Exhibit G
Exhibit A of the Staff Report prepared for the March 9, 2011 Planning Commission Hearing

The Redevelopment Agency of Monterey County
The Monterey-Salinas Bus Maintenance and Administrative Facility and Whispering Oaks Business Park
PLN090071

Appeal PLN110231
Board of Supervisors
June 14, 2011
DETAILED PROJECT DISCUSSION
MST and Whispering Oaks Business Park (PLN090071)

I. PROJECT SETTING AND DESCRIPTION:

The project site is comprised of two Assessor’s parcel numbers (031-101-056 and 031-101-041) containing an area of 115.53 acres on the former Fort Ord military base, east of the city limits of Marina. These two parcels represent a portion of the over 300 acre former Army landfill site situated between Imjin Parkway and Intergarrison Road east of Seventh Avenue. Neighboring Agencies or Jurisdictions include:

- The City of Marina to the north and west;
- The City of Seaside to the south;
- Property owned by the University of California at Santa Cruz (UCSC) directly to the west;
- Property owned by California State University at Monterey Bay (CSUMB) to the south and east; and
- The Fort Ord Reuse Authority

Officially, the project is within the sphere of influence for the City of Marina and is within the Fort Ord Reuse Authority jurisdictional boundaries.

The majority of the site is undeveloped and is covered with coast live oak woodland. The site also contains annual grassland, central maritime chaparral, and disturbed areas in pockets throughout the site. These various habitat types are home to several sensitive plant and animal species including Sand Gilia, the Dusky-Footed Woodrat, and potentially the California Tiger Salamander (CTS).

Land uses at the site are governed by the Fort Ord Master Plan within the 2010 Monterey County General Plan which is the County adopted version of the Fort Ord Reuse Plan. The site is designated in the Fort Ord Master Plan for Planned Development-Mixed Use. Current zoning at the property is Public Quasi-Public with Design Control and Site Plan Review Overlays (PQP-D-S). The PQP zoning was applied to the entire County portion of the former Fort Ord. As properties are developed pursuant to the Fort Ord Master Plan land use designations, new zonings are applied.

As part of the Fort Ord Reuse Plan, MST was given two parcels near the intersection of 7th Avenue and Gigiling Road. Lot 1 of the project (Phase I) has been determined to be a better location for the MST facility because of size needs and the location on the future multi-modal corridor along Intergarrison Road. The subject site also provides better access to arterial roadways. MST would relocate their existing bus operations from existing facilities in Monterey and the City of Salinas to this new central location on proposed Lot 1. Operations and development of Lot 1 would be guided by the proposed General Development Plan for the MST property.

Whispering Oaks Business Park would occupy the remaining 15 lots within the subdivision. Whispering Oaks Business Park has been envisioned as a self-contained, mixed use, "green business park. One of the primary desired results of the business park construction is to create local jobs in the Fort Ord area consistent with the goals of the Fort Ord Master Plan.
Development and operations on Lots 2-16 (Whispering Oaks Business Park) would be guided by a separate General Development Plan proposed for the Whispering Oaks Business Park.

Entitlements for the project include:
1) Rezoning a 58 acre portion of the former landfill site from PQP-D-S to Heavy Commercial (HC-D-S) and rezoning approximately 58 acres from PQP-D-S to Open Space (O-D-S);
2) Standard Subdivision Phased Vesting Tentative Map consisting of subdividing two parcels of 30.3 acres and 85.2 acres (Assessor’s Parcel Numbers 031-101-041-000 and 031-101-056-000) into 16 buildable lots including lot 1 (approximately 24 acres) and 15 lots ranging in size from 1 acre to 3 acres, a roadway parcel (approximately 7.39 acres, Parcel A), a drainage detention and percolation parcel (approximately 1.71 acres, Parcel B), and two Open Space parcels (approximately 58 acres, Parcel C & 8.71 acres, Parcel D (See Figure 1);
3) General Development Plan for the proposed Whispering Oaks Business Park;
4) General Development Plan and Use Permit to allow for the development of the Monterey Salinas Transit (MST) administrative and maintenance facility containing the following: A) a 36,000 square foot three-story administrative building; B) a 96,450 square foot two-story bus maintenance building; C) an 18,620 square foot fuel/brake/tire building with underground tanks attached by a canopy to an 8,373 square foot bus wash/steam cleaning building; and D) approximately 15 acres of paved parking to accommodate up to 281 busses and 388 automobiles;
5) Two Use Permits to allow the removal of approximately 4,400 Oak trees; and
6) Administrative Permit for Development in a Site Plan District and a Design Approval for development in a Site Plan Review (S) District.

Phasing of the project will be done as follows:

- Phase I will consist of a final map for Lot 1, development of the new MST administrative and maintenance bus facility, road and driveway improvements including construction of Engineers Equipment Road, frontage improvements on Intergarrison Road and off-site drainage basins to intercept storm run-off from the south that currently flows onto Lot 1.
- Phase 2 will consist of a final map for Lots 2 through 11, Parcel A and Parcel B, drainage detention (Parcel B), and a portion of Whispering Oaks Business Park (Lots 2-11).
- Phase 3 will consist of a final map for Lots 12 through 16 and Parcels C & D completing the Whispering Oaks Business Park parcels and the two Open Space parcels.

II. BACKGROUND

Fort Ord Base Closure and Reuse Plan
The history, leading to the proposed project is an important factor in review of the project. The property is located in the former Fort Ord which was a heavily used military base in operation from 1917 until the 1994 when the federal government closed the base. In closing the base, the Army, pursuant to Federal law, prepared a base closure and reuse plan to guide the transfer and redevelopment of the former military base. At that time, one of the primary concerns was the creation of jobs to offset impacts to the local economy from the departure of the large military presence in the community. Development of the Fort Ord Reuse Plan involved environmental review for both the California Environmental Quality Act and the National Environmental Protection Act and development of a comprehensive Land Use Plan. The Fort Ord Reuse Authority was established as a multi-jurisdictional agency consisting of the County, the Cities of
Seaside, Marina, and Del Rey Oaks, and many other jurisdictions having a stake in the reuse of Fort Ord.

Through the environmental review and development of the Base Reuse Plan many impacts were identified including the need to remediate the landfill site contamination, the presence of unexploded munitions, creation of land use designations, impacts on trees, aesthetics, traffic and circulation, and a large variety of other environmental topics. At the programmatic level, mitigations were applied including policy language and preservation of over 17,000 acres in permanent open space on the former military base, impact fees for maintenance of the open space and for traffic and circulation improvements, and programs for clean-up and removal of unexploded munitions.

As part of the base closure, land was allocated by the Army to jurisdictions including the Cities of Marina, Seaside, and Del Rey Oaks, the County of Monterey (who received the landfill parcel), the newly formed State University at Monterey Bay, and several other schools and local agencies. Approximately 17,000 acres of permanent open-space land was transferred to the Bureau of Land Management (BLM). In addition, specific parcels were also designated as "development with restrictions". The restrictions, in the case of the landfill site, limit the developable portion of the over 300 acre landfill site to 80 acres. The proposed project would develop 58 acres of the landfill site with approximately 2 acres currently developed with the Fort Ord Market and Shell Gas Station.

The Fort Ord Reuse Plan continues to play an important role in development of this area. From a land use standpoint it continues to provide continuity between different jurisdictions and institutions relative to intended use of the property, and to guide the circulation patterns. From an environmental standpoint, the EIR prepared for the reuse plan functions as a Master EIR. Much of the mitigation for projects are contained in the original land use plan which must be considered and implemented on a project by project basis.

III. SUBDIVISION

A Vesting Tentative Map has been submitted for the project that would create a 16 lot subdivision in three separate phases. Phase 1 includes a final map for Lot 1 (proposed to contain the MST facility). Subdivision improvements in this phase include off-site drainage facilities on CSUMB property, relocation of a PG & E gas line, and improvements to Engineer's Equipment Road. Phase 2 will include a final map for Lots 2-11 and construction of Parcel B for drainage detention, and construction of Whispering Oaks Way. Phase 3 includes a final map for Lots 12-16 completing the proposed business park.

The Vesting Tentative Map was reviewed for consistency with the Monterey County 2010 General Plan and the Subdivision Ordinance, Title 19. On February 10, 2011 the Subdivision Committee also reviewed the project and recommended approval of the project by a vote of 5-0.
General Plan

The site is located within the Fort Ord Master Plan "Community Area" (Policy LU-1.11, Chapter 9-E of the General Plan) and is designated as a "Planned Development Mixed Use District". Development is encouraged in the Community Areas because of their location near existing developed areas (City-centered growth) and because of the availability of services and facilities (Policy LU-1.19). The MST, Whispering Oaks site is located just east of the boundaries the City of Marina and the City of Seaside and will be served by existing public services. Water and Sewer will be provided by the Marina Coast Water District who has approved and adopted a water supply assessment for the project.

Fort Ord Master Plan - The Planned Development-Mixed Use District allows a variety of commercial, industrial and residential uses. Uses proposed within the subdivision include a new bus maintenance and operations facility, and a business park with offices, light-industrial uses, research facilities, and local serving retail and food services. The Fort Ord Master Plan allows for development of 88 acres on the former landfill site consisting of Planned Development for Mixed Use and the existing retail center. The remaining area of the landfill will be active recreation and habitat management. Residential units are not appropriate for this site because of the landfill buffer restrictions and more intense uses are also not appropriate due to the site location near the campus and housing of the State University at Monterey Bay. The planned use of the site is consistent with the General Plan Designation and is appropriate given the setting. Open-Space areas are proposed on the subject parcels consistent with the recreation and habitat management goals.
Applicable Policies of the General Plan for Resource protection have been considered. A discussion on impacted resources is described in more detail in Section VII below.

**Subdivision Ordinance (Title 19)** – Title 19 of the Monterey County Code contains regulations and procedures for the division of land in compliance with the Subdivision Map Act. Section 19.05 of Title 19, contains regulations applicable to review of a Vesting Tentative Map. Application standards including the form and contents of Vesting Tentative Map application (Section 19.05.040) have been followed. The project has been processed according to Section 19.05.055 including a hearing, a recommendation from the Standard Subdivision Committee and preparation of the appropriate environmental documents for Planning Commission consideration.

Vesting Tentative Maps are required to be denied pursuant to Section 19.05.055 if any of the following findings can be made:

1. "That the proposed map is not consistent with the general plan, area plan, coastal land use plan, or specific plan." As previously described the project is consistent with the 2010 General Plan designation and policies. The site is not located within the Coastal Zone.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general plan, area plan, coastal land use plan, master plan or specific plan. The project would develop approximately 58 acres of the 88 acres allowed to be developed on the former landfill site. The design of the subdivision complies with the lot size and dimension requirements. The General Plan, Master Plan and Fort Ord Reuse Plan all identify the development portions of this site as being suitable for the type of development proposed and the proposed streets and utilities are consistent with the circulation and public service policies relative to this site.

3. That the site is not physically suitable for the type of development. The site has been determined to be appropriate for development as demonstrated by the Findings of Suitability to Transfer issued by the Army which conveyed the parcel to the Redevelopment Agency of Monterey County. In addition, the Fort Ord Reuse Plan designated the property for planned development mixed use and numerous technical reports were prepared and submitted for the project. Some might want to present that the number of oak trees on the site require that a different type of development should be pursued. The site constraints need to be taken into account. First the presence of the closed landfill precludes residential development. Second, a retail or office use would demand higher visibility and traffic volumes passing the site. The location and setting call for a type of development that does not require high visibility or traffic volumes and is not sensitive to the environmental constraints of the landfill. The proposed project with the design presented for MST and the comprehensive General Development Plan prepared for Whispering Oaks provides a development scheme that will be consistent with the location and surrounding uses.

4. That the site is not physically suitable for the proposed density of development. The project includes commercial and industrial uses at an intensity appropriate for the site. Individuals have commented that it would be desirable to maintain more of the forested cover of the site through the development process. One way of doing this is by decreasing the density of the proposed site development. The Land Use Plan emanating from the Fort Ord Reuse Plan has taken this into account by allowing less than a third of the former landfill site to be developed. The landfill cells d-10 comprise a significant portion of the landfill site, but there is also a significant

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portion of the former landfill site that will be retained in open space and will preserve the Oak Woodland character of the site. This is reflected in the Habitat Management Plan that was prepared for Fort Ord.

5. That the design of the subdivision or type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project will not cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the project. Significant unavoidable impacts were identified relative to Green house Gas emissions and traffic at the Imjin Parkway/Highway 1 interchanges. The Greenhouse Gas emissions were identified as being significant because at this time there are not established standards by which to evaluation Greenhouse Gas emissions. The traffic impact was identified as being significant unavoidable because of the inability to reliably provide mitigation to an intersection under Caltrans authority. Overriding considerations are presented for consideration. Environmental impacts have been mitigated where possible and the applicant has applied for a 2081 “take permit” with the Department of Fish and Game for Sand Gilia. All other biological impacts are mitigated to a less than significant level. The site is being developed in the context and consistent with the Habitat Management Plan prepared for the Fort Ord Reuse Plan.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems. The subdivision does not contain uses that are likely to cause public health problems. The grading which will be done will not result in the potential for landslides or other grading related problems, and the drainage will be addressed through a series of improvements that will prevent the risk of flooding.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the appropriate decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. There are no public easements currently on the property.

8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title. One potential conflict with Title 19 has been identified. Access to the site, as required by Section 19.10.045 is a concern. The project fronts on Intergarrison Road which is a paved roadway that is currently open to the public however, the property underlying the road is owned by CSUMB and no easements have officially been recorded which grant the right of access or ability to install public improvements on this land. In addition Engineer’s Equipment Road is not yet a public right of way, although it is expected that this right of way will be obtained prior to Planning Commission hearing. A condition of approval requiring that access be obtained by easement or dedication to Monterey County is included in the conditions of approval. This condition requires that if an easement cannot be obtained that the County will use its power of eminent domain to acquire the necessary right of way. More discussion on Access and Circulation is provided in Monterey-Salinas Transit and Whispering Oaks Business Park (PLN090071)
Section VII below. With appropriate access to the site ensured, the project is consistent with Title 19 and the Subdivision Map Act.

Additional findings are required from the Environmental Health Division that the source capacity and water quality for all lots proposed to be created through the subdivision meet the requirements of all applicable health and safety regulations water quantity and quality (Section 19.05.055.C). The project has been reviewed by the Environmental Health Division and recommended conditions have been incorporated. Adequate public water and sewer are available and will be allocated through the Marina Coast Water District to serve the proposed lots.

As conditioned and mitigated, the project is consistent with the Subdivision Ordinance Title 19.

IV. MONTEREY-SALINAS TRANSIT (MST)

The Redevelopment Agency (property owner) has partnered with MST to develop new bus maintenance and operations on Lot 1 of the proposed subdivision. A Disposition and Development Agreement will be considered under a separate action by the Board of Supervisors for the transfer Lot 1 of the subdivision to MST. The new MST facility will contain new bus maintenance, washing, parking facilities, and a new three-story operations building. MST is planning on re-locating their current operations to this new facility because of it's central location and because the existing facilities are currently operating over capacity which prohibits expansion of the bus fleet and services.

The proposed project includes entitlements that allow construction of the MST facility (Phase 1 of the subdivision). Entitlements for MST include:

1. A Use Permit and General Development Plan for a new bus maintenance and operations facility within the Heavy Commercial (HC) Zoning District;
2. A Use Permit to allow the removal of approximately 2,400 Coast Live Oak Trees; and
3. An Administrative Permit and Design Approval to allow construction of a 36,000 square foot three-story administrative building; a 96,450 square foot two-story bus maintenance building; an 18,620 square foot fuel/brake/tire building with underground tanks attached by a canopy to an 8,373 square foot bus wash/steam cleaning building; and approximately 15 acres of paved parking to accommodate up to 281 busses and 388 automobiles within a Site Plan Review (S) and Design Control (D) district.
The Zoning Ordinance (Title 21) establishes allowed uses within designated zoning districts, along with site development standards and permit requirements. The subject parcels are zoned for Public Quasi-Public use with Design Control and Site Plan Review Overlays (PQP-D-S), which is the default zoning applied to all Fort Ord properties transferred to Monterey County through the Base closure. The proposed application involves changing the Zoning on the property from PQP to Heavy Commercial (HC) with overlays remaining in place (HC-D-S).

The Heavy Commercial Zoning District allows trucking operations, including offices and facilities for the repair, servicing, fueling, storage, and dispatching of commercial trucks subject to a Use Permit. This is similar in character and intensity to bus maintenance and operations facilities. The HC zoning district also requires a General Development Plan when lots are in excess of one acre.

Findings required in granting a Use Permit pursuant to Section 21.74.050.B can be made for the proposed development. The finding required are:

1. The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County; and
2. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any applicable provisions of this Title and any zoning violation abatement costs have been paid.

An EIR with appropriate technical reports have been prepared for the project and the project has been reviewed by Planning, Public Works, Water Resources Agency, the Environmental Health Division, Parks, Fire, and the Sheriff. There has been no indication that the new MST facility would be detrimental to health, safety, peace, comfort, or general welfare persons in the neighborhood or the County. The EIR identifies potential environmental impacts of the MST project and mitigations and recommended conditions have been incorporated where necessary to reduce impacts to a less than significant level.

The General Development Plan for the MST property describes the proposed development and operations at the site. Setbacks, height, and lot coverage are established for the site based on the structures proposed. This includes the operations building which has a proposed height of approximately 56 feet. The operations building will be located at a lower elevation than the adjacent road and will have a two story appearance. The large maintenance building is proposed at approximately 34 feet and the bus wash/brake/fuel building is proposed to be approximately 24 feet high. These structures will also be located at an elevation lower than the adjacent roads. All structures are sufficiently setback from the property line and coverage is less than 50%. The entire site will be surrounded by an 8 to 12 foot high security wall. The General Development Plan describes general operations proposed and establishes requirements for recycling, ride-sharing, drainage, and best management practices. No violations exist on the property and the project complies

**Administrative Permit and Design Approval**
The site is located with Site Plan Review (S) and Design Control (D) Districts. The zoning overlays will remain in place as part of the proposed rezoning. Development within the "S" District requires approval of an Administrative Permit (Section 21.45.040, Title 21). The purpose of the S district is to provide regulations for review of development with the potential to

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adversely affect or be adversely affected by natural resources or site constraints. The main site constraint in this case is the oak woodland habitat that exists. There are no significant slopes at the site. Findings required to grant an Administrative Permit pursuant to Section 21.70 includes a determination of consistency with the applicable rules and regulations of the General Plan and Zoning Ordinance. The application complies with the applicable regulations as described throughout this report and the findings can be made to approve the Administrative Permit.

The Design Control (D) District provides regulations for review of the location, size, configuration, materials, and colors of structures to assure protection of the public viewshed, neighborhood character, and the visual integrity of certain developments. The MST project has been designed appropriately for this location.

The nature of the bus maintenance facilities is that they are large square buildings without an architectural interest. Due to the topography of the area, the tree cover which exists and will continue to exist, the landscaping which is proposed and the presence of the security wall around the site, these buildings will not be extremely visible. They will be visible from higher elevations looking down into the sight, but for most of the public they will not be visible. The Administration building will be far more visible, but it has been given a great deal more architectural interest in the design. The building uses a mixture of materials and textures for the siding and uses a rounded standing seam metal roof. Visually it would be the most significant feature of the developed site. The design is unique to the area, and will add interest to the site.

Lighting has been reviewed and negotiated with MST to reduce the height of lighting poles within the parking area and to ensure that lighting is shielded to illuminate only the areas intended. A variety of landscape features including landscape and oak buffers have also been incorporated in the design. Visual simulations have been prepared for the development that illustrates the Design features.

MST has also designed their facility to meet Leadership in Energy and Environmental Design (LEED) silver standards. Appropriate design of structures is consistent with the Design Principals of the Fort Ord Master Plan.

The Administrative Permit also allows subdivision improvements such as roads, drainage, and installation of infrastructure. For a discussion on the Use Permits for tree removal see Section VI.

V. WHISPERING OAKS BUSINESS PARK

A new business park is proposed to occupy Lots 2-16 of the subdivision. Structures and development of the business park sites have not been designed yet. The business park sites will be developed on a case-by-case basis as plans for each site are submitted in two different phases. A General Development Plan is proposed as part of the project to guide future development of the business park lots.

The uses and intensities proposed within the Whispering Oaks General Development Plan (GDP) are of a business park character and include offices, limited local serving retail and food services, limited manufacturing, research and development, artisan shops, and vocational training. Additional uses such as public quasi public uses, sales of alcohol and wireless communications facilities may be allowed subject to a Use Permit in each case. These uses are consistent with the uses allowed in the HC zoning and are in keeping with the location near the CSUMB campus.
The Whispering Oaks General Development Plan incorporates appropriate standards for the design of structures and landscaping, the preservation of trees, lighting design, signage, parking requirements, and contains policies aimed at reducing traffic impacts and greenhouse gas emissions.

Because of the Site Plan review and Design Control overlays, permits will be required for each development. Future permitting will allow for siting and design review of each new development.

Also included in the project entitlements are Use Permits for the removal of Oak trees at the site consistent with Section 21.64.260 of Title 21. More information is provided in the tree removal discussion below.

VI. USE PERMITS FOR TREE REMOVAL

There are two separate Use Permits for tree removal included for the project. The Use Permits are divided among the MST property (Lot 1) and the Whispering Oaks Business Park properties. Together, tree removal for construction or roads, utilities, and structures may require removal of up to 4,400 Coast Live Oak trees. Removal of Oak trees requires a Use Permit pursuant to Section 21.64.260 of Title 21. The site is also considered an “oak woodland” and is subject to the Oak Woodlands Conservation Act (Senate Bill 1334).

In order to approve a permit for tree removal, findings must be made that:

1. The tree removal is the minimum required under the circumstances of the case; and
2. The removal will not involve a risk of adverse environmental impacts.

The project involves development and uses that require large structures and parking areas combined with the need to improve roads and utilities. A program has been developed to address tree preservation, protection, and replacement for the subdivision that would place emphasis on maintaining an Oak corridor along Intergarrison Road, preserving trees between lots, and incorporating trees in landscape designs. Tree protection and replacement policies have been incorporated in the project design and the General Development Plans to minimize tree removal to the extent feasible.

A minimum of 1:1 replacement will be achieved for the development. Forest Management Plans have been prepared for both sites along with an Oak Woodlands Mitigation Strategy describing compliance with SB 1334. Conditions and mitigations have been included to ensure consistency with these reports. Additional discussion on the environmental impacts of Tree removal is provided in Section VII below.

VII. PROJECT ISSUES

Tree Removal
The site is covered with coast live oak trees. Development of the MST project will require removal of most of the oak trees on the 24 acre Lot 1 (approximately 2,400 oak trees). Future development of the other 15 business park lots could require removal of as many as 2,000 more oak trees. During the review of this application, two questions have been raised regarding development of this site and the removal of the trees. First is why not redevelop dilapidated structures in the vicinity prior to developing on a vegetated site. Second has to do with why Monterey-Salinas Transit and Whispering Oaks Business Park (PLN090071)
develop on a property that is part of a contiguous open space corridor. The answer to these related questions comes from the manner in which the Fort Ord Base Reuse Plan has been implemented. Each local jurisdiction was given certain property with development potential. Monterey County’s jurisdiction is limited to a few properties within the former Fort Ord including the former landfill site. Many of the existing dilapidated structures are within the jurisdictions of the City of Marina, the City of Seaside, and other public agencies including land reserved by the Army.

Second, the subject property has been designated as a “development property” through the Fort Ord Reuse Plan on a programmatic level. The Reuse Plan EIR identified impacts to trees, vegetation, and wildlife in the Fort Ord area from allocating these types of land use designations. An Installation-Wide Multi species Habitat Management Plan for Former Fort Ord, California (HMP) was also done for the base closure and Reuse Plan in compliance with Section 7 of the federal Endangered Species Act. To mitigate for impacts on various types of habitats including oak woodland, over 17,000 acres of the former military base was set-aside as permanent open space “no development”. The HMP addressed the loss of oak woodland and other resources on properties designated for development, including the subject property, through this mitigation.

While this parcel does contain a significant number of Oak Trees but as discussed above part of the mitigation for development of this property was to set aside over two thirds of the landfill parcel as permanent open space. With this being said it must be pointed out that this site is not surrounded by open space, but is surrounded by either existing development or land which has been allocated land use for future development. It does abut open space to the south, and a parcel being proposed by the map will remain as open space and maintain the corridor between the landfill area and the open space area to the south. This will implement the intent of the For Ord Reuse plan.

The applicant has worked with planning staff in an effort to incorporate tree preservation measures in the project design. Staff and the applicant walked the project site and reviewed property boundaries and proposed improvements in relation to trees which could be preserved. Specific interior road improvements (i.e. Engineer’s Equipment Road and Whispering Oaks drive), road frontage improvements, and MST improvements, were evaluated with the goal of maximizing preservation of trees. The key tree preservation elements are as follows:

1. Preservation and enhancement of an oak corridor along Intergarrison Road corridor. The MST Plan includes an Oak set aside area in the western portion of the frontage. Along the remainder of the frontage trees will be maintained between the Masonry wall and Intergarrison Road.

2. Along the Intergarrison frontage of Whispering Oaks a 25’ oak woodland buffer will be retained from the property line. This will allow trees within the unimproved right of way and the 25’ buffer to be retained. As part of maintaining a strong oak woodland presence along Intergarrison is the location of the intersection with Engineer’s Equipment Road. In walking the site there is a grouping of trees that is very healthy and should be preserved as part of the corridor. A condition of approval has been added to require specific review of improvement plans for Engineer’s Equipment Road with the goal of siting and designing the road to preserve the maximum number of trees (Condition #15). The lot grading for the Whispering Oaks development will not be pursued until future development. This will allow the trees to be retained on site until future lot development. At that time decisions can be
made about whether there are significant trees which should be retained outside of the Oak Woodland Buffer.

The General Development Plan prepared for the Whispering Oaks project includes provisions to encourage appropriate siting and design of structures with the goal of maintaining trees and habitat where possible. The GDPs were developed to maintain a continuous oak corridor/buffer along Intergarrison Road, including special setbacks, a preservation area on the MST property, and landscaping requirements including replacement oak tree plantings. Trees in between developed lots will be saved where possible on a case by case basis or when subdivision improvement plans are formulated for Phases 2 and 3. Also included in the project are two open space parcels totaling 57.62 acres.

Where tree removal occurs replanting in the landscaping or offsite is required under the provisions of the General Development Plan and consistent with the recommendations from the Forest Management Plans. Although large amounts of tree and vegetation removal is required to allow a bus maintenance and operations yard and a commercial business park, the impacts have been evaluated, mitigated for, and minimized where feasible.

Overall, the vision for tree preservation includes General Development Plan provisions and project design features that:

1. Incorporate a continuous tree preservation and landscape area along the Intergarrison Road corridor, specifically a 24 foot landscape buffer between the MST wall and the edge of pavement for Intergarrison Road, maintain the tree preservation area at the southwest corner of the MST site, and comply with the 20-foot Oak corridor provision of the Whispering Oaks General Development Plan;
2. Preserve existing trees along the internal street frontages and between the newly created lots;
3. Preserve existing trees in and around structures as development occurs;
4. Pay the FORA impact fees for habitat maintenance;
5. Replant trees within the landscape on-site, space permitting and plant trees at a suitable off-site location to achieve a minimum of a 1 tree planted for every tree removed.

Biology
The site is known to support State protected plant species including Monterey Spineflower, Sand Gilia, and Sandmat Manzanita. There is also potential habitat for other protected plant and animal species at the site. A 2081 incidental take permit for Sand Gilia from the Department of Fish & Game is required for the proposed development. In addition, Lots 12 through 16 are located within the federally protected California Tiger Salamander (CTS) breeding habitat buffer (1.24 miles or 2 kilometers from a pond). The Department of Fish and Game (DFG) has commented on the CTS impact analysis that was contained in the Draft Environmental Impact Report (DEIR). As a result of negotiations with DFG, biological monitoring is required for all development. If presence of CTS is discovered at the site work must cease and consultation with DFG will be required (Mitigation Measure #54). In order to diminish any potential of the presence of CTS beyond the 2k buffer, the applicant proposes to install fencing with one-way doors prior to development for Phase 1 and a portion of Phase 2 including lots 2, 3, 7, and 8. Conditions and Mitigations have been incorporated to require avoidance of other listed plant or animal species have been incorporated (Conditions 51-62).
Aesthetics
For the purpose of the MST/Whispering Oaks project, impacts on aesthetics were considered in terms of visibility of the site from public viewing areas, the visual character of the site and its surroundings, and the probable visual impact of the proposed project.

The project site is minimally visible from off-site public viewing areas. Although there may be some visibility of the site from isolated locations in Fredrick Park and, for a brief moment, from Imjin Parkway, these views of the site are distant and will not substantially alter the visual setting from these locations. The main areas of visibility are from Intergarrison Road, and 7th and 8th Streets across Intergarrison Road to the South. A high degree of visibility of the project site exists from south of the project site on CSUMB property. Views from other locations will be shielded by existing vegetation. The area on CSUMB property that is most impacted by the project, is planned to contain faculty housing according to the CSUMB master plan, but is currently vacant. This faculty housing would not be considered a “public viewing area” and would be considered an unprotected private view under the current Monterey County codes.

When viewed from Intergarrison Road, 7th Avenue, and 8th Avenue the proposed project was not considered to create a substantial adverse impact given the project design and the continuous oak tree buffer along Intergarrison Road. A continuous tree cover and landscape buffer will be provided along Intergarrison Road that would maintain a high degree of screening from trees and landscaping when viewing the site from the roads and to the south of the project. This helps to preserve the forested look of the lot in contrast to most of the area surrounding the project site which are highly disturbed with existing development, some of which is dilapidated and an eye sore. Topography also aids in limiting visual impacts of the MST project because the project site and finished floors of the proposed buildings will be located below the elevation of Intergarrison Road.

Figure 1 – Intergarrison Road and MST fence cross sections (typical)

Beyond the minimal visibility, setting of the project site, and screening, design features including use of appropriate colors and materials have been included in the MST design and in the General Development Plan policies for the Whispering Oaks business park with the goal of maintaining an aesthetic appeal of the project through the oak setting and the architecture.

The lighting plan for the MST project was revised to reduce the height of the light poles in the public parking area so that the lights are below the tree canopy and to reduce the size of the lighting candles for intensity. Lighting for the bus parking area will be required for safety purposes and will be visible. All lights will be shielded so that only the intended area is
illuminated and off-site glare is controlled. Similar requirements will be applied in the business park pursuant to General Plan Policy requirements.

**Land Use Compatibility**

The proposed subdivision and development is located in a unique area. There are several environmental and jurisdictional factors applicable to this site including the following:

1. Landfill Buffer Zone;
2. City of Marina Sphere of Influence; and
3. Proximity to CSUMB housing and campus;

All of the nearby landowner’s have been notified of the proposed project and the associated environmental review.

**Landfill Buffer:** Through the base closure, the Army has been cleaning the landfill site including controlling groundwater impacts and methane plumes. The subject project is largely within the 1000 foot landfill buffer and as such, has restrictions on the allowable uses including residential uses, hospitals, and schools. Commercial and industrial uses are allowed in the landfill buffer areas.

**City of Marina Sphere of Influence:** The property is adjacent to the City of Marina, is within the Marina Sphere of influence and has been designated in the Marina General Plan as Open Space and recreation. The proposed use would be inconsistent with the Marina General Plan, however, the Marina General Plan designation is not consistent with the Fort Ord Reuse Plan designation for this property. The property is in the County’s jurisdiction, and the County General Plan designation is consistent with the Fort Ord Reuse Plan, thus the County’s designation must have precedence over the Marina General Plan.

**CSUMB:** The proposed development is located near the CSUMB campus and in between the campus core and the CSUMB housing area. In working with CSUMB throughout the process, the applicants have made changes to the project including circulation design to make use of Engineer’s Equipment Road which provide an alternative access point to the site instead of Intergarrison Road. Visual considerations have been incorporated in the proposed project to provide a vegetated buffer along Intergarrison Road which will screen development from view to the south including Intergarrison road and CSUMB property. Sidewalks and crosswalks will be provided to aid in the connection of the CSUMB housing area east of the site, to the campus core southwest of the project site. Revisions in the allowed uses in the Whispering Oaks General Development Plan have also been made to ensure compatibility with the neighboring land uses.

There are specific improvements proposed as part of the project that directly affect CSUMB property. First, drainage from portions of CSUMB and Army property currently are directed onto Lot 1 of the proposed subdivision. MST has negotiated with CSUMB to install drainage improvements on the CSUMB property, at Phase 1 including improving two small detention ponds, connection of an existing storm drain to a larger pond, and removal of some existing asphalt to reduce impervious surface within the contributing area. These improvements are consistent with the CSUMB Master Plan drainage improvements. Second, the CSUMB gas meter location will be affected because a PG&E gas line will be relocated around the property.

Responses to CSUMB comments made during the comment period are included in the FEIR (Exhibit F). Comments have been submitted by CSUMB outside the EIR comment period but prior to the hearing. CSUMB comments along with staff’s written response to those comments Monterey-Salinas Transit and Whispering Oaks Business Park (PLN090071)
are provided in Exhibit 1. As outlined in their February 18, 2011 letter CSUMB still has concerns regarding the EIR traffic analysis. Specifically, CSUMB objects to the Traffic Study approach to trip distribution. There are two methods of assigning trip distribution. The Traffic Study assigned trips to not go through the campus because of the traffic impediments which exist (stop signs, cross walks, traffic and pedestrians). This is appropriate localized traffic and was peer reviewed as part of the EIR preparation and by the Public Works Department. Manual trip assignments are an accepted engineering practice. CSUMB would prefer to see the AMBAG model for assigning trips utilized. This is also an acceptable approach, but was not utilized in this case. Staff has met with CSUMB to discuss the traffic report and analysis.

The project traffic report analyzed the following traffic conditions:

1. Existing Traffic Conditions
2. Background (Existing Plus approved projects) Conditions
3. Background Plus Project Phase 1 Conditions
4. Background Plus Project Phase 2 Conditions
5. Background Plus Project Buildout (Phase 3) Conditions
6. Cumulative Without Project Conditions
7. Cumulative Plus Project Buildout (Phase 1, 2, and 3) Conditions

Background conditions were determined by adding 5 approved projects within the vicinity to the existing conditions. These projects are approved by the applicable jurisdiction and have construction schedules that are relied upon. The Roadway network under existing conditions and background conditions are identical. The 5 added projects are reasonably foreseeable and implementable projects that can be built at anytime. Therefore, not including these reasonably foreseeable approved projects would actually underestimate impacts in a theoretical existing plus project traffic condition.

CSUMB claims that the EIR is inadequate because methodology for determining trip distribution assignments should have used the computer generated trip distribution and as a result the impacts on specific intersections and roadways within the campus are not properly identified. Specifically, their letter states that "it is reasonable to assume that at least some of the MST/WO project trips would also use the same campus routes to get to and from the project site." The argument is essentially that currently non campus traffic currently drives through the campus, so it is reasonable to assume that traffic from this project will also drive through the campus.

The following information is relied to support the conclusions in the Traffic Report and the EIR in light of the CSUMB comments:

1. The traffic report has been prepared by a licensed traffic engineer who has justified and defended his methodology and conclusions.
2. The traffic report was peer-reviewed by an independent out-side traffic engineer (Hexagon). In the peer-review letter, Hexagon made a general note that trip distributions could be more evenly distributed amongst the possible routes, although the revised numbers would be minimal and not likely change the impact conclusions. Hexagon has subsequently confirmed, in a phone call that the stated reasoning of Hatch-Mott MacDonald (project traffic engineer), to assign trips on roads around the campus with fewer stops and less pedestrian interference seemed reasonable and appropriate.
3. The report and EIR have been reviewed by Public Works and deemed adequate.
CSUMB would like to have their latter letters incorporated into the Final EIR. The County has chosen not to place the letter in the Final EIR. Lead Agencies are not required to incorporate comments and responses to comments in the FEIR when comments are submitted after the close of the noticed public comment period [CEQA guidelines Section 15088(a)]. If there was new information submitted that changed the possible findings of the EIR or which required further clarification, it could be appropriate to include the response in the FEIR. In this case the letters do not contain such comments or questions. Staff has attempted to meet with CSUMB to discuss these matters and provide clarity.

Traffic, Access, and Circulation
The traffic analysis in the EIR was based on a traffic report prepared for the project which was peer reviewed by the EIR consultant prior to incorporation into the EIR. Impacts of the project were studied at 29 intersections and 4 Highway segments. Mitigation for the project impacts has been included to address those traffic impacts with the exception of the Imjin Parkway/Highway 1 interchanges.

The EIR and traffic report identified one intersection that could not be mitigated to a less than significant level. North and southbound on/off-ramps at State Route 1 at Imjin Parkway interchanges would operate at a deficient level of service under background conditions and the project will add trips to those interchanges. The interchanges are under the jurisdiction of CalTrans, so mitigation cannot be feasibly and reliably applied because any improvements would require approval of CalTrans which is not within the control of the County or the applicant.

The traffic analysis evaluated impacts in the County of Monterey, within the City of Marina and considered intersections within CSUMB. The impacts are identified for each of the three phases of the project and identify both direct and indirect project impacts. All direct project traffic impacts will be mitigated by constructing road improvements at the applicable phase of construction or by paying a fee to an established improvement program. Most of the direct road improvements are in the immediate vicinity of the project including turn-lanes, widening of Engineer’s Equipment Road, construction of internal roads, new traffic signals along Intergarrison Road at critical intersections, and off-site improvements at Imjin Road and Imjin Parkway. Impacts to intersections within the former Fort Ord will be mitigated through payment of impact fees to FORA.

The project proposes an amendment to the Fort Ord Reuse Plan circulation plan. The modified circulation plan would realign Imjin Road, 6th Avenue, 8th Avenue, Engineers Equipment Road, and abandon 8th Street Cutoff. This proposed road network is included as part of this project and will be considered by FORA as an amendment to the Fort Ord circulation plan. Most of the physical roadway realignment would be done in the future by others (City of Marina and FORA). The minor change to the circulation plan will have the benefit of providing CSUMB a better access to their proposed northern gate on 6th Avenue. It will also facilitate use of Engineer’s Equipment Road as an alternative to Intergarrison. This will route traffic away from CSUMB. The project will rely on access from Imjin Parkway, and Highway 1, by way of Imjin Road and Engineer’s Equipment Road to and from the project site. Intergarrison Road is the other main point of access to and from the site. Driveway connections at Lot 1 and improvement of Engineers Equipment Road will occur at Phase 1. MST operations will limit bus access on Intergarrison Road and make use of Engineer’s Equipment Road until Intergarrison is improved to Davis Road and a Bus Rapid Transit Lane is improved to mitigate conflicts with CSUMB circulation. Provisions have also been made to accommodate sidewalks and pedestrian pathways throughout the project site and to incorporate bus stops serving the new development.
An issue with the subject project is the access to and from the site. While road infrastructure and access is currently in place (Engineer’s Equipment Road and Intergarrison Road), the roads are not under the jurisdiction of the County of Monterey and no legal easements or right of access exists. This means that the underlying property owner may be able to restrict access on the essential roads serving the site. To address the access issue, Condition #14 has been included to require that the applicant obtain easements from the underlying property owners that allow access and required improvements for the project or that the applicant gain control of the right-of-way through the court and provide proof of such control to the County. If the applicant is unable to acquire legal access the County will condemn the property at the applicant’s expense pursuant to California Government Code Section 66462.5. The applicant has agreed to proceed in this manner.

**Air Quality and Greenhouse Gases**

The project involves conversion of an area currently covered with oak trees to a commercial business park. Construction will involve use of heavy equipment and grading of large areas that will cause both temporary and long-term impacts to air quality at the site. Impacts for Air Quality have been evaluated and mitigated to the extent feasible. Release of carbon and diesel particulates resulting from tree removal, construction activities, and on-going operations have also been considered. The Draft EIR identified a significant unavoidable impact to greenhouse gases because there will be a contribution to the world-wide issue, and in light of the fact that there are currently no established thresholds of significance in Monterey County. Still the project has been designed to meet Leadership in Energy and Environmental Design (LEED) silver standards. Along with LEED standards the project involves consolidating MST’s operations from their current sites to this central “green” location reducing MST’s carbon footprint.

Provisions have been incorporated in the General Development Plan for Whispering Oaks to allow local retail on-site, to provide pedestrian connections, and to encourage bus and other mass transit use to reduce vehicle miles traveled where possible. To off-set impacts from tree removal, the project includes provisions above and beyond the previous land set-aside through the Fort Ord Reuse Plan including achieving a 1:1 tree replacement through on-site preservation and landscaping and through off-site planting at the youth camp parcel. Mitigations have been included in this project to minimize impacts to the extent feasible consistent with Monterey County policies.

Additionally, in response to comments received on the DEIR, a separate analysis has been done in an attempt to quantify impacts on greenhouse gases. The Forest Protocol “avoided conversion” methods were followed to establish a baseline at the site. The current baseline has a positive impact on greenhouse gases due to the sequestration of carbon by existing trees and vegetation. Release of carbon from vegetation removal and grading were estimated including the ultimate use of the wood which likely involves burning and/or composting. The benefits of providing replanting on a 1:1 basis were then factored in and a net sum of carbon loss to the atmosphere was identified. The analysis discloses, to the extent possible, impacts from conversion of the oak woodland; however, without regional or global data to measure against it is not possible to understand this amount in relationship to how severe, or not, the impact is. Given that the DEIR already identified a significant unavoidable impact due to project contributions, there is no change in the environmental determination.

**Other**

Several other topics have been researched and addressed through project and environmental review including water supply and sewage disposal with Marina Coast Water district, Utilities and services, use of hazardous materials including fueling stations and transport of the materials, Monterey-Salinas Transit and Whispering Oaks Business Park (PLN090071)
noise, and soils and geology. Mitigations have been applied where appropriate and impacts in the resource categories have been addressed. No significant issues are outstanding within these categories. For more information see the Draft EIR and Exhibit F (FEIR).

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A Draft Environmental Impact Report (DEIR) has been prepared for the project pursuant to CEQA. Potential Impacts to Aesthetics, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water quality, Land Use Planning, Noise, Traffic and Circulation, Water Demand and Supply, Wastewater Conveyance and Treatment, Emergency Services, and Greenhouse Gases were discussed. Mitigations were suggested to minimize impacts where feasible. Mitigations have been made conditions of approval for the project. Unavoidable impacts to Traffic and Circulation and Greenhouse Gases were identified in the DEIR. Due to the significant unavoidable impacts, prior to approving the proposed project, the Planning Commission must adopt a statement of overriding considerations.

The CEQA mandated process for an EIR has been followed. A Notice of Preparation (NOP) was filed with the Office of Planning and Research (SCH#2009121049). A duly noticed scoping meeting was held at the Fort Ord Reuse Authority conference room on January 6, 2010. Following the scoping meeting a DEIR was prepared by EMC Planning Consultants under contract to the County of Monterey. The DEIR was filed with the Office of Planning and research on July 8, 2010. Notices of availability were sent to interested parties and were published in the Herald and the Californian on July 13, 2010. Comments were received on the DEIR from July 13, 2010 through August 27, 2010, a 45-day period.

Comments on the DEIR are attached and responses to those comments are provided in the Final EIR (FEIR). The responses were provided to everyone who commented on the DEIR on February 24, 2011, more than 10 days prior to Planning Commission Consideration. The FEIR is provided as exhibit F for certification by the Planning Commission.

VI. CONCLUSION

Staff recommends that the Planning Commission adopt a resolution (Exhibit C) certifying the Final EIR and approving a Combined Development Permit consisting of a 16 lot subdivision, two General Development Plans, and Use Permits for development of Lot 1 and for removal of trees and adopt a separate resolution recommending approval of the proposed Zoning Amendment to the Board of Supervisors (Exhibit D). The Standard Subdivision Committee has unanimously recommended approval of the project and the project site is physically suitable for the proposed use. As conditioned, the project conforms to the policies, requirements, and standards of the General Plan, the Fort Ord Master Plan, the Monterey County Subdivision Ordinance (Title 19), and the Monterey County Zoning Ordinance (Title 21).