

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> April 10, 2008. Time: 1:30 P.M		<b>Agenda Item No.:</b> 1
<b>Project Description:</b> a) Consider a Combined Development Permit including: 1) Use Permit, General Development Plan and Design Approval for the reestablishment of a previously existing service station and car wash, and the continuing use of a convenience market and truck rental business; b) Consider the Mitigated Negative Declaration previously adopted by the Redevelopment Agency for the <i>Disposition, Development and Lease Agreement</i> for the Ord Market site, and the Technical Addendum to the Mitigated Negative Declaration; (Combined Development Permit - GPZ070004; Redevelopment Agency of Monterey County; Greater Monterey Peninsula Area Plan)		
<b>Project Location:</b> 2700 Imjin Parkway		<b>APN:</b> 031-101-039-000 & Army Parcel E4.6.2
<b>Planning File Number:</b> GPZ070004		<b>Name:</b> Redevelopment Agency of Monterey County
<b>Plan Area:</b> Greater Monterey Peninsula Area Plan		<b>Flagged and staked:</b> No.
<b>Zoning Designation:</b> : "LC-D-S" (Light Commercial, with Design Control and Site Plan Review Overlay Districts)		
<b>CEQA Action:</b> A Mitigated Negative Declaration was adopted by the Redevelopment Agency on August 22, 2006 in conjunction with the approval of a <i>Disposition, Development and Lease Agreement</i> involving the subject site. A Technical Addendum to the Mitigated Negative Declaration has been prepared by the RMA- Planning Department pursuant to Section 15164 of the CEQA Guidelines.		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following actions:

- 1) Approve the Use Permit, General Development Plan and Design Approval based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions and Mitigation Measures (**Exhibit D**); and
- 2) Adopt the Mitigated Negative Declaration and Technical Addendum prepared for the application.

### PROJECT OVERVIEW:

The project site is a three-acre portion of two parcels (APN 031-101-039-000 & Army Parcel E4.6.2) comprising 20 acres. The parcels are owned by the Redevelopment Agency of the County of Monterey and were transferred to the Agency from the Department of Defense as part of the overall land transfer process associated with the closure of Fort Ord. The site is located fronting on Imjin Parkway and Abrams Road just outside the city limits of the City of Marina. The site contains a building with an active convenience market (Ord Market) and an out of service service/gas station and car wash, and is leased to a private party under a *Disposition, Development and Lease Agreement* (DDLA) approved by the Redevelopment Agency. The terms of the DDLA allow the continuing operation of the convenience market and truck rental business and the reestablishment of the service station and car wash subject to the appropriate planning and building approvals and permits.

The subject use permit, general development plan and design approval are part of a project which includes the zoning reclassification of the three-acre site. The zoning reclassification was considered and approved separately by the Board of Supervisors on July 24, 2007 (See Exhibit E). The reclassification changed the zoning designation of the site from the "PQP-D-S" zoning classification (Public/Quasi-Public with Design and Site Plan Review Overlay Districts), to the "LC-D-S" zoning classification

(Light Commercial with Design Control and Site Plan Review Overlay Districts). The reclassification went into effect on August 25, 2007. The project before the Zoning Administrator is the consideration of the use permit, general development plan and design approval for the subject uses along with the environmental review prepared for the project. Additional discussion is provided in Exhibit B below.

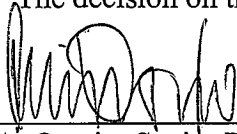
**OTHER AGENCY INVOLVEMENT:**

- ✓ Salinas Rural Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by the Fire District, Public Works, Environmental Health and the RMA-Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to any Land Use Advisory Committee (LUAC) for review. The subject site is not located within any of the Committees' designated boundaries.

Note: The decision on this project is appealable to the Planning Commission.



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April 4, 2008

Front Counter Copy, Zoning Administrator; Salinas Rural Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Nick Nichols, Redevelopment Agency for Monterey County; Mike Novo, Director of Planning; Luis A. Osorio, Planner; Carol Allen; Daryl Choates, Applicant; Sheri Damon, Lombardo & Gilles, Agent; Planning File GPZ070004.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Project Discussion
	Exhibit D	Recommended Findings and Evidence
		Recommended Condition Compliance and Mitigation
		Monitoring and Reporting Program
	Exhibit E	Board of Supervisors Resolution No. 07-288 Approving Zoning
		Reclassification of the Subject Site
	Exhibit F	Site Plan
	Exhibit G	Mitigated Negative Declaration and Technical Addendums
	Exhibit H	Vicinity Map

## EXHIBIT A

### Project Information for GPZ070004

Project Title: REDEVELOPMENT AGENCY OF THE CO

Location:	2700 IMJIN ROAD	Primary APN:	031-101-039-000
Applicable Plan:	Greater Monterey Peninsula Area Plan	Coastal Zone:	No
Permit Type:	No Data	Zoning:	POP
Environmental Status:	MND	Plan Designation:	PQP
Advisory Committee:	N/A	Final Action Deadline (884):	10/11/1810

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#### Project Site Data:

Lot Size:	N/A	Coverage Allowed:	N/A
Existing Structures (sf):	N/A	Coverage Proposed:	N/A
Proposed Structures (sf):	N/A	Height Allowed:	N/A
Total Sq. Ft.:	N/A	Height Proposed:	N/A
		FAR Allowed:	N/A
		FAR Proposed:	N/A

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#### Resource Zones and Reports:

Environmentally Sensitive Habitat:	No	Erosion Hazard Zone:	N/A
Biological Report #:	N/A	Soils Report #:	N/A
Forest Management Rpt. #:	N/A		
Archaeological Sensitivity Zone:	MODERATE	Geologic Hazard Zone:	IV
Archaeological Report #:	N/A	Geologic Report #:	N/A
Fire Hazard Zone:	N/A	Traffic Report #:	N/A

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#### Other Information:

Water Source:	N/A	Sewage Disposal (method):	N/A
Water Dist/Co:	N/A	Sewer District Name:	N/A
Fire District:	SALINAS RURAL FPD	Grading (cubic yds.):	0.0
Tree Removal:	N/A		

## **EXHIBIT B DISCUSSION**

### **PROJECT DESCRIPTION**

The project site contains a convenience market (The Ord Market), a gas station and car wash building originally built by the US Army as part of the Fort Ord military base. A truck rental business has been operated adjunct to the convenience market for a number of years. On September 5, 2006, the property was conveyed to the Redevelopment Agency of the County of Monterey which then approved a lease with a private party to operate the facilities. The lease agreement allows the continuation of the use of the market and truck rental business and the reopening of the gas station and car wash. The Ord Market includes a 4,500 square-foot building and an approximately 80-space parking lot. The site is connected to a public water and sewer system (Marina Coast Water District), and all impervious surface runoff collects to a storm drain system on Imjin Road. The market building, the gas station canopy, pump islands, car wash building, driveways and parking areas have been preserved. Three 10,000-gallon underground gasoline tanks, aboveground equipment and associated equipment were removed in the 1990's. The site has been determined clean from contaminants by the County Health Department. The operation of the market and truck rental business has continued during the transfer of the property to the jurisdiction of the County, while the gas station and car wash have remained idle for a number of years. The continuing use of the convenience market and truck rental business, and the reopening of the gas station and car wash require a use permit under the new "LC-D-S" zoning designation of the property. Staff has determined that an administrative permit for development in the "S" (Site Review Overlay) District is not required due to the minimal work necessary for the implementation of the project.

The project under consideration includes the continuing use of the convenience market and truck rental business and the reopening of the gas station and car wash. The proposal includes the installation of two new 12,000-gallon underground gasoline tanks, pipelines, electrical equipment including emergency cut off switches, four new aboveground gasoline pumps on the existing islands and new car wash equipment. No other physical improvements are proposed.

### **ENVIRONMENTAL REVIEW**

The RMA – Redevelopment Agency of Monterey County adopted a Mitigated Negative Declaration (MND) as part of the approval of the *Disposition, Development and Lease Agreement* (DDLA). The MND (Exhibit G) identified potentially significant effects relative to aesthetics (lighting), hazards/hazardous materials, hydrology/water quality, and noise for which adequate mitigation measures were identified. A Technical Addendum (Addendum) to the adopted MND was prepared by the Redevelopment Agency pursuant to Section 15164 of the CEQA Guidelines, to include the rezoning of the three-acre site into the project description. The Addendum concluded that such rezoning would not result in new potentially significant adverse environmental impacts not identified or discussed in the originally adopted Mitigated Negative Declaration. The MND and the Addendum were adopted by the Board of Supervisors for the approval of the zoning reclassification.

A second Technical Addendum has been prepared by the RMA-Planning Department pursuant to the CEQA Guidelines to include the truck rental business in the project description and to clarify that the project's trip generation (1220 average daily trips) stated in Section 15 of the initial study includes trips generated by the existing truck rental business. This addendum does not require additional environmental review, recirculation of the initial study/mitigated negative declaration or additional mitigation measures.

## **EXHIBIT C**

### **RECOMMENDED FINDINGS AND EVIDENCE**

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, the Greater Monterey Peninsula Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.
- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - (b) The three-acre project site is part of the former Fort Ord for which a Reuse Plan was adopted by the Fort Ord Reuse Authority in 1997. On November 20, 2001, the Board of Supervisors approved the “Fort Ord General Plan Amendment” for areas in Fort Ord under the jurisdiction of the County to conform to the County’s General Plan and the Reuse Plan adopted in 1997. Both the Fort Ord General Plan Amendment and the Reuse Plan designated the subject three-acre site as “Planned Development Mixed Use/Convenience Retail.” This land use designation allows for a variety of uses including commercial and civic land uses. The proposed convenience market, service station, car wash and truck rental business are allowed uses under the County General Plan.
  - (c) The property is located at 2700 Imjin Parkway (Assessor’s Parcel Number 031-101-039-000 and Army Parcel E4.6.2), Greater Monterey Peninsula Area Plan. A zoning reclassification was approved by the Board of Supervisors on July 24, 2007 (Resolution No. 07-288) for the subject three-acre site which reclassified the site to the “LC-D-S” Zoning District (“Light Commercial with Design Control and Site Plan Review Overlay Districts”). The reclassification (Ordinance No. 5081) became effective on August 25, 2007 and has been reflected in the Zoning Map. The proposed service station, car wash, convenience market and truck rental business are allowed with a Use Permit under this classification. Therefore, the property is suitable for the proposed development.
  - (d) The project planner conducted several site inspections to verify that the project on the subject parcel conforms to the plans listed above.
  - (e) The project was not referred to any of the Land Use Advisory Committees for review. The subject site is not located within any of the Committees’ designated boundaries.
  - (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File GPZ070004.
2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that

the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Staff conducted several site visits during the course of the review of the application to verify that the site is suitable for this use.
- (c) Certification by the Monterey County Health Department confirming that the project site has been cleaned from hazardous materials at the time of the removal of the previously existing underground gasoline storage tanks and pipelines (Refer to Initial Study/Mitigated Negative Declaration).
- (d) Materials in Project File GPZ070004.

**3. FINDING:**

**CEQA** – The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Mitigated Negative Declaration has been prepared and is on file in the Planning and Building Inspection Department (File # GPZ070004). Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, mitigated and conditioned, may cause a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinions supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports. Conditions of project approval and/or mitigation measures have been identified in the Initial Study and included into the Mitigation Monitoring / Condition Compliance Reporting Plan to reduce any impact to an insignificant level. These conditions have been agreed to by the applicant. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based is the Monterey County Planning and Building Inspection Department located at 168 W. Alisal St., 2<sup>nd</sup> floor, Salinas, CA 93901.

**EVIDENCE:**

- (a) An Initial Study for the project was prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines.
- (b) The Mitigated Negative Declaration was adopted by the Redevelopment Agency on August 22, 2006 for the approval of a *Disposition and Development Lease Agreement* (DDLA). The DDLA allows the lessee to continue the operation of the existing convenience market and truck rental business at the site and allows the lessee to pursue permits for a gas/service station and car wash. The Mitigated Negative Declaration found that the market and proposed uses under the lease are consistent with the property's land use designation under the Fort Ord Reuse Plan and the General Plan Amendment adopted by the County for unincorporated areas of the former Fort Ord. The Mitigated Negative Declaration identified mitigation measures for potential impacts resulting from the existing use of a convenience market and the reestablishment of the previously existing gas station and car wash. Those mitigation measures are included in the Condition Compliance and Mitigation Monitoring and Reporting Plan.
- (c) A Technical Addendum to the adopted Mitigated Negative Declaration was prepared by the Redevelopment Agency pursuant to Section 15164 of the

CEQA Guidelines to make minor technical changes to the project description analyzed in the original Mitigated Negative Declaration. Specifically, the Addendum addressed the rezoning of the subject three-acre site and concluded that such rezoning would not result in any new or significantly adverse environmental impacts not already identified and discussed in the originally adopted Mitigated Negative Declaration. The Mitigated Negative Declaration and Technical Addendum were adopted by the Board of Supervisors in support of the rezoning of the subject site.

- (d) An additional Technical Addendum to the adopted Mitigated Negative Declaration was prepared by the RMA-Planning Department pursuant to the CEQA Guidelines to include the use of a truck rental business as part of the project description. Based on information provided by the Redevelopment Agency, the truck rental business has been part of the use of the convenience market and has existed since before the approval of the Lease Agreement with the convenience market operator. The analysis of potential environmental impacts contained in the initial study includes the truck rental business. The addendum concludes that the addition of the truck rental business to the project description would not result in additional potentially significant impacts and would not require additional environmental review, recirculation of the initial study/mitigated negative declaration or additional mitigation measures.

3. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's Zoning Ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** (a) Preceding findings and supporting evidence.

5. **FINDING:** **APPEALABILITY** - The decision on this project is appealable to the Monterey County Planning Commission.

**EVIDENCE:** Section 21.80.040 B, Monterey County Zoning Ordinance (*Title 21*).

**EXHIBIT D**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name:** Redevelopment Agency/Ord Market  
**File No:** GPZ070004    **APNs:** 031-101-039-000 and Army Parcel No. E4.6.2  
**Approved by:** Zoning Administrator    **Date:** April 10, 2008

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificati on of Complian ce (name/dat e)</i>
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Combined Development Permit (GPZ070004) allows the reestablishment of a service station and car wash, the continuing operation of a convenience market and truck rental business for the rental of an average of 15 trucks and trailers per day on an annual basis. The property is located at 2700 Imjin Parkway (Assessor's Parcel Number 031-101-039-000 and Army Parcel No. E4.6.2-000), Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	



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		of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A Combined Development Permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 031-101-039-000 and Army Parcel No. E4.6.2 on April 10, 2008. The permit was granted subject to 13 conditions of approval and three mitigation measures which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	



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		<p>training procedures, such as upon hiring and an annual training program. The plan shall also include information for the employees to understand stormwater discharge prohibitions, wastewater discharge requirements, and all required Best Management Practices.</p> <p>e. Spills shall be cleaned using dry cleanup methods, such as rags or absorbents for leaks and spills. Leaks and spills need to be fully absorbed and the absorbent material must be properly stored and disposed. Fuel areas shall not be washed down unless the wash water is collected and disposed of properly.</p> <p>f. Maintain a waste receptacle area(s) and an air/water supply area only on paved surfaces and clean up all spills or leaks as necessary. The waste area shall either be roofed, use drip pans under the receptacle, grade or pave the area to prevent run-on of stormwater, or use watertight waste receptacles with closed lids. The air/water supply area shall include the routine cleaning of the area and either grading and</p>	<p>3. The site plan for the building permit for the gas station shall include the location of the trash enclosure and contain the appropriate provisions per Item F of the mitigation measure.</p>	Applicant	Before issuance of building permit for gas station	
	3.	<p>1. The project shall comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. In addition, the project shall comply with one of the following specific requirements as part of the use permit approval:</p> <p>a. Install the equipment in the car wash such that the drying side is away from Imjin Road, or</p>	<p>1. The building permit plans for the car wash shall include such provisions to comply with items 1 (a) or 1 (b) of this mitigation measure.</p>	Applicant	Before issuance of any necessary permit for the car wash	

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		<p>b. Install noise attenuation devices or otherwise provide a study that shows that noise levels will not exceed General Plan limits at all adjacent residential property lines.</p> <p>2. In addition, the operation of the car wash shall be restricted to the hours of 7 AM to 7 PM daily. The operation of the car wash outside this time frame shall require the preparation of a noise study to identify potential noise impacts from the operation on the residential uses in the immediate vicinity and to verify compliance with the Noise Ordinance.</p>	<p>2. Operate the car wash between the hours of 7 AM and 7 PM.</p> <p>3. Operation of the car wash outside from 7 PM to 7 AM requires the preparation and submittal of a noise study by a registered professional at the expense of the car wash operator. The noise study shall provide evidence that noise emission would be below the decibel levels allowed in the Noise Ordinance.</p>	<p>2. Market operator.</p> <p>3. Owner</p>	On Going.	
3.		<p><b>PD – SIGNAGE (NON-STANDARD)</b></p> <p>Signage shall be designed in accordance with all applicable requirements of Section 21.60 (Newly Adopted Regulations for Signs). The applicant shall submit 3 copies of a signage plan which shall indicate the location, size, and colors and materials to be used. The signage plan shall be subject to approval by the Director of the RMA – Planning Department, prior to commencing the use of the gas station. <b>(RMA – Planning Department)</b></p>	<p>Submit three copies of the signage plan to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant	Prior to final building inspection of the gas station	
			<p>The signage shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Ongoing	

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4.		<b>PD026 - BANNERS, FLAGS, PENNANTS</b> There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property. (RMA – Planning Department)	All currently existing flags, banners, pennants, or other attention-getting devices, on the ground or on the exterior face of the building shall be removed. No other flags, banners pennants or attention-getting devices shall be placed on the site.	Owner/ Applicant	Prior to issuance of building permits/ Ongoing	
5.		<b>PD – RENTAL TRUCK NUMBER LIMITATION (NON-STANDARD)</b> The rental truck portion of the operation of the convenience market shall be limited to an average of 15 trucks and trailers per day on an annual basis. The trucks shall be parked in the designated areas in the approved site plan. Rental of additional trucks/trailers shall only be allowed through an amendment of the combined development permit or upon demonstration by the operator that additional rentals would not result in significant impacts on the affected streets' level of service. (RMA – Planning Department)	1. Operator of the truck rental shall submit monthly reports to the Redevelopment Agency stating the number of monthly truck/trailer rentals.  2. Restrict the parking of rental trucks and trailers to the areas designated in the site plan.	Market operator	Ongoing	
6.		<b>PD006 - MITIGATION MONITORING PROGRAM</b> The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.  2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building	

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		required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(RMA - Planning Department)</b>			permits, whichever occurs first.	
7.		<b>EH28 - HAZ MAT BUSINESS RESPONSE PLAN</b> Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. <b>(Environmental Health)</b>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Continuous	
8.		<b>EH29 - HAZ MAT UNDERGROUND TANKS</b> Comply with Title 23 of the California Code of Regulations and Monterey County Code 10.65 (Underground Tank Requirements) as approved by the Director of Environmental Health. <b>(Environmental Health)</b>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Continuous	
9.		<b>EH34 - HAZ MAT SPCC</b> Submit a site Spill Prevention Control Countermeasure (SPCC) Plan to the California Regional Water Quality Control Board for storage of petroleum products (i.e. diesel, oil, and gasoline) in above ground storage tanks greater than 650-gallon capacity or for cumulative storage of more than 1320 gallons. The Plan shall meet the standards as per Title 26, Division 22, Article 3, Sections 66264.30-66264.56 (Preparedness and Prevention). <b>(Environmental Health)</b>	Submit plan to the Hazardous Materials Program of the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to beginning of operation of the gas station. Continuous.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificati on of Complian ce (name/dat e)</i>
10.		<b>EH35 - CURFFL</b> All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection. <b>(Environmental Health)</b>	Consult with staff from Environmental Health regarding need for additional fees or requirements for operation of the convenience market. If necessary, submit plans and necessary review fees to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits for the gas station.	
11.		<b>FIRE001 - ROAD ACCESS</b> Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. <b>Responsible Land Use Department: Salinas Rural Fire District.</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	<i>Applicant or owner</i>	Prior to final building inspection	



<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificati on of Complian ce (name/dat e)</i>
12.		<b>FIRE011 - ADDRESSES FOR BUILDINGS</b> All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>Responsible Land Use Department: Salinas Rural Fire District.</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	



<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificati on of Complian ce (name/dat e)</i>
13.		<b>FIRE030 – OTHER NON-STANDARD CONDITIONS</b> This project shall comply with the requirements of Articles 52 and 79 of the California Fire Code, 2001 edition. Plans for the fuel dispensing station tank and equipment shall be reviewed by the Salinas Rural Fire District upon submittal of a building permit application. Installation shall be approved by the fire district prior to building permit final inspection. <b>Responsible Land Use Department: Salinas Rural Fire District.</b>	Fuel dispensing system plans shall bear the details and specifications in accordance with the California Fire Code.	Applicant or owner	Prior to issuance of building and/or grading permit	
14.		<b>PD – GENERAL DEVELOPMENT PLAN (NON STANDARD)</b> The uses allowed in the approved General Development Plan are limited to a convenience market and truck rental business, a gas station and a car wash facility. Any additional uses would require approval by the Planning Department and could require an amendment to the General Development Plan. All development of the site and implementation of the allowed uses shall be in compliance with the Site Plan approved by the Zoning Administrator on April 10, 2008. <b>(RMA – Planning Department)</b>	Limit the uses on the property to the approved uses on an on-going basis.	Market Operator	On going	

This resolution is made with reference to the following facts:

1. The Board of Supervisors has considered a Zoning Ordinance Amendment for the reclassification of an approximately three-acre portion of land owned by the Redevelopment Agency of Monterey County to reclassify roughly the same area from the "PQP-D-S" (Public/Quasi Public) Zoning District to the "LC-D-S" (Light Commercial with Design Control and Site Review Overlay Zoning Districts) Zoning District. The ordinance would amend Section 21-11 of the Sectional District Maps of Section 21.08.060 of Title 21 (Zoning) of the Monterey County Code to apply the "LC-D-S" (Light Commercial with Design Control and Site Plan Review Overlay Zoning Districts) to the subject area.
2. The property is located at 2700 Imjin Parkway (Assessor's Parcel Number 031-101-039-000 and Army Parcel E4.6.2), in the unincorporated area of the former Fort Ord under the jurisdiction of Monterey County.
3. The proposed zoning reclassification of the three-acre subject site to the "LC-D-S" zoning district would make the area zoning consistent with the land use designation under the Fort Ord Reuse Plan and the Land Use Concept and designation established in the Fort Ord General Plan Amendment adopted on November 20, 2001 by the Board of Supervisors for the unincorporated areas of Fort Ord.
4. At a duly noticed public hearing on July 24, 2007, the Board of Supervisors, among other actions, considered an adopted Mitigated Negative Declaration ("MND") previously prepared for the approval of a *Disposition, Development and Lease Agreement* involving the use of the existing facilities at subject site, and considered a Technical Addendum to the Mitigated Negative Declaration which addressed the zoning reclassification.

5. The Mitigated Negative Declaration was adopted by the Redevelopment Agency on August 22, 2006 for the approval of a *Disposition and Development Lease Agreement* (DDLA). The DDLA allows the lessee to continue the operation of the existing convenience market at the site and allows the lessee to pursue permits for a gas/service station and car wash. The Mitigated Negative Declaration found that the market and proposed uses under the lease are consistent with the property's land use designation under the Fort Ord Reuse Plan and the General Plan Amendment adopted by the County for unincorporated areas of the former Fort Ord. The Mitigated Negative Declaration identified mitigation measures for potential impacts resulting from the existing use of a convenience market and the reestablishment of the previously existing gas station and car wash. Those mitigation measures would be made conditions of approval of the service station and car wash if and when applications are made and approved.
6. A Technical Addendum to the previously adopted Mitigated Negative Declaration has been prepared by the Redevelopment Agency pursuant to Section 15164 of the CEQA Guidelines. The addendum makes minor technical changes to the project description analyzed in the Mitigated Negative Declaration prepared earlier. Specifically, the Addendum addresses the rezoning of the subject three-acre site and concludes that such rezoning would not result in any new or significantly adverse environmental impacts not already identified and discussed in the previously adopted Mitigated Negative Declaration.
7. The proposed zoning reclassification would implement the land use designation adopted by the Board of Supervisors in 2001 and would not foreseeably result in additional uses because the Disposition and Development Lease Agreement (DDLA) prohibits development of any other uses on the site without prior written consent of the Redevelopment Agency of Monterey County and the DDLA further restricts the development area to the existing three-acre developed area.
8. Based on the Mitigated Negative Declaration and Technical Addendum, the Board of Supervisors finds that the proposed zoning reclassification will not have any significant adverse impacts on the environment. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the proposed zoning reclassification may cause a significant effect on the environment. The Mitigated Negative Declaration and Technical Addendum reflect the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study, consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based is the Monterey County Planning and Building Inspection Department located at 168 W. Alisal St., 2<sup>nd</sup> floor, Salinas, CA 93901. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinions supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports.

Resolution No.: 07-288  
July 24, 2007

Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

## II. DECISION

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors, having considered the Mitigated Negative Declaration and Addendum, adopts the foregoing findings pursuant to the California Environmental Quality Act prior to deciding on the zoning reclassification.

**PASSED AND ADOPTED** on July 24, 2007, upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, by the following vote, to-wit:

**AYES:** Supervisors Armenta, Calcagno, Salinas, and Potter

**NOES:** None

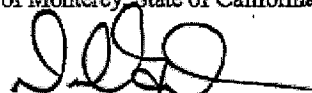
**ABSENT:** Supervisor Smith

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 73 for the meeting on July 24, 2007

Dated: July 25, 2007

Lew C. Bauman, Clerk of the Board of Supervisors,  
County of Monterey, State of California

By



Darlene Drain, Deputy

**WARR**

**WALD MARINE & DOCK  
APPROPRIATE**

2246 OAKVIEW ROAD, SUITE 16  
MONTEREY, CALIFORNIA 93940  
TEL: 813.661.5599  
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JOB NO.	07307
PILOT DATE:	12/2/00
EXAMINER:	ARTICO
CHIEF OF DR:	W
SET UPLER:	
SHEET NO.	
SHEET NAME:	EXISTING / DEMOLITION SITE PLAN

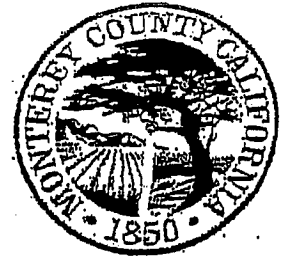
Ord Market Inc.  
2700 Inja Parkway  
Marina, CA 93933

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## EXHIBIT G

### MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY  
HOUSING AND REDEVELOPMENT OFFICE  
168 W. ALISAL STREET, SALINAS, CA 93901  
(831) 755-5090 FAX: (831) 755-5498



#### NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

NOTICE IS HEREBY GIVEN that the Redevelopment Agency of the County of Monterey has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Lease and a related Use Permit (Ord Market) (APN 031-101-039-000), on the former Fort Ord. The Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Housing and Redevelopment Office, 168 W. Alisal St. 3<sup>rd</sup> Floor, Salinas, California. Written comments on this Negative Declaration will be accepted until July 24, 2006.

**Project Description:** The Redevelopment Agency of the County of Monterey (Agency) is considering entering into a lease with the operator of the existing Ord Market, located on a 3-acre site at the corner of Injim Road and Abrams Drive on the former Fort Ord. The proposal involves re-opening a gas station and car wash that were previously in operation on the site. Physical improvements will consist of re-installing two underground tanks, gas pumps and equipment associated with the car wash operation. A gas pump canopy and islands and a car wash structure are currently existing on the site and will be reused.

#### FOR ADDITIONAL INFORMATION CONTACT:

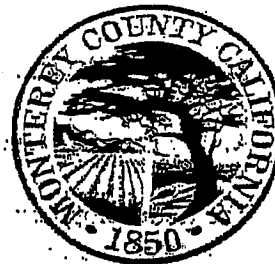
Marti Noel, Senior Administrative Analyst  
Monterey County Resource Management Agency  
Housing and Redevelopment Office  
168 W. Alisal Street, 3rd Floor  
Salinas, CA 93901  
(831) 755-5390

# DISTRIBUTION

1. State Clearinghouse (15 copies)
2. County Clerk's Office
3. Association of Monterey Bay Area Governments
4. County Sheriff's Office
5. City of Marina
6. City of Seaside
7. CSUMB
8. FORA
9. TAMC
10. Marina Coast Water District
11. AMBAG
12. Monterey Bay Unified Air Pollution Control District

# MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT  
PO BOX 1208 SALINAS, CA 93902  
PHONE: (831) 755-5025 FAX: (831) 755-5487



## INITIAL STUDY

### I. BACKGROUND INFORMATION

Project Title: Ord Market Gas Station and Car Wash

File No.: PD050725

Project Location: 2700 Imjin Road at Abrams Drive, Fort Ord

Name of Property Owner: US Army

Name of Applicant: Redevelopment Agency of County of Monterey

Assessor's Parcel Number(s): 031-101-039

Acreage of Property: Three acres

General Plan Designation: Planned Development Mixed Use District/Convenience Retail

Zoning District: Public/Quasi Public/Site Plan Review/Design Control  
(PQP-D-S)

Lead Agency: Redevelopment Agency of County of Monterey

Prepared By: Marti Noel, Senior Analyst

Date Prepared: June 20, 2006

Contact Person: Marti Noel

Phone Number: (831) 755-5390



## *II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING*

### *A. Project Description:*

The Redevelopment Agency of Monterey County (Agency) is considering entering into a 25-year lease with the operator of the Ord Market, an existing retail facility located on the former Fort Ord. As the site is within an existing Redevelopment Project Area, and will be owned by the Agency, a Disposition and Development Agreement (DDA) will be prepared. As part of the lease, the operator is requesting to reopen a gas station and single-car car wash, formerly located on the site. No other physical changes to the property are contemplated under the proposed lease. The Ord Market operates as a local grocery store and includes an approximate 80-space parking lot, a 4,500-square foot building, the former service station canopy, islands, and car wash area; the site is connected to a public water and sewer system (Marina Coast Water District); and all impervious surface runoff collects to a storm drain system in Imjin Road. The northern portion of the parking lot is located in an area that will likely be used as future road right-of-way for the widening of Imjin Road, although the parking lot may not need to be modified by such widening (Reference 28). The future right-of-way will be the property of the City of Marina; which will need to authorize any parking, landscaping, signs utilities, relocated driveways, or other encroachments related to the Ord Market site that are located within the future right-of-way.

The physical project consists of the reopening of a gas station and car wash that served a portion of Fort Ord during previous Army use. Three 10,000-gallon underground tanks, aboveground equipment, and associated lines and equipment were removed in the 1990's. The underground tanks, at the time of removal, were new (installed in the 1980's and were double-containment, monitored tanks). The site was determined cleaned by the County Health Department (References 21 and 26). The equipment removal included the operational equipment used in the detached car wash, as well. All structures, including the canopy, pump islands, car wash, driveways and parking areas have been preserved.

The proposal is to reinstall underground tanks, pipelines, electrical equipment, emergency cut off switches, four aboveground pumps on the existing tank islands, and car wash equipment. No backup electrical equipment (i.e., generator) is proposed. These improvements would require removing a portion of the paved surface and burying the tanks and infrastructure. Tanks would consist of two underground 12,000-gallon tanks to be located underneath the pump island. Water use in association with the car wash operation will be required to be recycled, in accordance with the terms of the lease and with Marina Coast Water District (MCWD) regulations. The recycled water will be filtered and waste will be collected in a sump for disposal. As such, water use for the service station and car wash is estimated at 0.3 acre-feet per year. The existing market at the site uses approximately 0.2 acre-feet per year of water, resulting in a total water use of 0.5 acre-feet per year. The County will need to allocate the water from its approved Fort Ord allocation.

The installation of underground tanks will involve the excavation of soil that was placed on-site when the old tanks were removed. The excavated soil will need to be hauled off site and the tanks will be re-installed, surrounded by sand and gravel (Reference 12). Underground storage tanks will meet current standards, including double-containment and the installation of monitoring equipment (Reference 11).

Traffic will enter the site either by a right turn in from eastbound Imjin Road or via an existing entrance off Abrams Drive. Traffic would traverse the parking area, if entering from Abrams Drive, or drive directly to the service station if entering off Imjin Road. The parking lot consists of two aisles of parking with one-way travel. The car wash area would be on an existing short loop road at the west end of the service station area. Car wash users would travel through the service station area.

## **B. Environmental Setting and Surrounding Land Uses:**

In June 2001, the United States, through the Secretary of the Army, and the Fort Ord Reuse Authority (FORA), acting by and through their agent the County of Monterey, entered into a Lease In Furtherance of Conveyance (LIFC) under Base Realignment and Closure (BRAC) for the Property, including Building Numbers 6160 (market), 6165 (gas station), and 6165A (car wash), including the adjacent area between the buildings, landscaped areas, open space and parking areas, known as the "Imjin Shoppette". In June of 2001, FORA, acting by and through its agent, the County of Monterey, entered into a sublease with Darryl Choates for the Leased Premises, for an initial term of five (5) years, for the purpose of refurbishing and operating a business for the retail sale of food, beverages, and household merchandise in the 6160 building (known as the "Ord Market"). The site will be conveyed to the Redevelopment Agency after conveyance to FORA. The sublease is crafted such that the Successor in Interest will assume the sublease (Reference 28).

The site is located at the southwest intersection of Imjin Road and Abrams Drive on the former Fort Ord. The project site is developed with the market building, a parking lot, gas station canopy, pump islands, small kiosk, car wash building (single car), and paved areas for ingress and egress to all structures; one driveway (right in, right out only) to Imjin Road, and a two-way driveway to Abrams Drive. The Ord Market property has been improved with the existing structures for many years and included a gas station and car wash during previous Army use of the site. All structures remain on the site and are proposed to be reused for the project.

The former gas station had four pump locations, serving up to eight vehicles at a time. Infrastructure (tanks, pipelines, cut-off switches, car wash equipment) for the gas station and car wash was removed in the mid 1990's and the site was determined to be cleaned of any contaminants resulting from the gas station operation (References 21 and 26). The underground tanks that were removed from the site were newer tanks, installed in the 1980's. Site circulation for the existing store and service station includes a right in/right out along Imjin Road and a two-way driveway from Abrams Drive. The Imjin Road/Abrams Drive intersection has a traffic signal with left-turn signal control along Imjin Road (Reference 14).

Surrounding land uses include residences that were constructed for the Army and are now used by California State University Monterey Bay (CSUMB) and private individuals. An abandoned army landfill is located to the south and west of the site. The landfill is being monitored for gas and groundwater contaminants (References 5 and 6). Open space uses are also located in the vicinity of the site, between the commercial area and the residential neighborhoods. The Fort Ord Reuse Plan and Monterey County General Plan designate the subject site and approximate areas of undeveloped property immediately adjacent for commercial uses (Planned Development

Mixed Use with Convenience Retail designation), (References 3 and 5). The site is also located within an adopted Redevelopment Project Area.

Imjin Road is currently a two-lane road but is planned to be a four lane arterial (Reference 6), and is currently a heavily used transportation route between Salinas and the Monterey Peninsula. A traffic signal was recently installed at the intersection of Imjin and Abrams, at the project site. The signal controls left turns from Imjin onto Abrams and through traffic for Imjin and Abrams (Reference 14). The site has limited driveway access to Imjin Road. Abrams Drive serves residential neighborhoods as well as serving as a connector to Intergarrison Road, providing an alternate route to CSUMB. Traffic along Imjin Road is the primary noise source for this site and immediate area. Ambient noise levels are approximately 68 Decibels (dB). They are projected to increase to 73 dBs from further development planned in the area, resulting primarily from increased traffic along Imjin Road (References 5 and 25).

The County has been allocated a water supply of 560 acre-feet per year from the Fort Ord Reuse Plan's 6600 acre-feet identified water supply. The County has reserved water for Monterey Peninsula College (52.5 acre-feet per year) and for the East Garrison Specific Plan project (470 acre-feet per year). The remaining 37.5 acre-feet per year is available for allocation to other projects.

The site is located in an area with few existing natural environmental constraints. No Earthquake Fault Zone runs through the property or is located within 660 feet. The site has previously been disturbed with the existing structures and infrastructure that will be utilized to reopen the service station and car wash; no biological impacts are expected. The project site is located outside of the 100-year floodplain; however, a small area of ponding is located in the general area (Reference 14 and 15). The site is underlain with Baywood Sand soils, which have a slight to moderate erosion hazard. The property has a moderate archaeological sensitivity, but all disturbances proposed (underground tanks) will be within previously disturbed areas.

### III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

#### General Plan/Area Plan

The proposed project was reviewed for consistency with the Monterey County General Plan and the Monterey Peninsula Area Plan, as well as the Fort Ord Reuse Plan. Section IV.A. discusses whether the project physically divides an established community, conflicts with any applicable land use plan, policy or regulation or an agency with jurisdiction over the project, or conflicts with any applicable habitat conservation plan or natural community conservation plan. The project is consistent with these plans and their applicable policies and regulations.

#### Water Quality Control Plan

The project is consistent with the Monterey County General Plan and the Regional Water Quality Control Plan. The Regional Water Quality Control Board (RWQCB) incorporates the County's General Plan in its preparation of regional water quality plans. Section VI.8 discusses whether this project violates any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or creates or contributes runoff water which would exceed the capacity of existing or planned storm water drainage.

#### Air Quality Management Plan

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) relies on consistency with the 2004 Air Quality Management Plan (AQMP) to address cumulative impacts for regional pollutant levels (i.e., ozone). Consistency is determined by comparing the population forecast of the project with those forecasts included in the AQMP. This project, a service station and car wash, will not induce population growth and is in conformance with, and will not interfere with, implementation of the AQMP. In addition, Section VI.3 below discusses whether a particular project conflicts with or obstructs implementation of air quality plans, violates any standard or contributes to air quality violations, results in a cumulative net increase of criteria pollutants for which the project region is in non-attainment, exposes sensitive receptors to pollutant concentrations or causes objectionable odors affecting many people.

### **IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION**

#### **A. FACTORS**

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture Resources              | <input checked="" type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources                   | <input type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Geology/Soils          |
| <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning                 |
| <input type="checkbox"/> Mineral Resources                      | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing                |
| <input type="checkbox"/> Public Services                        | <input type="checkbox"/> Recreation                         | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems   |   |  |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no

potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

☐ Check here if this finding is not applicable

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

#### **EVIDENCE:**

##### Agricultural Resources

The project site is not located in an agricultural production area, with the nearest agricultural land located over a mile to the east. No agricultural land will be taken out of production, either directly or indirectly, as a result of this project (References 3, 4, 5, and 14).

##### Biological Resources

The project site is currently developed with structures, paving and landscaping, all of which were in use when the Army occupied the Base and remains in use currently. No ground disturbance is expected outside of the developed footprint of the site and no biological resources are expected to be affected by installation of underground tanks, infrastructure, and the reinstallation of mechanical equipment on existing paved areas or within existing structures (References 1, 12, and 14).

##### Cultural Resources

The site is designated as an area with a moderate potential for archaeological resources. The existing buildings are modern and do not have any historical significance. As the site has already been disturbed, including the area where the underground storage tanks will be reinstalled, no significant impacts are expected to cultural resources. (References 5, 6, 8, 12, and 14).

##### Land Use/Planning

The project site is part of the former Fort Ord. In 1997, the Fort Ord Reuse Authority adopted the Fort Ord Reuse Plan, which designated the site as Planned Development Mixed Use/Convenience Retail. In 2001, Monterey County incorporated all applicable provisions of the Reuse Plan into the General Plan, thereby designating the site Planned Development Mixed Use/Convenience Retail in the County General Plan. In addition, the Redevelopment Agency of Monterey County adopted a Redevelopment Plan for all the unincorporated area of the former Fort Ord. As the unincorporated area is still owned by federal agencies or the State of California, the County has not yet rezoned portions of the site. The entire area is currently zoned Public/Quasi Public, Site Plan Review, and Design Control. The planned use as a convenience market and service station, with appurtenant facilities, is consistent with the land use designation and zoning district. The use could be allowed with a Use Permit in the zoning district (References 3, 4, 5, and 27).

#### Mineral Resources

The project site is not located in an area used for mining uses and is not expected to provide for those types of uses according to the Fort Ord Reuse Plan and the Monterey County General Plan (References 3, 4, 5, 6, 7, and 14).

#### Population/Housing

The project will not provide nor displace any existing or planned housing and will not cause any population growth to occur. It will accommodate growth occurring in the area, but is not a cause for the growth (References 3, 5, and 6).

#### Public Services

The project will not cause any significant impacts to police, fire, school or park services provided by the County, the Army, the Presidio of Monterey, CSUMB police, or the City of Marina. The store is already in operation; the reinstallation of a service station could cause a small incremental increase in demand for services but will not result in any impact to the public service levels (References 1, 3, 5, and 6).

#### Recreation

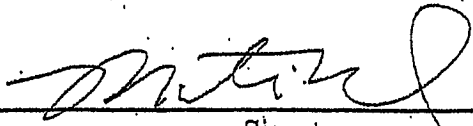
The project is a retail operation and will not create any demand on existing parks or open space, will not create a demand for additional recreation areas, and will not affect any planned recreation areas (References 3, 4, 5, and 6).

### **B. DETERMINATION**

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and

(b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 _____ Signature	<u>6/20/06</u> _____ Date
<u>MARTI NOEL</u> _____ Printed Name	<u>SENIOR ANALYST</u> _____ Title

## V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.

- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures: For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
- a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

Some service stations install light fixtures that cause glare off the property by improperly shielding the light fixtures so that the light is not retained on the project site. The project area contains residential uses to the north and south, with open space areas between the site and some of the residential areas. Improper lighting or techniques could cause a significant effect to the residents, to drivers on Imjin Road or Abrams Drive, and to open space areas located nearby.



**Mitigation 1:**

The applicant shall submit a lighting plan, for approval by the County, prior to construction of the canopy or installation of new light fixtures. The lighting plan shall include light fixtures with cut-off optics or shielding that contains light onto the property and does not create off-site glare.

With the mitigation measure identified above, the potential project impacts would be reduced to a less than significant level.

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**2. AGRICULTURAL RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See discussion in Section IV.A, above.

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

The reinstallation of a service station and car wash to the existing market on Imjin Road will not conflict with the Air Quality Management Plan adopted by the MBUAPCD. It will not change growth patterns, induce growth, or conflict with any of the provisions of the AQMP (Reference 23). The AQMP considers service stations under a single area source category, essentially grouping gas stations together as a source.

The service station project will be required to go through a permitting process with the Monterey Bay Unified Air Pollution Control District (Air District). The review process by the Air District will certify that proper equipment will be installed for the new service station. The MBUAPCD has adopted regulations regarding service stations, including Rule 418 pertaining to the transfer of fuels from a delivery vehicle to a storage tank and Rule 1002 pertaining to filling of motor vehicle fuel tanks. Current state requirements for equipment include Phase 1 vapor recovery devices for underground tanks and pump nozzles. In addition to state requirements, each local air district establishes standards to ensure that local and regional air quality is protected. The permitting process required to operate the service station will ensure compliance with these standards. With the regulatory oversight and permitting process required by state law and local regulations, no potentially significant impact to air quality will result from the installation and

use of underground tanks, pumps and nozzles (References 18 and 24). This impact is considered less than significant.

4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations; or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See discussion in Section IV.A., above.

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

6. GEOLOGY AND SOILS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: ) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

The project site is not located within an Earthquake Fault Zone and no active faults are located in the area of the project. Potentially active faults are located on the former Fort Ord, but none are located within 660 feet of the project. The underground tanks and pipelines would be installed in sand and gravel beds, which allows for movement to reduce the likelihood of a rupture during seismic shaking or due to expansive soils.

7. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

According to the Fort Ord Reuse Plan EIR (Reference 6), The "[f]ormer Fort Ord was added to the National Priorities List of Hazardous Waste Sites (Superfund List) on February 21, 1990." Clean up of the Base is heavily regulated by federal and state law, as described on page 4-72 of the EIR, which also states "Under the Federal Facilities Agreement (FFA), the Army is responsible for conducting the Superfund clean-up process, and the U.S. Environmental Protection Agency (EPA) is the lead agency for regulatory enforcement and oversight of Superfund activities. However, the Army must also submit findings to the Department of Toxic Substances Control (DTSC) and the Central Coast Regional Water Quality Control Board (RWQCB) both of which are part of the California EPA (Cal EPA)." The adjacent landfill and this former gas station site are sites that need to be cleaned prior to transfer. According to the Reuse Plan EIR, a Remedial Investigation/Feasibility Study was completed in 1993 for the base landfills and a remedial action Record of Decision was issued for clean up in August 1994. Prior to transfer of the land to non-federal agencies, the Army must complete a remedial action Record of Decision certifying that the lands are clean and protective of human health and the environment (Reference 6). The Ord Market site, which will be conveyed to the Agency, was certified as cleaned by the County Health Department when the underground storage tanks and pipelines were removed in the 1990's (References 9, 21, and 26).

The lease for the property includes a requirement that the lessee will prepare an assessment performed by a qualified engineer to determine the extent of actual and potential hazards due to proximity to the closed Fort Ord landfill. The assessment is to include, but not be limited to, the following information:

- age of the landfill and the date of its closure
- whether or not the landfill is lined

- c. depth to groundwater and the degree that the landfill has contaminated the groundwater
- d. geologic and hydrogeologic setting of the landfill
- e. presence of landfill gas and possible extent of gas migration
- f. presence of toxic contaminants in the landfill gas as measured in the air, soil and groundwater
- g. Potential impact of gas station and car wash operating in proximity to the landfill.

The engineer's assessment is to propose any recommendations to address any hazards to the on-site operations or to the landfill, which may result from proximity of the on-site operations and facilities to the landfill. The lessee will submit any proposed recommendations to the County's Director of Environmental Health for review and approval. The lease further requires that the Lessee will be obligated to implement the recommendations as directed by the Director of Environmental Health. The discussion below describes anticipated potential environmental impacts associated with the installation and operation of the service station in proximity to the closed landfill.

a,e) The transport and use of petroleum products occurs constantly and is a potential threat to people and the environment. However, the impact is not considered significant. When accidents occur, hazardous materials teams contain and clean whatever spill occurs. The construction of one additional service station does not lead to an increased risk. No unusual transportation hazards exist in the area that increases the risk of an accident.

b) Fuel will be stored in underground tanks, which will be monitored for leaks in accordance with permitting required. Modern underground tank requirements include double-containment and monitoring systems. Due to the proximity of the former landfill and methane gas generated by decomposing material, the type of monitoring system for the underground tanks is important to prevent a hazardous situation. Monitoring systems include continuous vacuum, pressure or hydrostatic type systems. A continuous vacuum system is not appropriate with the potential for migration to the area of methane gas from the former landfill (Reference 11). This could be a potentially significant impact.

#### Mitigation Measure 2:

Underground storage tanks shall utilize a pressure or hydrostatic-type monitoring system on the secondary containment system. The tank monitoring system design shall be submitted to the County Environmental Health Division for approval prior to issuance of permits for tank installation.

With the mitigation measure identified above, the potential project impact would be reduced to a less than significant level.

## 8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: )	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

Water quality can be an issue for a service station and for a car wash if runoff is not handled properly. The car wash includes paved surfaces around the structure. All wash water will be

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collected, cleaned and recycled for reuse in the car wash facility. As long as no discharge occurs from the facility to the surrounding environment, a waste discharge permit is not needed from the Regional Water Quality Control Board (Reference 17). The waste will be collected either in a sump or disposed of to a sewer system. As such, no permit is needed from the RWQCB and no potentially significant impacts are determined. The water recycling system design will be part of the Planning permit approval.

Keeping fuel and oil from mixing with surface runoff is one of the key methods to ensure surface water quality is maintained. Potential pollutants include heavy metals (copper, lead, nickel and zinc), hydrocarbons (oil and grease), toxic chemicals (benzene, toluene, xylene and MTBE), detergents and food waste and trash. The entire area that will be utilized for vehicles is paved of asphalt or concrete and drainage is carried to a regional storm drain system. Underground tanks, pipes, and delivery components will meet current regulations, which require spill containment for the tanks and regulate the fuel dispensing nozzles. Best management practices can be utilized to protect surface water quality (References 19 and 20). The potential for surface and groundwater contamination is considered a potentially significant impact.

#### **Mitigation Measure 3:**

The following Best Management Practices shall be included in any lease of the property and shall be implemented as outlined in the measure:

- a. Maintain a canopy over the pump areas sufficient to minimize rainwater from entering the pump area. Water from the canopy roof shall be collected and disposed such that it does not traverse the pump island area, with the intent of keeping oil and gas spills out of the surface water runoff.
- b. All areas used for pumping, outdoor storage of petroleum products, waste areas that contain petroleum products, and the air/water supply area shall drain into a drain system with an approved oil/water separator.
- c. Label drains on all paved areas as to drain destination, including oil/water separator, sewer, storm drain, or to landscaped areas.
- d. Provide a spill response plan to the County for review and approval prior to operation of the service station. The plan shall include procedures for leaks, routine cleaning of the service station area, and response to sudden spills and shall discuss how spill materials will be disposed. The plan shall also discuss employee training procedures, such as upon hiring and an annual training program. The plan shall also include information for the employees to understand stormwater discharge prohibitions, wastewater discharge requirements, and all required Best Management Practices.
- e. Spills shall be cleaned using dry cleanup methods, such as rags or absorbents for leaks and spills. Leaks and spills need to be fully absorbed and the absorbent material must be properly stored and disposed. Fuel areas shall not be washed down unless the wash water is collected and disposed of properly.
- f. Maintain a waste receptacle area(s) and an air/water supply area only on paved surfaces and clean up all spills or leaks as necessary. The waste area shall either be roofed, use drip pans under the receptacle, grade or pave the area to prevent run-on of stormwater, or use watertight waste receptacles with closed lids. The air/water supply area shall include the routine cleaning of the area and either grading and

paving to prevent run-on of stormwater, install a roof over the area, or install a low containment berm around the area.

With the mitigation measures identified above, the potential project impacts would be reduced to a less than significant level.

#### 9. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

See discussion in Section IV.A, above.

#### 10. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

See discussion in Section IV.A, above.

## 11. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

Noise concerns for this project center on the car wash facility and temporary construction noise associated with installation of the tanks and other infrastructure. As construction will occur during the daytime, when traffic noise is at its greatest and will occur intermittently over a very short time period, construction noise is not considered a potentially significant impact.

Noise levels from Imjin Road in 1992 were 60 dB at the residential area across Imjin road (Reference 6). With the increase in traffic since that time on Imjin Road, the ambient noise levels have increased to 68.3 dB Ldn at 50-feet from the road (Reference 25, Table 3.8-10) and will increase to approximately 73 dB as the area is developed. Projected noise levels in 2025, based on cumulative growth in the region, including former Fort Ord Reuse Plan growth, is anticipated to be approximately 73 dB in this area (Reference 25). The County General Plan Noise Element contains a matrix of noise levels acceptable to residential uses, and sets a noise level of 55-dB at the nearest residential property line (Reference 3).

Noise generated from a car wash is generally a result of the dryer operation. The dryer end is located toward Imjin Road. Residential uses are located across Imjin Road within 350 feet of the facility. Imjin Road noise will increase over time as more development occurs in the region, generating more traffic, and as Imjin Road is widened to four lanes. Peak project noise levels will

be approximately 60 dB at 320 feet from the project with the dryer function located on the Imjin Road side of the car wash. This project will result in intermittent noise levels, from occasional car wash use, that is equal to or less than the ambient noise level resulting from Imjin Road traffic. However, nighttime use of the car wash could result in noise impacts to residences in the area, which are located within the Marina city limits. The City of Marina noise standard for residential uses is 60 dB (Ldn). Noise levels above 45 dBA at night can disrupt sleep (Reference 25, Table 3.8-5 and page 3.8-3).

This project results in potentially significant noise impacts to residential uses.

#### Mitigation Measure 4:

- a. The project shall comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. In addition, the project shall comply with one of the following specific requirements as part of the use permit approval:
  1. Install the equipment in the car wash such that the drying side is away from Imjin Road, or
  2. Install noise attenuation devices or otherwise provide a study that shows that noise levels will not exceed General Plan limits at all adjacent residential property lines.
- b. In addition, the following time restrictions shall be applied to the car wash operation:
  1. The car wash shall not be operated from 7 p.m. to 10 p.m. unless the noise levels are less than 55 decibels at all residential property lines, as demonstrated by a noise study.
  2. The car wash shall not be operated from 10 p.m. to 7 a.m. unless the noise levels are less than 45 decibels at all residential property lines, as demonstrated by a noise study.

With the mitigation measures identified above, the potential project impacts would be reduced to a less than significant level.

12. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See discussion in Section IV.A, above.

## 13. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See discussion in Section IV.A, above.

#### 14. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

See discussion in Section IV.A; above.

#### 15. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

The project would generate approximately 1220 daily trips and 85 a.m. peak and 105 p.m. peak hour trips (Reference 2). Many of the trips would be pass-by trips—vehicles already on Imjin Road or Abrams Drive, and/or vehicles using the existing market. Traffic projected for Imjin Road for the year 2015 is estimated to be up to 12,800 trips per day (Reference 6, Table 4.7-4). Vehicles using the service station and car wash would exit and enter eastbound Imjin Road only for eastbound traffic. All other movements (westbound Imjin Road and all Abrams Drive traffic) would utilize an existing two-way driveway on Abrams Drive. Traffic using or crossing Imjin Road would utilize the traffic signal to proceed through the Imjin/Abrams intersection. No improvements are needed or proposed for project ingress/egress (Reference 1).

The Fort Ord Reuse Plan EIR (Reference 6) identifies that this section of Imjin Road will be widened to four lanes and would operate at Level of Service (LOS) B in the year 2015. A traffic signal was recently installed at the intersection of Imjin Road and Abrams Drive, which would be utilized by Abrams Drive and westbound Imjin Road traffic to access the project site. The signal includes separate left-turn signal operations for Imjin Road traffic. No significant impacts to traffic level of service are anticipated from the project.

Air traffic and its traffic patterns will not be affected by this project. The approach and traffic pattern zones are located to the east, north, and west of the Marina Municipal Airport. This project is located to the south, and is not within the Planning Area boundary nor within the F.A.R. Part 77 surfaces (Reference 13, including Figures 4-1 and 4-3).

The site meets fire standards for access. Parking is sufficient to meet County Code requirements of 1 space per 250 square feet. The project will not affect any alternative transportation features.

No potentially significant impacts are identified from this project.

#### 16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# 16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion/Conclusion/Mitigation:

- b) The car wash facility will include a recycled water system that collects wash and rinse water, filters it, and reuses it. This type of system utilizes some "make up" water to account for water that leaves the facility on vehicles or through evaporation. The system includes an area where the waste materials are collected in a sump and disposed of properly as necessary.

## VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.



Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: ) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

- The project will not disturb biological resources, as explained in Section IV.B, above.
- The project will contribute, incrementally, to traffic and public service impacts, but the effects are so small as to be less than significant. Traffic effects will be created by additional traffic generated by drivers seeking fuel in the area. Most drivers utilizing the service station will be pass-by trips already in the area or people that live in the surrounding residential neighborhoods. The increase in public services is also sufficiently small to be considered less than significant. The use of the site for a market already has a small demand on public services. The inclusion of a service station does not change that demand to any significant extent.
- See discussion in the hazardous materials, noise and aesthetics sections, above, for potential impacts and mitigation measures for potential adverse effects on human beings.

## VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

### Assessment of Fee:

For purposes of implementing Section 735.5 of Title 14, California Code of Regulations: If based on the record as a whole, the Planner determines that implementation of the project described herein, will result in changes to resources A-G listed below, then a Fish and Game Document Filing Fee must be assessed. Based upon analysis using the criteria A-G, and information contained in the record, state conclusions with evidence below.

- A) Riparian land, rivers, streams, water courses, and wetlands under state and federal jurisdiction.
- B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
- C) Rare and unique plant life and ecological communities dependent on plant life; and
- D) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- E) All species of plant or animals listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, and the Water Code, or regulations adopted thereunder.
- F) All marine terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.
- G) All air and water resources the degradation of which will individually or cumulatively result in the loss of biological diversity among plants and animals residing in air or water.

**De minimis Fee Exemption:** For purposes of implementing Section 735.5 of the California Code of Regulations: A *De Minimis Exemption* may be granted to the Environmental Document Fee if there is substantial evidence, based on the record as a whole, that there will not be changes to the above named resources V. A-G caused by implementation of the project. Using the above criteria, state conclusions with evidence below, and follow Planning and Building Inceptions Department Procedures for filing a de minimis exemption:

**Conclusion:** The project will not be required to pay the fee.

**Evidence:** The project will not disturb surface soils or biological resources, except soil that was previously disturbed when the former underground storage tanks were removed and soil was installed in their place.

## IX. REFERENCES

1. Project Application/Plans
2. *Trip Generation*, 6<sup>th</sup> Edition, Institute of Transportation Engineers,
3. *Monterey County General Plan*
4. *Greater Monterey Peninsula Area Plan*
5. *Fort Ord Reuse Plan* (1997)
6. *Fort Ord Reuse Plan EIR* (1997)
7. *Marina Heights EIR* (2004)
8. Monterey County GIS System
9. Personal communication, Bruce Weldon, Monterey County Environmental Health Division
10. Personal communication, John Zeller, Marina Coast Water District
11. Personal communication, Karen Schkolnick and Bruce Weldon, Monterey County Environmental Health Division
12. Personal communication, Bruce Keel, Toro Petroleum
13. *Marina Municipal Airport Comprehensive Land Use Plan*, Monterey County Airport Land Use Commission (1996)
14. Site visits by Planner Mike Novo on numerous occasions from 2003 to 2005
15. *Flood Insurance Rate Maps*, Panel 060195013D, US Government, January 30, 1984
16. *Soil Survey of Monterey County*, US Department of Agriculture
17. Personal communication, Harvey Packard, California Regional Water Quality Control Board, San Luis Obispo
18. Personal communication, Tanya Leisten, Monterey Bay Unified Air Pollution Control District
19. Personal communication, Elizabeth Krafft, Monterey County Water Resources Agency
20. *California Stormwater Best Management Practices Handbook: Industrial and Commercial*, California Stormwater Quality Association, January 2003
21. Personal communication, Melissa Broadston, Base Reuse and Closure office, Fort Ord
22. *CEQA Air Quality Guidelines*, Monterey Bay Unified Air Pollution Control District, September 2002
23. *2004 Air Quality Management Plan for the Monterey Bay Region*, Monterey Bay Unified Air Pollution Control District, September 2004
24. Monterey Bay Unified Air Pollution Control District website at [www.mbuapcd.org](http://www.mbuapcd.org)

25. *Marina University Villages Draft EIR, City of Marina, February 14, 2005*

26. *Email from Melissa Broadston, Base Reuse and Closure office, Fort Ord, dated August 4, 2005. The email contains a .pdf file containing a letter from the U.S. Army (James M. Willison) to Monterey County Health Department (Maine to Jorvina), dated October 8, 1997, and a letter from Monterey County Environmental Health (Walter Wong) to the U.S. Army (Melissa Hlabaski), dated November 6, 1997.*

27. *Monterey County Zoning Ordinance, Title 21, Monterey County*

28. *Sublease Agreement between FOR A, Monterey County, and Darryl and Trefina Choates, June 19, 2001.*

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

---

HOUSING AND REDEVELOPMENT OFFICE, Jim Cook, Director

168 W. Alisal St., 3<sup>rd</sup> Floor  
Salinas, CA 93901

(831) 755-5390  
FAX (831) 755-5398



### COMMENT & REPOSE LETTERS

- City of Marina
- State of California Governor's Office of Planning and Research
- Ms. Gretchell
- Mr. Sterbenz



STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Arnold Schwarzenegger  
Governor

Sean Walsh  
Director

July 24, 2006

Marti Noel  
Monterey County  
168 W. Alisal Street, 3rd Floor  
Salinas, CA 93901

Subject: Ord Market Gas Station and Car Wash  
SCH#: 2006061110

Dear Marti Noel:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on July 21, 2006, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

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

Sincerely,

Terry Roberts  
Director, State Clearinghouse

# State Clearinghouse Data Base

**SCH#** 2006061110  
**Project Title** Ord Market Gas Station and Car Wash  
**Lead Agency** Monterey County

**Type** Neg Negative Declaration

**Description** The Redevelopment Agency of Monterey County is considering entering into a lease with the operator of the existing Ord Market and allowing the re-opening of a gas station and car wash that were formerly on the site.

## Lead Agency Contact

**Name** Marti Noel  
**Agency** Monterey County  
**Phone** (831) 755-5390  
**email**  
**Address** 168 W. Alisal Street, 3rd Floor  
**City** Salinas **State** CA **Zip** 93901

## Project Location

**County** Monterey  
**City** Marina  
**Region**  
**Cross Streets** Imjim Road and Abrams Drive  
**Parcel No.** 031-101-039-000  
**Township** **Range** **Section** **Base**

## Proximity to:

**Highways** 1  
**Airports** Marina  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** Commercial  
 GP: Planned Development Mixed Use / Convenience Retail

**Project Issues** Aesthetic/Visual; Air Quality; Drainage/Absorption; Noise; Toxic/Hazardous; Traffic/Circulation; Water Supply

**Reviewing Agencies** Resources Agency; Regional Water Quality Control Board, Region 3; Department of Parks and Recreation; Native American Heritage Commission; Office of Historic Preservation; Department of Health Services; Department of Fish and Game, Region 3; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Caltrans, Division of Aeronautics; Department of Toxic Substances Control

**Date Received** 06/22/2006 **Start of Review** 06/22/2006 **End of Review** 07/21/2006

# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

HOUSING AND REDEVELOPMENT OFFICE, Jim Cook, Director

168 W. Alisal St., 3rd Floor  
Salinas, CA 93901

(831) 755-5390  
Fax: (831) 755-5398



August 4, 2006

Ms. Jean Getchell  
Monterey Bay Unified Air Pollution Control District  
24580 Silver Cloud Court  
Monterey, CA 93940

**SUBJECT: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE  
DECLARATION FOR THE ORD MARKET GAS STATION  
AND CAR WASH**

Dear Ms. Getchell:

Thank you for your comment letter on the above referenced project dated July 24, 2006. The proposed Ord Market Lease requires that all applicable permits and approvals be obtained for the allowed uses. Project implementation will include County approval of a Use Permit that will specify compliance with MBUAPCD requirements prior to installation of the gas station facilities.

Please feel free to give me a call should you have any additional questions.

Sincerely,

Marti Noel  
Senior Administrative Analyst



# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

HOUSING AND REDEVELOPMENT OFFICE, Jim Cook, Director

168 W. Alisal St., 3<sup>rd</sup> Floor  
Salinas, CA 93901

(831) 755-5390  
Fax: (831) 755-5398



August 4, 2006

Mr. Andrew Sterbenz  
Marina Coast Water District  
11 Reservation Road  
Marina, CA 93933-2099

**SUBJECT: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE  
DECLARATION FOR THE ORD MARKET GAS STATION  
AND CAR WASH**

Dear Mr. Sterbenz:

Thank you for your comment letter on the above referenced project dated July 19, 2006. The proposed Ord Market Lease requires that all applicable permits and approvals be obtained for the allowed uses. Project implementation will include County approval of a Use Permit that will specify review by and compliance with Marina Coast Water District requirements prior to re-opening of the car wash. As a point of clarification, the car wash will use an internal wash water recycling system.

Please feel free to give me a call should you have any additional questions.

Sincerely,

Marti Noel  
Senior Administrative Analyst

# City of Marina

AT MONTEREY BAY

July 24, 2006

Marti Noel  
Monterey County Resource Management Agency  
Housing and Redevelopment Office  
168 W. Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901

SUBJECT: Notice of Intent to issue a Mitigated Negative Declaration, Draft Mitigation  
Negative Declaration and Initial Study for Ord Market Gas Station and Car  
Wash Located at 2700 Imjin Road, former Fort Ord

Dear Mr. Noel:

The City of Marina has reviewed the Initial Study issued by the Redevelopment Agency of the County of Monterey for the subject project and the following are our observations:

Under the Project Description of Section II of the Initial Study, the northern portion of the parking lot is identified as property of the City of Marina for future road right of way for the widening of Imjin Road. The City requires submittal of an encroachment permit for all encroachments into the future road right of way.

Under the Transportation/Traffic Environmental Factor of Section IV, the project would generate approximately 1,220 daily trips. Also, reference to the Fort Ord Reuse Plan Environmental Impact Report (1997) is made that the section of [Imjin Road] will be widened to four lanes and would operate at Level of Service (LOS) B in the year 2015. Furthermore, a traffic signal was identified as being recently installed at the intersection of Imjin Road and Abrams Drive that would be utilized by Abrams Drive and westbound Imjin Road traffic to access the project site. Finally, it was concluded that no potentially significant impacts are identified from this project.

However, there is lack of information in the Initial Study substantiating this conclusion. Our traffic engineer's research of the Cypress Knolls Traffic Impact Analysis (June 2006) found that the same intersection of Imjin Road and Abrams Drive discussed in the Initial Study currently operates as LOS C in the morning peak hours and LOS D in the evening peak hours. With the proposed improvements for the intersection and the widening of Imjin Road (Parkway), the intersection will ultimately operate at LOS C and D with cumulative development during the morning and evening peak hours, respectively.

Therefore the applicant should prepare a through traffic impact analysis re-evaluating the capacity of the intersection operation and roadway segments of Imjin Road and Abrams Drive. Capacity analyses should be conducted for the following time periods and conditions considering:

- A. Existing conditions
- B. Existing conditions plus ambient growth to the year the project is complete
- C. Existing conditions plus ambient growth to the year the project is completed plus approved projects within the study area, e.g. University Villages, Marina Heights, and Cypress Knolls

- D. Same as C plus project related traffic, i.e. trip generations both by the existing grocery store and the project (gas station and car wash)
- E. Same as D plus ambient growth to 10 years upon completion of project OR a scenario representing full build-out of the area.

A traffic impact analysis is typically required if a development generates 200 or more daily trips.

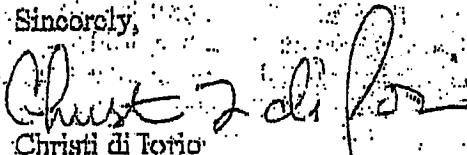
Though Imjin Road is identified as future widening in the Fort Ord Reuse Plan Environmental Impact Report, it is not funded as part of that planning program. The City has identified the widening of Imjin Road as one of the projects necessary to mitigate cumulative traffic in the area.

Therefore, the City is requesting the applicant to pay its fair share of the traffic mitigation fee as identified in the City's Capital Improvement Program. The payment of this fee allows for this project to qualify for the "less than significant with mitigation incorporated" category in the Initial Study. This fee will be based on the estimated trip generation to the site less an estimate of the pass-by trips already on the circulation system.

Also with regard to the Aesthetics section of the Mitigated Negative Declaration the City is requesting the removal of all off premise signs for Ord Market, including the median of Imjin Parkway and at the southwest corner of Imjin Parkway and Reservation Road. These signs are in violation of the City's Zoning Code.

Please call me at (831) 884-1215 if you have any questions regarding the City's concerns with regards to the potential environmental impacts of this project.

Sincerely,



Christi di Torio  
Interim Community Development Director  
City of Marina

Cc: Anthony J. Altfeld, City Manager  
Rob Wellington, City Attorney  
File

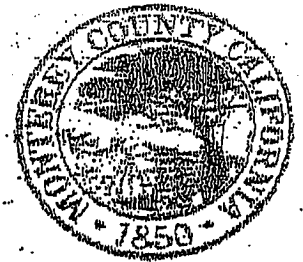
# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

HOUSING AND REDEVELOPMENT OFFICE, Jim Cook, Director

168 W. Alisal St., 3rd Floor  
Salinas, CA 93901

(831) 755-5390  
Fax: (831) 755-5398



July 31, 2006

Ms. Christi di Torio  
CITY OF MARINA  
Interim Community Development Director  
217 Hillcrest Avenue  
Marina, CA 93933

### SUBJECT: NOTICE OF INTENT TO ISSUE A MITIGATED NEGATIVE DECLARATION FOR THE ORD MARKET LEASE

Dear Ms. Di Torio:

This is in response to your comment letter, dated July 24, 2006 on the environmental documents related to the Ord Market lease approval. As indicated in the Initial Study, the project is an approval of a lease that anticipates re-opening the car wash and gas station at the existing Ord Market located on the former Fort Ord. The Monterey County Board of Supervisors will be considering the lease agreement on August 22, 2006. The lease agreement requires that the leasee obtain all required permits for such re-opening, including a Use Permit from the County, which will incorporate appropriate conditions of approval and operation. Specific responses to your comments follow:

- Comment: An Encroachment Permit from the City of Marina is required for the northern area of the parking lot.

Response: Parcel E4.6.2, which extends into the parking lot, is designated as future Imjin Road right-of-way, however the property will convey to the Redevelopment Agency of the County of Monterey (and not the City of Marina) with a deed notice indicating that it is for future road widening. Until such time as the road is widened and annexed into the City of Marina, no Encroachment Permit from the City is required.
- Comment: A traffic analysis should be prepared to evaluate the capacity of the intersection at Imjin Road and Abrams Drive and to determine a fair share traffic mitigation fee which should be paid to the City of Marina.

Response: The Initial Study prepared for the project indicates that the re-opening of the car wash and gas station will have a less than significant impact on

circulation facilities. The car wash and gas station are considered ancillary uses to the existing convenience store and that most (estimated at 90% by the County Public Works Department) of the trips generated will be "pass by" and will not create new traffic on the surrounding roadways. It is estimated that these uses will only result in 65 new am peak trips and 117 new pm peak trips into the project site, again the majority being "pass by". In addition, the lease agreement requires that the project obtain all necessary permits, which will include the payment of all required fees at the time the permits are issued. Therefore, the conclusion that the project will result in a less than significant impact to circulation facilities is supported.

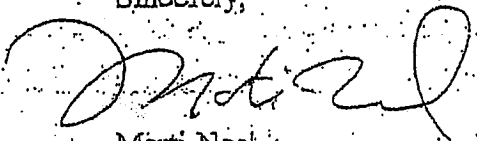
Furthermore, in response to the comment that the project will be required to pay the City's traffic impact fee, page iv of the Executive Summary of the City of Marina - CIP Update and AB 1600 Report supplied by your office states that the City traffic fee should not be collected on the former Fort Ord since RORA is responsible for collecting fees.

3. Comment: The letter indicates that the Ord Market has placed off-site signs within the City of Marina and that mitigation measures should be included to require their removal.

Response: If signage placed by the operator of the Ord Market is in violation of the City's Zoning Code it is appropriate for the City of Marina to file a notice of violation with the Ord Market operator to correct the violation. It is not within the jurisdiction of the County to correct violations within the City of Marina.

Please contact me if you have additional comments or questions.

Sincerely,



Marti Noel  
Senior Administrative Analyst

Cc: Jim Cook, Housing and Redevelopment Director  
Kay Reimann, Deputy County Counsel



## MARINA COAST WATER DISTRICT

11 RESERVATION ROAD • MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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

DIRECTORS  
DAVID W. BROWN  
President

HOWARD GUSTAFSON  
Vice-President

CHARLES H. SCHOLL  
KENNETH K. NISHI  
THOMAS P. MOORE

July 19, 2006

Ms. Marti Noel, Senior Administrative Analyst  
Monterey County Resource Management Agency  
Housing and Redevelopment Office  
168 W. Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901

Re: Notice of Intent to Adopt a Mitigated Negative Declaration for  
Ord Market Gas Station and Car Wash

Dear Ms. Noel:


The Marina Coast Water District has reviewed the subject Initial Study, and raises no objections to the adoption of a Mitigated Negative Declaration.

The construction plans for the new facilities must be reviewed and approved by the District engineering staff before construction permits can be issued. A copy of these guidelines can be found at the District web site [www.mcwd.org](http://www.mcwd.org). If the car wash will result in an increased water demand at the site, water and sewer capacity charges may be assessed. Any increased demand will be considered as part of the Monterey County water allocation from Fort Ord Reuse Authority.

Section VI.16.b of the report states that "the car wash facility will include a recycled water system..." This is consistent with the District Code No. 3.36.030.L, addressing Commercial Car Washes. Please clarify that this is an internal wash water recycling system, and not a separate non-potable recycled water connection.

If you have any questions, please feel free to call me at (831) 883-5930.

Sincerely,

  
Andrew A. Sterbenz, P.E.  
District Engineer

c: M. Lucca, General Manager  
J. Feeney - FORA  
File



## MONTEREY BAY

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

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

AIR POLLUTION CONTROL OFFICER  
Douglas Quotin

July 24, 2006

RECEIVED  
JUL 26 2006

BY: *W*

### DISTRICT BOARD MEMBERS

CHAIR:  
Tony Campos  
Santa Cruz  
County

VICE CHAIR:  
Reb Monaco  
San Benito  
County

Anna Caballero  
Salinas

Lou Calceagno  
Monterey County

Bulah Lindley  
Monterey County

Ils Meltee-  
McDulchon  
Marina

John Myers  
King City

Dennis Norton  
Capitola

Ellen Pyle  
Santa Cruz  
County

Jerry Smith  
Monterey County

Ms. Marti Noel, Senior Analyst  
Housing and Redevelopment Office  
County of Monterey Resource Management Agency  
168 West Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901

SUBJECT: ORD MARKET GAS STATION AND CAR WASH

Dear Ms. Noel:

The following comments are submitted for your consideration:

#### Permits for the Gas Station

Please contact Lance Ericksen, Manager of the District's Engineering Division, to discuss the permits required for the gasoline station.

#### Proposed Revisions to Rules 418 and 1002

The Air District Board will consider revisions to Rule 418, Transfer of Gasoline into Stationary Storage Containers, and Rule 1002, Transfer of Gasoline into Vehicle Fuel Tanks, on August 16. A copy of the proposed revisions may be obtained by calling Mike Sewell at 647-9411.

Thank you for the opportunity to comment on the project.

Yours truly,

Jean Getchell  
Supervising Planner  
Planning and Air Monitoring Division

cc: Lance Ericksen, Engineering Division  
Mike Sewell, Engineering Division

For reviewing agencies: The Housing and Redevelopment Office requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this office if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

Distribution: (see below)

- ☒ No Comments provided  
☐ Comments noted below  
☐ Comments provided in separate letter

COMMENTS:

Return to:

Marti Noel, Senior Administrative Analyst  
 Monterey County Resource Management Agency  
 Housing and Redevelopment Office  
 168 W. Alisal Street, 3rd Floor  
 Salinas, CA 93901  
 (831) 755-5390

From:

Agency Name: CSU MONTEREY BAY  
 Contact Person: MEHUL MODY  
 Phone Number: 831 582 8923

Post-It® Fax Note	7671	Date	7/24/06	# of pages	1
To	MARTI NOEL	From	MEHUL MODY		
Co./Dept.		Co.	CSUMB		
Phone #	755 5390	Phone #	582 8923		
Fax #	55 398	Fax #			





COUNTY OF MONTEREY  
HOUSING AND REDEVELOPMENT OFFICE  
168 West Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901

FILED

AUG 25 2006

STEPHEN YAMM  
MONTEREY COUNTY  
DEPUTY  
2006-0119

## NOTICE OF DETERMINATION

TO: Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: County of Monterey  
Housing and Redevelopment Office  
168 W. Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901

TO: County Clerk  
County of Monterey  
Salinas, CA 93902

**Project Title:** *Ord Market Lease and Use Permit*

**Lead Agency:** *County of Monterey Housing and Redevelopment Office*

**Project Location:** *Imjim Road and Abrams Drive, former Fort Ord*

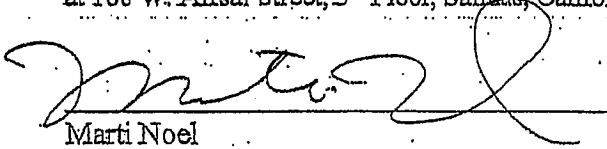
**Project Description:**

*The Redevelopment Agency of the County of Monterey (Agency) is considering entering into a lease with the operator of the existing Ord Market, located on a 3-acre site at the corner of Imjim Road and Abrams Drive on the former Fort Ord. The proposal involves re-opening a gas station and car wash that were previously in operation on the site. Physical improvements will consist of re-installing two underground tanks, gas pumps and equipment associated with the car wash operation. A gas pump canopy, islands and a car wash structure are currently existing on the site and will be reused.*

This NOTICE advises that the Board of Directors of the County of Monterey has approved the above described project on August 22, 2006 and has made the following determinations:

1. The project WILL NOT have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and the County of Monterey CEQA Guidelines.
3. Mitigation measures were incorporated into the project to reduce any potential impact to a level of insignificance.
4. No statement of overriding consideration was adopted for this project.

The Mitigated Negative Declaration and mitigation incorporated into the project, as listed in the Mitigation Monitoring Program, are available for review at the Monterey County Housing and Redevelopment Office located at 168 W. Alisal Street, 3<sup>rd</sup> Floor, Salinas, California.

  
Marti Noel  
Senior Administrative Analyst  
Date:

Ph: (831) 755-5090

1. C. R. AND J. L. HAYES

# CALIFORNIA DEPARTMENT OF FISH AND GAME CERTIFICATE OF FEE EXEMPTION

## De Minimis Impact Finding

### Project Title, Location, and Proponent

**Project Title:** Ord Market Lease and Use Permit

**Project Location:** Injim Road and Abrams Drive, former Fort Ord, Monterey County

**Project Proponent:** Redevelopment Agency of the County of Monterey  
168 West Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901

### Project Description:

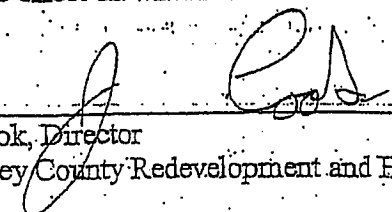
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### Findings of Exemption:

An Environmental Initial Study was prepared for the subject project and found that the project would not result in any significant environmental impacts that could not be mitigated. The Monterey County Board of Supervisors adopted a Mitigated Negative Declaration for the project on August 22, 2006. The Mitigated Negative Declaration with the supporting Initial Study determined that there is no evidence that the project will cause the potential for significant adverse impacts to wildlife resources as defined in Section 711.2 of the Fish and Game Code.

### Certification:

I hereby certify that the lead agency has made the above findings of fact and that based upon the Initial Study and hearing record the project will not individually or cumulatively have an adverse effect on wildlife resources and defined in Section 711.2 of the Fish and Game Code.

  
\_\_\_\_\_  
Jim Cook, Director  
Monterey County Redevelopment and Housing Office

Date: August 23, 2006

Lead Agency: Redevelopment Agency of the County of Monterey

**Technical Addendum Pursuant to California Environmental Quality Act**  
**14 Section 15164**  
**Ord Market Lease Project file number (PD050725)**

1. Introduction:

This addendum was prepared in order to identify and analyze the changes proposed to the project which was originally analyzed in the Mitigated Negative Declaration (MND) adopted by the Redevelopment Agency of the County of Monterey on August 22, 2006 in connection with the approval of a lease and related actions for the Ord Market project (PLN050725). This Addendum has been prepared pursuant to Section 15164 of the CEQA guidelines to make minor technical changes to the project description analyzed in the Mitigated Negative Declaration. Section 15264 provides in pertinent part as follows:

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.

(c) An Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted Negative Declaration.

2. Project Change:

The change to the original project is a rezoning of the subject site from Public-Quasi Public to Light Commercial. The change is a minor technical change to the MND adopted on August 22, 2006. The Initial Study to the project found the proposed uses consistent with the General Plan Land Use designation of Planned Development Mixed Use/Convenience Retail but did not address the need to amend the zoning to conform to the new General Plan designation. The proposed project would accomplish that rezoning.

3. Analysis:

Staff has reviewed the Mitigated Negative Declaration (MND) adopted August 22, 2006 and it has determined that the proposed change to the project description would not result in any new or significantly adverse environmental impacts not already identified and discussed in the previously adopted Mitigated Negative Declaration. The previously adopted Mitigated Negative Declaration was prepared for a project at the same location that involved leasing the existing 3-acre Ord Market site and reopening the gas station and car wash that were in operation on the site when Fort Ord was an active military installation. The proposed approval of a rezoning does not result in any additional physical changes to the site and is consistent with the existing General Plan designation of Planned Development Mixed Use/Convenience Retail. The proposed Light Commercial Zoning will allow the reopening of the gas station with a Use Permit as contemplated in the adopted MND. The rezoning will not foreseeably result in additional uses because the underlying Disposition and Development Lease Agreement (DDLA) that allow the convenience store operator to develop the gas station and car wash also prohibits development of any other uses on the site without the prior written consent of the Redevelopment Agency of the County of Monterey. The DDLA further restricts the development area of the project to the existing developed area.

A subsequent Negative Declaration is not required pursuant to Section 15162 of the CEQA guidelines. Substantial evidence in the record supports the determination that no circumstances or conditions requiring the preparation of a subsequent Negative Declaration are present in this case.

Prepared By: Marti Noel, Senior Administrative Analyst  
Monterey County Resource Management Agency

Date Prepared: May 16, 2007

**Addendum Pursuant to the California Environmental Quality Act  
Article 11, Section 15164**

***ORD MARKET COMBINED DEVELOPMENT PERMIT***  
**Planning File Nos. PD050725 and GPZ070004**

**1. Introduction**

A Mitigated Negative Declaration was adopted by the Redevelopment Agency on August 22, 2006 for the approval of a **Disposition and Development Lease Agreement** (DDLA). The DDLA allows the lessee to continue the operation of the existing convenience market and truck rental business at the site and allows the lessee to pursue permits for a gas/service station and car wash. The Mitigated Negative Declaration found that the market and proposed uses under the lease are consistent with the property's land use designation under the Fort Ord Reuse Plan and the General Plan Amendment adopted by the County for unincorporated areas of the former Fort Ord. The Mitigated Negative Declaration identified mitigation measures for potential impacts resulting from the existing use of a convenience market and the reestablishment of the previously existing gas station and car wash.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project description analyzed in Mitigated Negative Declaration, certified *on August 22, 2006*, by the Redevelopment Agency of Monterey County. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

**2. Scope and Purpose of this Addendum**

This technical addendum is necessary to include a truck rental business as part of the description the on-going use of the subject property and to clarify that the project's trip generation (1,220 average daily trips) stated in Section 15 of the Initial Study includes trips generated by the truck rental business.

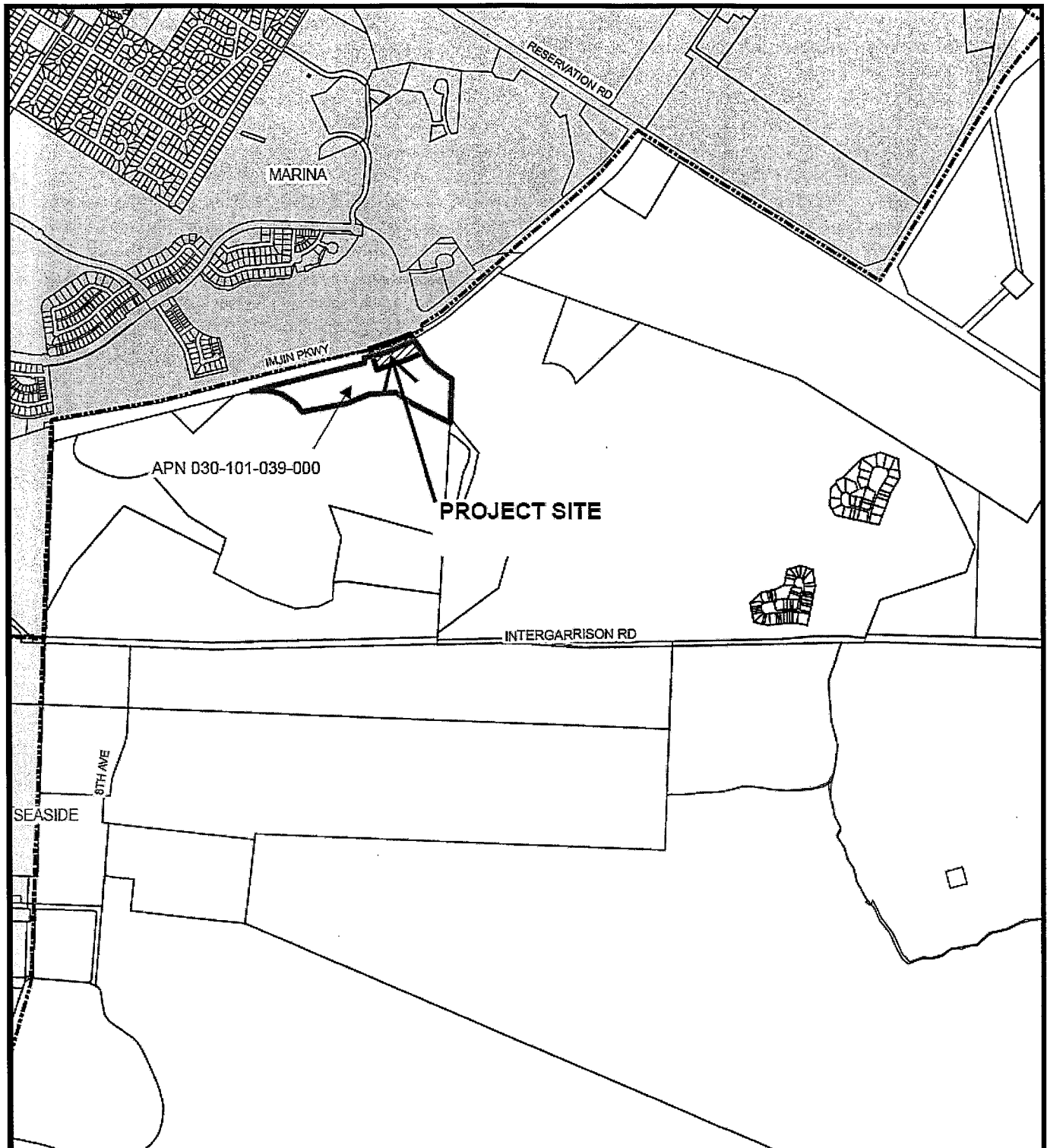
**3. Conclusion**

The truck rental business has been a part of the on-going operation of the existing convenience market and existed at the time of the approval of the Disposition and Development Lease Agreement for the operation of the site. The analysis of environmental impacts in the initial study/mitigated negative declaration included impacts from the existing truck rental business. The addendum concludes that the addition of the truck rental business to the project description would not result in additional significant impacts and would not require additional environmental review, or recirculation of the initial study/mitigated negative declaration.

Prepared by: Luis A. Osorio, Senior Planner  
RMA- Planning Department  
April 4, 2008

# EXHIBIT H


## SITE LOCATION



PROJECT SITE

APN: 031-101-039-000 & portion of Army parcel E4.6.2

FILE # GPZ070004

 City Limits

