial area than by going through the boundary road of the development.
- Such access should be restricted to pedestrian and emergency service only so as not to significantly increase the traffic on Cosky and both sides of Michael Drives. I urge the City not to open Michael Drive to vehicular traffic.

P2-7

Sincerely,



Monique P. Fargues



- Neighborhood Center
- Neighborhood General
- Neighborhood Edge
- Office
- Olsen School Expansion
- Open Space
- Park
- Industrial

	PHASE								TOTAL
	1	2	3	4	5	6	7	8	
VILLA	6	2	4	1	3	27	6	57	106
LARGE	66	23	35	40	34	72	19	21	310
SMALL	26	17	14	22	8	50	18	6	161
COTTAGE	24	8	8	17	8	28	16	3	112
ROW HOUSE	71	22	0	7	7	0	0	0	107
ARBOLEDA LANE HOMES	14	0	14	0	0	0	0	0	28
SUB TOTAL SINGLE FAMILY	207	72	75	87	60	177	59	87	824
APARTMENTS	98	3	6	92	55	118	152	12	536
TOTAL RESIDENTIAL UNITS	305	75	81	179	115	295	211	99	1,360
YEAR STARTED	2008	2010	2012	2014	2016	2018	2020	2022	
MIXED USE RETAIL SQ FT	11,200	0	0	11,200	10,400	7,200	20,000	0	60,000
OFFICE SQ FT	143,808	0	0	0	0	0	0	0	143,808
INDUSTRIAL SQ FT	286,465	365,159	0	0	0	0	0	0	651,624

C
no green belt area shown here

EMPLOYMENT USES

APARTMENT MANAGEMENT & MAINTENANCE 538 UNITS x 3 JOBS PER 100 UNIT = 16 JOBS
 RETAIL 60,000 SQ FT x 2.5 JOBS PER 1,000 SQ FT = 150 JOBS
 OFFICE 143,808 SQ FT x 4 JOBS PER 1,000 SQ FT = 575 JOBS
 INDUSTRIAL 651,624 SQ FT x 2 JOBS PER 1,000 SQ FT = 1,303 JOBS
TOTAL JOBS 2,044 JOBS

NOTE: IN ADDITION TO THE JOBS ON SITE, OTHER JOBS WILL BE CREATED OFF SITE TO SERVE THESE USES I.E. TEACHERS, GOVERNMENT, FIRE, POLICE, RETAIL, SERVICE, ETC.



Source: EMC Planning Group Inc. 2006, Keyser Marston Associates Inc. 2006, and CreekBridge Homes 2006

Figure 8-1
Phasing Plan

Marina Station Specific Plan



LETTER P2: MONIQUE FARGUES

P2-1: Please refer to Response P1-1.

P2-2: Please refer to Response P1-1. Although it is difficult to see in Figure 8-1 of the Specific Plan, the project includes a greenbelt along the entire frontage between existing development and the Marina Station project.

P2-3: Please refer to Response P1-1.

P2-4: Please refer to Response P1-1.

P2-5: As described in **4.12 Public Services and Recreation** of the Draft EIR, the project proposes a total of 20 acres of formal parkland, which is adequate to meet the City's General Plan and Zoning requirements of 5.3 acres of parkland per 1,000 residents and 3 acres of parkland per 1,000 residents, respectively. The project proposes an additional 38 acres of linear parks (i.e., open space and trails) that would further avoid impacts to park facilities.

P2-6: Please refer to Response P1-1.

P2-7: Opening of the Michael Drive accesses into and out of the project site would result in some project trips traveling through both ends of Michael Drive (via the Michael Drive/Cosky Drive neighborhood and the Michael Drive/Begonia Circle neighborhood). The traffic consultant has concluded that no more than 5% of the project trips would travel down either end of Michael Drive (combined). Access to the industrial and office components of the project would be from De Forest Road and Crescent Avenue. Accessing those roadways via Michael Drive would require the use of various internal roadways in a circuitous and disjointed path. More direct routes would be along Beach Road to De Forest Road, Reservation Road to Crescent Avenue, and, to a lesser extent, Del Monte Road to the eastern extension of Marina Greens Drive. The current street layout for the project would also minimize the use of Michael Drive by residents within the project site, as the aforementioned methods to access the site would be more convenient than using Michael Drive.



Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways
June 4, 2007

RECEIVED

JUN - 4 2007

Mr. Robert L. Borchard, AICP
Project Manager
City of Marina
Development Services Department
3056 Del Monte Avenue, #205
Marina, California 93933

STRATEGIC DEVELOPMENT CENTER

**SUBJECT: Comments on the Draft Environmental Impact Report for the
Marina Station Specific Plan**

Dear Mr. Borchard:

The Transportation Agency for Monterey County is the Regional Transportation Planning Agency and Congestion Management Agency for Monterey County. Transportation Agency staff has reviewed the draft Environmental Impact Report for the Marina Station Specific Plan. The project consists of the development of 320 acres of the Armstrong Ranch property to include 1,360 residential units, 60,000 square feet of commercial use, 143,808 square feet of office space, and 651,624 square feet of industrial buildings located in the northern portion of the City of Marina along both sides of Del Monte Boulevard.

The Transportation Agency appreciates the City of Marina's coordination with our staff on this project to include our agency's proposed rail station as well as pedestrian walkways and access to transit services as key design features in the Marina Station development. Our agency looks forward to continued collaboration with the City through the development of this project and offers the following comments for your consideration:

Regional Road & Highway Impacts

1. The document indicates that regional access to the project site will be delivered by Highway 1 via Reservation Road and Del Monte Boulevard with a net 25,837 daily trips at build-out, with 2,606 trips originating during the PM peak hour. To address the impacts from this project to the transportation system, the Transportation Agency is supportive of the planned project-specific mitigation strategies, which include payment of the City of Marina Traffic Impact Fee as well as funding improvements to Del Monte Boulevard and Highway 1 / Reservation Road outside of the City's fee program. The document also states that the project will have a significant cumulative impact at regional facilities outside the study area and will contribute its fair-share in regional impact fees as mitigation contingent upon the adoption of the fee program,

Q1

Letter to Robert L. Borchard, AICP
June 4, 2007

Page 2

however the impacts will remain unavoidable if a regional development impact fee is not adopted and the identified improvements are not included in the program.

The Transportation Agency appreciates and supports the City's intention to collect regional impact fees as mitigation for cumulative impacts from this project, but is expecting that this project will contribute its fair share in regional fees regardless of the adoption status of the program. The Transportation Agency and Caltrans consider payment of regional development impact fees, as identified in our agency's *Nexus Study for a Regional Development Impact Fee*, on an ad hoc basis as adequate mitigation for new developments' cumulative impacts to state highways and regional roads. Our agency is in the process of updating the impact fee program, and as such, if building permits are to be issued prior to the adoption of the fee program then regional fees should be paid on an ad hoc basis. Fees for this project are eligible for discounts based on any overlap with the City of Marina Traffic Impact Fee and affordable housing units included in the development.

Q1

Rail & Bus Rapid Transit

2. As the document indicates, the existing railroad tracks that run through the project site are currently inactive. The Transportation Agency, however, plans to establish light rail and/or bus rapid transit service on the Monterey Branch Line from Monterey to Marina, with service beginning in 2014. With the reestablishment of service, a station has been planned immediately north of Marina Greens Drive on the west side of Del Monte Boulevard in the Marina Station development.

While the document indicates that vibration-sensitive residential structures will be constructed within approximately 150 to 200 feet from these tracks as to yield sufficient vibration levels when the tracks become active, the document does not consider the establishment of rail or bus rapid transit service in determining potential noise impacts. Considering the City's plans to realign Marina Greens Drive with the relocation of an existing at-grade crossing and the possible construction of a new at-grade crossing, additional noise impacts will be created from crossing bells and the required use of train horns at highway-rail crossing locations. To properly identify all potential noise impacts, the document should include the potential noise impacts originating from commuter or light rail and/or bus rapid transit service, crossing bells, and train horns at highway-rail crossing locations on sensitive receptors throughout the project site in its analysis. Further, it is requested that recognition of these impacts be included in the sales information and deeds for the development products.

Q2

3. The document should also acknowledge that the Transportation Agency retains preexisting rights for transportation conveyance along the Monterey Branch Line right-of-way and does not intend to provide mitigation for any impacts to the Marina Station development from the use of the rail line. To mitigate potential noise impacts from the use of the rail line, the City may elect to establish a Quiet Zone as specified by the Federal Railroad Administration's *Use of Locomotive Horns at Highway-Rail Grade Crossings*. This would remove the requirement for train horns to be sounded at highway crossings by placing active warning devices consisting of flashing lights, gates, constant warning circuitry, and power-off indicators at crossings as well as

Q3

P:\Work Program\Env Doc Review\2007 Documents\Marina\Marina - Marina Station SP DEIR.Doc

Letter to Robert L. Borchard, AICP
June 4, 2007

Page 3

advanced signs for motorists at least one-half mile along the length of the railroad right-of-way. Q3

- 4. The Transportation Agency is supportive of the requirement for the master developer to consult with our agency to identify necessary corridor improvements, including crossings and access to the transit station. It should be noted that the construction of any new at-grade crossing will also require clearance from the Public Utilities Commission. Q4

Pedestrian & Bicycle

- 5. The Transportation Agency supports accommodation of alternative forms of transportation both through the design of transportation facilities and through the design and orientation of land uses. The Transportation Agency is supportive of the document's proposed Circulation Policies 1-1 through 1-5 related to bicycle and pedestrian travel. Our agency in particular appreciates the consideration given to the encouragement of bicycle use for internal trips through the inclusion of bicycle travel lanes and planned linkages with external bicycle routes, the connection of parks, neighborhoods, commercial areas, and transit stops with pedestrian facilities, and the commitment to work with the Transportation Agency and Monterey-Salinas Transit to provide access to transit throughout the project site. Q5

To facilitate the implementation of these policies, our agency recommends:

- The inclusion of on-street bicycle lanes and routes throughout the project site in place of the dedicated bicycle paths planned for Del Monte Boulevard and Crescent Avenue. On-street bicycle facilities provide safer travel for bicyclists, particularly at intersections, than separated bike paths.
- The use of Monterey-Salinas Transit's *Designing for Transit Guideline Manual* as a resource for accommodating transit access to the project site.

- 6. The proposed site plan maps indicate the cul-de-sacs will be incorporated into the site design in some areas. The Transportation Agency discourages the use of cul-de-sacs as they create impediments to bicycle and pedestrian travel between neighborhoods and block linkages to bicycle and pedestrian facilities. Our agency recommends constructing cut-throughs from cul-de-sacs to provide for more direct access, remove impediments and reduce bicycle and pedestrian trip lengths. Q6

Thank you for the opportunity to review this document. If you would like to discuss these comments further, please contact Michael Zeller of my staff at (831) 775-0903.

Sincerely,


Debra L. Hale
Executive Director

P:\Work Program\Env Doc Review\2007 Documents\Marina\Marina - Marina Station SP DEIR.Doc

Letter to Robert L. Borchard, AICP
June 4, 2007

Page 4

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

LETTER Q: TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)

Q1: As the Draft EIR states, if the Marina Station Specific Plan is approved, the City will require the project sponsor to mitigate every significant traffic impact the project causes, or considerably contributes to, within the City's jurisdiction. See Mitigation Measures 4.13-1 through 4.13-15. Depending on the extent of the project's contribution to the need for mitigation, the project sponsor would be required to construct outright, fully fund, or partially fund these improvements.

With respect to impacts on regional transportation facilities, the City supports the adoption of a regional traffic impact fee for Monterey County that would fund the improvements to regional transportation facilities identified in Mitigation Measures 4.13-16 through 4.13-23. However, such a fee has not yet been adopted and no mechanism is legally available to the City to accomplish the identified regional improvements, all of which are outside the City's jurisdiction. The City has no legal authority to impose an "ad hoc fee" and such a fee would not constitute mitigation under CEQA. The imposition of a fee is "mitigation" under CEQA only if it is part of a reasonable plan of actual mitigation to which the relevant agency has committed. Here, the proposed TAMC fee program does not yet exist, does not currently include any of the improvements listed in Mitigation Measures 4.13-16 through 4.13-23, and would require additional funding from other sources to implement even the improvements currently listed. Under CEQA, the City could not label the currently proposed TAMC fee program, even if it were adopted, as adequate mitigation for the identified cumulative regional transportation impacts of the proposed project. The City hopes, however, that a TAMC fee program will be adopted soon, so that resolution of regional traffic problems can begin. As the Draft EIR states, no building permit will be issued after a TAMC fee program comes into effect unless the TAMC fee associated with that building permit has been paid.

Q2: Conceptual plans showing the proposed alignment and major improvements were received from TAMC on June 29, 2007. Additional information regarding the scheduling of transit headways has been requested from TAMC, but has not yet been received. At present, it is understood that TAMC's Monterey Branch Line is planned for bus rapid transit along the former rail line route, with service projected by 2014.

In general terms, noise from the bus rapid transit line would be generated by buses, potential warning devices on buses and at "at-grade" intersections, and by supporting land uses at or near the proposed station (e.g., circulation routes, parking areas, mechanical equipment at buildings, etc.). Without information on the type of equipment proposed or the scheduling of transit headways (particularly late at night), specific noise levels generated by TAMC's Branch Line cannot be determined at the Marina Station site. Based on experience with traditional bus route traffic and the noise levels projected for Del Monte Boulevard, it is anticipated that the exterior noise levels could exceed 60 dBA L_{dn} at residential land uses proposed adjacent to the Branch Line.

Mitigation measure 4.10-1 in the Draft EIR states that residential land uses proposed by the project would undergo project-level acoustical analyses in noise environments exceeding 60 dBA L_{dn} . These analyses would identify the necessary measures required to reduce exterior noise levels in private or common outdoor use areas to acceptable levels. Mitigation measure 4.10-8 also requires that project specific acoustical analyses be made to design proposed residential units so interior noise levels are maintained at or below 45 dBA L_{dn} . Project-level acoustical analyses would incorporate available information developed for the TAMC's Monterey Branch Line to evaluate future noise exposure and ensure compatibility of residential land uses adjacent to the bus rapid transit corridor.

Q3: As noted in Response Q2 above, the City's plans, which TAMC has agreed to explore, call for bus rapid transit rather than rail along the former rail line route. Because the City does not anticipate any rail use in this location, the City does not anticipate the need for any mitigation of rail noise.

Q4: TAMC's support for the consultation requirement is noted. See also Response F1.

Q5: The project designers used Monterey-Salinas Transit's *Design for Transit Guidelines Manual* as a resource. They also consulted MST regarding the project's bus service program and MST staff has expressed support for that program.

Q6: The project deliberately includes an industrial cul-de-sac to keep industrial traffic isolated from residential areas. The one cul-de-sac in a residential area, at the western end of the project site, connects back into the rest of the project site via a pedestrian pathway.

Letter R

cc: City Attorney
Doug Y.

June 4, 2007

RECEIVED

Robert L. Borchard, AICP
Project Manager, Marina Station
Development Services Department
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

JUN - 4 2007

STRATEGIC DEVELOPMENT CENTER

Re: Response to Biological Update to the Draft Environmental Impact Report for the Marina Station Specific Plan

Dear Mr. Borchard,

I am writing my concerns about two aspects of the project: California tiger salamanders and appropriate planning for schools.

Regarding the presence of tiger salamanders less than 1 km from the project site, CTS are listed as a threatened species primarily because of development encroaching on their habitat. In this case the project will be ~750 m from known breeding habitat. The surveys conducted in March suggest there is a reasonable-sized population at this agricultural pond (relative to other known CTS breeding sites in the county). Therefore the chance that adult CTS currently use the project site is significant. The suggested mitigation measures are reasonable to assure as little impact to existing salamanders as possible during the construction phase. However they do little to deal with the long term decline in available CTS upland habitat in the region (the cumulative impacts of development in the entire region). Unless upland habitat is protected, this species will continue to decline. Possibilities might include substantially increasing the open space on the east side of the project, and requiring that open space to be grasslands (not lawns or landscaped areas). Another point is that after the project is built (if built as planned in this document), CTS may wander into neighborhoods and be killed by cars, pets, or other predators. (This is quite likely given that more than 2/3 of the project is within 2 km of breeding habitat.) The project plan does not deal with this on-going threat to the CTS population. The proposed Habitat Conservation Plan will need to deal with both of these significant and cumulative impacts to this species.

R1

Regarding appropriate planning for schools, adding 2 acres to the Olson School site is unlikely to accommodate the large number of new students generated by this project. Olson School is one of the best elementary schools in Marina. Adding nearly 500 students to this school will lead to substantial declines in its quality. Marina can not afford to reduce the quality of its schools for both its citizens and its reputation.

R2

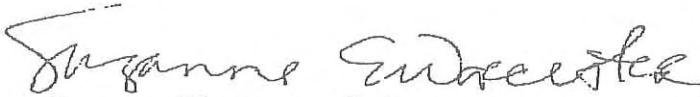
The additions suggested in the project are not sufficient to meet the needs of the new Marina Station residents – a much more significant school site needs to be included within the project.

R2

The DEIR needs to be revised to incorporate these significant concerns. Thank you for your time and consideration.

R3

Sincerely,



Suzanne Worcester, Ph.D.
1604 Hodges Ct
Marina, CA 93933
suzanne_worcester@csumb.edu

LETTER R: SUZANNE WORCESTER

R1: With authorization from the USFWS, genetic testing was conducted by Dr. H. Brad Shaffer's genetics lab at the University of California at Davis on the tiger salamanders discovered at the agricultural basin near the project site. The results of the testing concluded that the individuals encountered were comprised primarily of non-native genes and that the site had been subjected to an invasion by introduced non-native tiger salamanders. The USFWS concurred with these findings and concluded that the tiger salamanders using the agricultural basin and the surrounding upland habitat are not afforded protection under the Endangered Species Act. The concurrence letter from USFWS, dated November 1, 2007, is attached (see Appendix 2). Based on this information, the project area is not subject to any HCP requirements and the issues raised in this comment are no longer relevant.

R2: As described in the Draft EIR, the payment of state-mandated school impact fees is deemed full and complete school facilities mitigation per Government Code Section 65996. Refer to page 4.12-7 of the Draft EIR and Response H2.

R3: Please see Responses R1 and R2 above.

Letter S

Resource Management Services - Planning

440 Harcourt Avenue
Seaside, CA 93955

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



June 4, 2007

Christine di Iorio, ACIP
Community Development Director
City of Marina
211 Hillcrest Avenue
Marina, California 93933

RECEIVED

JUN - 4 2007

STRATEGIC DEVELOPMENT CENTER

Re: Marina Station Specific Plan
Draft Environmental Impact Report

Dear Ms. Di Iorio:

Thank you for the opportunity to comment regarding the Marina Station Draft Environmental Impact Report. This letter will serve as the City of Seaside's formal response to that document. Following review of the document by the City's Planning, Public Works, and traffic consultants, the City of Seaside has the following comments.

Section 4.11 Housing

Inclusionary Housing. The paragraph contains information regarding inclusionary housing (pages 4.11-4 through 4.11-5). As stated, the plan includes 272 affordable dwelling units (20% of all units for affordable and below-market-rate housing, as mandated by the General Plan); however, the plan is somewhat vague regarding the location, housing type, and architectural style of the inclusionary units.

S1

Please provide additional information regarding the size of the project area as it relates to the overall size of the Armstrong Ranch property.

S2

Section 4.12 Public Services

Fire Services: The type of fire services (e.g. Fire Station, Fire Vehicles, Additional staff) that would be required to meet increased demand of the project at build-out and/or various phases of the Specific Plan Buildout should be delineated in the Draft EIR. Mitigation Measure 4.12-1 only indicates that a Development Impact Fee would be collected prior to the issuance of a building permit for each, residential, commercial, office or industrial building without any reference to project thresholds which would mandate the need for increased fire services above the existing Fire Department capabilities and/or four minute response time.

S3

Schools: The discussion on the number of new students should provide a break down between project elementary, middle school and high school students. In addition to the reservation of two acres of land that would be made available for the construction of new facilities adjacent to the

S4

Olson Elementary School, the impacts to middle school and high school services should also be analyzed. S4

Mitigation Measure 4-12.2 should include the timing or threshold for the development of new residential dwelling units based on the generation rates listed in Table 4.12-1 to determine when the implementation of new or expanded school facilities at Olson Elementary School should be built. The reservation of the two acres of land should be dedicated to the Monterey Peninsula Unified School District as opposed to being reserved under a five-year period as noted in the mitigation measure on Page 4-12.2 of the Draft EIR. S5

Section 4.13 Traffic and Circulation

Based on the potential for individuals to use the former Fort Ord roadway network as an alternate route between the City of Marina and the City of Seaside, the following intersections and roadway segment should be included in the Traffic Impact Analysis:

Intersections

- General Jim Moore/Light Fighter
- 2nd Avenue/Imjin Parkway
- 2nd Avenue/Light Fighter
- General Jim Moore Boulevard/Coe Avenue
- General Jim Moore Boulevard/Broadway Avenue

Roadway Segment

- Highway 1 between Fremont Boulevard (north) to Imjin Parkway (12th Street)

The Seaside Resort Hotel project should be included as part of the cumulative project list within the City of Seaside under Table 14.13-2 on Page 4.13-28 of the Draft EIR. S7

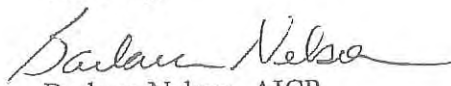
The traffic modeling should be based on data taken within the last 12 months. The volumes in the Traffic Impact Report were taken in 2005 and June of 2004. Update traffic impact report to include more recent data. S8

Section 4.14 Utilities and Service Systems

The policies and implementation measures identified under the discussion of the "Marina Station Specific Plan on Pages 4.14-10 thru 4.14.12 should be included as mitigation measures for the monitoring of impacts related to the water supply/system, wastewater, and solid waste that would be associated with each phase of the residential and commercial development within the specific plan area. S9

The City of Seaside appreciates the opportunity to provide comment regarding potential development impacts that mutually affect our communities.

Sincerely,


Barbara Nelson, AICP
Planning Services Manager

Cc:

Mayor Rubio and City Councilmembers

Ray Corpuz, City Manager, City of Seaside

Diana Ingersoll, Deputy City Manager – Resource Management Services

LETTER S: CITY OF SEASIDE

S1: The project would comply with the City's inclusionary housing requirements, as set forth in Section 2.19 of the Development Agreement. A separate Affordable Housing Program would be negotiated between the City and the project applicant, specifying the location, housing type, and number of inclusionary units.

S2: At approximately 320 acres, the project site represents about 16% of the 2,000-acre Armstrong Ranch property.

S3: Fees to fund necessary public services would be collected at each phase of project development. The City will monitor the adequacy of fees relative to new development to assure that funds are available to provide needed fire protection infrastructure. Currently, the Public Facilities Development Impact Fee is \$1,595 for single-family dwellings and \$1,477 for multi-family dwellings.

S4: A breakdown of the students associated with the project is provided in Table 4.12-1 of the Draft EIR. To summarize, the project would be expected to attract a total of 287 elementary students, 93 middle school students, and 132 high school students. The analysis in the Draft EIR assumes that the project would impact educational services at all grade levels, and identifies mitigation (i.e., the state-mandated school fees) to reduce this impact to a less-than-significant level. Refer also to responses to letter H.

S5: As discussed in Responses G1 and H2, consideration and mitigation of school impacts under CEQA is strictly prescribed by statute, and the Draft EIR's evaluation of school impacts adheres to those limitations. The analysis of the MPUSD student generation data was included in the Draft EIR by way of background information, and not as a means of determining the appropriate mitigation for school impacts, either upon the need for new schools or the need for school sites. The scope of the review under the Draft EIR does not extend to evaluation of the timing or threshold for the development of new residential units based on student generation rates. The School Facilities Act prohibits restrictions on new development based upon school impacts, with the exception of required payment of statutorily authorized fees. Under Government Code section 65996, the authorized development fees are deemed to be full and complete mitigation of school facilities. The statute expressly provides that "notwithstanding...[CEQA], or any other provision of state or local law...a local agency may not deny or refuse to approve" a development on the basis that school facilities are inadequate. The Draft EIR provides, as required by law, that the impacts of the project shall be mitigated through payment of the statutorily imposed school fees.

S6: The intersections recommended for analysis by the City of Seaside are considered regional facilities, due in part to their distance from the project site. With regards to regional transportation facilities, the Draft EIR concluded that "the project would make a cumulatively considerable contribution to significant cumulative impacts at regional transportation facilities outside the project study area" (page 4.13-33). In response to the City of Seaside's concerns, Higgins Associates evaluated the intersections of General Jim Moore/Light Fighter, Second/Imjin, Second/Light Fighter, General Jim Moore/Coe, General Jim Moore/Broadway, with the following results:

- General Jim Moore/Light Fighter: The project trips would increase delay by six seconds at an intersection operating at LOS F, resulting in a significant impact under cumulative plus project conditions. (Project contribution is 4.4%.)
- Second/Imjin: Project trips would increase delay by five seconds at an intersection operating at LOS F under cumulative plus project conditions. Improvements to this intersection are already included in the City's TIF.

- Second/Light Fighter: Project trips would increase delay by 14 seconds at an intersection operating at LOS F, resulting in a significant impact under cumulative plus project conditions. (Project contribution is 3.6%.)
- General Jim Moore/Coe: The project would add 104 peak hour trips to an intersection operating at LOS F, resulting in a significant impact under cumulative plus project conditions. (Project contribution is 3.5%.)
- General Jim Moore/Broadway: Project trips would increase delay by six seconds at an intersection operating at LOS F, resulting in a significant impact under cumulative plus project conditions. (Project contribution is 1.6%.)

Mitigation has been added to the text of the EIR requiring the project developer to pay to the City of Seaside a fair share contribution to fund improvements to the impacted intersections. Refer to Section 3, Revisions to the Draft EIR for the details of the mitigation.

S7: The Seaside Resort project, including the hotel, is included in the traffic analysis as an approved project; therefore it is not present on the cumulative project list, which lists only unapproved projects and latter phases of large approved projects. The approved project list is included in the Traffic Analysis on file with the City.

S8: The 2004 and 2005 traffic counts reflect the EIR's Notice of Preparation date (June 10, 2005) and were the most current counts available at the time the analysis was prepared. At the time the study was completed, the counts had been done within one year; when older counts were used, they were compared to later volumes and adjusted for consistency. The traffic analysis includes modifications to the circulation system based on the best available information, which excludes temporary traffic conditions caused by ongoing redevelopment at Fort Ord, and provides adequate information for decision makers and the public to understand the impacts associated with the project.

S9: The policies are included as part of the project description and, therefore, are not called out as mitigation.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4853
FAX: (831) 427-4877



FAX TRANSMITTAL		# OF PAGES: 1
TO: Robert Borchard	FROM:	
CA:	CO:	
DEPT:	FIGURE #	
FAX #	FAX #	384-7063

June 4, 2007

Robert L. Borchard, AICP
City of Marina Development Services Department
3056 Del Monte Avenue #205
Marina, 93933

Subject: *Marina Station Specific Plan Draft Environmental Impact Report*
(SCH#2005061056)

Dear Mr. Borchard,

We have received the above-referenced-draft environmental impact report for the Marina Station Specific Plan. Although the project is not located within the coastal zone, the large scale and scope of the proposed mixed-use project could have significant impacts on nearby coastal resources. Specifically, the multiple components of the project, taken together, could have significant traffic impacts to Highway One, which may result in impacts to public access along this stretch of coast. These potential impacts should be addressed and mitigated in the EIR. Additionally, the project may also have impacts to habitat resulting in impacts to a variety of plant and animal species, including the California tiger salamander. Appropriate mitigation for these impacts may include providing additional open space habitat on the west side of Highway One (e.g., the portion of the Armstrong Ranch property that is located west of Highway One).

T1

Please do not hesitate to contact me if you have any questions.

Sincerely,

Susan Craig
Coastal Planner
Central Coast District Office

c: State Clearinghouse

RECEIVED

JUN - 4 2007

STRATEGIC DEVELOPMENT CENTER

Marina Station Specific Plan Comment Letter 6.4.07

LETTER T: CALIFORNIA COASTAL COMMISSION

T1: The public access policies in the Coastal Act (Public Resources Code Sections 30210-30214) are intended to assure maintenance of public access from the nearest public roadway to the shoreline. These policies do not identify vehicular traffic as a constraint to coastal access. The project site is located outside of the coastal zone and would not preclude use of the multiple roadways that provide access to the shore. In addition, the project would not impede bicycle or pedestrian access to the shore. In the project area, direct access to the coast is provided to Marina State Beach from Reservation Road. Traffic generated by the project would use Reservation Road; however, impacts to the intersections of the Highway 1 ramps with Reservation Road would be fully mitigated by improvements identified in the Draft EIR to be funded through the City's TIF.

As stated above, the project is not located within the coastal zone. The only component of the project that could affect the coastal zone is the possible establishment of replacement habitat. The EIR presents potential suitable mitigation sites for Monterey spineflower and sensitive habitats that include some areas within the coastal zone. Restoration and preservation of these areas as open space would be consistent with the policies and goals of the Coastal Act (e.g., maintenance of scenic quality, public access, and recreational uses).

Letter U



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

June 5, 2007

Robert L. Borchard
City of Marina
3056 Del Monte Boulevard, Suite 205
Marina, CA 93933

Subject: Marina Station
SCH#: 2005061056

Dear Robert L. Borchard:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on June 4, 2007, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

U1

RECEIVED

JUN - 7 2007

STRATEGIC DEVELOPMENT CENTER

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2005081056
Project Title Marina Station
Lead Agency Marina, City of

Type EIR Draft EIR
Description Land that will include 1,360 residential units; 651,624 square feet of business park space; 143,808 square feet of office space; and 60,000 square feet of commercial space. Entitlements include a General Plan Amendment, Rezone, Development Agreement, and Vesting Tentative Subdivision.

Lead Agency Contact

Name Robert L. Borchard
Agency City of Marina
Phone (831) 384-7324 **Fax**
email
Address 3056 Del Monte Boulevard, Suite 205
City Marina **State** CA **Zip** 93933

Project Location

County Monterey
City Marina
Region
Cross Streets Del Monte Boulevard / Marina Greens Drive
Parcel No. 203-011-023, 024; 175-011-044, 046
Township 14 **Range** 1, 2 **Section** 34, 35. **Base** MDBM

Proximity to:

Highways 1
Airports Marina
Railways TAMC
Waterways Pacific Ocean
Schools Olson ES
Land Use Various

Project Issues Aesthetic/Visual; Air Quality; Biological Resources; Cumulative Effects; Geologic/Seismic; Minerals; Noise; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 3; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Housing and Community Development; Office of Historic Preservation; Department of Health Services; Department of Fish and Game, Region 4; Department of Water Resources; California Coastal Commission; California Highway Patrol; Caltrans, District 5; Department of Toxic Substances Control

Date Received 03/09/2007 **Start of Review** 03/09/2007 **End of Review** 06/04/2007

Note: Blanks in data fields result from insufficient information provided by lead agency

LETTER U: CALIFORNIA OFFICE OF PLANNING & RESEARCH

U1: The letter states that no state agencies submitted comments on the Draft EIR during the public review period. No response is required.

Dear City Staff,

Over the past several days I've had the opportunity to review the Marina Station Traffic ^{Impact} Analysis Report at the City of Marina web site. The study mentions several local access points into the Marina Station Project, e.g. De Forest, Crescent & Cardozo, etc. However, there is no mention of the impact Marina Station will have on the local access roads, or any mitigating steps the developer plans to

MARINA STATION MARINA, CALIFORNIA

VI

TRAFFIC IMPACT ANALYSIS

Final Report

take to lessen the impact on the local roads (i.e. traffic calming easements on these 25 mph roads). The Traffic Impact Analysis studied the effect and mitigating measures that may be needed on many of the major roads in and surrounding Marina such as Reservoir Road at Highway 1. Question: Why didn't Higgin & Associates do a detailed study on the impact of Marina Station on the local access roads.

Prepared For

City of Marina
Monterey County, CA

RECEIVED

December 5, 2006

MAR 27 2007

STRATEGIC DEVELOPMENT CENTER

Publications and Reports and EIR/CEQA/DRB/CEIS Public Record Fee

LETTER V: LEON HELLER

V1: The Draft EIR and the accompanying Traffic Impact Analysis include detailed study of traffic on local access roads, including De Forest, Crescent, and Cardoza (refer to Draft EIR pages 4.13-3, 4.13-8, 4.13-12, 4.13-22, 4.13-24, 4.13-32). These analyses conclude that with implementation of the proposed project, De Forest, Crescent, and Cardoza would continue to meet the City's level of service standards and no significant impact would occur under the existing plus project, background plus project, and cumulative plus project conditions. Accordingly, the Draft EIR identifies no traffic calming or other mitigation for these street segments.

The EIR does recommend one mitigation measure for a significant intersection impact that would also be expected to have some traffic calming (i.e., slowing) effect: the roundabout at the intersection of De Forest Road and Beach Road (Mitigation Measure 4.13-6). Refer to Section 3, Revisions to the Draft EIR. Please also see Response P1-3.

Letter W



MONTEREY BAY

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

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

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

July 3, 2007

Ms. Alison Imamura, AICP
Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, California 93940

Mr. Douglas A. Yount, Director
Development Services Department
City of Marina
211 Hillcrest Avenue
Marina, California 93933

SUBJECT: DRAFT EIR FOR MARINA STATION SPECIFIC PLAN:
URBEMIS 2002 CALCULATIONS, AND
MITIGATION MEASURES FOR DIESEL PARTICULATE

Dear Ms. Imamura:

URBEMIS Calculations

Staff reviewed the URBEMIS calculations (with and without mitigation measures), which were included in the Draft EIR, and discussed them with Tim Rimpo of Jones & Stokes Associates. Mr. Rimpo concurs with the Air District's findings that the effectiveness of various mitigation measures has been double-counted and suggests that the calculations be prepared manually to account for project-specific facts and scheduling or that URBEMIS 2007 be used to recalculate the project-specific impacts with and without mitigation. (Mr. Rimpo has worked extensively on URBEMIS 2002 and 2007 with Air Districts and other entities throughout California. He is considered an expert in the field.)

Comments/questions on each step include the following:

Step 1. 324 lbs/day (unmitigated fugitive dust emissions) * 0.5 (50% reduction for watering active areas 3x daily) = 162 lbs/day
Comment: This step appears reasonable and accurate.

Step 2.
162 * 0.55 (45% reduction for watering unpaved haul roads 3x daily) = 89.1 lbs/day
Comment: This step appears to double count Step 1, where 3x per day watering has already been applied to active areas of the site. Were the active areas and unpaved road areas quantified by area and time of disturbance?



DISTRICT BOARD MEMBERS

CHAIR:
Reb Monaco
San Benito County

VICE CHAIR:
Jerry Smith
Monterey County

Lou Calcagno
Monterey County

Tony Campos
Santa Cruz County

Dennis Donohue
City of Salinas

Doug Emerson
San Benito County Cities

Ila Mettee-McCulchon
Monterey Peninsula Cities

Ellen Pirie
Santa Cruz County

Simon Salinas
Monterey County

Sam Storey
Santa Cruz County Cities

George Worthy
South Monterey County Cities

W1

Step 3.

$89.1 * 0.7$ (30% reduction for applying chemical stabilizers) = 62.4 lbs/day
Comment: Would stabilizers and watering be applied to the entire site concurrently?
Typically, watering or stabilizers are used, but not both.

Step 4.

$62.4 * 0.85$ (15% reduction for planting vegetation cover) = 53.0 lbs/day
Comment: This reduction reflects the entire site, even though it is not feasible to establish vegetation on disturbed areas where equipment is active.

Step 5.

$53.0 * 0.905$ (9.5% reduction for covering inactive storage piles) = 48.0 lbs/day
Comment: The control factor for storage piles is applied to emissions for the entire site rather than just inactive storage piles. Actual / estimated piles should be quantified.

Step 6.

$48.0 * 0.6$ (40% reduction for 15 mph speed limit on unpaved roads) = 28.8 lbs/day
Comment: Similarly, this factor is applied to emissions from the entire site rather than just the component related to haul roads. It would also double-count the effectiveness of watering and reducing speed. (If the area has been watered, a reduction in speed would unlikely produce an additional reduction in fugitive dust.)

Mitigation for Emissions of Diesel Particulate

Diesel particulate filters can achieve at least 85% reduction in particulate matter and can be applied to graders. However, the feasibility of using diesel particulate filters on various equipment should be verified before the mitigation effectiveness is assumed. (Diesel particulate filters obstruct the equipment operator's field of vision on certain equipment.) PuriNOx may no longer be available in California, but Viscon and biodiesel fuels are.

Thank you for the opportunity to review the document.

Yours truly,



Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

cc: Tim Rimpo, Jones & Stokes Associates

W1

W2



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

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

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

July 3, 2007

Ms. Alison Imamura, AICP
Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, California 93940

Mr. Douglas A. Yount, Director
Development Services Department
City of Marina
211 Hillcrest Avenue
Marina, California 93933

SUBJECT: DRAFT EIR FOR MARINA STATION SPECIFIC PLAN:
ACREAGE USED IN URBEMIS CALCULATIONS

Dear Ms. Imamura:

Acres Used for URBEMIS Calculations

This letter follows the comment sent earlier today regarding the URBEMIS mitigations and diesel exhaust impacts. This comment concerns the acreage input into the URBEMIS program to determine the impacts of PM₁₀ generated by the project. Page 2 of the URBEMIS 2002 report specifies that 129.44 acres is the total land use area to be developed, while Table 3.0-1 on page 3-3 specifies that 319 acres is the total acreage of the project. Please reconcile these two figures and explain the acreage to be graded and the maximum amount of grading to be done each day.

W3

Yours truly,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

RECEIVED
JUL - 6 2007
DENISE DUFFY
& ASSOCIATES, INC.

DISTRICT BOARD MEMBERS

CHAIR: Reb Monaco
San Benito County

VICE CHAIR: Jerry Smith
Monterey County

Lou Calcagno
Monterey County

Tony Campos
Santa Cruz County

Dennis Donohue
City of Salinas

Doug Emerson
San Benito County Cities

Ila Mettee-McCutcheon
Monterey Peninsula Cities

Ellen Pirie
Santa Cruz County

Simon Salinas
Monterey County

Sam Storey
Santa Cruz County Cities

George Worthy
South Monterey County Cities

LETTER W: MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
(two letters dated July 3, 2007)

W1: In response to the MBUAPCD request, the effectiveness of the various mitigation measures for reducing fugitive dust PM₁₀ emissions has been prepared manually (see table below). To correct the URBEMIS model errors and avoid double-counting, the manual calculation does not include the reductions provided for chemical stabilizers, planting vegetation, and limiting speeds. In addition, the other mitigation measures are applied only to portions of the overall fugitive dust emissions as appropriate. The new resultant PM₁₀ emissions with mitigation would be 190 lbs/day, which is above the MBUAPCD threshold of significance of 82 lbs per day. In order to reduce the PM₁₀ emissions below the relevant threshold, an additional mitigation measure has been added that limits the active construction areas to no more than 11 acres/day or allows for increases in active construction areas if site-specific dispersion modeling demonstrates that MBUAPCD thresholds are not exceeded. See 3.0 Revisions to the Draft EIR.

Marina Station Specific Plan EIR					
Manual Calculation of Construction Fugitive Dust Emission Reductions					
PM₁₀ Emission Reductions by Dust Source					
Source of Dust	% of emissions attributed	PM₁₀ emissions (lbs/day)	Mitigation	% reduction	Resultant emissions (lbs/day)
unpaved haul roads	10%	32.4	water 3 x daily	45%	17.8
other	90%	291.6	water 3x daily	50%	145.8
Total	100%	324			163.6
PM ₁₀ emissions from exhaust (no mitigation assumed)					25.1
Total worst-case mitigated PM₁₀ emissions					188.7
Therefore, MBUAPCD threshold of 82 lbs/day is exceeded even with Draft EIR mitigation.					
PM₁₀ Emissions with Grading Area Limitation					
Mitigation imposed active, unstabilized grading acreage on a single day =				11	acres
New total emissions based on grading area limitation mitigation =				110	lbs/day
Source of Dust	% of emissions attributed	PM₁₀ emissions (lbs/day)	Mitigation	% reduction	Resultant emissions (lbs/day)
unpaved haul roads	10%	11	water 3x daily	45%	6.1
other areas	90%	99	water 3x daily	50%	49.5
Total fugitive dust emissions	100%	110			55.6
PM ₁₀ emissions from exhaust (no mitigation assumed)					25.1
Total worst-case mitigated PM₁₀ emissions with grading limitation					80.7
Therefore, with this limitation, the project would not exceed MBUAPCD's threshold of 82 lbs/day.					

W2: No reductions in PM₁₀ emissions are included for diesel particulate filters in the URBEMIS model run or in the calculation above to conservatively estimate worst-case emissions. A bullet has been added to require the use of these filters as feasible. If the applicant agrees to utilize particulate filters on a substantial portion of equipment, the limitation on acreage of active construction could be adjusted upward.

W3: The acreage used in the URBEMIS 2002 model run of 129 acres was determined based on the worst-case construction activities during any five (5) consecutive years of the project's 20 year buildout schedule. According to the project applicant, at most a total of 129 acres would be under construction at

the same time and the most intense grading would occur during the first five months of construction. Since the thresholds for the MBUAPCD are calculated for the worst single day of emissions, the five year period analysis (i.e., 129 acres) accounts for and includes the worst-case construction-related emission day during the first five months of construction.

MONTEREY COUNTY



WATER RESOURCES AGENCY

PO BOX 930
SALINAS, CA 93902
(831) 755-4860
FAX (831) 424-7935

CURTIS V. WEEKS
GENERAL MANAGER

RECEIVED

AUG 6 2007

STREET ADDRESS
893 BLANCO CIRCLE
SALINAS, CA 93901-4455

STRATEGIC DEVELOPMENT CENTER

August 2, 2007

Derek Kantar
City of Marina
Strategic Development Center
3056 Del Monte Blvd, Suite 205
Marina, CA 93933

RE: Marina Station Specific Plan Draft Environmental Impact Report Comments

Dear Mr. Kantar:

After reviewing the subject Draft Environmental Impact Report (DEIR), dated March 2007. The Monterey County Water Resources Agency (Agency) has the following comments:

The DEIR states that the *Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands*, dated March 1996, "approved annexation of the Armstrong Ranch and RMC Lonestar Property to MCWRA's Zones 2 and 2A" and that the "groundwater allocation for Armstrong Ranch is 920 AFY." The annexation has not yet gone through. Therefore, the Agency recommends the following mitigation measure:

- Prior to filing the final map, the applicant shall provide the County Water Resources Agency with all materials required by the State Board of Equalization to annex the property to zones 2 and 2A of the Monterey County Water Resources Agency and pay all necessary fees. The annexation shall be performed under the terms of the *Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands*, dated March 1996. The payment shall be based on the current annexation fees at the time of annexation and can be paid in a lump sum or in payments as described in the 1996 Annexation Agreement.

X1

The *Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands*, dated March 1996 states, "non-agricultural use of Basin groundwater on the Armstrong Ranch is limited to 920 acre-feet/year (AFY), 20 AFY when the Agreement

X2

and Framework become effective, an additional 150 AFY upon annexation, and additional increments of 150 AFY every two years thereafter.” The EIR should include a water use plan including phases of development for the Marina Station Specific Plan that are consistent with the approved groundwater withdrawals set forth in the Agreement.

X2

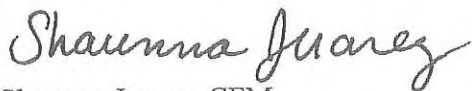
In addition, the Gency recommends adding the following mitigation measure to the Hydrology and Water Quality section:

- Groundwater Extraction Report - Prior to filing the final map, the applicant shall register each on-site well into the MCWRA’s Groundwater Extraction Management System (GEMS) program. The applicant will then be required to submit an annual groundwater extraction report quantifying the monthly extraction from each well, every February 15th to the Monterey County Water Resources Agency.

X3

If you have any questions please feel free to contact me at (831) 755-4860. Thank you for the opportunity to review the DEIR.

Sincerely,



Shaunna Juarez, CFM
Hydrologist, Floodplain Management and Development Review Section

LETTER X. MONTEREY COUNTY WATER RESOURCES AGENCY (MCWRA)

X1: It is understood that the referenced annexation will be considered by the Local Agency Formation Commission (LAFCO) after certification of the Final EIR. Based on the analysis in the Draft EIR, it was concluded that the project would not result in any significant impacts to water supply or resources; therefore, there is no nexus for requiring payment of any fees for mitigation of impacts. Payment of processing fees is not related to any significant environmental impact, and, therefore, is not appropriate as a mitigation measure under CEQA. The City will consider this measure as a condition of approval during its review of the proposed project.

X2: As presented on pages 4.14-13 to 4.14-17 of the Draft EIR, a water supply assessment (WSA) has been prepared and approved for the project by the MCWD. The WSA concludes that adequate water supply is available to serve the project with no adverse impacts to the water basin. A water use plan, therefore, is not required.

X3: Based on the analysis in the Draft EIR, the project would not result in any significant adverse impacts to groundwater water supply or resources. In addition, as set forth in the Draft EIR, the water for this project would be supplied by the MCWD, not from onsite wells. For these reasons, there is no nexus for requiring the mitigation identified in this comment.

3.0 REVISIONS TO THE DRAFT EIR

The following section provides revisions to the text of the Draft EIR, in amendment form. The revisions are listed by page number. All additions to the text are presented in underline, and all deletions are shown in ~~strikeout~~.

Page 4.3-10, the fourth paragraph is revised as follows:

A program of prescribed burning has been initiated within the boundaries of the former Fort Ord, generally south of the project site ranging in distance from about one to eight miles. There are plans to continue performing such burns into the future. At this point, such burns have only been performed under the auspices of the U.S. Army for purposes of clearing vegetation in advance of removing potential un-detonated ordnance and explosives. ~~The first such burn (and only such burn initiated to date) was~~ Burns were performed in October 2003 west of the center of the former Fort Ord and in 2006 about five miles south of the project site. Several air pollutant monitoring stations were arrayed around the targeted burn area, though none were as far north as the proposed project site. During the initial burn (“active ignition”) days and the subsequent (“smolder”) days, PM₁₀ concentrations measured at all or nearly all of the monitoring stations exceeded the applicable state standard. The published information that was reviewed did not provide sufficient evidence to determine whether or not the applicable state standard was exceeded in the project vicinity. Concentrations of selected TACs were also monitored, but no substantial increases to background concentrations of those compounds were measured during the burn. In February 2005, the U.S. Department of Health and Human Services published a Health Consultation relating to the prescribed burns at Ranges 43-48. Its general conclusion was that smoke from that burn does not create an “apparent public health hazard.” Additional burns by the U.S. Army and other agencies are expected in the future, which could temporarily raise levels of PM₁₀ in the area but would not be expected to create a public health hazard as far north as the project site.

Page 4.3-17, first partial paragraph, the fifth full sentence is revised as follows:

Prevailing winds are from the west (although wind shifts come from the east at times) and the existing nearby sensitive receptors are generally located to the south and west ~~and east~~ of the project site.

Page 4.3-17, Mitigation 4.3-1 is revised as follows:

- 4.3-1 Prior to start of construction, the project applicant or contractor shall submit to the City of Marina Public Works Department a construction dust mitigation plan. This plan shall specify the methods of dust control that will be utilized, demonstrate the availability of needed equipment and personnel, require the use of reclaimed water for dust control if available on-site, and identify a responsible individual who, if needed, can authorize implementation of additional measures. The construction mitigation plan shall, at a minimum, include the following measures:
- Limit grading activity to a maximum of 11 acres daily. As more detailed construction information becomes available, emissions from grading activities could be reassessed to determine if the area of grading could be increased, subject to City approval. Such an assessment shall be conducted using appropriate assumptions and mitigation measures.

- Water all active construction areas at least three times daily. Active areas adjacent to existing businesses should be kept damp at all times. If necessary, during windy periods, watering is to occur on all days of the week regardless of onsite activities.
- Cover all trucks hauling dust, sand, or loose materials or maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas as quickly as possible.
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend excavation and grading activity when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site.

Project construction contractors shall adhere to the following requirements to reduce emissions of particulate matter below MBUACPD thresholds. (Note that the proposed project does not include any off-site hauling of dirt, sand or loose materials, only on-site hauling; dirt hauling mitigation reflects this limitation):

- ~~Water all active construction areas as needed at least three times daily. Frequency should be based on the type of operation, soil, and wind exposure. (50% reduction in emissions assumed for active areas and 45% reduction for unpaved haul roads)~~
- ~~Prohibit all grading activities during periods of high wind (one hour average speeds of over 15 mph as measured at a height of approximately 10 feet above ground level within areas scheduled for grading).~~
- ~~Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). (30% reduction in emissions assumed for this source category)~~
- ~~Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro seed area when grading operations are completed and during the months of October 15 through April 15.~~
- ~~To the extent haul trucks are utilized to move dirt, sand or loose materials, they shall maintain at least 2'0" of freeboard.~~
- ~~To help minimize off-site soiling nuisance, the construction contractor shall install a drift fence between actively graded and otherwise disturbed ground areas on-site and the nearest off-site residential and school receivers.~~

- ~~■ Plant vegetative ground cover in disturbed areas as soon as possible. (15% reduction in emissions assumed for this source category)~~
- ~~■ Cover inactive storage piles. (9.5% reduction in emissions assumed for this source category)~~
- ~~■ Install wheel washers at the entrance to construction sites for all exiting trucks.~~
- ~~■ Sweep streets if visible soil material is carried out from the construction site.~~
- ~~■ Reduce speed on unpaved roads to less than 15 miles per hour. (40% reduction in emissions assumed for this source category)~~
- ~~■ Shuttle to retail establishments at lunch. (1.3% reduction in emissions assumed for this source category)~~
- ~~■ Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action, if required, within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 Nuisance.~~

Page 4.3-20, Mitigations 4.3-2 and 4.3-3 are revised as follows:

- 4.3-2 Consistent with MBUAPCD guidance, all diesel-powered construction equipment used at the project site shall be 2002 or later model engine, or shall utilize an appropriate biodiesel blend or operate with an oxidation catalyst (or both) such that diesel exhaust emissions would be reduced below the level that would cause chronic adverse (cancer) health effects to sensitive receptors near the site. The selection of a pollution control method and of the configuration of equipment to be used shall be performed in consultation with the MBUAPCD.
- 4.3-3 Consistent with MBUAPCD guidance, all diesel-powered construction equipment used at the project site shall be a 2002 or later model engine, or shall utilize an appropriate biodiesel blend or operate with an oxidation catalyst (or both) such that acrolein emissions would be reduced below the level that would cause acute adverse health effects to sensitive receptors near the site. The selection of a pollution control method and of the configuration of equipment to be used shall be performed in consultation with the MBUAPCD.

Page 4.3-20, the last paragraph is revised as follows:

The URBEMIS 2007~~2~~ (version 9.2.28.7) computer model was used to estimate PM₁₀, ROG, and NO_x operational emissions for summer, using worst-case MBUAPCD recommended defaults for buildout of the entire project. Results from the URBEMIS 2007~~2~~ model run are shown in Table 4.3-9. Complete results including assumptions are included in Appendix 1C to the Final EIR. Based on this analysis, occupancy and operation of all project components would result in a significant impact on regional air quality from ozone, due to exceedance of the MBUAPCD's threshold for VOCs (represented in Appendix E1 as ROG).

Page 4.3-21, the text is revised as follows:

Some of the benefits of the transportation-related measures in the Specific Plan are incorporated into the trip generation estimates used in the indirect source emission calculations that dominate the predicted total emissions for NO_x and contribute substantially to predicted total emissions of ROG/VOC. Even with the features proposed for incorporation into the project, the ROG emissions would exceed MBUAPCD's corresponding ROG/VOC threshold. ~~Furthermore, modeling suggests that implementation of additional available and feasible measures would be~~

insufficient to reduce those emissions to below that threshold. The primary Major sources of ROG/VOC emissions are architectural coatings and consumer products. These emissions have been and continue to be reduced through actions by MBUAPCD (architectural coatings) and CARB (consumer products). As a result, the area source ROG/VOC emissions levels reported in Table 4.3-9 may be reduced by regulatory action.

POLLUTANT	Area (lbs/day)	Operational (lbs/day)	Total (lbs/day) Without Project-Included Mitigation	MBUAPCD Threshold of Significance (lbs/day)	Total (lbs/day) With Project- Included Mitigation
PM ₁₀	0	261	261	NA**	240
		<u>256</u>	<u>256</u>		211
NO _x	18	99	117	137	109
	<u>17</u>	<u>88</u>	<u>105</u>		<u>86</u>
ROG/VOC	132	96	228	137	221
	<u>88</u>	<u>87</u>	<u>175***</u>		<u>154</u>

*The mitigated emissions were based on project design features proposed by the applicants (i.e., included in the project). See Appendix C for more information.
 **MBUAPCD imposes an 82-lbs/day significance threshold for on-site emissions of PM₁₀, but not for indirect (off-site) emissions of this pollutant. There is no applicable threshold for off-site (operator) emissions.
 ***Both unmitigated and mitigated emissions of ROG during the summer would exceed MBUAPCD thresholds. No other exceedances of MBUAPCD thresholds for regional (criteria) pollutants are anticipated during operation of the project.

Impact: Project operation would result in indirect vehicular and area source generation of up to 221154 lbs/day of ROG/VOC. Therefore, the project may contribute to exceedances of the ambient air quality standards for ozone. *These represent significant impacts. Mitigation 4.3-5 includes measures that would reduce project-related emissions of ROG/VOC; however, those measures would not reduce such emissions to a less-than-significant level. Therefore, estimated ROG/VOC emissions and the associated impact on regional ozone represent a significant and unavoidable impact.*

Page 4.3-21, Mitigation 4.3-4 is revised as follows:

4.3-4 Prior to issuance of each certificate of occupancy, the project sponsor shall apply demonstrate to the City Community Development Director (for example, by showing building plans or CC&Rs) that the project sponsor has applied the following MBUAPCD recommended "Facility Improvement" measures to the extent appropriate for the specific land uses proposed:

- Electrical outlets shall be provided at building exterior areas to ensure that a minimum of 50% of landscape maintenance equipment is electrically powered.
- The VOC content of all surface coatings has been reduced by at least 22% compared to MBUAPCD coatings rules in effect as of November 2006.
- Prior to issuance of each building permit, the project shall demonstrate to the City Community Development Director that the energy efficiency of the building will be 20% beyond 2007 Title 24 requirements.

The project sponsor shall implement all of the following Transportation Demand Management (TDM) measures (the estimated reduction in trips from that applicable specific land use, not overall, and vehicle miles traveled, or VMT, is provided in parentheses following the measure³⁰):

- Provide preferential carpool/vanpool parking spaces in light industrial and office uses. (0.5% fewer trips; 0.5% less VMT)
- Provide bicycle storage/parking facilities. (one bike space per 20 vehicle spaces)
- Provide shower/locker facilities in light industrial and office uses. (When combined with measure in previous bullet, 1% fewer trips; 0.5% less VMT)
- Provide onsite child care centers ~~west of Del Monte Blvd.~~ (no fewer trips; 2.0% less VMT)
- Develop park-and-ride lots along the TAMC right-of-way. (10% reduction in trips per space occupied; 89% less VMT per space occupied)

The City shall encourage employers at the project site to implement all of the following additional TDM measures. Prior to issuance of a certificate of occupancy for each industrial facility, the applicant shall submit evidence of implementation of a minimum of two (2) of these programs:

- Employ a transportation/rideshare coordinator. (2% fewer trips; 2% less VMT)
- Implement a rideshare program. (1% fewer trips; 1% less VMT)
- Provide incentives to employees to rideshare or take public transportation. (1% fewer trips; 1% less VMT)
- Implement compressed work schedules. (2% fewer trips; 2% less VMT)
- Implement telecommuting program. (1.5% fewer trips; 3% less VMT)
- Implement a parking surcharge for single occupant vehicles. (2% fewer trips; 1.5% less VMT)
- Provide for shuttle/mini bus service if demand warrants. (2% fewer trips; 2% less VMT, if demand warrants)

Mitigation measure 4.3-4 has the ability to reduce emissions from the quantities shown in Table 4.3-9 to the following: ~~(note, no reduction in PM₁₀ emissions would result);~~ as low as 211 lbs/day, ROG/VOCs as low as 217-154 lbs/day, and NO_x as low as 105 86 lbs/day.

Page 4-3-21, add the following new mitigation measure:

4.3-5 Prior to issuance of the first building permit for the project, and after consultation with the MBUAPCD, the project sponsor shall submit to the City, and obtain Community Development Director approval of, a program to ensure that the project's ROG emissions do not exceed 137 pounds per day. The program may include one or more of the following: incentives to home purchasers for the purchase of hybrid passenger cars, conversion of hybrid passenger cars to allow for plug-in recharging, or neighborhood electric vehicles; accelerated replacement of older vehicles; additional TDM measures; or other measures.

Alternatively, if approved by the City Community Development Director, the project sponsor may elect not to submit a ROG mitigation program and instead may pay the MBUAPCD \$1,039,500, the amount calculated based on the MBUAPCD's methodology (MBUAPCD letter to the City dated April 18, 2007) for an incentive grant program to fund neighborhood electric vehicles.

³⁰ These quantifications were found in Table 8-5 of the MBUAPCD CEQA Guidelines, which contains more information on the assumptions used to develop the reduction estimates.

If the project sponsor begins implementing its City-approved ROG program, but that program is not sufficient to keep the project's emissions at or below 137 pounds per day, the project sponsor and the City may agree that the project sponsor will subtract the funds already spent on the program from \$1,039,500 and pay the balance to the MBUAPCD for its incentive grant program.

Page 4.3-25, the first bullet at the top of the page is revised as follows:

- Prohibit the completion of construction and occupancy of any proposed "Neighborhood Edge" residential development within the aforementioned 500-foot setback area until ~~no earlier than 2015~~, it can be demonstrated that the Highway 1-related health risk would be within acceptable levels.³¹

Page 4.4-7, the fifth paragraph is revised as follows:

The project site does not contain suitable aquatic habitat for the California tiger salamander. However, the project site does contain suitable upland habitat for the salamander (grassland with small mammal burrows). Two vernal pools located north of the property boundary on the west side of Del Monte Boulevard were identified as potential suitable breeding habitat; these pools occur approximately 1,100 feet from the project's north boundary. Therefore, according to the Interim Guidelines and correspondence with the USFWS, it has been determined that California tiger salamanders have the potential to occur within the project site and protocol-level surveys are recommended by the USFWS to determine presence or absence. There is no documentation that the vernal pools have ever been studied previously. As a result, the hydrology and fauna of the pools are unknown, including the inundation period and presence of bullfrogs. Hydrologic data was taken during the fall/winter 2005-2006 rainy season, and protocol-level aquatic dip-net surveys began in March 2006. The protocol-level surveys were finished in May 2007 and ~~N~~ no California tiger salamanders were observed during any of the ~~spring 2006~~ surveys. A final report describing the results of the surveys was submitted to the USFWS. The USFWS concurred with the negative findings of the report and determined that California tiger salamanders do not occur in association with the vernal pools. The concurrence letter from USFWS, dated September 14, 2007, is attached (see Appendix 2). However, the presence or absence of the California tiger salamander will not be determined until the protocol-level surveys are completed in winter and spring 2007. For the purposes of this analysis, California tiger salamanders are assumed to be present within the project site west of Del Monte Boulevard, until and unless results of the USFWS surveys indicate otherwise. Although the project site east of Del Monte Boulevard contains suitable upland habitat, there are no documented or potential breeding sites within 1.24 miles of the site. Zander Associates prepared a California Tiger Salamander Site Assessment (July 2005) and determined that there are no potential breeding sites on Armstrong Ranch east of Del Monte Boulevard and that Del Monte Boulevard constitutes a dispersal barrier.

It was also recommended by the USFWS that protocol-level surveys be conducted within an agricultural water storage basin located outside of the project site on the eastern side of Armstrong Ranch to determine the possible presence of California tiger salamander within the project site. DD&A conducted protocol-level aquatic dip-net sampling at the basin and identified tiger salamander larvae and eggs during the first aquatic sampling event, and observed larvae at subsequent sampling events. The larvae and eggs were preliminarily identified as potentially California tiger salamander, a threatened species under the federal Endangered Species Act (ESA). The August 3, 2004, the listing rule for California tiger salamander identified

³¹Further information demonstrating the predicted future decreases in area-wide cancer risk levels in the project vicinity over time are presented in Appendix C (see Figure A); delay of occupancy of portions of the project nearest to the highway avoids the exposure of such occupants until such time that diesel exhaust pollutant emission rates and corresponding risk levels have substantially decreased.

hybridization with non-native salamanders as a serious threat to the species in the Central Coast region of California (69 FR 47239). Research indicates that within this region, many Monterey County populations of California tiger salamanders are compromised by non-native genes. Therefore, it was determined by the USFWS that genetic testing of this population should be conducted to determine the “nativeness” of the population. DD&A coordinated with Dr. H. Brad Shaffer’s genetics lab at the University of California at Davis. With authorization from the Service, DD&A collected genetic material (i.e., tail tips) from salamander larvae in May 2007. The genetics report concluded that the genotypes of salamanders present within the agricultural basin are comprised primarily of introduced alleles. According to the report, the genetic makeup of the population is 99% non-native. The data suggests that the site has been subjected to an invasion by introduced non-native tiger salamanders. Given that the agricultural basin is relatively young (approximately 10 years old) and that there are extremely low levels of native California tiger salamander alleles further indicate that native California tiger salamander individuals are unlikely to be encountered in this population. The USFWS concurred with these findings and concluded that the tiger salamanders using the agricultural basin and the surrounding upland habitat are not afforded protection under the Endangered Species Act. The concurrence letter from USFWS, dated November 1, 2007, is attached (see Appendix 2).

Page 4.4-17, Mitigation 4.4-1 is revised as follows:

- 4.4-1 The applicant shall mitigate for the loss of 51 acres of Monterey spineflower through a bonded program of seed and/or soil bank salvage, establishment of a new spineflower restoration area at a 1:1 ratio to the area impacted (either on- or off-site), and managing and monitoring to assure that there will be no net loss of spineflower affected by the project. A Restoration Plan shall be prepared by a qualified biologist outlining the details pertaining to onsite or offsite restoration areas, plant salvage, seeding, and planting specifications, and monitoring program which describes annual monitoring efforts incorporating success criteria and contingency planning if success criteria are not met. The plan shall be completed and approved by the City and USFWS and funding secured prior to the issuance of any grading or building permit for the project and shall not terminate until there has been verification from a qualified biologist and City staff, in consultation with USFWS and that such measures have been successfully implemented. Possible restoration sites include the adjacent Armstrong Ranch, the coastal dune scrub habitat west of Highway 1 within Monterey County Regional Parks land (Marina Dunes Reserve) or private ownership, and land south of the project site owned by Monterey Regional Parks District adjacent to Locke Paddon Community Park, ~~or an inland population of Monterey spineflower located along the Salinas River near Soledad.~~ Restoration areas shall be preserved through establishment of a conservation easement.

Page 4.4-17, the last paragraph is revised as follows:

Based on the Baseline Study and field surveys, the following special-status wildlife species are documented to occur or have the potential to occur within the site: ~~California tiger salamander (federally threatened species),~~ American badger (California species of special concern), black legless lizard (California species of special concern), coast horned lizard (California species of special concern), burrowing owl (California species of special concern), and other special-status avian species (California species of concern and protected under the MBTA and Fish and Game Code).

Page 4.4-20, the following discussion under heading “Reptiles and Amphibians” is revised as follows:

~~The project site does not contain suitable aquatic habitat for the California tiger salamander. However, the project site does contain suitable upland habitat for the salamander (grassland with small mammal burrows). Two vernal pools located north of the property boundary on the west side of Del Monte Boulevard were identified as potential suitable breeding habitat; these pools occur approximately 1,100 feet from the project’s north boundary. According to the Interim Guidelines and correspondence with the USFWS, it has been determined that California tiger salamanders have the potential to occur within the project site and protocol level surveys are recommended by the USFWS to determine presence or absence. Protocol level aquatic dip net surveys began in March 2006 to determine the presence or absence of this species. No California tiger salamanders were observed during the spring 2006 surveys. However, the presence or absence of the California tiger salamander will not be determined until the protocol level surveys are completed in winter and spring 2007. For the purposes of this analysis, California tiger salamanders are assumed to be present within the project site (west of Del Monte Boulevard), until and unless results of the USFWS surveys indicate otherwise. Grading and other earthmoving activities as a result of the proposed project could impact California tiger salamanders and their habitat. Impacts to California tiger salamanders are considered a significant impact that can be reduced to a less than significant level with implementation of the mitigation measures identified below.~~

Page 4.4-20, the impact statement and mitigation measures are revised as follows

Impact **The project would require grading, excavation, and other activities that may result in a permanent loss or disturbance of California tiger salamander, black legless lizard, and coast horned lizard, and their habitat. *This would represent a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation measures.***

Mitigation

~~4.4.4~~ — The applicant shall retain a qualified permitted biologist to perform protocol level surveys for California tiger salamander pursuant to the 2003 Interim Guidelines. If California tiger salamanders are not found during the protocol level surveys, a final report shall be submitted to the USFWS for concurrence on the negative findings. No further mitigation will be required.

— If California tiger salamanders are found during the protocol level surveys, the positive findings shall be included in the report to the USFWS pursuant to the Interim Guidelines. The applicant shall coordinate with the USFWS to determine the appropriate course of action per the requirements of the federal ESA (e.g., applying for a Section 10 Incidental Take Permit and implementing the permit requirements, including those outlined in a Habitat Conservation Plan, which is required as part of the application). The applicant shall follow the measures below and/or equivalent measures identified during the ESA process:

- ~~1.~~ If more than one CTS adult or juvenile is found dead or injured during construction activities in any single calendar year, the project applicant/lead agency must contact the USFWS office immediately so that the Service can review the project activities to determine if additional protective measures are needed. Project activities may continue pending the outcome of the review, provided that the proposed protective measures are fully implemented.
- ~~2.~~ Ground disturbing construction activities must not occur at night or during rain.
- ~~3.~~ Ground disturbing construction activities must be conducted during the dry season between March 15 and October 15.

4. ~~Prior to ground-disturbing activities, any areas with dense concentrations of small mammal burrows must be flagged by a USFWS approved biologist and avoided as much as possible.~~
5. ~~A USFWS approved biologist must conduct a brief training session for all project personnel before any project related activities begin within the project area. At a minimum, the training must include a description of the CTS, their habitat, regulatory framework, the measures to be implemented during work activities to protect the species, and a review of project boundaries.~~
6. ~~Prior to commencing excavation in upland areas that could injure or kill individual CTS, a pre-construction survey must be conducted immediately preceding the activity. A USFWS-approved biologist for the project must carefully search all obvious potential hiding places for CTS, such as large downed woody debris or small mammal burrows. Any CTS found within these upland project areas must be captured and relocated into suitable habitat outside of the project area.~~
7. ~~A USFWS approved biologist must be on-site during all ground-disturbing activities to monitor for the presence of CTS. The USFWS approved biologist must have the authority to stop construction activities when CTS are encountered or unintended indirect effects to CTS habitat occurs, until appropriate corrective measures are taken. If a CTS is observed within a designated work area and cannot be avoided, all work must stop until the animal leaves the work area or until it is captured and relocated by a USFWS approved biologist to outside of the work area.~~
8. ~~Prior to the onset of any construction or habitat enhancement activities, USFWS approved biologists must identify appropriate areas to receive translocated CTS in the project area. These areas must be in proximity to the capture site but outside any area likely to be adversely impacted by construction activities, support suitable vegetation, and be free of exotic predatory species (e.g., bullfrogs, crayfish) to the best of the USFWS approved biologists' knowledge. Specifically, any accidentally exposed CTS found during project activities must be relocated to another small mammal burrow outside of construction activities.~~
9. ~~CTS must be captured with bare hands or vinyl gloves only. USFWS approved biologists must not use soaps, oils, creams, lotions, repellants, or solvents of any sort on their hands before and during periods when they are capturing and relocating this species.~~
10. ~~The USFWS approved biologist must limit duration of handling and captivity of CTS to a minimum. While in captivity, individuals of this species must be kept in a cool, moist, aerated environment, such as a bucket containing a damp sponge. Containers used for holding or transporting this species must not contain standing water.~~
11. ~~If trenches are left open overnight, the trench area must be surrounded by silt fencing, installed in coordination with the USFWS approved biologist, to ensure that the CTS do not enter the project area and become trapped in the trench. The bottom six inches of silt fencing must be folded over (facing away from the project area) and weighed down with rebar, rocks, or other suitable material to prevent CTS from squeezing under the silt fence and entering the trench area. Any trenches left open overnight must be inspected by the USFWS approved biologist within two hours of sunrise each morning to remove any CTS that may have inadvertently entered the trench.~~
12. ~~The project proponent/lead agency must request written approval of any biologist it wishes to employ to capture, move, and survey for CTS in the project area and to conduct a training session. The request must be in writing and be received by the USFWS at least 15 days prior to the onset of activities.~~
13. ~~To ensure that diseases are not conveyed between work site by the USFWS approved biologists, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force must be followed at all times. The USFWS approved biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care must be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.~~

14. ~~All staging areas, equipment storage areas, and project boundaries must be defined with fencing.~~
15. ~~Pets shall be prohibited from the project site.~~
16. ~~During project activities, all trash that may attract predators to the site shall be properly contained and removed from the work site.~~

Page 4.4-26, the third paragraph is revised as follows:

The majority of these biological resources are regionally concentrated within the Fort Ord dunes system and former Fort Ord military base. The Fort Ord Reuse Plan EIR and Habitat Management Plan (HMP) for the former Fort Ord mitigate the loss of biological resources on a regional scale through the establishment of habitat reserves and corridors to preserve and manage many of the special-status species and habitats that occur, or have the potential to occur, within the project site, including ~~California tiger salamander~~, black legless lizard, Monterey spineflower, native grassland, and coastal dune scrub. The preservation of native grassland habitat and coastal dune scrub communities within the former Fort Ord allow for the preservation of other associated special-status species, such as coast horned lizards, raptors, and badgers. In addition, the majority of the coastal dune scrub community in the region from the mouth of the Salinas River to Monterey is within existing or proposed State park land, and therefore protected from future large-scale development. Although the HMP does not mitigate for development impacts that occur outside of the former Fort Ord, the preservation of habitat and special-status species has a cumulative beneficial impact for the region.

Page 4.8-8, Figure 4.8-1 is revised as shown on the attached graphic.

Page 4.8-10, the following text is added to the end of Mitigation 4.8-3:

Low Impact Development (LID) techniques shall be included as part of the project BMPs to the maximum extent practicable, as required by the NPDES General Permit and RWQCB.

Page 4.12-1, the last paragraph is revised as follows:

The project lies within the North Monterey County Unified School District (NMCUSD). The NMCUSD ~~operates~~ ~~consists of~~ four elementary schools, one middle school, one high school, and ~~one continuation high school~~ ~~two alternative education facilities~~. The middle school and high school are both located in Castroville. The District offers preschool programs and extended day classes and other after-school programs to support student academic achievement. Current school enrollment within the District is approximately ~~4,500~~ 4,698 Kindergarten-12th grade students.

The NMCUSD facility capacity analysis prepared for the 2007 NMCUSD Facility Master Plan identifies the total K-12 capacity of the District to be 4,960. Facility capacities compared to 2006-2007 enrollments indicate all schools in the NMCUSD, with the exception of the North Monterey County High School, are operating above their facility capacity.

Page 4.12-2, the second paragraph is revised as follows:

The MPUSD consists of 11 elementary schools, four middle schools, and ~~four~~ ~~three~~ high schools (including Central Coast Continuation High School) within the cities of Marina, Monterey, Seaside, Del Rey Oaks, and portions of unincorporated Monterey County. The MPUSD had a total enrollment of ~~11,205~~ ~~10,252~~ students in the ~~2006-2007~~ ~~2004-2005~~ school year (Thomas Woodruff, Chief Business Officer, ~~Charlie Van Meter~~, MPUSD, personal communication, ~~April 2007~~. December 2005).

Page 4.12-2, third paragraph, the first sentence is revised as follows:

The MPUSD’s current student capacity is 11,305 ~~13,157~~.

Page 4.12-7, Table 4.12-1 is revised as follows:

Table 4.12-1A				
Projected Student Generation - MPUSD				
Housing Type	Grade Level	Generation Rate/Unit*	No. Units	No. New Students
Single-Family Residential	K-5	0.25	824	206
	6-8	0.08	824	66
	9-12	0.12	824	99
Multi-Family Residential	K-5	0.15	536	81
	6-8	0.05	536	27
	9-12	0.07	536	38
Total				517
* The “low” student generation rates were used for the Multi-Family residential units and the “medium” student generation rates were used for the Single-Family residential as directed by Charlie Van Meter of the MPUSD. Source: EMC Planning Group Inc. and Monterey Peninsula Unified School District 2006.				

Page 4.12-7, Table 4.12-1B is inserted as shown below:

Table 4.12-1B				
Projected Student Generation - NMCUSD				
Housing Type	Grade Level	Generation Rate/Unit	No. Units	No. New Students
Single-Family Residential	K-6	0.326	576	188
	7-8	0.067	576	39
	9-12	0.192	576	111
Multi-Family Residential	K-6	0.241	377	91
	7-8	0.052	377	20
	9-12	0.078	377	29
Low-Income/BMR	K-6	0.511	407	208
	7-8	0.140	407	57
	9-12	0.349	407	142
Total				885
Source: NMCUSD, April 2007				

Page 4.12-7, the second paragraph is revised as follows:

The NMCUSD is currently assessing the potential impact of the project on school facilities in the event that the project remains within their district, and it is not yet clear whether the project-generated students would be accommodated in existing facilities or new facilities (either permanent or relocatable) would be required. Application of the NMCUSD student generation rates to the project results in the generation of approximately 885 new students, as presented in Table 4.12.1B. According to the NMCUSD, there is inadequate capacity to accommodate additional K-8 students within its current facilities, which would require a minimum 10-acre site to house a new school for these students.

Page 4.13-20, the second paragraph is revised as follows:

The City and TAMC is are currently exploring long term plans to provide bus rapid transit reinstate the intra-regional passenger rail service to Monterey along on the Union Pacific rail right-of-way line that runs through the City of Marina, which is supported by the City of Marina. One of the proposed transit rail station locations is along Del Monte Boulevard, in the middle of the project site. This feature was acknowledged in the design of the project site and the provision for a future transit rail station has been included in the Specific Plan. Land uses that will encourage the use of transit have been incorporated into the project at the future rail station location. The train station is not proposed as part of this project and is not yet a reasonably foreseeable future project nor is it expected to be operational in the next 20 years; therefore, train transit station operations are not included in this EIR analysis.

Page 4.13-24, Mitigation 4.13-2 is revised as follows:

4.13-2 Signalize the intersection of Del Monte Boulevard/Beach Road and add an EB left turn lane. This improvement will require the reconstruction of the adjacent Beach Road rail (future) bus rapid transit crossing and rail transit crossing preemption. This improvement is included in the City's CIP and TIF. The project shall pay the City's traffic impact fee to mitigate the impact at this location.

Page 4.13-25, Mitigation 4.13-6 is revised as follows:

4.13-6 Convert the intersection of De Forest Road/Beach Road to a traffic circle (roundabout) ~~all way stop control and add a NB left turn lane and a SB right turn lane.~~ These improvements shall be funded and implemented by the project.

Page 4.13-26, the discussion of Regional Impacts at the top of the page is revised to include the following text as the second paragraph:

These regional impacts include impacts within two cities, Monterey and Seaside. TAMC has not yet included improvements to the impacted intersections in its traffic impact fee, but it is possible that the cities will adopt reasonable plans for actual mitigation to provide the improvements. The mitigation below is identified for the project's impacts to these intersections.

Mitigation





4.13-24 If the City of Monterey either: 1) adopts a reasonable program of actual mitigation that the City of Monterey commits itself to implement (e.g., a fund) for, or 2) otherwise obtains the balance of the funding needed for (a) adding second northbound and southbound lanes to the intersection of Camino Aguajito/Fremont, and (b) widening Del Monte Avenue at the intersection of Sloat/Del Monte, the project sponsor shall be required to pay its fair share into that program, i.e., 3.7% for the Camino Aguajito/Fremont improvement and 4.6% for the Sloat/Del Monte improvement. If the City of Monterey takes either of these steps, the project sponsor shall be required to pay its fair-share contribution for these improvements to the City of Monterey, or to another entity as directed by the City of Monterey, prior to obtaining its next building permit for the project. If neither step is taken by the City of Monterey, and if TAMC does not add these improvements to its fee, the regional cumulative impact on these intersections would remain significant and unavoidable.

4.13-25 If the City of Seaside either 1) adopts a reasonable program of actual mitigation that the City of Seaside commits itself to implement (e.g., a fund) for, or 2) otherwise

obtains the balance of the funding needed for (a) adding a southbound right and second eastbound left turn lane to the General Jim Moore/Light Fighter intersection, (b) adding a second eastbound left turn lane and widening the northbound and southbound lanes at the Second/Light Fighter intersection, (c) signalizing the General Jim Moore/Coe intersection; or (d) signalizing the General Jim Moore/Broadway intersection, the project sponsor shall be required to pay its fair share into that program, i.e., 4.4% for General Jim Moore/Light Fighter, 3.6% for Second/Light Fighter, 3.5% for General Jim Moore/Coe, and 1.8% for General Jim Moore/Broadway. If the City of Seaside takes either of these steps, the project sponsor shall be required to pay its fair-share contribution for these improvements to the City of Seaside, or to another entity as directed by the City of Seaside, prior to obtaining its next building permit for the project. If neither step is taken by the City of Seaside, and if TAMC does not add these improvements to its fee, the regional cumulative impact on these intersections would remain significant and unavoidable.

Biological Update dated and distributed April 18, 2007. The previously released Biological Update to the Draft EIR is superseded by attached biological information (see Appendix 2) and conclusions in this Final EIR and is no longer relevant. Since the Biological Update was issued in April 2007, genetic testing was conducted by Dr. H. Brad Shaffer's genetics lab at the University of California at Davis on the tiger salamanders discovered at the agricultural basin near the project site, under the authorization from the U.S. Fish & Wildlife Service (USFWS). Testing results concluded that the individuals encountered were comprised primarily of non-native genes and that the site had been subjected to an invasion by introduced non-native tiger salamanders. The USFWS concurred with these findings and concluded that the tiger salamanders using the agricultural basin and the surrounding upland habitat are not afforded protection under the Endangered Species Act (see USFWS concurrence letter dated November 1, 2007 contained in Appendix 2).



-  Proposed Storm Drain
-  Direction of Flow
-  Tract Boundary
-  Proposed Percolation Area

Source: RJA and Associates, 2008

	<h2 style="margin: 0;">Revised Drainage Plan</h2>	<p>Figure 4.8-1</p>
---	---	-------------------------

APPENDIX 1
JANUARY 2008 URBEMIS ANALYSIS

Marina Station Specific Plan
Urbemis 2007 Version 9.2.2 – Assumptions
January 24, 2008
Prepared by: Denise Duffy & Associates (DD&A)

LAND USE ASSUMPTIONS

- Single Family Detached Housing: 887 units
- Apartments: 473 Units
- Specialty Retail: 36,000 sf¹
- Supermarket: 10,400 sf
- Quality Restaurant: 8,900 sf
- Convenience Market: 4,700 sf²
- General Offices: 143,808 sf
- Light Industrial: 651,624 sf

NOTE: Internal capture rates from diverted-linked trips (and due to Neighborhood District Land Use) reported in the Traffic Impact Analysis have not been applied to avoid double counting (see Operational Assumptions below).

AREA SOURCE ASSUMPTIONS

- The project and mitigation proposes no wood-burning stoves or fireplaces; therefore, this was reflected in the Hearth Fuel Combustion screen. Also, Natural gas fireplaces are assumed in 60% of the homes as a conservative estimate.
- Persons per Residential Unit changed to 2.79 consistent with the City of Marina General Plan Housing Element and the Population and Housing section of the Draft EIR (March 2007).
- Project elements that will reduce household energy consumption (and therefore, air pollution emissions): A photo-voltaic solar system on every new single-family home and an optional solar heating system, Reflective Roofs, Energy Star Appliances (including, at a minimum all Refrigerators, Dishwashers and Washers/Dryers), Fluorescent Fixtures, Dimmer Switches / Timer Switches, Dual Pane Windows with Low E, Insulation that exceeds Title 24 requirements by at least 15%, Hot Water Recirculation, Use of Recycled Materials, Use of Sustainable Wood Product [Therefore, as shown below, DD&A assumes 20% better energy efficiency than title 24 requirements]

OPERATIONAL DATA ASSUMPTIONS

- Year 2025 buildout (worst-case)
- Urbemis MBUAPCD defaults for Vehicle Fleet, Trip Characteristics, Variable Starts
- Temperature for Monterey County based on MBUAPCD CEQA Guideline as summer 75 degrees F (worst-case due to coastal location).
- Pass-by Trips selected because this is expected and not accounted for in the trip rates or otherwise.
- Double-counting Correction: Based upon Higgins Associates, Dec. 2006, a reduction of 694 trips was assumed due to internal capture of diverted-linked trips associated with the convenience market.
- Regarding Mix of Uses related to Neighborhood District Land Use: Rather than a reduction of 1,470 trips as assumed by Higgins (Dec. 2006), this model uses the "Mix of Uses" mitigation (see below)

¹ Fast Food with Drive Through Window was eliminated since the Draft EIR was published March 2007 and added to this land use category. Specialty Retail Land Use added in blank land use cells and daily trip rate taken from Higgins Associates' Traffic Impact Analysis, December 5, 2006.

² Convenience Market (15 to 16 hours) Land Use added and daily trip rate taken from Higgins Associates' Traffic Impact Analysis, December 5, 2006.

The following are the Urbemis 2007 mitigation measure assumptions used. The *italic underlined* text below documents DD&A assumptions for this project, which include background conditions, project proposed measures, and measures included in the FEIR (see Mitigation Measure 4.3-4):

Area Source Mitigation Measures

The area source mitigation measures allow three different types of mitigation measures to be specified. They include energy efficiency (primarily space heating), landscape maintenance measures, and architectural coatings measures. URBEMIS does not currently have mitigation measures for hearth fuel combustion or for consumer products.

Energy Efficiency Mitigation Measures *[all toggled on; assumed 20% beyond Title 24]*

URBEMIS includes three mitigation measures for natural gas combustion. Each measure is based on building energy efficiency relative to Title 24, California's energy efficiency regulation for residential and non-residential buildings. The user can turn on the appropriate measure and enter the percentage increase in energy efficiency above Title 24. Emission reductions are assumed to be proportional to the increase in building energy efficiency beyond Title 24. For example, if the user enters a mitigation measure showing an increase in residential energy efficiency of 10 % beyond Title 24, URBEMIS calculates a 10% reduction in emissions generated by residential energy consumption. Title 24 requires that compliance (with Title 24) be demonstrated before a building permit can be issued. This requirement applies to any heated building in California. Consequently, the percentage increase in energy efficiency beyond Title 24 should be based on the required compliance documentation.

Landscape Maintenance Mitigation Measures *[all toggled on; assumed 50% electrical landscape equipment]*

URBEMIS includes two mitigation measures for landscape maintenance equipment. The first measure applies to residences, the second measure applies to commercial and industrial landscape equipment. For each of these measures, the user can specify the percentage of landscape equipment that would be electrically powered.

Architectural Coatings Mitigation Measures *[all toggled on; assumed 22% reduction beyond existing coatings rules]*

For architectural coatings, URBEMIS allows the user to specify low VOC coatings percentages. The percentages reflect the reduction in VOC emissions as compared to existing coatings rules.

Operational Mix of Uses Mitigation *[toggled on]*

The following procedure is used to adjust trip generation rates as a function of the mix of land uses for any particular project.

$$\text{Trip reduction} = (1 - (\text{ABS} (1.5 * h + e) / (1.5 * h + e)) 0.25) / 0.25 * 0.03$$

Where:

h = study area households (or housing units) *[used 1,360]*

e = study area employment *[used 2,044]*

Therefore, for this project, the trip reduction is 9%, the maximum possible.

This formula assumes an "ideal" housing balance of 1.5 jobs per household and a baseline diversity of 0.25. The maximum possible reduction using this formula is 9%. Negative reductions of up to 3% can result when the housing to jobs ratio falls to levels less than the baseline diversity of 0.25. This reduction takes into account overall jobs-population balance.

The number of households or housing units and employment should be based on the area located within a 1/2 mile radius of the project's center. Information on housing density can be found on U.S. Census Bureau websites such as <http://factfinder.census.gov>. Information on the study area's employment can be found at <http://censtats.census.gov/cbpnaic/cbpnaic.shtml>. Information may also be available from the local council of government or metropolitan planning organization.

Operational Local Serving Retail Mitigation *[toggled on]*

The presence of local serving *retail* can be expected to bring further trip reduction benefits, and an additional reduction of 2% is assumed. This is towards the lower end of the values presented in the research, in order to avoid double counting with the diversity indicator.

Operational Transit Mitigation *[toggled on; assumed 47 daily weekday buses stopping within 1/4 mile of the site and no other transit]*

The Transit Service Index emphasizes frequency but with greater weighting given to rail services. Greater weight is also given to dedicated shuttles, in recognition of the fact that these are likely to be more closely targeted to the needs of the development. Information on transit availability and frequency can be obtained from transit agency maps and schedules.

The Transit Service Index is determined as follows:

- Number of average daily weekday buses stopping within 1/4 mile of the site; plus
- *Twice* the number of daily rail or bus rapid transit trips stopping within 1/2 mile of the site; plus
- *Twice* the number of dedicated daily shuttle trips;
- Divided by 900, the point at which the maximum benefits are assumed. (This equates to a BART station on a single line, plus four bus lines at 15-minute headways.)

Developments that are larger than 0.5 miles across in any direction must be broken into smaller units for purposes of determining the transit service index. The average of all units would then be used.

The figure shown below provides some examples of how service frequencies translate into Transit Service Index scores (note these are additive, if a location has more than one component).

Example Transit Service Index Scores

Transit	Service Score	Assumptions
BART (single line)	0.33	150 trips per day (15-20 minute head-ways in each direction from 4 AM-12 AM)
15-minute bus, 5 AM 12 AM	0.17	
30-minute bus, 5 AM 7 PM	0.06	
Amtrak San Joaquin	0.03	6 trips per day in each direction
Dedicated commute shuttle (direction)	0.02	5 trips per commute period (single

As well as existing service, planned and funded transit service should be included in the calculation. Purely demand responsive service should not be included. A maximum trip reduction of 15% is assumed. To account for non-motorized access to transit, half the reduction is dependent on the pedestrian/bicycle friendliness score. This ensures that places with good pedestrian and bicycle access to transit are rewarded.

$$\text{Trip reduction} = t * 0.075 + t * \text{ped/bike score} * 0.075$$

Where t = transit service index

Operational Bike and Pedestrian Mitigation [toggled on; assumed 454 intersections/sq mi and %s below]

The pedestrian/bicycle factor is calculated as follows:

$$\text{Ped/bike factor} = (\text{network density} + \text{sidewalk completeness} + \text{bike lane completeness})/3$$

Where:

$$\text{Network density} = \text{intersections [sum of valences] per square mile} / 1300 \text{ (or 1.0, whichever is less)}$$

Note: In most GIS applications, intersections are counted based on the number of line segment terminations, or each "valence." Intersections have a valence of 3 or higher. A valence of 3 is a "T" intersection, 4 is a four-way intersection. Therefore, if intersections are counted manually on a map or project plan, care needs to be taken to distinguish between 3-, 4- and 5-way intersections, and factor them up accordingly. The 1,300 value roughly equates to a dense grid with four-way intersections every 300 feet. Intersections with dedicated routes for pedestrians and/or bicyclists should be included in this calculation.

$$\text{Sidewalk completeness} = \% \text{ streets with sidewalks on both sides} + 0.5 * \% \text{ streets with sidewalk on one side} \text{ [75\% and 25\%, respectively]}$$

$$\text{Bike lane completeness} = \% \text{ arterials and collectors with bicycle lanes, or where suitable, direct parallel routes exist} \text{ [50\%]}$$

A maximum reduction of 9% is assumed. The trip reduction is calculated as:

$$\text{Trip reduction} = 9\% * \text{ped/bike factor}$$

No reduction is allowed if the entire area within a half-mile walk of the project center consists of a single use. (Note that this applies to a half-mile walk, rather than straight-line distance, to account for barriers such as freeways.) However, the ped/bike factor can still be used to calculate pedestrian access to transit, as part of the transit mitigation measure. Information on the number of intersections can be obtained from street plans or maps. Information on sidewalk completeness and bike lane completeness can be obtained from site observations or from aerials such as those obtainable from <http://terraserver.microsoft.com>.

Operational Transportation Demand Management

Daily Parking Charge [none applied]

URBEMIS assumes a maximum trip reduction of 25% for projects that commit to introducing parking pricing. The maximum reduction applies to prices of \$6 per day or greater (in 2004 dollars).

The trip reduction will therefore be as follows:

$$\text{Trip reduction} = \text{daily parking charge} / 6 * 0.25$$

If the parking charge is more than \$6, the 25% reduction is taken. If parking charges do not apply to all trips to a site (e.g. customers are exempt), the reduction is pro-rated by the percentage of trips that the charges apply to. If little or no on-site parking is provided, the parking charges are applied to those of surrounding public facilities.

Free Transit Passes [none applied]

Some California transit agencies, most notably VTA in Santa Clara County, have EcoPass or similar programs, whereby employers or property managers bulk-purchase transit passes for (free) distribution to their employees or tenants. Eco Pass programs have been shown to increase transit ridership by 50-79% and reduce vehicle trips by 19%. (Note that many of these new riders were making new trips, or ones previously made by walking or cycling.)

We therefore recommend that any project committing to providing free transit passes would receive an additional credit equivalent to 25% of the reduction granted for transit service. Thus, the credit is more valuable in places that have good transit service. This reduction only applies to the portion of trips generated by those granted the free transit passes (e.g. residents and/or employees, but excluding shoppers and other visitors).

Telecommuting [none applied]

As with the reductions for other mitigation measures, there must be an enforceable commitment (e.g. development agreement) for telecommuting programs, which cover both the take-up rate (employees actually telecommuting or using compressed work schedules) as well as the provision of the option.

The percentage reduction is not additive (in contrast to most other trip reduction measures). For example, if 20% of employees telecommute, and other trip reduction measures are estimated to reduce vehicle trips from 1,000 to 800 per day, the 20% reduction is applied to the 800 trips, not the original 1,000.

Other TDMs [at least five of the measures below; based upon mitigation measures in the FEIR]

Other TDM program elements that do not include financial incentives tend to have a smaller impact on travel behavior. Trip and associated emission reductions for other TDMs selected within URBEMIS are based on the number of the following elements incorporated into the program.

- Secure bicycle parking (at least one space per 20 vehicle parking spaces)
- Showers/changing facilities
- Car-sharing services
- Information on transportation alternatives, such as bus schedules and bike maps
- Dedicated employee transportation coordinator
- Carpool matching programs
- Preferential carpool/vanpool parking

The impact of a TDM program also depends on the travel alternatives available. A program will have more impact if the site is served by frequent transit, for example (although note that a TDM program can do much to promote carpooling even in other locations). For this reason, part of the TDM credit is used to adjust the credits granted for transit service and pedestrian/bicycle friendliness (see table below).

Recommended TDM Program Reductions		
Level	Number of Elements	Trip Reduction
<i>Major</i>	<i>At least 5 elements</i>	<i>2% plus 10% of the credit for transit and pedestrian/bike friendliness</i>
Minor	At least 3 elements	1%, plus 5% of the credit of transit and pedestrian/bike friendliness
No program	Less than 3	None

Combined Summer Emissions Reports (Pounds/Day)

File Name: C:\Documents and Settings\aimamura\Application Data\Urbemis\Version9a\Projects\2008_1_24 marina station w FEIR mm.urb9

Project Name: Marina Station Specific Plan - January 2008

Project Location: Monterey Bay Air District

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	88.08	17.49	58.52	0.00	0.17	0.17	21,491.95
TOTALS (lbs/day, mitigated)	80.76	13.82	31.70	0.00	0.10	0.10	17,210.14
Percent Reduction	8.31	20.98	45.83	0.00	41.18	41.18	19.92

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	87.03	87.69	821.35	1.31	255.58	50.11	148,124.56
TOTALS (lbs/day, mitigated)	73.39	72.23	676.38	1.09	210.41	41.26	121,955.12
Percent Reduction	15.67	17.63	17.65	16.79	17.67	17.66	17.67

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	175.11	105.18	879.87	1.31	255.75	50.28	169,616.51
TOTALS (lbs/day, mitigated)	154.15	86.05	708.08	1.09	210.51	41.36	139,165.26
Percent Reduction	11.97	18.19	19.52	16.79	17.69	17.74	17.95

Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
Natural Gas	1.30	16.90	8.11	0.00	0.03	0.03	21,408.71
Hearth - No Summer Emissions							
Landscape	8.02	0.59	50.41	0.00	0.14	0.14	83.24
Consumer Products	64.88						
Architectural Coatings	13.88						
TOTALS (lbs/day, unmitigated)	88.08	17.49	58.52	0.00	0.17	0.17	21,491.95

Area Source Mitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Summer Pounds Per Day, Mitigated

<u>Source</u>	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
Natural Gas	1.04	13.52	6.49	0.00	0.03	0.03	17,126.97
Hearth - No Summer Emissions							
Landscape	4.01	0.30	25.21	0.00	0.07	0.07	83.17
Consumer Products	64.88						
Architectural Coatings	10.83						
TOTALS (lbs/day, mitigated)	80.76	13.82	31.70	0.00	0.10	0.10	17,210.14

Area Source Changes to Defaults

- Percentage of residences with wood stoves changed from 35% to 0%
- Percentage of residences with wood fireplaces changed from 10% to 0%
- Percentage of residences with natural gas fireplaces changed from 55% to 60%
- The number of persons per household for consumer product use changed from 2.861 persons to 2.79 persons

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Single family housing	36.04	37.16	350.84	0.57	110.58	21.67	64,023.37
Apartments low rise	14.10	13.91	131.37	0.21	41.41	8.11	23,973.61
Quality restaurant	1.70	1.59	14.56	0.02	4.04	0.80	2,376.02
Supermarket	2.06	1.85	16.75	0.02	4.49	0.89	2,651.36
General office building	5.35	5.21	48.72	0.08	14.89	2.92	8,648.85
General light industry	18.51	17.90	168.47	0.27	52.54	10.30	30,450.93
Specialty Retail	3.87	4.11	37.01	0.06	11.28	2.21	6,532.63
Convenience Market (15-16 hrs)	5.40	5.96	53.63	0.08	16.35	3.21	9,467.79
TOTALS (lbs/day, unmitigated)	87.03	87.69	821.35	1.31	255.58	50.11	148,124.56

Operational Mitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Summer Pounds Per Day, Mitigated

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Single family housing	30.38	30.63	289.17	0.47	91.14	17.86	52,769.53
Apartments low rise	11.98	11.47	108.28	0.18	34.13	6.69	19,759.60
Quality restaurant	1.42	1.32	12.06	0.02	3.35	0.66	1,967.81
Supermarket	1.72	1.53	13.93	0.02	3.73	0.74	2,203.60
General office building	4.50	4.27	39.95	0.06	12.20	2.39	7,088.60
General light industry	15.65	14.63	137.65	0.22	42.90	8.41	24,867.78
Specialty Retail	3.24	3.42	30.76	0.05	9.37	1.84	5,429.37
Convenience Market (15-16 hrs)	4.50	4.96	44.58	0.07	13.59	2.67	7,868.83
TOTALS (lbs/day, mitigated)	73.39	72.23	676.38	1.09	210.41	41.26	121,955.12

Includes correction for passby trips

Includes the following double counting adjustment for internal trips:

Residential Trip % Reduction: 2.97 Nonresidential Trip % Reduction: 2.92

Analysis Year: 2025 Temperature (F): 75 Season: Summer

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Single family housing	192.40	9.29	dwelling units	887.00	8,236.13	63,903.63
Apartments low rise	18.00	6.52	dwelling units	473.00	3,084.02	23,928.77
Quality restaurant		87.33	1000 sq ft	8.90	777.20	2,331.76
Supermarket		99.26	1000 sq ft	10.40	1,032.28	2,589.19
General office building		10.69	1000 sq ft	143.81	1,537.17	8,601.21
General light industry		6.77	1000 sq ft	651.62	4,409.32	30,358.17
Specialty Retail		43.03	1000 sq ft	36.00	1,548.98	6,516.42
Convenience Market (15 to 16 hours)		477.65	1000 sq ft	4.70	2,244.95	9,444.30
					22,870.05	147,673.45

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	44.5	0.0	100.0	0.0
Light Truck < 3750 lbs	16.6	0.0	98.8	1.2
Light Truck 3751-5750 lbs	20.3	0.0	100.0	0.0
Med Truck 5751-8500 lbs	8.6	0.0	100.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	1.4	0.0	78.6	21.4
Lite-Heavy Truck 10,001-14,000 lbs	0.9	0.0	55.6	44.4

Med-Heavy Truck 14,001-33,000 lbs	1.2	0.0	16.7	83.3
Heavy-Heavy Truck 33,001-60,000 lbs	0.6	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	4.5	35.6	64.4	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	1.1	0.0	90.9	9.1

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	11.8	8.3	7.1	11.8	4.4	4.4
Rural Trip Length (miles)	11.8	8.3	7.1	11.8	4.4	4.4
Trip speeds (mph)	30.0	30.0	30.0	30.0	30.0	30.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Quality restaurant				8.0	4.0	88.0
Supermarket				2.0	1.0	97.0
General office building				35.0	17.5	47.5
General light industry				50.0	25.0	25.0
Specialty Retail				2.0	1.0	97.0
Convenience Market (15 to 16 hours)				2.0	1.0	97.0

APPENDIX 2
UPDATED BIOLOGICAL DATA

**BIOLOGICAL UPDATE TO THE
DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE
MARINA STATION SPECIFIC PLAN
(SCH #2005061056)**

**City of Marina, California
April 18, 2007**

***NOTE: This Update is superseded by attached biological data
and conclusions in the Final EIR.***

Boulevard were identified as potential suitable breeding habitat; these pools occur approximately 1,100 feet from the project's north boundary. In addition, the USFWS suggested that an agricultural water storage basin located outside the project site on the eastern side of Armstrong Ranch may provide suitable breeding habitat for California tiger salamander. According to the Interim Guidelines and correspondence with the USFWS, it has been determined that California tiger salamanders have the potential to occur within the project site and protocol-level surveys at the two vernal pools and the agricultural basin were are recommended by the USFWS to determine presence or absence. Protocol-level aquatic dip-net surveys began in March 2006 at the two vernal pools to determine the presence or absence of this species. No California tiger salamander eggs or larvae were observed during the spring 2006 surveys detected at the two vernal pools during the surveys. Per the Interim Guidelines, a negative finding for this species must be made by the USFWS subsequent to receiving a survey report (currently in production). On March 28, 2007, during aquatic sampling by DD&A at the agricultural storage basin on the eastern side of Armstrong Ranch, 13 larvae and five eggs were identified as California tiger salamander. For the purposes of this analysis, California tiger salamanders are assumed to be present within the portion of the project site (west of Del Monte Boulevard), until and unless results of the USFWS surveys indicate otherwise that falls within a 2-kilometer radius of the agricultural basin (approximately 285 acres). Grading and other earthmoving activities as a result of the proposed project could impact California tiger salamanders and their habitat. Impacts to California tiger salamanders are considered a significant impact that can be reduced to a less-than-significant level with implementation of the mitigation measures identified below.”

Page 4.4-20, Mitigation Measure 4.4-4 is amended as follows:

“Mitigation

4.4-4 ~~The applicant shall retain a qualified permitted biologist to perform protocol level surveys for California tiger salamander pursuant to the 2003 Interim Guidelines. If California tiger salamanders are not found during the protocol level surveys, a final report shall be submitted to the USFWS for concurrence on the negative findings. No further mitigation will be required.~~

~~If California tiger salamanders are found during the protocol level surveys,~~ The positive findings at the agricultural basin on Armstrong Ranch approximately one kilometer east of the project site shall be included in the report to the USFWS pursuant to the Interim Guidelines. The applicant shall coordinate with the USFWS to determine the appropriate course of action per the requirements of the federal ESA (e.g., applying for a Section 10 Incidental Take Permit and implementing the permit requirements, including those outlined in a Habitat Conservation Plan, which is required as part of the application). The applicant shall follow the mitigation measures identified during the ESA process, which may include the following: ~~below and/or equivalent measures identified during the ESA process.~~

1. If more than one CTS adult or juvenile is found dead or injured during construction activities in any single calendar year, the project applicant/lead agency must contact the USFWS office immediately so that the Service can review the project activities to determine if additional protective measures are needed. Project activities may continue pending the outcome of the review, provided that the proposed protective measures are fully implemented.
2. Ground disturbing construction activities must not occur at night or during rain.
3. Ground disturbing construction activities must be conducted during the dry season between March 15 and October 15.
4. Prior to ground disturbing activities, any areas with dense concentrations of small mammal burrows must be flagged by a USFWS-approved biologist and avoided as much as possible.
5. A USFWS-approved biologist must conduct a brief training session for all project personnel before any project-related activities begin within the project area. At a

16. During project activities, all trash that may attract predators to the site shall be properly contained and removed from the work site.”



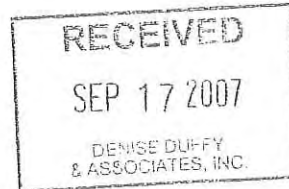
United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
PAS 1648.1956.7591

September 14, 2007



Josh Harwayne
Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, California 93940

Subject: Request for Concurrence on Negative Findings of Protocol Surveys for California Tiger Salamanders at the Marina Station Property, Monterey County, California

Dear Mr. Harwayne:

We have reviewed your letter, dated May, 2007, and received in our office on June 7, 2007, requesting our concurrence with the determination of a negative finding from protocol-level surveys for the federally threatened California tiger salamander (*Ambystoma californiense*), which occurred on the Armstrong Ranch property in association with the Marina Station project in Monterey County. The surveys were conducted based upon recommendations from the "Interim Guidance for Determining Presence or a Negative Finding of the California Tiger Salamander" (Guidance), jointly published by the U.S. Fish and Wildlife Service (Service) and California Department of Fish and Game in October 2003. The City of Marina (City) is requiring our concurrence for permitting and planning purposes.

The Service's responsibilities include administering the Act, including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7 or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

On August 3, 2004, the Service published a final rule listing the California tiger salamander (*Ambystoma californiense*) as threatened range-wide, which included down-listing the previously federally endangered Sonoma and Santa Barbara distinct population segments (69 Federal

Register (FR) 47212). On August 19, 2005, U.S. District Judge William Alsup vacated the Service's down-listing of the Sonoma and Santa Barbara populations from endangered to threatened. Therefore, the Sonoma and Santa Barbara populations of the California tiger salamander are listed as endangered, and the Central California populations (including those occurring in Monterey County) are listed as threatened.

The Marina Station project proposes to develop residential and light industrial on a portion of the Armstrong Ranch in the city of Marina. The Armstrong Ranch is within the historic range of the California tiger salamander; the project site is dominated by grasslands with abundant mammal burrows. As a result, the project site provides appropriate upland habitat to support California tiger salamander, but does not contain any potential breeding habitat within the project boundaries. However, you identified vernal pool resources approximately 925 feet north of the project site, outside of the proposed project's boundaries. It is unknown whether California tiger salamanders occur in these ponds.

You notified the Service of the intent to conduct aquatic sampling at the Armstrong Ranch vernal pools in a phone conversation with Julie Nicewanger, of my staff, in October 2005. You (recovery permit number TE-091857-0) conducted aquatic dipnet surveys for larval California tiger salamanders in the Armstrong Ranch vernal pools during March, April, and May of 2006 and March of 2007. The vernal pools completely dried before you could conduct sampling in April or May of 2007. The aquatic sampling surveys followed the recommendations outlined in the Guidance, and included the use of dip nets and 1/8-inch mesh seine nets.

You also conducted a drift fence survey on the Armstrong Ranch property during the winter of 2006-2007, in order to detect California tiger salamanders migrating across the property and into the Armstrong Ranch vernal pools. The design of the drift fence arrays was done according to the Guidance and also in coordination with Jacob Martin, of my staff. The upland drift fences were placed in two locations on the Armstrong Ranch Property: 1) around the eastern pool, and 2) around the two western pools, which are in close proximity. All fences were installed prior to October 15, 2006, and removed by March 15, 2007.

Larval California tiger salamanders were not detected during aquatic surveys in 2006 and 2007. The only amphibian species caught or detected during these aquatic surveys was the Pacific tree frog (*Hyla regilla*). Traps associated with the upland drift fences were opened a total of 19 nights between October 15, 2006 and March 15, 2007; no California tiger salamanders were caught. The only amphibian species caught in the traps was Pacific tree frog. The only other vertebrate caught in the traps was a dead mouse (species unreported).

You conducted a hydrologic study of the vernal pools between 2005 and 2006. The 2005-2006 rainy season produced 119 percent of the 56-year average precipitation at the study site. Your results suggest that the smallest of the three pools is not likely to provide 10 weeks of continuous inundation in a normal rain year, but that in a normal rain year the other two pools likely become inundated for a sufficient length of time to support California tiger salamander breeding, although the water depth may be only 6 inches for significant portions of the inundation period.

Based on your results, the pools appear to drain quickly when not receiving significant rainfall. Following the 2006-2007 rainy season, when the study area received less than 65 percent of average precipitation, all three pools dried prior to April 2007.

According to the Guidance, the Service would support the determination of a negative finding for presence of California tiger salamanders, if the species is not detected during consecutive spring larval samplings and not detected during upland drift fence surveys during the intervening winter. You conducted the aquatic and upland surveys in a manner commensurate with the recommendations in the Guidance, and no California tiger salamanders were detected during the surveys. The Guidance recommends that surveys conducted in years with at least 70 percent of normal rainfall are most appropriate. In years with little rainfall, upland emergence may be reduced and California tiger salamanders may not breed. We state in the Guidance that we will consider data from survey seasons not meeting the minimum 70 percent of average rainfall if the surveyor provides strong justification for why the data are reliable.

In the case of the Armstrong Ranch vernal pool surveys, the first survey season received 119 percent of normal precipitation and the second season, including the drift fence surveys and the second season of aquatic surveys, received 65 percent of normal precipitation. You state that despite the differences in total precipitation for the two years, both received adequate rainfall to produce conditions conducive to overland movement of California tiger salamanders. Both the 2005-2006 and 2006-2007 rainy seasons received a similar amount of precipitation through February, with the 2005-2006 season receiving 75 percent of normal and the 2006-2007 season receiving 74 percent of normal. The primary difference between the 2 years was the total precipitation during the March through May periods, when 243 percent of normal precipitation accumulated during 2005-2006, while only 40 percent of normal precipitation accumulated during 2006-2007.

You assert that the precipitation levels in both years were adequate, between October and February, to induce overland migrations and to initiate breeding activity by California tiger salamanders. Although all three vernal pools dried prior to your second round of aquatic sampling during the spring of 2007, you believe the ponds filled to a sufficient depth and for a sufficient length of time to support California tiger salamander breeding. The lack of California tiger salamander detections during the springs of 2006 and 2007 suggest that the subject ponds do not support a breeding population of California tiger salamanders. This is supported by documentation of California tiger salamander breeding at other ponds in the Marina area during the same time period. Adult and juvenile California tiger salamanders were trapped at four separate aquatic resources in 2006/2007 during protocol drift fence studies at Laguna Seca, located approximately 8.5 miles southeast of the Marina Station site. Juvenile salamanders were documented during aquatic surveys in the spring of 2007 at an agricultural basin on the Armstrong Ranch, approximately 1.5 miles east of the subject vernal pools. Results from these other studies demonstrate that local precipitation levels were sufficient to support both overland movements and breeding activities of California tiger salamanders in the vicinity of the subject project.

We concur with the determination that California tiger salamanders do not currently occur in association with the vernal pools on the Armstrong Ranch to the north of the Marina Station project site. We have made this determination because over the two seasons of protocol surveys there were sufficient precipitation events during the typical California tiger salamander migrations periods (i.e., October through February) to facilitate upland movement to the pools, there was sufficient water depth and duration in the two larger pools to support California tiger salamander breeding, and the pools were sufficiently sampled in the spring of both 2006 and 2007 to detect California tiger salamander if a population was resident.

Although we support the negative finding of the protocol surveys for the vernal pools on Armstrong Ranch, we do not support an overall negative finding of California tiger salamander presence for the Marina Station development project. During 2007, tiger salamanders were documented breeding in an agricultural basin on Armstrong Ranch less than 0.5 mile east of the project site's eastern boundary. The Marina Station project site supports appropriate upland habitat and is within dispersal distance of the tiger salamander population from the agricultural basin. However, the tiger salamanders breeding in the agricultural basin may be an introduced non-native species (*Ambystoma tigrinum*); we are in the process of reviewing genetic information collected from salamanders from that basin. We are planning to make a determination on whether those salamanders are protected under the Act and will provide that determination in future correspondence with the Applicant.

This letter does not constitute authorization for incidental take, which is defined as take that is incidental to, but not the purpose of, carrying out an otherwise lawful activity. If a California tiger salamander or other federally-listed species is found any time in relation to future development or construction activities on the Marina Station project site, or circumstances arise indicating that a proposed project may result in incidental take, all activities that could result in take should cease and the Service should be contacted immediately.

If you have any questions, please contact Douglass Cooper of my staff at (805) 644-1766, extension 272.

Sincerely,



David M. Pereksta
Assistant Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY PLEASE REFER TO:
2007-1-0217

November 1, 2007

Erin Harwayne
Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, California 93940

Subject: Regulatory Status of the Tiger Salamander Population at Armstrong Ranch
Agricultural Basin in Marina, Monterey County, California

Dear Ms. Harwayne:

I am writing in response to your letter, dated September 6, 2007, and received in our office on the same day, requesting our concurrence that the population of tiger salamanders currently occupying the agricultural basin on the subject property is not subject to protection under the Federal Endangered Species Act of 1973, as amended (Act). On August 27, 2007, you provided to us a report (Johnson and Shaffer 2007) detailing genetic analysis of the Armstrong Ranch agricultural basin tiger salamander population. Your request for concurrence that the subject population of tiger salamanders is not protected under the Act is based on this genetics report.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Act, including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7 or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

On August 3, 2004, the Service published a final rule listing the California tiger salamander (*Ambystoma californiense*) as threatened range-wide, which included down-listing the previously federally endangered Sonoma and Santa Barbara distinct population segments (69 Federal Register (FR) 47212). On August 19, 2005, U.S. District Judge William Alsup vacated the Service's down-listing of the Sonoma and Santa Barbara populations from endangered to

Erin Harwayne

2

threatened. Therefore, the Sonoma and Santa Barbara populations of the California tiger salamander are listed as endangered, and the Central California populations (including those occurring in Monterey County) are listed as threatened.

In the 1940s and 1950s, bait dealers from the Salinas Valley in Monterey County imported thousands of barred tiger salamander (*Ambystoma tigrinum mavortium*) larvae from Texas and other parts of the southwestern United States (Riley et al. 2003). Many of the non-native barred tiger salamanders were released in the hope of establishing harvestable populations in central California because they attain larger size prior to metamorphosis and can be available further into the summer than native California tiger salamanders. As a result of these introductions, non-native tiger salamanders established reproductive populations within dispersal distance of populations of California tiger salamanders.

One of the primary threats to the California tiger salamander is hybridization with non-native tiger salamanders in areas where the non-native salamanders were introduced and established viable populations (69 FR 47212). Hybridization between California tiger salamanders and non-native tiger salamanders results in introgression (i.e., the exchange of genetic material between different species or sub-species). Depending on the degree and extent of introgression (i.e., the number of reproductive generations between hybrid salamanders), certain populations of California tiger salamanders may become populations of salamanders with primarily non-native genes. Such genetic change has been characterized as a kind of extinction (Rhymer and Simberloff 1996), and may result in a population with fundamentally altered ecological function (Wstrand and Schierenbeek 2000).

The August 3, 2004, listing rule for the California tiger salamander identified hybridization with non-native salamanders as a serious threat to the species in the Central Coast region of California (69 FR 47239). Research indicates that within this region, many Monterey County populations of the California tiger salamander are compromised by non-native genes to varying degrees (Witzpatrick and Shaffer 2007). We noted in the listing rule, the difficulty in distinguishing between native California tiger salamanders and hybrid salamanders, and that the best way to identify hybrid or introgressed individuals at this point appears to be through the use of sophisticated molecular genetic techniques. Consistent with the August 4, 2003, listing rule, it is our intention to evaluate long-term conservation implications for each taxon separately on a case-by-case basis where introgressive hybridization may have occurred. Because hybridization in the Central California population of the California tiger salamander has been identified as a primary threat, determining the level of hybridization that receives regulatory protection, and identifying conservation strategies to reduce this threat, should be considered within the framework of recovery actions and should include consideration of implications on local and regional conservation of the California tiger salamander.

As outlined in your August 27, 2007, letter and the August 20, 2007, genetics report, Dr. H. Bradley Shaffer of the University of California at Davis conducted genetic analysis of larval salamanders from the agricultural basin on the subject property. To evaluate the genetics of the salamander population at the subject property, Dr. Shaffer and a colleague analyzed tissue from 27 larval salamanders from the site (Johnson and Shaffer 2007). Dr. Shaffer then genotyped

Erin Harwayne

3

individual tissue samples for one mitochondrial single nucleotide polymorphism (SNP) locus (Dloop) and up to nine nuclear SNP loci (Contig325, D1x3, FoxG1b, Gnat2, and Gnat1, HoxB13, HoxD8, Slc4a4, WNT1; (Voss et al. 2001)). Through previous research, Dr. Shaffer and his colleagues have identified diagnostic differences between *Ambystoma tigrinum* and *A. californiense* at each of these loci (Litzpatrick and Shaffer 2004).

At each SNP locus, each individual was scored as 'aa' if it was homozygous for native alleles, 'gg' if it was homozygous for introduced alleles, or 'ga' if it was heterozygous, with one copy each of a native and introduced allele. These data were summarized, for each gene, as the total frequencies of each genotype. Dr. Shaffer then calculated a Hybrid Index score, for each individual and for the total population, by tallying the proportion of alleles (pooled across individuals and genes) that are native, using the formula Hybrid Index = (total number of native alleles)/(total number of alleles). This Hybrid Index score is one way of summarizing the overall level of "nateness" of a sample of animals from a pond, and can range from 0.00 (pure native) to 1.00 (pure non-native) (Johnson and Shaffer 2007).

Using these methods, Dr. Shaffer calculated a Hybrid Index score ranging from 0.83 to 1.00 for each of the 27 individuals, and an overall Hybrid Index score for the population of 0.95. Only 2 of the 27 individuals contained any native alleles, with one individual containing 10 percent native alleles and the other containing 17 percent native alleles. In other words, for the 10 genetic loci analyzed, none of the 27 larval salamanders that Dr. Shaffer sampled were found to be pure California tiger salamanders. As a result of these investigations, Dr. Shaffer (Johnson and Shaffer 2007) concluded that, "the genotypes of salamanders present at Marina Station Agricultural Basin are comprised primarily of introduced alleles." Dr. Shaffer went on to say, "The extremely low levels of native California tiger salamander alleles indicate that native California tiger salamanders are unlikely to be encountered in this population."

We have carefully reviewed the information you provided, including the results of genetic investigations conducted on the tiger salamanders from the agricultural basin on the subject property. Following our review, we conclude that none of the individual tiger salamanders which comprise the salamander population at the subject property are the listed entity under the Act (i.e., California tiger salamanders). Therefore, tiger salamanders utilizing the ponds on the subject property are not afforded the protections of the Act.

As recognized in the 2004 final rule listing the California tiger salamander (69 FR 47239), non-native populations of tiger salamanders pose a serious threat to the listed native California tiger salamander. Many properties in proximity to the subject property, including the former Fort Ord to the south and east, Laguna Sea to the south, and several smaller coastal sites to the north, all contain pure native California tiger salamander populations. The non-native tiger salamanders on the subject property pose a threat to these local native California tiger salamander populations. Fortunately, physical barriers (e.g., four-lane roads with medians, residential and other existing developments, and the Salinas River) exist between the agricultural basin and the native California tiger salamander populations, making dispersal to and from other breeding sites less likely. However, we are concerned that if the man-made agricultural basin on Armstrong Ranch ceases to exist, the non-native tiger salamanders that have been breeding there may be

Erin Harwayne

4

more likely to disperse in the direction of native California tiger salamander populations before they can be removed from the wild. This possibility raises serious concerns over the future conservation of native California tiger salamanders in the coastal Monterey region. We wish to engage the landowner in discussions over potential non-native tiger salamander eradication strategies for the subject property.

If you have any questions regarding this letter, please contact Douglass Cooper of my staff at (805) 644-1766, extension 272.

Sincerely,



David M. Percksta
Assistant Field Supervisor

REFERENCES CITED

- Ellstrand, N.C. and K.A. Schierenbeck. 2000. Hybridization as a stimulus for the evolution of invasiveness in plants? *Proceedings of the National Academy of Sciences (USA)* 97:7043-7050.
- Fitzpatrick, B.M. and H.B. Shaffer. 2004. Environment-dependent admixture dynamics in a tiger salamander hybrid zone. *Evolution* 58(6):1282-1293.
- Fitzpatrick, B.M. and H.B. Shaffer. 2007. Introduction history and habitat variation explain the landscape genetics of hybrid tiger salamanders. *Ecological Applications* 17:598-608.
- Johanson, J.R. and H.B. Shaffer. 2007. Marina Station Agricultural Basin salamander genotyping. Unpublished report submitted to Denise Duffy & Associates, Incorporated. Dated August 20. 5 pp.
- Rhynner, J.M. and D. Simberloff. 1996. Extinction by hybridization and introgression. *Annual Review of Ecology and Systematics* 27:83-109.
- Riley, S.P., H.B. Shaffer, S.R. Voss, and B.M. Fitzpatrick. 2003. Hybridization between a rare, native tiger salamander (*Ambystoma californiense*) and its introduced congener. *Ecological Applications* 13:1263-1275.
- Voss, S.R., J.J. Smith, D.M. Gardiner, and D.M. Parichy. 2001. Conserved vertebrate chromosome segments in the large salamander genome. *Genetics* 158:735-746.

APPENDIX 3
WATER SUPPLY ASSESSMENT

**Water Supply Assessment and Written
Verification of Supply**

**Proposed
Marina Station Project**

**Prepared by the Marina Coast Water District
and**



Byron Buck & Associates
Water Resources and Environmental Consulting

January 4, 2006

Contents

<u>Section</u>	<u>Page</u>
1.0 Introduction and Purpose of Report	1
1.1 Project Description	1
1.2 Purpose of Water Supply Assessment	4
1.3 Requirements for Water Supply Assessment	4
1.4 Relationship of this Document to Marina Coast Water District Urban Water Management Plan	6
2.0 Project Water Demands and Forecasting Methods	7
2.1 Water Demands	7
2.2 Forecasting Methodology	8
3.0 Available Water Supply	8
3.1 Overall Supplies	8
3.2 Available Water Supply for the Marina Station Project.	10
4.0 Water Conservation	10
5.0 Water Supply Sufficiency Analysis	12
6.0 Availability of Water Treatment and Delivery System Capacity	12
7.0 Regulatory Permits Necessary for Supply Delivery	12
8.0 Effect on Agricultural and Industrial Users Not Supplied by the Marina Coast Water District but Reliant on the Same Sources	13
9.0 Summary Water Supply Sufficiency Determination	13
10.0 References	14

List of Tables

1-1 Proposed Marina Station Land Uses	4
2-1 Projected Water Demands	9
3-1 Water Supply Currently Available to Marina Coast Water District	11

List of Figures

1-1 Marina Coast Water District Vicinity Map and Well Locations	2
1-2 Marina Station Land Use Plan	3

1.0 Introduction and Purpose of Report

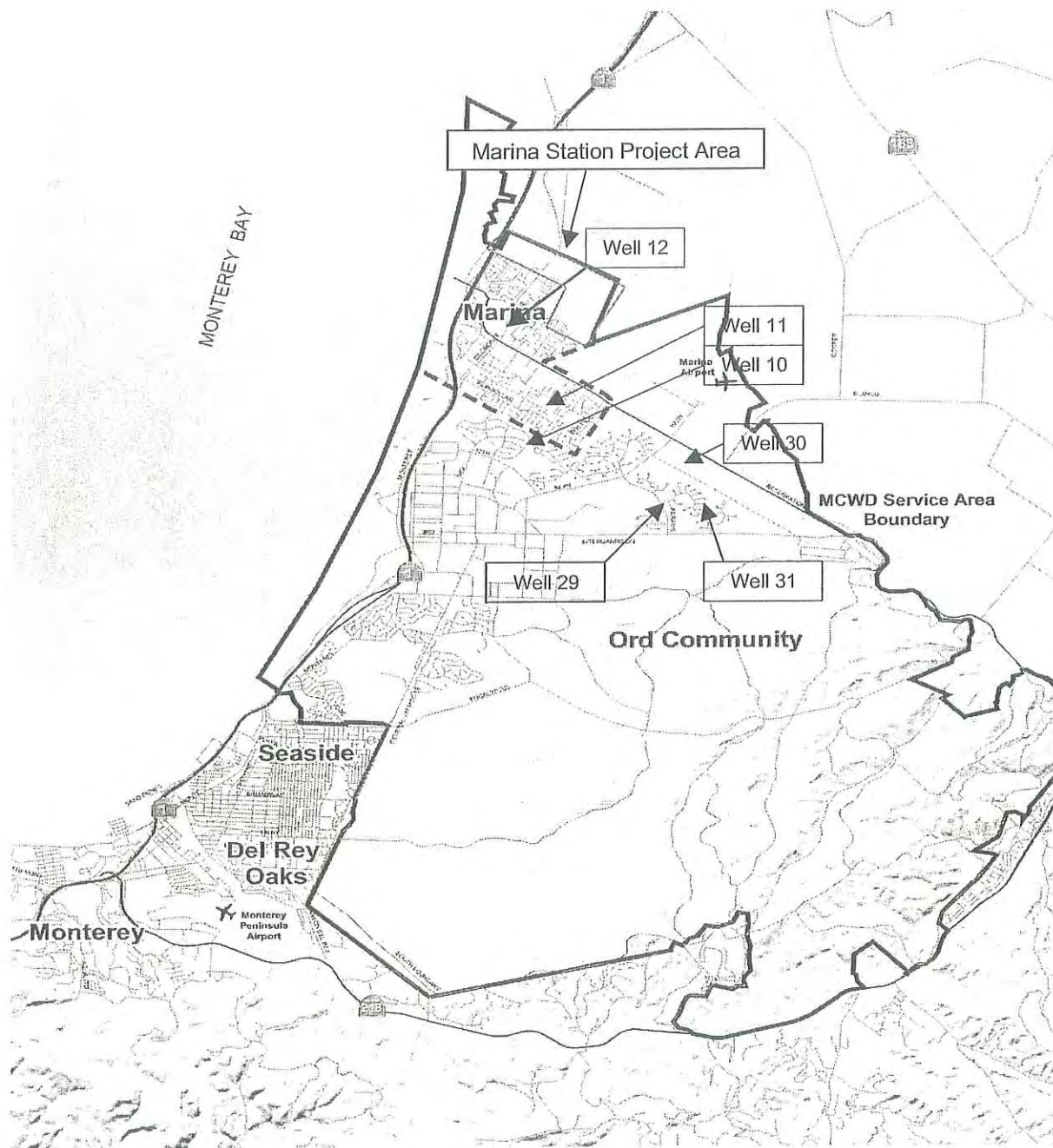
1.1 Project Description

Creekbridge Homes proposes to develop a mixed-use development consisting of up to 1,464 units of housing, 60,000 square feet of commercial space, 143,000 square feet of office space and 651,624 square feet of light industrial zoned space on a 320-acre portion of the 324-acre section of the Armstrong Ranch property lying within the City of Marina, situated along the north and east boundaries of Marina¹ (hereafter Project). The project site is along both sides of Del Monte Avenue at the north end of Marina (**Figure 1-1**). The Armstrong Ranch has historically been used for agricultural and grazing purposes.

The project includes three village centers featuring shopping, service businesses and civic uses along with 30 acres of open space and recreation areas including parks, playgrounds and a 100-foot buffer between proposed uses and surrounding neighborhoods. Conceptual plans include a variety of medium and low density housing types including apartments, row houses and small and large single family detached homes. Conceptual plans call for a mix of housing and mixed-use commercial development as shown in the proposed land uses in **Table 1-1** and **Figure 1-2**.

The Project area property is not located within the boundaries of the Marina Coast Water District (MCWD) and annexation is required (**Figure 1-1**). The area to be annexed is shown within the "MCWD Service Area Boundary." On November 9, 2005 MCWD's Board of Director's adopted Resolution No. 2005-65 adopting the Initial Study/Negative Declaration for the Marina Station Property Annexation. MCWD staff and its consultant are working with LAFCO to complete the annexation process. The Project has distinct water supplies available to it for use by the Project.

¹ Total Armstrong Ranch Property about 1,850 Acres



**Figure 1-1
Marina Coast Water District Vicinity Map and Well Locations²**

² Base map source RBF, Inc.

Figure 1-2 Marina Station Land Use Plan



1.2 Purpose of Water Supply Assessment.

The City of Marina is required to consider this water supply assessment (Water Code section 10910 et. seq.) and written verification of supply (Government Code section 66473.7) as part of the review and approval process for the land use entitlements on the Project.

Land Use	Units
Residential	
Single Family Homes (15,000 sf lots)	147
Single Family Homes (6,500sf lots)	669
Apartments	648
total	1,464
Non-Residential	Sq. ft.
Mixed Use Retail	60,000
Office Uses	143,808
Light Industrial	651,624
Open Spaces	Acres
Irrigated Parkland	12.5
Passive open space – native landscape	38.7
Passive open space – turf	4.3

1.3 Requirements for Water Supply Assessments

On October 9, 2001 former Governor Gray Davis signed into law Senate Bills 610 (Costa) and 221 (Kuehl) (Chapters 643 and 642, respectively, Statutes of 2001) requiring the preparation of a water supply assessment in conjunction with project review under the California Environmental Quality Act (CEQA), and a written verification of water supply where a tentative subdivision map is proposed for approval. The general intent of SB 221 and 610 was to create additional assurance that certain new developments could be provided with a reliable supply of water. It also intended that existing users and others dependent on common sources of water affected by new development were informed of the development's effect on those supplies,

and plans to maintain reliable supplies. The legislation also serves to better inform decision makers regarding the water supply implications of development.

SB 610 requires that a water supply assessment be prepared for certain developments, including residential developments in excess of 500 units or where projected water demand is equivalent to or greater than the amount of water required by a 500 dwelling unit project, and where an environmental impact report or negative declaration is being prepared under CEQA. The requirement adds a specific water supply assessment protocol for land use jurisdictions to follow and consider in evaluating the environmental impacts for a proposed project. In the case of the proposed Project, a water supply assessment must be included in the Environmental Impact Report prepared for the proposed development. The City of Marina must determine, based on the entire record, whether water supplies projected in the water supply assessment will be sufficient to satisfy the demands of the proposed project in addition to existing and planned future uses over a 20-year planning horizon.

SB 221 requires a city or county to include as a condition of approval of any tentative map, parcel map or development agreement for residential developments of 500 dwelling units or more, a requirement that a “sufficient water supply” be available.³ Proof of this supply must be on the basis of a written verification from the public water system that will serve the development. A city or county may override this determination of a water supplier only if the city or county has substantial evidence that additional water supplies not accounted for by the water supplier are, or will be, available prior to completion of the subdivision.

³ Under SB221, a “sufficient water supply” is defined as “... *the total water supply available during normal, single dry and multiple dry years within a 20-year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses...*” (Government Code 66473.7(a)(2).) This does not mean that 100 percent of the development’s normal or unrestricted water demand must be met 100 percent of the time, nor does it mean that the new development may not have any impact on the service level to existing customers of the water provider. A “sufficient water supply” may be found to exist for a proposed subdivision as well as for existing customers as long as an acceptable water supply can be estimated and planned for during a record drought (ACWA, 2002).

1.4 Relationship of this Document to the Marina Coast Water District Urban Water Management Plan

The Urban Water Management Planning Act requires municipal water providers serving over 3,000 AF/Y (acre-feet per year) of water or having 3,000 service connections to prepare plans (urban water management plans or UWMPs) on a five-year, ongoing basis. A UWMP must demonstrate the continued ability to provide water supplies for current and future expected development under normal, single dry and multiple dry year scenarios. These plans also require the assessment of urban water conservation measures and wastewater recycling. Pursuant to Section 10632 of the California Water Code, the plans must also include a water shortage contingency plan outlining how water providers will manage water shortages of up to 50 percent of their normal supplies in a given year.⁴

MCWD's most recent Urban Water Management Plan was adopted in December of 2001 and is being updated concurrently with this Assessment for adoption in December of 2005. The 2005 UWMP projects demands for 25 years, five more than required by law, in order to allow for pending water supply assessment requests that may occur during the 2006-2010 period. As provided for in the law, this water supply assessment incorporates by reference and relies upon many of the planning assumptions and projections of the 2005 UWMP in assessing the water demand of the proposed project relative to the overall increase in demands expected by MCWD. The 2005 UWMP assumes the development of the Marina Station Project in evaluating the demands to be made on MCWD's water supplies. The 2005 UWMP finds sufficient supplies are available to meet expected demands of the Marina Station Project which is located within MCWD's Central Marina Service area.

⁴ Like SB 610 and SB 221, specific levels of supply reliability are not mandated (i.e., whether a specific level of demand can be met over a designated frequency). Rather, the law provides that a specific level of reliability is a local policy decision of the water provider.

2.0 Project Water Demands and Forecasting Methods

2.1 Project Water Demands

Table 2-1 depicts projected average annual water demands for the Marina Station Project utilizing water use factors that are based upon local climate and geography for land uses proposed. The analysis recognizes that plumbing fixtures in new development will comply with current plumbing code standards, requiring low flow plumbing devices. MCWD modified its District Code in August 2005 to require additional conservation measures in the construction of new development and remodeling. These new requirements include incorporation of hot water recirculation systems and high efficiency clothes washers for residential units, and zero-use urinals for non-residential construction. New residential requirements may reduce average indoor per capita consumption by about 10 percent or about 4 percent overall for new residential construction. Residential water savings anticipated by these code revisions have not been incorporated in this analysis. This analysis uses standard unit use factors for residential uses. The detailed data necessary to support a disaggregated use analysis where additional conservation as required in the new ordinance that can then be explicitly accounted has not been provided by the Developer.

The open space areas designated for native landscaping will receive irrigation only to establish plantings. Supplemental irrigation for these plantings will be disconnected within three years of planting, resulting in no long term demands on the MCWD system for this land use.

Actual water demands will vary depending upon the ultimate mix of specific uses, water use behavior of the residents and property managers, and landscape development and maintenance practices. These estimates are based on long-term averages. In any given year, consumption is expected to vary year-to-year by as much as 7 percent, depending on weather and precipitation, with the greater use in drier years. During the first few years after any given phase of development occurs, expected water use would likely be higher for landscape uses as new landscape plantings require additional water to become established.

2.2 Forecasting Methodology

Legal requirements for water supply assessments do not specify a particular method to project usage nor are specific water use factors mandated for given land uses. Because water demand forecasts are estimates, not guarantees, with them come varying degrees of uncertainty. As noted above, an analysis using standard unit demands for water (e.g., 0.33 AF/Y for a typical single family house on an 8,000-10,000 square foot lot) have been used in this analysis, along with aggregate factors for commercial and industrial uses. For commercial and industrial uses, a 15 percent demand factor has been added to account for associated landscaping uses.

3.0 Available Water Supply

3.1 Overall Supplies

MCWD, a county water district and public agency, is the purveyor of water for the City of Marina and the former Fort Ord, also known as the Ord Community Service Area. MCWD's water supply is groundwater and water supplied by a small desalination plant, which is currently idled due to mechanical issues, but MCWD's Board of Directors has approved this supply as "available" within the context of SB 610/221. As discussed in MCWD's Urban Water Management Plan, MCWD also has ongoing conservation programs and is pursuing plans and regulatory approvals to augment the supplies for Ord Community. MCWD has contractual rights to a supply of recycled water from the Regional Water Treatment Plant operated by the Monterey Regional Water Pollution Control Agency.

The status of the Salinas River Valley Groundwater Basin, its management and current production of MCWD from the Salinas Basin and MCWD's legal entitlement to groundwater is discussed in detail in Chapter 2 of the 2005 UWMP. Also discussed in detail is the Salinas Valley Water Project, the regional plan to manage surface and groundwater for the Salinas Valley and its groundwater basin. Because MCWD's water source is groundwater from the

Salinas Groundwater Basin, which has a large storage volume buffering yearly hydrologic variation, MCWD's supplies do not vary significantly due to annual hydrology, with MCWD'S total demands forming less than 2 percent of annual basin yield. As such, normal, single dry, and multiple dry years are considered similar for planning purposes.

Table 2-1 Projected Water Demands

Marina Station Development			
Long Term Projected Water Demands in AF/Year			
Land Use	Units	Demand Factor	Projected Consumption
Single Family Homes (15,000 sf lots)	147	0.50	73.5
Single Family Homes (6,500 sf lots)	669	0.33	220.8
Apartments	648	0.25	162.0
total	1464		
Non-Residential			
	Square Ft.		
Mixed Use Retail	60,000	0.00021	12.6
Office Uses	143,808	0.000135	19.4
Light Industrial	651,624	0.00015	97.7
Landscape uses (@15% of indoor consumption)			19.5
Open Spaces			
	Acres		
Irrigated Parkland (less hardscape)	12.5	2.5	31.2
Passive open space - native landscape (1)	38.7	0.0	0.0
Passive open space - turf	4.3	2.5	10.8
subtotal			647.5
System Losses @ 5% of demands			32.4
Water Demand Total			679.9
Available Supply			920.0
Projected Project Demand			679.9
Net Water Surplus			240.1
(1) temporary irrigation only			

3.2 Available Supply for the Marina Station Project

MCWD's 2005 UWMP recognizes two service areas: Central Marina and Ord Community. **Table 3-1** depicts the water supplies available to the MCWD, including a specific, phased allocation of 920 AF/Y for the Armstrong Ranch property, by agreement with the Monterey County Water Resources Agency (MCWRA), the regional manager of the Salinas River groundwater basin. The allocation, the phasing and the process for annexing the subject Property to Zones 2/2A of MCWRA to permit service by MCWD are defined in the Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands (dated March 1996) (hereafter Annexation Agreement). This allocated quantity of ground water from the Salinas River basin is limited to use within the boundaries of the Armstrong Ranch area served by the MCWD.

4.0 Water Conservation

Water conservation and MCWD's efforts to implement the Best Management Practices for Urban Water Conservation are discussed in Chapter 4 of the 2005 UWMP. Conservation effects on water demands are built into the demand forecasts for MCWD and as such are not considered a separate component of supply.

The proposed Marina Station Project will be required to comply with current plumbing code requirements calling for low-flow plumbing fixtures and all other applicable MCWD specific conservation requirements providing for additional water savings appliances and fixtures, further reducing indoor water consumption.

**Table 3-1
Water Supply Currently Available to Marina Coast Water District**

Fort Ord Reuse Authority Allocation (groundwater)	Annual Acre-foot Allotment or supply
City of Marina ⁵	1,175
City of Seaside	862
CSU Monterey Bay	1,035
University of California MBEST Center	230
City of Del Rey Oaks	92.5
City of Monterey	65
Monterey County	560
US Army	1,577
County/State Parks	45
City of Marina (Sphere)	10
Allowance for line losses (10%)	535
FORA Strategic Reserve	413.5
Rounded subtotal	6,600
Central Marina	
Marina Coast Water District by Agreement with MCWRA (groundwater)	3,020
Armstrong Ranch (groundwater)	920
Lonestar Property (groundwater)	500
Subtotal groundwater	11,040
MCWD Desalination Plant (temporarily idle) ⁶	300
Total	11,340

5.0 Water Supply Sufficiency Analysis

Based upon the analysis in **Table 2-1** and the firm groundwater allocation for the Armstrong Ranch lands, there is sufficient water for the Marina Station development, with a surplus of about 240 AF/Y remaining available for use in the context and terms of the Annexation Agreement.

6.0 Availability of Water Treatment and Delivery System Capacity

⁵ Does not include 150 acre-foot loan from FORA Strategic Reserve

⁶ Permitted supply which could be restored

MCWD has current plans to upgrade the transmission network to accommodate the water capacity (vs. supply) needs for the Marina Station Project and is negotiated with the Developer regarding pipeline size. A new pipeline that connects the well discharge piping at Well 11 (Salinas and Reservation Roads) to existing piping in Crescent Avenue will be constructed. The project includes about 4,800 lf of pipe that will improve cross-city flows, improve fire flows, and provide redundant water service to the Marina Station Project, i.e., from Well 10, Well 11, or possibly the Ord Community, in the event of significant system failures. Construction is expected to begin in February 2006 and completed by June 2006. Other system improvements have been discussed with the Developer and are being further evaluated in MCWD's 2006 Marina Water Master Plan. In-tract distribution systems will be designed and constructed by the developer to accommodate necessary demand and fire flows for the project in accordance with District design standards. Wellhead treatment for sulfides is also being considered for Well 12 as related to this project. No treatment other than chlorination for maintenance of system disinfection is currently required.

7.0 Regulatory Permits Necessary for Supply Delivery

MCWD's local supplies are maintained under a public water supply permit from the State Department of Health Services. MCWD is exempt from local building codes with respect to construction of water treatment and delivery facilities.

8.0 Effect on Agricultural and Industrial Users Not Supplied by the Marina Coast Water District but Reliant on the Same Sources

Agricultural users in the Salinas Valley generally rely on the same basin-wide supply from the Salinas Valley Groundwater Basin. These uses are taken into account in the basin planning of the Monterey County Water Resources Agency as part of developing a water balance for the Basin. Additional demands in the Marina and Ord Community areas are not expected to affect agricultural users provided development and water demand within MCWD remains consistent with the MCWRA agreements and Fort Ord Base Reuse Plan.

9.0 Summary Water Supply Sufficiency Determination

Pursuant to Section 10910 (SB 610) of the California Water Code, and based on the foregoing analysis, MCWD has determined that its currently projected water supplies are sufficient to meet the projected annual water demands during normal, single dry and multiple dry years during the next 20 years associated with the Marina Station Project, in addition to other planned demands expected by MCWD within the Central Marina service area.⁷

Pursuant to California Government Code Section 66473.7 (SB 221), MCWD has determined based on the foregoing analysis that there is sufficient water supply available allocated to development on the Armstrong Ranch to serve the proposed Marina Station Project, or sufficient currently available water supplies to supply this project and other anticipated development within the City of Marina located within the MCWD's Marina service area over the next 20 years.

⁷ Note: insufficient supplies exist to currently satisfy all expected demands in the Ord Community Service area over the next 20 years.

10.0 References

Association of California Water Agencies, Water Supply and Development: A Users Guide to California Statutes Including AB 221 (Kuehl) & SB 610 Costa. 2002.

Fort Ord Reuse Authority, Fort Ord Reuse Authority ("FORA") Allocation of Strategic Reserve, 10-23-98 Action. March 1, 2004.

Marina Coast Water District, 2005 Urban Water Management Plan. December, 2005

Marina Coast Water District. Marina Coast Water District Assigned Water Use Factors for Determining Water Capacity Charges. May, 2003.

Marina Coast Water District, Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands (1996), document recorded in the Office of the Monterey County Recorder on August 7, 1996, at Reel 3404 Page 749

Marina Coast Water District, Memorandum of Agreement Between the United States of America and the Monterey County Water Resources Agency, Monterey County Agreement No. A-0604, September 21, 1993

Marina Coast Water District, Urban Water Conservation Feasibility Study, 2004.

RBF, Inc. Comparison of Unit Water Demand & Wastewater Load Rates. Memorandum of January 16, 2004.