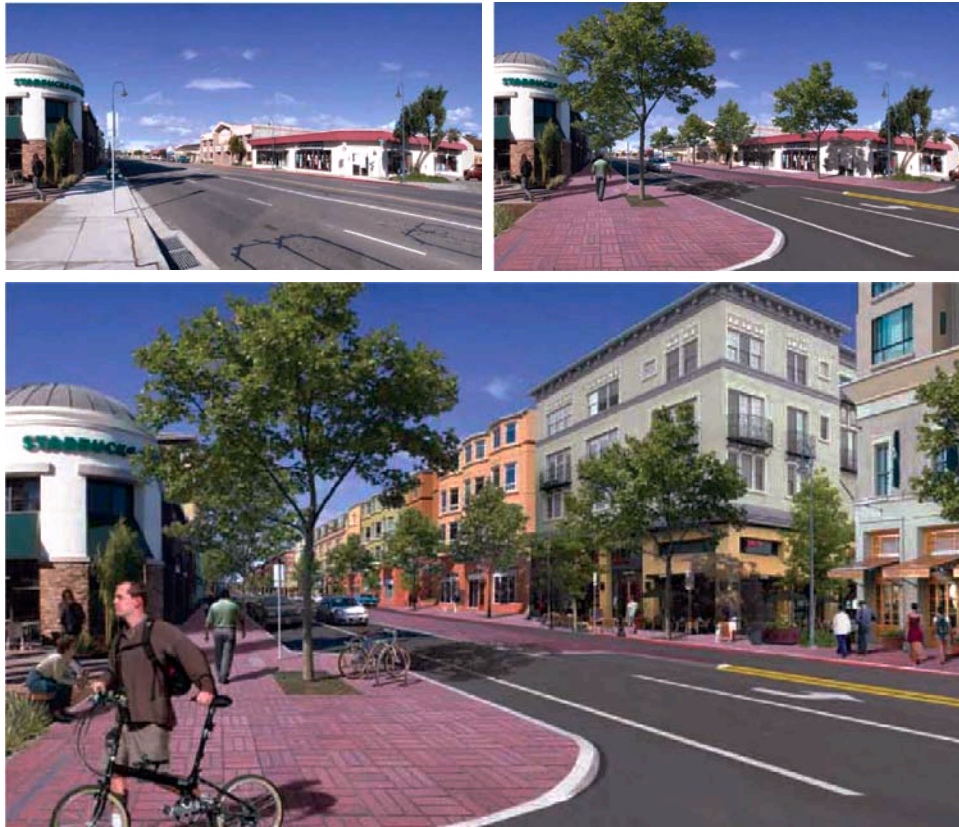


# West Broadway Avenue Urban Village Specific Plan Final Environmental Impact Report

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November 2009



City of Seaside  
440 Harcourt Avenue  
Seaside, CA 93955  
(831) 899-6737  
Contact: Diana Hurlbert, Senior Planner

*Prepared by*



*This document was prepared in compliance with the California Environmental Quality Act*



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# FINAL ENVIRONMENTAL IMPACT REPORT

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## 1.0 INTRODUCTION

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR), for review and consideration for certification by the City of Seaside as complete and adequate under the California Environmental Quality Act (CEQA). The Draft EIR was circulated to affected public agencies and interested parties for a 45-day public review period.

The Draft EIR was a program-level environmental document. A program EIR was the appropriate document because the Specific Plan project sets forth a program of new development standards as well as a series of conceptual public realm improvements. The certification of the EIR and approval of the project would not convey development entitlements.

The purposes of the Response to Comments document are to respond to all significant environmental issues raised in comments received on the Draft EIR and to incorporate appropriate changes, additions, or corrections to the information presented in the Draft EIR (CEQA Guidelines, Section 15088). All written comments received during the comment period (July 7, 2009 to August 12, 2009) are included in this document, as well as oral comments received at the public hearings.

This chapter provides a summary of certification and project selection procedures, public involvement, the requirements for consideration of recirculation, and an overview of the response to comment process.

## 1.1 EIR CERTIFICATION AND PROJECT SELECTION PROCESS

The City must certify that (1) the Final EIR has been completed in compliance with CEQA; (2) the City has reviewed and considered the information within the FINAL EIR; and (3) the Final EIR reflects the City's independent judgment and analysis (CEQA Guidelines, Section 15090). The City of Seaside City Council will review the FINAL EIR for adequacy and will exercise its independent judgment regarding certification. Prior to approving a project, the City must certify that: (1) the FINAL EIR has been completed in compliance with CEQA; (2) the City has reviewed and considered the information contained in the FINAL EIR; and (3) the FINAL EIR reflects the City's independent judgment and analysis (CEQA Guidelines, Section 15090). Once it is certified, the Final EIR will be used by responsible agencies in deciding whether, or under what conditions, to approve the required entitlements.

Certification of the EIR is not approval of the project; the City Council will consider the merits of the project separately from their decision on the adequacy of the EIR. If the

City certifies the Final EIR, it will then consider the project separately for approval or denial.

As part of the approval of either the project or an alternative, the City must make written findings for each significant effect identified in the EIR. These findings will state whether the identified significant effect can be avoided or substantially decreased through feasible mitigation measures or a feasible alternative, whether the effect can only be mitigated by the action of some agency other than the City, or whether the identified mitigation measures or alternatives are infeasible and cannot be implemented. (CEQA Guidelines, Section 15091, subd. [a]) To ensure implementation of all adopted mitigation measures, the City must adopt a mitigation monitoring and reporting plan. (CEQA Guidelines, Section 15097) In addition, after all feasible mitigation measures are adopted, if some effects are still considered significant and unavoidable, the City must adopt a Statement of Overriding Considerations that identifies the specific economic, social, technical, or other considerations that, in the City's judgment, outweigh the significant environmental effects. (CEQA Guidelines, Section 15094)

If the City approves the project, a Notice of Determination (NOD) will also be prepared and filed with the State Clearinghouse. The NOD will include a description of the project, the date of approval, an indication of whether Findings and Statement of Overriding Considerations were prepared, and the address where the Final EIR and record of project approval are available for public review.

## 1.2 PUBLIC INVOLVEMENT

On July 7, 2009, the City released the Draft EIR for public review and comment. Copies of the Draft EIR were distributed to state agencies, local governments, elected officials, groups, and individuals. Notices announcing completion of the Draft EIR were mailed to property owners and residents of properties within the project area (by U.S. Mail). Public hearings were held before the City of Seaside Planning Commission on August 12, 2009 and October 14, 2009, to receive comments on the accuracy and the adequacy of the information contained in the Draft EIR. The Draft EIR comment period closed on August 12, 2009.

Ten days after the release of the Final EIR or thereafter, the City will make a decision regarding certification of the EIR and project approval.

## 1.3 AGENCY APPROVALS AND PERMITS

Following certification of the EIR and approval of the project applicants can formally apply for approval of specific development projects. Any development proposed for the project area, as well as proposed public realm improvements, will be subject to CEQA. The City Resource Management Services Division will use this program EIR as a "first tier" document. At a minimum, each development or public realm improvement proposal will require the preparation of an environmental Initial Study. The initial study will determine the potential for the proposed project to result in significant environmental impacts. To the extent that the initial study identifies any new or additional environmental impacts that might result from the proposed public realm improvements, the City will prepare appropriate additional environmental documentation.

Public realm improvements included in the Specific Plan are conceptual in nature. These include streetscape improvements (such as along West Broadway Avenue) and intersection modifications (such as the realignment of West Broadway Avenue, Contra Costa Street, and Del Monte Boulevard). Additional detailed engineering will be necessary before any public realm projects can proceed.

The discretionary approvals that will be required for each development project may include but are not limited to Design Review, Conditional Use Permits, and Variances.

## 1.4 REQUIREMENTS FOR AND CONSIDERATION OF RECIRCULATION

If significant new information is added to an EIR after the public review, the lead agency is required to recirculate the EIR or a portion of it for additional public review and comments. (CEQA Guidelines, Section 15088.5.) “[N]ew information to an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement...[R]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies...or makes insignificant modification in...an adequate EIR” (*Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1993) 6 Cal. 4th 1112,1129–1130).

Significant new information requiring recirculation includes, a disclosure showing that:

- (1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant impacts of the Project, but the Project’s proponents decline to adopt it.
- (4) The DRAFT EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.  
(See CEQA Guidelines, Section 15088.5, subd. [a])

An EIR is adequate as long as it provides specific response to all specific questions about significant environmental issues, and as long as the EIR, as a whole, reflects a good faith effort at full disclosure. “Recirculation is not required where the new information added to an EIR merely clarifies or amplifies or makes insignificant modification in an adequate EIR.” (CEQA Guidelines Section 15088.5(a).)

The EIR is not so inadequate nor do any of the commenters disclose any new significant information that would require recirculation of the EIR. No new significant or substantially more severe environmental impacts have been identified that would result

from the project or from an alternative or a new mitigation measure proposed as part of the project. Moreover, no new feasible mitigation measures or alternatives have been identified that are considerably different from others previously analyzed and would clearly lessen the significant environmental impacts of the project that the City and the applicant have declined to implement. All of the responses to comments contained in this Final EIR merely provide information that clarifies and amplifies the evaluation of impacts contained in the Draft EIR as explained in the responses to comments provided in the Final EIR. Minor clarifying revisions are contained in Chapter 3.0, which do not change any of the EIR impact conclusions.

## 1.5 RESPONSES TO COMMENTS

Under CEQA, the City must respond to all significant environmental issues raised in comments on the DRAFT EIR (CEQA Guidelines, Section 15088). Responses to all written and oral comments received within and shortly after the close of the comment period are contained in this FINAL EIR. This chapter includes summaries of all public and agency comments relating to environmental issues evaluated in the Draft EIR and written responses to these comments. Possible responses include requiring specific suggested mitigation measures, supplementing analyses, making factual corrections and explaining why certain comments do not warrant further agency response.

Section 2 of this document includes responses to comments on environmental issues or factual data received on the Draft EIR. Changes to the Draft EIR text and figures are also shown in Section 2. Changes in the text are signified by strikeouts where text is removed and by underlined italics where text is added. A list of the changes to the figures are provided first, followed by the revised figures.

## 2.0 RESPONSES TO COMMENTS

### 2.1 INTRODUCTION

This chapter contains responses to comments received on the Draft EIR. Commenters and their associated agencies and assigned letter identifications are listed in Section 2.2. Each piece of correspondence (referred to hereafter as “comment letter”) is assigned a number, e.g., Letter 1, Letter 2, etc. Each individual comment within a correspondence is referred to by a number code (e.g., **Comment 1.1**, **Comment 1.2**, etc.) with an accompanying response (e.g., **Response 1.1**).

### 2.2 LIST OF COMMENTERS

Letter Number	Commenter	Representing	See Page No. for Responses
1	Katy Sanchez	Native American Heritage Commission	9
2	Sandy Hesnard	Division of Aeronautics, California Department of Transportation	12
3	Jean Getchell	Monterey Bay Unified Air Pollution Control District	16
4	Patrick Orosco	The Orosco Group	21
5	John Olejnik	District 5, California Department of Transportation	25
6	Larry Scholink, Nelson Vega	No Agency Affiliation	44
7	Debra Hale	Transportation Authority for Monterey County	55
8	Fire Chief Jerry Wombacher <sup>1</sup>	City of Seaside Fire Department	73
9	City of Seaside Planning Commissioners <sup>2</sup>		75

<sup>1</sup> A transcript of Fire Chief Wombacher’s testimony at the August 12, 2009 meeting of the Seaside Planning Commission is included as “Letter 8” within this document. In addition, other project-related correspondence from Fire Chief Wombacher (a letter dated January 15, 2009) will be included as **Appendix F-1** in the Final EIS.

<sup>2</sup> Oral comments received from Planning Commissioners at the August 12, 2009 meeting as excerpted from an audio recording of the meeting. A transcript was not prepared but the audio recording of the meeting is available for public review on the City’s website as well as at City Hall.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



RECEIVED
CITY OF SEASIDE

July 14, 2009

JUL 20 2009

Diana Hurlbert
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

COMMUNITY DEVELOPMENT
DEPARTMENT

RE: SCH#2008091147 West Broadway Urban Village Specific Plan Project; Monterey County.

Dear Ms. Hurlbert:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- Checklist of actions with numbered markers (1.1 to 1.6) on the right side of the page.

Sincerely,
Katy Sanchez
Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

## Native American Contact

Monterey County

July 14, 2009

Indian Canyon Mutsun Band of Costanoan Ann Marie Sayers, Chairperson P.O. Box 28 Hollister , CA 95024 ams@garlic.com 831-637-4238	Ohlone/Costanoan	Trina Marine Ruano Family Ramona Garibay, Representative 16010 Halmar Lane Lathrop , CA 95330 soaproot@msn.com 209-629-8619	Ohlone/Costanoan Bay Miwok Plains Miwok Patwin
Jakki Kehl 720 North 2nd Street Patterson , CA 95363 jakki@bigvalley.net (209) 892-1060	Ohlone/Costanoan	Amah Mutsun Tribal Band Valentin Lopez, Chairperson 3015 Eastern Ave, #40 Sacramento , CA 95821 vlopez@amahmutsun.org (916) 481-5785	Ohlone/Costanoan
Coastanoan Rumsen Carmel Tribe Tony Cerda, Chairperson 3929 Riverside Drive Chino , CA 91710 (909) 622-1564 (909) 464-2074	Ohlone/Costanoan	Amah/Mutsun Tribal Band Irene Zwierlein, Chairperson 789 Canada Road Woodside , CA 94062 amah_mutsun@yahoo.com (650) 851-7747 - Home (650) 851-7489 - Fax	Ohlone/Costanoan
Ohlone/Coastanoan-Esselen Nation Louise Miranda-Ramirez, Chairperson PO Box 1301 Monterey , CA 93942 408-629-5189 408-205-7579 - cell	Esselen Ohlone/Costanoan	Ohlone/Coastanoan-Esselen Nation Christianne Arias, Vice Chairperson PO Box 552 Soledad , CA 93960 831-235-4590	Esselen Ohlone/Costanoan

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008091147 West Broadway Urban Village Specific Plan Project; Monterey County.

## Native American Contact

Monterey County

July 14, 2009

Amah Mutsun Tribal Band  
Edward Ketchum  
35867 Yosemite Ave  
Davis, CA 95616  
aerieways@aol.com

Ohlone/Costanoan  
Northern Valley Yokuts

Amah/Mutsun Tribal Band  
Jean-Marie Feyling  
19350 Hunter Court  
Redding, CA 96003  
amah\_mutsun@yahoo.com  
530-243-1633

Ohlone/Costanoan

Amah/Mutsun Tribal Band  
Joseph Mondragon, Tribal Administrator  
882 Bay view Avenue  
Pacific Grove, CA 94062  
831-372-9015  
831-372-7078 - fax

Ohlone/Costanoan

Amah/Mutsun Tribal Band  
Melvin Ketchum III, Environmental Coordinator  
7273 Rosanna Street  
Gilroy, CA 95020  
408-842-3220

Ohlone/Costanoan

Ohlone/Coastanoan-Esselen Nation  
Pauline Martinez-Arias, Tribal Council woman  
1116 Merlot Way  
Gonzales, CA 93926  
831-596-9897

Esselen  
Ohlone/Costanoan

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008091147 West Broadway Urban Village Specific Plan Project; Monterey County.

## Responses to Comment Letter 1 Native American Heritage Commission

**COMMENT 1.1:** The commenter states that an archaeological records search should be conducted.

**RESPONSE 1.1:** Archaeological and historic investigations were conducted for the project area as documented in Appendix C of the Draft EIR (Cultural Resources Assessment, March 2008). As part of these studies, as noted on page 4.4-6 of the Draft EIR, a records search was conducted at the Northwest Information Center at Sonoma State University, Rohnert Park in October 2007. The Northwest Information Center at is the appropriate regional archaeological information center for the Specific Plan project area.

The records search identified: a previous survey that encompassed the entire Specific Plan area (cf., Wardell 1979); nine previous surveys within a radius of 0.5 miles of the Specific Plan area (cf., Archaeological Consulting 1981 and 1997; Archaeological Consulting and Research Services 1988; Archeo-Tech 1988a and 1988b; Applied Earthworks 1998; Archaeological Resource Management 1989; Joslin and Wilson 1999; Science Applications International 2000); and a prehistoric site, CA-MNT-699, and three historic sites, Seaside Branch Library, a Shell Oil facility, and a Fort Ord water tank, within a radius of 0.5 miles of the Specific Plan area. The records search did not identify any prehistoric and/or historic sites within or immediately adjacent to the Specific Plan area.

**COMMENT 1.2:** The commenter sets forth benchmarks for any archaeological inventory survey performed for the project.

**RESPONSE 1.2:** As noted previously, a Cultural Resources Assessment was conducted for the project area and provided as Appendix C of the Draft EIR. The cultural resource investigations were prepared for the City of Seaside in accordance with the Secretary of the Interior's Standards and Guidelines for Preservation Planning. The investigation, which included a review of historic architecture, literature regarding local archaeological resources, and consultation with involved Native American tribes consistent with SB 18, concluded that the project area was not likely to contain significant archaeological resources and thus that an archaeological inventory survey would not be required for the Specific Plan project. A pedestrian surface survey was not conducted within the Specific Plan area because the entire area is paved or landscaped. In addition, the Specific Plan area is previously disturbed by residential and commercial construction and the installation of associated infrastructure (e.g., roads and subsurface utilities).

**COMMENT 1.3:** The commenter advises contact with the Native American Heritage Commission and individual tribal consultations.

**RESPONSE 1.3:** As described in Appendix C and summarized on page 4.4-5 of the Draft EIR, a sacred lands search and a list of Native American contacts for the Specific Plan area was requested from the NAHC in October 2007. The sacred lands search completed by the NAHC did not identify any significant Native American cultural resources either within or near the Specific Plan area. Appropriate Native American groups and/or individuals were contacted regarding the proposed project. Documentation of the consultation is provided in Appendix A of the Cultural Resources Assessment (Appendix

C of the Draft EIR). Comments regarding the West Broadway Urban Village Specific Plan were received from Jakki Kehl (Ohlone/Costanoan) and Linda Yamane (Ohlone) regarding the Specific Plan. Neither Ms. Kehl nor Ms. Yamane had any specific concerns regarding the Specific Plan, but asked to be kept informed about the Specific Plan and its adoption by the City.

**COMMENT 1.4:** The commenter states that the Draft EIR should include provisions for the identification of accidentally discovered archaeological resources.

**RESPONSE 1.4:** Pages 4.4-7 – 4.4-10 of the Draft EIR discuss the potential for construction activities to impact previously undiscovered archaeological resources, paleontological resources, and human remains. Mitigation measures identified for these potentially significant impacts include requiring the presence of a qualified archaeologist meeting federal criteria under 36 CFR 61 and a Most Likely Descendent identified by the Native American Heritage Commission to monitor the construction activities.

**COMMENT 1.5:** The commenter states that project mitigation should include provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

**RESPONSE 1.5:** Mitigation 4.4-1a on page 4.4-7 of the Draft EIR describes the process for assessing and addressing any previously undiscovered archaeological materials. The measure requires a work stoppage in the event that any archaeological resources are encountered during construction related activities and sets forth further requirements to assess and/or preserve such resources with the guidance of a qualified archaeologist, under all pertinent regulations, and as overseen by the City Resource Management Services Division. The historic value and significance of any previously undiscovered resource will be taken into account as assessment and/or preservation plans are developed. In order to ensure that culturally affiliated Native Americans are consulted as part of any such process, Mitigation 4.4-1a is modified as follows:

**Mitigation 4.4-1a:** If deposits of prehistoric or historic archeological materials are encountered during project construction activities, all work within 25 feet of the discovery shall be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 shall be contacted to assess the deposit(s), consult with culturally affiliated Native American organizations, and make recommendations.

**COMMENT 1.6:** The commenter states that the Draft EIR should include provisions for the possible discovery of Native American human remains.

**RESPONSE 1.6:** Mitigation 4.4-3a on page 4.4-9 of the Draft EIR describes the process that would be undertaken should previously undiscovered human remains be discovered in the project area.

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS – M.S.#40  
 1120 N STREET  
 P. O. BOX 942874  
 SACRAMENTO, CA 94274-0001  
 PHONE (916) 654-4959  
 FAX (916) 653-9531  
 TTY 711

RECEIVED  
 CITY OF SEASIDE

Letter 2



*Flex your power!  
 Be energy efficient!*

JUL 25 2009  
 RESOURCE MANAGEMENT  
 SERVICES

July 16, 2009

Ms. Diana Hurlbert  
 City of Seaside  
 440 Harcourt Avenue  
 Seaside, CA 93955

Dear Ms. Hurlbert:

City of Seaside's Draft Environmental Impact Report for the West Broadway Urban Village Specific Plan;  
 SCH# 2008091147

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA).

The proposal would create an "urban village" within the West Broadway Avenue area in the southwest portion of the City of Seaside, approximately one mile north of the Monterey Peninsula Airport.

The project site is located within the Area of Influence as designated in the Comprehensive Land Use Plan for the airport. Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353, available on-line at <http://www.leginfo.ca.gov/calaw.html>, address buyer notification requirements for lands around airports. Any person who intends to offer subdivided lands, common interest developments and residential properties for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

2.1

California Public Utilities Code Section 21659 prohibits structural hazards near airports. Depending on structural heights and in accordance with Federal Aviation Regulation Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA) for certain structures. Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically to the FAA.

2.2

These comments reflect the areas of concern to the Division of Aeronautics with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 5 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314 or by email at [sandy.hesnard@dot.ca.gov](mailto:sandy.hesnard@dot.ca.gov).

Sincerely,

SANDY HESNARD  
 Aviation Environmental Specialist

c: State Clearinghouse, Monterey Peninsula Airport, Monterey County ALUC

---

**Responses to Comment Letter 2**  
**California Department of Transportation, Aeronautics Division**

**COMMENT 2.1:** The commenter states that the project site is located within an Area of Influence identified within the Comprehensive Land Use Plan for the Monterey Peninsula Airport.

**RESPONSE 2.1:** Comment noted. Page 4.13-18 of the Draft EIR notes that the project area is within the planning area of the Monterey Peninsula Airport Comprehensive Land Use Plan. At such time that projects are developed for the Specific Plan area, appropriate notifications will be made to potential buyers or leaseholders in accordance with Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4 and 1353 as identified by the commenter.

**COMMENT 2.2:** The commenter notes that state and federal regulations prohibit structural hazards near airports and as such, certain structures proposed for the project area may require additional review prior to approval and construction.

**RESPONSE 2.2:** Comment noted. As described on pages 4.13-18 and 4.13-19 of the Draft EIR, the project area is within the horizontal zone established by the Comprehensive Land Use Plan (Plan), which limits building heights to 150 feet. The tallest buildings in the project are not anticipated to be above 100 feet. Nonetheless, should buildings be proposed that exceed the limits established by the Plan, processes would be undertaken in accordance with Federal Aviation Regulation Part 77 as identified by the commenter.



# MONTEREY BAY

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

Air Pollution Control Officer  
Richard Stedman

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

**DISTRICT BOARD MEMBERS**

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Simon Salinas  
Monterey County

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Santa Cruz  
County

Jane Parker  
Monterey County

Reb Monaco  
San Benito  
County

Richard Ortiz  
South Monterey  
County Cities

August 21, 2009

Sent Electronically to:

[comdev@ci.seaside.ca.us](mailto:comdev@ci.seaside.ca.us)

Original Sent by First Class Mail.

Ms. Diana Hurlbert, Senior Planner  
City Hall – Planning Division  
City of Seaside  
440 Harcourt Avenue  
Seaside, CA 93955

**SUBJECT: DEIR FOR WEST BROADWAY AVENUE URBAN VILLAGE  
SPECIFIC PLAN**

Dear Ms. Hurlbert:

The Air District submits the following comments on the Draft EIR:

Section 2.1, Proposed Specific Plan’s Discussion of Transit

Discussion of transit and its role in the Specific Plan’s design to create a “walkable community” appears speculative and uncertain at this time due the significant reductions to public transit in the recently-adopted State Budget. The Air District suggests that any discussion of the role of public transit be deferred until specific projects are proposed, when more reliable information should be available.

3 . 1

Mitigation Measure 4.2-3. Page 2-5.

◆ The Air District suggests that air quality impacts be evaluated before construction begins, not during construction.

◆ Project-specific mitigation must be developed and assessed for feasibility before it is adopted and imposed.

Mitigation measures must be developed to reduce impacts to a less-than-significant level, not to where they are “adequate”.

◆ A mitigation measure that would “Limit the hours of operation for heavy-duty equipment to daytime periods.” would allow equipment to operate until 9 PM during the summer. The hours of operation should be specified, to be enforceable.

3 . 2

Mitigation Measure 4.2-4. Pages 2-6 and 2-7.

- ◆ The 2.2 acre/day unmitigated limit is for excavation, not grading. The daily limit for grading is 8.1 acres/day.
- ◆ Trucks hauling loose dirt, sand or loose materials should be covered and should also maintain at least 2.0 feet of freeboard (Please see page 8-2 of the District’s CEQA Air Quality Guidelines (February 2008)).
- ◆ Any street sweepers used to reduce emissions of fugitive dust should be “wet sweepers”.
- ◆ Inactive storage piles should be covered.

3 . 3

Mitigation Measure 4.2-8. Restaurant Odors. Page 2-8.

Odors are subject to District Rule 402, Nuisances. A copy of Rule 402 is attached for your reference.

3 . 4

Deconstruction or Demolition of Structures.

Any demolition or deconstruction of structures is subject to Air District Rule 439, Building Removals, which is attached for your reference. Demolition is also subject to District Rule 424, NESHAPS, which is also attached for your reference. Both rules are subject to the Air District’s enforcement authority. Please contact Mike Sheehan in the District’s Compliance Division to discuss permitting requirements.

3 . 5

Project Impacts 4.2-2: Long-Term Operational Emissions. Page 4.2-21.

The DEIR specifies that “Wintertime wood smoke emissions were not included.” in the estimated project emissions shown in Table 4.2-4. It also specifies that “The addition of new residences could result in significant emissions from wood burning in residential open-type fireplaces.” Unless the burning of wood is prohibited, the emissions should be recalculated. A preferable alternative that would reduce emissions of criteria pollutants and greenhouse gases would be the recording of the following restrictive covenant:

3 . 6

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

*“The installation or operation of a wood-burning fireplace or a wood-burning stove shall be prohibited in perpetuity on all residential properties included in the West Broadway Avenue Urban Village Specific Plan. This restrictive covenant shall be recorded on the title of all parcels and shall run with the land.”*

Specific Plan Hotel and Consistency with the Air Quality Management Plan

The 250 room hotel has been accommodated in the Hotel-Motel Inventory of the 2008 Air Quality Management Plan. The withdrawal / redesign of a project released sufficient inventory to accommodate this project.

3.7

Thank you for the opportunity to review the Draft EIR.

Sincerely,

Jean Getchell  
Supervising Planner  
Planning and Air Monitoring Division

Attachments: Air District Rule 402, Nuisances  
Air District Rule 424, NESHAPS  
Air District Rule 439, Building Removals

cc: Ed Kendig, Compliance Division  
Mike Sheehan, Compliance Division  
Randy Deshazo, AMBAG

### Responses to Comment Letter 3 Monterey County Unified Air Pollution Control District

**COMMENT 3.1:** The commenter states that given financial uncertainties regarding the ability to expand transit services, the City should reconsider the role of transit in the design of the Specific Plan area.

**RESPONSE 3.1:** While the City acknowledges that there may be uncertainty as to the financial viability of public transportation investments in the project area in the near future, CEQA requires that, to the extent possible, that an EIR address the foreseeable environmental impacts of a project. Therefore, an EIR may not defer discussion of the role of public transit in the project area, as suggested by Comment 3.1.

Section 6.F of the Specific Plan identifies anticipated transit improvements in and near the project area. These included a potential fixed-route bus rapid transit (BRT) or light rail transit (LRT) line to be developed by the Transportation Agency for Monterey County (TAMC). In its own letter to the City regarding the Draft EIR (see Comment Letter 7 below) TAMC clarifies its plans for the development of a BRT service that would traverse the project area and expresses appreciation for the Specific Plan's inclusion of transit-supportive policies. These policies include mixed use development, higher density buildings, and improved pedestrian/bicyclist connectivity.

It is understood that development in the project area would occur over a 20 or more year period and that subsequent project-level environmental documentation would be required as individual projects are proposed.

**COMMENT 3.2:** The commenter suggests several modifications to a mitigation measure to address air quality impacts.

**RESPONSE 3.2:** As noted in the Draft EIR introduction, the Draft EIR is a program EIR, prepared pursuant to *CEQA Guidelines*, Section 15168. This means that the more detailed impacts of future individual, site-specific, infrastructure, residential, commercial, and mixed use development actions that may be facilitated by the project, will be evaluated in subsequent CEQA required environmental review when such actions come before the City in the form of a specific public improvement project or development application. At that time, when the details of the individual action are sufficiently defined, the action will be subject to its own, project-specific, environmental determination by the City that either: 1) it is fully covered within the scope of this program EIR; 2) it is exempt from CEQA (under sections 21080 et al. of the Public Resources Code); 3) it warrants preparation of a Mitigated Negative Declaration (under sections 21064.5 et al. of the Public Resources Code); or 4) it warrants preparation of a focused EIR limited to certain site-specific issues.

As noted in the impact discussion that precedes Mitigation Measure 4.2-3 (page 4.2-23 of the Draft EIR), "because it is not yet known which projects would move forward during a specific time period, specific impacts during construction cannot yet be calculated." Mitigation Measure 4.2-3 was therefore intended to provide the context for the future, more detailed, construction emission analysis that would be provided as a part of specific project. To more accurately provide this context, the mitigation measure has been revised as follows:

**Mitigation Measure 4.2-3:** ~~Specific projects developed under the other phases of construction use smaller sized equipment (e.g., loaders, forklifts, etc.), but include numerous heavy duty truck deliveries for cement, asphalt, building materials, and landscape materials. Specific projects~~ Project applicants for developments in the project area that would be located within 200 feet of occupied sensitive receptors, such as residences, shall submit a construction emission analysis that identifies project-specific mitigation measures that reduce impacts to less than significant levels. evaluate air quality impacts during construction. Project-specific mitigation measures would be identified at that time. Prior to the issuance of building, grading, and/or demolition permit approvals within the project area; the City Resource Management Service Department shall review the analysis and mitigation measures to ensure that the air quality evaluation and the identified mitigation measures reduce impacts to less than significant levels. are adequate. Any demolition or deconstruction of structures is subject to Air District Rule 439, Building Removals. Demolition is subject to District Rule 424, NESHAPS. Both rules are subject to the Air District's enforcement authority.

Mitigation shall include some or all of the following future Best Management Practices as appropriate in project area development approvals. Mitigation measures for project-specific development, may include, but are not limited to the following types of Best Management Practices:

- All off-road construction vehicles/equipment greater than 100 horsepower that would be used on site for more than one week shall: 1) be manufactured during or after 1996, and 2) shall meet the NO<sub>x</sub> emissions standard of 6.9 grams per brake-horsepower hour. Alternatively, the project shall implement a combination of the following emission reduction measures on some or all of the above described vehicles equipment, subject to approval by the MBUAPCD:
  - I. Use Alternative fuels (such as biodiesel blends),
  - II. Require diesel particulate matter filters on equipment,
  - III. Require diesel oxidation catalyst on equipment.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).
- The construction contractor shall enforce state required idle restrictions. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite and staged away from residential areas.
- Properly tune and maintain equipment for low emissions.
- Stage large diesel powered equipment at least 100 feet from any active land uses (e.g., residences).

- Limit the hours of operation for heavy-duty equipment to daytime periods, which shall be specified as part of the individual project emission analyses.

**COMMENT 3.3:** The commenter makes several specific suggestions to modify mitigation related to construction period air quality impacts.

**RESPONSE 3.3:** Mitigation Measure 4.2-4 has been revised as follows:

**Mitigation Measure 4.2-4:** Dust impacts shall ~~would~~ be reduced by implementing dust control measures. Prior to the issuance of building, grading, and/or demolition permit approvals within the project area, the City Resource Management Service Department shall ensure that project applicants adequately incorporate dust control measures, to reduce impacts to less than significant levels, as appropriate. Mitigation measures for project-specific development, may include, but are not limited to the following types of Best Management Practices:

- Limit grading activity to a maximum of ~~2.2~~ 8.1 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. Such an assessment would have to be conducted using appropriate assumptions and mitigation measures.
- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to existing businesses shall 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.
- Trucks hauling loose dirt, sand or loose materials shall be covered and should also ~~Cover all hauling trucks 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.
- Use “wet sweepers” to sweep daily all paved access roads, parking areas and staging areas at construction sites.
- Use “wet sweepers” to sweep streets daily if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- 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.
- Cover inactive storage piles.

**COMMENT 3.4:** The commenter states that odor impacts are subject to District Rule 402.

**RESPONSE 3.4:** The first sentence of Mitigation Measure 4.2-8 has been revised as follows:

Projects that include restaurants shall be reviewed by the City Resource Management Service Department prior to the issuance of building, grading, and/or demolition permit approvals within the project area, to ensure that project applicants adequately mitigate for the potential to produce odors-, in accordance with MBUAPCD District Rule 402, Nuisances.

**COMMENT 3.5:** The commenter states that demolition/deconstruction activities are subject to District Rule 439.

**RESPONSE 3.5:** The information provided in this comment is incorporated into the text of Mitigation Measure 4.2-3. See Response to **COMMENT 3.2**, above.

**COMMENT 3.6:** The commenter states that the air quality analysis in the Draft EIR assumed new residential development would not include wood-burning fireplaces or stoves and as such, the City should provide more solid assurance that properties in the project area do not include such facilities.

**RESPONSE 3.6:** As noted on page 4.2-22 of the Draft EIR, the air quality analysis assumed that none of the project residences would include wood burning fireplaces or wood burning stoves for heating purposes. This was a reasonable assumption insofar as residential development is envisioned as primarily multi-family or attached in character, in which wood-burning fireplaces or stoves are not typically included.

To better ensure that no such wood-burning fireplaces or stoves are developed within the project area, the Specific Plan design guidelines and development standards shall be amended to include a clear prohibition on any new wood-burning fireplaces and wood-burning stoves within the Specific Plan project area.

**COMMENT 3.7:** The commenter states that the proposed 250 room hotel within the project area was found to be consistent with the 2008 Air Quality Management Plan due to the withdrawal/redesign of another project.

**RESPONSE 3.7:** Comment noted.

# O ROSCO

Executive Director, Ray Corpuz  
Office of the City Manager  
440 Harcourt Ave  
Seaside, Ca 93955

Re: Comments to EIR for West Broadway Urban Village

Dear Mr. Corpuz:

As developers of the retail project commonly known as City Center, located at the intersection of Fremont and Broadway, The Orosco Group has enjoyed a strong partnership with the City of Seaside and its Redevelopment Agency. We are pleased to see plans for the West Broadway Urban Village progressing.

As you might expect, the success of the Center depends upon maintaining good access to the site, sufficient exclusive and street parking, and traffic flow to and from the site. While we agree that additional traffic should increase the sales of our tenants over the long term, we are concerned that this increased flow be accommodated in a manner as not to upset the levels of service at the various intersections which feed our site (including, but not by way of limitation, the intersection of Broadway and Del Monte, Broadway and Fremont, Elm and Fremont, and Elm and Calaveras).

4.1

We also generally want to insure that whatever mitigation measures are finally adopted, also address ingress and egress from Broadway into City Center at the drive aisle that currently sits between Chase Bank and Erik's Delicafe. Turning motions into and out of the Shopping Center must not be altered in any way. It is similarly important that line of sight for cars entering or exiting the project along Broadway be reasonably preserved.

Having oriented all of the buildings within City Center that line Broadway with storefront entrances that open to Broadway, we would like to see an increase in the number of parking spaces that are available along Broadway between Calaveras and Fremont. Considering the impact of the current stacking lane at West of Fremont along Broadway we would suggest that regional traffic improvements be made to limit the need for any reduction of the existing parking along Broadway between Fremont and Calaveras.

4.2

We would like to see sufficient traffic control measures put into place to allow for access to the site during construction of any of the street improvements or buildings along Broadway so that our tenants are not unduly impacted by ongoing short or long term construction within the West Broadway Urban Village.

4.1  
cont'd

Thank you for your continued support of City Center. We look forward to continuing our long a fruitful relationship with the City of Seaside. Should you wish to reach me, please contact me at the phone numbers or address below.

Best regards,



**Patrick W. Orosco**

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10 Harris Court, Ste B1  
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## Responses to Comment Letter 4 The Orosco Group

**COMMENT 4.1:** The commenter expresses concern that increased traffic levels in the project area and construction of public/private improvements could negatively impact access to the “City Center” retail development at the corner of Fremont Boulevard and West Broadway Avenue.

**RESPONSE 4.1:** A key goal of the project is to create a dense, mixed-use “urban village” neighborhood in the West Broadway Avenue area. The addition of new residential development in the area is expected to provide a larger and stronger customer base for existing businesses, such as at the City Center project, as well as anticipated future businesses. The Transportation and Traffic section of the Draft EIR (p. 4.13-1 through 4.13-42) acknowledges that traffic volumes on several project area streets, including West Broadway Avenue, will increase over time if and when development consistent with the Specific Plan is realized.

The Draft EIR examined project impacts on several intersections in and around the project area where the project was expected to have the greatest impact. Of the four intersections listed by the commenter, the traffic study associated with the Draft EIR examined project impacts at West Broadway Avenue and Del Monte Boulevard and West Broadway Avenue and Fremont Boulevard. The Draft EIR did not examine the intersections of Elm Street and Fremont Boulevard and Elm Street and Calaveras Boulevard.

The Draft EIR concluded that the project would have significant traffic impacts at intersections in the project vicinity, but none at any intersection including West Broadway or Broadway Avenue. As discussed in Section 4.13, Transportation, of the Draft EIR, the project would not have a significant impact at the Fremont Boulevard/Broadway Avenue intersection under both project buildout and cumulative conditions and would therefore not result in an unacceptable level of service (LOS) or otherwise significantly impede access at this location.

The project proposes streetscape improvements to West Broadway Avenue intended to foster greater compatibility of pedestrian and vehicle users. The proposed streetscape improvements, including an at-grade median within and wider sidewalks along West Broadway Avenue are not expected to pose any long-term limitation on traffic moving in and out of the City Center area.

During the implementation of development projects and streetscape improvements within the Specific Plan, short-term construction-related impacts are anticipated. As development project and streetscape improvement plans consistent with the Specific Plan are brought forward to the City for implementation, the City Resource Management Services Division will examine whether the projects/streetscape improvements would result in short-term construction impacts. In considering the approval of specific projects and streetscape improvements, the City will ensure that any temporary disruption to traffic patterns is minimized and abbreviated.

Notably, the streetscape improvements identified in the Specific Plan are conceptual. Prior to the implementation of any such improvements, the City Public Works Division will prepare design-level plans based on the concepts set forth in the Specific Plan. To

the extent these design-level plans are found to introduce any new environmental effects not covered in this EIR, additional environmental review (either a (Mitigated) Negative Declaration or Environmental Impact Report) will be required.

**COMMENT 4.2:** The commenter would like to see the plan result in additional parking spaces that are available along West Broadway Avenue between Calaveras Street and Fremont Boulevard. The commenter notes that parking in this area is currently limited by the existing stacking lane on West Broadway Avenue, west of Fremont Boulevard and suggests regional transportation improvements address this current issue.

**RESPONSE 4.2:** The project includes conceptual, illustrative streetscape improvement plans for the West Broadway Avenue corridor. These conceptual illustrative plans would serve as the basis for the creation of project-level, detailed plans by the City Public Works Division. The conceptual plans call for portions of West Broadway Avenue to include street parking, while others would have a wider, central, at-grade median (that could be used as a vehicle left-turn lane). In developing the final design for streetscape improvements for this block, the City will take into consideration the comment regarding parking. The City also acknowledges the comment regarding the stacking lane's current effects on parking availability along West Broadway Avenue near Fremont Boulevard and will take this phenomenon into account as streetscape improvement projects are pursued.

It should also be noted that the City Center retail area is about two blocks east of the Specific-Plan proposed library/garage (to be located on West Broadway Avenue between Alhambra Street and Hillsdale Street). Conceptual design for the library/garage envisions up to 500 publicly available parking spaces intended to serve the entire project area, including the City Center project.

**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/>

Letter 5



RECEIVED  
 CITY OF SEASIDE

*Flex your power!  
 Be energy efficient!*

AUG 24 2009

August 18, 2009

RESOURCE MANAGEMENT  
 SERVICES

MON-218-R0.22  
 SCH# 2008091147

Diana Hurlbert  
 Seaside Redevelopment Agency  
 440 Harcourt Avenue  
 Seaside, CA 93955

Dear Ms. Hurlbert

COMMENTS TO WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN PROJECT  
 DRAFT EIR

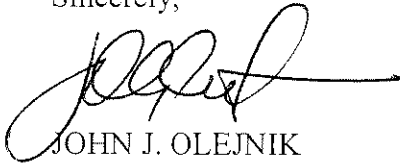
The California Department of Transportation (Caltrans), District 5, Development Review, appreciates the opportunity to review the above referenced project and offers the following comments in response to your Draft EIR.

1. The Draft EIR identifies impacts and proposed improvements to State Highways 218 and 1. The report identifies potential impact to species of concern and cultural resources. Any work within the State right-of-way will require an encroachment permit issued by Caltrans. Prior to issuance of any permit, Caltrans will require focused surveys of all areas within State right-of-way and appropriate avoidance, minimization, and compensation of identified impacts. These improvements should be completed prior to occupancy. 5.1
2. The impervious areas identified in the Draft EIR will increase flows to the State right-of-way. Prior to issuance of any encroachment permit, detailed hydraulic calculations and drainage plans will need to be provided. 5.2
3. The Draft EIR indicates that the proposed new use will result in an overall net decrease from existing, thereby resulting in a trip reduction or credit. CEQA states that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (NOP) is published. Caltrans requests additional details of existing land use at the time of the NOP, or at the time the traffic analysis was commenced to validate the trip credits. 5.3
4. The traffic study indicated that captured trip reductions were applied at a rate of 16%. Caltrans disagrees with this percentage, being three times higher than the normally allowed rate (Caltrans Guide for Traffic Studies p. 4). 5.4
5. In regards to cumulative impact mitigation, the Draft EIR states that "payment of Transportation Agency for Monterey County (TAMC) fees would not ensure construction of the improvements necessary to reduce the project's contribution to cumulative impacts..." This statement and 5.5

subsequent finding of unavoidable impact is incorrect, leaving your document open to challenge. Regardless of the funding status of an identified mitigation project, new development is still required to mitigate its impacts under CEQA. The TAMC fee program was adopted as the mechanism for mitigating cumulative impacts in Monterey County. Further, lack of participation in the TAMC program can delay issuance of Caltrans encroachment permits as well.

If you have any questions, or need further clarification on items discussed 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: Tom Edell (D5)  
Lyn Wickham (D5)  
Steve Senet (D5)  
Mike Zeller (TAMC)

Responses to Comment Letter 5  
Caltrans District 5

**COMMENT 5.1:** The commenter states that the Draft EIR identifies both impacts and proposed improvement to State highways (State Routes 218 and 1). Before Caltrans issues any permit related to project-related proposed improvements, Caltrans requires focused surveys of biological and/or cultural within any State right-of-way to identify appropriate avoidance, minimization and compensation measures for any identified impacts.

**RESPONSE 5.1:** Mitigation Measures 4.13-1a, 4.13-1b, and 4.13-1c each propose improvements involving State highways. Each mitigation measure further notes that Caltrans approval is required to construct the proposed improvements and that the City and/or individual project applicants shall work with Caltrans to obtain any necessary encroachment permits required to implement proposed improvements.

**COMMENT 5.2:** The commenter states that “impervious areas” identified in the Draft EIR will increase (storm water) flows to the State right-of-way. The commenter adds that prior to the issuance of any encroachment permit, Caltrans requires detailed hydraulic calculation and drainage plans.

**RESPONSE 5.2:** Under existing conditions, the project area is almost entirely developed with impervious surfaces. The Specific Plan would require implementation of numerous stormwater Best Management Practices (BMPs) on both new private developments as well as public realm improvements. As discussed in response to **COMMENT 5.1**, Mitigation Measures 4.13-1a, 4.13-1b, and 4.13-1c note that the City and/or individual project applicants shall work with Caltrans to obtain any necessary encroachment permits prior to the implementation of any improvements within the State right-of-way. As part of the encroachment permit process, the City and/or individual project applicants would be required to comply with the hydraulic calculations and drainage plan requirements for the affected State right-of-way.

Impact 4-7.4 of the Draft EIR notes that current deficiencies in the existing stormwater system serving the project area now result in overflows at several locations, including Canyon Del Rey Boulevard, a State right-of-way. The Infrastructure Assessment prepared for the Specific Plan proposed installation of a new percolation basin on Canyon Del Rey Boulevard between Harcourt Avenue and Sonoma Avenue in order to adequately drain the road.

To address the comment, Mitigation Measure 4-7.4 is hereby modified as follows:

**Mitigation Measure 4.7-4:** Prior to the issuance of occupancy permits pursuant to this plan in any flood prone areas, the City Public Works Director shall ensure that adequate storm drainage capacities have been attained to prevent flooding conditions. The City Public Works Direction shall require site-specific testing for existing and proposed percolation basins to ensure facilities can operate adequately. Any new drainage facilities to be located within a State highway shall require a Caltrans encroachment permit, all conditions of which must be met prior to construction of any such facilities.

**COMMENT 5.3:** The commenter states that the Draft EIR indicates that the proposed new use will result in an overall net decrease in trips.

**RESPONSE 5.3:** In preparing this response, the City followed up directly with Caltrans to better ascertain specifics on this comment. Mr. Frank Boyle of Caltrans District 5 stated that this comment related to Appendix H of the Traffic Study. Mr. Boyle stated that Appendix H consists of a trip generation table which appears to show that the project would result in a reduction in trips from existing levels.

Appendix H does not state or imply that the project would result in fewer trips than existing uses. Rather, the second page of Appendix H (page 549 of the Traffic Study) shows that the project, through its three identified phases, would result in 3,783 net new daily trips into and out of the project area. During morning peak hours, the project would add a total of 350 net new trips per hour into and out of the project area; during afternoon peak hours, the project would add 362 net new trips per hour.

**COMMENT 5.4:** The commenter states that captured trip reductions were applied at a rate of 16 percent, where Caltrans Guide for Traffic Studies states that trip capture rates should typically be 5 percent.

**RESPONSE 5.4:** The term “captured trip reductions” is used in discussing expected trip generation of new land uses. For example, a proposed new commercial use, such as a grocery store, would be expected to “attract” new automobile trips to local roadways serving the grocery store. However, a certain percentage of cars already currently using that same local roadway would be expected to make a trip to the same grocery store. In other words, the new grocery store would “capture” some existing trips already using the local roadway. A traffic engineer would apply a “capture rate” against the anticipated trip generation, yielding a better calibrated and more realistic estimate of the grocery store’s actual estimate trip generation.

Caltrans points to Appendix H of the Traffic Study, where note 13 states that trip generation rates used in the Traffic Study assumed a daily internal capture of 16 percent. The trip generation rates used in the traffic study applied a much higher capture rate primarily owing to the mixed-use nature of the project area as a whole. The Traffic Study, prepared by Fehr and Peers, relied on extensive research that examines the various interacting effects of a project’s design, density, diversity of use, and status as a destination. Traffic analysts refer to these factors as “the 4Ds.” Fehr and Peers’ research on the relationship between trip generation rates and the 4Ds indicates that each 100 percent increase in development density, diversity or design reduces trips per capita by between 1 and 12 percent while also reducing vehicle miles traveled (VMT) by 1 to 17 percent. When new development is placed at an infill location or a “destination” (the 4<sup>th</sup> “D”), the number of trips per capita can be reduced by up to 50 percent.<sup>3</sup>

The project examined in the Traffic Study and the Draft EIR, the West Broadway Avenue Urban Village Specific Plan, was crafted with all of these factors as guiding principles. The project sets forth design guidelines and development standards that would over time result in a dense, diverse “urban transit village” neighborhood with a mixture of housing,

<sup>3</sup> [www.smartgrowthplanning.org/FAQs.html#3](http://www.smartgrowthplanning.org/FAQs.html#3) (a website developed by Fehr and Peers), accessed September 23, 2009. See also the *TDM Encyclopedia*, Victoria Transport Policy Institute, accessed at <http://www.vtpi.org/tdm/tdm12.htm>

retail, office, and institutional uses that would serve as a destination for Seaside residents and visitors from outside the region. The project includes higher density residential uses in close proximity to expected retail and employment generating uses as well as existing and proposed transit facilities.

A key underlying concept of the Specific Plan is to offer this diversity of uses in close proximity so that alternative modes of transportation (walking, biking, and transit) would be more viable and that the number of automobile trips could be reduced. The Traffic Study took into account all of these factors and in comparing the project attributes to well-documented research in other locations nationwide, determined that the mixed-use, higher density, transit village nature of the Specific Plan justify the trip capture rate of 16 percent.

**COMMENT 5.5:** The commenter states payment of traffic impact fees set forth by the Transportation Agency for Monterey County (TAMC) cannot be avoided as mitigation for cumulative impacts.

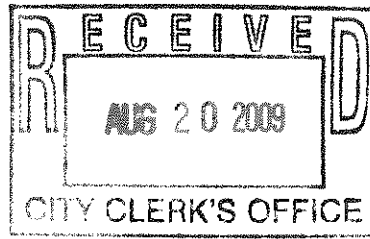
**RESPONSE 5.5:** In developing the response to this comment, the City contacted Caltrans to discuss the comment at greater length.

TAMC established traffic impact fees to fund improvements to major transportation facilities, such as State Route 1, that are of critical importance to all of the cities in the region. The fee program recognizes that new development in and around Monterey County cities will have negative impacts on regional transportation facilities. The fee program therefore assesses a proportional impact fee on new development; funds compiled in this program are to be used in major regional transportation improvements.

According to Mr. John Olejnik of Caltrans District 5, the commenter believed that mitigation conclusions within the Draft EIR suggested that the City may side-step payment of TAMC traffic impact fees insofar as the Draft EIR noted that payment of such fees would not fully mitigate identified traffic impacts.

Impact 4.13-7 of the Draft EIR notes that the cumulative conditions would result in unacceptable traffic levels on all freeway segments examined in the traffic study. The impact discussion stated that mitigation of this impact would appropriately involve payment of TAMC Regional Transportation Impact Fees. However, the Traffic Study noted that even with the eventual widening of State Route 1 that is called for within TAMC's most recently adopted Regional Transportation Plan, cumulative impacts would not be reduced to a less than significant level. The proposed State Route 1 widening would improve conditions, but would not improve conditions such that a finding of a less than significant impact could be made. The City understands that CEQA imposes a duty to mitigate; the Draft EIR is clear that payment of TAMC Regional Transportation Impact Fees is required mitigation for all new qualifying development in the project area. The Draft EIR merely concludes that following the imposition of this mitigation, cumulative impacts would remain significant.

Diana Hurlbert  
City of Seaside  
Redevelopment Agency  
440 Harcourt Ave.  
Seaside, CA. 93955



08/19/2009

Ref: Draft EIR, West Broadway Urban Village

Dear Diana,

Please consider the following as comment, as to incorrect and inadequate assessment, study and conclusions related to the Draft EIR for the West Broadway Urban Village.

Additional study, assessment, recommendations and written response is requested and needed, prior to the next scheduled meeting of Sept 23, 2009 or any extension thereto.

6.1

Barring adequate analysis and corresponding corrected EIR conclusions I, we reserve the right to challenge, set aside DEIR, FEIR and or to seek recompense for damages and costs associated with said DEIR, FEIR and the ramifications resulting from same.

Unaddressed aspects, incorrect conclusions and partial ramifications of inconclusive, inadequate and incorrect DEIR include:

1. Inverse condemnation: The proposed development standards are not adequately studied and or feasible: The section between Amador and Sonoma fronting Canyon Del Rey is slated for a Minimum of 3 story development with a maximum of 5 stories (see page 104, exhibit "D" ) This condition occurs in other areas of the slated Urban Village footprint ( see page 103, Exhibit C). This proposed development scheme is not economically or physically feasible given the size of the parcels 80x100, some smaller. This results in property owner damages and inverse condemnation claims.
2. Creation of Environmental impacts. In areas where "Minimum Height" requirements are noted, Environmental Impacts are being created in the form of "Shadowing" and "View Shed" impairment. Any locations calling for a "minimum" building height in excess of one story creates the potential of a resulting Environmental impact resulting in the necessity of a "Shadow Study" and "View Study" . Many of these proposed 3-5 story building abut residential Exhibit E Fig-3.6) Prior to enacting a "minimum" height requirement as presented in the specific plan and noted in the DEIR a "Shadow Study and View Shed study" needs to be made and included in the DEIR. This new development standard is in sharp contrast with the current View Shed protection standards currently in place: "Establish and enforce design guidelines and standards to

6.2

6.3

preserve and protect public and private View Sheds while still allowing development to occur (see Exhibit "V". There has been no View Shed assessment made pertaining to private property or adequate analysis from public locations. Private property owners have made substantial and lifelong investments in their homes and neighborhoods, relying in part in the perpetual enjoyment of existing views. Study needs to be made as to impacts, Environmental, Financial and otherwise as to the Urban Village's anticipated majority "3-5 story development and 8 story hotel. It should be noted that the DEIR consultant at their 08-12-2009 presentation was unaware of the City's "View Shed Protection Standards" and should be directed to study same and give Staff, Planning Commission and Public review of such study, EIR Impacts and recommendations. This should be done prior to submission to the City Counsel.

3. Creation of Environmental Impacts: The proposed development standards call for "zero front yard setbacks" (See 3-32 , Exhibit J"). This development standard creates a traffic and pedestrian safety hazard, regarding "line of sight safety issues" This proposed development standard is in need of analysis, review and conveyance of same to Planning Commission, Staff and the Public, prior to submission to the Council. This proposed development standard is in sharp contrast to the current development standard which "requires" noted safety standard "line of site" set backs, see exhibit "K" page 3-9).
4. Incorrect conclusion, incomplete analysis: Urban Village objective "encourage development of vacant and underutilized lots (see page 3-6 bullet 2 Exhibit M). The currently proposed development envisions "big development" by "big developers" over the next 20 plus years. This development theme ignores the individual property owner whom is unable to assemble "large sections" of land. In the mean time the individual property owners languish for years being unable to develop their individual properties (existing in the restrictive confines of legal-nonconforming status) given the "large scale" development standards, waiting for a "large developer to "acquire" their property. There is insufficient analysis as to what is going to "fund" the West Broadway Urban Village and is creating an "inverses condemnation" environment. This proposed Specific Plan is exposing the City to untold millions of dollars in damages and ongoing and protracted legal battles.
5. Inadequate Public notice: When the simplest of BAR application is submitted (changing windows, adding a deck etc.) the applicant is "required" to notify in writing all property owners of the pending application and the forthcoming "public meeting" date. With over a million dollars having already been spent with outside consultants to come up with the DEIR and proposed new Specific Plan and several years in the process proposing a plan that will change the development guidelines for the next twenty plus proposed "build out" years. How can the city do less than positively notify (by postal mail) the "only public meeting" addressing the DraftEIR. There were only two property owners in attendance at the 08-12-2009 "public" meeting. This lack of attendance is confirmation of the failure of the Public noticing process. And the two in attendance , myself and Mr. Vega were NOT there because of receiving a notice but because of direct inquiry to the City as to when the "Public Hearing" was to

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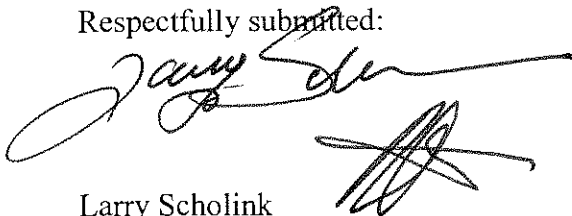
6 . 6

take place. The supposed notice that supposedly went out “Exhibit N” says NOTHING about a public hearing! Furthermore, a sample poll of property owners showed that NONE of them were aware of this important “Public Meeting” . It is therefore requested, recommended and opinioned , based on the evidence , that the “public noticing” has NOT met a minimum standard and the “public meeting” needs to be re-agenized and noticed to property owners within the proposed footprint and at least the 300 feet surrounding area. This noticing needs to be done by mail.

6. Unsafe Traffic conditions and congestion along Broadway: The proposed street configuration along West Broadway (see Exhibit T, Fig 3.9) has been noted over a year ago as “unsafe and unacceptable” by the Fire Department. However this “one lane traffic in each direction” continues to be presented as a viable option. The West Broadway street configuration needs to be re-configured, re-analyzed and then re-circulate to the different agencies, Planning Commission and Public for review and comment, prior to advancing to the City Council. 6.7
7. The West Broadway street shows “left turn lane and U-turns at intersections including Calaveras ,Alhambra and Hillsdale (Exhibit P fig-3.10). There is also encouraged pedestrian traffic in the median. I don’t see specific traffic analysis and safety analysis addressing the left and u-turn configuration and how the center median affects pedestrian safety and ADA compliance. This configuration is in need of “traffic analysis , including usability by safety vehicles and pedestrian safety and function concerns.
8. The DEIR notes several “ Unavoidable Significant Environmental Impacts” , see Exhibit CP1,2,3.. There needs to be analysis and recommendations as to these “Unavoidable and Significant Effects” and where the funding is going to come from to mitigate these Environmental issues. It would be unwise to move forward with a plan that creates several “unacceptable, levels and conditions” (see exhibit cp1,2,3) without First resolving the funding and implementation plan. Funding and implementation plan should be reviewed by Staff, Planning Commission and Public, prior to submission to the City Council. Some understanding of the funding needs to occur Prior To acceptance of the DEIR,FEIR and adoption of the Specific Plan. 6.8

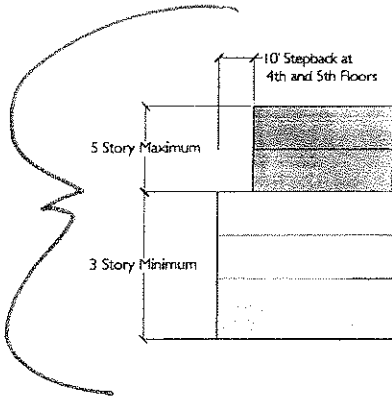
The above noted deficiencies are in need of analysis and re-circulate to the public for review prior to advancing to the Council for consideration or adoption.

Respectfully submitted:



Larry Scholink  
e-mail: Scholink @ sbcglobal.net  
& Nelson Vega  
e-mail: nelsonvega@redshift.com

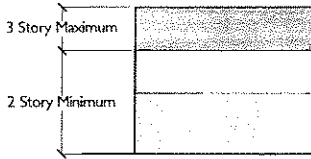
DEVELOPMENT STANDARDS AND DESIGN GUIDELINES



**B.5.1 District 1: Both sides of West Broadway Avenue and Del Monte Boulevard, south side of Olympia Avenue, and Canyon Del Rey Boulevard between Amador Avenue and Sonoma Avenue**

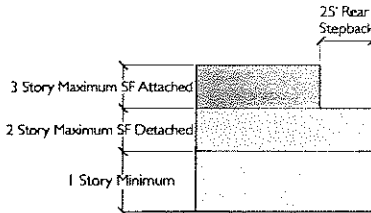
**B.5.1.1** 3 stories minimum, 5 stories maximum.

**B.5.1.2** The fourth and fifth stories shall step back from third-story street walls 10 feet minimum.



**B.5.2 District 2: North side of Palm Avenue, Elm Avenue, Amador Avenue, Sonoma Avenue and Imperial Street**

**B.5.2.1** 2 stories minimum, 3 stories maximum.

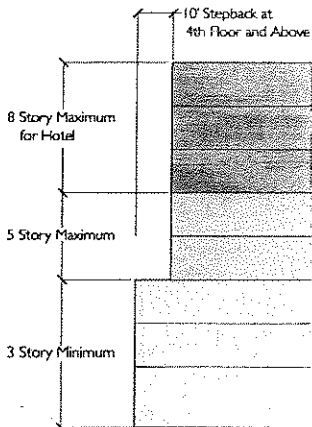


**B.5.3 District 3: South side of Palm Avenue**

**B.5.3.1** 1 story minimum, 3 stories maximum for single-family attached.

**B.5.3.2** 1 story minimum, 2 stories maximum for single-family detached.

**B.5.3.3** The third story shall step back from the rear property line a minimum of 25 feet where abutting existing residential lots to the south.



**B.5.4 District 4: Canyon Del Rey Boulevard Between Elm Avenue and Amador Avenue**

**B.5.4.1** 3 stories minimum, 5 story maximum for all uses except hotel, 8 stories maximum for hotel use only.

**B.5.4.2** The fourth story and above shall step back from third-story street walls 10 feet minimum

**B.4.2 Residential Density**

Residential density is calculated by dividing the total number of dwelling units by site acreage (du/acre). Density shall be calculated on a project-wide basis. The allowable residential density for parcels in the West Broadway Urban Village Specific Plan Area is as follows:

- B.4.2.1 Where residential is part of mixed-use development: 30 to 60 du/acre.
- B.4.2.2 Where unique site or project constraints exist, residential density at mixed-use development may occur at a minimum density below 30 du/acre with approval of the Planning Commission.
- B.4.2.3 For all other residential development: 20 to 30 du/acre.
- B.4.2.4 For residential on the south side of Palm Avenue: 10 to 20 du/acre

**B.5 HEIGHT STANDARDS**

Height requirements are intended to ensure that the heights of new buildings contribute to the new character of the West Broadway Urban Village while being sensitive to the existing built fabric of the Specific Plan Area. Heights are measured from sidewalk or finished grade to the highest point of the roof. In all areas, architectural ornamentation may exceed the given height limit by a maximum of 10 feet. See Figure 7-4 for a key to height standard locations.

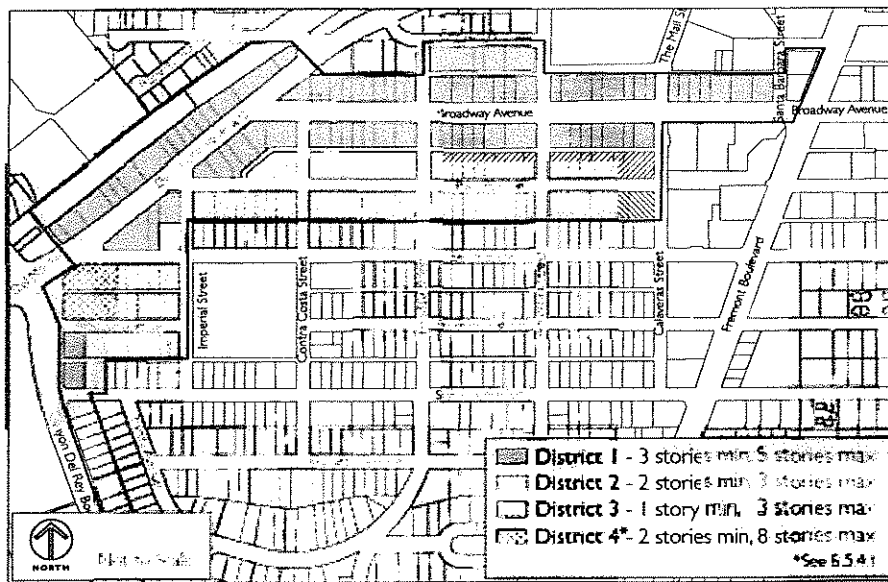
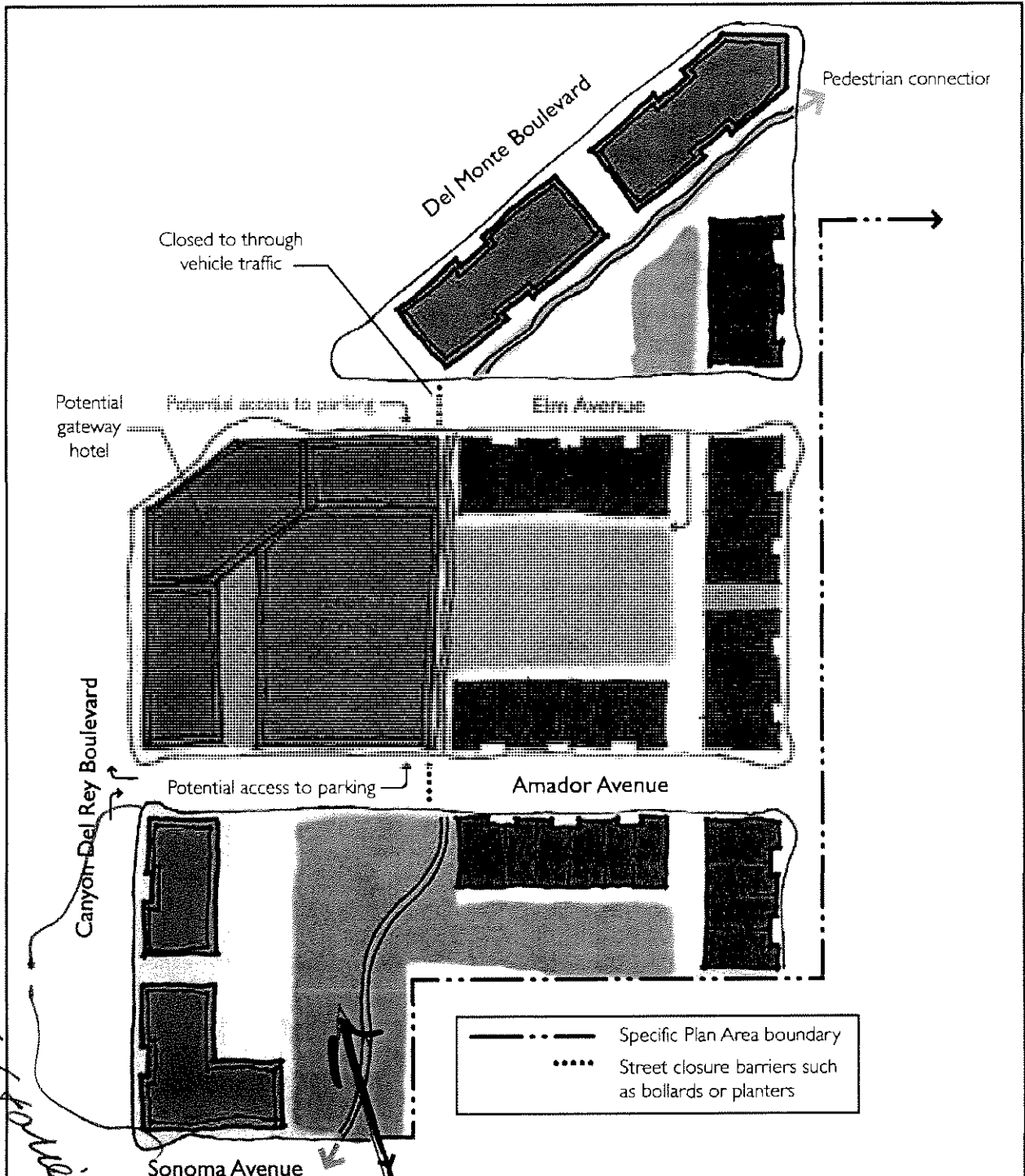


Figure 7-4. Height Districts (for illustrative purposes only) \*See 6.5.4.2

EXHIBIT "C"



3-5 to 9-9

*RESIDENTIAL*



Not To Scale

Source: Design, Community and Environment, 2008.



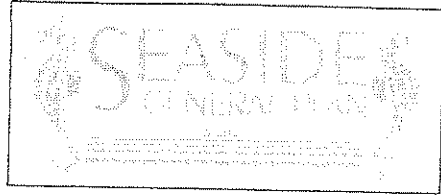
West Broadway Avenue Urban Village Specific Plan

Conceptual Gateway Hotel Site **3.6**

Geografika Consulting 03.05.09

EXHIBIT "E"

VIEW SHED



**Responsible Agency/Department:** Community Development, Public Works  
**Funding:** General fund, Redevelopment funds  
**Time Frame:** Ongoing

**Implementation Plan UD-2.5.6 Neighborhood Improvement Program (NIP).** Support the Neighborhood Improvement Program (NIP) Committee in its efforts to recognize homeowners and businesses who have improved the appearance of their properties and, thereby, enhancing the neighborhoods and business districts.

**Responsible Agency/Department:** Community Development, NIP Committee  
**Funding:** General fund, Redevelopment funds, CDBG  
**Time Frame:** Ongoing

**Implementation Plan UD-2.5.7 Utility Undergrounding.** Cooperate with utility providers to expedite the undergrounding of utility wires throughout the community.

**Responsible Agency/Department:** Community Development, utility provider  
**Funding:** user fees, General fund  
**Time Frame:** Ongoing

**STREETSCAPES AND VIEWSHEDS**

The City has a number of "gateways" and major roadways that could be substantially enhanced by additional landscaping, street right-of-way improvements, signing and attention to design. Additional landscaping and signing in public areas could be used to identify entry into specific neighborhoods or areas and could substantially improve the visual quality of the community.

**GOAL UD-3: Provide and maintain a streetscape system that protects views and enhances visual quality and continuity within the community.**

**Policy UD-3.1:** Protect private views of significant natural features, such as the Monterey Bay, Roberts Lake, the Pacific Ocean, the surrounding mountains, and other important viewsheds.

**Implementation Plan UD-3.1.1 View Protection and the BAR.** Continue to require all additions that increase building heights and new developments to stake and flag development at least ten days prior to consideration by the Board of Architectural Review (BAR) for design approval. When feasible, require project site redesign, modified landscaping, or reduced building heights to avoid obstruction of private views.

**Responsible Agency/Department:** Community Development, BAR  
**Funding:** developer fees, General fund  
**Time Frame:** Ongoing

**Policy UD-3.2:** Preserve the unique public views visible from the Highway 1 Corridor between Fremont Boulevard and the northern boundary of the City as identified in the Fort Ord Reuse Authority (FORA) Plan.

**Implementation Plan UD-3.2.1 Viewshed Protection Standards.** Establish and enforce design guidelines and standards to preserve and protect public and private viewsheds while still allowing development to occur.

**Responsible Agency/Department:** Community Development  
**Funding:** General fund, developer fees  
**Time Frame:** Adopt updated Zoning Ordinance by the end of 2005

EXHIBIT "V"

Application of these permitted uses would result in a mixed use urban village pattern along primary streets, a mixed commercial and residential character along Palm Avenue, and a primarily residential character elsewhere in the project area.

**Development Intensity**

The project establishes maximum levels of development intensity. **Table 3.6** below shows maximum allowable levels of commercial development in terms of floor area ratio and residential development in terms of dwelling units per acre (du/acre). Allowable intensity factors vary depending on land use type and location, as shown below.

**Table 3.6. Allowable FAR for Parcels in the Project Area**

Use	FAR/Residential Density
For all commercial and mixed-use development	3.0 FAR
For mixed-use development with office above retail	2.5 FAR
For residential development	2.5 FAR <i>with 80 percent site coverage</i>
Where residential is part of mixed-use development	30 to 60 du/acre
For all other residential development	20 to 30 du/acre
For residential on the south side of Palm Avenue	10 to 20 du/acre

Source: City of Seaside, 2008.

Note: Where unique site or project constraints exist, residential density within proposed mixed-use development may occur at a density below 30 du/acre with approval by the Planning Commission.

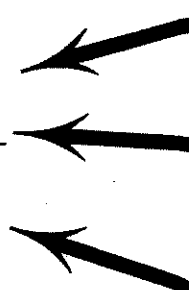
**Height Limits**

The project includes building height standards and limits, as depicted in **Figure 4.1-11**. The standards include both minimum and maximum heights. Minimum heights of three stories would be set forth on primary streets as a means of encouraging mixed use development and the desired urban village aesthetic. Maximum heights would be imposed to ensure sensitivity to nearby land uses.

**Setbacks**

Existing zoning regulations set forth required front, side, and rear yard setbacks. The project would replace these regulations with new requirements to better foster the desired urban village aesthetic. The project would require buildings along the primary streets to be built with zero front yard setback (in other words, at the outside edge of the sidewalk). In other locations, where development would be primarily residential, small setbacks would allow for areas of landscaping or public amenities. To minimize excessive shade/shadowing and to reduce the potential for a "canyon" effect associated with excessively high street walls, the project would require upper stories to be "stepped back" from the street walls. **Table 3.7** enumerates setback and step-back requirements for the project area arranged by development type and location.

TRAFFIC SAFETY

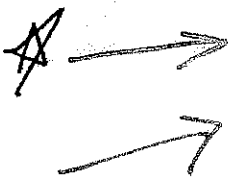


"EXHIBIT J"

4. **Federal Communications Commission approval.** Approval of any type of transmitting radio, television, or other antenna, except satellite dish antenna, shall require approval of the Federal Communications Commission (FCC) before installation of the antenna.

E. **Height limit at street corners.** Development proposed adjacent to any public or private street or alley intersection, or the intersection of a driveway with a street shall be designed to provide a traffic safety visibility area for pedestrian and traffic safety. See Figure 3-4.

1. **Measurement of visibility area.** A traffic safety visibility area is a triangle measured as follows, and may include private property and/or public rights-of-way.



a. **Street intersections.** The street visibility area shall be defined by measuring 30 feet from the intersection of the front and street side property lines, and connecting the lines across the property.

b. **Driveways.** The driveway visibility area shall be defined by measuring 15 feet along the driveway from the intersection of the driveway with the street right-of-way line, and 15 feet along the street line, away from the driveway, and connecting the lines across the intervening property.



2. **Height limit.** No structure, sign, or landscape element shall exceed four feet in height within the traffic safety visibility area, unless approved by the Zoning Administrator, in consultation with the Public Works Director, except for trees with their canopy trimmed to a minimum of six feet above grade.

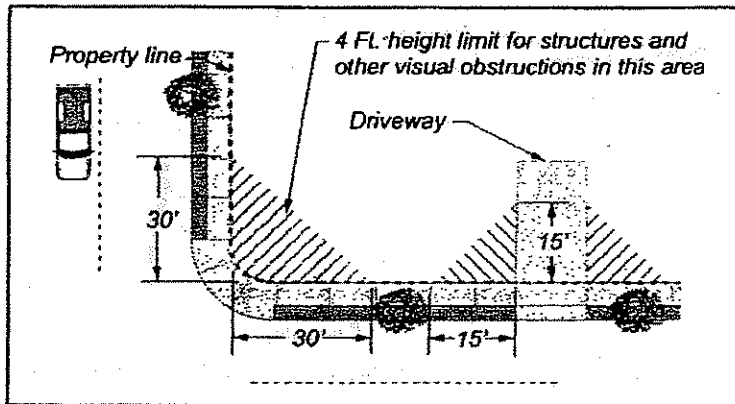


Figure 3-4 - Required Traffic Safety Visibility Area

① 17.52.050 <sup>PG 1005</sup> 17.24  
 1 ② Set Backs - NO ZERO-LOT-  
 ③ [Lot Size  
 ④ [Lot Coverage 85% /

EXHIBIT "K"

- Support a range of housing types and affordability in the West Broadway Urban Village to meet the changing needs of families and residents over their life cycle.
- Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.
- Integrate multi-modal transit and a transit center into the West Broadway Urban Village.
- Promote ecological consciousness with incentives for environmentally sustainable types of development.

### 3.4 PROJECT CHARACTERISTICS

The project aims to revitalize and strengthen economic, social, cultural, and recreational conditions in the project area and create an “urban core” for the City of Seaside. The proposed land use plan (**Figure 3.3**) features a mix of multi-family residential, office, commercial, and park uses.

#### Land Use Program

The project would amend existing land use regulations within the project area and set forth design guidelines, development standards, and related criteria that would foster the revitalization of the area. Individual developments within the project area would be anticipated to occur over 20 or more years as individual developers apply to construct new residential units, commercial space, and other uses. The City anticipates that the library/garage project would be constructed through a public-private partnership.

**Table 3.2** lists the total allowable residential, commercial, and institutional uses that would be permitted within the project area. Relative to existing land uses in the area (see Table 3.1), full buildout of the project would allow a net increase of 410 dwelling units and about 77,800 square feet of non-residential developed space in the area. The development would span approximately 20 years and the Specific Plan includes assumptions related to the timing of certain projects as discussed in Section 3.5 of this chapter.

Table 3.2. Specific Plan Development Program

Proposed New Development	Program
Residential	494 Residential Units
Commercial/Retail	296,800 square feet
Office	28,700 square feet
Hotel	Approximately 250 rooms
Other	20,000 square feet of public library 500 off-street parking spaces 53,000 square feet of outdoor public space

Source: City of Seaside, 2008.

EXHIBIT "A"

**PUBLIC NOTICE OF AVAILABILITY**

**THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN  
DRAFT ENVIRONMENTAL IMPACT REPORT**

**LEAD AGENCY:** City of Seaside  
Redevelopment Agency  
440 Harcourt Avenue  
Seaside, CA 93955  
(831) 899-6737

**NOTICE IS HEREBY GIVEN** that the Draft Environmental Impact Report ("DEIR") for the West Broadway Urban Village Specific Plan is available for public review.

**PROJECT:** The West Broadway Urban Village Specific Plan  
**PROJECT APPLICANT:** City of Seaside  
**PROJECT LOCATION:** Approximately 40 acre site encompassing a 10-block, irregularly shaped area centered on West Broadway Avenue between Del Monte Boulevard and Fremont Boulevard in the City of Seaside.  
**PROJECT DESCRIPTION:** The Specific Plan aims to revitalize and strengthen economic, social, cultural, and recreational conditions in the project area and create an "urban core" for the City of Seaside. The proposed land use plan features a mix of multi-family residential, office, commercial, and park uses.  
**PUBLIC REVIEW PERIOD:** July 7, 2009 to August 20, 2009  
**CONTACT:** Diana Hurlbert, Senior Planner (831) 899-6737

**LOCATION OF DEIR:** The public may request a copy of the DEIR from the City of Seaside at the above address/phone. A counter copy is also available for review at the City. Alternatively, a copy of the DEIR can be downloaded from the City's website at [www.ci.seaside.ca.us](http://www.ci.seaside.ca.us).

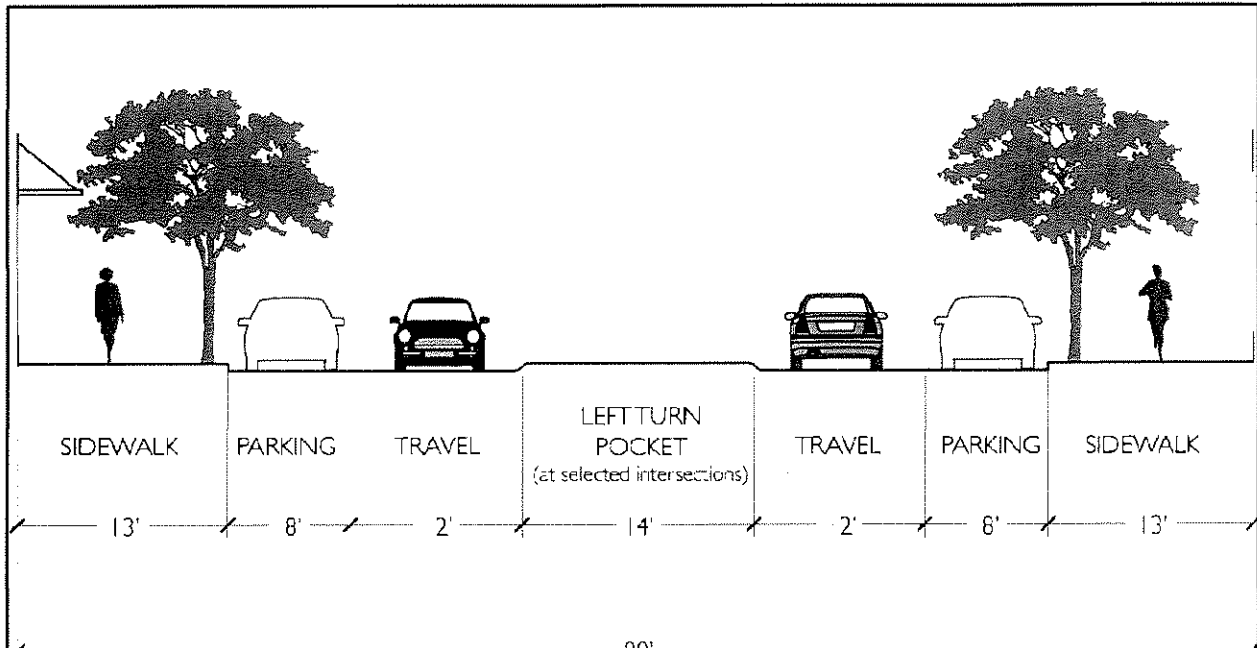
Copies of the DEIR are also available for review at the Seaside library located at 550 Harcourt Avenue.

Anyone interested in this matter is invited to comment on the document by written response to the above contact person.

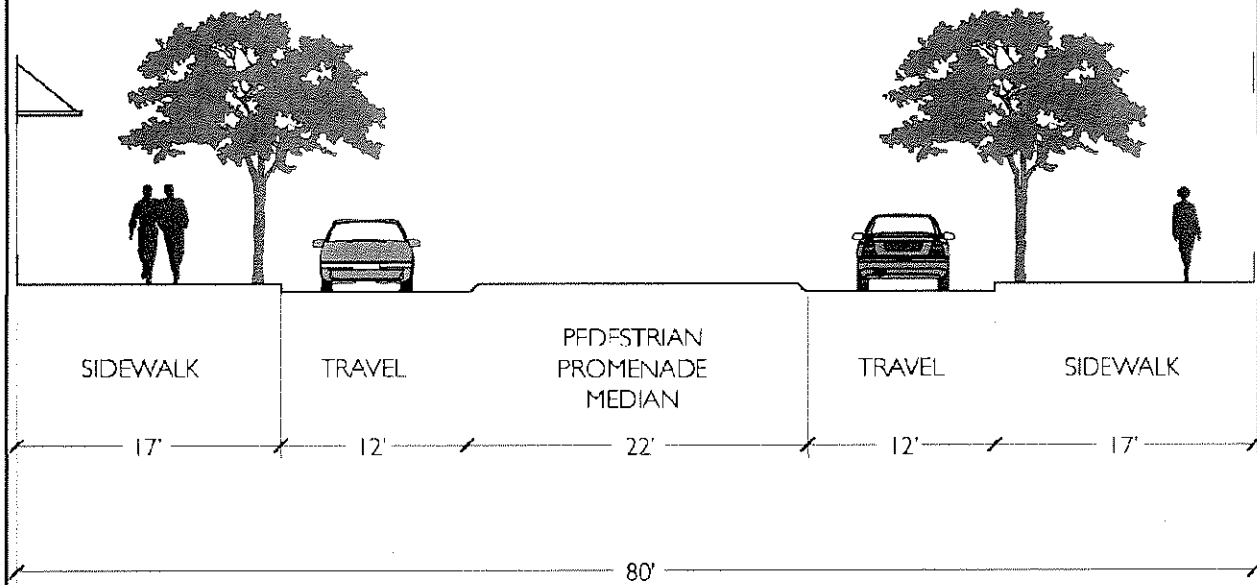
**SIGNIFICANT EFFECTS ON THE ENVIRONMENT ANTICIPATED FROM THE PROJECT:**

Significant environmental effects from the project would occur in the following areas: aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, traffic, and utilities.

"EXHIBIT N"



Typical West Broadway Avenue Section (for illustrative purposes only)

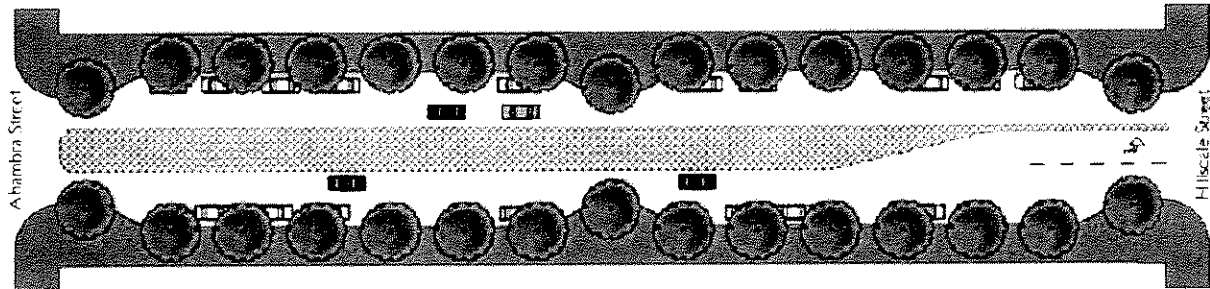


West Broadway Avenue Section between Hillsdale and Alhambra Streets (for illustrative purposes only)

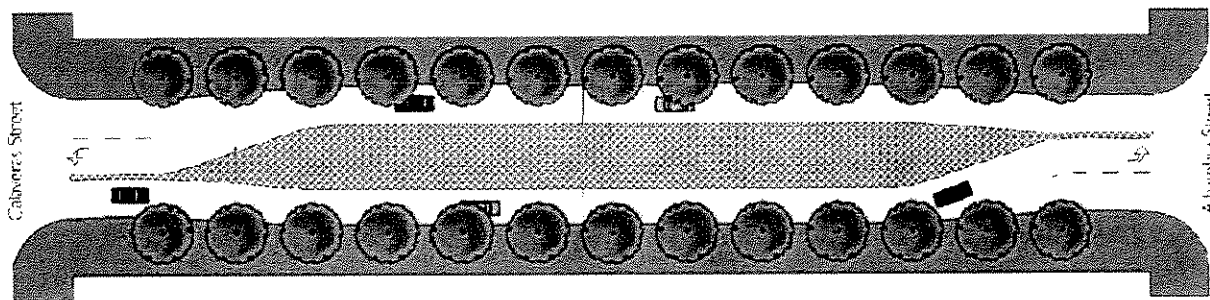
EXHIBIT "T"

Not To Scale

Source: Design, Community and Environment, 2008.



View A - Typical West Broadway Avenue Block (for illustrative purposes only)



View B - West Broadway Avenue Block between Calaveras and Alhambra Streets (for illustrative purposes only)

*EXHIBIT "P"*

Not To Scale

Source: Design, Community and Environment, 2008.



## 6.0 OTHER CEQA REQUIRED DISCUSSIONS

### 6.1 GROWTH INDUCEMENT

CEQA Guidelines section 15126.2(d) requires that the EIR discuss "...the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

Growth is an intended consequence of the project. Specifically, the City's objectives for the West Broadway Avenue Urban Village Specific Plan include to creation of an urban village neighborhood within an area of the City marked by substantial areas of vacant and/or underutilized properties. The Specific Plan identifies the project area as an intended receiver of new growth community-wide. As all communities on the Monterey Peninsula face strict limits on growth related to the availability of water, the Specific Plan would effectively absorb a substantial portion of the City's expected growth for the next ten to twenty years, establishing a dense urban core development pattern that would inhibit growth inducement beyond the project area. The project would create numerous amenities in the project area that would encourage population and economic growth within the project area. The project does not include any features or aspects that would directly encourage growth outside of the project area.



### 6.2 SIGNIFICANT IRREVERSABLE ENVIRONMENTAL CHANGES

CEQA Guidelines section 15126.2(c) requires that the EIR discuss "significant irreversible environmental changes which would be caused by the proposed project should it be implemented." Irreversible environmental changes caused by the project include the following:

The project would permanently commit 23 acres of City land to be developed as a dense urban village, mixed use neighborhood, including a number of pedestrian, bicycle, and streetscape improvements. Development within the project area may result in the loss of special status plant and animal species as well as in the loss of trees protected by the City of Seaside Tree Ordinance.

### 6.3 UNAVOIDABLE SIGNIFICANT EFFECTS

CEQA Guidelines section 15126.2(b) requires that the EIR discuss "significant environmental effects which cannot be avoided if the proposed project is implemented." Significant unavoidable impacts are those that would not be reduced to less than significant levels by the mitigation measures recommended in this EIR. The following impacts are considered to be significant and unavoidable:



NO MONEY TO FUND  
MITIGATION

EXHIBIT CP 1

**Air Quality and Global Climate Change: (Cumulative) Impact 4.2-9:**

Project development would increase ~~automobile and energy~~ use over existing levels, generating additional GHG emissions that could inhibit local efforts to reduce GHG emissions to 1990 levels as mandated by AB 32.

**Hydrology and Water Quality: Impact 4.7-5:**

The project would allow for development in areas subject to potential inundation by tsunamis.

**Public Services: Impact 4.11-1:**

Future development associated with the project would increase the demand for fire and emergency services in the project vicinity. The increase could require additional staffing or expanded facilities to meet the increased demands.

**Public Services: Impact 4.11-3:**

While development associated with the project would be met with the existing police services facilities, the increase in residential and business development would increase the need for additional police patrols in the project area beyond current police staffing.

*Public @ RSK*

*Public @ RSK*

**Recreation: Impact 4.12-1:**

Project-induced population growth would generate additional demands on City park and recreational facilities that are in poor to fair condition. The project's inclusion of 13 acres of park land would not satisfy the City's goal of 2 acres of parkland per 1,000 residents.

*Human Habitat*

**Transportation: Impact 4.13-1:**

Implementation of the project would increase traffic volumes which would worsen existing unacceptable conditions at five signalized intersections.

*Funding*

**Transportation: Impact 4.13-3:**

Implementing the project would increase peak period traffic volumes to levels exceeding the capacity of freeway segments.

**Transportation: Impact 4.13-5:**

Cumulative conditions would result in unacceptable levels of service at several signalized intersections. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load at the impacted intersections.

**Transportation: Impact 4.13-7:**

Cumulative conditions would result in unacceptable levels of service at all study freeway segments. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load on the impacted freeway segments.

*EXHIBIT CP2*

NOT SAFE & FIRE EQUIPMENT

**Transportation: Impact 4.13-8:**

Under cumulative conditions, the narrowing of West Broadway Avenue would result in increased traffic congestion during limited time periods. Overall the narrowed roadway would accommodate the increased traffic flow.



**Utilities: Impact 4.14-1:**

New development in the project area would generate an increased future demand for water supply that cannot be fully met by the City's existing water allocation from MPWMD.

**Utilities: Impact 4.14-2:**

Project buildout would result in increased wastewater generation, requiring capacity increases to the wastewater conveyance system.

**6.4 ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT**

This section includes all potential impacts listed in Appendix G of the CEQA Guidelines that were determined to be less-than-significant impacts of implementing the Specific Plan. As required by CEQA, this section identifies the reasons that potential significant effects of the project have been determined not to be significant and, therefore, not evaluated in the DEIR.

**Agriculture**

Based on a review of historical topographic maps and aerial photographs, the project area has been developed since at least the 1940s with a mix of commercial, industrial, and residential land uses<sup>1</sup>. The project area is currently highly urbanized, with no nearby agricultural land uses. Implementing the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. Implementing the project would not conflict with any existing zoning for agricultural use, or a Williamson Act contract.

**Mineral Resources**

There are no known mineral resources within the project area. The urbanization of the project area over the past 40 years has resulted in extensive excavation of topsoil, and it is unlikely that any valuable resources exist. Therefore, project implementation would not result in the loss or availability of a known mineral resource that would be of value to the region and the residents of the State. Implementing the project would not result in the loss of availability of a locally important mineral resource recovery site delineated in a local land use plan.

EXHIBIT CP3

<sup>1</sup> BASELINE Environmental Consulting, *Hazards and Hazardous Materials Technical Memorandum* (January, 2008).

Responses to Comment Letter 6  
Larry Scholink and Nelson Vega

**COMMENT 6.1:** The commenters state that they “reserve the right to challenge, set aside Draft EIR, Final EIR and or to seek recompense for damages and costs associated with said Draft EIR, Final EIR and the ramifications resulting from same.”

**RESPONSE 6.1:** Comment noted. However, it should be noted that the City will follow all provisions of the California Environmental Quality Act in considering the certification of the EIR. Should the City of Seaside certify a Final EIR for the project, all applicable provisions and time limits set forth in Public Resources Code Section 21000 et seq and California Code of Regulations Title 14, Chapter 3, Section 15000 through 15387 would remain in effect.

If an interested party believes that a lead agency erred in certifying an Environmental Impact Report, the CEQA Statute provides a process for judicial review. Please see Public Resources Code Section 21167 and California Code of Regulations Title 14, Chapter 3, Section 15112 for additional information regarding procedures and statutes of limitation regarding challenges to an agency’s certification of a CEQA document. CEQA does not allow interested parties to “set aside” an EIR, as stated by the commenters.

**COMMENT 6.2:** The commenter states that the proposed development standards set forth in the Specific Plan would result in inverse condemnation insofar as the proposed standards for a property along Canyon Del Rey Boulevard are claimed to be economically and physically infeasible.

**RESPONSE 6.2:** A fiscal analysis was performed as part of the development of the Specific Plan (see Chapter 9 of the Specific Plan and Appendix D to the Specific Plan). The fiscal analysis considered the fiscal benefits, such as redevelopment tax increment, sales tax, and transit occupancy tax, that would be created by the development allowed under the Specific Plan. Notably, CEQA Guidelines Sections 15064(e) and 15131 stipulate that economic changes associated with a project are not required within an EIR unless such changes would clearly lead to a physical environmental impact.

The commenter asserts but does not provide any evidence in support of the claim that the Specific Plan’s proposed development standards are infeasible or how such standards would result in property damage that could give rise to inverse condemnation claims against the City. The fiscal analysis demonstrates the long-term financial feasibility of the project.

Further, it should be noted that the development standards and design guidelines of the Specific Plan were developed through an extensive public outreach process, involving numerous community stakeholders. Moreover, the consultants who prepared the Specific Plan for the City, (Design Community and Environment) have extensive experience in urban design planning and are familiar with urban revitalization efforts in California, nationwide, and around the globe. The design guidelines and development standards set forth in the Specific Plan are drawn from other successful urban revitalization efforts, including the California cities of Berkeley, Oakland, San Francisco, Pasadena, and Emeryville as well as Vancouver, British Columbia (Canada), among other locations. The Specific Plan articulates the City’s vision for the project area and sets forth a highly detailed set of regulations (development standards and design guidelines)

to realize that vision. The development standards and design guidelines are explicitly intended to result in a notable transformation of the urban character of the project area. Creation of the development standards took into account existing conditions, including existing site parcelization, but did not necessarily assume that such conditions would be static over the 20 year horizon of the Specific Plan.

**COMMENT 6.3:** The commenters state that the project sets forth minimum height requirements for new buildings within the project area and that these heights lead to environmental impacts associated with “Shadowing” and “View Shed’ impairment.” The commenters further state that prior to enacting such a minimum height requirement, a “Shadow Study and View Shed study” needs to be made and included in the Draft EIR. The commenters also add that the minimum height requirement is at odds with an implementation plan of the Seaside General Plan that calls for the protection of public and private viewsheds.

**RESPONSE 6.3:** The commenters are correct that the City of Seaside has adopted policies regarding view protection from both public and private properties. These are listed on page 4.1-13 of the Draft EIR. These policies include Seaside General Plan Implementation Measure UD-3.1.1, which addresses views from private properties.

The Draft EIR acknowledges potential project impacts related to viewsheds and resulting from building shadows. Specifically, Impact 4.1-2 on page 4.1-23 of the Draft EIR notes the potential for the increased building heights associated with the project to substantially alter views. The Draft EIR included visual simulations of the project area from a point east (Broadway Avenue and Flores Street).

Although the visual simulation was prepared from a public viewpoint, private views in this area and points eastward (at higher elevations) would have similar or lesser viewshed effects, due to increased distance from the project area and greater elevation above the project area. It was also noted on page 4.1-24 of the Draft EIR that from the selected vantage point, 5 story buildings in the project area would not be visible and would thus not limit any public or private views.

The visual simulation as well as the evaluation of building height impacts for views toward and from the project area under Impact 4.1-2 of the Draft EIR led to a conclusion that the taller building heights permitted by the project would result in a less than significant impact to viewsheds at the programmatic level.

No actual development is proposed as part of the project; the adoption of the plan does not convey development entitlements to any property owners within the project area. As individual developments within the project area are proposed by individual developers, each such project will as a matter of course undergo review by the City’s Board of Architectural Review (BAR). The BAR will evaluate projects for consistency with both the project (assuming the Specific Plan is adopted) as well as with policies and implementation plans within the Seaside General Plan, including the viewshed policy and plan cited by the commenters.

Impact 4.1-3 on page 4.1-29 of the Draft EIR acknowledged the potential for the project to result in shadowing effects through the permitting of building heights of 5 to 8 stories. The impact discussion concluded that building heights of up to 5 stories were unlikely to result in significant shadow impacts. This conclusion was reached in part following a

review of project design guidelines and development standards. In particular, Design Standard D.5.4 requires that new buildings greater than 3 stories in height incorporate a “step back” design that would result in a more slender building profile while at the same time minimizing shadow effects. In addition, on page 4.1-29 of the Draft EIR, it is noted that spaces between buildings, including those provided by public spaces such as streets, would minimize shadow impacts as the sun travels across the sky during the day.

The impact discussion also noted that buildings of six to eight stories in height could result shadow effects. Mitigation Measure 4.1-3 prohibits the issuance of building permits for buildings greater than 5 stories in height until a shadowing study has been prepared and that any shadow mitigation measures are incorporated into project approvals such that potential building shadow effects to a less than significant level.

**COMMENT 6.4:** The commenters state that a traffic and pedestrian safety hazard would result from development standards establishing a zero front yard setback for portions of the project area. The commenters add that this standard is in conflict with existing zoning regulations.

**RESPONSE 6.4:** Comment noted. The commenters are correct in citing existing zoning regulations (Section 17.30.030(E)) which regulate building and sign height limits at street corners. However, it should also be noted that existing commercially zoned properties within the City are intended to have zero setbacks from the lot lines so as to provide a building façade at the frontage of the adjacent sidewalk or designated right-of-way. Specifically, Section 17.24.050 of the Seaside Municipal Code establishes that the City currently does not require a front yard setback in commercially zoned properties.

The City shares the concern expressed by the commenters about the importance of protecting public safety. The City acknowledges that the proposed development standards and design guidelines differ in numerous respects from existing zoning regulations. California Government Code both anticipates and acknowledges that specific plans will have different design and development standards than existing zoning regulations. In this case, the modified setback regulations are entirely consistent with the City’s vision of creating a pedestrian oriented village environment. Under the proposed design guidelines and development standards, new buildings within the project area fronting on major streets like West Broadway Avenue are anticipated to have relatively few vehicle driveways, reducing potential conflicts between pedestrians and vehicles. Vehicle access to properties would likely be along side streets or alleys, as noted in Design Guideline D.4.2 of the Specific Plan. The wider sidewalks proposed as part of the project would provide an extended, unobstructed area beyond what currently exists, which would enhance pedestrian safety and provide an ample traffic visibility area for vehicles pulling onto the adjacent roadways, as would occur in other common urban areas.

**COMMENT 6.5:** The commenters state that there has been insufficient analysis of proposed mechanisms to fund the project and as such, the adoption of the Specific Plan would expose the City to numerous legal risks.

**RESPONSE 6.5:** A fiscal analysis was performed as part of the development of the Specific Plan (see Chapter 9 of the Specific Plan as well as Appendix D to the Specific Plan). The fiscal analysis considered the fiscal benefits, such as redevelopment tax

increment, sales tax, and transit occupancy tax, that would be created by the development allowed under the Specific Plan.

Notably, CEQA Guidelines Sections 15064(e) and 15131 stipulate that analyses of economic changes associated with a project are not required within an EIR unless such changes would clearly lead to an adverse physical environmental impact. The fiscal analysis establishes the long-term financial feasibility of the project; the fiscal analysis does not present any evidence that the project will lead to financial issues that will then result in physical environmental impacts.

**COMMENT 6.6:** The commenters state that there was inadequate public notice regarding the proposed public hearing before the Planning Commission on the Draft EIR.

**RESPONSE 6.6:** Community engagement has been an important element in the development of the Specific Plan as well as of the EIR. Chapter 2 of the Specific Plan describes the 2-year long public engagement process related to the Specific Plan. On October 6, 2008, the City held a public scoping meeting attended by approximately 40 people at which the Specific Plan was described in detail and the EIR process was outlined in a slide presentation.

Consistent with CEQA, the City has adopted its own CEQA Implementation Guidelines, which include detail on City processes related to the issuance and public review of EIRs. These guidelines stipulate that public notice is required with the issuance of a Notice of Availability (NOA) of an environmental document or a Notice of Completion (NOC) of an environmental document. In addition, for projects requiring a public hearing, the City has adopted noticing procedures at Chapter 17.68 of the Seaside Municipal Code, which mirror the requirements set forth at California Government Code Section 65090 et seq for public hearing procedures.

Chapter 17.68 prescribes the form of any such public hearings and also sets forth methods of public hearing notice distribution. These methods include publication in a newspaper of general circulation at least ten days before the scheduled hearing; mailing of the notice to site owners/project applicants, property owners, city libraries, affected local agencies, nearby residents within the Coastal Zone, persons requesting notice, and the Coastal Commission, if the project is within the coastal zone. Chapter 17.68 further notes that if more than 1,000 individuals need to be noticed, alternative means of mailing notices consistent with Government Code Section 65091(a)(3) are acceptable, unless a project is in the Coastal Zone. These methods include publication of notice in a newspaper of general circulation 10 days prior to the public hearing.

Chapter 17.68 also requires posting of public hearing notices at a project site, but delegates this responsibility to project applicants.

The City released the Draft EIR in July 2009. On July 7, 2009, the City distributed a NOA of the Draft EIR by mail to over 1,000 individuals in the project area, including property owners, property residents, and other interested parties. The NOA advised people that the Draft EIR was available on line, at City Hall, and at the Seaside Public Library, as well as of the timeframe of the public comment period, exceeding the City's CEQA Implementation Guidelines, which require just public posting of NOAs.

At the time the NOA was issued, the Planning Commission public hearing date had not been set; the hearing was eventually held on August 12, 2009.

Notice of the public hearing was published and announced per Chapter 17.68 of the Seaside Municipal Code. The hearing notice was published in a paper of general circulation 10 days prior to the public hearing and was posted according to procedures of the City Clerk's office (ie, posting in five public places).

Notably, the Planning Commission hearing that was held on August 12, 2009 was only advisory in nature. The action before the Planning Commission was to consider its recommendation to the City Council regarding the Specific Plan and the EIR. Certification of the EIR is outside the purview of the Planning Commission.

The Planning Commission opted to continue its public hearing to a date certain (September 23, 2009). Moreover, before the City Council takes any action on the Specific Plan or EIR, the City Council must hold its own public hearing, notice of which will be provided as per all pertinent requirements of CEQA, the City's CEQA Implementation Guidelines, and Chapter 17.68 of the Seaside Municipal Code.

**COMMENT 6.7:** The commenters state that the proposed streetscape improvements for West Broadway Avenue would result in unsafe and unacceptable conditions. The comments further state that potential pedestrian and vehicular circulation associated with the proposed streetscape improvements has not been adequately analyzed.

**RESPONSE 6.7:** The project proposes streetscape improvements to West Broadway Avenue intended to foster greater compatibility of pedestrian and vehicle users. The proposed streetscape improvements, including an at-grade median within and wider sidewalks along West Broadway Avenue are expected to improve safety for all users of the roadway, including drivers, pedestrians, and bicyclists.

The Traffic Study (Appendix H of the Draft EIR) evaluated with-project conditions, including anticipated lane reductions along West Broadway Avenue and the reconfiguration of the Del Monte Boulevard/West Broadway Avenue/Contra Costa Street intersection. Please refer to Impact 4.13-8 on page 4.13-41 of the Draft EIR. The proposed conceptual streetscape improvements were inspired by urban renovation projects in other California cities and are intended to increase safety and mobility within and through the project area for all potential users, including autos, transit, bikes, and pedestrians.

However, the streetscape improvements identified in the Specific Plan are identified as conceptual. The precise configurations, including street-specific turning movements (left turns and u-turns), have not yet been finalized. Prior to the implementation of any such improvements, the City Public Works Division will prepare design-level plans based on the concepts set forth in the Specific Plan. The City Resource Management Services Division will review these plans for consistency with the Specific Plan and as required under CEQA. To the extent these design-level plans are found to introduce any new environmental effects not covered in this EIR, additional environmental review (either a (Mitigated) Negative Declaration or Environmental Impact Report) will be required.

The commenters are also invited to review the response to **COMMENT 8.1** below, which raises some similar questions and concerns.

**COMMENT 6.8** The commenters state that the Draft EIR acknowledges that adoption of the Specific Plan would result in several unavoidable significant environmental impacts; that there should be analysis of these impacts and direction on mitigation of these impacts, including funding.

**RESPONSE 6.8:** CEQA requires that every EIR include a listing of any and all “Unavoidable Significant Environmental Impacts.” The Draft EIR complied with this requirement, summarizing the environmental impacts identified within the technical sections of the Draft EIR. Notably, an “Unavoidable Significant Environmental Impact” occurs when, following mitigation of any identified impact, the impact in question remains at a significant level. The technical sections of the Draft EIR provide one or more mitigation measures for each of the Unavoidable Significant Environmental Impacts. The City concluded that following this mitigation, the impacts in question would remain significant.

The commenters are also invited to review Chapter 9 and Appendix D of the Specific Plan, which includes a fiscal analysis of the proposed improvements within the Specific Plan. It should be noted that the public improvements proposed within the Specific Plan would be funded through a mixture of capital improvement program funded projects and developer funded projects over the 20 year horizon of the Specific Plan.



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

August 24, 2009

Ms. Diana Hurlbert  
Senior Planner  
City of Seaside  
Redevelopment Agency  
440 Harcourt Avenue  
Seaside, California 93955

**SUBJECT: Comments on the Draft Environmental Impact Report for the  
West Broadway Urban Village Specific Plan**

Dear Ms. Hurlbert:

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 West Broadway Urban Village Specific Plan Project.

The project proposes a transit-oriented urban village with, at full build-out, a mix of 494 residential dwelling units, 296,800 square feet of commercial and retail, a 250 room hotel, and 28,700 square feet of office encompassing about 10-blocks centered on West Broadway between Del Monte Boulevard and Fremont Boulevard.

Transportation Agency staff has been participating in a working group during the design of the development and appreciates the City's and project applicant's communication and willingness to take our agency's multi-modal plans for the area into consideration early in the development process.

Transportation Agency staff offers the following comments on the Draft Environmental Impact Report for your consideration:

**Multi-Modal Transit Station**

1. The Transportation Agency is in the process of planning a Multi-Modal Transit Station located at the intersection of Del Monte Boulevard and Contra Costa Street to connect local area buses from Monterey-Salinas Transit with proposed bus rapid transit service. The bus rapid transit service would operate via the existing Monterey Branch Line and continue along Eighth Street and Inter-Garrison Road through Marina. Our agency supports and appreciates the transit-oriented elements that the project applicant is proposing to include in the development, such as mixed-use and

7.1

high-density buildings and the connectivity corridor along Del Monte Boulevard to the proposed transit station for pedestrians and bicyclists.

Our agency recommends that the project applicant continue to work with our staff to ensure issues of motorized and non-motorized access, parking requirements, bicycle and pedestrian safety at the station's entrances, and the proposed Highway 1 widening project are properly addressed in the design and construction of the development.

7.1

2. Monterey-Salinas Transit's *Designing for Transit* Guideline Manual should also be used as a resource for accommodating existing (Monterey-Salinas Transit Lines 10, 11, and 20) and potential future transit access to the project site at the planned Multi-Modal Transit Station.

7.2

### **Regional Road and Highway Impacts**

3. The nature of the project as a destination for shopping and retail, office workers, and other tourist attractions will serve as a regional draw for traffic both internal and external to the county, which will access the project site via Highway 218 (Canyon Del Rey Road), State Route 1, State Route 68, State Route 156, and Highway 101. As a consequence, the Draft Environmental Impact Report identifies cumulative impacts at:

- a) Segments of Highway 1 between Fremont Boulevard and State Route 218;
- b) The intersection of Fremont Boulevard / Highway 1 / Monterey Road;
- c) The intersection of Del Monte and Canyon Del Rey Boulevards; and
- d) The intersection of Fremont Boulevard and Canyon Del Rey Boulevard.

7.3

The Draft Environmental Impact Report relies on the successful implementation of project-specific mitigation measures as a means of mitigating the project's cumulative impacts. This would not effectively mitigate the project's cumulative impacts for two main reasons:

- Cumulative impacts are generally considered to be in addition to project-specific impacts. If the project is relying on mitigation measures for project-specific impacts to satisfy cumulative impacts, it is possible that the extent of the project-specific impacts has not properly been addressed.
- Since cumulative impacts are to be considered with the impacts of other potential projects, it is not necessarily the case that the location of cumulative impacts will overlap with project-specific impacts. As such, there are likely cumulative impacts generated by this project on regional facilities that are not addressed in the Draft Environmental Impact Report.

Cumulative transportation impact mitigation for regional facilities should be accomplished through a contribution to our agency's regional development impact fee

program. The Transportation Agency worked collaboratively with the City of Seaside on the establishment of the regional fee program, which the City adopted and began collecting in August 2008. Developments within the specific plan area are responsible for mitigation of cumulative impacts and collection of the Transportation Agency's regional impact fees is the preferred mitigation measure for cumulative transportation impacts. Site-specific impacts will still need to be addressed and our Agency supports the funding of circulation infrastructure improvements through fair-share payments.

7.3

4. Project-specific Mitigation Measure 4.13-3 states "Individual development applicants shall pay Regional Development Impact Fees as established by TAMC." This section goes on to state that the Highway 1 widening project contained in the regional fee program "is not planned to the extent necessary to fully mitigate impacts. As a result, payment of TAMC fees does not ensure implementation of improvements necessary to mitigate impacts to SR 1 to less than significant levels. As a result, project impacts to SR 1 would remain significant and unavoidable." As mentioned above, this misrepresents the purpose of the regional fee program.

7.4

The regional fee program is designed solely for the mitigation of cumulative impacts. If a development within the specific plan area generates impacts to Highway 1 as a direct result of the development, those impacts must still be addressed as project-specific impacts. As such, our Agency requests that the Final Environmental Impact Report for the project clearly identify that payment of the regional fee only satisfies cumulative impacts, and that project-specific impacts must be addressed through separate, additional fair-share payments.

### **Pedestrian & Bicycle Travel**

5. The Transportation Agency supports accommodation of alternative forms of transportation (rail, bus transit, bicycle and pedestrian transportation), both through the design of transportation facilities, and through the design and orientation of land uses. The Transportation Agency supports that the goal of the Specific Plan is to create a bike and pedestrian-friendly development, with the specific goals of developing a bike and pedestrian-friendly streetscape, including wide sidewalks and bicycle boulevards, and integrating the planned multi-modal transit center into the village.

7.5

To accomplish these goals, the development planning should place a premium on safe and accessible pedestrian access to the site from intersections and crosswalks, sidewalks, and bicycle facilities. The project site should also be designed with sidewalks that connect to external facilities, provide access to transit stops, and do not include the use of cul-de-sacs without a cut-through for pedestrian travel. As per Caltrans standards, bicycle lanes should be constructed to the left of any right-hand turn lanes included in the development or constructed off-site as mitigation. Also, the document should address the need for new roadways to be designed to accommodate bicycles with adequate pavement for bike travel, with specific dimensions clearly identified, particularly along major arterials.

6. Our agency recommends that planned bike paths and walkways in the development be linked to existing facilities that surround the project area, particularly on Imjin Parkway, 2nd Avenue, General Jim Moore Boulevard, and bike trails in the former Fort Ord area. Also, the project applicant should consult with the Transportation Agency and the City of Seaside's Bike Plans to ensure that all proposed bicycle facilities are accounted for in the site planning of this project, such as the Class 2 facility on First Avenue connecting to the scenic trail, Class 1 facility on General Jim Moore Boulevard connecting to the existing bike path, and additional Class 2 facilities on Monterey Road, Lightfighter Drive, Gigling Road, and Third Street. 7.6
7. Our agency recommends that proper striping be included for all pedestrian crosswalks and walkways to clearly identify areas of pedestrian travel and ensure safe transitions for vehicles and pedestrians. Consideration should be given to the inclusion of intelligent crosswalks, which provide flashing notification lights when a pedestrian enters the crosswalk to increase visibility and alert drivers of their presence, particularly at the planned mid-block crosswalk on West Broadway Avenue leading to the proposed library. In addition, our agency recommends the use of mid-crosswalk islands as a safe refuge for pedestrians that do not completely cross before the traffic signal changes. 7.7
8. Our agency supports Policy PARK-7 that would establish incentives for businesses within the specific plan area to offer transit passes rather than employee parking. In addition, our agency supports Policy TRANS-3 to provide convenient access to the transit station for all modes of travel and to include bicycle and pedestrian-friendly facilities throughout the development. The Transportation Agency also appreciates that bicycle racks and showers will be installed and made publicly available in the development as a means to reduce the amount of parking necessary. Adequate lighting should be provided to improve safety and visibility. 7.8
9. With the development's goal of encouraging residences over retail and office uses, our agency supports that retail stores and office spaces that abut the sidewalks to make access more pedestrian-friendly, with parking provided to the rear of the buildings. 7.9

### **Greenhouse Gas Emissions**

10. As the Draft Environmental Impact Report notes, Senate Bill 375 requires the Metropolitan Planning Organization to develop a Sustainable Communities Strategies as a comprehensive approach to addressing greenhouse gas emissions at a regional level by linking land use and transportation planning decisions. Our agency encourages the City's coordination with the Association of Monterey Bay Area Governments in the development of the region's Sustainable Communities Strategy and for developments within the specific plan area to be consistent with the plan once it is completed. 7.10
11. Our agency supports that light-colored pavement will be used for pedestrian areas to cut down on the heat island effect. In addition, the development should explore the use of gray granite pavement for parking areas and roadways, which has the benefit 7.11

over traditional blacktop of increasing nighttime visibility and is permeable to aid in the control of on-site water run-off.

7.11

Thank you for the opportunity to review this document. If you have any questions, please contact Michael Zeller of my staff at (831) 775-0903.

Sincerely,



Debra L. Hale  
Executive Director

CC: Dave Murray, California Department of Transportation (Caltrans) District 5  
Paul Greenway, Monterey County Department of Public Works  
Carl Sedoryk, Monterey-Salinas Transit  
John Doughty, AMBAG  
Ed Kendig, Monterey Bay Unified Air Pollution Control District

Responses to Comment Letter 7  
Transportation Authority for Monterey County

**COMMENT 7.1:** The commenter states that within or near the project area, several transportation related improvements are in the planning stages; coordination with TAMC is essential to ensure that individual development projects within the project area are completed with the planned transportation improvements.

**RESPONSE 7.1:** During the development of specific projects, the City and project applicants will continue to work with TAMC staff to ensure that issues of motorized and non-motorized access, parking requirements, bicycle and pedestrian safety at the station's entrances, and the proposed Highway 1 widening project are properly addressed.

**COMMENT 7.2:** The commenter states that Monterey-Salinas Transit's (MST's) *Designing for Transit* Guideline Manual should be used as a resource in accommodating existing and future transit in the project area.

**RESPONSE 7-2:** Comment noted. This manual is described in the fourth bullet on page 4.13-15 of the Draft EIR. The following text is added to the last sentence of the paragraph:

This manual will be used as resource for accommodating existing transit lines (10, 11, and 20) and potential future transit access to the project site at the planned Multi-Modal Transit Station.

**COMMENT 7.3:** The commenter is correct in noting that notes that the Draft EIR identifies cumulative impacts to three intersections and segments of Highway 1 between Fremont Boulevard and State Route 218 and expresses concern over the reliance on project-specific mitigation measures to mitigate cumulative impacts.

**RESPONSE 7-3:** The commenter is correct in noting that project-specific mitigation measures are discussed as a means of reducing the cumulative impacts, in addition to the payment of the regional fee. As noted by the commenter, "the Transportation Agency's regional impact fee is the preferred mitigation measure for cumulative transportation impacts"; however, the City may impose additional mitigation measures as necessary to better mitigate both project-specific and cumulative impacts. To more clearly establish the use of the regional fee program for the mitigation of cumulative impacts, the cumulative discussion has been revised as follows:

**Cumulative Impacts**

**Impact 4.13-5: Cumulative conditions would result in unacceptable levels of service at several signalized intersections. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load at the impacted intersections. (Significant)**

**Table 4.13-9** presents the LOS calculation results for the signalized study intersections under cumulative (2027) conditions both with and without the project. Cumulative with project traffic volumes are shown in **Figure 4.13-4**. [Unchanged]

**Table 4.13-9 Cumulative (2027) Signalized Intersection LOS**

Intersection	Traffic Control	Peak Period	Without Project		With Project		
			Average <sup>a</sup> Delay	LOS <sup>b</sup>	Average Delay	LOS	Δ in Delay
<b>1. Fremont Boulevard/SR 1 Southbound Ramp/ Monterey Road</b>	<b>Signal</b>	<b>AM PM</b>	<b>73.9 102.6</b>	<b>E F</b>	<b>75.0 104.5</b>	<b>E F</b>	<b>1.1 1.9</b>
3. Del Monte Boulevard/Tioga Avenue	Signal	AM PM	15.2 19.2	B B	15.0 19.4	B B	-0.2 0.2
4. Fremont Boulevard/Echo Avenue	Signal	AM PM	8.2 9.2	A A	8.1 9.3	A A	-0.1 0.1
5. Del Monte Boulevard/Clementina Avenue	Signal	AM PM	4.6 6.0	A A	4.6 6.0	A A	0.0 0.0
6. Del Monte Boulevard/Contra Costa Street	Signal	AM PM	31.7 11.3	C B	34.2 26.4	C C	N/A
7. Del Monte Boulevard/Broadway Avenue	Signal	AM PM	12.4 13.7	B B			
8. Fremont Boulevard/Broadway Avenue	Signal	AM PM	30.2 35.3	C D	30.8 34.8	C C	0.6 -0.5
10. Canyon Del Rey Boulevard (SR 218) /SR 1 Southbound Ramp	Signal	AM PM	33.8 25.2	D C	35.6 26.5	D C	1.8 1.3
11. Canyon Del Rey Boulevard (SR 218)/State Route 1 Northbound Ramp	Signal	AM PM	8.2 8.9	A C	8.4 9.3	A A	0.2 0.4
<b>12. Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218)</b>	<b>Signal</b>	<b>AM PM</b>	<b>37.4 44.8</b>	<b>D D</b>	<b>37.8 45.6</b>	<b>D D</b>	<b>0.4 0.8</b>
14. Canyon Del Rey Boulevard (SR 218)/Sonoma Avenue	Signal	AM PM	10.2 16.7	B B	10.6 16.9	B B	0.4 0.2
<b>16. Canyon Del Rey Boulevard (SR 218)/Fremont Boulevard</b>	<b>Signal</b>	<b>AM PM</b>	<b>36.7 48.4</b>	<b>D D</b>	<b>37.7 48.9</b>	<b>D D</b>	<b>1.0 0.5</b>

<sup>a</sup> Whole intersection weighted average total delay for signalized and all-way stop-controlled intersections (expressed in seconds per vehicle). For side-street stop controlled intersections, delays for worst movement and average intersection delay are shown: worst movement (intersection average).

<sup>b</sup> LOS calculations performed using the 2000 Highway Capacity Manual - Special Report 209 delay methods for signalized and unsignalized intersections. Delays greater than 90 seconds are not reported because the methodology is inaccurate at this level.

Unacceptable operations are indicated in bold type, and significant impacts are indicated in bold italic type

Source: Fehr & Peers, 2008

As shown in **Table 4.13-9**, significant cumulative traffic impacts would occur at three signalized intersections since the future LOS at these intersections would be below the Caltrans standard of LOS C. This would be a significant cumulative impact.

The impacted intersections are:

<u>AM Peak Period</u>	<u>PM Peak Period</u>
Fremont Boulevard/SR 1 Southbound Ramp/Monterey Road	Fremont Boulevard/SR 1 Southbound Ramps/Monterey Road
Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218)	Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218)
	Canyon Del Rey Boulevard (SR 218)/Fremont Boulevard

As shown in **Table 4.13-9**, the project would contribute to traffic delays at the three impacted intersections, representing a considerable contribution to cumulative traffic impacts. Intersection improvements, identified in **Mitigation Measure 4.13-5** would reduce project impacts at these intersections.

Developments within the Specific Plan area will be responsible for mitigation of their fair share of identified cumulative impacts. These cumulative impacts will be partially addressed through payment of TAMC's regional impact fees adopted by the City of Seaside in August 2008. The City shall also, to the extent legally permissible, impose project-specific ad-hoc exactions to address cumulative impacts within the City's jurisdiction that are not mitigated through the TAMC fee. These ad-hoc exactions may take the form of either required improvements, ad-hoc development fees adopted pursuant to the Mitigation Fee Act, Government Code Section 66000, et seq., or a combination of both. Nonetheless, because the precise scope of work, cost, and timing for the improvements is uncertain, there is no guarantee that these identified improvements will be constructed prior to the project's cumulatively significant impact on one of the three impacted intersections identified above. In the absence of more precise information regarding the funding and timing of improvements, the cumulative impact remains significant. A number of intersection improvements could be made to improve the LOS and decrease the severity of the impact at affected signalized intersections. For this analysis, each impacted intersection was reviewed separately to determine the appropriate mitigation measures.

Fremont Boulevard/State Route 1/Monterey Road

Future developments (including the project) would be responsible for contributing their fair share of the measures necessary to improve traffic conditions at the Fremont Boulevard/State Route 1 Southbound Ramp/Monterey Road intersection. If funded, implementation of **Mitigation Measure 4.13-1a**, as previously discussed under the heading **Project Impacts**, would reduce cumulative impacts at this intersection. Should **Mitigation Measure 4.13-1a** be constructed, the AM and PM peak period LOS at this intersection would improve to an acceptable LOS C or better. However, as the City has no established mitigation fee program, there is no certainty that the improvements in **Mitigation Measure 4.13-1a** would be constructed. Therefore, the cumulative impact would be significant.

Del Monte Boulevard/Canyon Del Rey Boulevard Intersection

~~Future developments (including the project) would be responsible for contributing their fair share of the measures necessary to improve traffic conditions at the Del Monte Boulevard/Canyon Del Rey Boulevard intersection. If funded, implementation of **Mitigation Measure 4.13-1b** as previously discussed under the heading **Project Impacts**, would reduce cumulative impacts at this intersection. After mitigation the AM and PM peak period LOS at the Del Monte Canyon Del Rey Boulevard Intersection would remain unacceptable at LOS D. Although the cumulative impact would remain significant, **Mitigation Measure 4.13-1b** would improve the peak period intersection delay over the cumulative without project scenario. **Mitigation Measure 4.13-1b** includes construction of a pocket extension that would require right-of-way acquisition on the west side of Del Monte Boulevard near the existing Starbucks coffee shop. Since at the time of writing the City does not have plans to acquire additional right-of-way for construction of the pocket extension, and there is no established mitigation fee program to collect the funding necessary to finance such improvements, there is no certainty that this improvement would be constructed. Therefore, the cumulative impact would be significant.~~

Fremont Boulevard/Canyon Del Rey Boulevard (218)

~~**Mitigation Measure 4.13-5:** Provide an exclusive eastbound right-turn lane on the Canyon Del Rey Boulevard (SR 218) approach to its intersection with Fremont Boulevard. Address project impacts to the Fremont Boulevard/Canyon Del Rey Boulevard intersection through any of the following methods:~~

~~Two methods could be used to implement this mitigation measure:~~

- ~~a) Provide an exclusive eastbound right-turn lane on the Canyon Del Rey Boulevard (SR 218) approach. This would require some right-of-way acquisition on the south side of Canyon Del Rey Boulevard and taking some land from the abutting park at the southwestern corner of the intersection.~~
- ~~b) Provide an exclusive westbound right-turn lane on the Canyon Del Rey Boulevard (SR 218) approach. This mitigation would require some right-of-way acquisition to provide sufficient width on Canyon Del Rey Boulevard (SR 218) to provide the additional westbound right-turn lane. This mitigation measure would reduce the intersection delay to better levels than under the cumulative without project scenario.~~
- ~~c) Provide a northbound right-turn overlap phase on the Fremont Boulevard approach. This mitigation measure would reduce the intersection delay to better levels than under the cumulative without project scenario. Prohibit U-turns would be prohibited for the westbound approach to allow for the opposing overlap phase to operate effectively.~~

~~Following implementation of either any of these three options, cumulative conditions at this intersection would remain at LOS D. However, all three proposed mitigation options would maintain or improve upon the Cumulative No Project intersection delay. With any of the mitigation options, the seconds of delay would be reduced, although the LOS would remain at "D". While the~~

~~mitigation measure above would represent some improvement, the cumulative impact would remain significant.~~

~~Moreover, As this these improvements is are not listed in the City's Capital Improvement Plan, its their eventual implementation is uncertain. Currently, the City does not have a citywide fee program, but can require ad-hoc fee exactions on a project by project basis. has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area. As such, The City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed here as mitigation measures. In adopting ad-hoc mitigation fees, t The City Resource Management Services Department shall identify the purpose of the fee, identify the use to which the fee is to be put, and, considering the nature of the proposed development and its related potential impact on transportation facilities, establish a reasonable nexus between the impacts of the project and the need for the improvement. All ad-hoc development fees will be collected and allocated pursuant to Government Code Section 66006. Ad-hoc exactions shall provide an offset for any TAMC fees imposed for the same identified improvements. consider the nature of any proposed development and its related potential impact on transportation facilities and thus, establish appropriate fair share mitigation on a project by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.~~

~~However, as the City has no established mitigation fee program, there is no certainty that the improvements would be constructed. Therefore, the cumulative impact would be significant.~~

~~Nonetheless, because of the uncertainty regarding the funding and timing for these improvements, and since cumulative conditions at this intersection would remain at LOS D even following implementation of these mitigation measures, the cumulative impact would remain significant.~~

**Impact 4.13-6: Cumulative conditions would result in unacceptable levels of service at one unsignalized intersection that would meet signal warrant requirements. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load at this impacted intersection. (Significant)**

**Table 4.13-10** presents the associated LOS calculation results for the unsignalized study intersections under cumulative conditions both with and without the project. Cumulative with project traffic volumes are shown in **Figure 4.13-5** [Unchanged].

**Table 4.13-10 Cumulative (2027) Unsignalized Intersection LOS**

Intersection	Traffic Control	Peak Period	Without Project		With Project		
			Average <sup>a</sup> Delay	LOS <sup>b</sup>	Average Delay	LOS	Δ in Delay
2. Fremont Boulevard/Del Monte Boulevard	Side-street stop	AM PM	18.6(1.3) 193.3(44.2)	C(A) F(E)	19.3(1.3) 207.4(46.0)	C(A) F(E)	0.7(0.0) 14.1(1.8)
9. General Jim Moore Boulevard/Broadway Avenue	All-way stop	AM PM	9.5 10.7	A B	9.4 10.3	A B	-0.1 -0.4
13. Canyon Del Rey Boulevard (SR 218)/Amador Avenue	Side-street stop	AM PM	10.4(0.1) 10.7(0.1)	B(A) B(A)	10.4(0.2) 10.8(0.1)	B(A) B(A)	0.0(0.1) 0.1(0.0)
15. Canyon Del Rey Boulevard (SR 218)/Harcourt Avenue	Side-street stop	AM PM	15.3(1.4) 34.2(1.5)	C(A) D(A)	28.8(1.3) 63.6(1.2)	D(A) F(A)	13.5(-0.1) 29.4(-0.3)

<sup>a</sup> Whole intersection weighted average total delay for signalized and all-way stop-controlled intersections (expressed in seconds per vehicle). For side-street stop controlled intersections, delays for worst movement and average intersection delay are shown: worst movement (intersection average).

<sup>b</sup> LOS calculations performed using the 2000 Highway Capacity Manual - Special Report 209 delay methods for signalized and unsignalized intersections. Delays greater than 90 seconds are not reported because the methodology is inaccurate at this level.

Unacceptable operations are indicated in bold type, and significant impacts are indicated in bold italic type.

Source: Fehr & Peers, 2008

As shown in **Table 4.13-10**, significant cumulative traffic impacts would occur at two unsignalized intersections where the LOS would be below the Caltrans standard of LOS C. This would be a significant cumulative impact.

The impacted intersections are:

<u>AM Peak Period</u>	<u>PM Peak Period</u>
None	Fremont Boulevard/Del Monte Boulevard Harcourt Avenue/Canyon Del Rey Boulevard (SR 218)

Consistent with the Seaside General Plan policies, the traffic analysis included a review of these intersections to determine if estimated future traffic levels would warrant the installation of traffic signals as a possible means of mitigation.

The intersection of Canyon Del Rey Boulevard (SR 218)/Harcourt Avenue would not meet the minimum threshold for the peak period signal warrant during either peak period. As discussed in Section 4.13.4, the General Plan does not consider impacts at an unsignalized City intersection to be significant unless the MUTCD peak period volume signal warrant is met. Under these guidelines, the deteriorated conditions of this intersection would not be considered significant, and therefore mitigation is not required.

Since the Fremont Boulevard/Del Monte Boulevard would operate at an unacceptable LOS and meet signal warrants, a significant cumulative impact would occur at this intersection. As shown in **Table 4.13-10**, the project would contribute traffic delays at the Fremont Boulevard/Del Monte Boulevard intersection, representing a considerable contribution to cumulative traffic impacts. **Mitigation Measure 4.13-5** has been identified to reduce this impact.

**Mitigation Measure 4.13-6:** Signalize the intersection of Fremont Boulevard and Del Monte Boulevard.

Under cumulative conditions with and without the project, the intersection of Fremont Boulevard/Del Monte Boulevard would operate at LOS F. Signalization of this intersection would improve LOS conditions to an acceptable level (LOS B/C), reducing cumulative impacts to a less than significant level.

~~Developments within the Specific Plan area would be responsible for mitigation of cumulative impacts and collection of the TAMC's regional impact fees as part of the regional fee program adopted by the City of Seaside in August 2008. Payment of these fees is the agency's preferred mitigation for cumulative impacts. Signalization of the intersection through the payment of these fees would reduce the cumulative impact to a less than significant level. At present, there is no plan to fund this signalization. Until and unless the signalization is programmed in a Capital Improvement Plan or similar City plan, the implementation of this signalization cannot be guaranteed or assumed. In the absence of the inclusion of this in a Capital Improvement Plan or similar document, this mitigation assumes that the costs for this project would be borne by the proponents of new development in the project area that would increase traffic in the project area and thus necessitate this improvement.~~

~~Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area.~~

~~As such, the City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed here as mitigation measures. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on transportation facilities and thus, establish appropriate fair share mitigation on a project by project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.~~

~~However, as the City has no established mitigation fee program, there is no certainty that the improvement would be constructed. Therefore, the cumulative impact would be significant.~~

**Impact 4.13-7: Cumulative conditions would result in unacceptable levels of service at all study freeway segments. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load on the impacted freeway segments. (Significant)**

The results in **Table 4.13-11** indicate significant cumulative impacts would occur at all studied freeway segments since they would operate at unacceptable conditions during either the AM or PM peak period in 2027. As shown in **Table 4.13-11**, the project would contribute to future traffic volumes, representing a considerable contribution to cumulative traffic impacts.

In addition to the segments of SR1 identified in **Table 4.13-11**, the SR1 weaving segment studied in this analysis (the southbound weaving segment of SR1 between Canyon Del Rey Boulevard (SR 218) and Del Monte Boulevard) would experience cumulative traffic impacts. The project is projected to considerably contribute to this impact since it would exacerbate unacceptable LOS F and LOS E operations during the morning and evening peak periods, respectively.

Widening of SR1 from Fremont Boulevard and Canyon Del Rey Boulevard (SR 218) from a two-lane facility to a three-lane facility is included in the Regional Transportation Impact Fee Program that TAMC adopted in August, 2008. As new projects in Monterey County are developed, applicants will pay towards the construction of regional improvements listed in the Regional Transportation Impact Fee Program. When enough funds are available, transportation improvements identified in the plan, such as the widening of SR 1 would be constructed. ~~Implementing **Mitigation Measure 4.13-3**, which requires individual development applicants to pay Regional Development Impact Fees as established by TAMC would mitigate a portion of the project's contribution to cumulative impacts on SR1.~~

Although widening of SR 1 is planned as part of TAMC's Regional Transportation Impact Fee Program, this improvement is not planned to the extent necessary to fully mitigate project impacts. As a result, payment of TAMC fees would not ensure construction of the improvements necessary to reduce ~~the project's contribution to cumulative impacts to less than significant levels. The project's contribution to this cumulative impact remains significant after mitigation.~~

**Table 4.13-11 Cumulative (2027) Freeway Segments LOS**

State Route 1 Freeway Segment	Traffic Control	Peak Period	Without Project			With Project			
			Volume	Density <sup>A</sup>	LOS <sup>B</sup>	Volume	Density	LOS	Project Trips <sup>C</sup>
Fremont Blvd to Ord Main Entrance (Northbound)	6-Lane Freeway	AM PM	<b>3,227</b> 6,916	<b>17.8</b> -	<b>B</b> <i>F</i>	<b>3,243</b> 6,939	<b>17.8</b> -	<b>B</b> <i>F</i>	<b>16</b> 23
Ord Main Entrance to Fremont Blvd (Southbound)	6-Lane Freeway	AM PM	5,859 4,710	35.2 26.1	E D	5,878 4,723	35.4 26.2	E D	19 13
SR 218 to Fremont Blvd (Northbound)	4-Lane Freeway	AM PM	<b>2,789</b> 6,045	<b>23</b> -	<b>C</b> <i>F</i>	<b>2,795</b> 6,054	<b>23.1</b> -	<b>C</b> <i>F</i>	<b>6</b> 9
Fremont Blvd to SR 218 (Southbound)	4-Lane Freeway	AM PM	4,965 4,031	- 37.3	F E	4,973 4,036	- 37.4	F E	8 5
Del Monte Blvd to SR 218 (Northbound)	4-Lane Freeway	AM PM	<b>2,953</b> 6,040	<b>24.4</b> -	<b>C</b> <i>F</i>	<b>2,972</b> 6,053	<b>24.6</b> -	<b>C</b> <i>F</i>	<b>19</b> 13
SR 218 to Del Monte Blvd (Southbound)	4-Lane Freeway	AM PM	5,476 4,416	- -	F F	5,492 4,439	- -	F F	16 23

<sup>A</sup> Density in passenger vehicles per mile per lane (veh/mi/ln). Densities greater than 45 veh/mi/ln result in a breakdown in traffic flow and LOS F conditions.

<sup>B</sup> Freeway LOS analyzed using HCS+ software package that in addition to freeway volumes, incorporates location-specific characteristics, including posted speed limit, percent of truck and bus traffic, and type of terrain.

<sup>C</sup> Number of project trips added to the cumulative without project freeway volumes to calculate total cumulative with project volumes.

Unacceptable operations are indicated in bold type, and significant impacts are indicated in bold & italic type.

Source: Fehr & Peers, 2008

**Impact 4.13-8: Under cumulative conditions, the narrowing of West Broadway Avenue would result in increased traffic congestion during limited time periods. Overall the narrowed roadway would accommodate the increased traffic flow. (Significant)**

The purpose of the project is to create a pedestrian-friendly Urban Village. This concept includes increasing public transit, bicycle, and pedestrian use while decreasing automobile traffic. As part of this plan, a reconfiguration of West Broadway Avenue is proposed, as described in detail within **Chapter 3, Project Description**, and shown in **Figure 3.8**.

The project would narrow West Broadway Avenue from 4 lanes to 2 lanes. The traffic analysis examined the existing and year 2027 traffic volumes on West Broadway Avenue to determine if a two-lane facility could accommodate the projected traffic volumes, or if the narrowing would result in traffic diversion from West Broadway Avenue to other routes.

Existing roadway volumes were collected over a 24-hour period on Broadway Avenue for seven consecutive days. **Table 4.13-12** summarizes the average daily traffic (ADT) volumes for the seven-day analysis period.

Existing evening peak period roadway volumes represent approximately eight percent of daily volumes. This same relationship between peak period and daily volumes was applied to cumulative (2027) turning movement volumes at the intersections of West Broadway Avenue/Del Monte Boulevard and West Broadway Avenue/Fremont Boulevard were used to estimate West Broadway Avenue's cumulative daily roadway volumes. Existing volumes were increased by 30 percent to estimate cumulative roadway volumes for West Broadway Avenue. The results of this analysis are shown in Table 4.13-12.

Table 4.13-12 Broadway Avenue 24-Hour Traffic Volumes

Day of Week	Existing Conditions (2007) 4 Lanes		Cumulative (2027) With Project 2 Lanes	
	Daily Volume	LOS	Daily Volume	LOS
Saturday (August 11, 2007)	10,802	A	14,043	C
Sunday (August 12, 2007)	8,375	A	10,888	A
Monday (August 13, 2007)	13,383	A	17,398	<i>E</i>
Tuesday (August 14, 2007)	13,296	A	17,285	<i>E</i>
Wednesday (August 15, 2007)	13,550	A	17,616	<i>E</i>
Thursday (August 16, 2007)	13,432	A	17,462	<i>E</i>
Friday (August 17, 2007)	14,966	A	19,455	<i>F</i>
Average Daily	12,544	A	16,307	<i>E</i>

Note: LOS based on thresholds presented in Circulation Element of Seaside General Plan, August 2003.

Unacceptable operations are indicated in bold type, and significant impacts are indicated in bold & italic type.

Source: Fehr & Peers, 2008.

This reconfiguration would have the benefit of enhancing access and mobility for pedestrians, bicyclists and transit user. Auto access and mobility would be retained, albeit at lower speeds. Existing LOS A conditions on West Broadway Avenue are reflective of the relative low level of development, activity, and investment in the project area.

Overall, the proposed reconfiguration of West Broadway Avenue would be able to accommodate projected traffic volumes. However, as shown in **Table 4.13-12**, cumulative conditions would result in significant weekday impacts to West Broadway Avenue since the LOS would decrease from acceptable LOS A to unacceptable LOS E and F. The project's contribution to this cumulative effect would be considerable insofar as the project would result in both the reconfiguration of the street and increased traffic volumes. Please also see Section 4.11, Public Services, where emergency access along the West Broadway Avenue corridor is discussed.

Mitigation to reduce the project's impact could include eliminating reconfiguration of West Broadway Avenue, which is a central feature of one of the three alternatives to the project evaluated in **Chapter 5.0, Alternatives**, of this EIR. While the elimination of the reconfiguration would reduce projected traffic

impacts, it would not meet the goals or intent of the project. The cumulative impact would be significant.

**COMMENT 7.4:** The commenter restates that payment of Regional Development Impact Fees should be considered only towards addressing cumulative impacts, not project-specific impacts.

**RESPONSE 7.4:** Project Impact 4.13-3 and Mitigation Measure 4.13-3 have been revised as follows:

**Impact 4.13-3: Implementing the project would increase peak period traffic volumes to levels exceeding the capacity of freeway segments. (Significant)**

- During the AM and PM peak period project traffic would degrade already unacceptable LOS along the following segments of SR1. Northbound SR 1 from SR 218 to Fremont Boulevard (during the PM peak period, the LOSdegrades existing unacceptable LOS D conditions to LOS E)
- Southbound SR 1 from SR 218 to Fremont Boulevard (during the AM peak period, the project exacerbates existing unacceptable LOS D conditions)
- Northbound SR 1 from SR 218 to Del Monte (during the PM peak period, the project exacerbates existing unacceptable LOS E conditions)
- Southbound SR 1 South from SR 218 to Del Monte (during the AM peak period, the project exacerbates LOS E operations)
- Southbound SR 1 weaving segment between Canyon Del Rey Boulevard (SR 218) and Del Monte Boulevard (during the AM peak period, the project exacerbates LOS D operations)

Levels of service on the remaining freeway study segments would continue, with the addition of the project, to operate at acceptable LOS conditions (LOS C or better).

Widening SR 1 as listed under **Mitigation Measure 4.13-1** would reduce project impacts to SR 1 northbound from SR 218 to Fremont Boulevard, and SR 1 southbound from SR 218 to Fremont Boulevard to a less than significant level. Widening SR 1 would improve operations at these locations to acceptable LOS C or better.

Widening of SR1 from Fremont Boulevard and Canyon Del Rey Boulevard (SR 218) from a two-lane facility to a three-lane facility is included in the Regional Transportation Plan, Impact Fee Program that TAMC adopted in August, 2008 In order to mitigate impacts to SR1 to a less than significant level SR1 would need to be widened to 6 lanes between Canyon Del Rey Boulevard (218) and Del Monte Boulevard. Although widening of SR 1 is planned as part of TAMC's Regional Transportation Impact Fee Program, this improvement is not planned to the extent necessary to fully mitigate project impacts. Therefore, cumulative impacts would remain significant.

~~**Mitigation Measure 4.13-3:** In order to mitigate impacts to SR1 to a less than significant level SR1 would need to be widened to 6 lanes between Canyon Del Rey Boulevard (218) and Del Monte Boulevard. Individual development applicants shall pay Regional Development Impact Fees as established by TAMC. Payment of these fees will ensure that regional transportation needs, such as the partial widening of SR 1, will be implemented.~~

~~Although widening of SR 1 is planned as part of TAMC's Regional Transportation Impact Fee Program, this improvement is not planned to the extent necessary to fully mitigate project impacts. As a result, payment of TAMC fees does not ensure implementation of the improvements necessary to mitigate impacts to SR 1 to less than significant levels. As a result, project impacts to SR 1 would remain significant after mitigation.~~

***Significance After Mitigation:*** Significant and unavoidable.

**COMMENT 7.5:** The commenter states that the project area should emphasize bicycle and pedestrian circulation throughout the project area.

**RESPONSE 7.5:** The support of TAMC for alternative forms of transportation and the goals of the Specific Plan are noted. Recommendations regarding the design of sidewalks, bicycle lanes, and need for new roadway design to accommodate bicycles are also noted. The specific design features associated with pedestrian, bicycle, and roadway development will be determined during the project level design phase. Design Principles identified on pages 3-19 and 3-20 of the Draft EIR support these recommendations. In particular, one principle recommends that new development within the project area be planned, designed, and constructed with a "Pedestrian Orientation." This principle is intended to result in solutions that provide amenities, maximize access, and optimize the use of new development by pedestrians. Specific recommendations included within the Design Guidelines include public plazas, paseos, and interior walkways; improved street furniture, lighting, and amenities; and requirements for building entrances to face public streets.

**COMMENT 7.6:** The commenter recommends that proposed bicycle paths and walkways be connected to existing facilities adjacent to the project area.

**RESPONSE 7.6:** The recommendation for linking the project area bike paths and walkways to surrounding facilities is noted. Figure 4.13-2 in the Draft EIR illustrates the locations of existing and proposed bikeways within the City of Seaside. Figure 3-12 of the Draft EIR more specifically shows proposed bicycle lanes and routes in the project area. The project would introduce Class II bike lanes on portions of Del Monte and Canyon Del Rey Boulevards and Broadway Avenue. Class III bike routes are proposed along Del Monte Boulevard north of West Broadway Avenue, Palm Avenue and West Broadway Avenue. The commenter requests that the project introduce linkages to existing bike facilities on Imjin Parkway, 2<sup>nd</sup> Avenue, and General Jim Moore Boulevard. The project would improve bicycle linkages in western portions of Seaside and thus provide greater bicycle access to the Monterey Bay Coastal Recreation Trail. As part of its city-wide bicycle planning efforts, the City proposes a more extensive network of new bicycle routes and paths. The specific facilities referenced by the commenter (Imjin Parkway, 2<sup>nd</sup> Avenue, and General Jim Moore Boulevard) are at least one mile or more

outside the project area; the project would not directly link to any of these facilities. However, other proposed bicycle improvements in the City's 2007 Bike Transportation Plan would provide links to these existing facilities. In all, the Specific Plan represents a commitment by the City to improve bicycle facilities within the project area. As implementation of project improvements moves forward, the City will consult with TAMC to ensure that proposed bicycle facilities are incorporated into the site planning.

**COMMENT 7.7:** The commenter recommends appropriate striping at all proposed pedestrian crosswalks.

**RESPONSE 7.7:** The recommendations for proper striping at pedestrian crosswalks, the inclusion of intelligent crosswalks, and the use of mid-crosswalk islands are noted. The specific design features associated with roadway development will be determined during the project design phase. Design Principles identified on pages 3-19 and 3-20 of the Draft EIR support these recommendations. Please also refer to **RESPONSE 7.5** above.

**COMMENT 7.8:** The commenter identifies that TAMC supports provisions supportive of alternative transportation.

**RESPONSE 7.8:** The agency's support of Policy PARK-7 and Policy TRANS-3 is noted. The recommendation that adequate lighting at bicycle racks and showers be provided to improve safety and visibility is also noted. Design Principles identified on pages 3-19 and 3-20 of the Draft EIR support these recommendations.

**COMMENT 7.9:** The commenter supports the proposed pedestrian-oriented mixed use development.

**RESPONSE 7.9:** The agency's support of retail stores and office spaces that abut the sidewalks, with parking provided at the rear is noted. The discussion of Design Principles under pedestrian orientation on page 3-19 of the Draft EIR supports these considerations. As noted in this discussion, "Entrances to all buildings would face onto a public street, and parking would not be allowed between the building and the street edge."

**COMMENT 7.10:** The commenter encourages the City of Seaside to coordinate with the Association of Monterey Bay Area Governments toward compliance with SB 375.

**RESPONSE 7.10:** The agency's encouragement for the City to coordinate with the Association of Monterey Bay Area Governments in the development of the region's Sustainable Communities Strategy and for developments within the Specific Plan are to be consistent with the plan once it is completed is noted.

**COMMENT 7.11:** The commenter advocates the use of light colored pavements to reduce heat island effects, increase nighttime visibility, and, if permeable, reduce storm water runoff.

**RESPONSE 7.11:** The agency's support of light-colored pavement for pedestrian areas and the use of grey granite pavement for parking areas and roadways is noted.

Fire Chief Comments from the 8/12/09 Planning Commission Meeting

Chief Wombacher: “Good evening Chairman, Commission members, I’m not sure if this is the appropriate time for Staff to rebut itself, but, here I am. I’m the Fire Chief for the City of Seaside and I’ve been involved with this project since December of ’07 when the Staff was invited to a meeting with the consultant DC&E (Design Community and Environment). We brought to the attention that this proposal and design aspects of this simply weren’t going to be acceptable to the Fire Department. Michael, could you please bring up the area map again?”

As you know our only Fire Station in the City of Seaside is at the corner of Broadway and Yosemite basically at the top of the hill. At the top of the hill, we have to respond with the seven people we have on duty, and there’s only seven, down Broadway, work our way through this project area to get to Del Monte. Basically, on the other side of Del Monte including Embassy Suites, which is the tallest building in the County of Monterey, the Home Depot with all the lumber and materials in there, the hotel next to Holiday Inn, Highway 1 with all of the traffic incidents up there, we cannot accept that roadway being choked down with raised medians and planters in the median.

We made it clear on a number of occasions that this was a bad design, it wouldn’t work for the Fire Department. As a matter of fact, I have handwritten notes from this initial meeting, December ’07 from the DC&E Consultant and our staff that make it very clear that the Fire Department wasn’t going to accept this design. I was assured that there would be design changes, and I attended the Joint Council/Planning Commission meeting on September 17<sup>th</sup>, 2008 where a presentation was made and once again our concerns weren’t addressed.

Now we accepted that this project is important to the city, we accepted narrowing down the roadway, even having on-site parking on the roadway, we accepted increasing the density, and we accepted increasing the height of the building, we also accepted realigning Del Monte and Broadway. So the only thing that we haven’t been able to live with is the median being obstructed with a one way travel lane in either direction. And the reason behind that is when we’re blasting down Broadway going to an emergency with our light and siren on, where does the traffic yield to the right?

Well then we’re told, “well you can roll over a rolled curb in the center median and dodge around the landscaping that we’re gonna put in there and if that’s not acceptable, in this report, it says, well you can use the alleys as alternative means of egress.” I don’t know who wrote this thing but he certainly didn’t read the comments that I wrote. And those comments, I’m gonna share with you are in the form of memos within the City dating back to 22 July ’08 and I’ll ask you to look down to the third paragraph. “Regarding the West Urban Broadway Specific Plan Draft, until these concerns are addressed and the elements of the projects are adjusted to address the operational needs of the Fire Department, I do not anticipate that this project will receive Fire Department approval as identified in Section 203 of the California Fire Code. My staff and I are willing to make every effort to evaluate alternatives to the project with your staff which will address the needs of the Fire Department before the project is presented to the Planning Commission.

Well I thought we had this resolved. I thought it was underscored the importance of what we were saying and public safety in my view outweighs how pretty it is. So we went

patiently on through this process that's been described tonight and finally I was asked by the consultants here tonight to provide comment. Once again we went through the process, I outlined each one of our concerns, answered every question that the consultant asked us from Circle Point and if you look on the bottom of page two, "currently the West Broadway Urban Village Specific Plan proposes the following issues of concern, to narrow an existing emergency vehicle access route, 2) does not provide areas for motorists to yield to emergency vehicles responding to emergencies, 3) does not provide road level areas for emergency vehicles responding to emergencies to maneuver through traffic, 4) proposes to increase the square footage as well as the height of buildings in the project, 5) modifies the use of buildings from light commercial to multi-story mixed-use and 6) the proposed road lifts of eleven feet will prevent the use of a ladder truck during emergencies, which requires 18 feet to extend the outriggers when raised.

You want to put three to five story buildings in this project; I have to put a ladder up. But I can't do it because the proposed roads are way too narrow. And finally this letter to Circle Point, "all of these concerns create serious fire safety concerns in the current design elements, rendering the current design unacceptable to the Fire Department." And if you have any questions or additional information, again, we're willing to cooperate.

Well now I get this Draft EIR, Final Draft I suppose, back in July. And I'd like to draw your attention to Section 4.11. And once again, these suggestions are made and I'm told later by a traffic consultant that we could use alleys as alternative emergency routes or we have to accept rolled curbs with landscaping in them. And I'm here again tonight to take another opportunity to say that this is not going to be approved by the Fire Department.

And I don't know where the consultants are getting their information, I'm certain they're not talking to fire professionals, but I do know this, access routes are approved by authority having jurisdiction. And in the Fire Code, that authority having jurisdiction is the Fire Chief. And it's re-emphasized in Title 8 of California Administrative Code, in Title 24 of the Administrative Code, and it's also in the Fire Code. It's also in the Health and Safety Code.

So I am the authority having jurisdiction on this issue with regards to fire access, I'm here tonight to tell you, I've been telling this project since December of '07, this design will not work. Now we can play with this semantics of what's adequate access and frankly I'm not concerned about their definition, I'm the Fire Chief of this city, I've got to be able to get to the other side of the city to protect the target hazards and the people that live and work there and this design with the optional elements will not work.

What else I could have done to stop this and get it corrected, I don't know. But I made it clear, I'm gonna follow this all the way through the process and every time I have an opportunity whether in writing or in verbal I'm gonna make it clear that it is not going to work for the Fire Department. And I appreciate any comments or concerns that you might have for me.

Chief Wombacher: The proposals are that the lanes are going to be 11 feet wide; I need 18 feet to set the stabilizers out to put the ladder up. The road's not even wide enough for us to operate our equipment. I've also asked questions in the initial meetings, you're gonna have all these multi-use buildings there, where does someone park when they're delivering Coke? Well, they're gonna park in the alleys is what I was told, well I thought the alleys were the alternative fire access route. So at least this issue needs to be resolved

before this goes to the City Council or I'll be at the City Council meeting repeating what I've told you here tonight because I feel it's my responsibility and obligation as the Fire Chief of this city to let everyone know that's involved in this plan that this is not going to work for the Fire Department.

Chief Wombacher: In this County we don't have a Fire Department.

Chief Wombacher: Yeah, Barbara asked me to come up to the mic if I had some more comments to make and she's correct and the consultants are correct. I, as the Fire Chief only have a problem or issue with access through the city on Broadway. So that's the element or the aspect of the project that I have a problem with. And I don't feel that my concerns have been addressed in this document that was presented to us in July.

And what I'm reading here is, "Significant after mitigation, significant and unavoidable, impact 4.11.2, the reconfiguration of West Broadway Ave could interfere with its use as an emergency access route, in parentheses, less than significant, and in the bottom of that section on page 4.11-11, in all the project would have less than significant impact in regards to emergency access routes in the project area, no mitigation is required.

Now I'm not feeling like that's embraced what I've been saying and I understand there's options, there's option for rolled curbs, there's options for a center median with planters, there's options for a pedestrian promenade. When I've made it clear that that's not gonna work, why are those options still being considered? It's creating unrealistic expectations. And this is exactly what I've warned staff and the consultants about in December of '07 and here we are in August of '09 with the same problem.

Responses to Comment Letter 8  
Testimony of Fire Chief Jerry Wombacher, August 12, 2009

**COMMENT 8.1:** At an August 12, 2009 public hearing before the Seaside Planning Commission regarding the Specific Plan and Draft EIR, Seaside Fire Chief Wombacher stated concern with proposed streetscape improvements to West Broadway Avenue. He stated that he was concerned that impacts to public safety would occur if West Broadway Avenue were modified as suggested in conceptual plans within the Specific Plan. He stated that he disagreed with the conclusions in the Draft EIR that the proposed modifications to West Broadway Avenue would result in less than significant impacts. Specifically, he stated that the proposed medians on West Broadway Avenue, if raised or covered with vegetation would effectively narrow the width of West Broadway Avenue so as to interfere with the ability of emergency vehicles to traverse the street as well as to impede the ability to raise fire truck ladders to proposed building heights of 5 stories along West Broadway Avenue.

Previous correspondence from the Fire Chief is included in this Final EIR as **Appendix F-1**.

**RESPONSE 8.1:** On August 31, 2009, Deputy City Manager Ingersoll sent a memorandum to Fire Chief Wombacher, attached as **Appendix F-2**. This memorandum included proposed revisions to both the Specific Plan and to the Draft EIR in response to the Fire Chief's comments. Proposed revisions to the Specific Plan include new conceptual street sections for West Broadway Avenue, showing modified widths for travel lanes and removing all references to any "raised median" or "pedestrian promenade" on West Broadway Avenue.

The proposed revisions to Section 4.11, Public Services, of the Draft EIR revised the discussion of the potential public safety impacts of the proposed streetscape improvements. Please see below.

**Impact 4.11-2: The reconfiguration of West Broadway Avenue could interfere with its use as an emergency access route. (Significant)**

The Specific Plan indicates that an important element of the desired "urban village" atmosphere necessitates streetscape improvements to West Broadway Avenue, consistent with the Seaside General Plan. Section 6.A of the Specific Plan states:

*To provide for a more pedestrian-friendly environment and to encourage development of an urban village, the City's General Plan calls for the narrowing of West Broadway Avenue from a four-lane roadway to a two-lane roadway. In place of a middle median, the sidewalks on West Broadway Avenue could be wider. Left-turn pockets at selected intersections would still be needed.*

*In order to provide emergency vehicle access, there would either be a rolled curb up to the sidewalk or no curb and gutter but a change in pavement texture and/or color.*

As shown in **Figure 4.11-1** [unchanged], the Specific Plan includes conceptual recommendations for streetscape improvements that include the rolled curb and median concept. Options that merely include a change in roadway texture or pavement were not illustrated in the Specific Plan. According to the City of Seaside Fire Chief, this reconfiguration could have an adverse effect on emergency responses insofar as West Broadway Avenue is a designated emergency vehicle access route.<sup>4</sup> In subsequent communication, the Fire Chief stated that it would be infeasible for emergency vehicles to drive up onto any raised median that might be placed in the center of West Broadway Avenue, particularly if any such raised median also included landscaping or encouraged pedestrian congregation.

The development of pedestrian paseos along West Broadway Avenue, as shown in **Figure 4.11-2b** [unchanged] would enhance pedestrian and bicycle use in the project area. The paseos would be constructed in a manner similar to the medians described above; which could impede emergency vehicle access.

**Mitigation Measure 4.11-2:** Prior to adoption, the City shall revise the Specific Plan text and figures of proposed West Broadway Avenue streetscape improvements in accordance with proposed Infrastructure Master Plan, which proposes narrowing the street width and adding a median to allow the addition of left turn pockets as illustrated in Figure 4.11-3. The pavement delineations shall be provided with either pavement striping and/or textured pavers so that no raised medians or landscaping within the median would be allowed.

Conceptual plans for the left-turn pocket indicate a width of 14 feet, while the median would be 22 feet wide. Coupled with proposed travel lane widths of 12 feet, a minimum of 26 feet and a maximum of 34 feet of roadway width would be available for emergency vehicle access. In the event that cars are double-parked on West Broadway Avenue, at least 18 or more feet of roadway width for emergency vehicle operations would still be available. This would allow sufficient roadway width to provide for ladder truck access.

**Significance After Mitigation:** Less than significant.

In response to Director Ingersoll's August 31, 2009 memorandum, Fire Chief Wombacher submitted a memorandum of concurrence dated September 15, 2009, and attached as **Appendix F-3**. Fire Chief Wombacher indicated that new Mitigation Measure 4.11-2 adequately describes the measures to be employed and satisfies the California Fire Code requirements. As such, the revisions to the Draft EIR adequately address the concerns of Fire Chief Wombacher and no further revisions are necessary.

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<sup>4</sup> Letter from Fire Chief Jerry Wombacher, January 15, 2009 [Appendix F-2 of the Final EIR].

Comments by Planning Commissioners (Commenters 9)  
Oral Comments Received at Public Hearing on August 12, 2009<sup>5</sup>  
Seaside Planning Commission

**COMMENT 9.1:** A Planning Commissioner requested clarification regarding the process for responding to comments on the Draft EIR and asked if the Planning Commission would have an opportunity to consider staff responses to the public comments on the Draft EIR prior to submittal to City Council.

**RESPONSE 9.1:** As discussed at the August 12, 2009 public hearing, the City will accommodate the request of the Planning Commission and provide the Commission an opportunity to review the responses to comments on the Draft EIR prior to submittal to City Council.

Further, in accordance with CEQA Guidelines Section 21092.5(a), copies of the written responses to public comments will be provided to public agencies that commented on the Draft EIR at least 10 days prior to the City Council hearing for the certification of the EIR. The responses will be forwarded to the public commenting agencies and will conform to the legal standards established for response to comments on Draft EIRs.

**COMMENT 9.2:** A Planning Commissioner requested clarification on City Resource Management Service Division's position regarding concerns of the Fire Chief (whose testimony at this meeting is summarized above in **COMMENT 8.1**).

**RESPONSE 9.2:** Please see response above to **COMMENT 8.1**.

**COMMENT 9.3:** A Planning Commissioner expressed concern regarding traffic circulation and congestion in the project area, specifically at the Del Monte Boulevard/West Broadway Avenue intersection. The Planning Commissioner also stated that if Del Monte Boulevard is to be narrowed, the project should provide additional egress out of the City to reduce traffic congestion. The Planning Commissioner also noted that roadways that provide access to State Route 1, such as Fremont Boulevard, should be examined.

**RESPONSE 9.3:** As discussed in response to **COMMENT 4.1**, the Draft EIR examined project impacts on several intersections in and around the project area, including the Del Monte Boulevard/Broadway Avenue and Fremont Boulevard/State Route 1 Southbound Ramp/Monterey Road intersections. Section 4.13, Transportation, of the Draft EIR provided an evaluation of intersection level of service (LOS) during AM and PM peak hours under existing, project buildout, and cumulative conditions. Of the 16 intersections studied, five intersections were identified as having a significant impact under project buildout and cumulative conditions. These five intersections, however, currently operate at an unacceptable LOS during either the AM or PM peak period.

While the Draft EIR concluded that no significant impact would occur at the Del Monte Boulevard/Broadway Avenue intersection, significant impacts would occur at the Fremont Boulevard/State Route 1 Southbound Ramp/Monterey Road intersection under

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<sup>5</sup> Oral comments received from Planning Commissioners at the August 12, 2009 meeting as excerpted from an audio recording of the meeting. A transcript was not prepared but the audio recording of the meeting is available for public review on the City's website as well as at City Hall.

project buildout and cumulative conditions. Please see Impact 4.13-5 of the Draft EIR. Although future developments (including the project) would be responsible for contributing their fair share of the measures necessary to improve traffic conditions at the Fremont Boulevard/State Route 1 Southbound Ramp/Monterey Road intersection to reduce cumulative impacts, the environmental impacts would remain significant even with mitigation.

Additionally, the project would not result in the narrowing of Del Monte Boulevard. As stated on page 3-24 of the Draft EIR, Del Monte Boulevard would remain at four lanes, but bicycle lanes would be added to both sides of the roadway. The bicycle lanes would be implemented in areas currently utilized for on-street parking on both sides of the roadway. Thus, the traffic lanes widths on Del Monte Boulevard would remain unchanged and no significant impacts would occur.

**COMMENT 9.4:** A Planning Commissioner requested clarification regarding the proposed “bulbouts” at certain project area intersections, inquiring how much such bulbouts would reduce intersection widths.

**RESPONSE 9.4:** As noted on page 3-8 of the Draft EIR, the project includes streetscape improvements to better foster an active pedestrian environment. As such, traffic calming measures, including bulbouts at roadway intersections on West Broadway Avenue, would be considered to increase pedestrian visibility and safety while crossing the streets. While the final design on the bulbouts remains conceptual in nature at this time, it is assumed that the bulbouts would consume 8 feet of street width at any intersection where installed.

**COMMENT 9.5:** A Planning Commissioner requested clarification regarding the number of homes that would be impacted by the additional shading of 5- and 8-story buildings in the project area.

**RESPONSE 9.5:** Neither the Specific Plan nor the Draft EIR attempted to calculate the number of homes that would potentially be affected by shadowing associated with proposed 5 to 8 story buildings. However, the Draft EIR describes that such impacts would occur and provides mitigation. Specifically, Section 4.1, Aesthetics, of the Draft EIR provides an evaluation of the shadow patterns in the project area that could affect the visual character to the surrounding existing development. Impact 4.1-3 on page 4.1-29 describes potential shadowing impacts of the project. Mitigation 4.1-3 would require a shadow analysis to be performed prior to the development of any buildings greater than 5 stories in height. These measures would avoid or minimize shading impacts on any homes potentially affected by new buildings. Please also see the response to **COMMENT 6.3** for a discussion of the shadow impact analysis.

**COMMENT 9.6:** A Planning Commissioner expressed concern regarding the potential visual impacts to private home owners in the City, specifically those whose views of the Pacific Ocean could be affected.

**RESPONSE 9.6:** As discussed in response to **COMMENT 6.3**, the Draft EIR acknowledges potential project impacts related to viewsheds. Impact 4.1-2 on page 4.1-23 of the Draft EIR indicates that the increased building heights allowed as part of the project would have the potential to substantially alter existing views.

The Draft EIR included a visual simulation of the project area from a point east (Broadway Avenue and Flores Street).

Although the visual simulation was prepared from a public viewpoint, private views in this area and points eastward (at higher elevations) would have similar or lesser viewshed effects, due to increased distance from the project area and greater elevation above the project area. It was also noted on page 4.1-24 of the Draft EIR that from the selected vantage point, 5 story buildings in the project area would not be visible and would thus not limit any public or private views.

The visual simulation as well as the evaluation of building height impacts for views toward and from the project area under Impact 4.1-2 of the Draft EIR led to a conclusion that the taller building heights permitted by the project would result in a less than significant impact to viewsheds at the programmatic level.

No actual development is proposed as part of the project; the adoption of the plan does not convey development entitlements to any property owners within the project area. As individual developments within the project area are proposed by individual developers, each such project will as a matter of course undergo review by the City's Board of Architectural Review (BAR). The BAR will evaluate projects for consistency with both the project (assuming the Specific Plan is adopted) as well as with policies and implementation plans within the Seaside General Plan, including the viewshed policy and plan cited by the commenters.

**COMMENT 9.7:** A Planning Commissioner stated that the project would economically benefit the City, as the project would enhance movement through the area.

**RESPONSE 9.7:** Comment noted.

**COMMENT 9.8:** A Planning Commissioner urged that the City Resource Management Services Division work with the Seaside Fire Chief to resolve any potential conflicts with fire standards.

**RESPONSE 9.8:** Refer to response to **COMMENT 8.1** for a discussion of the subsequent resolution of the Fire Chief's concerns.

**COMMENT 9.9:** The Planning Commission expressed concern about the possibility of mixed use development in the project area in regards to the density of the City. The Planning Commission requested that the Draft EIR include a discussion of the relationship between the City's existing density and future mixed use development.

**RESPONSE 9.9:** Section 4.8, Land Use and Planning, of the Draft EIR provides an evaluation of relationship between existing land use patterns and policies and future proposed uses in the project area. Impact 4.8-2 on page 4.8-20 of the Draft EIR provides a discussion of the existing and proposed density within the project area, as well as the proposed mixed-use developments that would be allowed as part of the project. As the project would include a General Plan Amendment (GPA) to maintain consistency with the General Plan, impacts relating the density and mixed-use development within the project area would be less than significant.

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### 3.0 REVISIONS AND ERRATA TO THE DRAFT PROGRAM EIR

Revisions have been made to the Draft EIR as a result of comments received on the document. This chapter provides a compilation of these revisions. The section and page number for each change is indicated. This chapter is organized to provide text revisions and errata (including tables), and figure changes. Changes to the text are provided in Section 3.1 of this chapter and are signified by ~~strikeout~~ where text is removed and by underlined italics where text is added. Revised figures are provided in Section 3.2 of this chapter. The revised figures are first listed with a brief explanation of the change, and then followed by the revised figures.

### 3.1 TEXT REVISIONS AND ERRATA

## CHAPTER 4 – ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

### 4.2 – AIR QUALITY AND GLOBAL CLIMATE CHANGE

**Page 4.2-23, Mitigation 4.2-3 has been revised as follows:**

**Mitigation Measure 4.2-3:** ~~Specific projects developed under the other phases of construction use smaller sized equipment (e.g., loaders, forklifts, etc.), but include numerous heavy duty truck deliveries for cement, asphalt, building materials, and landscape materials. *Specific projects* Project applicants for developments in the project area that would be located within 200 feet of occupied sensitive receptors, such as residences, shall *submit a construction emission analysis that identifies project-specific mitigation measures that reduce impacts to less than significant levels.* evaluate air quality impacts during construction. Project specific mitigation measures would be identified at that time.~~ Prior to the issuance of building, grading, and/or demolition permit approvals within the project area; the City Resource Management Service City Resource Management Department *shall review the analysis and mitigation measures* to ensure that ~~the air quality evaluation and the identified mitigation measures reduce impacts to less than significant levels.~~ *are adequate. Any demolition or deconstruction of structures is subject to Air District Rule 439, Building Removals. Demolition is subject to District Rule 424, NESHAPS. Both rules are subject to the Air District's enforcement authority.*

Mitigation shall include some or all of the following future Best Management Practices as appropriate in project area development approvals. Mitigation measures for project-specific development, may include, but are not limited to the following types of Best Management Practices:

- All off-road construction vehicles/equipment greater than 100 horsepower that would be used on site for more than one week shall: 1) be manufactured during or after 1996, and 2) shall meet the NO<sub>x</sub> emissions standard of 6.9 grams per brake-horsepower hour. Alternatively, the project shall implement a combination of the following emission

reduction measures on some or all of the above described vehicles equipment, subject to approval by the MBUAPCD:

- IV. Use Alternative fuels (such as biodiesel blends),
  - V. Require diesel particulate matter filters on equipment,
  - VI. Require diesel oxidation catalyst on equipment.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).
  - The construction contractor shall enforce state required idle restrictions. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite and staged away from residential areas.
  - Properly tune and maintain equipment for low emissions.
  - Stage large diesel powered equipment at least 100 feet from any active land uses (e.g., residences).
  - Limit the hours of operation for heavy-duty equipment to daytime periods, which shall be specified as part of the individual project emission analyses.

**Page 4.2-25, Mitigation 4.2-4 has been revised as follows:**

**Mitigation Measure 4.2-4:** Dust impacts *shall* ~~would~~ be reduced by implementing dust control measures. Prior to the issuance of building, grading, and/or demolition permit approvals within the project area, the City Resource Management Service Department shall ensure that project applicants adequately incorporate dust control measures, to reduce impacts to less than significant levels. ~~as appropriate.~~ Mitigation measures for project-specific development, may include, but are not limited to the following types of Best Management Practices:

- Limit grading activity to a maximum of ~~2.2~~ 8.1 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. Such an assessment would have to be conducted using appropriate assumptions and mitigation measures.
- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to existing businesses shall 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.
- Trucks hauling loose dirt, sand or loose materials shall be covered and should also ~~Cover all hauling trucks 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.
- Use “wet sweepers” to sweep daily all paved access roads, parking areas and staging areas at construction sites.
- Use “wet sweepers” to sweep streets daily if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- 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.
- Cover inactive storage piles.

**Page 4.2-29, Mitigation 4.2-8 has been revised to read:**

Projects that include restaurants shall be reviewed by the City Resource Management Service Department prior to the issuance of building, grading, and/or demolition permit approvals within the project area, to ensure that project applicants adequately mitigate for the potential to produce odors, in accordance with MBUAPCD District Rule 402, Nuisances. Where a potential source of restaurant odors exists, the project applicant shall install kitchen exhaust vents in accordance with accepted engineering practices; exhaust filtration systems or other accepted methods of odor reduction shall be required.

#### 4.4 CULTURAL RESOURCES

**Page 4.4-7, the first paragraph of Mitigation 4.4-1a has been revised as follows:**

**Mitigation 4.4-1a:** If deposits of prehistoric or historic archeological materials are encountered during project construction activities, all work within 25 feet of the discovery shall be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 shall be contacted to assess the deposit(s), consult with culturally affiliated Native American organizations, and make recommendations.

If deposits of prehistoric or historic archeological materials cannot be avoided by project activities, the City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified archeologist to evaluate the potential historic significance of the resource(s). If the deposits are recommended to be non-significant by a qualified archeologist, avoidance is not necessary. If the deposits are determined to be potentially significant by the qualified archeologist, the resources shall be avoided. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of

the qualified archaeologist, in coordination with the City Resource Management Service Division ~~Services Division~~ *Department*, and CEQA Guidelines §15126.4 (b)(3)(C), which requires implementation of a data recovery plan.

The data recovery plan shall include provisions for adequately recovering all scientifically consequential information from and about any discovered archeological materials and include recommendations for the treatment of these resources. In-place preservation of the archeological resource is the preferred manner of mitigating potential impacts, as it maintains the relationship between the resource and the archeological context. In-place preservation also reduces the potential for conflicts with the religious or cultural values of groups associated with the resource. Other mitigation options include, but are not limited to, the full or partial removal and curation of the resource.

The City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified archeologist for the preparation and implementation of the data recovery plan, which shall be conducted by prior to any additional earth-moving activities in the area of the resource. The recovery plan shall be submitted to the project applicant, the City Resource Management ~~Service Division~~ *Services Department*, and the Northwest Information Center. Once the recovery plan is reviewed and approved by the City Resource Management ~~Service Division~~ *Services Department* and any appropriate resource recovery completed, project construction activity within the area of the find may resume. A data recovery plan shall not be required for resources that have been deemed by the Northwest Information Center as adequately recorded and recovered by studies already completed.

**Page 4.4-8, Mitigation 4.4-2 has been revised as follows:**

**Mitigation 4.4-2:** Prior to the issuance of grading or demolition permits, the City Resource Management ~~Service Division~~ *Services Department*, in coordination with a qualified Paleontologist, shall assess individual development project proposals within the Specific Plan area for the potential to destroy unique Paleontological resources. The City Resource Management ~~Service Division~~ *Services Department* shall require development proposals entailing significant earthworks or deep foundations with the potential to penetrate sedimentary rock layers to incorporate a study by a professional Paleontologist to assess the potential for damage of Paleontological resources. Should the Paleontologist determine that the proposal has the potential to damage resources, the Paleontologist shall provide detailed provisions for the protection of these resources. These provisions may include the complete avoidance of the resource, in-place preservation, and/or complete data recovery as discussed in Mitigation Measure 4.4-1a.

**Page 4.4-9, the first paragraph of Mitigation 4.4-3a has been revised as follows:**

**Mitigation 4.4-3a:** On-going through project grading, demolition, and construction, if human remains are encountered during ground-disturbing activities within the project area, the project contractor and/or on-site supervisor shall provide certification to the City Resources Management ~~Division~~ *Services*

Department that work within 25 feet of the discovery is stopped. The project contractor shall immediately notify the Monterey County Coroner (Coroner) upon the discovery of any human remains. At the same time, a qualified archaeologist meeting federal criteria under 36 CFR 61 shall be contacted by the project applicant(s) and project contractor, in coordination with the City Resources Management ~~Division~~ Services Department to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment or disposition, with proper dignity, of the remains and any associated grave goods. Upon completion of the assessment, the qualified archaeologist shall prepare a report documenting the background to the finds, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the City Resource Management ~~Service Division~~ Services Department, and the Northwest Information Center. Once the report is reviewed and approved by the City Resource Management ~~Service Division~~ Services Department, and any appropriate treatment completed, project construction activity within the area of the find may resume.

#### 4.7 HYDROLOGY AND WATER QUALITY

**Page 4.7-20, the first paragraph of Mitigation 4.7-4 has been revised to read:**

**Mitigation Measure 4.7-4:** Prior to the issuance of occupancy permits pursuant to this plan in any flood prone areas, the City Public Works Director shall ensure that adequate storm drainage capacities have been attained to prevent flooding conditions. The City Public Works Direction shall require site-specific testing for existing and proposed percolation basins to ensure facilities can operate adequately. Any new drainage facilities to be located within a State highway shall require a Caltrans encroachment permit, all conditions of which must be met prior to construction of any such facilities.

#### 4.11 PUBLIC SERVICES

**Page 4.11-11, Impact 4.11-2 and Mitigation 4.11-2 have been revised as follows:**

**Impact 4.11-2: The reconfiguration of West Broadway Avenue could interfere with its use as an emergency access route. (~~Less than Significant~~)**

The Specific Plan indicates that an important element of the desired “urban village” atmosphere necessitates streetscape improvements to West Broadway Avenue, consistent with the Seaside General Plan. Section 6.A of the Specific Plan states:

To provide for a more pedestrian-friendly environment and to encourage development of an urban village, the City's General Plan calls for the narrowing of West Broadway Avenue from a four-lane roadway to a two-lane roadway. In place of a middle median, the sidewalks on West Broadway Avenue could be wider. Left-turn pockets at selected intersections would still be needed.

In order to provide emergency vehicle access, there would either be a rolled curb up to the sidewalk or no curb and gutter but a change in pavement texture and/or color.

As shown in **Figure 4.11-1** and **4.11-2**, the project *Specific Plan includes conceptual recommendations for streetscape improvements that include the rolled curb and median concept. Options that merely include a change in roadway texture or pavement were not illustrated in the Specific Plan.* would reconfigure West Broadway Avenue to provide a pedestrian friendly environment and encourage development on the streetscape. The reconfiguration would narrow West Broadway Avenue from four lanes to two lanes, with one lane of travel in each direction and left hand turn pockets at intersections (see **Figure 4.11-1**). According to the City of Seaside Fire Chief, This reconfiguration could, however, have an adverse effect on emergency responses insofar as West Broadway Avenue is a designated emergency vehicle access route.<sup>6</sup> In subsequent communication, the Fire Chief stated that it would be infeasible for emergency vehicles to drive up onto any raised median that might be placed in the center of West Broadway Avenue, particularly if any such raised median also included landscaping or encouraged pedestrian congregation.

In addition to the narrowing of the traffic lanes on West Broadway Avenue, medians could be developed on West Broadway Avenue to provide a "break" in the street and thus create a more pedestrian friendly environment. Any medians would have mountable or rolled curbs to allow emergency vehicles access when conditions warrant. Further, the medians may include low lying drought tolerant landscaping that would not interfere with access or allowing clear lines of sight for emergency vehicles. As such, the medians would not impede emergency vehicles from using the median during the event of an emergency.

The project also allows for the expansion of sidewalks in the absence of a center median. Under such a scenario, the roadway could include left hand turn pockets within a center turn lane. These left hand turn pockets could also provide an emergency access route for emergency vehicles. Similar to the center median, the sidewalks could be widened and constructed with rolled or at grade curbs to allow for emergency vehicle travel on the West Broadway Avenue corridor. This option is not, however, represented in the conceptual designs shown.

The development of pedestrian paseos along West Broadway Avenue, as shown in

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<sup>6</sup> Letter from Fire Chief Jerry Wombacher, January 15, 2009 [Appendix F-2 of the Final EIR].

**Figure 4.11-32b\*** would enhance pedestrian and bicycle use in the project area. The paseos would be constructed in a manner similar to the medians described above; which could the paseos would not impede emergency vehicle access.

~~In addition to the center medians and sidewalks, the project area also contains existing alleyways just south of West Broadway Avenue (between West Broadway Avenue and Palm Avenue). These alleyways provide a potential secondary emergency access route in the event of a blockage of the primary streets.~~

~~In all, the project would have a less than significant impact in regards to emergency access routes in the project area. No mitigation is required.~~

**Mitigation Measure 4.11-2:** *Prior to adoption, the City shall revise the Specific Plan text and figures of proposed West Broadway Avenue streetscape improvements in accordance with proposed Infrastructure Master Plan, which proposes narrowing the street width and adding a median to allow the addition of left turn pockets as illustrated in Figure 4.11-3. The pavement delineations shall be provided with either pavement striping and/or textured pavers so that no raised medians or landscaping within the median would be allowed.*

*Conceptual plans for the left-turn pocket indicate a width of 14 feet, while the median would be 22 feet wide. Coupled with proposed travel lane widths of 12 feet, a minimum of 26 feet and a maximum of 34 feet of roadway width would be available for emergency vehicle access. In the event that cars are double-parked on West Broadway Avenue, at least 18 or more feet of roadway width for emergency vehicle operations would still be available. This would allow sufficient roadway width to provide for ladder truck access.*

**Significance After Mitigation:** *Less than significant.*

**Page 4.11-11, Mitigation 4.11-2 has been renumbered to Mitigation 4.11-3 .**

### **4.13 TRANSPORTATION**

**Page 4.13-15, following language has been added to the fourth bullet as follows:**

- *Monterey-Salinas Transit: Designing for Transit* is a manual for integrating public transit and land use in Monterey County. The document provides guidelines for local jurisdictions for a variety of design concepts that include land use densities and mix of land uses, parking management, roadway network design, and pedestrian and bicycle systems. This document is relevant to the project because of the proposed transit hub near Del Monte Boulevard at the western border of the project area. *This manual will be used as resource for accommodating existing transit lines (10, 11, and 20) and potential future transit access to the project site at the planned Multi-Modal Transit Station.*

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\* Note: The Draft EIR incorrectly identified the figure number. The Draft EIR should have referenced "Figure 4.11-2b" here. There was no Figure 4.11.3 within the Draft EIR.

**Page 4.13-24, the second paragraph of Mitigation 4.13-1c has been revised to read:**

Project buildout would exacerbate unacceptable LOS D operations at the intersection of Fremont Boulevard/Canyon Del Rey Boulevard (SR 218). Providing an exclusive eastbound right-turn lane on the Canyon Del Rey (SR 218) approach would improve operations to LOS C and intersection delay during the PM peak period would be reduced to levels lower than existing conditions.

**Page 4.13-27, the first paragraph has been revised as follows:**

As shown in Table 4.13-7, implementation of traffic signals at the Canyon Del Rey Boulevard (SR 218)/SR 1 Northbound Ramp and the General Jim Moore Boulevard/Broadway Avenue intersections would improve the LOS at these locations. After the existing conditions analysis was completed in 2007, a traffic signal was installed at the Canyon Del Rey (SR 218)/State Route 1 Northbound Ramp intersection. Since this mitigation has already been incorporated, project impacts to this intersection have already been reduced to a less-than-significant level. However the need for a traffic signal still remains at the General Jim Moore Boulevard/Broadway Avenue intersection.

**Page 4.13-27, Impact and Mitigation 4.13-3 have been revised as follows:**

**Impact 4.13-3: Implementing the project would increase peak period traffic volumes to levels exceeding the capacity of freeway segments. (Significant)**

- During the AM and PM peak period project traffic would degrade already unacceptable LOS along the following segments of SR1. Northbound SR 1 from SR 218 to Fremont Boulevard (during the PM peak period, the LOS degrades existing unacceptable LOS D conditions to LOS E)
- Southbound SR 1 from SR 218 to Fremont Boulevard (during the AM peak period, the project exacerbates existing unacceptable LOS D conditions)
- Northbound SR 1 from SR 218 to Del Monte (during the PM peak period, the project exacerbates existing unacceptable LOS E conditions)
- Southbound SR 1 South from SR 218 to Del Monte (during the AM peak period, the project exacerbates LOS E operations)
- Southbound SR 1 weaving segment between Canyon Del Rey Boulevard (SR 218) and Del Monte Boulevard (during the AM peak period, the project exacerbates LOS D operations)

Levels of service on the remaining freeway study segments would continue, with the addition of the project, to operate at acceptable LOS conditions (LOS C or better).

Widening SR 1 as listed under **Mitigation Measure 4.13-1** would reduce project impacts to SR 1 northbound from SR 218 to Fremont Boulevard, and SR 1 southbound from SR 218 to Fremont Boulevard to a less than significant level.

Widening SR 1 would improve operations at these locations to acceptable LOS C or better.

Widening of SR1 from Fremont Boulevard and Canyon Del Rey Boulevard (SR 218) from a two-lane facility to a three-lane facility is included in the Regional Transportation *Plan*. ~~Impact Fee Program that TAMC adopted in August, 2008. As new projects in Monterey County are developed, applicants will pay towards the construction of regional improvements listed in the Regional Transportation Impact Fee Program. When enough funds are available, transportation improvements identified in the plan, such as the widening of SR 1 are constructed.~~ *In order to mitigate impacts to SR1 to a less than significant level SR1 would need to be widened to 6 lanes between Canyon Del Rey Boulevard (218) and Del Monte Boulevard. Although widening of SR 1 is planned as part of TAMC's Regional Transportation Impact Fee Program, this improvement is not planned to the extent necessary to fully mitigate project impacts. Therefore, cumulative impacts would remain significant.*

**Mitigation Measure 4.13-3:** ~~In order to mitigate impacts to SR1 to a less than significant level SR1 would need to be widened to 6 lanes between Canyon Del Rey Boulevard (218) and Del Monte Boulevard. Individual development applicants shall pay Regional Development Impact Fees as established by TAMC. Payment of these fees will ensure that regional transportation needs, such as the partial widening of SR 1, will be implemented.~~

~~Although widening of SR 1 is planned as part of TAMC's Regional Transportation Impact Fee Program, this improvement is not planned to the extent necessary to fully mitigate project impacts. As a result, payment of TAMC fees does not ensure implementation of the improvements necessary to mitigate impacts to SR 1 to less than significant levels. As a result, project impacts to SR 1 would remain significant after mitigation.~~

**Significance After Mitigation:** Significant and unavoidable.

**Page 4.13-32, the Cumulative Impacts discussion has been revised as follows:**

### **Cumulative Impacts**

**Impact 4.13-5: Cumulative conditions would result in unacceptable levels of service at several signalized intersections. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load at the impacted intersections. (Significant)**

**Table 4.13-9** presents the LOS calculation results for the signalized study intersections under cumulative (2027) conditions both with and without the project. Cumulative with project traffic volumes are shown in **Figure 4.13-4**.

**Table 4.13-9 Cumulative (2027) Signalized Intersection LOS**

Intersection	Traffic Control	Peak Period	Without Project		With Project		
			Average <sup>a</sup> Delay	LOS <sup>b</sup>	Average Delay	LOS	Δ in Delay
<b>1. Fremont Boulevard/SR 1 Southbound Ramp/ Monterey Road</b>	<b>Signal</b>	<b>AM PM</b>	<b>73.9</b> <b>102.6</b>	<b>E</b> <b>F</b>	<b>75.0</b> <b>104.5</b>	<b>E</b> <b>F</b>	<b>1.1</b> <b>1.9</b>
3. Del Monte Boulevard/Tioga Avenue	Signal	AM PM	15.2 19.2	B B	15.0 19.4	B B	-0.2 0.2
4. Fremont Boulevard/Echo Avenue	Signal	AM PM	8.2 9.2	A A	8.1 9.3	A A	-0.1 0.1
5. Del Monte Boulevard/Clementina Avenue	Signal	AM PM	4.6 6.0	A A	4.6 6.0	A A	0.0 0.0
6. Del Monte Boulevard/Contra Costa Street	Signal	AM PM	31.7 11.3	C B	34.2 26.4	C C	N/A
7. Del Monte Boulevard/Broadway Avenue	Signal	AM PM	12.4 13.7	B B			
8. Fremont Boulevard/Broadway Avenue	Signal	AM PM	30.2 35.3	C D	30.8 34.8	C C	0.6 -0.5
10. Canyon Del Rey Boulevard (SR 218) /SR 1 Southbound Ramp	Signal	AM PM	33.8 25.2	D C	35.6 26.5	D C	1.8 1.3
11. Canyon Del Rey Boulevard (SR 218)/State Route 1 Northbound Ramp	Signal	AM PM	8.2 8.9	A C	8.4 9.3	A A	0.2 0.4
<b>12. Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218)</b>	<b>Signal</b>	<b>AM PM</b>	<b>37.4</b> <b>44.8</b>	<b>D</b> <b>D</b>	<b>37.8</b> <b>45.6</b>	<b>D</b> <b>D</b>	<b>0.4</b> <b>0.8</b>
14. Canyon Del Rey Boulevard (SR 218)/Sonoma Avenue	Signal	AM PM	10.2 16.7	B B	10.6 16.9	B B	0.4 0.2
<b>16. Canyon Del Rey Boulevard (SR 218)/Fremont Boulevard</b>	<b>Signal</b>	<b>AM PM</b>	<b>36.7</b> <b>48.4</b>	<b>D</b> <b>D</b>	<b>37.7</b> <b>48.9</b>	<b>D</b> <b>D</b>	<b>1.0</b> <b>0.5</b>

<sup>a</sup> Whole intersection weighted average total delay for signalized and all-way stop-controlled intersections (expressed in seconds per vehicle). For side-street stop controlled intersections, delays for worst movement and average intersection delay are shown: worst movement (intersection average).

<sup>b</sup> LOS calculations performed using the 2000 Highway Capacity Manual - Special Report 209 delay methods for signalized and unsignalized intersections. Delays greater than 90 seconds are not reported because the methodology is inaccurate at this level.

Unacceptable operations are indicated in bold type, and significant impacts are indicated in bold italic type

Source: Fehr & Peers, 2008

As shown in **Table 4.13-9**, significant cumulative traffic impacts would occur at three signalized intersections since the future LOS at these intersections would be below the Caltrans standard of LOS C. This would be a significant cumulative impact.

The impacted intersections are:

<u>AM Peak Period</u>	<u>PM Peak Period</u>
Fremont Boulevard/SR 1 Southbound Ramp/Monterey Road	Fremont Boulevard/SR 1 Southbound Ramps/Monterey Road
Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218)	Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218)
	Canyon Del Rey Boulevard (SR 218)/Fremont Boulevard

As shown in **Table 4.13-9**, the project would contribute to traffic delays at the three impacted intersections, representing a considerable contribution to cumulative traffic impacts. Intersection improvements, identified in Mitigation Measure 4.13-5 would reduce project impacts at these intersections.

Developments within the Specific Plan area will be responsible for mitigation of their fair share of identified cumulative impacts. These cumulative impacts will be partially addressed through payment of TAMC's regional impact fees adopted by the City of Seaside in August 2008. The City shall also, to the extent legally permissible, impose project-specific ad-hoc exactions to address cumulative impacts within the City's jurisdiction that are not mitigated through the TAMC fee. These ad-hoc exactions may take the form of either required improvements, ad-hoc development fees adopted pursuant to the Mitigation Fee Act, Government Code Section 66000, et seq., or a combination of both. Nonetheless, because the precise scope of work, cost, and timing for the improvements is uncertain, there is no guarantee that these identified improvements will be constructed prior to the project's cumulatively significant impact on one of the three impacted intersections identified above. In the absence of more precise information regarding the funding and timing of improvements, the cumulative impact remains significant. A number of intersection improvements could be made to improve the LOS and decrease the severity of the impact at affected signalized intersections. For this analysis, each impacted intersection was reviewed separately to determine the appropriate mitigation measures.

Fremont Boulevard/State Route 1/Monterey Road

~~Future developments (including the project) would be responsible for contributing their fair share of the measures necessary to improve traffic conditions at the Fremont Boulevard/State Route 1 Southbound Ramp/Monterey Road intersection. If funded, implementation of **Mitigation Measure 4.13-1a**, as previously discussed under the heading **Project Impacts**, would reduce cumulative impacts at this intersection. Should **Mitigation Measure 4.13-1a** be constructed, the AM and PM peak period LOS at this intersection would improve to an acceptable LOS C or better. However, as the City has no established mitigation fee program, there is no certainty that the improvements in Mitigation Measure 4.13-1a would be constructed. Therefore, the cumulative impact would be significant.~~

### Del Monte Boulevard/Canyon Del Ray Boulevard Intersection

~~Future developments (including the project) would be responsible for contributing their fair share of the measures necessary to improve traffic conditions at the Del Monte Boulevard/Canyon Del Ray Boulevard intersection. If funded, implementation of **Mitigation Measure 4.13 1b** as previously discussed under the heading **Project Impacts**, would reduce cumulative impacts at this intersection. After mitigation the AM and PM peak period LOS at the Del Monte Canyon Del Ray Boulevard Intersection would remain unacceptable at LOS D. Although the cumulative impact would remain significant, **Mitigation Measure 4.13 1b** would improve the peak period intersection delay over the cumulative without project scenario. **Mitigation Measure 4.13 1b** includes construction of a pocket extension that would require right of way acquisition on the west side of Del Monte Boulevard near the existing Starbucks coffee shop. Since at the time of writing the City does not have plans to acquire additional right of way for construction of the pocket extension, and there is no established mitigation fee program to collect the funding necessary to finance such improvements, there is no certainty that this improvement would be constructed. Therefore, the cumulative impact would be significant.~~

### Fremont Boulevard/Canyon Del Rey Boulevard (218)

~~**Mitigation Measure 4.13-5:** Provide an exclusive eastbound right turn lane on the Canyon Del Rey Boulevard (SR 218) approach to its intersection with Fremont Boulevard. *Address project impacts to the Fremont Boulevard/Canyon Del Rey Boulevard intersection through any of the following methods:*~~

~~Two methods could be used to implement this mitigation measure:~~

- ~~a) *Provide an exclusive eastbound right-turn lane on the Canyon Del Rey Boulevard (SR 218) approach. This would require some right-of-way acquisition on the south side of Canyon Del Rey Boulevard and taking some land from the abutting park at the southwestern corner of the intersection.*~~
- ~~b) Provide an exclusive westbound right-turn lane on the Canyon Del Rey Boulevard (SR 218) approach. This mitigation would require some right-of-way acquisition to provide sufficient width on Canyon Del Rey Boulevard (SR 218) to provide the additional westbound right-turn lane. This mitigation measure would reduce the intersection delay to better levels than under the cumulative without project scenario.~~
- ~~c) Provide a northbound right-turn overlap phase on the Fremont Boulevard approach. This mitigation measure would reduce the intersection delay to better levels than under the cumulative without project scenario. *Prohibit U-turns would be prohibited* for the westbound approach to allow for the opposing overlap phase to operate effectively.~~

~~Following implementation of either *any of these three* options, cumulative conditions at this intersection would remain at LOS D. *However, all three proposed mitigation options would maintain or improve upon the Cumulative*~~

No Project intersection delay. With any of the mitigation options, the seconds of delay would be reduced, although the LOS would remain at "D". While the mitigation measure above would represent some improvement, the cumulative impact would remain significant.

Moreover, As this these improvements is are not listed in the City's Capital Improvement Plan, its their eventual implementation is uncertain. Currently, the City does not have a citywide fee program, but can require ad-hoc fee exactions on a project by project basis. has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area. As such, The City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed here as mitigation measures. In adopting ad-hoc mitigation fees, t The City Resource Management Services Department shall identify the purpose of the fee, identify the use to which the fee is to be put, and, considering the nature of the proposed development and its related potential impact on transportation facilities, establish a reasonable nexus between the impacts of the project and the need for the improvement. All ad-hoc development fees will be collected and allocated pursuant to Government Code Section 66006. Ad-hoc exactions shall provide an offset for any TAMC fees imposed for the same identified improvements. consider the nature of any proposed development and its related potential impact on transportation facilities and thus, establish appropriate fair share mitigation on a project by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.

However, as the City has no established mitigation fee program, there is no certainty that the improvements would be constructed. Therefore, the cumulative impact would be significant.

Nonetheless, because of the uncertainty regarding the funding and timing for these improvements, and since cumulative conditions at this intersection would remain at LOS D even following implementation of these mitigation measures, the cumulative impact would remain significant.

**Impact 4.13-6: Cumulative conditions would result in unacceptable levels of service at one unsignalized intersection that would meet signal warrant requirements. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load at this impacted intersection. (Significant)**

**Table 4.13-10** presents the associated LOS calculation results for the unsignalized study intersections under cumulative conditions both with and without the project. Cumulative with project traffic volumes are shown in **Figure 4.13-5**.

**Table 4.13-10 Cumulative (2027) Unsignalized Intersection LOS**

Intersection	Traffic Control	Peak Period	Without Project		With Project		
			Average <sup>a</sup> Delay	LOS <sup>b</sup>	Average Delay	LOS	$\Delta$ in Delay
2. Fremont Boulevard/Del Monte Boulevard	Side-street stop	AM PM	18.6(1.3) 193.3(44.2)	C(A) F(E)	19.3(1.3) 207.4(46.0)	C(A) F(E)	0.7(0.0) 14.1(1.8)
9. General Jim Moore Boulevard/Broadway Avenue	All-way stop	AM PM	9.5 10.7	A B	9.4 10.3	A B	-0.1 -0.4
13. Canyon Del Rey Boulevard (SR 218)/Amador Avenue	Side-street stop	AM PM	10.4(0.1) 10.7(0.1)	B(A) B(A)	10.4(0.2) 10.8(0.1)	B(A) B(A)	0.0(0.1) 0.1(0.0)
15. Canyon Del Rey Boulevard (SR 218)/Harcourt Avenue	Side-street stop	AM PM	15.3(1.4) 34.2(1.5)	C(A) D(A)	28.8(1.3) 63.6(1.2)	D(A) F(A)	13.5(-0.1) 29.4(-0.3)

<sup>a</sup> Whole intersection weighted average total delay for signalized and all-way stop-controlled intersections (expressed in seconds per vehicle). For side-street stop controlled intersections, delays for worst movement and average intersection delay are shown: worst movement (intersection average).

<sup>b</sup> LOS calculations performed using the 2000 Highway Capacity Manual - Special Report 209 delay methods for signalized and unsignalized intersections. Delays greater than 90 seconds are not reported because the methodology is inaccurate at this level.

Unacceptable operations are indicated in bold type, and significant impacts are indicated in bold italic type.

Source: Fehr & Peers, 2008

As shown in **Table 4.13-10**, significant cumulative traffic impacts would occur at two unsignalized intersections where the LOS would be below the Caltrans standard of LOS C. This would be a significant cumulative impact.

The impacted intersections are:

<u>AM Peak Period</u>	<u>PM Peak Period</u>
None	Fremont Boulevard/Del Monte Boulevard Harcourt Avenue/Canyon Del Rey Boulevard (SR 218)

Consistent with the Seaside General Plan policies, the traffic analysis included a review of these intersections to determine if estimated future traffic levels would warrant the installation of traffic signals as a possible means of mitigation.

The intersection of Canyon Del Rey Boulevard (SR 218)/Harcourt Avenue would not meet the minimum threshold for the peak period signal warrant during either peak period. As discussed in Section 4.13.4, the General Plan does not consider impacts at an unsignalized City intersection to be significant unless the MUTCD

peak period volume signal warrant is met. Under these guidelines, the deteriorated conditions of this intersection would not be considered significant, and therefore mitigation is not required.

Since the Fremont Boulevard/Del Monte Boulevard would operate at an unacceptable LOS and meet signal warrants, a significant cumulative impact would occur at this intersection. As shown in **Table 4.13-10**, the project would contribute traffic delays at the Fremont Boulevard/Del Monte Boulevard intersection, representing a considerable contribution to cumulative traffic impacts. **Mitigation Measure 4.13-5** has been identified to reduce this impact.

**Mitigation Measure 4.13-6:** Signalize the intersection of Fremont Boulevard and Del Monte Boulevard.

Under cumulative conditions with and without the project, the intersection of Fremont Boulevard/Del Monte Boulevard would operate at LOS F. Signalization of this intersection would improve LOS conditions to an acceptable level (LOS B/C), reducing cumulative impacts to a less than significant level.

~~*Developments within the Specific Plan area would be responsible for mitigation of cumulative impacts and collection of the TAMC's regional impact fees as part of the regional fee program adopted by the City of Seaside in August 2008. Payment of these fees is the agency's preferred mitigation for cumulative impacts. Signalization of the intersection through the payment of these fees would reduce the cumulative impact to a less than significant level. At present, there is no plan to fund this signalization. Until and unless the signalization is programmed in a Capital Improvement Plan or similar City plan, the implementation of this signalization cannot be guaranteed or assumed. In the absence of the inclusion of this in a Capital Improvement Plan or similar document, this mitigation assumes that the costs for this project would be borne by the proponents of new development in the project area that would increase traffic in the project area and thus necessitate this improvement.*~~

~~Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area.~~

~~As such, the City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed here as mitigation measures. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on transportation facilities and thus, establish appropriate fair share mitigation on a project by project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and~~

~~shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.~~

~~However, as the City has no established mitigation fee program, there is no certainty that the improvement would be constructed. Therefore, the cumulative impact would be significant.~~

**Impact 4.13-7: Cumulative conditions would result in unacceptable levels of service at all study freeway segments. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load on the impacted freeway segments. (Significant)**

The results in **Table 4.13-11** indicate significant cumulative impacts would occur at all studied freeway segments since they would operate at unacceptable conditions during either the AM or PM peak period in 2027. As shown in **Table 4.13-11**, the project would contribute to future traffic volumes, representing a considerable contribution to cumulative traffic impacts.

In addition to the segments of SR1 identified in **Table 4.13-11**, the SR1 weaving segment studied in this analysis (the southbound weaving segment of SR1 between Canyon Del Rey Boulevard (SR 218) and Del Monte Boulevard) would experience cumulative traffic impacts. The project is projected to considerably contribute to this impact since it would exacerbate unacceptable LOS F and LOS E operations during the morning and evening peak periods, respectively.

Widening of SR1 from Fremont Boulevard and Canyon Del Rey Boulevard (SR 218) from a two-lane facility to a three-lane facility is included in the Regional Transportation Impact Fee Program that TAMC adopted in August, 2008. As new projects in Monterey County are developed, applicants will pay towards the construction of regional improvements listed in the Regional Transportation Impact Fee Program. When enough funds are available, transportation improvements identified in the plan, such as the widening of SR 1 would be constructed. ~~Implementing **Mitigation Measure 4.13-3**, which requires individual development applicants to pay Regional Development Impact Fees as established by TAMC would mitigate a portion of the project's contribution to cumulative impacts on SR1.~~

Although widening of SR 1 is planned as part of TAMC's Regional Transportation Impact Fee Program, this improvement is not planned to the extent necessary to fully mitigate project impacts. As a result, payment of TAMC fees would not ensure construction of the improvements necessary to reduce ~~the project's contribution to cumulative impacts to less than significant levels. The project's contribution to this cumulative impact remains significant after mitigation.~~

**Table 4.13-11 Cumulative (2027) Freeway Segments LOS**

State Route 1 Freeway Segment	Traffic Control	Peak Period	Without Project			With Project			
			Volume	Density <sup>A</sup>	LOS <sup>B</sup>	Volume	Density	LOS	Project Trips <sup>C</sup>
Fremont Blvd to Ord Main Entrance (Northbound)	6-Lane Freeway	AM	<b>3,227</b>	<b>17.8</b>	<b>B</b>	<b>3,243</b>	<b>17.8</b>	<b>B</b>	<b>16</b>
		PM	6,916	-	<i>F</i>	6,939	-	<i>F</i>	23
Ord Main Entrance to Fremont Blvd (Southbound)	6-Lane Freeway	AM	5,859	35.2	E	5,878	35.4	<i>E</i>	19
		PM	4,710	26.1	D	4,723	26.2	<i>D</i>	13
SR 218 to Fremont Blvd (Northbound)	4-Lane Freeway	AM	<b>2,789</b>	<b>23</b>	<b>C</b>	<b>2,795</b>	<b>23.1</b>	<b>C</b>	<b>6</b>
		PM	6,045	-	<i>F</i>	6,054	-	<i>F</i>	9
Fremont Blvd to SR 218 (Southbound)	4-Lane Freeway	AM	4,965	-	F	4,973	-	<i>F</i>	8
		PM	4,031	37.3	E	4,036	37.4	<i>E</i>	5
Del Monte Blvd to SR 218 (Northbound)	4-Lane Freeway	AM	<b>2,953</b>	<b>24.4</b>	<b>C</b>	<b>2,972</b>	<b>24.6</b>	<b>C</b>	<b>19</b>
		PM	6,040	-	<i>F</i>	6,053	-	<i>F</i>	13
SR 218 to Del Monte Blvd (Southbound)	4-Lane Freeway	AM	5,476	-	F	5,492	-	<i>F</i>	16
		PM	4,416	-	<i>F</i>	4,439	-	<i>F</i>	23

<sup>A</sup> Density in passenger vehicles per mile per lane (veh/mi/ln). Densities greater than 45 veh/mi/ln result in a breakdown in traffic flow and LOS F conditions.

<sup>B</sup> Freeway LOS analyzed using HCS+ software package that in addition to freeway volumes, incorporates location-specific characteristics, including posted speed limit, percent of truck and bus traffic, and type of terrain.

<sup>C</sup> Number of project trips added to the cumulative without project freeway volumes to calculate total cumulative with project volumes.

Unacceptable operations are indicated in bold type, and significant impacts are indicated in bold & italic type.

Source: Fehr & Peers, 2008

**Impact 4.13-8: Under cumulative conditions, the narrowing of West Broadway Avenue would result in increased traffic congestion during limited time periods. Overall the narrowed roadway would accommodate the increased traffic flow. (Significant)**

The purpose of the project is to create a pedestrian-friendly Urban Village. This concept includes increasing public transit, bicycle, and pedestrian use while decreasing automobile traffic. As part of this plan, a reconfiguration of West Broadway Avenue is proposed, as described in detail within **Chapter 3, Project Description**, and shown in **Figure 3.8**.

The project would narrow West Broadway Avenue from 4 lanes to 2 lanes. The traffic analysis examined the existing and year 2027 traffic volumes on West Broadway Avenue to determine if a two-lane facility could accommodate the projected traffic volumes, or if the narrowing would result in traffic diversion from West Broadway Avenue to other routes.

Existing roadway volumes were collected over a 24-hour period on Broadway Avenue for seven consecutive days. **Table 4.13-12** summarizes the average daily traffic (ADT) volumes for the seven-day analysis period.

Existing evening peak period roadway volumes represent approximately eight percent of daily volumes. This same relationship between peak period and daily volumes was applied to cumulative (2027) turning movement volumes at the intersections of West Broadway Avenue/Del Monte Boulevard and West Broadway Avenue/Fremont Boulevard were used to estimate West Broadway Avenue’s cumulative daily roadway volumes. Existing volumes were increased by 30 percent to estimate cumulative roadway volumes for West Broadway Avenue. The results of this analysis are shown in **Table 4.13-12**.

**Table 4.13-12 Broadway Avenue 24-Hour Traffic Volumes**

Day of Week	Existing Conditions (2007) 4 Lanes		Cumulative (2027) With Project 2 Lanes	
	Daily Volume	LOS	Daily Volume	LOS
Saturday (August 11, 2007)	10,802	A	14,043	C
Sunday (August 12, 2007)	8,375	A	10,888	A
Monday (August 13, 2007)	13,383	A	<b>17,398</b>	<b><i>E</i></b>
Tuesday (August 14, 2007)	13,296	A	<b>17,285</b>	<b><i>E</i></b>
Wednesday (August 15, 2007)	13,550	A	<b>17,616</b>	<b><i>E</i></b>
Thursday (August 16, 2007)	13,432	A	<b>17,462</b>	<b><i>E</i></b>
Friday (August 17, 2007)	14,966	A	<b>19,455</b>	<b><i>F</i></b>
Average Daily	12,544	A	<b>16,307</b>	<b><i>E</i></b>

Note: LOS based on thresholds presented in Circulation Element of Seaside General Plan, August 2003. Unacceptable operations are indicated in bold type, and significant impacts are indicated in bold & italic type. Source: Fehr & Peers, 2008.

This reconfiguration would have the benefit of enhancing access and mobility for pedestrians, bicyclists and transit user. Auto access and mobility would be retained, albeit at lower speeds. Existing LOS A conditions on West Broadway Avenue are reflective of the relative low level of development, activity, and investment in the project area.

Overall, the proposed reconfiguration of West Broadway Avenue would be able to accommodate projected traffic volumes. However, as shown in **Table 4.13-12**, cumulative conditions would result in significant weekday impacts to West Broadway Avenue since the LOS would decrease from acceptable LOS A to unacceptable LOS E and F. The project’s contribution to this cumulative effect would be considerable insofar as the project would result in both the reconfiguration of the street and increased traffic volumes. Please also see Section 4.11, Public Services, where emergency access along the West Broadway Avenue corridor is discussed.

Mitigation to reduce the project's impact could include eliminating reconfiguration of West Broadway Avenue, which is a central feature of one of the three alternatives to the project evaluated in **Chapter 5.0, Alternatives**, of this EIR. While the elimination of the reconfiguration would reduce projected traffic impacts, it would not meet the goals or intent of the project. The cumulative impact would be significant.

### 3.2 REVISIONS TO FIGURES

**Figure 4.11-3, Conceptual Designs Revised Cross Sections**, has been added to Chapter 4.11, Public Services, to show the new conceptual street sections for West Broadway Avenue. This figure shows the modified street widths for travel lanes and removes all references to any "raised median" or "pedestrian promenade".

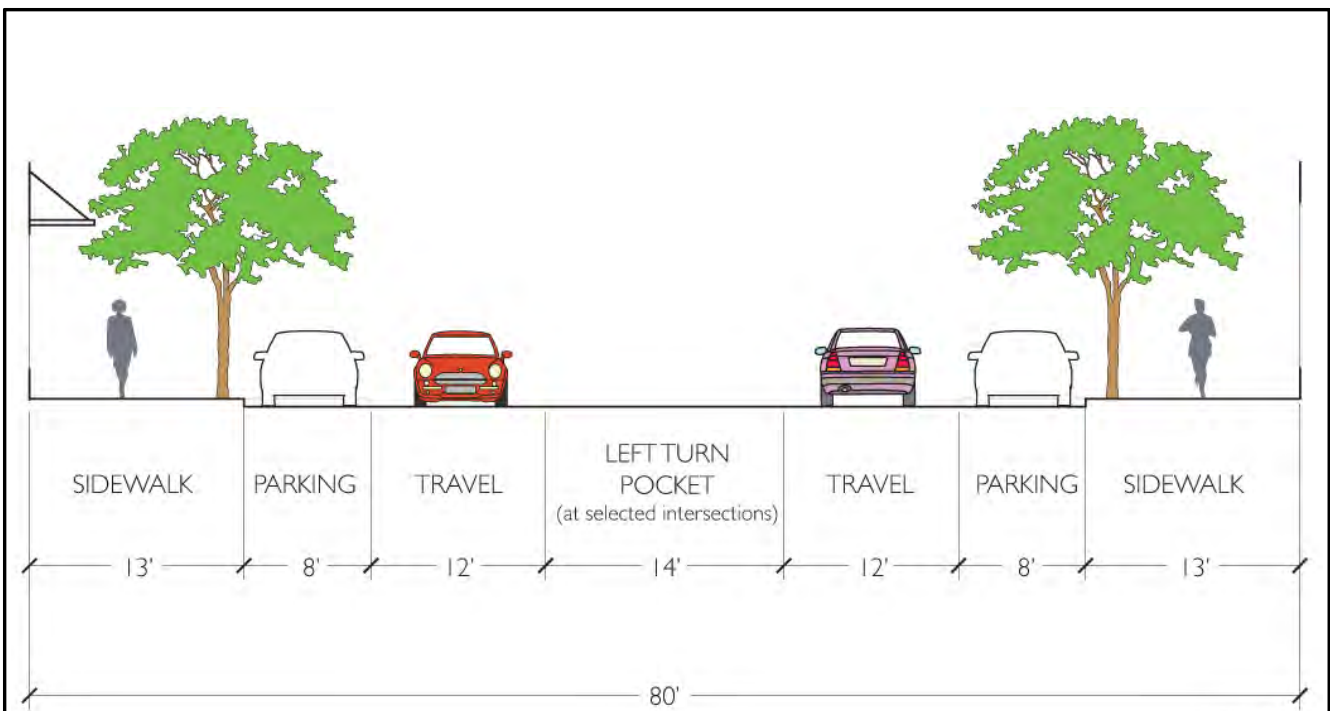


Figure 4.11-3a. Typical West Broadway Avenue Section (for illustrative purposes only)

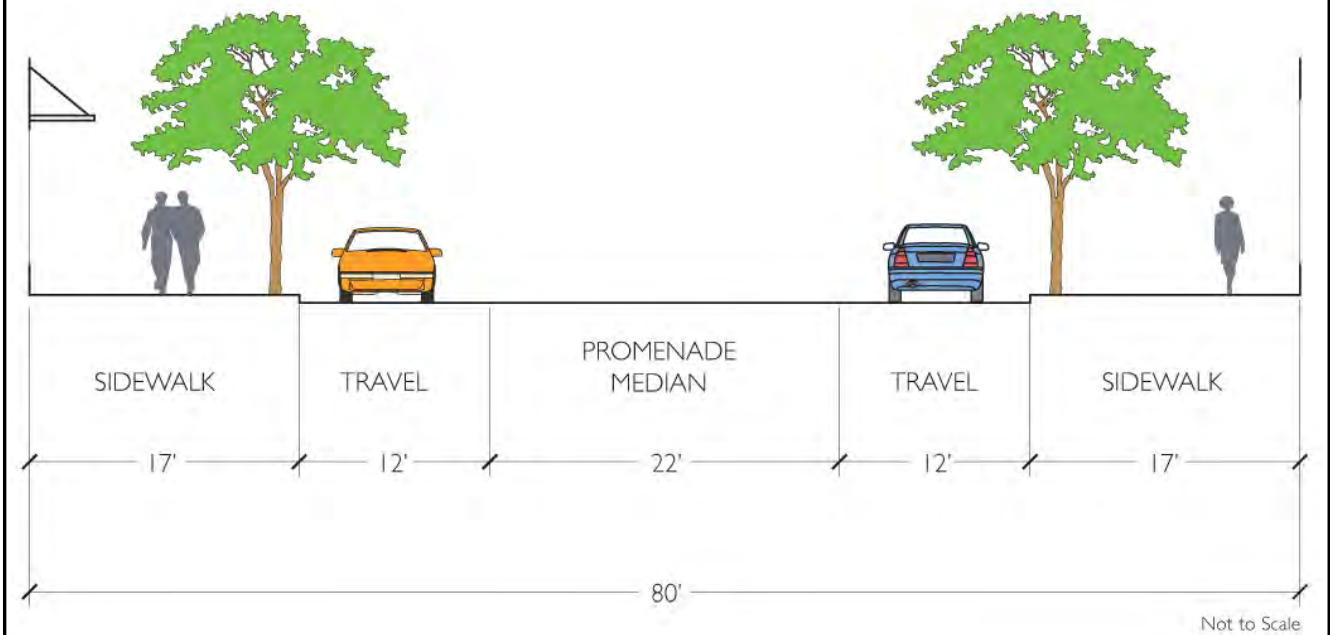


Figure 4.11-3b. Typical West Broadway Avenue Section Between Hillsdale and Alhambra (for illustrative purposes only)

## CHAPTER 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>4.1 Aesthetics</b>					
<b>4.1-3</b>	The project would allow building heights of up to eight stories, potentially creating new shadow patterns in the project area that could adversely affect the visual character of surrounding development.	<b>Mitigation Measure 4.1-3:</b> Prior to the issuance of land use or building permits for the proposed development projects that include buildings greater than five stories in height, the City Resource Management Services Department shall confirm that the project applicant(s) have performed shadow studies to identify the potential for impacts resulting from shadows cast onto adjacent or non-contiguous private properties containing existing developments. The City Resource Management Services Department shall ensure that shadow minimization and/or avoidance measures included in any shadow studies are incorporated into development plans as conditions of project approval or as mitigation measures within project-level environmental documentation. Such strategies may include, but are not limited to recommended alterations in site planning, building design, or building composition.	City Resource Management Services Department	Prior to issuance of land use or building permits	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>4.2 Air Quality and Global Climate Change</b>					
<b>4.2-3</b>	Construction activities would involve heavy-duty off-road equipment and large trucks resulting in emissions of diesel particulate matter and NO <sub>x</sub> .	<p><b>Mitigation Measure 4.2-3:</b> Specific projects that would be located within 200 feet of occupied sensitive receptors, such as residences, shall submit a construction emission analysis that identifies project-specific mitigation measures that reduce impacts to less than significant levels. Prior to the issuance of building, grading, and/or demolition permit approvals within the project area; the City Resource Management Service Department shall review the analysis and mitigation measures to ensure that the identified mitigation measures reduce impacts to less than significant levels. Any demolition or deconstruction of structures is subject to Air District Rule 439, Building Removals. Demolition is subject to District Rule 424, NESHAPS. Both rules are subject to the Air District's enforcement authority.</p> <p>Mitigation shall include some or all of the following future Best Management Practices as appropriate in project area development approvals. Mitigation measures for project-specific development, may include, but are not limited to the following types of Best Management Practices:</p> <ul style="list-style-type: none"> <li>All off-road construction vehicles/equipment greater than 100 horsepower that would be used on site for more than one week shall: 1) be manufactured during or after 1996, and 2) shall meet the NO<sub>x</sub> emissions standard of 6.9 grams per brake-horsepower hour. Alternatively, the project shall implement a combination of the following emission reduction measures on some or all of the above described vehicles equipment, subject to approval by the MBUAPCD:</li> </ul>	City Resource Management Service Department	Prior to issuance of building, grading, and/or demolition permit approvals and during construction	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
4.2-4	Construction activities would temporarily increase PM <sub>10</sub> concentrations above acceptable levels.	<p><b>Mitigation Measure 4.2-4:</b> Dust impacts shall be reduced by implementing dust control measures. Prior to the issuance of building, grading, and/or demolition permit approvals within the project area, the City Resource Management Service Department shall ensure that project applicants adequately incorporate dust control measures, to reduce impacts to less than significant levels. Mitigation measures for project-specific development, may include, but are not limited to the</p> <ul style="list-style-type: none"> <li>i. Use Alternative fuels (such as biodiesel blends),</li> <li>ii. Require diesel particulate matter filters on equipment,</li> <li>iii. Require diesel oxidation catalyst on equipment.</li> <li>• The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).</li> <li>• The construction contractor shall enforce state required idle restrictions. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite and staged away from residential areas.</li> <li>• Properly tune and maintain equipment for low emissions.</li> <li>• Stage large diesel powered equipment at least 100 feet from any active land uses (e.g., residences).</li> <li>• Limit the hours of operation for heavy-duty equipment to daytime periods, which shall be specified as part of the individual project emission analyses.</li> </ul>	City Resource Management Service Department	Prior to the issuance of building, grading, and/or demolition permit approvals	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>following types of Best Management Practices:</p> <ul style="list-style-type: none"> <li>• Limit grading activity to a maximum of 8.1 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. Such an assessment would have to be conducted using appropriate assumptions and mitigation measures.</li> <li>• Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to existing businesses shall 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.</li> <li>• Trucks hauling loose dirt, sand or loose materials shall be covered and should also maintain at least two feet of freeboard.</li> <li>• 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.</li> <li>• Use “wet sweepers” to sweep daily all paved access roads, parking areas and staging areas at construction sites.</li> <li>• Use “wet sweepers” to sweep streets daily if visible soil material is deposited onto the adjacent roads.</li> <li>• Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).</li> </ul>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
4.2-8	Restaurants that may be included in the project area could be in close proximity to residential areas and could generate odors affecting nearby residents.	<ul style="list-style-type: none"> <li>• Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles.</li> <li>• Limit traffic speeds on unpaved roads to 15 mph.</li> <li>• Replant vegetation in disturbed areas as quickly as possible.</li> <li>• Suspend excavation and grading activity when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site.</li> <li>• Cover inactive storage piles</li> </ul> <p>The combined effect of the above Best Management Practices, would limit the amounts of land permitted to be graded within a single day and would implement multiple means to reduce the potential generation of dust.</p>	City Resource Management Service Department	Prior to issuance of building, grading, and/or demolition permit approvals	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
4.2-9	Project development would increase automobile and energy use over existing levels, generating additional GHG emissions that could inhibit local efforts to reduce GHG emissions to 1990 levels as mandated by AB 32.	<p><b>Mitigation Measure 4.2-9:</b> In order to further reduce greenhouse gas emissions, City Resource Management Services Department shall ensure that project applicants include appropriate mitigation in their applications for future projects within the project area. This mitigation may include but is not limited to the following measures (adapted from guidance published by the California Attorney General), as to be determined by the City Resource Management Services Department:</p> <p><u>Energy Efficiency and Non-Fossil Fuel Energy Measures</u></p> <ul style="list-style-type: none"> <li>• Design buildings to be energy efficient. Specifically, buildings shall exceed Title 24 energy efficiency standards by 20 percent. Buildings shall take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use. Applicant should consider pursuing Leadership in Energy and Environmental Design (LEED) Platinum Certification.</li> <li>• Install light colored cool pavements, and strategically placed shade trees.</li> <li>• Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.</li> <li>• Limit the hours of operation of outdoor lighting.</li> <li>• Use solar heating, automatic covers, and efficient pumps and motors for pools and spas associated with any proposed hotel pools and spas.</li> <li>• Project shall orient 75 percent or more of homes and/or buildings to face either north or south (within 30° of N/S). Building design includes roof</li> </ul>	City Resource Management Service Department	Prior to building permit approval	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>overhangs that are sufficient to block the high summer sun, but not the lower winter sun, from penetrating south facing windows. Trees, other landscaping features and other buildings are sited in such a way as to maximize shade in the summer and maximize solar access to walls and windows in the winter.</p> <p><i>Water Conservation and Water Use Efficiency Measures</i></p> <ul style="list-style-type: none"> <li>• Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.</li> <li>• Restrict the use of water for cleaning outdoor surfaces and vehicles.</li> <li>• Coordinate the design of landscaped areas with the project's stormwater management plan to promote biofiltration, infiltration, reduce impervious surfaces and treat stormwater runoff from at least 90 percent of the average annual rainfall.</li> <li>• Develop a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.</li> </ul> <p><i>Transportation and Traffic Demand Management Measures</i></p> <ul style="list-style-type: none"> <li>• Provide public transit incentives such as free or low-cost monthly transit passes.</li> <li>• Provide safe and convenient bicycle/pedestrian</li> </ul>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>access to transit stop(s) and provides essential transit stop improvements (i.e., shelters, route information, benches, and lighting).</p> <ul style="list-style-type: none"> <li>• Limit idling time for commercial vehicles, including delivery and construction vehicles.</li> <li>• If available at the time of issuance of the first certificate of occupancy for the project, the applicant shall provide for permanent Transportation Management Association (TMA) membership and funding requirement. Funding to be provided by Community Facilities District or County Service Area or other non-revocable funding mechanism. Transportation Demand Management Measures (TDMs) have been shown to reduce employee vehicle trips up to 28 percent with the largest reductions achieved through parking pricing and transit passes.</li> <li>• Provide on-site shops and services for employees.</li> <li>• Provide “end-of-trip” facilities including showers, lockers, and changing space (e.g., four clothes lockers and one shower provided for every 80 employee parking spaces, separate facilities for each gender for projects with 160 or more employee parking spaces).</li> <li>• Establish an employee and/or customer paid parking system, including a permanent and enforceable method of maintaining user fees for all parking facilities. To optimize the effectiveness, the facility shall not provide customer or employee validations, and daily charge for parking must be equal to or greater than the cost of a transit</li> </ul>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>day/monthly pass plus 20 percent.</p> <ul style="list-style-type: none"> <li>Provide parking reduction less than code. This measure can be readily implemented through a shared parking strategy, wherein parking is utilized jointly among different land uses, buildings, and facilities in an area that experience peak parking needs at different times of day and day of the week.</li> <li>Provide parking lot areas with 50 percent tree cover within 10 years of construction, in particular low emitting, low maintenance, native drought resistant trees. This measure reduces urban heat island effect and requirement for air conditioning, effective when combined with other measures (e.g., electrical maintenance equipment and reflective paving material).</li> </ul> <p><u>Miscellaneous</u></p> <ul style="list-style-type: none"> <li>Prohibit open wood burning fireplaces in the hotel units unless they are natural gas-fired or EPA certified wood heaters that meet EPA's particulates emission standard of 7.5 grams per hour.</li> </ul> <p><u>Carbon Sequestration</u></p> <ul style="list-style-type: none"> <li>Preserve existing trees, and plant replacement trees at a set ratio.</li> </ul> <p>The City Resource Management Services Department shall include any or all of these or other measures as conditions of project approval for projects within the project area. As appropriate, project applicants shall demonstrate that measures required for the life of the project are included in all applicable CC&amp;Rs, commercial center rules and regulations, and draft tenant lease agreements.</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>4.3 Biological Resources</b>					
<b>4.3-1</b>	Construction activities proposed by the project could potentially result in impacts to special-status plant species.	<p><b>Mitigation Measure 4.3-1:</b> Prior to the issuance of a grading permit for a development within the undeveloped parcels of the project area, the City Resource Management Services Department shall confirm that the permit applicant has retained a qualified botanist who has conducted focused surveys to determine the presence/absence of special-status plant species with potential to occur in the project area in full accordance with California Department of Fish and Game approved guidelines for conducting field surveys. Specifically, the guidelines are outlined in: <i>Guidelines for Assessing Effects of Proposed Developments on Rare Plants and Plant Communities</i>.</p> <p>These guidelines require rare plant surveys to be conducted at the proper time of year when rare or endangered species are both "evident" and identifiable. Field surveys shall be scheduled to coincide with known flowering periods, and/or during periods of phenological development that are necessary to identify the plant species of concern.</p> <p>If any special-status plant species are found within the project area from the implementation of the focused surveys, and cannot be avoided, a transplanting program shall be undertaken in coordination with a qualified City-approved botanist to move the plant(s) to suitable alternative habitat location. The botanist will be responsible for the program setup logistics, which should address common transplanting issues including holding facilities for salvaged plants, required labor and materials, appropriate salvaging</p>	City Resource Management Services Department	Prior to the issuance of a grading permit	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>techniques (per species requirements), and transplanting locations. The program may provide opportunities for local volunteers to get involved. There are currently no general guidelines for the creation and implementation of transplanting programs that could apply to all types of special-status species, as such, the City-appointed botanist shall use their best professional judgment to incorporate elements from other known successful transplanting programs as it pertains to the impacted plants within the project area.</p> <p>Special-status plant species that are identified adjacent to proposed ground-disturbing activities, but not to be disturbed by the project, shall be protected by barrier fencing to ensure that construction activities and material stockpiles do not impact any special-status plant species. These avoidance areas shall be identified on proposed improvement plans.</p>			
<b>Impact 4.3-2</b>	<p>Construction activities proposed by the project could potentially result in impacts to avian species.</p>	<p><b>Mitigation Measure 4.3-2:</b> If construction or tree removal on parcels of the project area is expected to occur during the typical nesting season (February-August), the City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur. The survey shall be conducted no more than 30 days prior to ground disturbance or tree removal and the results of the survey submitted to the City Resource Management Services Department immediately upon completion.</p> <p>If there is any lapse in construction activities, and construction resumes during the nesting season, the City</p>	<p>City Resource Management Services Department</p>	<p>No more than 30 days prior to ground disturbance or tree removal</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified biologist to conduct new surveys within 30 days of the re-initiation of construction activities. The results on the new surveys shall be submitted to the City Resource Management Services Department immediately upon completion.</p> <p>If nesting birds are found during the survey, an appropriate buffer shall be determined by the qualified biologist in coordination with the City Resource Management Services Department and established around the active nest. Any exclusionary fencing shall be established outside the proposed project footprint to prohibit project activity from entering into the buffer area for a time period appropriate for the species, as set forth by the qualified biologist. The exclusionary fencing shall ensure nesting species are avoided and allowed to complete their nesting cycle. All required buffers shall be shown on construction plans and submitted to the City Resource Management Services Department.</p> <p>If construction activities or tree removal are proposed to occur during the non-breeding season (September-January), a survey would not be required, nor any further studies or mitigation.</p>			
<b>Impact 4.3-3</b>	Construction activities proposed by the project could potentially result in impacts to special-status bat species.	Prior to the issuance of any City permits for tree removal, the City Resource Management Services Department shall confirm that the permit applicant(s) has retained a qualified biologist that to inspect buildings and/or trees for the presence of bat roosts. The qualified biologist shall conduct a survey shall be conducted between March 1 and July 31,	City Resource Management Services Department	Between March 1 and July 31, coincident with area roosting patterns and 30 days prior to removal of any	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>coincident with area roosting patterns. Surveys shall be considered valid for one year from the date of completion. The biologist shall submit his/her report to the City Resource Management Services Department for review.</p> <p>If no bat roosts are detected, then no further action is required if the trees and buildings are removed prior to the next breeding season (which starts on March 1 of each year). The City Resource Management Services Department shall ensure that the valid dates of any tree removal, grading, or building permits correspond to these terms.</p> <p>If removal is delayed, the City Resource Management Services Department shall confirm that the permit applicant has retained a qualified biologist that has conducted an additional pre-construction survey 30 days prior to removal of any trees or buildings to ensure that a new colony has not established itself. The biologist shall submit his/her report to the City Resource Management Services Department for review.</p> <p>If the biologist finds that a colony of bats is roosting on a tree or building proposed for demolition within the project area during the additional pre-construction survey, then the following mitigation shall be implemented to reduce the potential disturbance:</p> <ul style="list-style-type: none"> <li>• If a female or maternity colony of bats is found within the project area, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large tree not planned for</li> </ul>		<p>trees or buildings if removal is delayed</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>removal), a qualified wildlife biologist shall determine what physical and time-limited buffer zones shall be employed to ensure the continued success of the colony. The City Resource Management Services Department shall incorporate these buffer zones into the project construction plans as conditions of any tree removal, grading, and/or demolition permits.</p> <ul style="list-style-type: none"> <li>• Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).</li> <li>• If an active nursery roost is known to occur within the project area and the project cannot be conducted outside of the maternity roosting season, a qualified biologist shall develop and implement a plan to ensure that bats are excluded from the roosting site after July 31 and before March 1 and prior to the issuance of any tree removal, grading, and/or demolition permits to prevent the formation of maternity colonies. The City Resource Management Services Department shall incorporate such requirements into the project construction plan as conditions of the approval of any tree removal, grading, and/or demolition permit. A qualified bat specialist shall see that any remaining non-breeding bats shall be safely evicted from any affected project site(s).</li> </ul>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>4.4 Cultural Resources</b>					
<b>Impact 4.4-1</b>	Construction activities could adversely impact previously undiscovered archaeological resources.	<p><b>Mitigation Measure 4.4-1a:</b> If deposits of prehistoric or historic archeological materials are encountered during project construction activities, all work within 25 feet of the discovery shall be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 shall be contacted to assess the deposit(s), consult with culturally affiliated Native American organizations, and make recommendations.</p> <p>If deposits of prehistoric or historic archeological materials cannot be avoided by project activities, the City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified archeologist to evaluate the potential historic significance of the resource(s). If the deposits are recommended to be non-significant by a qualified archeologist, avoidance is not necessary. If the deposits are determined to be potentially significant by the qualified archeologist, the resources shall be avoided. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the qualified archaeologist, in coordination with the City Resource Management Services Department, and CEQA Guidelines §15126.4 (b)(3)(C), which requires implementation of a data recovery plan.</p> <p>The data recovery plan shall include provisions for adequately recovering all scientifically consequential information from and about any discovered archeological materials and include recommendations for the treatment of these resources. In-place preservation of the archeological</p>	City Resource Management Services Department	During construction	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>resource is the preferred manner of mitigating potential impacts, as it maintains the relationship between the resource and the archeological context. In-place preservation also reduces the potential for conflicts with the religious or cultural values of groups associated with the resource. Other mitigation options include, but are not limited to, the full or partial removal and curation of the resource.</p>			
		<p>The City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified archeologist for the preparation and implementation of the data recovery plan, which shall be conducted by prior to any additional earth-moving activities in the area of the resource. The recovery plan shall be submitted to the project applicant, the City Resource Management Services Department, and the Northwest Information Center. Once the recovery plan is reviewed and approved by the City Resource Management Services Department and any appropriate resource recovery completed, project construction activity within the area of the find may resume. A data recovery plan shall not be required for resources that have been deemed by the Northwest Information Center as adequately recorded and recovered by studies already completed.</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
Impact 4.4-2	Earth moving activities, particularly deep grading, have the potential to destroy Paleontological resources.	<p><b>Mitigation 4.4-1b:</b> Prior to the issuance of grading permits within the project area, the City Resource Management Services Department shall confirm that any development applicant has required all construction crews to undergo adequate training for the identification of federal or state-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources within the project area, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.</p> <p><b>Mitigation 4.4-2:</b> Prior to the issuance of grading or demolition permits, the City Resource Management Services Department, in coordination with a qualified Paleontologist, shall assess individual development project proposals within the Specific Plan area for the potential to destroy unique Paleontological resources. The City Resource Management Services Department shall require development proposals entailing significant earthworks or deep foundations with the potential to penetrate sedimentary rock layers to incorporate a study by a professional Paleontologist to assess the potential for damage of Paleontological resources. Should the Paleontologist determine that the proposal has the potential to damage resources, the Paleontologist shall provide detailed provisions for the protection of these resources. These provisions may include the complete avoidance of the resource, in-place preservation, and/or complete data recovery as discussed in Mitigation Measure 4.4-1a.</p>	City Resource Management Services Department	Prior to the issuance of grading permits	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>Impact 4.4-3</b>	Ground-disturbing activities could impact previously undiscovered human remains.	<p><b>Mitigation 4.4-3a:</b> On-going through project grading, demolition, and construction, if human remains are encountered during ground-disturbing activities within the project area, the project contractor and/or on-site supervisor shall provide certification to the City Resources Management Division that work within 25 feet of the discovery is stopped. The project contractor shall immediately notify the Monterey County Coroner (Coroner) upon the discovery of any human remains. At the same time, a qualified archaeologist meeting federal criteria under 36 CFR 61 shall be contacted by the project applicant(s) and project contractor, in coordination with the City Resources Management Division to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment or disposition, with proper dignity, of the remains and any associated grave goods. Upon completion of the assessment, the qualified archaeologist shall prepare a report documenting the background to the finds, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the City Resource Management Services Department, and the Northwest Information Center. Once the report is reviewed and approved by the City Resource Management Services Department, and any appropriate treatment completed, project construction activity within the area of the find may resume.</p>	City Resources Management Services Department	On-going through project grading, demolition, and construction	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>If the MLD does not make recommendations within 48 hours the project applicant(s) shall reinter the remains in an area of the property secure from further disturbance. If the project applicant(s) does not accept the MLD's recommendations, the applicant(s) or the MLD may request mediation by the Native American Heritage Commission.</p> <p><b>Mitigation 4.4-3b:</b> Prior to the issuance of grading permits, the project applicant(s) and project contractor shall ensure that all construction crews that work on the project undergo a training session to inform them of the presence and nature of federal or state-eligible cultural resources and the potential for previously undiscovered archaeological resources and human remains within the project area, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.</p>	<p>City Resources Management Services Department</p>	<p>Prior to the issuance of grading permits</p>	
<b>4.5 Geology</b>					
<b>Impact 4.5-1</b>	<p>Development envisioned by the project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death related to strong seismic shaking and liquefaction resulting in lateral spreading.</p>	<p><b>Mitigation Measure 4.5-1a:</b> Prior to the issuance of any building permits for construction within the project area, applicants of future development projects shall perform an assessment for potential seismic and geologic hazards. The assessment shall include a geotechnical report prepared by state-licensed Engineering Geologist and/or Civil Engineer. The recommendations contained in such geotechnical reports shall be reviewed and approved by the City of Seaside, Building Official and incorporated into grading and/or building plans for proposed development within the project area.</p>	<p>City Resources Management Services Department</p>	<p>Prior to the issuance of any building permits for construction</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
Impact 4.5-2	Development envisioned by the project could generate substantial soil erosion or the loss of topsoil due to the demolition of existing buildings and land clearance activities.	<p><b>Mitigation Measure 4.5-1b:</b> All developments within the project area shall be constructed in accordance with the most recent building codes and the most recent state seismic requirements for structural design of new development and redevelopment. Some general construction type options with good seismic energy absorbing properties include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Wood or timber frame;</li> <li>• Reinforced masonry walls;</li> <li>• Reinforced concrete walls; and</li> <li>• Steel frame with masonry fill-in walls</li> </ul> <p><b>Mitigation Measure 4.5-2:</b> Future development in the project area would be subject to water quality control measures associated with the required NPDES program elements, as enforced by the State Water Resources Control Board (Water Board) and the City Resource Management Services Department, during both construction and operation activities. As development under the Specific Plan begins, implementation of a Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs), and on-going maintenance and monitoring activities associated with the NPDES sub-program would reduce impacts from erosion to a less than significant level, as described below.</p> <p>Projects disturbing more than one acre of land during construction are required to file a Notice of Intent (NOI) with the Water Board to be covered under the state NPDES General Construction Permit for Discharges of Storm Water associated with Construction Activity (NPDES General Permit No. CAS000002). Proponent of such projects must develop</p>	City Resources Management Services Department	Prior to the issuance of building permits	
Impact 4.5-2	Development envisioned by the project could generate substantial soil erosion or the loss of topsoil due to the demolition of existing buildings and land clearance activities.	<p><b>Mitigation Measure 4.5-2:</b> Future development in the project area would be subject to water quality control measures associated with the required NPDES program elements, as enforced by the State Water Resources Control Board (Water Board) and the City Resource Management Services Department, during both construction and operation activities. As development under the Specific Plan begins, implementation of a Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs), and on-going maintenance and monitoring activities associated with the NPDES sub-program would reduce impacts from erosion to a less than significant level, as described below.</p> <p>Projects disturbing more than one acre of land during construction are required to file a Notice of Intent (NOI) with the Water Board to be covered under the state NPDES General Construction Permit for Discharges of Storm Water associated with Construction Activity (NPDES General Permit No. CAS000002). Proponent of such projects must develop</p>	City Resources Management Services Department	Prior to the issuance of grading permits	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>a SWPPP to be implemented at each site covered under the State General Permit. The SWPPP must include BMPs that propose erosion control measures consistent with the State General Permit, which are designed to reduce potential impacts to surface water quality through the construction period. These erosion control BMPs may include a combination of bale or rock ditch checks, silt fence barriers, temporary seeding, erosion-control blankets, etc. The Construction Program is largely “self-implemented” (i.e., typically no direct oversight is provided by the Water Board). Additional measures, that may include document reviews and site inspections during construction, are required under the Municipal Program.</p>			
<b>Impact 4.5-3</b>	<p>The project area is located on a geologic unit or soil that could become unstable as a result of potential future construction activities, and potentially result in subsidence, collapse, or differential settlement.</p>	<p><b>Mitigation Measure 4.5-3:</b> The City Resource Management Services Department shall require that applicants for future development in the project area perform an assessment of the potential for differential settlement. A site-specific geologic conditions report shall be prepared for future projects in the project area. Recommendations from a licensed engineering geologist or civil engineer contained in the geologic report shall be incorporated as conditions of project approval. Geologic recommendations may cover one or more of the following topics, depending on the nature of the site:</p> <ul style="list-style-type: none"> <li>▪ foundation strength characteristics of soil and rock;</li> <li>▪ excavations and earthwork;</li> <li>▪ slopes and slope stability;</li> <li>▪ suitability of materials for use;</li> <li>▪ surface and subsurface drainage;</li> <li>▪ management of vegetation;</li> </ul>	<p>City Resource Management Services Department</p>	<p>Prior to the issuance of grading permits</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<ul style="list-style-type: none"> <li>▪ temporary sediment control; and</li> <li>▪ relevant regulatory issues.</li> </ul> <p data-bbox="730 435 1381 548">The California Building Code (CBC) recommends that geologic reports include evaluations of conditions that could lead to differential settlement and provide for project-level mitigations in the report.</p>			
<b>4.6 Hazards and Hazardous Materials</b>					
<b>Impact 4.6-1</b>	Development that may occur within the project area could expose construction workers and/or the public to hazardous materials present in soils and/or groundwater from historical releases of hazardous materials.	<p data-bbox="730 651 1381 797"><b>Mitigation Measure 4.6-1a:</b> For individual development projects within the project area that involve excavation and/or grading, the following three-part mitigation measure would reduce potential exposures to hazardous materials in soils and groundwater:</p> <ol style="list-style-type: none"> <li data-bbox="730 862 1381 1341">1. Prior to the issuance of any grading and/or demolition permit by the City of Seaside Resource Management Services Department, project applicant(s) shall enlist the services of a qualified professional to prepare a Phase I ESA to identify current or historic land uses that included the potential for a release of hazardous materials at the development site. The Phase I ESA shall be performed in conformance with standards adopted by the American Society for Testing and Materials International (ASTM). The Phase I ESA would identify any limitations to development due to the presence of any sites associated with hazardous materials in the vicinity of the subject site, and present recommendations for further investigation of the site, if warranted. The Phase I would be documented in a written report and submitted to the City of Seaside Resource Management Services as part of development applications.</li> </ol>	City Resource Management Services Department	Prior to the issuance of any grading and/or demolition permit	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>2. The City Resource Management Services Department shall review the Phase I ESA. If the Phase I ESA concludes that there has been no release of hazardous materials affecting the development site in question, the City may proceed with the issuance of a requested grading and/or demolition permit, provided any other pertinent conditions have been met.</p>			
		<p>If the Phase I ESA indicates that a release of hazardous materials could have affected a development site, prior to the issuance of any grading and/or demolition permit, the City Resource Management Services Department shall require preparation of a Phase II ESA to be conducted by a qualified environmental professional to assess the presence and extent of said contamination. This would, at a minimum, consist of the collection and analysis of soil samples to determine the possible presence of aeriably-deposited lead for redevelopment projects located within immediate proximity to Del Monte Boulevard, West Broadway Avenue, Canyon Del Rey Boulevard, and other major roadways. The Phase II ESA investigation would be conducted in conformance with state and local guidelines and regulatory oversight. The findings of the investigation would be documented in a written report and submitted to the regulatory agency and the City of Seaside.</p>			
		<p>If the results of the Phase II ESA were to confirm the presence of hazardous materials, site remediation would be required, with oversight by applicable state or local regulatory agencies.</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>Depending on the nature and extent of contamination, site remediation techniques may include washing, venting, bioremediation, or excavation and abatement. Specific remedies would depend on the extent and magnitude of contamination and the requirements of the regulatory agencies. The impact of specific remedies implemented on air quality and resulting health effects, nuisance conditions, risk of upset in the event of an accident, and transportation of contaminated material associated with the remediation would be addressed prior to implementation of the site remedy.</p> <p>3. For any development site where contamination has been identified or is suspected, construction would only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan would include provisions for monitoring exposure to construction workers, delineate procedures to be undertaken in the event that contamination is identified above regulated worker exposure limits, and identify emergency procedures and responsible personnel. The health and safety plan would include performance standards identified to minimize the effects of airborne contaminants (for example, stopping work in dusty conditions, limiting excavation areas, wetting down of surfaces, etc.) and construction workers would be required to have received hazardous materials training in accordance with federal and state regulations. The site-specific health and safety plan would be the responsibility of the contractor(s), and shall be incorporated as conditions of approval of any pertinent grading or demolition permit the City Resource Management Services Department may issue.</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p><b>Mitigation 4.6-1b:</b> In order to further investigate potential environmental impacts and develop site-specific mitigation measures for the library/garage project, the applicant for this potential public/private venture shall submit a complete Phase II ESA (subsurface investigation) to the City Resource Management Services Department and appropriate local and state regulatory authorities as part of the project application materials. Specifically, the Phase II ESA shall address potential contamination from the following identified environmental concerns:</p> <ol style="list-style-type: none"> <li>1. Potential impact to soil and groundwater at the City of Seaside Public Works Yard from former USTs, existing hydraulic hoists, bulk storage areas for aboveground gasoline tanks, waste oil storage, and chemical storage (engine anti-freeze) areas.</li> <li>2. Potential impact to soil and groundwater at Schroeders Machine Shop from the wash area equipped with an oil-water separator and catch basin.</li> <li>3. Potential impact to shallow groundwater from nearby LUST sites, automotive repair business properties, and a nearby dry cleaner business.</li> </ol> <p>If the Phase II ESA confirms contamination on the project site, the City Resource Management Services Department shall follow the procedure outlined above in Mitigation 4.6-1a, item 2, wherein site specific health and safety plans formulated in response to the Phase II ESA shall be incorporated as conditions of approval of any grading and/or demolition permit issued by the City Resource Management Services Department. In addition, the City Resource Management Division shall also incorporate as conditions of any grading and/or demolition permit any other safety measures that may be imposed for the site by involved state or local regulatory agencies.</p>	<p>City Resource Management Services Department</p>	<p>Prior to the issuance of grading permits</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>Impact 4.6-2</b>	Demolition or renovation of structures containing lead-based paint, asbestos-containing building materials, or other hazardous materials could release airborne particles of hazardous materials, which may affect construction workers, sensitive receptors, and the general public.	<p><b>Mitigation Measure 4.6-2:</b> Prior to the issuance of any City permit involving either construction and/or demolition of a building or structure known to be constructed prior to 1980, the project applicant(s) shall engage a qualified professional to conduct a lead-based paint and ACM-containing material survey, which shall be submitted to the City Resource Management Services Department for approval.</p> <p>The City Resource Management Services Department shall incorporate into any pertinent construction and/or demolition approvals measures developed from the above survey to minimize potential lead paint and asbestos hazards. These measures may include but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Abatement of all loose and peeling lead-based paint and identified asbestos hazards by a certified contractor in accordance with federal and state requirements.</li> <li>▪ Assurance of proper management and/or disposal of other hazardous wastes that may be generated during demolition activities, such as fluorescent light tubes and mercury switches,</li> </ul> <p>Inclusion of all pertinent federal and/or state construction worker health and safety regulations and procedures related to demolition activities.</p>	City Resource Management Services Department	Prior to the issuance of any City permit involving either construction and/or demolition of a building or structure known to be constructed prior to 1980	
<b>Impact 4.6-3:</b>	Improper use or transport of hazardous materials during construction activities in the project area could result in releases affecting construction workers and the general public.	<p><b>Mitigation Measure 4.6-3:</b> Prior to the issuance of any building permit within the project area, the City Resource Management Services Department shall confirm that project plans designate suitable storage areas for material delivery, storage, and waste collection. The City Resource Management Services Department shall ascertain that all such designated storage areas are</p>	City Resource Management Services Department	Prior to the issuance of any building permit within the project area	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>shown on all development plans and subject to approval of the Director of the City's Resource Management Services Department. These locations shall be as far away as practicable from catch basins, gutters, drainage courses, and water bodies. Any building permit shall incorporate conditions of approval that require at least the following measures to be in place prior to ground disturbance to ensure safe handling of hazardous materials:</p> <ol style="list-style-type: none"> <li>a. All hazardous materials and wastes used or generated during construction, grading, and/or demolition activities would be labeled, stored, and disposed of in accordance with applicable local, state, and federal regulations.</li> <li>b. On-site maintenance of an accurate up-to-date inventory, including Material Safety Data Sheets, to assist emergency response personnel in the event of a hazardous materials incident.</li> <li>c. All maintenance and fueling of vehicles and equipment would be performed in a designated, bermed area, or over a drip pan that would not allow run-off of spills. Vehicles and equipment would be regularly checked and have leaks repaired promptly. Secondary containment would be used to catch leaks or spills any time that vehicle or equipment fluids are dispensed, changed, or poured.</li> <li>d. Emergency Preparedness and Response Procedures in the event of an accidental spill or other hazardous materials emergency during construction, grading, or demolition activities. These procedures shall include, at a minimum, evacuation procedures, spill containment procedures, required personal protective equipment, as appropriate, in responding to the emergency</li> </ol>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>4.7 Hydrology and Water Quality</b>					
<b>Impact 4.7-3</b>	Construction activities would disturb surface soils by grading, earthmoving activities, and vegetation removal, which could cause erosion, sedimentation, and contamination of stormwater runoff.	<p><b>Mitigation Measure 4.7-3:</b> Prior to the issuance of any grading or demolition permit, future development applicants shall prepare and implement an erosion control plan and a SWPPP. These plans shall comply with current MRSWMP and Seaside Municipal Code guidelines, and shall adopt acceptable BMPs for control of sediment and stabilization of erosion on the development sites for the protection of water quality. Development of the project area will be dependant upon approval of erosion control plans and SWPPPs as outlined below:</p> <ul style="list-style-type: none"> <li>• An erosion control plan shall be prepared and implemented for any future new development in the project area. The plan shall be submitted to the City in conjunction with the project grading plan prior to issuance of a grading permit.</li> <li>• The erosion control plan shall include locations and specifications of recommended soil stabilization techniques. These techniques may include, but not be limited to such measures as placement of straw wattles, use of silt fences, construction of berms, and storm drain inlet protection. Any erosion control plan shall also depict staging and mobilization areas with access routes to and from the site for heavy equipment. The erosion control plan shall include temporary measures to be implemented during construction, as well as permanent measures.</li> </ul>	City Resource Management Services Department	Prior to the issuance of any grading or demolition permit and prior to finalization of occupancy permit	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<ul style="list-style-type: none"> <li>City staff and/or representatives shall visit the project area during grading and construction to ensure compliance with the grading ordinance and plans, as well as note any violations, which shall be corrected immediately. A final inspection shall be completed prior to occupancy. Elements of this plan may be incorporated into the Stormwater Pollution Prevention Plan (SWPPP), where applicable</li> </ul>			
<b>Impact 4.7-4</b>	<p>Current deficiencies in the stormwater system result in overflows at several locations in the project area. Any increase in impervious surface through project development would increase stormwater runoff, with commensurate increases in overflows.</p>	<p><b>Mitigation Measure 4.7-4:</b> Prior to the issuance of occupancy permits pursuant to this plan in any flood prone areas, the City Public Works Director shall ensure that adequate storm drainage capacities have been attained to prevent flooding conditions. The City Public Works Direction shall require site-specific testing for existing and proposed percolation basins to ensure facilities can operate adequately. Any new drainage facilities to be located within a State highway shall require a Caltrans encroachment permit, all conditions of which must be met prior to construction of any such facilities.</p> <p>Further engineering shall be performed once specific project redevelopment plans have been created to size any planned BMP or retention facility. Soil at each proposed basin location shall be tested to verify a reliable percolation rate. Such site-specific testing for each proposed percolation basin shall be required due to the potential of localized aquitards – impermeable soil layers – or other unfavorable soil characteristics that could affect groundwater movement.</p>	City Public Works Director	Prior to the issuance of occupancy permits	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>If testing does not confirm such facilities would operate adequately, the City Public Works Director shall direct improvements to be made. The City Public Works Director shall retest basins and thus delay issuance of any occupancy permit until in her/his judgment, adequate capacity is achieved or alternative drainage control measures that address local impacts are constructed. Such alternative measures may include but are not limited to the construction of off-site storm drainage facilities, the construction of rainwater capture facilities (such as cisterns, planted roofs, etc.), or the payment of in-lieu fees where there is a clear nexus between the proposed project and local storm drainage facilities.</p>			
<b>Impact 4.7-5</b>	<p>The project would allow for development in areas subject to potential inundation by tsunamis.</p>	<p><b>Mitigation Measure 4.7-5:</b> The City Resource Management Service Department shall develop and distribute educational tools (brochures, videos, etc.) advising the community at large and residents/developers within the project area specifically of the potential threats associated with a tsunami, evacuation routes to be utilized in the event of a tsunami threat, and other measures to help protect life and property.</p>	<p>City Resource Management Service Department</p>	<p>Ongoing</p>	

**4.8 Land Use**

The project would not result in any significant land use impacts.

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>4.9 Noise</b>					
<b>Impact 4.9-1:</b>	Noise sensitive land uses developed within the project area would be exposed to exterior noise levels greater than 65 dBA CNEL.	<p><b>Mitigation Measure 4.9-1a:</b> The location of common outdoor use areas for individual residential buildings is not known at this time. Prior to the issuance of building permits within the project area, the City Resource Management Services Department shall continue to locate noise sensitive outdoor use areas outside of the 65 dBA CNEL noise contours provided above or in acoustically shielded areas. Residential structures will be expected to provide approximately 10 dBA of noise reduction in common outdoor use areas.</p> <p>Private outdoor balconies or patios may be included in mixed-use residential projects throughout the Specific Plan area and may front major roadways. Although these outdoor use areas may be subjected to noise levels in excess of 65 dBA CNEL, they are not typically held to the noise standard because they are used infrequently, mitigation is often infeasible (i.e., enclosing a balcony in sound proof material no longer makes it an outdoor area), there are aesthetic considerations with creating soundproof barriers around these spaces, and the fact that common outdoor areas that meet noise standards are normally provided.</p>	City Resource Management Services Department	Prior to the issuance of building permits	
		<p><b>Mitigation Measure 4.9-1b:</b> Prior to the issuance of building and occupancy permits, the City Resource Management Services Department shall require project level acoustical analyses where residential exterior use areas are proposed to be located in noise environments exceeding 65 dBA CNEL, and/or where residential land uses are immediately adjacent to active parks or commercial land uses. These</p>	City Resource Management Services Department	Prior to the issuance of building and occupancy permits	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>analyses will identify project-specific mitigation in the form of site design. Mitigation may include but is not limited to the following site design measures: design of the site so that the proposed buildings acoustically shield outdoor use areas, construction of noise barriers to block noise from sensitive receptors, or extension building setbacks from noise sources. Exterior noise levels at residential land uses in the vicinity shall be maintained in accordance with the standards presented in the Seaside General Plan and Section 17.30.60 of the City of Seaside Municipal Code and the City Resource Management Services Department.</p>			
		<p><b>Mitigation Measure 4.9-1c:</b> On-going through project operation, the City Resource Management Services Department shall ensure that parking lot cleaning activities in commercial areas are limited to daytime and evening hours (7 AM. to 10 PM.).</p>	<p>City Resource Management Services Department</p>	<p>On-going through project operation</p>	
		<p><b>Mitigation Measure 4.9-1d:</b> Noise impacts from trash compactors and the corresponding mitigation measures will vary depending on the type of unit selected, distance from sensitive receptors, the type of shielding provided, and the frequency and time of use. The City Resource Management Services Department shall ensure that trash compactors in commercial areas are located away from adjacent residential receivers or shielded with noise barriers. If determined necessary by the City Resource Management Services Department, project applicants shall present report(s) prepared by a qualified noise consultant to evaluate potential impacts and recommend mitigation measures, which the City Resource Management Services Department would incorporate as conditions of project approval.</p>	<p>City Resource Management Services Department</p>	<p>Prior to building permit approval</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>Impact 4.9-2:</b>	Interior noise levels would be expected to exceed 45 dBA CNEL at portions of the project site exposed to exterior noise levels greater than 60 dBA CNEL without the incorporation of noise insulation features into the project's design.	<p><b>Mitigation Measure 4.9-1e:</b> On-going through project operation, the City Resource Management Services Department shall ensure that any loading docks have hours of operation limited to daytime and early evening hours (7 AM to 10 PM).</p> <p><b>Mitigation Measure 4.9-2a:</b> Prior to the issuance of building and occupancy permits, the City Resource Management Services Department shall ensure that building sound insulation includes the provision of forced-air mechanical ventilation where exterior noise environments exceed 60 dBA CNEL, so that windows can be kept closed at the occupant's discretion to control noise. Typically, standard construction with forced air ventilation (allowing enough ventilation in the building so that the occupant to control noise by maintaining the windows shut) provides approximately 20 to 25 dBA of noise reduction in interior spaces, which would likely reduce interior noise levels below 45 dBA CNEL.</p>	<p>City Resource Management Services Department</p> <p>City Resource Management Services Department</p>	<p>On-going through project operation</p> <p>Prior to the issuance of building and occupancy permits</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
Impact 4.9-3:	Noise associated with a multi-modal transit station could produce noise levels in excess of 65 dBA CNEL at nearby noise sensitive receptors.	<p><b>Mitigation Measure 4.9-2b:</b> During the project design phase and prior to the issuance of a building permit, the City Resource Management Services Department shall require that project applicants include special building construction techniques (e.g., sound-rated windows and building facade treatments) where exterior noise levels exceed 60 dBA CNEL. These treatments include, but are not limited to sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary shall be conducted on a unit-by-unit basis by a qualified noise consultant during project design. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City Resource Management Services Department along with the building plans and approved prior to issuance of a building permit. Construction techniques such as these would adequately reduce interior noise levels to 45 dBA CNEL or lower.</p> <p><b>Mitigation Measure 4.9-3:</b> Implementation of Mitigations 4.9-1a through 4.9-1e, 4.9-2a, and 4.9-2b would reduce potential noise impacts from a transit station located within the project area to a less than significant level. To the extent residential or other noise sensitive land uses are proposed in proximity to the transit station, the City Resource Management Services Department shall require additional project-level environmental review in the form of an EIR or mitigated negative declaration, including a noise analysis.</p>	City Resource Management Services Department	Prior to the issuance of a building permit	
			City Resource Management Services Department	Prior to any planning approval	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>Impact 4.9-4:</b>	Future development in the project area may result in the location of additional sensitive receptors in close proximity to the rapid transit line. The sensitive receptors could experience groundborne vibration levels in excess of FTA standards.	<b>Mitigation Measure 4.9-4:</b> Along the corridor proposed for a potential fixed transit line, the City Resource Management Services Department shall require that any development proposals include preparation of a vibration impact study prepared by a qualified vibration consultant. This study shall recommend appropriate mitigation measures to ensure that railroad train vibration levels are at levels acceptable to the FTA in any new residential construction. Mitigation measures to accomplish this may include but are not limited to increased setbacks, trenching, building insulation, and/or foundation improvements.	City Resource Management Services Department	Prior to planning approval	
<b>Impact 4.9-5:</b>	The project area is bordered by existing residential land uses to the north, south and east. Noise generated by construction in the project area would substantially increase noise levels at these existing residential land uses.	<p><b>Mitigation Measure 4.9-5:</b> Prior to the issuance of grading, demolition, and/or building permits within the project area, as well as on-going through project construction, the City Resource Management Services Department shall ensure that project applicants and/or construction teams adhere to the following construction noise control measures:</p> <ul style="list-style-type: none"> <li>• Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 AM to 7:00 PM daily (except Saturday, Sunday and holidays when work is prohibited prior to 9:00 AM and after 7:00 PM).</li> <li>• Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>• Unnecessary idling of internal combustion engines should be strictly prohibited.</li> <li>• Locate stationary noise generating equipment such as air compressors or portable power generators as</li> </ul>	City Resource Management Services Department	Prior to the issuance of grading, demolition, and/or building permits within the project area	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<ul style="list-style-type: none"> <li>• far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA. An adequate temporary noise barrier would interrupt the line of sight from the receiver to the construction activities and be solid over the face and at the base of the barrier.</li> <li>• Utilize "quiet" air compressors and other stationary noise sources where technology exists.</li> <li>• Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible.</li> <li>• Control noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site.</li> <li>• The contractor shall prepare and submit to the City Resource Management Services Department for approval a detailed construction plan identifying the schedule for major noise-generating construction activities.</li> </ul>			
		<p>The applicant(s) shall designate a "disturbance coordinator," who will be approved by the City Resource Management Services Department, and will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>measures warranted to correct the problem be implemented. The applicants shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.</p>			
<b>4.10 Population and Housing</b>					
<b>Impact 4.10-1</b>	<p>Implementing the project would allow development of up to 410 new housing units, which would directly induce population growth.</p>	<p><b>Mitigation Measure 4.14-1</b> (in <b>Section 4.14, Utilities</b>) would limit new development in the project area to an amount that could be served by the currently available water supplies. No further development could proceed until additional water sources for the project are secured. Therefore, changes in population would not occur until additional water sources for the project are secured.</p>	<p>City Resource Management Services Department</p>	<p>Prior to planning approval</p>	
<b>4.11 Public Services</b>					
<b>Impact 4.11-1</b>	<p>Future development associated with the project would increase the demand for fire and emergency services in the project vicinity. The increase could require additional staffing or expanded facilities to meet the increased demands.</p>	<p><b>Mitigation Measure 4.11-1:</b> Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating public service impacts.</p> <p>Prior to the approval of any building permits within the project area, the City Resource Management Services Department shall confirm the required fire service to be provided to each project in the project area. As the City has not established or implemented any standards mandating development impact fees for public services, there is no opportunity at this time for such public services deficiencies to be mitigated by the payment of mitigation fees by developers within the project area.</p>	<p>City Resource Management Services Department</p>	<p>Prior to building permit approval</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>As such, the City Resource Management Services Department shall ensure that any required fire services and service ratios are in place by requiring ad-hoc and fair share mitigation through individual developers that propose development within the project area. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on and demand for fire services and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required fire services and/or staffing and shall determine the fair share contribution of such services and/or staffing by evaluating the project's size and anticipated usage. Through these efforts, the City Resource Management Services shall ensure that adequate fire services staffing and facilities are developed and maintained commensurate with the requirements associated with any new development in the project area.</p>			
<b>Impact 4.11-2</b>	<p>The reconfiguration of West Broadway Avenue could interfere with its use as an emergency access route.</p>	<p><b>Mitigation Measure 4.11-2:</b> Prior to adoption, the City shall revise the Specific Plan text and figures of proposed West Broadway Avenue streetscape improvements in accordance with proposed Infrastructure Master Plan, which proposes narrowing the street width and adding a median to allow the addition of left turn pockets as illustrated in Figure 4.11-3. The pavement delineations shall be provided with either pavement striping and/or textured pavers so that no raised medians or landscaping within the median would be allowed.</p>	<p>City Resource Management Services Department</p>	<p>Prior to approval of West Broadway Avenue Specific Plan (the project)</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>Impact 4.11-3</b>	<p>While development associated with the project would be met with the existing police services facilities, the increase in residential and business development would increase the need for additional police patrols in the project area beyond current police staffing.</p>	<p><b>Mitigation Measure 4.11-3:</b> Prior to the approval of any building permits within the project area, the City Resource Management Services Department shall confirm that the required police service to be provided to each project in the project area.</p> <p>As the City has not established or implemented any standards mandating development impact fees for public services, there is no opportunity at this time for such public services deficiencies to be mitigated by the payment of mitigation fees by developers within the project area. As such, the City Resource Management Services Department shall ensure that any required additional police officers are staffed by requiring ad-hoc and fair share mitigation through individual developers that propose development within the project area.</p>	<p>City Resource Management Services Department</p>	<p>Prior to building permits approval</p>	

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Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on and demand for police services and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required police services and/or staffing and shall determine the fair share contribution of such services and/or staffing by evaluating the project's square footage and anticipated demand for such services.</p> <p>Through these efforts, the City Resource Management Services shall strive to ensure that adequate police services staffing and facilities are developed and maintained commensurate with the requirements associated with any new development in the project area.</p>			

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Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>4.12 Recreation</b>					
<b>Impact 4.12-1</b>	Project-induced population growth would generate additional demands on City park and recreational facilities that are in poor to fair condition. Project implementation would result in up to 1,312 new residents in the project area, but only 1.1 acres of parkland, below the City's goal of 2 acres of parkland per 1,000 residents.	<b>Mitigation Measure 4.12-1:</b> Prior to the approval of any building permits within the project area, the City Resource Management Services Department shall confirm the required parkland to be provided by each residential project in the project area. As the City has not established or implemented any parkland standards mandating the dedication of parklands for new residential developments and no formal mitigation fee program currently exists, there is no opportunity at this time for such parkland deficiencies to be mitigated by the payment of mitigation fees by developers within the project area. As such, the City Resource Management Services Department shall ensure that any required parkland or recreational facilities are developed in concert with proposed development that would increase parkland demand, by setting forth fair share, ad-hoc mitigation on each new development. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on the required parkland-to-resident ratio and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required park and recreation facilities and shall determine the fair share contribution of such facilities by evaluating the project's square footage and demand for such facilities. Through such efforts, the City Resource Management Services Department shall strive to ensure that park and recreational facilities are developed and maintained commensurate with the parkland requirements associated with any new development in the project area.	City Resource Management Services Department	Prior to building permits approval	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>4.13 Transportation</b>					
<b>Impact 4.13-1</b>	Implementation of the project would increase traffic volumes which would worsen existing unacceptable conditions at three signalized intersections.	<p><b>Mitigation Measure 4.13-1a:</b> Implement the following improvements to address unacceptable conditions at the intersection of Fremont Boulevard/State Route 1 Southbound Ramps, and Monterey Road:</p> <ol style="list-style-type: none"> <li>1) Eliminate the east leg of the Fremont Boulevard and Monterey Road intersection.</li> <li>2) Prohibit left-turns from Fremont Boulevard to Monterey Road.</li> <li>3) Realign Monterey Road to connect with Fremont Boulevard at Military Avenue.</li> <li>4) Realign and signalizing the Fremont Boulevard/Del Monte Boulevard/Military Avenue intersection.</li> <li>5) Widen State Route 1 south of the Fremont Boulevard interchange.</li> </ol> <p>Although physically feasible, these improvements are not listed in the City's Capital Improvement Plan, and therefore their eventual implementation is uncertain. Due to the uncertainty regarding Caltrans approval of improvements, and since at the time of writing the City does not have a funding mechanism, it cannot be assured that this mitigation will be constructed. Should these conditions change, applicants shall work with the City of Seaside to complete Caltrans' encroachment permit application process to obtain any necessary approvals to implement this mitigation measure.</p>	City Resource Management Services Department	Prior to planning approval	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area.</p> <p>As such, the City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed above. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on transportation facilities and thus establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p><b>Mitigation Measure 4.13-1b:</b> Implement the following improvements to address unacceptable conditions at the intersection of Del Monte Boulevard and Canyon Del Rey Boulevard (SR 218):</p> <ol style="list-style-type: none"> <li>1) Extend the southbound right-turn pocket on Del Monte Boulevard</li> <li>2) Provide a right-turn overlap phase at the intersection of Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218). To facilitate the right-turn overlap phase, the existing right-turn pocket would need to be extended from 60 feet to 180 feet.</li> </ol> <p>Project buildout would exacerbate the existing unacceptable AM and PM peak period LOS D operations at the Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218) intersection. Extending the southbound right-turn pocket on Del Monte Boulevard and providing a right-turn overlap phase would lessen the delay at the intersection. An overlap phase, required in part 2 of this mitigation measure, provide a green arrow for a right turn movement, which then ‘overlaps’ and runs at the same time as the opposing left turn movement. The pocket extension would require right-of-way acquisition on the west side of Del Monte Boulevard near the existing Starbucks coffee shop.</p> <p>Although physically feasible, this improvement is not listed in the City’s Capital Improvement Plan, and therefore its eventual implementation is uncertain. Due to the uncertainty regarding Caltrans approval of improvements, and since at the time of writing the City does not have a funding mechanism or plans to acquire additional right-of-way for construction of the pocket extension on the west side of Del Monte Boulevard, it cannot be assured that this mitigation will</p>	<p>City Resource Management Services Department</p>	<p>Prior to planning approval</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>be constructed. Should these conditions change, applicants shall work with the City of Seaside to complete Caltrans' encroachment permit application process to obtain any necessary approvals to implement this mitigation measure. Should the pocket extension be constructed, after implementation of Mitigation Measure 4.13-1b, the AM peak period LOS would improve to an acceptable LOS C, but the PM peak period LOS would remain at an unacceptable LOS D, although delay time would be reduced. Because delay during the PM peak period would be less than that under existing conditions, impacts to the Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218) intersection would be considered less than significant. Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area. As such, the City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed here as mitigation measures. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on transportation facilities and thus establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.</p> <p><b>Mitigation Measure 4.13-1c:</b> Provide an exclusive eastbound right-turn lane to address unacceptable conditions at the intersection of Fremont Boulevard/Canyon Del Rey Boulevard (SR 218).</p> <p>Project buildout would exacerbate unacceptable LOS D operations at the intersection of Fremont Boulevard/Canyon Del Rey Boulevard (SR 218). Providing an exclusive eastbound right-turn lane on the Canyon Del Rey (SR 218) approach would improve operations to LOS C and intersection delay during the PM peak period would be reduced to levels lower than existing conditions.</p> <p>Although physically feasible, this improvement is not listed in the City's Capital Improvement Plan, and therefore its eventual implementation is uncertain. This mitigation measure would also require some right-of-way acquisition on the south side of Canyon Del Rey Boulevard (SR 218) and would take some land from the abutting park at the southwestern corner of the intersection. Due to the uncertainty regarding Caltrans approval of improvements, and since at the time of writing the City does not have a funding mechanism or plans to acquire additional right-of-way for construction of an exclusive right-turn lane on Canyon Del Rey Boulevard (SR 218), it cannot be assured that this</p>	City Resource Management Services Department	Prior to planning approval	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>mitigation will be constructed. Should these conditions change, applicants shall work with the City of Seaside to complete Caltrans' encroachment permit application process to obtain any necessary approvals to implement this mitigation measure.</p> <p>Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area.</p> <p>As such, the City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed here as mitigation measures. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on transportation facilities and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>Impact 4.13-2</b>	Implementing the project would increase traffic volumes, worsening unacceptable levels of service at two unsignalized intersections to the extent that each would meet signal warrant criteria.	<p><b>Mitigation Measure 4.13-2:</b> Signalize the intersection of General Jim Moore Boulevard and Broadway Avenue.</p> <p>Signalization of the General Jim Moore Boulevard/Broadway Avenue intersection is identified in the City's Capital Improvement Program (CIP) and is scheduled for completion by the year 2013. Signalization of this intersection would improve LOS at this intersection to acceptable levels.</p>	City Resource Management Services Department	By 2013	
<b>Impact 4.13-5</b>	Cumulative conditions would result in unacceptable levels of service at several signalized intersections. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load at the impacted intersections.	<p><b>Mitigation Measure 4.13-5:</b> Address project impacts to the Fremont Boulevard/Canyon Del Rey Boulevard intersection through any of the following methods:</p> <ul style="list-style-type: none"> <li>a) Provide an exclusive eastbound right-turn lane on the Canyon Del Rey Boulevard (SR 218) approach. This would require some right-of-way acquisition on the south side of Canyon Del Rey Boulevard and taking some land from the abutting park at the southwestern corner of the intersection.</li> <li>b) Provide an exclusive westbound right-turn lane on the Canyon Del Rey Boulevard (SR 218) approach. This mitigation would require some right-of-way acquisition to provide sufficient width on Canyon Del Rey Boulevard to provide the additional westbound right-turn lane.</li> <li>c) Provide a northbound right-turn overlap phase on the Fremont Boulevard approach. Prohibit U-turns for the westbound approach to allow for the opposing overlap phase to operate effectively.</li> </ul> <p>Following implementation of any of these three options, cumulative conditions at this intersection would remain at LOS D. However, all three proposed mitigation options would maintain or improve upon the Cumulative No Project</p>	City Resource Management Services Department	Prior to planning approval	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>intersection delay. With any of the mitigation options, the seconds of delay would be reduced, although the LOS would remain at "D".</p> <p>As these improvements are not listed in the City's Capital Improvement Plan, their eventual implementation is uncertain. Currently, the City does not have a citywide fee program, but can require ad-hoc fee exactions on a project by project basis. The City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed here as mitigation measures. In adopting ad-hoc mitigation fees, the City Resource Management Services Department shall identify the purpose of the fee, identify the use to which the fee is to be put, and, considering the nature of the proposed development and its related potential impact on transportation facilities, establish a reasonable nexus between the impacts of the project and the need for the improvement. All ad-hoc development fees will be collected and allocated pursuant to Government Code Section 66006. Ad-hoc exactions shall provide an offset for any TAMC fees imposed for the same identified improvements. Nonetheless, because of the uncertainty regarding the funding and timing for these improvements, and since cumulative conditions at this intersection would remain at LOS D even following implementation of these mitigation measures, the cumulative impact would remain significant.</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>Impact 4.13-6</b>	Cumulative conditions would result in unacceptable levels of service at one unsignalized intersection that would meet signal warrant requirements. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load at this impacted intersection.	<p><b>Mitigation Measure 4.13-6:</b> Signalize the intersection of Fremont Boulevard and Del Monte Boulevard.</p> <p>Under cumulative conditions with and without the project, the intersection of Fremont Boulevard/Del Monte Boulevard would operate at LOS F. Signalization of this intersection would improve LOS conditions to an acceptable level (LOS B/C), reducing cumulative impacts to a less than significant level. Developments within the Specific Plan area would be responsible for mitigation of cumulative impacts and collection of the TAMC's regional impact fees as part of the regional fee program adopted by the City of Seaside in August 2008. Signalization of the intersection through the payment of these fees would reduce the cumulative impact to a less than significant level.</p>	City Resource Management Services Department	Prior to planning approval	
<b>Impact 4.13-7</b>	Cumulative conditions would result in unacceptable levels of service at all study freeway segments. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load on the impacted freeway segments.	Although widening of SR 1 is planned as part of TAMC's Regional Transportation Impact Fee Program, this improvement is not planned to the extent necessary to fully mitigate project impacts. As a result, payment of TAMC fees would not ensure construction of the improvements necessary to reduce cumulative impacts to less than significant levels	City Resource Management Services Department	Prior to planning approval	
<b>4.14 Utilities</b>					
<b>Impact 4.14-1</b>	New development in the project area would generate an increased future demand for water supply that cannot be fully met by the City's existing water allocation from MPWMD.	<p><b>Mitigation Measure 4.14-1:</b> The City Resource Management Services Department may issue building permits within the project area for an amount of development associated with the known and assured water supply of 22.1 afy. The City Resource Management Services Department shall monitor the allocation of permits and water demands</p>	City Resource Management Services Department	On-going	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p>within the project area to ensure that development remains within this limit. The City Resource Management Services Department shall not approve building permits for new construction in the project area after an amount of development associated with 22.1 afy of water demand is permitted. The City Resource Management Services Department shall monitor regional water supply projects and continue working with MPWMD and other regional entities on proposed augmentation projects.</p>			
<b>Impact 4.14-2</b>	<p>Project buildout would result in increased wastewater generation, requiring capacity increases to the wastewater conveyance system.</p>	<p><b>Mitigation Measure 4.14-2:</b> Upsize existing sanitary sewer lines to accommodate future developments in the project area. Prior to the approval of any building permit with the potential to generate increased amounts of wastewater, the City Resource Management Services Department shall confirm with the SCSF that adequate wastewater conveyance capacity exists in the project area. Should the City Resource Management Services Department conclude that improvements to the system are needed to serve proposed new development within the project area, no building permit shall be issued until any such improvements deemed necessary by the SCSF and City Resource Management Services Department are in place.</p> <ul style="list-style-type: none"> <li>• According to the Infrastructure Assessment prepared for the project, rehabilitation or replacement of brick manholes in the project area, plus upsizing of specific pipelines</li> </ul> <p>In addition, the following three pipelines outside of the project area will require upsizing to accommodate additional estimated project related flows:</p>	<p>City Resource Management Services Department</p>	<p>Prior to the approval of any building permit with the potential to generate increased amounts of wastewater</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<ul style="list-style-type: none"> <li>• Olympia Avenue as it crosses over Fremont Boulevard</li> <li>• Six stretches of 12-inch pipes along Canyon Del Rey Boulevard (south of the project area)</li> <li>• A 371-foot stretch of trunk line located along Del Monte Boulevard (north of the project area).</li> </ul> <p data-bbox="730 607 1381 748">The existing pipelines are 6-inch diameter sewer collectors; upsizing these to 8-inch or 12-inch pipes would be adequate to address deficiencies. New sewer lines shall have the same invert elevations, slope length, and alignment as the existing pipes.</p> <p data-bbox="730 776 1381 1341">As the City of Seaside currently lacks any mitigation fee program, there is no opportunity at this time for such infrastructure deficiencies to be mitigated by the payment of mitigation fees by developers within the project area. As such, the City Resource Management Services Department shall ensure that any needed improvements are in place by requiring ad-hoc mitigation through individual developers that propose development within the project area. The City Resource Management Services Department shall consider the nature of any proposed development (including, but not limited to square footage, project infrastructure demand, related factors) and its related potential impact on wastewater infrastructure (ie, an essential nexus) and from this devise appropriate ad-hoc, proportional mitigation on a project-by-project basis. Through these efforts, the City Resource Management Services Department shall strive to ensure that infrastructure is replaced or upgraded commensurate with the demands associated with any new development in the project area.</p>			

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
		<p><b>Mitigation Measure 4.14-2b:</b> Rehabilitate or replace brick manholes. The Sanitary Sewer Master Plan prepared by the SCSD recommends that all brick manholes in its jurisdiction, including those within the project area, be replaced by 2020, within the buildout period of the project.</p> <p>The City Public Works Director shall assess brick manholes in the vicinity of proposed project area development to determine if any are in need of rehabilitation or replacement.</p> <p>As the City of Seaside currently lacks any mitigation fee program, there is no opportunity at this time for such infrastructure deficiencies to be mitigated by the payment of mitigation fees by developers within the project area. As such, the City Resource Management Services Department shall ensure that any needed improvements are in place by requiring ad-hoc mitigation through individual developers that propose development within the project area. The City Resource Management Services Department shall consider the nature of any proposed development (including, but not limited to square footage, project infrastructure demand, related factors) and its related potential impact on wastewater infrastructure (ie, an essential nexus) and from this devise appropriate ad-hoc, proportional mitigation on a project-by-project basis. Through these efforts, the City Resource Management Services Department shall strive to ensure that infrastructure is replaced or upgraded commensurate with the demands associated with any new development in the project area.</p>	<p>City Public Works Director and City Resource Management Services Department</p>	<p>Prior to planning approval</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>Impact 4.14-3</b>	<p>The project would allow for development of the library/garage project across an existing alley, under which runs an existing sanitary sewer line, potentially impeding access to this pipeline.</p>	<p><b>Mitigation 4.14-3:</b> Relocation of sanitary sewer line located beneath the proposed library/garage project.</p> <p>In the event that plans for the proposed library/garage project indicate construction of any permanent structures atop the alley between West Broadway Avenue and Olympia Avenue, such plans would require the abandonment of the existing alley. As a condition of approval of any such abandonment, the City Resource Management Services Department shall require the relocation of the sanitary sewer line currently running within this alley to a location where it would not be covered by new permanent buildings or structures. This condition shall be in effect without regard to the public agency/private entity status of the library/garage project applicant. A potential relocation option identified within the Infrastructure Assessment prepared for the project would be to realign the pipe to connect to the manhole at the corner of Hillsdale Street and Olympia Avenue. In the event of any relocation, upsizing the line to 8 inches would bring it into conformance with current City standards (even though projected future demand on this pipeline would not in and of itself require any such upsizing).</p>	<p>City Resource Management Services Department</p>	<p>Prior to construction of library/garage project</p>	

Impact #	Impact Statement	Mitigation Measures	Responsible Agency	Timing	Initials
<b>Impact 4.14-4</b>	The project would allow new development in an area whose water system delivers water at excessively high pressures.	<p><b>Mitigation Measure 4.14-4:</b> Required installation of pressure-reducing valves (PRV).</p> <p>Prior to development, proponents of future development project must consult with Cal-Am or the City of Seaside to determine if regional solutions to high pressure in the Seaside water supply system have been implemented to lower system pressures to a point that individual PRVs are no longer needed. If pressures have not been lowered regionally, proponents of future development projects shall install PRVs according to the prevailing building code.</p>	City Resource Management Services Department	Prior to building permit approval	
<b>Impact 4.14-5</b>	The project would allow for development of the library/garage project across an existing alley, under which runs an existing water pipeline.	<p><b>Mitigation Measure 4.14-5:</b> Relocation of water pipe located beneath the future library project.</p> <p>In the event that plans for the proposed library/garage project indicate construction of any permanent structures atop the alley between West Broadway Avenue and Olympia Avenue, such plans would require the abandonment of the existing alley. As a condition of approval of any such abandonment, the City Resource Management Services Department shall require the relocation of the sanitary sewer line currently running within this alley to a location where it would not be covered by new permanent buildings or structures. This condition shall be in effect without regard to the public agency/private entity status of the library/garage project applicant. A potential solution identified in the Infrastructure Assessment prepared for the project would entail the removal of 440 feet of pipeline underlying the existing alley and creation of a connect between the dead-end line at Hillsdale Street to the 4-inch water pipeline in Olympia Avenue, 140 feet to the north.</p>	City Resource Management Services Department	Prior to construction of library/garage project	

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**APPENDIX F-1**

**CORRESPONDENCE FROM FIRE CHIEF**

**JANUARY 15, 2009**

**FIRE DEPARTMENT**

1635 Broadway Avenue  
Seaside, CA 93955

Telephone (831) 899-6790  
FAX (831) 899-6261  
TDD (831) 899-6207

15 January 2009

Ms. Allison Kelly, Environmental Assistant Planner  
CirclePoint  
135 Main Street, Suite 1600  
San Francisco, CA 94105

RE: WBUV Draft Environmental Impact Report

Dear Ms. Kelly,

My staff and I have reviewed the West Broadway Urban Village Specific Plan in considering the fire department response, to the questions provided by CirclePoint, in preparing the Draft Environmental Impact Report.

1. Does the Department have projections for its future staffing needs? If so, what are they?

Yes, the fire department has conducted two fire service future needs studies, collaborating with the consulting firm CityGate. The first study was conducted in 2003 and the second in 2008. Both studies identified the immediate need for a second fire station in the northern area of our community, and a future third fire station in the west-center of our community.

2. Does the Department have mutual aid agreements with any other fire departments that would also respond to service calls in the project area?

Yes, the fire department has both mutual aid agreements and automatic aid agreements with neighboring fire agencies for the project area.

3. Are staffing and equipment in the Department currently adequate to meet the current demands in the service area?

No, the studies conducted by CityGate indicates that the community has an immediate need for an additional fire station staffed by a third Engine Company of three personnel.

4. Are upgrades for engines and fire protection equipment planned within the project time frame (approximately 20 years)?

Yes, a site for a second fire station, located in the northern area of the community has been identified, and 12 additional fire fighters have been included in the budget for FY 09/10. The fire engine for this station was purchased in FY 08/09.

5. In your opinion, would this project (which could add up to 410 dwelling units and 77,800 sq ft of commercial/office/hotel space (net increase) over the next 20 years) create a substantial need for the Department to add or upgrade services, staffing, equipment, or facilities?

Yes, the third fire station would be needed, staffed by 9 additional fire fighters, but no additional fire engines would be necessary as the existing equipment could be utilized.

6. Does the fire department have a long-term planning document or process? If so, what level of growth does it anticipate? Is this level lower than, equal to, or greater than the level of growth the project would introduce?

The long-term plans for the fire department are determined by the needs of the community, identified by the anticipated level of growth and type of development in the city General Plan. This level of growth is equal to the level of growth the project would introduce.

7. Would implementation of the project, including proposed transportation improvements, expose the community to emergency access or other safety issues against which the department is unable to provide protection?

Yes, Broadway Avenue is identified as an Emergency Vehicle Access Route. Fire equipment must transition from the only fire station, at Broadway and Yosemite, to the western area of the community, through the project area. Converting Broadway Avenue from being a two-lane each direction roadway to a single-lane each direction roadway will certainly have an adverse effect on emergency responses. These responses include locations where there is potential for serious life loss or fire loss, such as the Highway 1 corridor, hotels, large commercial buildings and restaurants.

8. Is there a standard mitigation fee that the project would incur which would help support adequate fire protection services?

No, the city has not adopted a standard mitigation fee on the municipal fee schedule.

9. Is there anything else I should know about the Department or the Department's ability to serve the project?

Currently, the WBUV Specific Plan proposes the following issues of concern:

- To narrow an existing Emergency Vehicle Access Route
- Does not provide areas for motorist to yield to emergency vehicles responding to emergencies

- Does not provide road-level areas for emergency vehicles responding to emergencies to maneuver through traffic
- Proposes to increase the square footage, as well as the height of buildings in the project
- Modifies the use of the buildings from light commercial to multi-story mixed use.
- The proposed road widths of 11 feet will prevent the use of a ladder truck during emergencies, which requires 18 feet to extend the outriggers when raising the ladder.

All of these characteristics create serious fire safety concerns in the current design elements, rendering the current design unacceptable to the fire department. If you have any questions or need additional information, please feel free to contact me at 831-899-6786 or [jwombacher@ci.seaside.ca.us](mailto:jwombacher@ci.seaside.ca.us).

Jerry Wombacher  
Fire Chief

Cc: Barbara Nelson

**APPENDIX F-2**

**CORRESPONDENCE FROM DEPUTY CITY  
MANAGER INGERSOLL**

**AUGUST 31, 2009**

MEMORANDUM

City of Seaside  
Resources Management Services

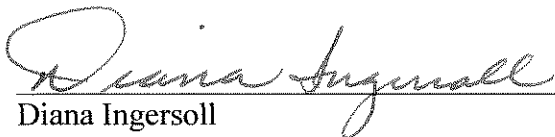
Date: August 31, 2009  
To: Jerry Wombacher, Fire Chief  
From: Diana Ingersoll, Deputy City Manager, Resource Management Services  
Subject: West Broadway Urban Village Draft EIR/Specific Plan

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As agreed upon, based on our meeting of August 6, 2009 with the City Attorney, Don Freeman, and the City Manager, Ray Corpuz, and your subsequent phone conference on August 10, 2009 with the consultant firm, Circle Point, planning staff, and Don Freeman, attached is the redline version of the section on Public Services of the above referenced document. Please review the revisions and let me know if it meets your needs. You are welcome to also revise it as you feel it is necessary. This document will also be forwarded to you electronically so that you can revise it accordingly with ease. Please forward the revised the document back to me and the City Attorney. The City Attorney will review the edits and provide approval before we forward it to the consultants for inclusion into the document.

Should you have no further edits, a written confirmation of your approval would be greatly appreciated. Thank you for providing us with your comments and for working with staff to ensure that fire safety is properly addressed in our planning documents. The Planning Commission will be reviewing this document at their September 23, 2009 meeting and will be providing a final recommendation to the City Council for their consideration. Your prompt reply prior to the scheduled meeting would be greatly appreciated.

Should you have any further questions, please feel free to contact me at extension 6830.

  
Diana Ingersoll

Attachment: West Broadway Urban Village Draft EIR Section 4.11 Public Services

C: Ray Corpuz, City Manager  
Barbara Nelson, Planning Services Manager  
Don Freeman, City Attorney  
Diana Hurlbert, Sr. Planner  
Tim O'Halloran, P.W. Services Manager/City Engineer

## 4.11 PUBLIC SERVICES

This section describes existing public services within the project area, including fire and police services, schools, and libraries, and discusses the policies and regulations pertinent to these services. Impacts resulting from the project are assessed and mitigation measures to avoid or minimize any significant impacts are proposed. Cumulative impacts to public service are also evaluated, as well as the project's contribution to such cumulative impacts. Information in this section is based on personal communication with public service providers within the project area, as well as the City of Seaside General Plan and the *West Broadway Avenue Existing Conditions Report*, prepared by DC&E in 2007.

### 4.11.1 ENVIRONMENTAL SETTING

#### Fire Protection

The Seaside Fire Department (SFD), which is headquartered approximately one mile east of the project area at 1635 Broadway Avenue, provides fire protection and emergency prevention and response services to the entire City, including the entire project area, as well as related public education and advice to the public. Emergency services that the SFD provides include fire suppression, emergency medical response, hazardous materials detection and removal, vehicular accident response, and other rescue situations. The SFD also has a fire prevention program that reviews plans for new construction and renovations to ensure compliance with all pertinent life safety requirements.

SFD's staff is comprised of 26 full-time employees, including a fire chief, three division chiefs, six captains, seven engineers, eight firefighters, and one administrative employee. The fire department operates one ladder truck, four Type 1 fire engines, one Type 3 fire engine, and one light duty rescue vehicle.<sup>1</sup> The SFD has mutual aid and automatic aid agreements with neighboring fire agencies.

SFD's optimum staffing ratio is 1 firefighter per 1,000 residents. As of 2009, the SFD has 1 firefighter per 1,300 residents, a rate below the optimal staffing ratio. SFD is working toward compliance with the National Fire Protection Association's Standard 1710, which sets minimum requirements for the organization and deployment of fire suppression operations, emergency medical operations, and special public operations for career fire departments.<sup>2</sup> As such, the fire department has a 5 minute response time goal (including 4 minutes for drive time) for 90 percent of the populated portions of the fire department's response area. In 2007, the average response time achieved was 5 minutes 51 seconds.

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<sup>1</sup> Pernet, Kathryn, Seaside Fire Department. Personal communication, January 7, 2008.

<sup>2</sup> The NFPA Standard 1710. <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=1710>. Accessed January 8, 2008.

In 2006, the SFD responded to 2,348 calls, including calls regarding medical emergencies, hazardous materials, fires, and public assistance.<sup>3</sup> Approximately 74.3 percent of emergency calls were responded to within the fire department's response time goal. Owing to the proximity of the fire station to the project area, SFD's expected response time to the project area is 5 minutes or less.

In 2003 and 2008, the SFD contracted with an independent expert consultant (CityGate) to evaluate the adequacy of fire protection Citywide. The premise of the reports was that fire response time should be within 5 minutes for 90 percent of emergency calls. The 2003 report (prepared before the 2004 General Plan) recommended the need for at least a second station in the City and eventually a third station. The optimal location for the second station was identified to be on Gigling Road, east of General Jim Moore Boulevard.<sup>4</sup> Furthermore, 12 additional fire fighters have been included in the SFD budget for fiscal year 2009-2010 to serve the City.

It is anticipated that the potential second station on Gigling Road would primarily serve the newly incorporated northern areas of the City. As stated in the General Plan, immediately after the annexation of a portion of the Fort Ord military base, response times to the North Seaside area ranged from 10 to 15 minutes. The CityGate studies prepared for the City further document that existing conditions in the City require increased service capacity to address deficiencies in response time capabilities.

### Police Protection

Police protection services for the entire City, including the project area, are provided by the Seaside Police Department (SPD), which is headquartered at City Hall, at 440 Harcourt Avenue, less than 0.5 mile south of the project area. In addition to the main station, the SPD has three field offices, including the Police Athletic League (PAL) Office, the North Field Office, and the Broadway Field Office. The PAL Office is located one mile east of the project area at 1460 Yosemite Street and houses all offices associated with the PAL, which is a joint recreational partnership between the police department and the Boys and Girls Clubs of Monterey County.

The North Field Office, which is located at 220 Coe Avenue, approximately 1.5 miles northeast of the project area, is dedicated to officers attending to issues in the northern portions of the City. It provides officers with a facility in which they may write reports and conduct investigations and interviews. The North Field Office is only open when officers are present. The Broadway Field Office is located approximately 0.5 mile east of the project area at 1274 Broadway Boulevard. This field office houses and acts as the headquarters of the police department's Investigation Bureau, as well as acts as the operations offices for the Community Liaison Officers and the School Resource Officers, which provide neighborhood watch, crime

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<sup>3</sup> Seaside Fire Department. 2006 Annual Report. 2006.

<sup>4</sup> CityGate Associates, Inc: *City of Seaside Fire Location Study (2003) and Evaluation of Fire Station Sites and Options for the City of Seaside, CA* 2008.

prevention, and school patrol and liaison services. Public access to the Broadway Field Office is limited and is by appointment only.<sup>5</sup> None of the aforementioned police department facilities are located within the project area.

SPD consists of two bureaus, Field Operations and Support Services, both of which are under the command of the Chief of Police. The Field Operations Bureau is comprised of two divisions, the Patrol Division and the Nuisance Abatement Division. The Support Services Bureau is comprised of three divisions, including the Administrative, Community Services, and Investigation divisions. Equipment at the disposal of the SPD includes 15 marked patrol vehicles, seven unmarked command staff cars, five unmarked detective cars, and six marked support staff vehicles.<sup>6</sup>

The SPD staffing includes 45 sworn officers, 17 full-time support staff, and seven part-time employees, including four sworn reserve police officers.<sup>7</sup> Although the preferred ratio for officers is 1.8 officers per 1,000 residents, which is the Monterey County average for all police agencies in the area, the SPD currently has a ratio of 1.4 officers per 1,000 residents.<sup>8</sup>

After the closure of the Fort Ord military base in 1994, 6.27 acres were annexed into the City. Law enforcement for the former Fort Ord was provided by the Army's Law Enforcement Command. The Army has since transferred police service responsibilities to the SPD. Prior to the annexation of this portion of the former military base, the SPD response area was 2.69 square miles. Since the annexation, the police department response area has increased to 8.96 square miles.<sup>9</sup> As such, the SPD provides police services to the Fort Ord Military community within the Presidio of Monterey Annex that is within the City limits.

The Monterey County Communications Center reports that in 2007, it received approximately 38,000 calls for service involving incidents that required police attention.<sup>10</sup> The SPD responds to Priority One emergency calls<sup>11</sup> in four minutes or less.<sup>12</sup> The goal response time for emergencies in the project area is three minutes or less, due to the project area's proximity to the City core. The current response time to that area is less than three minutes for a Priority One emergency call.

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<sup>5</sup> Seaside Police Department. Locations. <http://www.seasidepolice.org/admin004.html>. Accessed December 27, 2007.

<sup>6</sup> Cercone, Stephen, Chief of Police, Seaside Police Department. Personal communication, January 17, 2008.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> City of Seaside General Plan, August 5, 2003.

<sup>10</sup> Cercone, Stephen, Chief of Police, Seaside Police Department. Personal communication, January 17, 2008.

<sup>11</sup> Priority One emergency calls are typically defined as conditions posing immediate threat to life, a felony crime in progress, or a traffic-related injury accident.

<sup>12</sup> This is an unwritten standard, but one that the Seaside Police Department has adhered to for several years.

## Schools

All public schools within the City are administered by the Monterey Peninsula Unified School District (School District), whose service area also includes the cities of Seaside, Monterey, Marina, and portions of unincorporated Monterey County. The School District operates four elementary schools, three middle schools (two of which are K-8), and one high school, as well as continuation high school, within the City of Seaside.

Students residing within the project area are also served by Walter Colton School (K-8) and Monterey High School, both located within the City of Monterey.<sup>13</sup> **Table 4.11-1** provides a summary of the enrollment and capacity of these schools that may serve the project area. As shown in **Table 4.11-1**, all but George C. Marshall Elementary School has enrollment below the school's capacity, as the George C. Marshall Elementary School enrollment is at 112 percent capacity, or 12 percent over full capacity.

## Libraries

The Seaside Community Library, located at 550 Harcourt Avenue, less than 0.5 mile south of the project area, is part of the Foundation for Monterey County Free Libraries, the County library system. The Seaside Community Library is approximately 10,000 square feet in size and provides services to the community, such as the book and video loans, online research assistance, children workshops, movie screenings, and community reception activities. The library is open six days per week, for a total of fifty-four hours per week. The Foundation for Monterey County Free Libraries does not currently have any adopted service standards.<sup>14</sup>

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<sup>13</sup> DC&E. West Broadway Avenue Existing Conditions. September 18, 2007.

<sup>14</sup> Addelman, Jayanti Addleman, Jayanti. County Librarian, Monterey County Free Libraries. Personal communication on January 10, 2008

Table 4.11-1. Schools Serving the Project Area

School Type	School Name	Distance from project area (miles)	Student Capacity	2007-2008 Enrollment	2007-2008 Enrollment as % of Capacity
Elementary	Del Rey Woods Elementary School (1281 Plumas Avenue, Seaside)	1.1	690	499	72%
	Highland Elementary School (1650 Sonoma Avenue, Seaside)	0.9	598	422	71%
	George C. Marshall Elementary School (300 Normandy Road, Seaside)	3.2	572	639	112%
	Ord Terrace Elementary School (1755 La Salle Avenue, Seaside)	1.5	805	589	73%
	Walter Colton School (K-8) (100 Todo Vista Drive, Monterey)	3.6	780	750	96%
	Martin Luther King Middle School (K-8) (1713 Broadway Avenue, Seaside)	1.0	1,161	726	63%
	International School of Monterey (Charter; K-8) (1720 Yosemite Street, Seaside)	1.0	592	365	62%
Middle	Roger S. Fitch Middle School (999 Coe Avenue, Seaside)	1.6	1,053	802	76%
High	Central Coast Continuation High School (225 Normandy Road, Seaside)	2.9	572	210	37%
	Monterey High School (101 Hermann Drive, Monterey)	2.9	1,647	1,455	88%
	Seaside High School (2200 Noche Buena Street, Seaside)		1,890	1,355	72%

Source: Monterey Peninsula Unified School District webpage: <http://www.mpusd.k12.ca.us/SCHOOLS.HTML> Site accessed June 19, 2008; Personal communication Dan Albert, Monterey Peninsula Unified School District, January 12, 2009.

#### 4.11.2 REGULATORY SETTING

##### Senate Bill 50

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), restricts the ability of local agencies to deny project approvals on the basis that public school facilities (classrooms, auditoriums, etc.) are inadequate. Under SB 50, school districts establish fees to offset potential impacts related to increases in population associated with any new residential development. SB 50 further establishes that payment of school impact fees constitutes full and complete mitigation of any possible impacts related to school facilities.

## **Project Consistency**

The City of Seaside does not currently collect any SB50 related impact fees on building permits on behalf of local school districts. However, please see Impact 4.11-4 below for a discussion of project impacts to school facilities and capacity.

## **Seaside General Plan**

The City of Seaside General Plan provides goals, policies, and implementation plans that focus on collaborative efforts to ensure the public service needs of the community are met. The following General Plan's policies are relevant to public services.

### **Fire Protection and Emergency Services**

**Goal LU-9:** *Provide a sufficient level of fire protection, public education, and emergency response service (with a response time of five minutes) for all portions of the community.*

**Policy LU-9.1:** *Adopt and maintain level of service (e.g., response times, call handling) and staffing standards for the Fire Department.*

**Implementation Plan LU-9.1.1:** *Adequate Fire Protection and Emergency Services*

*Review the level of service, facilities, and funding levels at budget time, adjusting when necessary to ensure that adequate levels of service and facilities are provided and maintained.*

**Policy LU-9.2:** *Implement and enforce regulations, such as the most recent building codes, minimum street widths, and clearance areas.*

### **Law Enforcement**

**Goal LU-10:** *Provide an effective and responsive level of police protection (including facilities, personnel, and equipment) through the Seaside Police Department.*

**Policy LU-10.1:** *Adopt and maintain level of service (e.g., response times, call handling) and staffing standards for the Police Department.*

**Implementation Plan LU-10.1.1:** *Adequate Law Enforcement*

*Review the level of service, facilities, and funding levels as budget time, adjusting when necessary to ensure that adequate levels of service and facilities are provided.*

## **Schools**

**Goal LU-11:** *Cooperate with local school districts and other educational organizations to ensure that a level of public education is provided that meets the community's educational needs.*

**Policy LU-11.1:** *Consider impacts of proposed projects on school enrollment and facilities.*

***Implementation Plan LU-11.1.1: School Impact Fees***

*During the review of development proposals, mitigate all potential impacts to schools in accordance with State laws and impact fee limits.*

***Implementation Plan LU-11.1.2: Cooperate with School Districts***

*Maintain communication with local school districts and assist when necessary in identifying new sites.*

## **Libraries**

**Goal LU-12:** *Provide a level of library facilities and service that meet the needs of the community.*

**Policy LU-12.1:** *Develop and maintain a high quality library system that enhances the cultural life of and serves as the information center for the community.*

***Implementation Plan LU-12.1.3: Library Fees***

*Ensure developers pay all required library fees prior to occupancy of their projects.*

## **Project Consistency**

As discussed in Section 4.11.3 below, the SFD would require additional personnel and an additional fire station in order to provide service with the a response time of 5-minutes to the project area. While Mitigation Measure 4.11-1 would require individual development projects to contribute fair share mitigation for providing the required and necessary fire facilities under an ad-hoc approach enforced by the City, the City has not adopted a comprehensive development mitigation fee program that would require the provision of funds to assist in the development of additional resources. Therefore, the project would be inconsistent with Policy LU-9.

As discussed above in Environmental Setting, SFD had adopted level of service standards and the project would be subject to those standards, and consistent with Policy LU-9.1. Additionally, future development projects in the project area would be built in accordance with the most current California Building Code (CBC) and zoning ordinance, and would therefore be consistent with Policy LU-9.2.

As discussed below in Section 4.11.3, SPD would require additional staffing in order to adequately serve the project and maintain a responsive level of service. While Mitigation Measure 4.11-2 would require development projects to contribute fair share mitigation, using an ad-hoc approach, for providing adequate police service and staffing to serve the project area, the City has not adopted a comprehensive development mitigation fee program that would require the provision of funds to assist in the development of additional resources. Thus, the project would be inconsistent with Policy LU-10. However, according to research conducted for this analysis, the SPD requires additional staffing but not any additional permanent physical facilities.

As discussed above in Section 4.11.1, SPD had adopted level of service standards and the project would be subject to those standards, and consistent with Policy LU-10.1.

The project would not create the need for additional school facilities and would therefore not impede the ability of the City to meet the community's educational needs, consistent with Policy LU-11.1. Furthermore, the project would provide for the future development of a library facility, which would be adequate to serve the increased population resulting from the project and provide a beneficial impact, as discussed under the heading "Issue Not Further Discussed" below. Thus, the project would be consistent with Policy LU-12.1.

### 4.11.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

#### Methodology

Information regarding existing public services in the project area is based on the *West Broadway Avenue Existing Conditions Report*, information provided by the public service providers, internet research, and review of the City's General Plan. Current service and capacity levels were compared to potential future demand for services under project buildout.

#### Significance Criteria

In accordance with the *CEQA Guidelines Appendix G*, the project would result in a significant impact to public services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for the following public services:

- Fire protection,
- Police protection,
- Schools, and
- Other public facilities.

#### Issue Not Discussed Further

## Libraries

The project includes conceptual plans for a combined library/parking garage “catalyst” development. Conceptual plans call for the library component to be about approximately 20,000 square feet in size, nearly twice the square footage of the existing Seaside Community Library.

According to the Monterey County Librarian, the existing library in the project area is the most heavily used of the 17 library branches in the County. While the existing library has been upgraded to accommodate new technologies and media, the 10,000 square foot library is not adequate to serve the community nor is the square footage adequate to provide the library materials, computers, and programs that serve the project area.<sup>15</sup>

As this new library would replace the existing branch and provide additional square footage, the future development of a library facility within the project area would have a beneficial impact to library services as it would increase the capacity to serve the existing community and the projected increase in population resulting from implementation of the project.

Physical impacts resulting from the development of the new library facility are addressed in this Programmatic EIR to the extent possible based on the available conceptual designs. These impacts would be further evaluated in a tiered CEQA document required for the future development project. Please see sections, **4.2 Air Quality**, **4.5 Geology and Soils**, **4.6 Hazards and Hazardous Materials**, **4.13 Transportation**, for discussions of the physical impacts of the new library facility.

## Project Impacts

**Impact 4.11-1: Future development associated with the project would increase the demand for fire and emergency services in the project vicinity. The increase could require additional staffing or expanded facilities to meet the increased demands. (Significant)**

The project area is served by the SFD, which provides fire protection and emergency response services. The project would generate an increase in population of 1,312 residents<sup>16</sup> in the project area at buildout (see **Section 4.10, Population and Housing**). The increase in population would in turn create additional demand for fire protection and emergency services. Currently the fire department operates at a ratio of 1 firefighter to 1,300 residents; however, the optimum

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<sup>15</sup> Letter from Monterey County Librarian Jayanti G. Addleman, September 17, 2008.

<sup>16</sup> The estimated population increase generated by the project is based on the 2007 persons/household figure of 3.2 ((494 proposed units x 3.2 persons/unit) minus (84 existing units x 3.2 person/ unit) yields 1,312 persons). It can be reasonably assumed that the actual increase in population would be less than that projected using this generation rate as units proposed as part of the project would be mainly condominiums and townhouses which traditionally accommodate a smaller household size.

goal for fire service is 1 firefighter per 1,000 residents. Thus, there is currently an immediate need for additional fire station staff.

The population generated by the project would contribute negatively to the SFD's ability to maintain a service level ratio goal, decreasing the service ratio to about 1 firefighter per 1,400 residents. The increased demand at project buildout for additional fire department and emergency services evaluated in the CityGate reports would require the construction of a second fire station and 9 additional fire fighters,<sup>17</sup> representing a significant impact. SFD long term planning for the needs of the community includes a level of growth equal to that proposed by the project.<sup>18</sup> However, neither the City nor the SFD has quantified or adopted development impacts fees under AB 1600.<sup>19</sup> Such fees can be assessed on a square foot or residential unit basis and used to address service deficiencies associated with proposed new development in the project area. The City's Capital Improvements Program includes a development impact fee feasibility study, which would establish appropriate impact fees for new developments; the feasibility study is slated to be carried out in fiscal year 2010/2011.<sup>20</sup>

**Mitigation Measure 4.11-1:** Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating public service impacts.

Prior to the approval of any building permits within the project area, the City Resource Management Services Department shall confirm the required fire service to be provided to each project in the project area. As the City has not established or implemented any standards mandating development impact fees for public services, there is no opportunity at this time for such public services deficiencies to be mitigated by the payment of mitigation fees by developers within the project area.

As such, the City Resource Management Services Department shall ensure that any required fire services and service ratios are in place by requiring ad-hoc and fair share mitigation through individual developers that propose development within the project area. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on and demand for fire services and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required fire services and/or staffing and shall determine the fair share contribution of such services and/or staffing by evaluating the project's size and anticipated usage. Through these efforts, the City Resource Management Services shall ensure that adequate fire services staffing and facilities are developed and maintained commensurate with the requirements associated with any new development in the project area.

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<sup>17</sup> Letter from Fire Chief Jerry Wombacher, January 15, 2009.

<sup>18</sup> Ibid.

<sup>19</sup> AB1600 establishes criteria for determining fair-share development impact fees, in order to distribute development-generated capital improvement costs equally and fairly between various developments.

<sup>20</sup> Seaside Capital Improvements Program, 2008.

**Significance After Mitigation:** Significant and unavoidable.

**Impact 4.11-2: The reconfiguration of West Broadway Avenue could interfere with its use as an emergency access route. (Significant)**

The Specific Plan indicates that an important element of the desired “urban village” atmosphere necessitates streetscape improvements to West Broadway Avenue, consistent with the Seaside General Plan. Section 6.A of the Specific Plan states:

To provide for a more pedestrian-friendly environment and to encourage development of an urban village, the City’s General Plan calls for the narrowing of West Broadway Avenue from a four-lane roadway to a two-lane roadway. In place of a middle median, the sidewalks on West Broadway Avenue could be wider. Left-turn pockets at selected intersections would still be needed.

In order to provide emergency vehicle access, there would either be a rolled curb up to the sidewalk or no curb and gutter but a change in pavement texture and/or color.

As shown in **Figure 4.11-1**, the Specific Plan includes conceptual recommendations for streetscape improvements that include the rolled curb and median concept. Options that merely include a change in roadway texture or pavement were not illustrated in the Specific Plan. According to the City of Seaside Fire Chief, this reconfiguration could have an adverse effect on emergency responses insofar as West Broadway Avenue is a designated emergency vehicle access route.<sup>21</sup> In subsequent communication, the Fire Chief stated that it would be infeasible for emergency vehicles to drive up onto any raised median that might be placed in the center of West Broadway Avenue, particularly if any such raised median also included landscaping or encouraged pedestrian congregation.

The development of pedestrian paseos along West Broadway Avenue, as shown in **Figure 4.11-2b**, would enhance pedestrian and bicycle use in the project area. The paseos would be constructed in a manner similar to the medians described above; which could impede emergency vehicle access.

**Mitigation Measure 4.11-2:** Prior to adoption, the City shall revise the Specific Plan discussion of proposed West Broadway Avenue streetscape improvements in accordance with proposed Infrastructure Master Plan, which proposes narrowing the street width and adding a median to allow the addition of left turn pockets as illustrated in **Figure 4.11-3**. The pavement delineations shall be provided with either pavement striping and/or textured pavers so that no raised medians or landscaping within the median would be allowed.

Conceptual plans for the left-turn pocket indicate a width of 14 feet, while the median would be 22 feet wide. Coupled with proposed travel lane widths of 12 feet, a minimum of 26 feet and a maximum of 34 feet of roadway width would be available for emergency vehicle access. In the event that cars are double-parked on West Broadway Avenue, at least 18 or more feet of roadway

<sup>21</sup> Letter from Fire Chief Jerry Wombacher, January 15, 2009.

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width for emergency vehicle operations would still be available. This would allow sufficient roadway width to provide for ladder truck access.

*Significance After Mitigation: Less than significant.*

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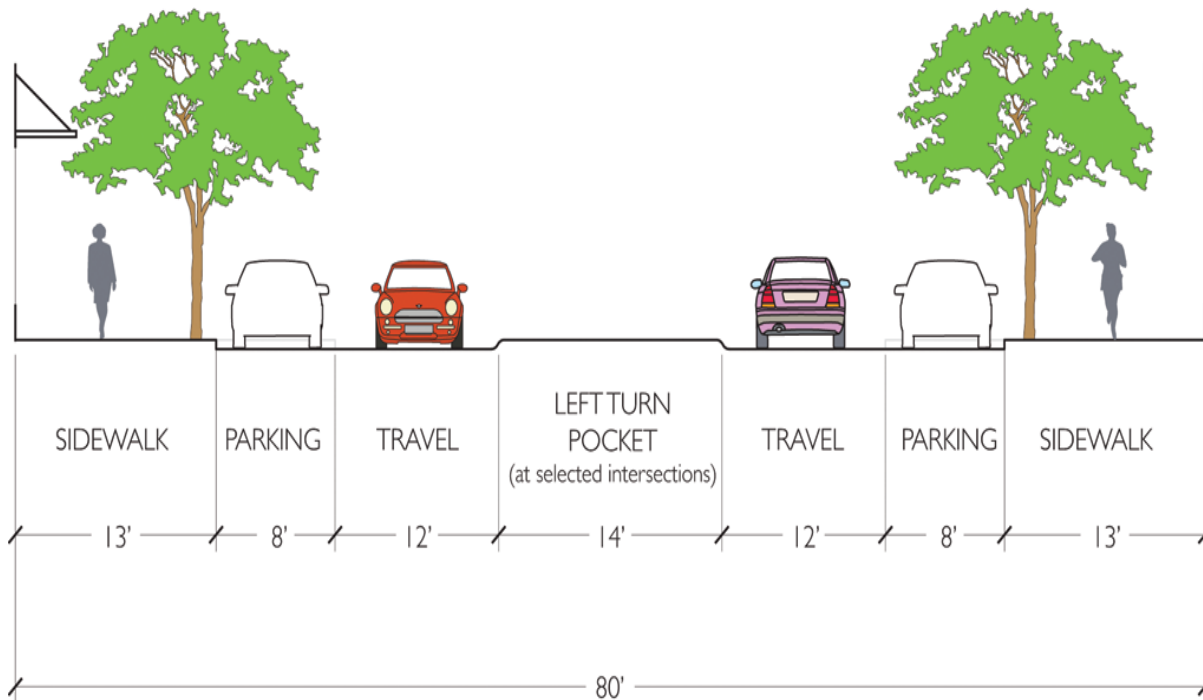


Figure 4.11-1a Conceptual Design - West Broadway Avenue Cross Section-Median

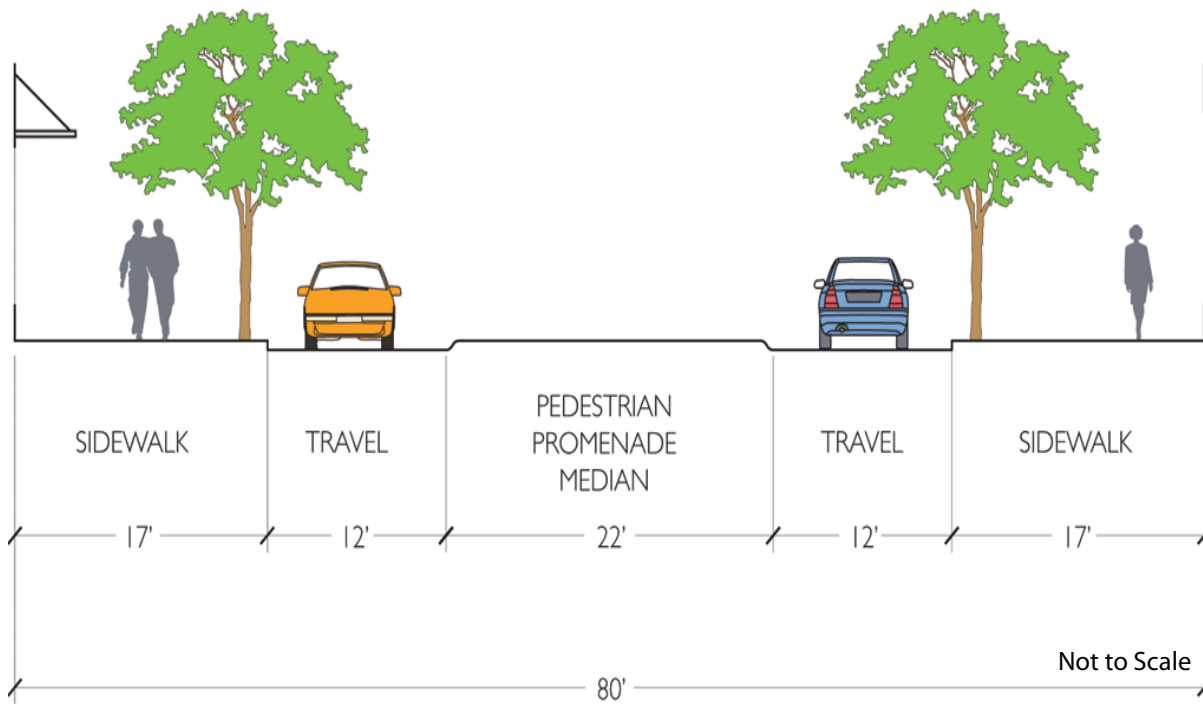


Figure 4.11-1b Conceptual Design - West Broadway Avenue Cross Section-Median with Pedestrian Paseo

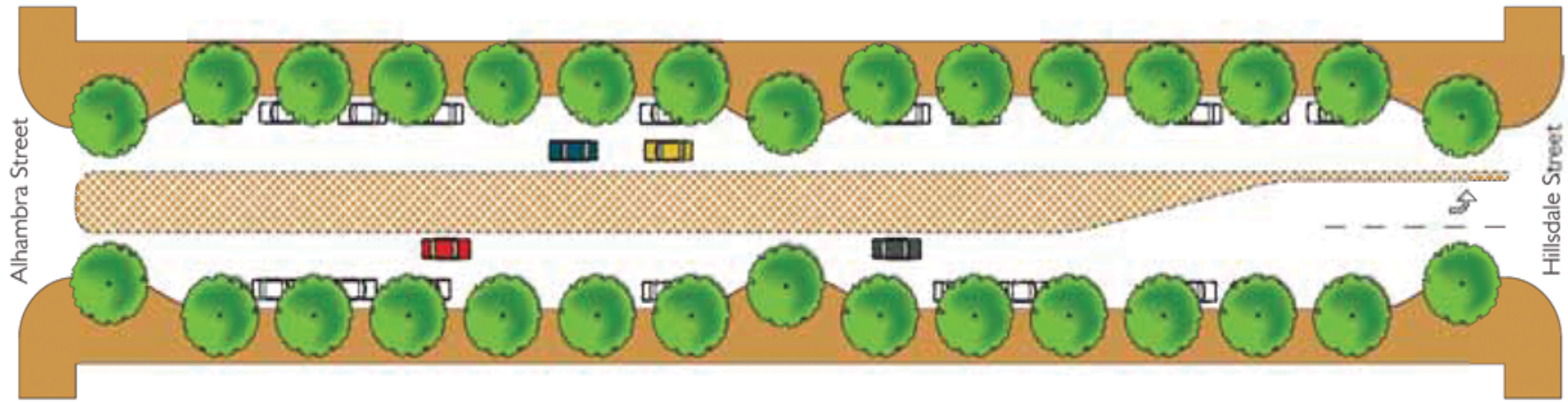


Figure 4.11-2a Conceptual Design - West Broadway Avenue - Median

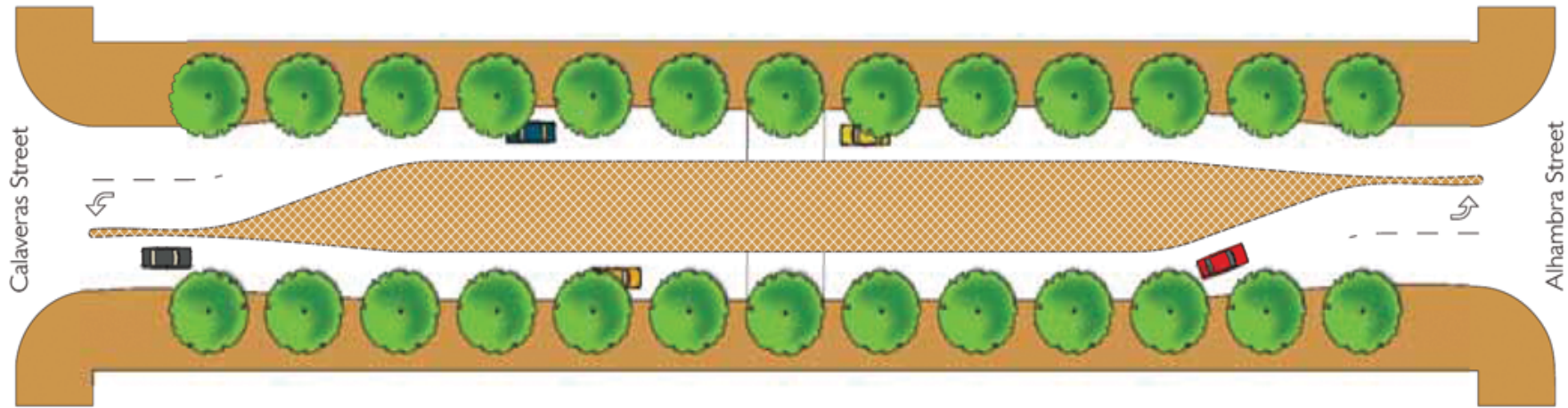


Figure 4.11-2b Conceptual Design - West Broadway Avenue - Pedestrian Paseo

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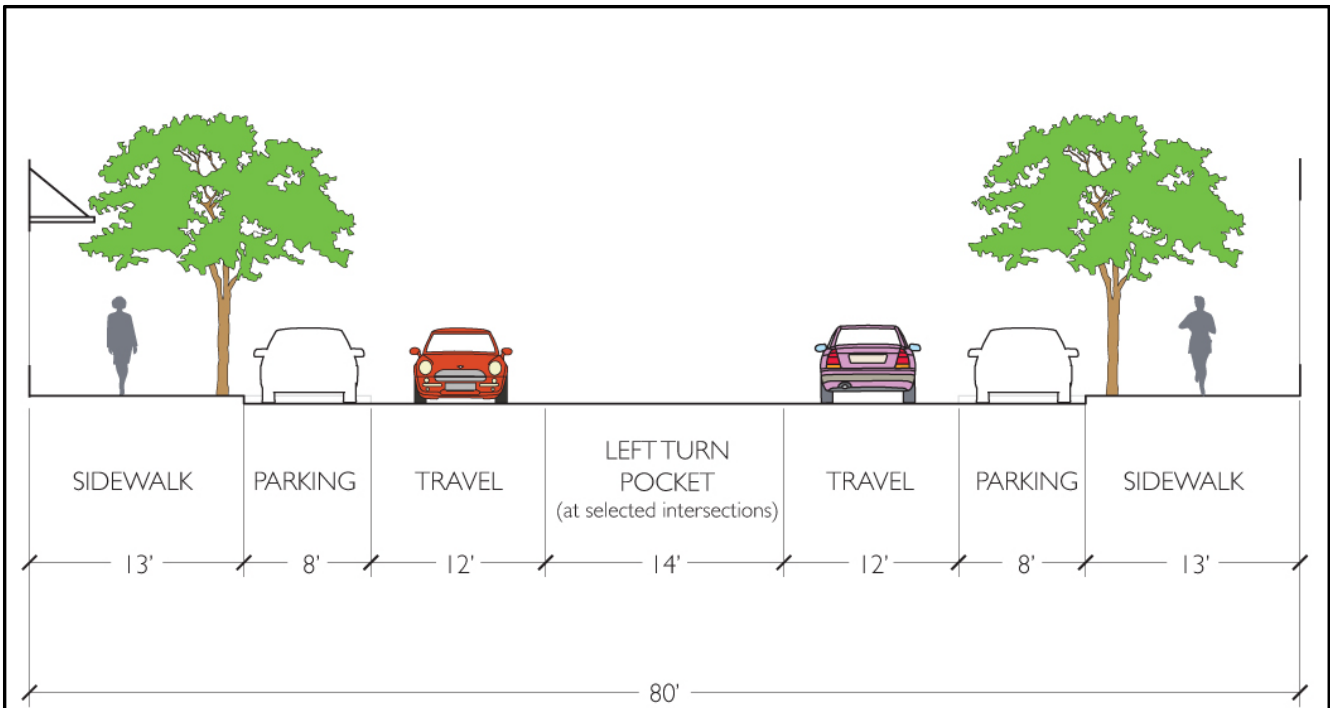


Figure 4.11-3a. Typical West Broadway Avenue Section (for illustrative purposes only)

Not to Scale

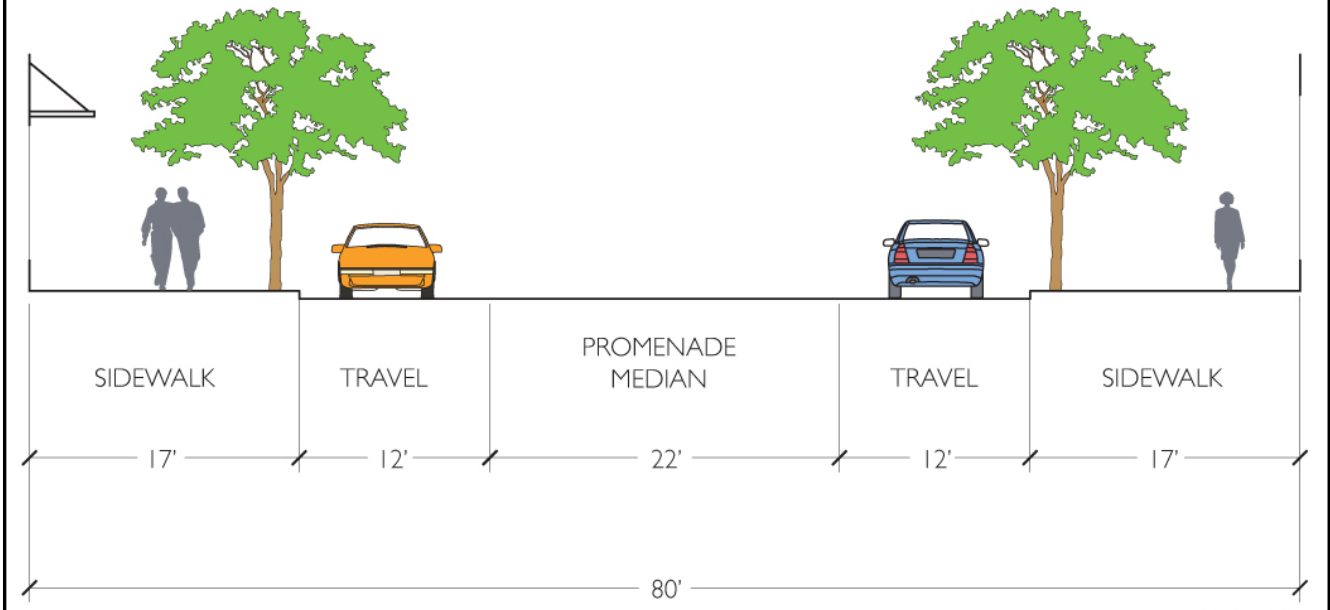


Figure 4.11-3b. Typical West Broadway Avenue Section Between Hillsdale and Alhambra (for illustrative purposes only)

Not to Scale

**Impact 4.11-3: While development associated with the project would be met with the existing police services facilities, the increase in residential and business development would increase the need for additional police patrols in the project area beyond current police staffing. (Significant)**

The project would ultimately generate an increase in population of 1,312 residents in the project area (see **Section 4.10, Population and Housing**). This population increase would create additional demand for police protection services. Currently, the police department operates at a ratio of 1.4 sworn officers to 1,000 residents; the established service ratio goal for police services is 1.8 sworn officers per 1,000 residents. The population generated by the project would not substantially increase the service ratio; the department would maintain a ratio meeting its established service goal.

However, the increase in residential and business development would increase the need for patrols in the area, necessitating a need for 3 additional police officers.<sup>22</sup> Planning for future police staff includes a level of growth equal to the proposed project and would include adequate staff and service capacity to serve the project area.<sup>23</sup> As the SPD would require additional police officers to serve the project area and associated residential development, the project would have a significant impact on police services. The project's impact to police services would result in a substantial need for staffing but would not require additional facilities that would result in physical environmental impacts. While additional facilities would not be required, Specific Plan (Policy PR-2) would encourage the development of a small, centrally-located storefront-style police sub-station on West Broadway Avenue, potentially near the future library/garage project.

Chapter 10 of the Specific Plan also would encourage the SPD to organize and support local community members to spearhead and participate in efforts to improve safety in the project area, such as a community policing program. Under such a program, the City could hold regular meetings that address community concerns and work together to find solutions with police and public works staff. While the establishment of the community policing program would introduce a self-mitigating feature of the project in response to police staffing, the need for the additional 3 police officers would remain in order to provide adequate service to the increased residential and business development.

**Mitigation Measure 4.11-3:** Prior to the approval of any building permits within the project area, the City Resource Management Services Department shall confirm that the required police service to be provided to each project in the project area.

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As the City has not established or implemented any standards mandating development impact fees for public services, there is no opportunity at this time for such public services deficiencies to be mitigated by the payment of mitigation fees by developers within the project area. As such, the City Resource Management Services Department shall ensure that any required additional

<sup>22</sup> Letter from Chief of Police, Stephen M. Cercone, January 7, 2009.

<sup>23</sup> Ibid.

police officers are staffed by requiring ad-hoc and fair share mitigation through individual developers that propose development within the project area.

The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on and demand for police services and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required police services and/or staffing and shall determine the fair share contribution of such services and/or staffing by evaluating the project's square footage and anticipated demand for such services.

Through these efforts, the City Resource Management Services shall strive to ensure that adequate police services staffing and facilities are developed and maintained commensurate with the requirements associated with any new development in the project area.

***Significance After Mitigation:*** Significant and unavoidable.

**Impact 4.11-4 Development associated with the project would increase the demand for school services in the project vicinity, which could be met by the existing facilities. (Less than Significant)**

Educational facilities in the project area include elementary schools, combined elementary and middle schools (K-8), middle schools (6-8 only) and high schools.

Based on the school district generation rate of 0.48 elementary/middle school students per high density residential unit, the project would contribute 196.8 additional students to the elementary and middle schools in the area. The project would be served by the Del Rey Woods Elementary School, Highlands Elementary School, George C. Marshall Elementary School and the Ord Terrace Elementary, as well as the Walter Colton K-8, Roger S. Fitch Middle School and Martin Luther King Middle School. These schools are operating at sufficient capacity to accommodate the existing student body. Based on 2007-2008 enrollment levels, these schools have a combined existing open capacity of 1,462 pupil spots. The addition of 196.8 students at the elementary and middle school levels resulting from future project area developments would be accommodated by the existing school capacities. The impact to these schools would be less than significant.

The project would also generate approximately 61.5 new high school students, based on the school district generation rate of 0.15 students per high density residential unit. New students would attend Monterey High School, Seaside High School, or Central Coast Continuation High School. These schools currently have sufficient capacity to accommodate the existing student body. Based on 2007-2008 enrollment levels, these schools have a combined existing open capacity of 1,089 pupil spots. The addition of 61.5 students at the high school level resulting from future project area developments would be accommodated by the existing school capacities.

Based on the foregoing, the project would not result in a significant physical impact relative to schools. No mitigation is required.

### Cumulative Impacts

The area analyzed for cumulative impacts to public services is the project area and the remainder of the City of Seaside. The methodology used for evaluating cumulative impacts related to public services utilizes the list of past, present, and probable future projects producing related or cumulative impacts, as identified in **Table 4.1**.

The General Plan EIR indicated that buildout of the City would lead to increased demand for schools, police protection, fire protection and emergency services, and libraries. The General Plan EIR found that the combination of good local planning to accommodate future growth along with mitigation measures included in the EIR would reduce most potential cumulative impacts associated with the provision of public services to a less than significant level.

The project, along with other residential and commercial development proposed for the City, would add to existing demands on public services, including fire, police, schools, and libraries. However, as the project would include the future library/garage project, the existing 10,000 square foot library would be replaced with a new 20,000 square foot library, which would accommodate the anticipated population growth as a result of the project. Therefore, development of this future library project would have a beneficial cumulative impact, as it would serve the project area, including future populations generated by the cumulative projects.

The project, along with other cumulative residential and commercial development proposed within the City, would add to existing demands on schools, and police and fire services. The increase in population resulting from development of the project area and cumulative development throughout the City, specifically residential, commercial, and mixed-use projects noted in **Table 4-1**, would increase the demand for additional public services. The General Plan EIR also identified impacts to public services as significant and unavoidable, as no City legislative framework for a comprehensive development mitigation fee structure for public services has been adopted. As such, the City has and will continue to deal with public services impacts on a case-by-case basis. Thus, the cumulative projects, in addition to the project, would encounter similar issues regarding public service, representing a significant cumulative impact.

While the project includes mitigation measures that would continue to support the ad-hoc approach while ensuring a project's fair share contribution to public services, the project would have a considerable contribution to the increased demand for police and fire service in the City. The project would allow for increased density and the addition of new residential and mixed-use development, which would contribute to the cumulatively increased demand for the City's public services.

In addition to the narrowing of the traffic lanes on West Broadway Avenue, medians could be developed on West Broadway Avenue to provide a “break” in the street and thus create a more pedestrian-friendly environment. Any medians would have mountable or rolled curbs to allow emergency vehicles access when conditions warrant. Further, the medians may include low-lying drought tolerant landscaping that would not interfere with access or allowing clear lines of sight for emergency vehicles. As such, the medians would not impede emergency vehicles from using the median during the event of an emergency.

The project also allows for the expansion of sidewalks in the absence of a center median. Under such a scenario, the roadway could include left-hand turn pockets within a center-turn lane. These left-hand turn pockets could also provide an emergency access route for emergency vehicles. Similar to the center median, the sidewalks could be widened and constructed with rolled or at-grade curbs to allow for emergency vehicle travel on the West Broadway Avenue corridor. This option is not, however, represented in the conceptual designs shown.

In addition to the center medians and sidewalks, the project area also contains existing alleyways just south of West Broadway Avenue (between West Broadway Avenue and Palm Avenue). These alleyways provide a potential secondary emergency access route in the event of a blockage of the primary streets.

In all, the project would have a less than significant impact in regards to emergency access routes in the project area. No mitigation is required.


**APPENDIX F-3**

**CORRESPONDENCE FROM FIRE CHIEF**

**SEPTEMBER 15, 2009**

MEMORANDUM

City of Seaside  
Fire Department

Date: 15 September 2009  
To: Diana Ingersoll, Deputy City Manager, Resource Management Services  
From: Jerry Wombacher, Fire Chief   
Subject: West Broadway Urban Village Draft EIR/Specific Plan

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I have reviewed the redline version of Section 4.11 Public Services of the WBUV Draft EIR/Specific Plan. The information contained in Impact 4.11-2, "The reconfiguration of West Broadway Avenue could interfere with its use as an emergency access route", addresses the concerns I have expressed regarding significant adverse effect of emergency vehicle access.

Mitigation Measure 4.11-2 describes the measures to be employed which mitigate the concerns I have expressed regarding the significant adverse effect of emergency vehicle access, and satisfy the California Fire Code requirements. Additionally, Figure 4.11-3 depicts the proposed pavement elevation plan which reinforces the description of Mitigation Measure 4.11-2.

At this point I have no further comments or edits to the WBUV Draft EIR/Specific Plan. I will attend the Planning Commission meeting on 23 September 2009 to advise them that my concerns have been addressed, so as not to further delay their final recommendation to the City Council. Should you have any further questions, please feel free to contact me at extension 6786.

Cc: Ray Corpuz, City Manager  
Don Freeman, City Attorney  
Tim O'Halloran, P.W. Services Manager/City Engineer  
Barabara Nelson, Planning Services Manager  
Diana Hurlbert, Senior Planner

**FINDINGS OF FACT**

**and**

**STATEMENT OF OVERRIDING  
CONSIDERATIONS**

**for the**

**WEST BROADWAY AVENUE URBAN VILLAGE  
SPECIFIC PLAN PROJECT**

**City of Seaside**

**November 2009**

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# Findings of Fact

## **1. INTRODUCTION**

To support a decision on a project for which an environmental impact report (EIR) is prepared, a lead or responsible agency must prepare written findings of fact (Findings) for each significant effect on the environment identified in the EIR (Section 21081 of the Public Resources Code). The City of Seaside, as the lead agency, has prepared these Findings, as well as the accompanying Statement of Overriding Considerations, for the West Broadway Avenue Urban Village Specific Plan project. The Findings must be adopted by the City of Seaside City Council.

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR that has been certified identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The State California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations, Section 15000, *et seq.*), list the possible Findings as follows:

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

## **2. PROJECT BACKGROUND AND OVERVIEW**

The West Broadway Avenue Urban Village Specific Plan (project) is a specific plan/transit village plan that would guide growth and development so as to create an “urban village” within the West Broadway Avenue area in the southwest portion of the City. The project would amend existing land use regulations within the project area and set forth new design guidelines, development standards, and related criteria that would foster the revitalization of the area.

The Specific Plan development program would increase and modify allowable development in the project area to help encourage creation of a denser urban core or village within the city. The proposed conceptual land use plan features a mix of multi-family residential, office, commercial, and park uses. Aspects of the new urban core or village include:

- 494 residential units,
- 28,700 square feet of new office development;
- 296,800 square feet of commercial/retail development;
- A new hotel with approximately 250 rooms;
- A new 20,000 square foot public library;

- 53,000 square feet of outdoor space; and
- 500 new off-street parking spaces.

The overall land use plan would create a dense, pedestrian-oriented core that would be intended to capitalize on walking, bicycling, and transit opportunities. Individual developments within the project area would be anticipated to occur over 20 or more years as individual developers apply to construct new residential units, commercial space, and other uses. The project intent is to provide for restructuring land use, density, architectural character, streetscapes, and parking provisions as necessary to create a well-designed, contemporary, and financially viable downtown.

The goals of the Specific Plan are described in the project objectives:

- Create a distinct identity for West Broadway Avenue, drawing from the multicultural heritage of the Seaside community.
- Establish the West Broadway Urban Village as an attractive local and regional destination that capitalizes on existing local businesses.
- Encourage a hub of economic and civic activity in the West Broadway Urban Village, including a public gathering place, residences over retail and office uses, and live-work units.
- Create a balance of community- and visitor-serving mix of uses in the West Broadway Urban Village.
- Develop an inviting pedestrian-friendly streetscape in the West Broadway Urban Village, including new street trees and wide sidewalks for outdoor dining and other activities.
- Support a range of housing types and affordability in the West Broadway Urban Village to meet the changing needs of families and residents over their life cycle.
- Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.
- Integrate multi-modal transit and a transit center into the West Broadway Urban Village.
- Promote ecological consciousness with incentives for environmentally sustainable types of development.

A Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) (SCH No. 2008091147) for the West Broadway Avenue Urban Village Specific Plan project was prepared and circulated on July 7, 2009. The Draft EIR was made available for public review and comment from July 7, 2009 to August 20, 2009.

Comments were received from various public agencies and a number of individuals. The Final EIR contains copies of the comments, provides responses to those comments, and includes text revisions to the Draft EIR. No substantial changes to the Draft EIR were required, and the Final EIR includes the entire Draft EIR by reference. Public hearings were held before the City of Seaside Planning Commission on August 12 and October 14, 2009.

### **3. FINDINGS**

Findings are based on substantial evidence contained in the Final EIR (Draft EIR and Response to Comments) for the proposed West Broadway Avenue Urban Village Specific Plan project and in relevant technical studies included as part of the administrative record. As previously stated, the Draft EIR addresses the potential effects on the environment that are associated with the project, and the Final EIR incorporates the Draft EIR by reference, and includes comments received on the Draft EIR and text revisions to the Draft EIR. These documents, as well as relevant technical studies, are available for review at the City of Seaside Resource Management Services Division. This section summarizes the significant environmental effects of the project that are discussed in the EIR, and provides written findings for each of those significant effects.

#### **3.1 SIGNIFICANT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT LEVELS**

The Draft EIR identified a number of significant and potentially significant environmental impacts from implementation of the West Broadway Urban Village Specific Plan project. Some of the identified significant environmental impacts can be avoided or reduced to less-than-significant levels through the incorporation of mitigation measures into the project. These impacts and mitigation measures are listed under each of the impacts below and are included in a Mitigation Monitoring and Reporting Program (MMRP), which has been prepared separately from these findings and is included in the Final EIR.

#### **AESTHETICS**

**Degradation of Visual Character Impact (4.1-3)** - The project would allow building heights of up to eight stories, potentially creating new shadow patterns in the project area that could adversely affect the visual character of surrounding development.

##### Mitigation Measure 4.1-3

Prior to the issuance of land use or building permits for the proposed development projects that include buildings greater than five stories in height, the City Resource Management Services Department shall confirm that the project applicant(s) have performed shadow studies to identify the potential for impacts resulting from shadows cast onto adjacent or non-contiguous private properties containing existing developments. The City Resource Management Services Department shall ensure that shadow minimization and/or avoidance measures included in any shadow studies are incorporated into development plans as conditions of project approval or as mitigation measures within project-level environmental documentation. Such strategies may include, but are not limited to recommended alterations in site planning, building design, or building composition.

##### Finding

The City of Seaside finds that the feasible mitigation measures articulated above and identified in the Final EIR would reduce the project's aesthetic impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible Mitigation Measure 4.1-3 that would ensure a less than significant impact by confirming that the project applicant(s) have performed shadow studies and that shadow minimization and/or avoidance measures are incorporated into development plans as conditions of project approval or as mitigation measures within project-level environmental documentation. The City will adopt all of the feasible mitigation measures identified above, and

more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

### **AIR QUALITY AND GLOBAL CLIMATE CHANGE**

**Construction emissions Impact (4.2-3)** - Construction activities would involve heavy-duty off-road equipment and large trucks resulting in emissions of diesel particulate matter and NO<sub>x</sub>.

#### **Mitigation Measure 4.2-3**

Specific projects developed under the other phases of construction use smaller sized equipment (e.g., loaders, forklifts, etc.), but include numerous heavy-duty truck deliveries for cement, asphalt, building materials, and landscape materials. Project applicants for developments in the project area that would be located within 200 feet of occupied sensitive receptors, such as residences, shall evaluate air quality impacts during construction. Project-specific mitigation measures would be identified at that time. Prior to the issuance of building, grading, and/or demolition permit approvals within the project area; the City Resource Management Service Department shall ensure that the air quality evaluation and the identified mitigation measures are adequate. Mitigation shall include some or all of the following future Best Management Practices as appropriate in project area development approvals. Mitigation measures for project-specific development, may include, but are not limited to the following types of Best Management Practices:

- All off-road construction vehicles/equipment greater than 100 horsepower that would be used on site for more than one week shall: 1) be manufactured during or after 1996, and 2) shall meet the NO<sub>x</sub> emissions standard of 6.9 grams per brake-horsepower hour. Alternatively, the project shall implement a combination of the following emission reduction measures on some or all of the above described vehicles equipment, subject to approval by the MBUAPCD:
  - i. Use Alternative fuels (such as biodiesel blends),
  - ii. Require diesel particulate matter filters on equipment,
  - iii. Require diesel oxidation catalyst on equipment.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).
- The construction contractor shall enforce state required idle restrictions. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite and staged away from residential areas.
- Properly tune and maintain equipment for low emissions.
- Stage large diesel powered equipment at least 100 feet from any active land uses (e.g., residences).
- Limit the hours of operation for heavy-duty equipment to daytime periods.

#### **Finding**

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's air quality impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the

form of feasible mitigation measure 4.2-3 that would ensure a less than significant impact by requiring the project applicants to evaluate air quality impacts during construction and identify project-specific mitigation measures and Best Management Practices prior to issuance of building, grading, and/or demolition permits approvals within the project area. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Temporary Construction Emissions Impact (4.2-4)** - Construction activities would temporarily increase PM<sub>10</sub> concentrations above acceptable levels.

Mitigation Measure 4.2-4

Dust impacts would be reduced by implementing dust control measures. Prior to the issuance of building, grading, and/or demolition permit approvals within the project area, the City Resource Management Service Department shall ensure that project applicants adequately incorporate dust control measures, as appropriate. Mitigation measures for project-specific development, may include, but are not limited to the following types of Best Management Practices:

- Limit grading activity to a maximum of 2.2 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. Such an assessment would have to be conducted using appropriate assumptions and mitigation measures.
- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to existing businesses shall 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 hauling trucks 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 (previously graded areas inactive for ten days or more).
- 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.

The combined effect of the above Best Management Practices, would limit the amounts of land permitted to be graded within a single day and would implement multiple means to reduce the potential generation of dust.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's air quality impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.2-4 that would ensure a less than significant impact by requiring project applicants to incorporate dust control measures and Best Management Practices prior to issuance of building, grading, and/or demolition permit approvals. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Odors affecting nearby residences Impact (4.2-8)** - Restaurants that may be included in the project area could be in close proximity to residential areas and could generate odors affecting nearby residents.

#### Mitigation Measure 4.2-8

Projects that include restaurants shall be reviewed by the City Resource Management Service Department prior to issuance of building, grading, and/or demolition permit approvals within the project area, to ensure that project applicants adequately mitigate for the potential to produce odors. Where a potential source of restaurant odors exists, the project applicant shall install kitchen exhaust vents in accordance with accepted engineering practices; exhaust filtration systems or other accepted methods of odor reduction shall be required.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's air quality impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.2-8 that would ensure a less than significant impact by requiring project applicants with projects that include restaurants to adequately mitigate for the potential to produce odors in the project area prior to issuance of building, grading, and/or demolition permit approvals. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

## **BIOLOGICAL RESOURCES**

**Construction Impact to special-status plant species (4.3-1)** - Construction activities proposed by the project could potentially result in impacts to special-status plant species.

#### Mitigation Measure 4.3-1

Prior to the issuance of a grading permit for a development within the undeveloped parcels of the project area, the City Resource Management Services Department shall confirm that the permit applicant has retained a qualified botanist who has conducted focused surveys to determine the presence/absence of special-status plant species with potential to occur in the project area in full accordance with California Department of Fish and Game approved guidelines for conducting field surveys. Specifically, the guidelines are outlined in: Guidelines for Assessing Effects of Proposed Developments on Rare Plants and Plant Communities.

These guidelines require rare plant surveys to be conducted at the proper time of year when rare or endangered species are both “evident” and identifiable. Field surveys shall be scheduled to coincide with known flowering periods, and/or during periods of phenological development that are necessary to identify the plant species of concern.

If any special-status plant species are found within the project area from the implementation of the focused surveys, and cannot be avoided, a transplanting program shall be undertaken in coordination with a qualified City-approved botanist to move the plant(s) to suitable alternative habitat location. The botanist will be responsible for the program setup logistics, which should address common transplanting issues including holding facilities for salvaged plants, required labor and materials, appropriate salvaging techniques (per species requirements), and transplanting locations. The program may provide opportunities for local volunteers to get involved. There are currently no general guidelines for the creation and implementation of transplanting programs that could apply to all types of special-status species, as such, the City-appointed botanist shall use their best professional judgment to incorporate elements from other known successful transplanting programs as it pertains to the impacted plants within the project area.

Special-status plant species that are identified adjacent to proposed ground-disturbing activities, but not to be disturbed by the project, shall be protected by barrier fencing to ensure that construction activities and material stockpiles do not impact any special-status plant species. These avoidance areas shall be identified on proposed improvement plans.

#### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's biological resource impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.3-1 that would ensure a less than significant impact by confirming that the permit applicant has retained a qualified botanist who has conducted focused surveys to determine the presence/absence of special-status plant species with potential to occur in the project area prior to issuance of a grading permit for any development within the undeveloped parcels of the project area. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Construction Impact to avian species (4.3-2)** - Construction activities proposed by the project could potentially result in impacts to avian species.

#### Mitigation Measure 4.3-2

If construction or tree removal on parcels of the project area is expected to occur during the typical nesting season (February-August), the City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur. The survey shall be conducted no more than 30 days prior to ground disturbance or tree removal and the results of the survey submitted to the City Resource Management Services Department immediately upon completion.

If there is any lapse in construction activities, and construction resumes during the nesting season, the City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified biologist to conduct new surveys within 30 days of the re-initiation of construction activities. The results on the new surveys shall be submitted to the City Resource Management Services Department immediately upon completion.

If nesting birds are found during the survey, an appropriate buffer shall be determined by the qualified biologist in coordination with the City Resource Management Services Department and established around the active nest. Any exclusionary fencing shall be established outside the proposed project footprint to prohibit project activity from entering into the buffer area for a time period appropriate for the species, as set forth by the qualified biologist. The exclusionary fencing shall ensure nesting species are avoided and allowed to complete their nesting cycle. All required buffers shall be shown on construction plans and submitted to the City Resource Management Services Department.

If construction activities or tree removal are proposed to occur during the non-breeding season (September-January), a survey would not be required, nor any further studies or mitigation.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's biological resource impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.3-2 that would ensure a less than significant impact by confirming that the project applicant(s) have retained a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur. The results of this survey would be submitted to the City Resource Management Services Department. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the Project and incorporate those into the Project if approved.

**Construction Impact to special-status bat species (4.3-3)** - Construction activities proposed by the project could potentially result in impacts to special-status bat species.

### Mitigation Measure 4.3-3

Prior to the issuance of any City permits for tree removal, the City Resource Management Services Department shall confirm that the permit applicant(s) has retained a qualified biologist that to inspect buildings and/or trees for the presence of bat roosts. The qualified biologist shall conduct a survey shall be conducted between March 1 and July 31, coincident with area roosting patterns. Surveys shall be considered valid for one year from the date of completion. The biologist shall submit his/her report to the City Resource Management Services Department for review.

If no bat roosts are detected, then no further action is required if the trees and buildings are removed prior to the next breeding season (which starts on March 1 of each year). The City Resource Management Services Department shall ensure that the valid dates of any tree removal, grading, or building permits correspond to these terms.

If removal is delayed, the City Resource Management Services Department shall confirm that the permit applicant has retained a qualified biologist that has conducted an additional pre-construction survey 30 days prior to removal of any trees or buildings to ensure that a new colony has not established itself. The biologist shall submit his/her report to the City Resource Management Services Department for review.

If the biologist finds that a colony of bats is roosting on a tree or building proposed for demolition within the project area during the additional pre-construction survey, then the following mitigation shall be implemented to reduce the potential disturbance:

- If a female or maternity colony of bats is found within the project area, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large tree not planned for removal), a qualified wildlife biologist shall determine what physical and time-limited buffer zones shall be employed to ensure the continued success of the colony. The City Resource Management Services Department shall incorporate these buffer zones into the project construction plans as conditions of any tree removal, grading, and/or demolition permits.
- Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).
- If an active nursery roost is known to occur within the project area and the project cannot be conducted outside of the maternity roosting season, a qualified biologist shall develop and implement a plan to ensure that bats are excluded from the roosting site after July 31 and before March 1 and prior to the issuance of any tree removal, grading, and/or demolition permits to prevent the formation of maternity colonies. The City Resource Management Services Department shall incorporate such requirements into the project construction plan as conditions of the approval of any tree removal, grading, and/or demolition permit. A qualified bat specialist shall see that any remaining non-breeding bats shall be safely evicted from any affected project site(s).

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's biological resource impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.3-3 that would ensure a less than significant impact by confirming that the permit applicant(s) has retained a qualified biologist to inspect buildings and/or trees for the presence of bat roosts prior to the issuance of any City permits for tree removal. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

## **CULTURAL RESOURCES**

**Construction Impact to Archeological Resources (4.4-1)** - Construction activities could adversely impact previously undiscovered archaeological resources.

### Mitigation Measure 4.4-1a

If deposits of prehistoric or historic archeological materials are encountered during project construction activities, all work within 25 feet of the discovery shall be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 shall be contacted to assess the deposit(s) and make recommendations.

If deposits of prehistoric or historic archeological materials cannot be avoided by project activities, the City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified archeologist to evaluate the potential historic significance of the resource(s). If the deposits are recommended to be non-significant by a qualified archeologist, avoidance is not necessary. If the deposits are determined to be potentially significant by the qualified archeologist, the resources shall be avoided. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the qualified archeologist, in coordination with the City Resource

Management Services Department, and CEQA Guidelines §15126.4 (b)(3)(C), which requires implementation of a data recovery plan.

The data recovery plan shall include provisions for adequately recovering all scientifically consequential information from and about any discovered archeological materials and include recommendations for the treatment of these resources. In-place preservation of the archeological resource is the preferred manner of mitigating potential impacts, as it maintains the relationship between the resource and the archeological context. In-place preservation also reduces the potential for conflicts with the religious or cultural values of groups associated with the resource. Other mitigation options include, but are not limited to, the full or partial removal and curation of the resource.

The City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified archeologist for the preparation and implementation of the data recovery plan, which shall be conducted by prior to any additional earth-moving activities in the area of the resource. The recovery plan shall be submitted to the project applicant, the City Resource Management Services Department, and the Northwest Information Center. Once the recovery plan is reviewed and approved by the City Resource Management Services Department and any appropriate resource recovery completed, project construction activity within the area of the find may resume. A data recovery plan shall not be required for resources that have been deemed by the Northwest Information Center as adequately recorded and recovered by studies already completed.

#### Mitigation Measure 4.4-1b

Prior to the issuance of grading permits within the project area, the City Resource Management Services Department shall confirm that any development applicant has required all construction crews to undergo adequate training for the identification of federal or state-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources within the project area, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.

#### Finding

The City of Seaside finds that the feasible mitigation measures articulated above and identified in the Final EIR would reduce the project's cultural resource impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.4-1a and 4.4-1b that would ensure a less than significant impact by confirming that the project applicants have retained a qualified archeologist for the preparation and implementation of the data recovery plan if deposits of prehistoric or historic archeological materials are encountered during project construction activities. Additionally, the City Resource Management Services Department shall confirm that any development applicant has required all construction crews to undergo adequate training for the identification of federal or state-eligible cultural resources prior to the issuance of grading permits. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the Project and incorporate those into the Project if approved.

**Construction Impact to Paleontological Resources (4.4-2)** - Earth moving activities, particularly deep grading, have the potential to destroy Paleontological resources.

Mitigation Measure 4.4-2

Prior to the issuance of grading or demolition permits, the City Resource Management Services Department, in coordination with a qualified Paleontologist, shall assess individual development project proposals within the Specific Plan area for the potential to destroy unique Paleontological resources. The City Resource Management Services Department shall require development proposals entailing significant earthworks or deep foundations with the potential to penetrate sedimentary rock layers to incorporate a study by a professional Paleontologist to assess the potential for damage of Paleontological resources. Should the Paleontologist determine that the proposal has the potential to damage resources, the Paleontologist shall provide detailed provisions for the protection of these resources. These provisions may include the complete avoidance of the resource, in-place preservation, and/or complete data recovery as discussed in Mitigation Measure 4.4-1a.

Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's cultural resource impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.4-2 that would ensure a less than significant impact by assessing individual development project proposals within the Specific Plan area for the potential to destroy unique Paleontological resources prior to the issuance of grading or demolition permits and in coordination with a qualified Paleontologist. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Construction Impact to undiscovered Cultural Resources (4.4-3)** - Ground-disturbing activities could impact previously undiscovered human remains.

Mitigation Measure 4.4-3a

On-going through project grading, demolition, and construction, if human remains are encountered during ground-disturbing activities within the project area, the project contractor and/or on-site supervisor shall provide certification to the City Resources Management Division that work within 25 feet of the discovery is stopped. The project contractor shall immediately notify the Monterey County Coroner (Coroner) upon the discovery of any human remains. At the same time, a qualified archaeologist meeting federal criteria under 36 CFR 61 shall be contacted by the project applicant(s) and project contractor, in coordination with the City Resources Management Division to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment or disposition, with proper dignity, of the remains and any associated grave goods. Upon completion of the assessment, the qualified archaeologist shall prepare a report documenting the background to the finds, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the City Resource Management Services Department, and the Northwest Information Center. Once the report is reviewed and approved by the City Resource

Management Services Department, and any appropriate treatment completed, project construction activity within the area of the find may resume.

If the MLD does not make recommendations within 48 hours the project applicant(s) shall reenter the remains in an area of the property secure from further disturbance. If the project applicant(s) does not accept the MLD's recommendations, the applicant(s) or the MLD may request mediation by the Native American Heritage Commission.

Mitigation Measure 4.4-3b

Prior to the issuance of grading permits, the project applicant(s) and project contractor shall ensure that all construction crews that work on the project undergo a training session to inform them of the presence and nature of federal or state-eligible cultural resources and the potential for previously undiscovered archaeological resources and human remains within the project area, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.

Finding

The City of Seaside finds that the feasible mitigation measures articulated above and identified in the Final EIR would reduce the project's cultural resource impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.4-3a and 4.4-3b that would ensure a less than significant impact by requiring the project contractor and/or on-site supervisor to provide certification to the City Resources Management Division that work within 25 feet of a discovery of human remains is stopped if discovered during ground-disturbing activities for the period of project grading, demolition, and construction within the project area. The project applicant(s) and project contractor shall also ensure that all construction crews that work on the project undergo a training session to inform them of the presence and nature of federal or state-eligible cultural resources and the potential for previously undiscovered archaeological resources and human remains within the project area prior to the issuance of grading permits. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**GEOLOGY AND SOILS**

**Exposure to Seismic Shaking and Liquefaction Impact (4.5-1)** - Development envisioned by the project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death related to strong seismic shaking and liquefaction resulting in lateral spreading.

Mitigation Measure 4.5-1a

Prior to the issuance of any building permits for construction within the project area, applicants of future development projects shall perform an assessment for potential seismic and geologic hazards. The assessment shall include a geotechnical report prepared by state-licensed Engineering Geologist and/or Civil Engineer. The recommendations contained in such geotechnical reports shall be reviewed and approved by the City of Seaside, Building Official and incorporated into grading and/or building plans for proposed development within the project area.

#### Mitigation Measure 4.5-1b

All developments within the project area shall be constructed in accordance with the most recent building codes and the most recent state seismic requirements for structural design of new development and redevelopment. Some general construction type options with good seismic energy absorbing properties include, but are not limited to:

- Wood or timber frame;
- Reinforced masonry walls;
- Reinforced concrete walls; and
- Steel frame with masonry fill-in walls.

#### Finding

The City of Seaside finds that the feasible mitigation measures articulated above and identified in the Final EIR would reduce the project's geological impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.5-1a and 4.5-1b that would ensure a less than significant impact by requiring applicants of future development projects to perform an assessment for potential seismic and geologic hazards prior to the issuance of any building permits within the construction area. Additionally, all developments within the project area shall be constructed in accordance with the most recent building codes and the most recent state seismic requirements for structural design of new development and redevelopment. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Soil Erosion or Loss of Topsoil Impact (4.5-2)** - Development envisioned by the project could generate substantial soil erosion or the loss of topsoil due to the demolition of existing buildings and land clearance activities.

#### Mitigation Measure 4.5-2

Future development in the project area would be subject to water quality control measures associated with the required NPDES program elements, as enforced by the State Water Resources Control Board (Water Board) and the City Resource Management Services Department, during both construction and operation activities. As development under the Specific Plan begins, implementation of a Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs), and on-going maintenance and monitoring activities associated with the NPDES sub-program would reduce impacts from erosion to a less than significant level, as described below.

Projects disturbing more than one acre of land during construction are required to file a Notice of Intent (NOI) with the Water Board to be covered under the state NPDES General Construction Permit for Discharges of Storm Water associated with Construction Activity (NPDES General Permit No. CAS000002). Proponent of such projects must develop a SWPPP to be implemented at each site covered under the State General Permit. The SWPPP must include BMPs that propose erosion control measures consistent with the State General Permit, which are designed to reduce potential impacts to surface water quality through the construction period. These erosion control BMPs may include a combination of bale or rock ditch checks, silt fence barriers, temporary seeding, erosion-control blankets, etc. The Construction Program is largely "self-implemented" (i.e., typically no direct

oversight is provided by the Water Board). Additional measures, that may include document reviews and site inspections during construction, are required under the Municipal Program.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's geological impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.5-2 that would ensure a less than significant impact by requiring projects disturbing more than one acre of land during construction to file a Notice of Intent (NOI) with the Water Board to be covered under the state NPDES General Construction Permit for Discharges of Storm Water associated with Construction Activity (NPDES General Permit No. CAS000002). Project proponents must develop a SWPPP that includes BMPs with erosion control measures consistent with the State General Permit. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Exposure to Unstable Soils Impact (4.5-3)** - The project area is located on a geologic unit or soil that could become unstable as a result of potential future construction activities, and potentially result in subsidence, collapse, or differential settlement.

### Mitigation Measure 4.5-3

The City Resource Management Services Department shall require that applicants for future development in the project area perform an assessment of the potential for differential settlement. A site-specific geologic conditions report shall be prepared for future projects in the project area. Recommendations from a licensed engineering geologist or civil engineer contained in the geologic report shall be incorporated as conditions of project approval. Geologic recommendations may cover one or more of the following topics, depending on the nature of the site:

- foundation strength characteristics of soil and rock;
- excavations and earthwork;
- slopes and slope stability;
- suitability of materials for use;
- surface and subsurface drainage;
- management of vegetation;
- temporary sediment control; and
- relevant regulatory issues.

The California Building Code (CBC) recommends that geologic reports include evaluations of conditions that could lead to differential settlement and provide for project-level mitigations in the report.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's geological impacts to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.5-3 that would ensure a less than significant impact by requiring project applicants to prepare a site-specific geologic conditions report that assesses

the potential for differential settlement of future projects in the project area. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

## **HAZARDS AND HAZARDOUS MATERIALS**

**Underground Storage Tank Impact (4.6-1)** - Development that may occur within the project area could expose construction workers and/or the public to hazardous materials present in soils and/or groundwater from historical releases of hazardous materials.

### Mitigation Measure 4.6-1a

For individual development projects within the project area that involve excavation and/or grading, the following three-part mitigation measure would reduce potential exposures to hazardous materials in soils and groundwater:

1. Prior to the issuance of any grading and/or demolition permit by the City of Seaside Resource Management Services Department, project applicant(s) shall enlist the services of a qualified professional to prepare a Phase I ESA to identify current or historic land uses that included the potential for a release of hazardous materials at the development site. The Phase I ESA shall be performed in conformance with standards adopted by the American Society for Testing and Materials International (ASTM). The Phase I ESA would identify any limitations to development due to the presence of any sites associated with hazardous materials in the vicinity of the subject site, and present recommendations for further investigation of the site, if warranted. The Phase I would be documented in a written report and submitted to the City of Seaside Resource Management Services as part of development applications.
2. The City Resource Management Services Department shall review the Phase I ESA. If the Phase I ESA concludes that there has been no release of hazardous materials affecting the development site in question, the City may proceed with the issuance of a requested grading and/or demolition permit, provided any other pertinent conditions have been met. If the Phase I ESA indicates that a release of hazardous materials could have affected a development site, prior to the issuance of any grading and/or demolition permit, the City Resource Management Services Department shall require preparation of a Phase II ESA to be conducted by a qualified environmental professional to assess the presence and extent of said contamination. This would, at a minimum, consist of the collection and analysis of soil samples to determine the possible presence of aerially-deposited lead for redevelopment projects located within immediate proximity to Del Monte Boulevard, West Broadway Avenue, Canyon Del Rey Boulevard, and other major roadways. The Phase II ESA investigation would be conducted in conformance with state and local guidelines and regulatory oversight. The findings of the investigation would be documented in a written report and submitted to the regulatory agency and the City of Seaside.

If the results of the Phase II ESA were to confirm the presence of hazardous materials, site remediation would be required, with oversight by applicable state or local regulatory agencies. Depending on the nature and extent of contamination, site remediation techniques may include washing, venting, bioremediation, or excavation and abatement. Specific remedies would depend on the extent and magnitude of contamination and the requirements of the regulatory agencies. The impact of specific remedies implemented on air quality and resulting health effects, nuisance conditions, risk of upset in the event

of an accident, and transportation of contaminated material associated with the remediation would be addressed prior to implementation of the site remedy.

3. For any development site where contamination has been identified or is suspected, construction would only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan would include provisions for monitoring exposure to construction workers, delineate procedures to be undertaken in the event that contamination is identified above regulated worker exposure limits, and identify emergency procedures and responsible personnel. The health and safety plan would include performance standards identified to minimize the effects of airborne contaminants (for example, stopping work in dusty conditions, limiting excavation areas, wetting down of surfaces, etc.) and construction workers would be required to have received hazardous materials training in accordance with federal and state regulations. The site-specific health and safety plan would be the responsibility of the contractor(s), and shall be incorporated as conditions of approval of any pertinent grading or demolition permit the City Resource Management Services Department may issue.

#### Mitigation Measure 4.6-1b

In order to further investigate potential environmental impacts and develop site-specific mitigation measures for the library/garage project, the applicant for this potential public/private venture shall submit a complete Phase II ESA (subsurface investigation) to the City Resource Management Services Department and appropriate local and state regulatory authorities as part of the project application materials. Specifically, the Phase II ESA shall address potential contamination from the following identified environmental concerns:

- i. Potential impact to soil and groundwater at the City of Seaside Public Works Yard from former USTs, existing hydraulic hoists, bulk storage areas for aboveground gasoline tanks, waste oil storage, and chemical storage (engine anti-freeze) areas.
- ii. Potential impact to soil and groundwater at Schroeders Machine Shop from the wash area equipped with an oil-water separator and catch basin.
- iii. Potential impact to shallow groundwater from nearby LUST sites, automotive repair business properties, and a nearby dry cleaner business.

If the Phase II ESA confirms contamination on the project site, the City Resource Management Services Department shall follow the procedure outlined above in Mitigation 4.6-1a, item 2, wherein site specific health and safety plans formulated in response to the Phase II ESA shall be incorporated as conditions of approval of any grading and/or demolition permit issued by the City Resource Management Services Department. In addition, the City Resource Management Division shall also incorporate as conditions of any grading and/or demolition permit any other safety measures that may be imposed for the site by involved state or local regulatory agencies.

#### Finding

The City of Seaside finds that the feasible mitigation measures articulated above and identified in the Final EIR would reduce the project's hazards and hazardous materials impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.6-1a and 4.6-1b that would ensure a less than significant impact by requiring the project applicants to enlist the services of a qualified professional to prepare a Phase I ESA at the development site prior to the issuance of any grading and/or demolition permit. Additionally, the project applicant for the

potential library/garage project will submit a complete Phase II ESA to the City Resource Management Services Department and appropriate local and state regulatory authorities as part of the project application materials. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Lead, Asbestos, and Other Hazardous Materials in Buildings Impact (4.6-2)** - Demolition or renovation of structures containing lead-based paint, asbestos-containing building materials, or other hazardous materials could release airborne particles of hazardous materials, which may affect construction workers, sensitive receptors, and the general public.

Mitigation Measure 4.6-2

Prior to the issuance of any City permit involving either construction and/or demolition of a building or structure known to be constructed prior to 1980, the project applicant(s) shall engage a qualified professional to conduct a lead-based paint and ACM-containing material survey, which shall be submitted to the City Resource Management Services Department for approval.

The City Resource Management Services Department shall incorporate into any pertinent construction and/or demolition approvals measures developed from the above survey to minimize potential lead paint and asbestos hazards. These measures may include but are not limited to:

- Abatement of all loose and peeling lead-based paint and identified asbestos hazards by a certified contractor in accordance with federal and state requirements.
- Assurance of proper management and/or disposal of other hazardous wastes that may be generated during demolition activities, such as fluorescent light tubes and mercury switches.

Inclusion of all pertinent federal and/or state construction worker health and safety regulations and procedures related to demolition activities.

Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's hazards and hazardous materials impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.6-2 that would ensure a less than significant impact by requiring that the project applicant engage a qualified professional to conduct a lead-based paint and ACM-containing material survey prior to the issuance of any City permit involving construction and/or demolition of a building or structure known to be constructed prior to 1980. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Transport and Use of Hazardous Materials during Construction Impact (4.6-3)** - Improper use or transport of hazardous materials during construction activities in the project area could result in releases affecting construction workers and the general public.

Mitigation Measure 4.6-3

Prior to the issuance of any building permit within the project area, the City Resource Management Services Department shall confirm that project plans designate suitable storage areas for material delivery, storage, and waste collection. The City Resource

Management Services Department shall ascertain that all such designated storage areas are shown on all development plans and subject to approval of the Director of the City's Resource Management Services Department. These locations shall be as far away as practicable from catch basins, gutters, drainage courses, and water bodies. Any building permit shall incorporate conditions of approval that require at least the following measures to be in place prior to ground disturbance to ensure safe handling of hazardous materials:

- a. All hazardous materials and wastes used or generated during construction, grading, and/or demolition activities would be labeled, stored, and disposed of in accordance with applicable local, state, and federal regulations.
- b. On-site maintenance of an accurate up-to-date inventory, including Material Safety Data Sheets, to assist emergency response personnel in the event of a hazardous materials incident.
- c. All maintenance and fueling of vehicles and equipment would be performed in a designated, bermed area, or over a drip pan that would not allow run-off of spills. Vehicles and equipment would be regularly checked and have leaks repaired promptly. Secondary containment would be used to catch leaks or spills any time that vehicle or equipment fluids are dispensed, changed, or poured.
- d. Emergency Preparedness and Response Procedures in the event of an accidental spill or other hazardous materials emergency during construction, grading, or demolition activities. These procedures shall include, at a minimum, evacuation procedures, spill containment procedures, required personal protective equipment, as appropriate, in responding to the emergency.

#### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the Project's hazards and hazardous materials impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.6-3 that would ensure a less than significant impact by confirming that project plans designate suitable storage areas for material delivery, storage, and waste collection prior to the issuance of any building permit within the project area. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the Project and incorporate those into the Project if approved.

### **HYDROLOGY AND WATER QUALITY**

**Water Quality Impact (4.7-3)** - Construction activities would disturb surface soils by grading, earthmoving activities, and vegetation removal, which could cause erosion, sedimentation, and contamination of stormwater runoff.

#### Mitigation Measure 4.7-3

Prior to the issuance of any grading or demolition permit, future development applicants shall prepare and implement an erosion control plan and a SWPPP. These plans shall comply with current MRSWMP and Seaside Municipal Code guidelines, and shall adopt acceptable BMPs for control of sediment and stabilization of erosion on the development sites for the protection of water quality. Development of the project area will be dependant upon approval of erosion control plans and SWPPPs as outlined below:

- An erosion control plan shall be prepared and implemented for any future new development in the project area. The plan shall be submitted to the City in conjunction with the project grading plan prior to issuance of a grading permit.
- The erosion control plan shall include locations and specifications of recommended soil stabilization techniques. These techniques may include, but not be limited to such measures as placement of straw wattles, use of silt fences, construction of berms, and storm drain inlet protection. Any erosion control plan shall also depict staging and mobilization areas with access routes to and from the site for heavy equipment. The erosion control plan shall include temporary measures to be implemented during construction, as well as permanent measures.
- City staff and/or representatives shall visit the project area during grading and construction to ensure compliance with the grading ordinance and plans, as well as note any violations, which shall be corrected immediately. A final inspection shall be completed prior to occupancy. Elements of this plan may be incorporated into the Stormwater Pollution Prevention Plan (SWPPP), where applicable.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's hydrologic impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.7-3 that would ensure a less than significant impact by requiring future development applicants to prepare and implement an erosion control plan and a SWPPP prior to issuance of any grading or demolition permit. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the Project and incorporate those into the Project if approved.

**Stormwater System Impact (4.7-4)** - Current deficiencies in the stormwater system result in overflows at several locations in the project area. Any increase in impervious surface through project development would increase stormwater runoff, with commensurate increases in overflows.

### Mitigation Measure 4.7-4

Prior to the issuance of occupancy permits pursuant to this plan in any flood prone areas, the City Public Works Director shall ensure that adequate storm drainage capacities have been attained to prevent flooding conditions. The City Public Works Director shall require site-specific testing for existing and proposed percolation basins to ensure facilities can operate adequately.

Further engineering shall be performed once specific project redevelopment plans have been created to size any planned BMP or retention facility. Soil at each proposed basin location shall be tested to verify a reliable percolation rate. Such site-specific testing for each proposed percolation basin shall be required due to the potential of localized aquitards – impermeable soil layers – or other unfavorable soil characteristics that could affect groundwater movement.

If testing does not confirm such facilities would operate adequately, the City Public Works Director shall direct improvements to be made. The City Public Works Director shall retest basins and thus delay issuance of any occupancy permit until in her/his judgment, adequate capacity is achieved or alternative drainage control measures that address local impacts are constructed. Such alternative measures may include but are not limited to the construction of off-site storm drainage facilities, the construction of rainwater capture facilities (such as

cisterns, planted roofs, etc.), or the payment of in-lieu fees where there is a clear nexus between the proposed project and local storm drainage facilities.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's hydrologic impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.7-4 that would ensure a less than significant impact by having the City Public Works Director require site-specific testing for existing and proposed percolation basins to ensure facilities can operate adequately prior to the issuance of occupancy permits in any flood prone areas. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

### NOISE

**Noise Sensitive Land Uses Impact (4.9-1)** - Noise sensitive land uses developed within the project area would be exposed to exterior noise levels greater than 65 dBA CNEL.

#### Mitigation Measure 4.9-1a

The location of common outdoor use areas for individual residential buildings is not known at this time. Prior to the issuance of building permits within the project area, the City Resource Management Services Department shall continue to locate noise sensitive outdoor use areas outside of the 65 dBA CNEL noise contours provided above or in acoustically shielded areas. Residential structures will be expected to provide approximately 10 dBA of noise reduction in common outdoor use areas.

Private outdoor balconies or patios may be included in mixed-use residential projects throughout the Specific Plan area and may front major roadways. Although these outdoor use areas may be subjected to noise levels in excess of 65 dBA CNEL, they are not typically held to the noise standard because they are used infrequently, mitigation is often infeasible (i.e., enclosing a balcony in sound proof material no longer makes it an outdoor area), there are aesthetic considerations with creating soundproof barriers around these spaces, and the fact that common outdoor areas that meet noise standards are normally provided.

#### Mitigation Measure 4.9-1b

Prior to the issuance of building and occupancy permits, the City Resource Management Services Department shall require project level acoustical analyses where residential exterior use areas are proposed to be located in noise environments exceeding 65 dBA CNEL, and/or where residential land uses are immediately adjacent to active parks or commercial land uses. These analyses will identify project-specific mitigation in the form of site design. Mitigation may include but is not limited to the following site design measures: design of the site so that the proposed buildings acoustically shield outdoor use areas, construction of noise barriers to block noise from sensitive receptors, or extension building setbacks from noise sources. Exterior noise levels at residential land uses in the vicinity shall be maintained in accordance with the standards presented in the Seaside General Plan and Section 17.30.60 of the City of Seaside Municipal Code and the City Resource Management Services Department.

Mitigation Measure 4.9-1c

On-going through project operation, the City Resource Management Services Department shall ensure that parking lot cleaning activities in commercial areas are limited to daytime and evening hours (7 AM. to 10 PM.).

Mitigation Measure 4.9-1d

Noise impacts from trash compactors and the corresponding mitigation measures will vary depending on the type of unit selected, distance from sensitive receptors, the type of shielding provided, and the frequency and time of use. The City Resource Management Services Department shall ensure that trash compactors in commercial areas are located away from adjacent residential receivers or shielded with noise barriers. If determined necessary by the City Resource Management Services Department, project applicants shall present report(s) prepared by a qualified noise consultant to evaluate potential impacts and recommend mitigation measures, which the City Resource Management Services Department would incorporate as conditions of project approval.

Mitigation Measure 4.9-1e

On-going through project operation, the City Resource Management Services Department shall ensure that any loading docks have hours of operation limited to daytime and early evening hours (7 AM to 10 PM).

Finding

The City of Seaside finds that the feasible mitigation measures articulated above and identified in the Final EIR would reduce the project's noise impacts to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.9-1a through 4.9-1e that would ensure a less than significant impact by having the City Resource Management Services Department locate noise sensitive outdoor use areas outside of the 65 dBA CNEL noise contours and require project level acoustical analyses where residential exterior use areas are proposed to be located in noise environments exceeding 65 dBA CNEL prior to the issuance building and occupancy permits. Additionally, the City Resource Management Services Department shall ensure that parking lot cleaning activities in commercial areas are limited to daytime and evening hours, trash compactors in commercial areas are located away from adjacent residential receivers or shielded with noise barriers, and loading docks have hours of operation limited to daytime and early evening hours. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Interior Noise Levels Impact (4.9-2).** Interior noise levels would be expected to exceed 45 dBA CNEL at portions of the project site exposed to exterior noise levels greater than 60 dBA CNEL without the incorporation of noise insulation features into the project's design.

Mitigation Measure 4.9-2a

Prior to the issuance of building and occupancy permits, the City Resource Management Services Department shall ensure that building sound insulation includes the provision of forced-air mechanical ventilation where exterior noise environments exceed 60 dBA CNEL, so that windows can be kept closed at the occupant's discretion to control noise. Typically, standard construction with forced air ventilation (allowing enough ventilation in the building so that the occupant to control noise by maintaining the windows shut) provides

approximately 20 to 25 dBA of noise reduction in interior spaces, which would likely reduce interior noise levels below 45 dBA CNEL.

Mitigation Measure 4.9-2b

During the project design phase and prior to the issuance of a building permit, the City Resource Management Services Department shall require that project applicants include special building construction techniques (e.g., sound-rated windows and building facade treatments) where exterior noise levels exceed 60 dBA CNEL. These treatments include, but are not limited to sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary shall be conducted on a unit-by-unit basis by a qualified noise consultant during project design. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City Resource Management Services Department along with the building plans and approved prior to issuance of a building permit. Construction techniques such as these would adequately reduce interior noise levels to 45 dBA CNEL or lower.

Finding

The City of Seaside finds that the feasible mitigation measures articulated above and identified in the Final EIR would reduce the project's noise impacts to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.9-1a and 4.9-2b that would ensure a less than significant impact by requiring building sound insulation to include the provision of forced-air mechanical ventilation where exterior noise environments exceed 60 dBA CNEL prior to the issuance of building and occupancy permits. Additionally, project applicants will be required to include special building construction techniques where exterior noise levels exceed 60 dBA CNEL prior to the issuance of a building permit. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Noise Sensitive Receptors Impact (4.9-3).** Noise associated with a multi-modal transit station could produce noise levels in excess of 65 dBA CNEL at nearby noise sensitive receptors.

Mitigation Measure 4.9-3

Implementation of Mitigations 4.9-1a through 4.9-1e, 4.9-2a, and 4.9-2b would reduce potential noise impacts from a transit station located within the project area to a less than significant level. To the extent residential or other noise sensitive land uses are proposed in proximity to the transit station, the City Resource Management Services Department shall require additional project-level environmental review in the form of an EIR or mitigated negative declaration, including a noise analysis.

Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's noise impacts to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.9-3 that would ensure a less than significant impact by requiring additional project-level environmental review is residential or other noise sensitive land uses are proposed in proximity to the transit station. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Sensitive Receptors and Groundborne Vibration Levels Impact (4.9-4).** Future development in the project area may result in the location of additional sensitive receptors in close proximity to the rapid transit line. The sensitive receptors could experience groundborne vibration levels in excess of FTA standards.

Mitigation Measure 4.9-4

Along the corridor proposed for a potential fixed transit line, the City Resource Management Services Department shall require that any development proposals include preparation of a vibration impact study prepared by a qualified vibration consultant. This study shall recommend appropriate mitigation measures to ensure that railroad train vibration levels are at levels acceptable to the FTA in any new residential construction. Mitigation measures to accomplish this may include but are not limited to increased setbacks, trenching, building insulation, and/or foundation improvements.

Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's noise impacts to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.9-4 that would ensure a less than significant impact by requiring that any development proposals include the preparation of a vibration impact study prepared by a qualified vibration consultant. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Construction Noise Impact (4.9-5).** The project area is bordered by existing residential land uses to the north, south and east. Noise generated by construction in the project area would substantially increase noise levels at these existing residential land uses.

Mitigation Measure 4.9-5

Prior to the issuance of grading, demolition, and/or building permits within the project area, as well as on-going through project construction, the City Resource Management Services Department shall ensure that project applicants and/or construction teams adhere to the following construction noise control measures:

- Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 AM to 7:00 PM daily (except Saturday, Sunday and holidays when work is prohibited prior to 9:00 AM and after 7:00 PM).
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA. An adequate temporary noise barrier would interrupt the line of sight from the receiver to the construction activities and be solid over the face and at the base of the barrier.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible.
- Control noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site.
- The contractor shall prepare and submit to the City Resource Management Services Department for approval a detailed construction plan identifying the schedule for major noise-generating construction activities.
- The applicant(s) shall designate a "disturbance coordinator," who will be approved by the City Resource Management Services Department, and will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The applicants shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's noise impacts to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.9-5 that would ensure a less than significant impact by requiring that project applicants and/or construction teams adhere to construction noise control measures prior to the issuance of grading, demolition, and/or building permits within the project area, as well as on-going through project construction. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

## **POPULATION AND HOUSING**

**Impact (4.10-1)** - Implementing the project would allow development of up to 410 new housing units, which would directly induce population growth.

### Mitigation Measure 4.14-1

Mitigation Measure 4.14-1 (in Section 4.14, Utilities) would limit new development in the project area to an amount that could be served by the currently available water supplies. No further development could proceed until additional water sources for the project are secured. Therefore, changes in population would not occur until additional water sources for the project are secured.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's population impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.4-1 that would ensure a less than significant impact by limiting new development in the project area to an amount that could be served by the currently available water supplies until additional water sources for the project area are secured. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the

Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

## **RECREATION**

**Parks and Open Space Impact (4.12-2)** - Construction of the proposed parks and open spaces within the project area would result in physical impacts to the environment.

### Mitigation Measure 4.12-2

Implementation of Mitigation Measure 4.2-3 and Mitigation Measure 4.2-4 in Section 4.2, Air Quality, Mitigation Measure 4.7-3 in Section 4.7, Hydrology and Water Quality, and Mitigation Measure 4.9-5 in Section 4.9, Noise, would reduce any temporary impacts from the construction of these facilities to a less than significant level.

Physical environmental impacts from the operation of the proposed parks and open spaces are evaluated in conjunction with the overall impacts due to project implementation, and are minimized where necessary with the mitigation measures identified in all sections of this environmental document.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's recreational impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.12-2 that would ensure a less than significant impact by implementing Mitigation Measure 4.2-3 and Mitigation Measure 4.2-4 in Section 4.2, Air Quality, Mitigation Measure 4.7-3 in Section 4.7, Hydrology and Water Quality, and Mitigation Measure 4.9-5 in Section 4.9, Noise, would reduce any temporary impacts from the construction of parks and open spaces. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

## **TRANSPORTATION**

**Traffic Volumes Impact (4.13-2)** - Implementing the project would increase traffic volumes, worsening unacceptable levels of service at two unsignalized intersections to the extent that each would meet signal warrant criteria.

### Mitigation Measure 4.13-2

Signalize the intersection of General Jim Moore Boulevard and Broadway Avenue.

Signalization of the General Jim Moore Boulevard/Broadway Avenue intersection is identified in the City's Capital Improvement Program (CIP) and is scheduled for completion by the year 2013. Signalization of this intersection would improve LOS at this intersection to acceptable levels.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's transportation impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.13-2 that would ensure a less than significant impact by signalizing the intersection of General Jim Moore Boulevard and Broadway Avenue as part of the City's Capital Improvement Program. The City will adopt all of the feasible

mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

## **UTILITIES**

**Sanitary Sewer Line Access Impact (4.14-3)** - The project would allow for development of the library/garage project across an existing alley, under which runs an existing sanitary sewer line, potentially impeding access to this pipeline.

### Mitigation Measure 4.14-3

Relocation of sanitary sewer line located beneath the proposed library/garage project.

In the event that plans for the proposed library/garage project indicate construction of any permanent structures atop the alley between West Broadway Avenue and Olympia Avenue, such plans would require the abandonment of the existing alley. As a condition of approval of any such abandonment, the City Resource Management Services Department shall require the relocation of the sanitary sewer line currently running within this alley to a location where it would not be covered by new permanent buildings or structures. This condition shall be in effect without regard to the public agency/private entity status of the library/garage project applicant. A potential relocation option identified within the Infrastructure Assessment prepared for the project would be to realign the pipe to connect to the manhole at the corner of Hillsdale Street and Olympia Avenue. In the event of any relocation, upsizing the line to 8 inches would bring it into conformance with current City standards (even though projected future demand on this pipeline would not in and of itself require any such upsizing).

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's transportation impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measures 4.14-3 that would ensure a less than significant impact by relocating the sanitary sewer line located beneath the proposed library/garage project. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Water Supply Impact (4.14-4)** - The project would allow new development in an area whose water system delivers water at excessively high pressures.

### Mitigation Measure 4.14-4

Required installation of pressure-reducing valves (PRV).

Prior to development, proponents of future development project must consult with Cal-Am or the City of Seaside to determine if regional solutions to high pressure in the Seaside water supply system have been implemented to lower system pressures to a point that individual PRVs are no longer needed. If pressures have not been lowered regionally, proponents of future development projects shall install PRVs according to the prevailing building code.

### Finding

The City of Seaside finds that the feasible mitigation measure articulated above and identified in the Final EIR would reduce the project's utilities impact to a less than significant level. More

specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.14-4 that would ensure a less than significant impact by requiring the installation of pressure-reducing valves (PRV) as determined by Cal-Am or the City of Seaside. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**Water Pipeline Impact (4.14-5)** - The project would allow for development of the library/garage project across an existing alley, under which runs an existing water pipeline.

Mitigation Measure 4.14-5

Relocation of water pipe located beneath the future library project.

In the event that plans for the proposed library/garage project indicate construction of any permanent structures atop the alley between West Broadway Avenue and Olympia Avenue, such plans would require the abandonment of the existing alley. As a condition of approval of any such abandonment, the City Resource Management Services Department shall require the relocation of the sanitary sewer line currently running within this alley to a location where it would not be covered by new permanent buildings or structures. This condition shall be in effect without regard to the public agency/private entity status of the library/garage project applicant. A potential solution identified in the Infrastructure Assessment prepared for the project would entail the removal of 440 feet of pipeline underlying the existing alley and creation of a connect between the dead-end line at Hillsdale Street to the 4-inch water pipeline in Olympia Avenue, 140 feet to the north.

Finding

The City of Seaside finds that the feasible mitigation measures articulated above and identified in the Final EIR would reduce the project's utilities impact to a less than significant level. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of feasible mitigation measure 4.14-5 that would ensure a less than significant impact by requiring the relocation of the water pipe located beneath the future library project. The City will adopt all of the feasible mitigation measures identified above, and more fully described in the Final EIR, as conditions of approval of the project and incorporate those into the project if approved.

**3.2 SIGNIFICANT AND UNAVOIDABLE IMPACTS**

As more fully described below, certain environmental effects of the proposed project cannot be mitigated to a less than significant level, even with the incorporation of all feasible mitigation measures. More specifically, the City finds that changes or alterations will be incorporated into the project in the form of the following feasible mitigation measures, but such changes and alterations will not reduce the significant environmental effects to a level that is less than significant. Additionally, the City finds that there are no other feasible mitigation measures that will reduce these environmental effects to a less than significant level. As such, the following environmental effects are determined to be significant and unavoidable.

**AIR QUALITY AND GLOBAL CLIMATE CHANGE**

**Greenhouse Gas Emissions Cumulative Impact (4.2-9)** - Project development would increase automobile and energy use over existing levels, generating additional GHG emissions that could inhibit local efforts to reduce GHG emissions to 1990 levels as mandated by AB 32.

Mitigation Measure 4.2-9

In order to further reduce greenhouse gas emissions, City Resource Management Services Department shall ensure that project applicants include appropriate mitigation in their applications for future projects within the project area. This mitigation may include but is not limited to the following measures (adapted from guidance published by the California Attorney General), as to be determined by the City Resource Management Services Department:

Energy Efficiency and Non-Fossil Fuel Energy Measures

- Design buildings to be energy efficient. Specifically, buildings shall exceed Title 24 energy efficiency standards by 20 percent. Buildings shall take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use. Applicant should consider pursuing Leadership in Energy and Environmental Design (LEED) Platinum Certification.
- Install light colored cool pavements, and strategically placed shade trees.
- Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.
- Limit the hours of operation of outdoor lighting.
- Use solar heating, automatic covers, and efficient pumps and motors for pools and spas associated with any proposed hotel pools and spas.
- Project shall orient 75 percent or more of homes and/or buildings to face either north or south (within 30° of N/S). Building design includes roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun, from penetrating south facing windows. Trees, other landscaping features and other buildings are sited in such a way as to maximize shade in the summer and maximize solar access to walls and windows in the winter.

Water Conservation and Water Use Efficiency Measures

- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Restrict the use of water for cleaning outdoor surfaces and vehicles.
- Coordinate the design of landscaped areas with the project's stormwater management plan to promote biofiltration, infiltration, reduce impervious surfaces and treat stormwater runoff from at least 90 percent of the average annual rainfall.
- Develop a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.

Transportation and Traffic Demand Management Measures

- Provide public transit incentives such as free or low-cost monthly transit passes.
- Provide safe and convenient bicycle/pedestrian access to transit stop(s) and provides essential transit stop improvements (i.e., shelters, route information, benches, and lighting).
- Limit idling time for commercial vehicles, including delivery and construction vehicles.

- If available at the time of issuance of the first certificate of occupancy for the project, the applicant shall provide for permanent Transportation Management Association (TMA) membership and funding requirement. Funding to be provided by Community Facilities District or County Service Area or other non-revocable funding mechanism. Transportation Demand Management Measures (TDMs) have been shown to reduce employee vehicle trips up to 28 percent with the largest reductions achieved through parking pricing and transit passes.
- Provide on-site shops and services for employees.
- Provide “end-of-trip” facilities including showers, lockers, and changing space (e.g., four clothes lockers and one shower provided for every 80 employee parking spaces, separate facilities for each gender for projects with 160 or more employee parking spaces).
- Establish an employee and/or customer paid parking system, including a permanent and enforceable method of maintaining user fees for all parking facilities. To optimize the effectiveness, the facility shall not provide customer or employee validations, and daily charge for parking must be equal to or greater than the cost of a transit day/monthly pass plus 20 percent.
- Provide parking reduction less than code. This measure can be readily implemented through a shared parking strategy, wherein parking is utilized jointly among different land uses, buildings, and facilities in an area that experience peak parking needs at different times of day and day of the week.
- Provide parking lot areas with 50 percent tree cover within 10 years of construction, in particular low emitting, low maintenance, native drought resistant trees. This measure reduces urban heat island effect and requirement for air conditioning, effective when combined with other measures (e.g., electrical maintenance equipment and reflective paving material).

#### Miscellaneous

- Prohibit open wood burning fireplaces in the hotel units unless they are natural gas-fired or EPA certified wood heaters that meet EPA’s particulates emission standard of 7.5 grams per hour.

#### Carbon Sequestration

- Preserve existing trees, and plant replacement trees at a set ratio.

The City Resource Management Services Department shall include any or all of these or other measures as conditions of project approval for projects within the project area. As appropriate, project applicants shall demonstrate that measures required for the life of the project are included in all applicable CC&Rs, commercial center rules and regulations, and draft tenant lease agreements.

#### Finding

Although mitigation measures for energy efficiency, water conservation, transportation demand, and carbon sequestration identified above would reduce the project’s net GHG emissions, implementation of the Specific Plan and the project-related automobile use would still increase GHGs over existing conditions, which would considerably contribute to global warming and would interfere with the City’s efforts to reduce emissions below 1990 levels. The project’s contribution to global climate change therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the benefits of the project would outweigh the significant and unavoidable impact related to GHG emissions. Design measures of the Specific Plan, such as a pedestrian-oriented environment and the development of a multi-modal transit station, could, overtime, achieve a reduction in GHG emissions when compared to a “business-as-usual” scenario.

## **HYDROLOGY AND WATER QUALITY**

**Inundation by Tsunamis Impact (4.7-5)** - The project would allow for development in areas subject to potential inundation by tsunamis.

### Mitigation Measure 4.7-5

The City Resource Management Service Department shall develop and distribute educational tools (brochures, videos, etc.) advising the community at large and residents/developers within the project area specifically of the potential threats associated with a tsunami, evacuation routes to be utilized in the event of a tsunami threat, and other measures to help protect life and property.

### Finding

Although the mitigation measure to develop and distribute educational tools identified above would help protect life and property in the project area in the event of a tsunami threat, implementation of the Specific Plan would still place portions of the project in at-risk areas for tsunami inundation. This measure does not avoid the significant environmental effect associated with tsunami related hazards since the force, timing, and intensity of any such tsunami cannot be reliably predicted. The project’s impact related to inundation by tsunami therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to tsunami hazards. All structures built within the Specific Plan area would be subject to Uniform Building Code standards adopted by the City that address the risk of seismic hazards, which would also help reduce the risk of loss of property or life in the event of a tsunami.

## **PUBLIC SERVICES**

**Fire and Emergency Services Impact (4.11-1)** - Future development associated with the project would increase the demand for fire and emergency services in the project vicinity. The increase could require additional staffing or expanded facilities to meet the increased demands.

### Mitigation Measure 4.11-1

Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating public service impacts.

Prior to the approval of any building permits within the project area, the City Resource Management Services Department shall confirm the required fire service to be provided to each project in the project area. As the City has not established or implemented any standards mandating development impact fees for public services, there is no opportunity at this time for such public services deficiencies to be mitigated by the payment of mitigation fees by developers within the project area.

As such, the City Resource Management Services Department shall ensure that any required fire services and service ratios are in place by requiring ad-hoc and fair share mitigation through individual developers that propose development within the project area. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on and demand for fire services and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required fire services and/or staffing and shall determine the fair share contribution of such services and/or staffing by evaluating the project's size and anticipated usage. Through these efforts, the City Resource Management Services shall ensure that adequate fire services staffing and facilities are developed and maintained commensurate with the requirements associated with any new development in the project area.

### Finding

Although the measure requiring ad-hoc and fair share mitigation identified above would reduce the project's demand for fire and emergency services, implementation of the Specific Plan would still result in a population increase that would create additional demand for fire protection and emergency services. The City's imposition of ad-hoc fair-share mitigation fees on a project-by-project basis for development in the Specific Plan area will only partially mitigate the impact to fire and emergency services because not all development projects will be subject to discretionary review to which such ad-hoc fair-share fees can be imposed and there is no assurance that when imposed on an individualized basis that the total collected will equal the full amount needed to fund the required mitigation. Thus, in the absence of an across-the-board development impact fee applicable to all development that is established pursuant to the requirements of the Mitigation Fee Act, it is possible that less than all projects will contribute their fair share to the mitigation of the impact and thus all necessary mitigation will not be funded and implemented. Therefore, the project's impact to fire and emergency services remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to the demand for fire and emergency services. The project would be consistent with the City's General Plan that provides guidance on establishing a central urban core within the West Broadway Avenue corridor.

**Police Services Impact (4.11-3)** - While development associated with the project would be met with the existing police services facilities, the increase in residential and business development would increase the need for additional police patrols in the project area beyond current police staffing.

### Mitigation Measure 4.13-3

Prior to the approval of any building permits within the project area, the City Resource Management Services Department shall confirm that the required police service to be provided to each project in the project area.

As the City has not established or implemented any standards mandating development impact fees for public services, there is no opportunity at this time for such public services deficiencies to be mitigated by the payment of mitigation fees by developers within the project area. As such, the City Resource Management Services Department shall ensure that any required additional police officers are staffed by requiring ad-hoc and fair share mitigation through individual developers that propose development within the project area.

The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on and demand for police services and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required police services and/or staffing and shall determine the fair share contribution of such services and/or staffing by evaluating the project's square footage and anticipated demand for such services.

Through these efforts, the City Resource Management Services shall strive to ensure that adequate police services staffing and facilities are developed and maintained commensurate with the requirements associated with any new development in the project area.

### Finding

Although the measure requiring ad-hoc and fair share mitigation identified above would reduce the project's demand for police services, implementation of the Specific Plan would still result in a population increase that would create additional demand for police services. The City's imposition of ad-hoc fair-share mitigation fees on a project-by-project basis for development in the Specific Plan area will only partially mitigate the impact to police services because not all development projects will be subject to discretionary review to which such ad-hoc fair-share fees can be imposed and there is no assurance that when imposed on an individualized basis that the total collected will equal the full amount needed to fund the required mitigation. Thus, in the absence of an across-the-board development impact fee applicable to all development that is established pursuant to the requirements of the Mitigation Fee Act, it is possible that less than all projects will contribute their fair share to the mitigation of the impact and thus all necessary mitigation will not be funded and implemented. Therefore, the project's impact to police services therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to the demand for police services. The project would be consistent with the City's General Plan that provides guidance on establishing a central urban core within West Broadway Avenue corridor.

## **RECREATION**

**Parks and Recreational Facilities Impact (4.12-1)** - Project-induced population growth would generate additional demands on City park and recreational facilities that are in poor to fair condition. Project implementation would result in up to 1,312 new residents in the project area, but only 1.1 acres of parkland, below the City's goal of 2 acres of parkland per 1,000 residents.

### Mitigation Measure 4.12-1

Prior to the approval of any building permits within the project area, the City Resource Management Services Department shall confirm the required parkland to be provided by each residential project in the project area.

As the City has not established or implemented any parkland standards mandating the dedication of parklands for new residential developments and no formal mitigation fee program currently exists, there is no opportunity at this time for such parkland deficiencies to be mitigated by the payment of mitigation fees by developers within the project area.

As such, the City Resource Management Services Department shall ensure that any required parkland or recreational facilities are developed in concert with proposed development that would increase parkland demand, by setting forth fair share, ad-hoc mitigation on each new development. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on the required parkland-to-resident ratio and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required park and recreation facilities and shall determine the fair share contribution of such facilities by evaluating the project's square footage and demand for such facilities. Through such efforts, the City Resource Management Services Department shall strive to ensure that park and recreational facilities are developed and maintained commensurate with the parkland requirements associated with any new development in the project area.

### Finding

Although the measure requiring ad-hoc and fair share mitigation identified above could ultimately reduce the project's demand upon existing park services. The City's imposition of ad-hoc fair-share mitigation fees on a project-by-project basis for development in the Specific Plan area will only partially mitigate the impact to parks and recreational facilities because not all development projects will be subject to discretionary review to which such ad-hoc fair-share fees can be imposed and there is no assurance that when imposed on an individualized basis that the total collected will equal the full amount needed to fund the required mitigation. Thus, in the absence of an across-the-board development impact fee applicable to all development that is established pursuant to the requirements of the Mitigation Fee Act, it is possible that less than all projects will contribute their fair share to the mitigation of the impact and thus all necessary mitigation will not be funded and implemented. The effect therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to the parkland-to-resident ratio. The project would be consistent with the City's General Plan that provides guidance on establishing a central urban core within West Broadway Avenue corridor. The project would also provide landscaped public spaces to provide gathering spaces and strengthen pedestrian connections between developments.

## **TRANSPORTATION**

**Traffic Volumes Impact (4.13-1)** - Implementation of the project would increase traffic volumes which would worsen existing unacceptable conditions at three signalized intersections.

### Mitigation Measure 4.13-1a

Implement the following improvements to address unacceptable conditions at the intersection of Fremont Boulevard/State Route 1 Southbound Ramps, and Monterey Road:

- 1) Eliminate the east leg of the Fremont Boulevard and Monterey Road intersection.
- 2) Prohibit left-turns from Fremont Boulevard to Monterey Road.
- 3) Realign Monterey Road to connect with Fremont Boulevard at Military Avenue.
- 4) Realign and signaling the Fremont Boulevard/Del Monte Boulevard/Military Avenue intersection.

5) Widen State Route 1 south of the Fremont Boulevard interchange.

Although physically feasible, these improvements are not listed in the City's Capital Improvement Plan, and therefore their eventual implementation is uncertain. Due to the uncertainty regarding Caltrans approval of improvements, and since at the time of writing the City does not have a funding mechanism, it cannot be assured that this mitigation will be constructed. Should these conditions change, applicants shall work with the City of Seaside to complete Caltrans' encroachment permit application process to obtain any necessary approvals to implement this mitigation measure.

Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area.

As such, the City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed above. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on transportation facilities and thus establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.

Mitigation Measure 4.13-1b

Implement the following improvements to address unacceptable conditions at the intersection of Del Monte Boulevard and Canyon Del Rey Boulevard (SR 218):

- 1) Extend the southbound right-turn pocket on Del Monte Boulevard
- 2) Provide a right-turn overlap phase at the intersection of Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218). To facilitate the right-turn overlap phase, the existing right-turn pocket would need to be extended from 60 feet to 180 feet.

Project buildout would exacerbate the existing unacceptable AM and PM peak period LOS D operations at the Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218) intersection. Extending the southbound right-turn pocket on Del Monte Boulevard and providing a right-turn overlap phase would lessen the delay at the intersection. An overlap phase, required in part 2 of this mitigation measure, provide a green arrow for a right turn movement, which then 'overlaps' and runs at the same time as the opposing left turn movement. The pocket extension would require right-of-way acquisition on the west side of Del Monte Boulevard near the existing Starbucks coffee shop.

Although physically feasible, this improvement is not listed in the City's Capital Improvement Plan, and therefore its eventual implementation is uncertain. Due to the uncertainty regarding Caltrans approval of improvements, and since at the time of writing the City does not have a funding mechanism or plans to acquire additional right-of-way for construction of the pocket extension on the west side of Del Monte Boulevard, it cannot be assured that this mitigation will be constructed. Should these conditions change, applicants shall work with the City of Seaside to complete Caltrans' encroachment permit application process to obtain any necessary approvals to implement this mitigation measure.

Should the pocket extension be constructed, after implementation of Mitigation Measure 4.13-1b, the AM peak period LOS would improve to an acceptable LOS C, but the PM peak period LOS would remain at an unacceptable LOS D, although delay time would be reduced. Because delay during the PM peak period would be less than that under existing conditions, impacts to the Del Monte Boulevard/Canyon Del Rey Boulevard (SR 218) intersection would be considered less than significant.

Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area.

As such, the City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed here as mitigation measures. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on transportation facilities and thus establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.

#### Mitigation Measure 4.13-1c

Provide an exclusive eastbound right-turn lane to address unacceptable conditions at the intersection of Fremont Boulevard/Canyon Del Rey Boulevard (SR 218).

Project buildout would exacerbate unacceptable LOS D operations at the intersection of Fremont Boulevard/Canyon Del Rey Boulevard (SR 218). Providing an exclusive eastbound right-turn lane on the Canyon Del Rey (SR 218) approach would improve operations to LOS C and intersection delay during the PM peak period would be reduced to levels lower than existing conditions.

Although physically feasible, this improvement is not listed in the City's Capital Improvement Plan, and therefore its eventual implementation is uncertain. This mitigation measure would also require some right-of-way acquisition on the south side of Canyon Del Rey Boulevard (SR 218) and would take some land from the abutting park at the southwestern corner of the intersection. Due to the uncertainty regarding Caltrans approval of improvements, and since at the time of writing the City does not have a funding mechanism or plans to acquire additional right-of-way for construction of an exclusive right-turn lane on Canyon Del Rey Boulevard (SR 218), it cannot be assured that this mitigation will be constructed. Should these conditions change, applicants shall work with the City of Seaside to complete Caltrans' encroachment permit application process to obtain any necessary approvals to implement this mitigation measure.

Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area.

As such, the City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project

area to fund the transportation improvements listed here as mitigation measures. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on transportation facilities and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.

### Finding

Although mitigation measures for level of service improvements identified above would reduce the project's traffic impact, implementation of the Specific Plan would still generate traffic that would deteriorate existing unacceptable levels of service at the three identified signalized intersections. The City's imposition of ad-hoc fair-share mitigation fees on a project-by-project basis for development in the Specific Plan area will only partially mitigate the impact to transportation because not all development projects will be subject to discretionary review to which such ad-hoc fair-share fees can be imposed and there is no assurance that when imposed on an individualized basis that the total collected will equal the full amount needed to fund the required mitigation. Thus, in the absence of an across-the-board development impact fee applicable to all development that is established pursuant to the requirements of the Mitigation Fee Act, it is possible that less than all projects will contribute their fair share to the mitigation of the impact and thus all necessary mitigation will not be funded and implemented. The project's traffic contribution to the existing unacceptable levels of service at these intersections therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the social, economic and environmental benefits of the project would outweigh the significant and unavoidable impact related to the existing unacceptable levels of service at the three identified signalized intersections. The project would be consistent with the General Plan including the planned improvements identified in the City's General Plan Circulation Element. The project also promotes transit, pedestrian, and bicycle mobility, which would reduce reliance upon the automobile within the project area.

**Peak Traffic Volumes Impact (4.13-3)** - Implementing the project would increase peak period traffic volumes to levels that exceed the capacity of freeway segments.

### Mitigation Measure 4.13-3

In order to mitigate impacts to SR1 to a less than significant level SR1 would need to be widened to 6 lanes between Canyon Del Rey Boulevard (218) and Del Monte Boulevard Individual development applicants shall pay Regional Development Impact Fees as established by TAMC. Payment of these fees will ensure that regional transportation needs, such as the partial widening of SR 1, will be implemented.

Although widening of SR 1 is planned as part of TAMC's Regional Transportation Impact Fee Program, this improvement is not planned to the extent necessary to fully mitigate project impacts. As a result, payment of TAMC fees does not ensure implementation of the improvements necessary to mitigate impacts to SR 1 to less than significant levels. As a result, project impacts to SR 1 would remain significant after mitigation.

### Finding

Although the mitigation measure for partially widening the freeway segment identified above would reduce the project's peak period traffic volume impact, implementation of the Specific Plan would still exceed the capacity of SR1 during peak periods. Additionally, the proposed improvement is not planned to the extent necessary to fully mitigate project impacts and there is therefore no assurance that the mitigation measure would be fully implemented. The project's impact to peak period traffic volumes on the identified freeway segments therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to peak period traffic volumes on the identified freeway segments. The project would be consistent with the planned improvements identified in the City's General Plan Circulation Element. Implementation of the Specific Plan would also increase transit, pedestrian, and bicycle mobility in the project area, while maintaining access for autos.

**Cumulative Traffic Impact (4.13-5)** - Cumulative conditions would result in unacceptable levels of service at several signalized intersections. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load at the impacted intersections.

#### Mitigation Measure 4.13-5

Provide an exclusive eastbound right-turn lane on the Canyon Del Rey Boulevard (SR 218) approach to its intersection with Fremont Boulevard.

Two methods could be used to implement this mitigation measure:

- a) Provide an exclusive westbound right-turn lane on the Canyon Del Rey Boulevard (SR 218) approach. This mitigation would require some right-of-way acquisition to provide sufficient width on Canyon Del Rey Boulevard (SR 218) to provide the additional westbound right-turn lane. This mitigation measure would reduce the intersection delay to better levels than under the cumulative without project scenario.
- b) Provide a northbound right-turn overlap phase on the Fremont Boulevard approach. This mitigation measure would reduce the intersection delay to better levels than under the cumulative without project scenario. With this mitigation U-turns would be prohibited for the westbound approach to allow for the opposing overlap phase to operate effectively.

### Finding

Although the mitigation measure to provide an exclusive eastbound right-turn lane identified above, as well as other mitigation measures included in previous impacts, would improve the cumulative conditions at several signalized intersections, implementation of the Specific Plan would still contribute to the unacceptable levels of service at these intersections. The City's imposition of ad-hoc fair-share mitigation fees on a project-by-project basis for development in the Specific Plan area will only partially mitigate the impact to transportation because not all development projects will be subject to discretionary review to which such ad-hoc fair-share fees can be imposed and there is no assurance that when imposed on an individualized basis that the total collected will equal the full amount needed to fund the required mitigation. Thus, in the absence of an across-the-board development impact fee applicable to all development that is established pursuant to the requirements of the Mitigation Fee Act, it is possible that less than all projects will contribute their fair share to the mitigation of the impact and thus all necessary

mitigation will not be funded and implemented. The project's cumulative traffic contribution to these intersections therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the social, economic and environmental benefits of the project would outweigh the significant and unavoidable impact related to the existing unacceptable levels of service at the three identified signalized intersections. The project would be consistent with the planned improvements identified in the City's General Plan Circulation Element. Implementation of the Specific Plan would also increase transit, pedestrian, and bicycle mobility in the project area, while maintaining access for autos.

**Cumulative Traffic Conditions Impact (4.13-6)** - Cumulative conditions would result in unacceptable levels of service at one unsignalized intersection that would meet signal warrant requirements. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load at this impacted intersection. (Significant and Unavoidable)

Mitigation Measure 4.13-6

Signalize the intersection of Fremont Boulevard and Del Monte Boulevard.

Under cumulative conditions with and without the project, the intersection of Fremont Boulevard/Del Monte Boulevard would operate at LOS F. Signalization of this intersection would improve LOS conditions to an acceptable level (LOS B/C), reducing cumulative impacts to a less than significant level.

At present, there is no plan to fund this signalization. Until and unless the signalization is programmed in a Capital Improvement Plan or similar City plan, the implementation of this signalization cannot be guaranteed or assumed. In the absence of the inclusion of this in a Capital Improvement Plan or similar document, this mitigation assumes that the costs for this project would be borne by the proponents of new development in the project area that would increase traffic in the project area and thus necessitate this improvement.

Currently the City has no adopted mechanism for collecting impact fees as a means of mitigating transportation impacts. As the City has not established or implemented any fair share impact fees for transportation improvements, there is no opportunity at this time for such transportation system deficiencies to be mitigated by the payment of mitigation fees by future developers within the project area.

As such, the City Resource Management Services Department shall require ad-hoc and fair share mitigation from individual developers that propose development within the project area to fund the transportation improvements listed here as mitigation measures. The City Resource Management Services Department shall consider the nature of any proposed development and its related potential impact on transportation facilities and thus, establish appropriate fair share mitigation on a project-by-project basis. The City Resource Management Services Department shall ensure there is a nexus between the proposed project and required transportation improvements and shall determine the fair share contribution of such improvements by evaluating the project's size and its impact to transportation systems.

However, as the City has no established mitigation fee program, there is no certainty that the improvement would be constructed. Therefore, the cumulative impact would be significant.

### Finding

While signalization of the intersection of Fremont Boulevard and Del Monte Avenue would improve the LOS to acceptable levels, there is currently no plan to fund this signalization. Costs for this mitigation would therefore be borne by proponents of development in the project area that would increase traffic and thus necessitate this improvement. The City's imposition of ad-hoc fair-share mitigation fees on a project-by-project basis for development in the Specific Plan area will only partially mitigate the impact to transportation because not all development projects will be subject to discretionary review to which such ad-hoc fair-share fees can be imposed and there is no assurance that when imposed on an individualized basis that the total collected will equal the full amount needed to fund the required mitigation. Thus, in the absence of an across-the-board development impact fee applicable to all development that is established pursuant to the requirements of the Mitigation Fee Act, it is possible that less than all projects will contribute their fair share to the mitigation of the impact and thus all necessary mitigation will not be funded and implemented. The project's cumulative traffic load to this intersection therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to the cumulative traffic load at the intersection of Fremont Boulevard and Del Monte Boulevard. The project would be consistent with the planned improvements identified in the City's General Plan Circulation Element. Implementation of the Specific Plan would also increase transit, pedestrian, and bicycle mobility in the project area, while maintaining access for autos.

**Cumulative Traffic Impact (4.13-7)** - Cumulative conditions would result in unacceptable levels of service at all study freeway segments. The project would cause a considerable increase in traffic in relation to the future cumulative traffic load on the impacted freeway segments. (Significant and Unavoidable)

#### Mitigation Measure 4.13-7

Implementing Mitigation Measure 4.13-3, which requires individual development applicants to pay Regional Development Impact Fees as established by TAMC would mitigate a portion of the project's contribution to cumulative impacts on SR1.

Although widening of SR 1 is planned as part of TAMC's Regional Transportation Impact Fee Program, this improvement is not planned to the extent necessary to fully mitigate project impacts. As a result, payment of TAMC fees would not ensure construction of the improvements necessary to reduce the project's contribution to cumulative impacts to less than significant levels. The project's contribution to this cumulative impact remains significant after mitigation.

### Finding

Although the mitigation measure for widening SR1 identified above would reduce the project's cumulative traffic load on the freeway, implementation of the Specific Plan would still result in unacceptable levels of service at all study freeway segments under cumulative conditions. Additionally, the proposed widening of SR1 is not planned to the extent necessary to fully mitigate project impacts and there is no assurance that the mitigation measure would be fully implemented. The project's contribution to this cumulative impact therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to cumulative traffic impacts on all freeway segments. The project would be consistent with the planned improvements identified in the City's General Plan Circulation Element. Implementation of the Specific Plan would increase transit, pedestrian, and bicycle mobility in the project area, while maintaining vehicle access.

**Cumulative Traffic Impact (4.13-8)** - Under cumulative conditions, the narrowing of West Broadway Avenue would result in increased traffic congestion during limited time periods. Overall the narrowed roadway would accommodate the increased traffic flow. (Significant and Unavoidable)

Mitigation Measure 4.13-8

Mitigation to reduce the project's impact could include eliminating reconfiguration of West Broadway Avenue, which is a central feature of one of the three alternatives to the project evaluated in Chapter 5.0 of this EIR. While the elimination of the reconfiguration would reduce projected traffic impacts, it would not meet the goals or intent of the project.

Finding

Although eliminating the reconfiguration of West Broadway Avenue was included as mitigation to one of the three alternatives evaluated in the EIR, this mitigation would not meet the goals or intent of the project. Therefore, implementation of the proposed project would include narrowing West Broadway Avenue and under cumulative conditions would result in increased traffic congestion during limited time periods. Since the narrowing of West Broadway Avenue is a critical goal of the Specific Plan, the project's impact to increased traffic congestion on this roadway remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to the narrowing of West Broadway Avenue. The project would be consistent with the planned improvements identified in the City's General Plan Circulation Element. Implementation of the Specific Plan would maintain access for autos while increasing transit, pedestrian, and bicycle mobility in the project area.

**UTILITIES AND SERVICES**

**Water Supply Demand Impact (4.14-1)** - New development in the project area would generate an increased future demand for water supply that cannot be fully met by the City's existing water allocation from MPWMD.

Mitigation Measure 4.14-1

The City Resource Management Services Department may issue building permits within the project area for an amount of development associated with the known and assured water supply of 22.1 afy. The City Resource Management Services Department shall monitor the allocation of permits and water demands within the project area to ensure that development remains within this limit. The City Resource Management Services Department shall not approve building permits for new construction in the project area after an amount of development associated with 22.1 afy of water demand is permitted. The City Resource Management Services Department shall monitor regional water supply projects and continue working with MPWMD and other regional entities on proposed augmentation projects.

### Finding

Although the mitigation measure identified above would preclude development beyond an amount that could be serviced by the available 22.1 afy, near term and long term water demand would not be met. The measure does not, moreover, avoid the significant environmental effect associated with availability of alternative water sources for allocation to the City and to the project. Therefore, the project's contribution to increased demand for water supply remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to water supply. The project would be consistent with the City's General Plan that provides guidance on establishing a central urban core within the West Broadway Avenue corridor. The project includes sustainable practices such as planting drought-tolerant landscaping and implementing water conservation policies.

**Wastewater Generation Impact (4.14-2)** - Project buildout would result in increased wastewater generation, requiring capacity increases to the wastewater conveyance system.

#### Mitigation Measure 4.14-2a

Upsize existing sanitary sewer lines to accommodate future developments in the project area. Prior to the approval of any building permit with the potential to generate increased amounts of wastewater, the City Resource Management Services Department shall confirm with the SCSF that adequate wastewater conveyance capacity exists in the project area. Should the City Resource Management Services Department conclude that improvements to the system are needed to serve proposed new development within the project area, no building permit shall be issued until any such improvements deemed necessary by the SCSF and City Resource Management Services Department are in place.

According to the Infrastructure Assessment prepared for the project, rehabilitation or replacement of brick manholes in the project area, plus upsizing of specific pipelines would be necessary to serve the anticipated buildout level of the project.

In addition, the following three pipelines outside of the project area will require upsizing to accommodate additional estimated project related flows:

- Olympia Avenue as it crosses over Fremont Boulevard
- Six stretches of 12-inch pipes along Canyon Del Rey Boulevard (south of the project area)
- A 371-foot stretch of trunk line located along Del Monte Boulevard (north of the project area).

The existing pipelines are 6-inch diameter sewer collectors; upsizing these to 8-inch or 12-inch pipes would be adequate to address deficiencies. New sewer lines shall have the same invert elevations, slope length, and alignment as the existing pipes.

As the City of Seaside currently lacks any mitigation fee program, there is no opportunity at this time for such infrastructure deficiencies to be mitigated by the payment of mitigation fees by developers within the project area. As such, the City Resource Management Services Department shall ensure that any needed improvements are in place by requiring ad-hoc mitigation through individual developers that propose development within the project area. The City Resource Management Services Department shall consider the nature of any proposed development (including, but not limited to square footage, project infrastructure demand, related factors) and its related potential impact on wastewater infrastructure (i.e.,

an essential nexus) and from this devise appropriate ad-hoc, proportional mitigation on a project-by-project basis. Through these efforts, the City Resource Management Services Department shall strive to ensure that infrastructure is replaced or upgraded commensurate with the demands associated with any new development in the project area.

Mitigation Measure 4.14-2b

Rehabilitate or replace brick manholes. The Sanitary Sewer Master Plan prepared by the SCSO recommends that all brick manholes in its jurisdiction, including those within the project area, be replaced by 2020, within the buildout period of the project.

The City Public Works Director shall assess brick manholes in the vicinity of proposed project area development to determine if any are in need of rehabilitation or replacement.

As the City of Seaside currently lacks any mitigation fee program, there is no opportunity at this time for such infrastructure deficiencies to be mitigated by the payment of mitigation fees by developers within the project area. As such, the City Resource Management Services Department shall ensure that any needed improvements are in place by requiring ad-hoc mitigation through individual developers that propose development within the project area. The City Resource Management Services Department shall consider the nature of any proposed development (including, but not limited to square footage, project infrastructure demand, related factors) and its related potential impact on wastewater infrastructure (i.e., an essential nexus) and from this devise appropriate ad-hoc, proportional mitigation on a project-by-project basis. Through these efforts, the City Resource Management Services Department shall strive to ensure that infrastructure is replaced or upgraded commensurate with the demands associated with any new development in the project area.

Finding

Although measures for requiring ad-hoc and fair share mitigation identified above would reduce the project's wastewater impact, implementation of the Specific Plan would still result in increased wastewater generation, which would require capacity increases to the wastewater conveyance system. The City's imposition of ad-hoc fair-share mitigation fees on a project-by-project basis for development in the Specific Plan area will only partially mitigate the impact to utilities because not all development projects will be subject to discretionary review to which such ad-hoc fair-share fees can be imposed and there is no assurance that when imposed on an individualized basis that the total collected will equal the full amount needed to fund the required mitigation. Thus, in the absence of an across-the-board development impact fee applicable to all development that is established pursuant to the requirements of the Mitigation Fee Act, it is possible that less than all projects will contribute their fair share to the mitigation of the impact and thus all necessary mitigation will not be funded and implemented. The project's contribution to wastewater generation therefore remains significant and unavoidable.

As described in Section 7, Statement of Overriding Considerations, the City has determined that the economic, social and environmental benefits of the project would outweigh the significant and unavoidable impact related to wastewater generation. The project would be consistent with the City's General Plan that provides guidance on establishing a central urban core within the West Broadway Avenue corridor.

## **4. ALTERNATIVES TO THE PROPOSED PROJECT**

In addition to the project, the following alternatives were evaluated in the Draft EIR.

### **Alternative 1 – Reduced Density**

This alternative would reduce the amount of allowable development in the project area to a figure equivalent to 80 percent of development proposed as part of the project. The transportation improvements and parkland designations included in the project would remain as described for the project. The allowable levels of new residential, commercial, and institutional development would be reduced by approximately 20 percent from the anticipated project buildout.

#### **Finding**

This alternative would have impacts similar to the project in most areas and reduced impacts to air quality, geology and soils, hydrology and water quality, noise, population and housing, public services, recreation, and utilities. Table 5.3 in the Draft EIR compares the relative benefits of each alternative to each environmental resource evaluated for the proposed project. However, this alternative was determined to be less consistent with project objectives of creating a hub of economic and civic activity in the project area, creating a balance of community and visitor-serving mix of uses, supporting and encouraging the development of vacant and underutilized lots. The City of Seaside hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 1 as infeasible and by itself, independent of any other reason, would justify rejection of Alternative 1 as infeasible.

### **Alternative 2 – Retain Present Configuration of West Broadway Avenue**

This alternative would have the same development program as the project, but would remove the West Broadway Avenue Reconfiguration proposed by the project. The street would remain in its present four lane configuration; the proposed reconfiguration of the street to include wider sidewalks, medians, and a pedestrian paseo (as shown in Figure 4.11-2 in the Draft EIR and on page 69 of the draft Specific Plan) would not be made. Although the Draft EIR concluded that the project's proposed reconfiguration of West Broadway Avenue would not result in significant environmental effects, this alternative was formulated to help address concerns identified regarding this element of the project.

#### **Finding**

This alternative would have increased impacts to aesthetics, air quality, noise, and transportation and would establish significant physical and visual disconnections between any new commercial and residential development in the project area. This would likely make the project area less attractive for new development and thus result in a reduced rate of development along this corridor. This reduction in development could imperil the long-term implementation of the project and interfere with the ability to meet other project objectives. Table 5.3 in the Draft EIR compares the relative benefits of each alternative to each environmental resource evaluated for the proposed project. The City of Seaside hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 2 as infeasible and by itself, independent of any other reason, would justify rejection of Alternative 2 as infeasible.

### **Alternative 3 - No Project Alternative**

This alternative assumes that existing zoning classifications consistent with the existing Seaside General Plan would remain in effect for the entire project area. Current regulations permit mixed use and residential uses in the project area but do not provide detailed guidance as to specific design guidelines or development standards as are included in the project. The catalyst developments and transportation improvements proposed for the project area would not be constructed, but transportation improvements consistent with the adopted General Plan Circulation Element would be constructed in the future. Within the project area, these improvements include the narrowing of West Broadway Avenue from four lanes to a two-lane minor arterial and the inclusion of pedestrian enhancements. Allowable levels of development would be consistent with the existing zoning classifications.

#### **Finding**

This alternative would have increased impacts to aesthetics, air quality, noise, population and housing, and transportation and would not meet the goals of the project. Table 5.3 in the Draft EIR compares the relative benefits of each alternative to each environmental resource evaluated for the proposed project. The City of Seaside hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 3 as infeasible and by itself, independent of any other reason, would justify rejection of Alternative 3 as infeasible.

## **5. INCORPORATION BY REFERENCE**

The Final EIR is hereby incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the comparative analysis of alternatives, the basis for determining the significance of impacts, the scope and nature of mitigation measures, and the reasons for approving the project.

## **6. RECORD OF PROCEEDINGS**

Various documents and other materials constitute the record of proceedings upon which the City Council bases its findings and decisions contained herein, including, without limitation, the Draft EIR (text and appendices), the Final EIR, additional information on the Final EIR, the Findings of Fact and the Mitigation Monitoring Program. Most documents related to the project are located in the offices of the City of Seaside, City Hall – Resource Management Services Division, 440 Harcourt Avenue, Seaside, California, 93955.

## **7. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in Section 3.2, the project would have the following significant and unavoidable impacts even with the implementation of feasible mitigation measures.

- Allowing development within areas subject to potential inundation by tsunamis.
- Increased demand for fire and emergency services in the project vicinity that could require additional staffing.
- Increased demand for police patrols beyond current police staffing.
- Increased demand for parks and recreation facilities.

- Worsening existing unacceptable conditions at three signalized intersections.
- Increasing peak period traffic volumes above capacity along State Route 1 freeway segment.
- Increasing future demand for water supply that cannot be fully met by the City's existing water supply allocation from MPWMD.
- Increasing wastewater generation, requiring capacity increases to the wastewater conveyance system.
- Cumulatively considerable contribution to greenhouse gas emissions.
- Cumulatively considerable contribution to traffic at three signalized intersections.
- Cumulatively considerable contribution to traffic at Fremont Boulevard/Del Monte Boulevard signalized intersection.
- Cumulatively considerable contribution to traffic resulting in unacceptable levels of service at all study freeway segments.

Many of the findings for these significant and unavoidable impacts relate to the uncertainty that mitigations would be implemented, due to the absence of an adopted mechanism for collecting impact fees as a means of mitigating public service and infrastructure deficiencies, and transportation impacts. Because cumulative impact mitigation would require coordinated action among local, regional and state agencies that has not yet been achieved, and because the authority to implement some of these measures is not within the sole legal control of the City and is dependent upon actions to be taken by other entities, there is uncertainty that full mitigation of cumulative impacts identified in the EIR will be implemented to the extent necessary to reduce impacts to a less than significant level.

The following statement identifies the reasons why, in the City Council's judgment, the economic, social, and environmental benefits of the project outweigh its significant and unavoidable impacts. Any one of these reasons is sufficient to justify approval of the project. Thus, even if a Court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section (7), and in the Draft EIR and Final EIR documents.

The City Council finds that the West Broadway Avenue Urban Village Specific Plan project would have the following economic, social, and environmental benefits:

### **7.1 CONSISTENCY WITH CITY OF SEASIDE GENERAL PLAN**

California law requires a Specific Plan to be consistent with a City's General Plan and that findings regarding consistency be included in the Specific Plan itself. Although amendments to the City's General Plan and Zoning Ordinance will be necessary to allow its implementation, the recommendations and objectives of the West Broadway Avenue Urban Village Specific Plan are consistent with the overarching goals of the Seaside General Plan.

As presented in detail in Table 4.8-1 of the EIR, the project is consistent with applicable goals, policies and implementation plans of the adopted General Plan. The West Broadway Avenue

Urban Village Specific Plan is consistent with the General Plan with respect to its land use designation and various policies found in the text of the General Plan. The land uses contemplated by the project, along with the proposed General Plan amendment, are fully consistent with the policies in the General Plan that provide guidance on establishing a central urban core within the City. The project would also be consistent with the planned improvements identified in the Circulation Element. Specific implementation actions identified in the General Plan associated with the West Broadway area include:

**Implementation Plan LU-1.4.1: West Broadway Specific Plan**

Develop a Specific Plan that includes design criteria, floor area ratios, parking requirements, transit and pedestrian facilities, development standards, signage, and landscaping requirements for the mixed-use development in the West Broadway area.

**Implementation Plan LU-2.6.1: Public Improvements on West Broadway**

Install public improvements, including 1) roadway, rights-of-way, drainage, and median improvements; 2) undergrounding of utilities; 3) angled, on-street parking; 4) upgrading to ADA requirements; 5) landscaping; 6) and provision of pedestrian-friendly improvements such as crosswalks, pedestrian and bicycle trails, sidewalks, street lighting and furniture, and public trash receptacles.

**Implementation Plan UD-2.4.1: Broadway Avenue Improvement Plan**

Implement the Broadway Avenue Improvement Plan for infrastructure that will enhance this major Seaside artery.

**Implementation Plan UD-2.4.3: West Broadway Corridor Zoning**

Identify and adopt in the Seaside Zoning Ordinance the land uses that are appropriate and desirable for a central business district within the West Broadway Corridor.

The City Council's approval of the project as proposed fully complies with and implements the policy decisions embodied in the City of Seaside General Plan. Under California law, cities and counties may complete specific plans to develop policies, program, regulations, and guidelines to better implement the jurisdiction's adopted general plan. A Specific Plan effectively establishes a link between implementing policies of the General Plan and the individual development proposals in a defined area.

## **7.2 ENVIRONMENTALLY-SUSTAINABLE DESIGN AND LAND USE**

The Specific Plan envisions an Urban Village that incorporates principles of long-term environmental sustainability and resource conservation, reduces potential environmental impacts of development and supports preservation of the natural environment. An overarching goal of the Specific Plan is to ensure that development within the West Broadway Urban Village adheres to environmentally-sustainable design and land use principles with the goal of enhancing and protecting the immediate and long-term well-being of the City, its citizens, and the area's natural resources.

The project sets for sustainable development standards to ensure that new development within the project area minimizes energy consumption, conserves water, and uses recycled or sustainable building materials. Specific energy efficient lighting requirements and sustainable landscaping provisions would be mandatory for future project-area development. All new

development would be required to provide energy efficient interior and exterior lighting that meets or exceeds the 2008 California Energy Commission standards.

Landscaping requirements are intended to create a self-sustaining landscape that requires minimal resource inputs, such as fertilizers, pesticides, and water. To do this, only native and other drought-tolerant landscaping would be allowed in the project area. Landscapes areas would only utilize drip irrigation systems where needed.

Specific Plan policies address water conservation, energy conservation and alternative energy generation, waste reduction and recycling efforts, affordable housing and green building methods, sustainable foods and agriculture practices, and climate protection. These strategies are incorporated throughout the Specific Plan to create a “Green” Urban Village.

Policies pertaining to environmental sustainability and resource conservation listed below ensure that development within the West Broadway Urban Village adheres to environmentally-sustainable design and land use principles. Multiple development standards and design guidelines related to environmental sustainability are listed in Chapter 7 of the Specific Plan.

Policy ENV-1. Develop the West Broadway Urban Village as a “Green District” with development projects incorporating green site and building design principles.

Policy ENV-2. Create an incentive/bonus program for implementation of “green” measures in Urban Village projects. A bonus may be an increase of density or height, for example.

Policy ENV-3. Consider a benchmark, certification system such as the Build it Green or LEED Green Building Rating System for residential and commercial development, respectively, in the Specific Plan Area. All new commercial development should be developed to a LEED Silver standard or better.

Policy ENV-4. Investigate developing an expedited permit processing system for new development that incorporates a specified number of green building and green site design principles.

Policy ENV-5. Provide recycling receptacles throughout the Specific Plan Area in convenient locations immediately adjacent to trash receptacles.

### **7.3 INCREASED TRANSIT, PEDESTRIAN AND BICYCLE MOBILITY**

The vision articulated for the project includes providing a pedestrian-oriented destination served by multi-modal transit. Goals of the Specific Plan include developing an inviting and pedestrian-friendly streetscape, including new street trees and wide sidewalks for outdoor dining and other activities, and integrating multi-modal transit and a transit center into the West Broadway Urban Village. The project would facilitate multiple modes of transportation, maintaining access for autos, while improving mobility for pedestrians, bicyclists, and transit users.

Transit use is supported by Specific Plan policies CIRC-18, CIRC-19, CIRC-20, PARK-7, TRANS-1, TRANS-3, TRANS-4, TRANS-5, and TRANS-6. Policies that encourage mixed use resulting in greater pedestrian, bicycle and transit modes of transportation include LU-2, LU-7, ECON-2, ECON-5, and ECON-7. Pedestrian use would be enhanced or encouraged in the project area through implementation of Specific Plan policies UD-1, UD-2, UD-6, LU-5, CIRC-2, CIRC-3, CIRC-5, CIRC-6, CIRC-7, CIRC-8, CIRC-15, CIRC-16, CIRC-17, CIRC-19, PARK-6, PR-1, PR-6, and TRANS-3. Bicycle use is encouraged or facilitated through policies CIRC-9, CIRC-10, CIRC-11, CIRC-12, CIRC-13, CIRC-17, CIRC-19, and TRANS-3. Circulation policies promoting traffic calming include CIRC-1, CIRC-3, CIRC-6, CIRC-8, and CIRC-13.

### Multi-Modal Transit Center

The project includes a space for the future development of a multi-modal transit center at the intersection of Del Monte Boulevard and the realigned Contra Costa Street. The station would connect existing bus routes with the potential future light-rail or “rapid bus” system, facilitating local and regional access for project area residents, employees, and visitors. Through the specific plan process, the City has indicated its interest in facilitating both a transit station and transit-oriented development at the Del Monte/Canyon del Rey site. The Specific Plan includes coordination with Monterey-Salinas Transit (MST) and the Transportation Agency for Monterey County (TAMC) to develop the future multi-modal transit center.

The transit station is envisioned to become a multi-modal hub for Monterey- Salinas Transit (MST) buses. Bus lines would convene at the transit hub with bus bays off Del Monte Boulevard. The transit station would serve residents and visitors to and from the Urban Village and Seaside. Safe and easy pedestrian access would be integral to the station’s design.

### Improved Pedestrian Mobility

The West Broadway streetscape would be enhanced with pedestrian-oriented design elements to encourage an active pedestrian environment. The sidewalks would be intermittently widened to create opportunities for businesses to spill out onto the sidewalks and to provide additional space for pedestrian amenities. Traffic calming measures, including crosswalks, curb “bulbouts,” and related features would increase pedestrian safety while proposed planters, lighting, landscaping, benches, public art and public gathering spaces would create safe and comfortable spaces for walking, shopping, or sitting.

The project would include landscaped public spaces to provide gathering spaces and strengthen pedestrian connections between developments. Plazas would create public meeting and gathering spaces, as well as accommodate waiting transit users, and would include benches, shade trees, water features and public art. Paseos (pedestrian-only pathways) would be located mid-block along West Broadway Avenue and Del Monte Boulevard, facilitating walkability through the project area.

The project calls for a variety of streetscape improvements to accommodate and encourage pedestrian activity within the project area, including obstruction-free space on the sidewalks along West Broadway Avenue. The streetscape would focus on pedestrian-scaled and pedestrian-friendly features and amenities such as benches, landscaping, lighting, bicycle racks, way-finding signage, and information on the history and points of interest in the project area. Special paving treatments and landscaping may be used to delineate pedestrian areas. Street trees would be planted to provide shade and visually frame the West Broadway Avenue corridor.

### Improved Bicycle Mobility

Bicycle use will be promoted through the realignment and widening of Canyon Del Rey Boulevard to accommodate bicycle lanes that will connect to the Monterey Bay Coastal Recreation Trail. A Class III Bicycle Route will be created along West Broadway Avenue, and potentially along Palm Avenue, with clear signage such as bicycle sharrows (on-pavement directional arrows above a bicycle symbol). Bicycle racks will be provided along West Broadway Avenue and Del Monte Boulevard. Traffic calming measures will be installed on Palm Avenue to ensure slow vehicle speed for resident and bicycle safety.

#### **7.4 INCREASED AND DIVERSIFIED HOUSING STOCK**

The purpose of the Specific Plan is to create a pedestrian-friendly Urban Village that offers a mix of market-rate and affordable for-sale and rental residences with ground-floor retail and commercial uses. The West Broadway Urban Village is intended to become the new downtown, strengthening the Seaside community by developing a strong urban core. Objectives for the Specific Plan include creating strong linkages between activity centers within the City of Seaside and throughout the Monterey Peninsula; defining a unified, well designed urban core that is a destination for residents, visitors, businesses and shoppers; and providing diverse housing opportunities for all income levels.

The project would maintain consistency with Monterey County's affordable housing regulations through Specific Plan policies that guide the development of adequate affordable housing. Under proposed Specific Plan policies ECON-1, HC-1, and HC-2, the project would increase the variety of housing types and stock of affordable housing, including apartments, townhomes, lofts, and senior housing, within a quarter-mile of the future transit center and within the wider project area. Furthermore, the project would require the use of affordable housing set-aside funds (collected from new development tax increment fees) to be used for either rental or for-sale housing for low and moderate income households. More specifically, Specific Plan policy LIB-2 calls for the consideration of an 80 unit senior housing project within the library/mixed use development area. Implementation of these policies would help advance the City's General Plan policies H-1.1 and H-1.4.

The project would incorporate financial assistance programs through the provision of affordable housing set-aside funds. These funds would be used to facilitate the development of affordable housing through the implementation of financial assistance programs, thereby making the project consistent with General Plan policies H-2.5, H-3.1, and H-3.5. Furthermore, Specific Plan policy ECON-1 requires the redevelopment of the project area to be in accordance with any policies regarding affordable housing, blight, and economic revitalization.

As part of the financial implementation of the project, the RDA is expected to enter into various Exclusive Negotiating Agreements (ENAs) for publically-owned properties, leading to their sale or long-term ground lease for new development through public/private partnerships. Certain partnerships may include the redevelopment of properties as affordable housing units, thereby making the project consistent with General Plan policy H-3.6.

#### **7.5 INCREASED EMPLOYMENT AND FISCAL BENEFITS**

The intent of the Specific Plan is to foster development of the Urban Village by building upon the City's distinct character to create a vibrant revitalized downtown that will provide economic growth and stability, which in turn will strengthen the community's identity as the "Gateway to the Monterey Peninsula."

##### Increased Employment

Construction of the residences, retail shops/offices and other facilities in the project area will provide, over a build-out period of approximately 20 years or more, work for numerous individuals in the construction industry, as well as for architects, engineers, and other professionals.

Total new permanent employment associated with the Specific Plan uses was projected to be just over 1,000 new jobs. The two largest sources of employment would be new office and retail uses. Retail employment, with a projected approximately 580 new permanent jobs, would offer opportunities for full-time and part-time employment well suited to second wage earners in

households, youth, and others. Office employment was projected to provide approximately 390 new jobs. This would provide a broader range of opportunities, from administrative work to more skilled professional positions. The ultimate mix of positions would depend upon the specific mix of office tenants that locate in new office spaces.

#### Fiscal Benefits

The fiscal study conducted as part of the West Broadway Avenue Urban Village Specific Plan, projected redevelopment tax increment, sales tax, and transit occupancy tax benefits at Year 10 and at project buildout. The redevelopment tax increment at Year 10 of Specific Plan implementation from the new development was projected at slightly more than \$450,000 per year. This amount of increment would finance approximately \$5 million in bonds or other debt service to finance improvement costs. At full build out of the Specific Plan, the City's General Fund was projected to receive a total ongoing annual increase of slightly more than \$700,000 (in 2008 dollars).

In addition to the direct economic benefit associated with new payrolls, new employers would also make direct purchases for goods and services in the local area, and new employees would make retail purchases and other expenditures. While a significant portion of these "multiplier" expenditures would occur in Seaside, a large portion of it would occur elsewhere in the Monterey Peninsula area, County, State and beyond