

DRAFT
**INITIAL STUDY/
NEGATIVE DECLARATION**

for the

CITY OF DEL REY OAKS HOUSING ELEMENT

PREPARED FOR



City of Del Rey Oaks
650 Canyon Del Rey
Del Rey Oaks, CA 93940
(831) 394-8511

PREPARED BY



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October 24, 2019

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APPENDICES

Appendix A. Chapter 7.0 Housing Plan of the Draft Housing Element

Appendix B. Land Use Inventory Mapping

1. BACKGROUND INFORMATION

1. **Project Title:** Initial Study/Negative Declaration for the City of Del Rey Oaks Draft Housing Element.
2. **Lead Agency/Project Proponent Name and Address:** City of Del Rey Oaks, 650 Canyon Del Rey, Del Rey Oaks, CA 93940.
3. **Contact Person & Phone Number:** Kim Carvalho, Assistant to the City Manager/Deputy City Clerk, City of Del Rey Oaks, (831) 394-8511.
4. **Project Location:** The City of Del Rey Oaks (City) is located approximately 100 miles south of San Francisco and 300 miles north of Los Angeles, within the Monterey Peninsula. The City is bounded by the City of Seaside to the north, the former Fort Ord to the east, the Monterey Regional Airport to the south, and the Cities of Monterey and Seaside to the west. The City comprises 670 acres (or roughly one square mile).
5. **Project Summary:** The project under consideration is the City of Del Rey Oaks 2019 Draft Housing Element. The City must prepare a Housing Element as part of its General Plan under the requirements of California State law. All local governments must implement solutions to address local and regional housing needs. The City's Housing Element was last officially updated in June 1997. The Draft Housing Element represents the 5th Cycle Planning Period update and covers the 2015-2023 planning period. The Draft Housing Element is a policy document rather than a proposal for a specific action. The Draft Housing Element includes an analysis of the City's housing needs; identifies various governmental and non-governmental constraints to meeting those needs; establishes reasonable goals, objectives and policies based on those needs; and sets forth a comprehensive list of actions to achieve the identified goals and objectives. The Draft Housing Element has been prepared in accordance with the requirements of California Government Code sections 65580-65589.8 and updates the current Housing Element of the City's General Plan. Upon its adoption, the Housing Element would become part of the City's General Plan.
6. **Land Use Designations:** Existing land uses in the developed area of the City consist mainly of low-density single-family homes. There are also areas of medium-density housing, retail commercial, offices, and industry. Lands annexed in the former Fort Ord area, have not been developed, but the General Plan designates the area for visitor-serving, office, recreational, and open space uses.

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2. PROJECT SUMMARY

2.1 INTRODUCTION

The City, acting as the Lead Agency, has prepared this Initial Study (IS) in accordance with Government Code section 65759, to assess the potential environment impacts of adopting the Draft Housing Element in substantial compliance with the State of California guidelines for implementation of the California Environmental Quality Act (CEQA). The City has determined that the proposed project would not have a significant effect on the environment. This IS evaluates the Draft Housing Element for the 5th Cycle Planning Period, including planned policies and programs contained within the Draft Housing Element. This IS has been prepared in accordance with the CEQA, Public Resources Code section 21000 et. seq., and the state CEQA Guidelines, California Code of Regulations (CCR) section 15000 et. seq.

Under Government Code section 65588, the State of California requires that all local governments address and plan for future local and regional housing needs by preparing a housing element. The Draft Housing Element provides the framework for future decisions and actions that affect the development of housing and accessory uses in the City. Section 65583 also requires that the Housing Element of each jurisdiction include an estimate of its “fair share” of the regional housing needs. The City’s determination of fair share is identified through the Regional Housing Need Allocation (RHNA) process discussed further below.

An Initial Study is an informational document prepared by a lead agency to determine if a project may have a significant effect on the environment (CEQA Guidelines section 15063, subd. (a)). If there is substantial evidence that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) must be prepared, in accordance with CEQA Guidelines section 15064(a). However, if the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant mitigate the potentially significant effects to a less-than-significant level, a Negative Declaration (ND) or Mitigated Negative Declaration (MND) may be prepared instead of an EIR (CEQA Guidelines section 15070, subd. (b)). The lead agency prepares a written statement describing the reasons a proposed project would not have a significant effect on the environment and, therefore, why an EIR need not be prepared. This IS conforms to the content requirements under CEQA Guidelines section 15071.

This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the Draft Housing Element. This Draft IS/ND will be circulated for agency and public review during a 30-day public review period pursuant to CEQA Guidelines section 15073. **During the public review period comments concerning the analysis contained in the Draft IS/ND should be sent to: Kim Carvalho, Assistant to the City Manager and Deputy City Clerk or c/o City of Del Rey Oaks (Housing Element Draft IS/ND), 650 Canyon Del Rey Blvd, Del Rey Oaks, California 93940; or via email at kcarvalho@delreyoaks.org.** Comments received by the City on the IS/ND will be reviewed and considered as part of the deliberative process in accordance with CEQA Guidelines section 15074.

The following section is consistent with the requirements of CEQA Guidelines section 15124 to the extent that it is applicable to the Draft Housing Element. This section contains a detailed description of the historical background and context, project location, City zoning, project description and general plan consistency, project goals and objectives, and applicable regulatory requirements.

2.2 PROJECT BACKGROUND

Background Housing Element. The City's existing Housing Element was first drafted in 1990 and was formally adopted in January 1992. The Housing Element was then incorporated into the 1995 General Plan update, which was approved in 1997. The City's 1997 General Plan includes goals and policies that provide a framework for orderly growth and development of the City. An earlier version of the update to the Draft Housing Element was prepared and circulated with a public review in 2003. The California Department of Housing and Community Development (HCD), the agency responsible for reviewing the housing elements of all cities in California for their compliance with State law requirements, identified additional policies, and programs needed for the 2003 Housing Element to be consistent with State law. In 2006, the Revised Draft Housing Element was circulated for public review and included the revisions proposed by HCD. In 2007 the City Council did not adopt the Revised Draft Housing Element and remaining actions were put on-hold while former Fort Ord development actions were being decided. In 2017, the City's Planning Commission conducted an Annual Review of the General Plan policies which included the status and progress of the adopted Housing Element policies and programs.

The City began the current Housing Element process in 2019 for the 5th Cycle Planning Period. The Draft Housing Element was submitted to the HCD on September 19, 2019; HCD has 60 days to review the draft and provide comments back to the City. The City would then address HCD comments and upon tentative approval from HCD, would take the document to the City Planning Commission who would then make a recommendation to the City Council for adoption and certification by HCD.

Background Land Use Planning. On June 17, 1997, the City annexed 360 acres of land within the former Fort Ord and adopted amendments to its General Plan which approved land use designations and policies for the annexed area.¹ In adopting the General Plan amendments, the City also certified an EIR which incorporated by reference, the Fort Ord Base Reuse Plan (Reuse Plan) EIR, and also adopted mitigation measures established in the Reuse Plan EIR under the Fort Ord Reuse Authority (FORA).

On December 9, 1998, the City Council passed and adopted Resolution No. 98-20 which declared the City's intent to carry out a General Plan update in conformity with the Reuse Plan. On December 11, 1998, the FORA Board determined that the amendments to the City's General Plan and Zoning Ordinance were consistent with the Reuse Plan pursuant to Government Code Section 67675 et seq. Subsequent actions included the approval of the annexation of the former Fort Ord property into the jurisdiction of the City of Del Rey Oaks.

¹ Resolution 97, as approved by the City Council on July 17, 1997, adopted the General Plan Update, and Certified the General Plan Update EIR.

Additionally, the City approved a Redevelopment Plan for the former Fort Ord property and certified an Initial Study/Negative Declaration for that action. The Redevelopment Plan, prepared in conformance with the City's General Plan and in conformance with the approved land use designations, development standards and policies of the Reuse Plan, was adopted by the City in 2004. The Redevelopment Plan consists of general goals and objectives, land use regulations, proposed redevelopment activities, methods for financing, and procedures for administration and implementation for the annexed lands of the former Fort Ord. The Redevelopment Plan focuses on eliminating and preventing blight, strengthening the economic base of the area, and improving the supply of affordable housing for very low, low, and moderate-income persons, (including housing for the elderly), by assisting in the development of new housing.

2.3 PROJECT LOCATION

The City is located on California's Central Coast, approximately 100 miles south of San Francisco and 300 miles north of Los Angeles, within the Monterey Peninsula (see **Figure 1, Regional Map**). The City is bounded by the City of Seaside to the north, the former Fort Ord to the east, the Monterey Regional Airport to the south, and the Cities of Monterey and Seaside to the west (see **Figure 2, Project Location**). The City comprises 670 acres (or roughly one square mile) and is defined as Census Tract 134 (U.S. Census Bureau, 2019). The City had a population of 1,719 in 2017 (DOF, 2019). Regional access to the City is provided by State Highway 218, which runs directly through the City and intersects State Highway 1 to the northwest and State Highway 68 to the southwest.

2.4 ZONING ORDINANCE AND GENERAL PLAN

The City's Zoning Ordinance (Title 17) provides development standards and regulations and is a guideline for development within the City. The Zoning Ordinance sets development standards, such as height limits, lot coverage and variances, for individual zoning districts consistent with the General Plan, as required by California Government Code section 65860. The City's zoning districts consist primarily of residential and commercial districts (see **Figure 3, Zoning Map**). Existing land uses in the developed area of the City are consistent with the current zoning and land use designations in the General Plan and contain mainly residential, retail commercial, offices, parklands and light industry uses. Lands in the undeveloped former Fort Ord area are designated in the General Plan for visitor-serving, office, recreational, and open space uses (see **Figure 4, Land Use Designation Map**).

2.5 PROJECT DESCRIPTION

The Draft Housing Element identifies issues, policies, programs and implementation measures in accordance with State Housing Element law. The Draft Housing Element includes an evaluation of existing and projected housing needs, a review of previous goals and programs, an inventory of sites, identification of housing constraints, development of housing programs to address needs, and quantifiable objectives. The Draft Housing Element will be reviewed by HCD for compliance with State law requirements.

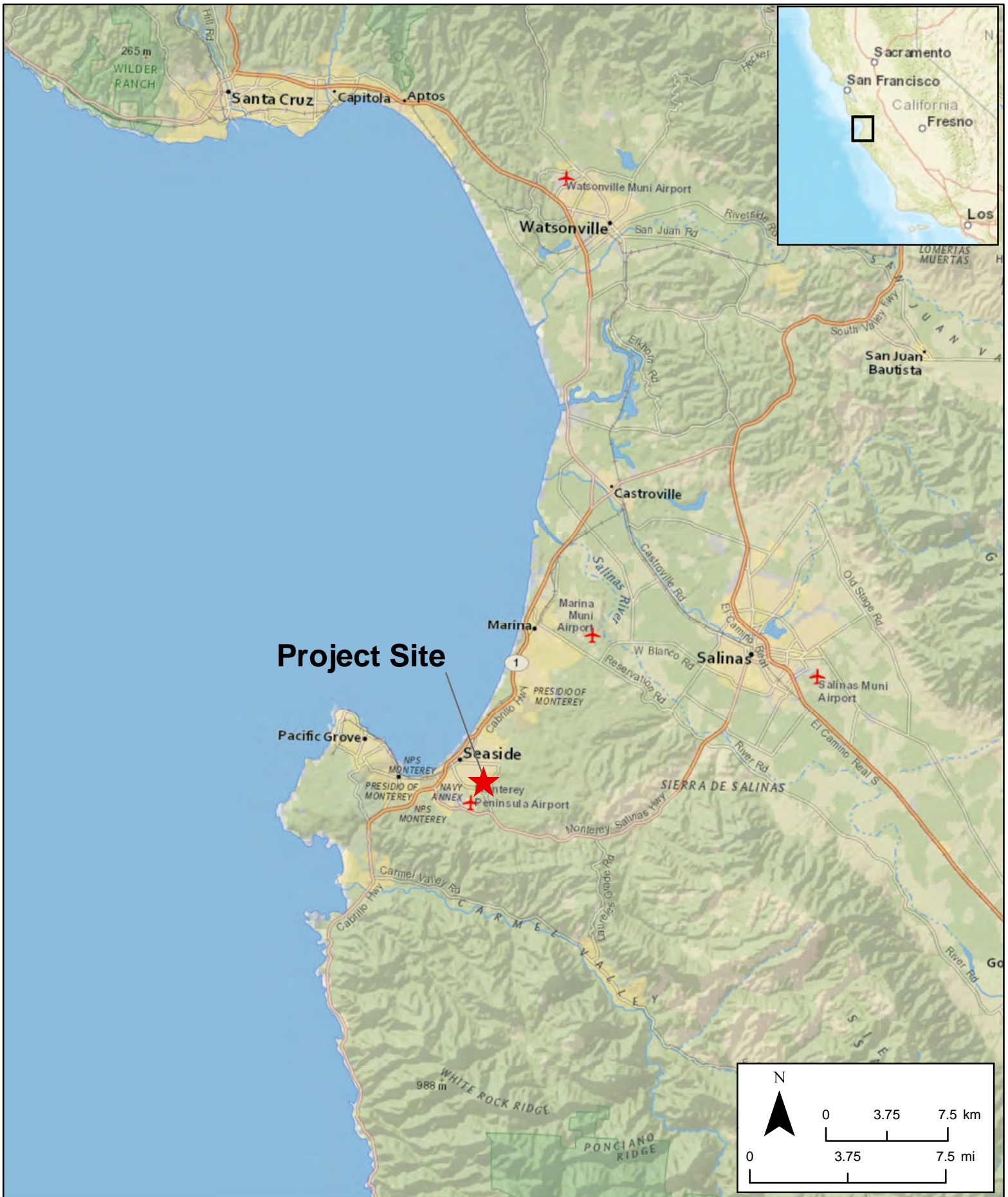
The Draft Housing Element quantifiable housing goals as well as policies and implementation programs that would achieve these goals are identified in Chapter 7.0 of the Draft Housing Element (See **Appendix A** of this IS). No specific housing or development projects within the City's current jurisdiction are proposed as part of the Draft Housing Element update. However, the Draft Housing Element is required to show that the City has adequate sites available to accommodate its Regional Housing Need Allocation (RHNA). HCD first estimates a statewide need for housing, which is broken down into regions, each of which then has an assigned share of estimated housing needs. The Association of Monterey Bay Area Governments (AMBAG) is the local agency mandated by California Government Code section 65554(a) to distribute the "Fair Share Allocation" of the regional housing need to each jurisdiction in Monterey and Santa Cruz Counties. The RHNA for the Monterey County region is 4,375 housing units for the 2015 to 2023 RHNA cycle.

Table 1 identifies the City's RHNA, including quantifiable housing goals of the Draft Housing Element, as determined by HCD:

Table 1
Regional Housing Need Allocation - 5th Cycle Planning Period and 4th Cycle Carry-Over

Income Category	5th Cycle Allocation 2015 to 2023	4th Cycle Allocation*	Total
Very low-income (31-50% of area of median income)	7	34	41
Low-income (51-80% of area median income)	4	25	29
Moderate-income (81-120% of area median income)	5	-	5
Above moderate (over 120% of area median income)	11	-	11
Total	27	59	86
*Carryover required per HCD for low- and very low-income categories (HCD, 2019). 2007-2014 numbers from 4 th Planning Cycle per AMBAG, 2007-2014 RHNA Plan (AMBAG, 2008). Source: AMBAG RHNA 5 th Housing Element Cycle (AMBAG, 2014) and RHNA Determination HCD (HCD, 2019).			

The RHNA plan allocated 27 units as the fair share for the City to accommodate for the 5th Cycle Planning Period and a total of 59 units carried over from the 4th Cycle Planning Period. Of the 86 total units, 41 units are to be affordable to the very low-income households, 29 units are to be affordable to the low-income households, 5 units are to be affordable to the moderate-income households and 11 units are to be affordable to the above moderate-income households. The RHNA does not mandate that these units be constructed; it does, however, require that the City demonstrate adequate zoning and available vacant lands to meet this projected need. To demonstrate that the City has sufficient land available to meet the projected need, the City conducted an analysis of available lands in the City to accommodate housing for all income categories. (See **Appendix B** for mapping from the Land Use Inventory from the Draft Housing Element; full content is available at: https://www.delreyoaks.org/sites/default/files/fileattachments/community/page/2680/del_rey_oaks_housing_element_-_hcd_draft_9-18-19.pdf).



Regional Map

Title: **Regional Map**

Date: 09/24/2019

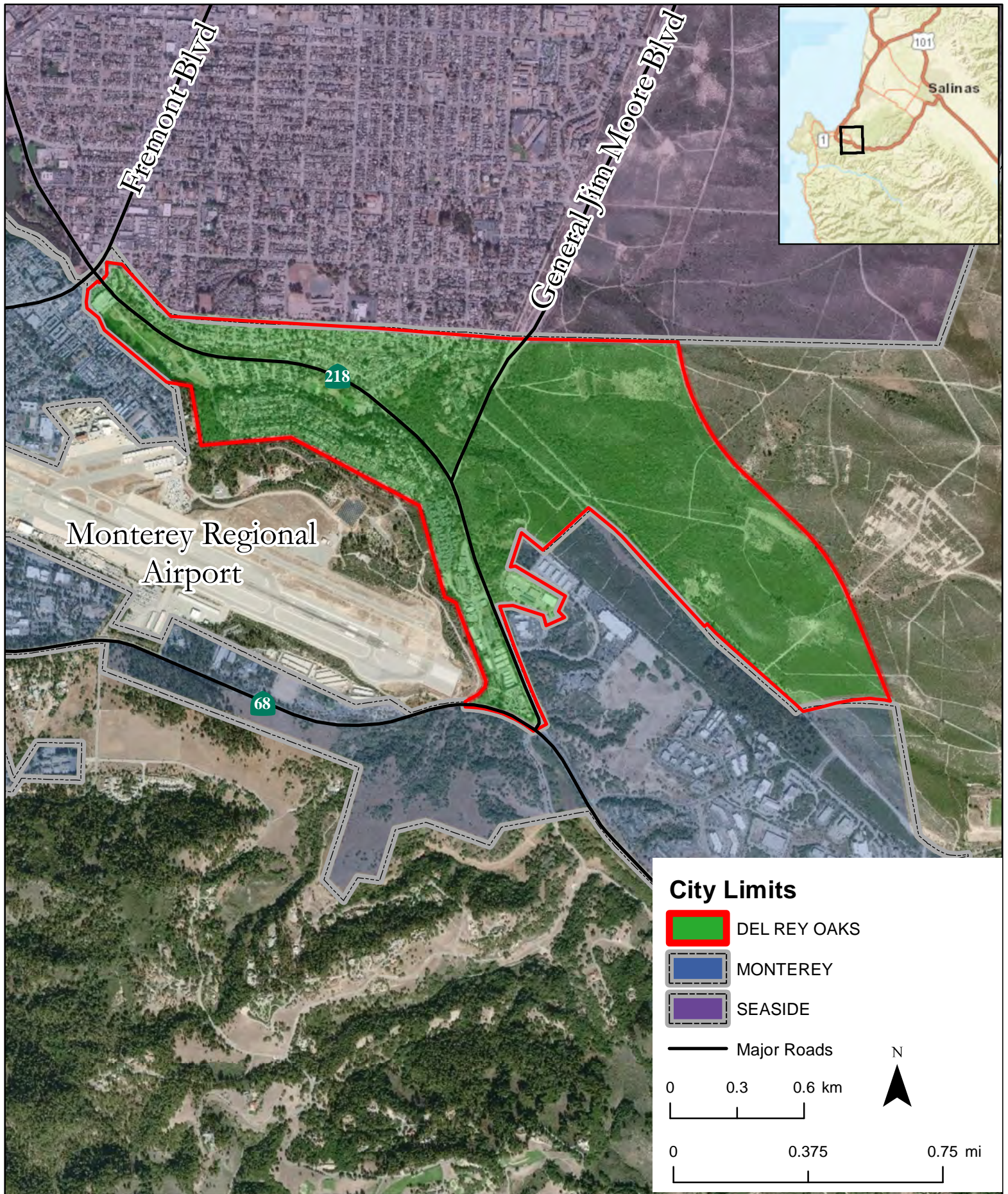
Scale: 1 inch = 5 miles

Project: 9614



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Figure
1



Title:

Project Location

Date: 9/24/2019

Scale: 1 inch = 0.34 miles

Project: 9614



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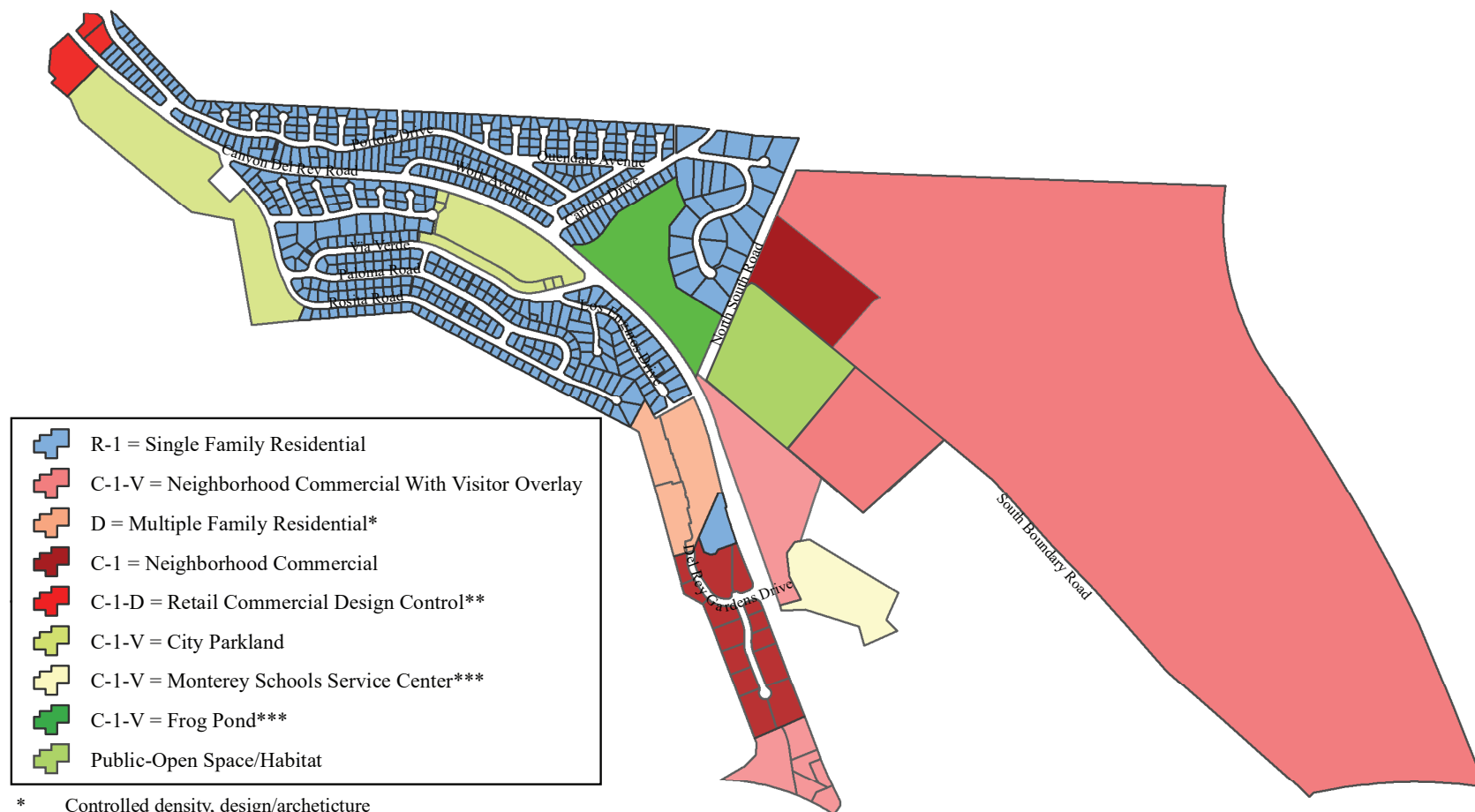
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Figure

2



- * Controlled density, design/architecture
 ** Portion of C-1-D used for restaurant would need a use permit or rezoning for commercial use. The County allowed restaurant on property was never rezoned.
 *** County issued a special permit to the School District and Del Rey Oaks did not rezone when parcel was annexed to City.
 **** Monterey County Regional Park, to remain in natural state.

Source: Denise Duffy & Associates, 2006

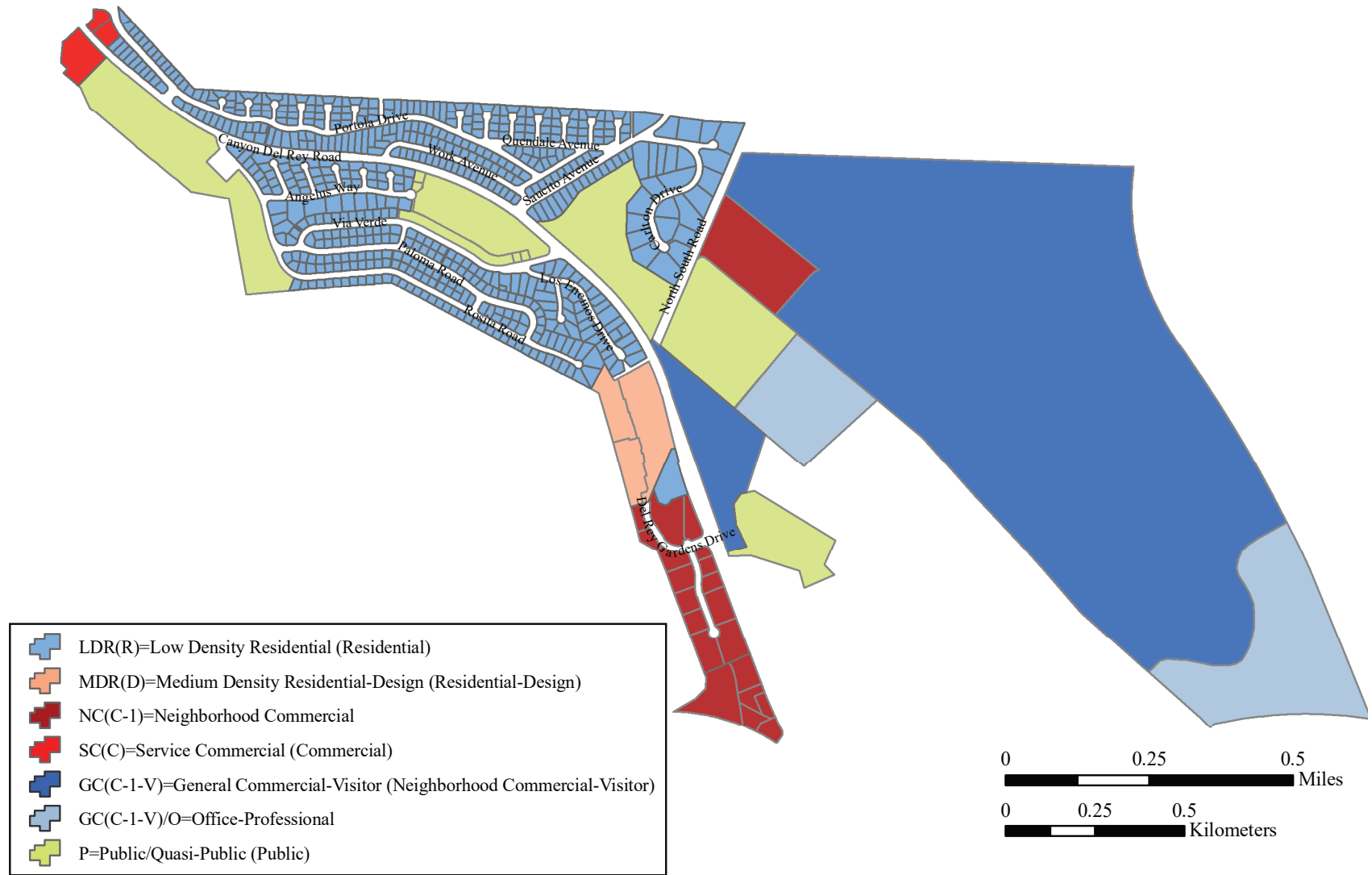
Title: **Zoning Map**

Date 9/25/19
 Scale 1"=.25 miles
 Project 9614



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Figure
3



Source: Denise Duffy & Associates, 2006

Title: **Land Use Designation Map**

Date 9/25/19
 Scale 1"=.25 miles
 Project 9614



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Figure
4

The Draft Housing Element's Land Use Inventory (**Appendix B**) contains four components, including: 1) identification of vacant or underutilized parcels, 2) analysis of site constraints, 3) assessment of development capacity, and 4) demonstration that zoning is adequate. The Land Use Inventory also considers availability of sites to accommodate a variety of housing types suitable for households within a range of income levels and housing needs. The Draft Housing Element Land Use Inventory concluded adequate land is available to accommodate the City's total housing needs (70 very low- and low-income units and 16 moderate- and above moderate-income units). Further the site analysis identified portions of the City-owned property on the former Fort Ord area (Sites 1 and 1a s shown in **Appendix B**) as suitable to meet the need.

Under California Housing Element law, the housing element must also include an identification of goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing. The Draft Housing Element contains five goal categories the City has identified to address major housing related issues facing the community. The City's Draft Housing Element goals are presented below:

- Goal A: The City Will Provide Adequate Sites to Build New Housing Units for All Income Levels and to Meet the City's Fair Share of Housing Needs;
- Goal B: The City Will Encourage the Provision of a Wide Range of Housing by Location, Type of Unit, and Price to Meet the Existing and Future Housing Needs in the City;
- Goal C: The City Will Work to Remove Governmental and Non-Governmental Constraints to Housing Development;
- Goal D: The City Will Promote Equal Housing Opportunities for All Persons; and,
- Goal E: The City Will Continue to Conserve and Improve the Condition of the Existing Housing Stock to Ensure the Safety, Welfare, and Affordability of Residents.

Further, policies and programs are identified to meet the City's unique and specific position in the regional housing market while meeting the demands of a growing community and changing housing market. The Draft Housing Element includes a number of policies and programs to provide a range of additional housing for the City's residents and reach the RHNA. Policies and programs promote future mixed-uses that would include both residential and commercial uses as well as amend the City General Plan and Zoning Ordinance to provide adequate housing to meet the RHNA need of 86 units, specifically in City-owned property in the former Fort Ord area (as identified in the Housing Element). In addition, policies and programs are identified to meet State law requirements, including housing assistance, housing rehabilitation, equal housing opportunities, and residential energy conservation (refer to **Appendix A**).

2.6 GENERAL PLAN CONSISTENCY

State law requires that a housing element contain a statement of "the means by which consistency will be achieved with other General Plan elements and community goals" (California Government Code, section 65583 [c][7]). There are two aspects of this analysis: 1) an identification of other General Plan goals, policies and programs that could affect implementation of the Draft Housing Element; and 2) an identification of actions to ensure consistency between the Draft Housing Element and affected parts of

other General Plan elements. The Draft Housing Element includes goals, policies, programs, and objectives that are generally consistent with the City's General Plan.

The City's current General Plan contains several elements with policies related to housing, including Land Use and Circulation Elements. The goals and policies of the Draft Housing Element support the broad vision statements contained in the City's General Plan, as well as land use classifications for residential, commercial and open space. Finally, the goals, policies, programs, and objectives established in the Draft Housing Element are primarily consistent with, and attempt to implement, those set forth in the Land Use Element for residential development. Other planning documents applicable to the Draft Housing Element, including those that guide development in the former Fort Ord, are further discussed in **Section 5.11 Land Use and Planning**.

As General Plan elements are amended over time, the City would review the Draft Housing Element to ensure internal consistency. Adoption of the Draft Housing Element may also result in future changes to the Land Use and/or the Circulation Elements, as well as the potential for new implementing ordinances.² As the City's Housing Element is required to be regularly revised pursuant to a statutory schedule, the update process would provide housing and land-use strategies that closely reflect changing local needs, resources, and conditions.³

2.7 PROJECT GOALS AND OBJECTIVES

The primary goal of the Draft Housing Element is to update the Housing Element for the City. The Draft Housing Element's key objectives are as follows:

- Maintain and improve a range of housing opportunities to address the existing and projected needs of the community;
- Maintain and improve existing neighborhoods and housing;
- Promote the development of housing to meet the needs of all segments of the population; and
- Continue to ensure that all segments of the community have access to safe and decent housing that meets their special needs.

2.8 PROJECT APPROVALS AND PERMITS

This Initial Study is an informational document for both agency decision-makers and the public. The City is the Lead Agency responsible for certification of this IS. The State (HCD) will provide comments on the Draft Housing Element. Once the comments are considered and incorporated, the Draft Housing Element and this IS document will be considered by the City. HCD will then review for compliance and make a

² The City has reviewed policies in the other elements of the General Plan and has concluded that none of the policies will impede the City's achievements of, or be inconsistent with, the policies of the proposed project. Furthermore, it has been found that policies contained in the proposed project will help contribute to the achievement of General Plan policies.

³ Certain other elements of the General Plan must be updated on or before the next adoption of the housing element. The Safety and Conservation Elements of the General Plan must include analysis and policies regarding fire and flood hazard management Government Code section 65302[g]).

determination as to if the Draft Housing Element will be determined compliant by HCD. HCD will then send a letter to provide its determination. The City may then adopt the Draft Housing Element as an amendment to the City's General Plan.

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3. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

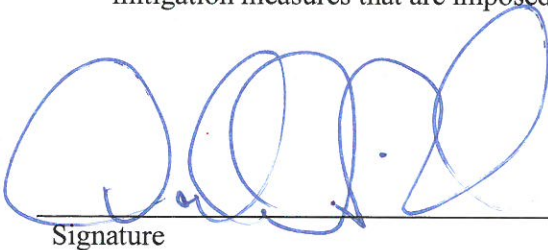
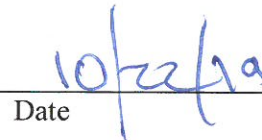
- | | |
|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Land Use and Planning | |

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4. DETERMINATION

On the basis of this initial evaluation:

- ☒ I find that the Draft Housing Element COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the Draft Housing Element 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 Draft Housing Element MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the Draft Housing Element 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 Draft Housing Element 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 Draft Housing Element, nothing further is required.


Signature
Date

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5. EVALUATION OF ENVIRONMENTAL IMPACTS

This Initial Study evaluates the following resource sections below: aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, noise, population/housing, public services, recreation, transportation, tribal resources, utilities and service systems, and wildfire.

EVALUATION OF ENVIRONMENTAL IMPACTS

The following describes how the Draft Housing Element's impacts to resource areas will be analyzed in this Initial Study in accordance with CEQA. Each resource section includes: 1) existing setting and applicable regulatory background, 2) CEQA impact checklist for the resource area, and 3) impact discussion in response to the questions in the checklist and mitigation where warranted. The impact discussion will identify the level of environmental effect from the Draft Housing Element. An explanation or discussion is required for all answers to the resource impact checklist as follows.

1. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would 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 environmental 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 based on the thresholds. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "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.
5. Supporting Information Sources: A source list will be attached, and other sources used, or individuals contacted will be cited in the discussion.
6. The explanation of each issue will 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 significant.

APPROACH TO ANALYSIS

Appendix A, Chapter 7.0 Housing Plan of the Draft Housing Element identifies policies and programs being considered under this Draft Housing Element. These potential programs would be evaluated by the City and, if moved forward, each action would be subject to future City hearings and implementation which would occur after the adoption of the Draft Housing Element. No policy or program would result in the approval of a specific housing project. The Draft Housing Element is strictly a policy document rather than a proposal for a specific action and if adopted will not result in any physical changes to the environment. Consistent with its policy function, it contains a full set of programs to achieve its goals.

Therefore, this IS evaluates the adoption of the Draft Housing Element and assumes that all future actions (including Zoning Ordinance or General Plan amendments or approval of potential future housing projects) would be subject to CEQA. As such, project-level environmental review would be conducted as warranted under CEQA and must occur prior to specific project approval. After adoption and certification of the Draft Housing Element, the City would review specific housing development proposals based on their compliance with the General Plan, Land Use and Zoning Code and other appropriate ordinances. Additional environmental review of potential impacts of any specific project would be performed in compliance with CEQA as proposals or projects are submitted. Being in compliance with the goals, policies and programs of the Draft Housing Element alone, would not ensure project approval.

ENVIRONMENTAL SETTING AND IMPACTS

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the Draft Housing Element. The criteria provided in the CEQA environmental checklist was used to identify potentially significant environmental impacts associated with the project.

5.1. AESTHETICS

Setting

State Route (SR) 68 is a State designated scenic highway and runs adjacent to the City limits at the southeast portion of the City adjacent to commercial / retail land uses. Existing development standards for residential uses include architectural review, setbacks, permitted uses, landscaping, garage requirements, height limitations, and fencing requirements among others.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
AESTHETICS. Would the project:					
a) Have a substantial adverse effect on a scenic vista?				X	1, 2
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 2
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X	1, 2
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X	1, 2

Explanation

- a-d) **No Impact.** The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. The Draft Housing Element also provides a Land Use Inventory of potential sites for development and establishes policies and programs to meet the RHNA. The Draft Housing Element, however, does not specifically identify the location or type of the projected housing units. Further, the Draft Housing Element does not grant entitlements for new projects, nor does it include site-specific proposals, nor would the Draft Housing Element otherwise result in new development within the City. Future project specific details would determine whether the introduction of new residential uses on previously undeveloped parcels, and the development of secondary housing units on properties already developed with housing, could result in potential changes to scenic vistas, scenic resources, visual character of surrounding areas, and or/ create a substantial new source of light or glare.

As mentioned above, the Draft Housing Element is located in the vicinity of SR 68, a State designated Scenic Highway. However, the Draft Housing Element would not include any direct development and thus, would not damage any scenic resources. Furthermore, any future housing would require further environmental review to analyze any potential aesthetic-related effects. To ensure that significant impacts to aesthetic resources do not occur, future residential development would be required to be in accordance with applicable State and City standards and guidelines. Further the City's Conservation and Open Space Element of the General Plan identifies a number of policies to protect and enhance visual resources. Any potential future development would be required to be consistent with the City's General Plan applicable policies to protect visual resources. As a result, the Draft Housing Element would not have no impact on aesthetic resources.

5.2 AGRICULTURAL AND FORESTRY RESOURCES

Setting

In California, agricultural land is given consideration under CEQA. According to Public Resources Code section 21060.1, “agricultural land” is identified as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland as defined by the U.S. Department of Agriculture land inventory and monitoring criteria. CEQA also requires consideration of lands that are under Williamson Act contract. The California Department of Conservation, under the Farmland Mapping and Monitoring Program (FMMP), produces maps and statistical data that are used for analyzing impacts on California’s agricultural resources. The FMMP produces Important Farmland Maps, which identify five agricultural-related categories plus two non-agricultural listings, each category is summarized below:

- Prime Farmland is land that has the best combination of physical and chemical characteristics for crop production. It has the soil quality, growing season, and moisture needed to produce sustained high yields of crops when appropriately treated and managed.
- Farmland of Statewide Importance is land other than Prime Farmland that has a good combination of physical and chemical characteristics for crop production.
- Unique Farmland is land that does not meet the criteria for Prime Farmland or Farmland of Statewide Importance which has been used for the production of specific high economic value crops.
- Farmland of Local Importance is either currently producing crops, or has the capacity of production, and does not meet the criteria of the categories above.
- Grazing Land is land which the existing vegetation, grown naturally or through management, is suited for the grazing of livestock.
- Urban Land is land which is currently occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel.
- Other Land is land not included in any mapping category which may be low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and non-agricultural land surrounded on all side by urban development and greater than 40 acres is mapped as Other Land.

The City is not designated as prime agricultural land, is not under Williamson Act Contract, and is not zoned for agricultural use. In addition, there is no evidence that the site has been actively farmed within the past five years. There are no existing agricultural resources, uses, or operations within the City or within the areas surrounding the City property, nor have there been any such agricultural operations for many years. Existing land uses consist of commercial and residential developments. There is no agricultural land within or near any areas within the City.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
<p>AGRICULTURAL AND FOREST 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>					
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?				X	1, 2, 3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 2, 3
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X	1, 2, 3
d) Result in the loss of forest land or conversion of forest land to non-forest uses?				X	1, 2, 3
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X	1, 2, 3

Explanation

- a-e) **No Impact.** The Draft Housing Element would not result in direct impacts to Important Farmlands (Prime, Unique, Statewide or Local Important Farmlands), Timberland Production Zones nor would it conflict with existing zoning for agricultural use or a Williamson Act contract, as the City does not contain any of these land use designations. Lands within the City are designated as “Other Land” or “Urban and Built Up Land” on the Important Farmlands Map. Thus, the Draft Housing Element update would have no impact on agricultural/forestry resources.

5.3 AIR QUALITY

Setting

The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and fine particulate matter (PM_{2.5}).

The project site is located within the North Central Coast Air Basin (NCCAB), which is comprised of Santa Cruz, San Benito, and Monterey Counties, and is regulated by the Monterey Bay Air Resources District (MBARD, formally known as Monterey Bay Unified Air Pollution Control District).

The U.S. EPA administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and evaluated for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The NCCAB is in attainment for all NAAQS and for all California Ambient Air Quality Standards (CAAQS) except O₃ and PM₁₀. The primary sources of O₃ and PM₁₀ in the NCAAB are from automobile engine combustion. To address exceedance of these CAAQS, the MBARD has developed and implemented several plans including the 2005 Particulate Matter Plan, the 2007 Federal Maintenance Plan, and the 2012-2015 Air Quality Management Plan (AQMP), a revision to the 2012 Triennial Plan. NCCAB Attainment Status to National and California Ambient Air Quality can be found in **Table 2** below.

Table 2
North Central Coast Air Basin Attainment Status Summary as of January 2015

Pollutant	State Standards¹	National Standards
Ozone (O ₃)	Nonattainment²	Attainment/Unclassified ³
Inhalable Particulates (PM ₁₀)	Nonattainment	Attainment
Fine Particulates (PM _{2.5})	Attainment	Attainment/Unclassified ⁴
Carbon Monoxide (CO)	Attainment	Attainment/Unclassified
Nitrogen Dioxide (NO ₂)	Attainment	Attainment/Unclassified ⁵
Sulfur Dioxide (SO ₂)	Attainment	Attainment ⁶
Lead	Attainment	Attainment/Unclassified ⁷
Notes: 1) State designations based on 2010 to 2012 air monitoring data. 2) Effective July 26, 2007, the ARB designated the NCCAB a nonattainment area for the state ozone standard, which was revised in 2006 to include an 8-hour standard of 0.070 ppm. 3) On March 12, 2008, EPA adopted a new 8-hour ozone standard of 0.075 ppm. In April 2012, EPA designated the NCCAB attainment/unclassified based on 2009-2011 data. 4) This includes the 2006 24-hour standard of 35 µg/m ³ and the 2012 annual standard of 12 µg/m ³ . 5) In 2012, EPA designated the entire state as attainment/unclassified for the 2010 NO ₂ standard. 6) In June 2011, the ARB recommended to EPA that the entire state be designated as attainment for the 2010 primary SO ₂ standard. Final designations to be addressed in future EPA actions. 7) On October 15, 2008 EPA substantially strengthened the national ambient air quality standard for lead by lowering the level of the primary standard from 1.5 µg/m ³ to 0.15 µg/m ³ . Final designations were made by EPA in November 2011. 8) Nonattainment designations are highlighted in Bold.		

Plans to attain these standards already accommodate the future growth projections available at the time these plans were prepared. Any development project capable of generating air pollutant emissions exceeding regionally-established criteria is considered significant for purposes of CEQA analysis, whether or not such emissions have been accounted for in regional air planning. Furthermore, any project that would directly cause or substantially contribute to a localized violation of an air quality standard would generate substantial air pollution impacts. The same is true for a project that generates a substantial increase in health risks from toxic air contaminants or introduces future occupants to a site exposed to substantial health risks associated with such contaminants.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
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:					
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	1, 2, 4, 5
b) 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?				X	1, 2, 4, 5
c) Expose sensitive receptors to substantial pollutant concentrations?				X	1, 2, 4, 5
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				X	1, 2, 4, 5

Explanation

- a) **No Impact.** CEQA Guidelines section 15125(b) requires that a project is evaluated for consistency with applicable regional plans, including the AQMP. As stated above, the MBARD has developed and implemented several plans to address exceedance of State air quality standards, including the MBARD 2012-2015 AQMP. The MBARD is required to update their AQMP once every three years; the most recent update was approved in March of 2017. This plan addresses attainment of the State ozone standard and federal air quality standard. The AQMP accommodates growth by projecting growth in emissions based on population forecasts prepared by the AMBAG and other indicators.

Population-generating projects that are within the AQMP population forecasts are considered consistent with the plan. The Draft Housing Element includes development to reach the RHNA provided by AMBAG and HCD and thus has already been accounted for in the AQMP. Further, there is no proposed or planned development as a result of the Draft Housing Element. The Draft Housing Element would not result in new development or population increases, and thus, the project does not conflict with or obstruct implementation of the AQMP. In addition, as noted in Response b, below, the Draft Housing Element would not result in a significant increase in emissions. For these reasons, implementation of the Draft Housing Element is not anticipated to result in a substantial increase in either direct or indirect emissions that would conflict with or obstruct implementation of the AQMP.

- b) **No Impact.** The Draft Housing Element would not directly affect air quality conditions as the proposal does not include any direct development or entitlements. The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. Many programs identified within the Draft Housing Element include amendment to the Zoning Ordinance to meet the City's RHNA. The Draft Housing Element also provides a Land Use Inventory of potential sites for development and establishes policies and programs to meet

the RHNA. The Draft Housing Element, however, does not grant entitlements for new projects, nor does it include site-specific proposals, nor would the Draft Housing Element otherwise result in new development within the City. Potential future housing development could ultimately result in an increase in the overall number of vehicle trips, and thus degrade regional air quality. However, the Draft Housing Element includes programs for increased densities, infill development, and mixed-use development patterns which can be beneficial to overall air quality. For the same reasons, the Draft Housing Element would not directly contribute to a cumulatively considerable net increase of any criteria pollutant for which the project region is in "non-attainment."

Future construction of housing could potentially result in temporary and/or permanent air quality effects. The extent of potential impacts would be contingent upon a variety of different project-specific factors. As a result, it would be considered speculative at this time to try and ascertain the extent of potential air quality related effects. Following approval of the Draft Housing Element, projects that include the construction of housing would be responsible for CEQA compliance per MBARD policies to address any subsequent project-level activities relating to air resources. At this project-level stage, future projects would be subject to their own project-level environmental review under CEQA where individual site characteristics, including emission sources, would be analyzed. Therefore, the Draft Housing Element would not conflict with or obstruct implementation of air quality plans or result in a cumulatively considerable net increase of any criteria pollutant.

Since the Draft Housing Element would not authorize any new emissions sources, there would be no violation of any air quality standard or any adverse impacts on air quality that would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

- c, d) **No Impact.** Sensitive receptors may include population groups (i.e. children, senior citizens, acutely or chronically ill people) and/or facilities where these more susceptible population groups tend to reside or spend time (i.e. schools, retirement homes, hospitals). The Draft Housing Element identified specific housing programs to assist populations groups within the City that may have special housing needs, including people with disabilities, the elderly, large families, single parents, and the homeless. The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carry-over of 59 housing units from the 4th Planning Cycle. The Draft Housing Element, however, does not grant entitlements for new projects, nor does it include site-specific proposals, nor would the Draft Housing Element otherwise result in new development within the City. As a result, the Draft Housing Element would not expose sensitive receptors to substantial pollutant concentrations, nor or, create objectionable odors affecting a substantial number of people.

5.4 BIOLOGICAL RESOURCES

Setting

The lands within and surrounding the City possess diverse natural resources that include open space, creeks, trees, and wildlife. The Frog Pond Wetland Preserve area and Del Rey Creek provide a valuable habitat for numerous species of plants and animals. City General Plan Policies that serve to protect biological resources include:

- C/OS-3 Wildlife habitat and wildlife corridors shall be preserved.
- C/OS-4 Significant stands of riparian vegetation shall be subject to only minimal cutting and removal, and then only when proven unavoidable.
- C/OS-5 The existing system of green belts and open spaces should be preserved and maintained.
- C/OS-5a Encourage the conservation and preservation of irreplaceable natural resources and open space at former Fort Ord consistent with the Fort Ord Reuse Plan and Habitat Management Plan.
- C/OS-5d The City shall ensure that all habitat conservation and corridor areas identified in the Fort Ord Habitat Management Plan (HMP) are protected from degradation due to development within or adjacent to these areas. This shall be accomplished by assuring that all new development in the Fort Ord Reuse Area adheres to the management requirements of the HMP and the policies of the Fort Ord Reuse Area Plan.
- C/OS-5e The City shall encourage the preservation of small pockets of habitat and populations of special status species within and around developed areas, in accordance with the recommendations of the HMP and Fort Ord Reuse Area Plan. This shall be accomplished by requiring project applicants to conduct surveys to verify sensitive species and/or habitats on the site and developing a plan for avoiding or salvaging these resources, where feasible.
- C/OS-5f The City shall assure that development of or adjacent to wetlands shall provide for the mitigation of impacts to wetland areas consistent with the applicable state and Federal law.
- C/OS-5g Development located at the corner of Highway 68 and Highway 218 shall be sited to minimize loss of wetlands

Fort Ord Habitat Management Plan. The U.S. Army's decision to close and dispose of the Fort Ord military base was considered a major federal action that could affect listed species under the Endangered Species Act (ESA). In 1993, U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion (BO) on the disposal and reuse of former Fort Ord, requiring that an HMP be developed and implemented to reduce the incidental take of listed species and loss of habitat that supports these species (USFWS, 1993, updated to USFWS, 2017). The HMP was prepared to assess impacts on vegetation and wildlife resources

and provide mitigation for their loss associated with the disposal and reuse of former Fort Ord (ACOE, 1997).

The HMP establishes guidelines for the conservation and management of species and habitats on former Fort Ord lands by identifying lands that are available for development, lands that have some restrictions with development, and habitat reserve areas. The intent of the plan is to establish large, contiguous habitat conservation areas and corridors to compensate for future development in other areas of the former base. The HMP identifies what type of activities can occur on each parcel at former Fort Ord; parcels are designated as “development with no restrictions,” “habitat reserves with management requirements,” or “habitat reserves with development restrictions.” The HMP sets the standards to assure the long-term viability of former Fort Ord's biological resources in the context of base reuse, so that no further mitigation should be necessary for impacts to species and habitats considered in the HMP. This plan has been approved by USFWS. The HMP, deed restrictions, and Memoranda of Agreement between the U.S. Army and various land recipients provide the legal mechanism to assure HMP implementation. The HMP is a legally binding document, and all recipients of former Fort Ord lands are required to abide by its management requirements and procedures.

The HMP anticipates some losses to special-status species and sensitive habitats as a result of redevelopment of the former Fort Ord. With the designated reserves and corridors and habitat management requirements in place, the losses of individuals of species and sensitive habitats considered in the HMP are not expected to jeopardize the long-term viability of those species, their populations, or sensitive habitats on former Fort Ord. Recipients of disposed land with restrictions or management guidelines designated by the HMP will be obligated to implement those specific measures through the HMP and through deed covenants.

However, the HMP does not provide specific authorization for incidental take of federal or state listed species to existing or future non-federal land recipients under the ESA or California ESA. In compliance with the ESA and California ESA, FORA is currently in the process of obtaining a Section 10(a)(1)(B) Incidental Take Permit from USFWS and Section 2081 Incidental Take Permit from California Department of Fish and Wildlife (CDFW), which will provide base-wide coverage for the take of federal and State listed wildlife and plant species to all non-federal entities receiving land on the former Fort Ord. This process involves the preparation of an HCP. The Draft Fort Ord HCP (ICF International, Inc., 2017) is currently in draft form and is being reviewed by the resource agencies. The base-wide incidental take permits are expected to be issued by USFWS and CDFW by the end of 2020.

The project site is located within designated “development” parcels. Parcels designated as “development” have no management restrictions. However, the 2017 Programmatic BO and HMP require the identification of sensitive botanical resources within the development parcels that may be salvaged for use in restoration activities in reserve areas (USFWS, 2017 and ACOE, 1997).

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
BIOLOGICAL RESOURCES. Would the project:					
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?				X	1, 2, 6, 7
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X	1, 2, 6, 7
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 2, 6, 7
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?				X	1, 2, 6, 7
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	1, 2, 6, 7
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?				X	1, 2, 6, 7

Explanation

- a-d) **No Impact.** As stated above, there are several special-status species, sensitive natural communities, and wetlands located throughout the City. However, the Draft Housing Element would not directly result in development. Since the Draft Housing Element does not propose physical changes to the environment, it would not have a direct environmental effect upon the species or habitat categories noted above (or others which have yet to be identified); including riparian habitat or wetlands.

The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. Programs identified within the Draft Housing Element include amendment to the Zoning Ordinance to meet the City's RHNA. The Draft Housing Element also provides a Land Use Inventory of potential sites for development and establishes policies and programs to meet the RHNA, specifically for the area of the former Fort Ord owned by the City. The Draft Housing Element, however, does not grant entitlements for new projects, nor does it include site-specific proposals, nor would the Draft Housing Element otherwise result in new development within the City. Further, the precise nature and extent of future housing in the area cannot be determined at this time. As indicated in the Land Use Inventory the location

and nature of development would be guided by the City's General Plan and Zoning Ordinance. Prior to approval of any housing projects or Zoning Ordinance amendments, the City would be responsible for CEQA compliance and permitting to address any subsequent project-level activities relating biological resources.

As a result, the Draft Housing Element would not: 1) have an adverse effect on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS; 2) have a substantial adverse effect to riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS; 3) have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act wetlands; nor 4) 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. There is no impact.

- e) **No Impact.** The Draft Housing Element has been prepared to be consistent with the City's adopted General Plan and ordinances. It is a policy document rather than a proposal for a specific action. Consistent with its policy function, it contains a full set of programs that should be implemented to achieve its goals. No physical impact, including tree removal or loss of trees, is associated with the adoption of the Housing Element. Future development projects would be required to be consistent with local policies and ordinances. Future development would be required to comply with the City's tree preservation requirements. As indicated below in **Section 5.11 Land Use and Planning**, future development is governed by the various plans and other local regulations that generally seek to protect biological resources. As a result, the Draft Housing Element would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- f) **No Impact.** The project site is not located within an approved HCP or Natural Community Conservation Planning (NCCP) area. However, it is located within the Fort Ord HMP boundaries and the plan area associated with the Draft HCP. Parcels identified in the Draft Housing Element Land Use Inventory within the former Fort Ord are designated for development (with no restrictions) in the HMP and is located within a designated development area in the Draft HCP. As described above, the Draft Housing Element does not include any direct development, however future housing projects would be required to adhere to all policies outlined in the HMP and Draft HCP. As a result, the Draft Housing Element would not conflict with an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan.

5.5 CULTURAL RESOURCES

Setting

The former Fort Ord is located within the currently recognized ethnographic territory of the Costanoan (also known as the Ohlone) group. This Native American group followed a hunting/gathering subsistence pattern, with partial dependence on the natural acorn crop. Habitation is considered to have been semi-sedentary, and occupation sites often occur at the confluence of streams, and along streams or near

springs. European settlement of the area occurred in the 1700s, and the Ohlone population and culture began its demise shortly thereafter. The former Fort Ord property was originally part of several ranches. The area became an active military base prior to World War II (FORA, 1997). During World War II, former Fort Ord was used as a staging area and as a training facility during the Korean and Vietnam wars.

The areas within former Fort Ord with the greatest archaeological sensitivity include terraces and benches adjacent to the Salinas River and El Toro Creek. All other areas of former Fort Ord are moderate to low archaeological sensitivity. The area of former Fort Ord within the City limits is known as moderate archaeologically sensitive land. Developed land within the City limits are not recognized as archaeologically sensitive.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?				X	1, 2
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?				X	1, 2
c) Disturb any human remains, including those interred outside of dedicated cemeteries?				X	1, 2

Explanation

- a, b) **No Impact.** The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. However, the Draft Housing Element is a policy document and does not specifically identify the location or type of the projected housing units. Since the Draft Housing Element would not result in any direct development, and as a result would not have an impact on cultural resources. The area of former Fort Ord within City limits is within a moderate archaeologically sensitive area, while the rest of the City is outside an archaeologically sensitive area, where historic resources are known to be found. If following approval of the Draft Housing Element, projects that would include the construction of housing would be responsible for CEQA compliance to address any subsequent project-level impacts relating to cultural resources. As a result, the Draft Housing Element would not cause substantial adverse change in the significance of historical or archaeological resources.
- c) **No Impact.** The Draft Housing Element would not impact any human remains, since no construction is proposed. However, if any human remains are encountered during construction of future housing projects, compliance with section 7050.5 of the Health and Safety Code and section 5097.94 of the Public Resources Code of the State of California requires that in the event of the discovery of human remains during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Monterey County Coroner shall be notified and shall make a determination as to whether the

remains are Native American. If the coroner determines that the remains are not subject to his authority, the coroner shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

5.6 ENERGY

Setting

Starting in 2018, all Pacific Gas & Electric (PG&E) customers within Monterey, San Benito, and Santa Cruz Counties were automatically enrolled in Monterey Bay Community Power (MBCP). MBCP is a locally-controlled public agency providing carbon-free electricity to residents and businesses. Formed in February 2017, MBCP is a joint powers authority, and is based on a local energy model called community choice energy. MBCP partners with PG&E, which continues to provide billing, power transmission and distribution, customer service, grid maintenance services and natural gas services to Monterey County. MBCP's standard electricity offering, is carbon free and is classified as 30 percent renewable. Of the electricity provided by MBCP in 2018, 40 percent was hydroelectric, and 30 percent was solar and wind (eligible renewables) (MBCP, 2019).

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
ENERGY. Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X	1
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X	1

Explanation

- a, b) **No Impact.** Adoption of the Draft Housing Element update, itself, will not result in impacts to energy resources in the City or region. The Draft Housing Element update is strictly a policy document and does not provide entitlements to any specific land use projects. Further, the Draft Housing Element includes programs for infill development which could help reduce fossil fuel consumption and therefore energy use. Also, the Draft Housing Element includes policies that would facilitate energy-efficient developments and future housing projects. *Program E.3 Energy Conservation and Energy Efficient Opportunities* of the Housing Element supports subsidy and incentive programs for energy conservation. Such programs would include PG&E rebates, Energy Watch Partnerships and Energy Savings Assistance Program, California Alternative Rates for Energy/Family Electric Rate Assistance Program (CARE/FERA) Program and the CaliforniaFIRST Program. If future home developments are proposed as a result of the adoption of the Draft Housing Element, those projects would be subject to separate environmental review

and energy impacts would be reviewed at that time. The Draft Housing Element will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. All future projects would be subject to existing State and local energy standards. The Draft Housing Element would have no impact on energy use.

5.7 GEOLOGY AND SOILS

Setting

The geology of the project site is characterized by older, consolidated rock exposed at the ground surface (FORA, 1997). The project site is underlain by Pleistocene Stabilized Dunes, with overlying unconsolidated alluvial and fluvial deposits. The soil series on the site include Baywood and Arnold (FORA, 1997). No portions of the City are within an Alquist-Priolo zone.

Seismic Hazards. The Monterey Bay area is located in a seismically active region and is subject to strong ground shaking during an earthquake on any of the regional fault systems. Three fault zones are located in the vicinity of the City that are considered active. The San Andreas Fault is located within 25 miles of Del Rey Oaks; the Palo Colorado-San Gregorio fault is located 14 miles southwest; and the Monterey Bay fault zone is located directly offshore. The maximum credible earthquake magnitude is greater than 6.0 for the Monterey Bay fault zone, greater than 7.0 for the Palo Colorado – San Gregorio fault, and greater than 8.0 for the San Andreas Fault. There are several inferred or concealed earthquake faults (i.e., Reliz or Gabilan, Chupines, Ord Terrace, and Del Rey Oaks faults) that either cross or are adjacent to the former Fort Ord.

The potential for earthquake damage from ground shaking is moderate to high in the City. Liquefaction potential in the area ranges between low and high. The residential areas are situated within low liquefaction risk zones. The areas of high liquefaction risk are outside of residential neighborhoods in the City.

Erosion and Soils Constraints. The majority of the City is within a moderate erosion hazard zone. Soils at the nearby former Fort Ord are susceptible to erosion, and the Reuse Plan EIR identified soil constraints and increased erosion/sedimentation as being a less-than-significant impact with implementation of the policies and programs contained in the Reuse Plan EIR. These policies outline measures and standards to avoid or minimize potential increased erosion or site development in areas with significant soils constraints. All of the Reuse Plan EIR policies and programs have been incorporated into the City's General Plan and would serve to avoid/reduce potential impacts.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
GEOLOGY AND SOILS. Would the project:					
a) Directly or indirectly cause 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? Refer to Division of Mines and Geology Special Publication 42.				X	1, 2, 6, 8
ii) Strong seismic ground shaking?				X	1, 2, 6, 8
iii) Seismic-related ground failure, including liquefaction?				X	1, 2, 6, 8
iv) Landslides?				X	1, 2, 6, 8
b) Result in substantial soil erosion or the loss of topsoil?				X	1, 2, 6, 8
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?				X	1, 2, 6, 8
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X	1, 2, 6, 8
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?				X	1, 2, 6, 8
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	1, 2, 6, 8

Explanation

- a-d) **No Impact.** As stated above, the City is located in a seismically active area. The majority of the City is within a moderate erosion hazard zone; however, there are lands within the former Fort Ord that have a high susceptibility for erosion. Also, the project area may contain soil and geologic hazards that could result in lateral spreading, subsidence, or liquefaction, and/or expansive soils which could damage proposed structures. However large portions of the City are already developed, and the current proposal would not result in any direct development or entitlements. As a result, the Draft Housing Element would not have a direct impact to geology and soils.

The Draft Housing Element does identify a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. Further, the Draft Housing Element includes a Land Use Inventory for placement of these housing units, but does not specifically identify the location or type of the projected housing units. However, as identified above, no physical impact is

associated with the adoption of the Housing Element.. Future development would be subject to site-specific soils or geotechnical studies, as determined appropriate by the City, and would be required to comply with applicable building code regulations designed to address geologic and soils constraints. The California Building Standards Code and local ordinances address potential issues related to geologic conditions on properties. Projects would be required to use standard construction best management practices, applicable permits (City Grading Permit, National Pollution Discharge Elimination System [NPDES] Program General Storm Water Permit, etc.), and project-specific mitigation (if applicable) identified during the development review process. As a result, the Draft Housing Element would have no impact on geology and soils.

- e) **No Impact.** As stated above, the Draft Housing Element would not result in any direct development or new entitlements. Therefore, septic systems are not proposed at this time nor are anticipated for future housing development. As a result, the Draft Housing Element would not result in any potential adverse effects due to soils being incapable of supporting septic disposal since the Draft Housing Element would not involve the construction of any septic systems.
- f) **No Impact.** There are no known paleontological resources or unique geologic features within the City. The City is not listed within an area identified as containing paleontological resources nor is it located in close proximity to any known paleontological resources. Thus, adoption of the Draft Housing Element would not directly or indirectly impact a unique paleontological resource or site or unique geologic feature.

5.8 GREENHOUSE GAS EMISSIONS

Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, the radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), O₃, water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X	1, 2, 4, 5
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	1, 2, 4, 5

Explanation

- a) **No Impact.** The Draft Housing Element would not directly result in development of housing or new entitlements. Therefore, adoption of the Draft Housing Element, itself, will not result in impacts to greenhouse gas emissions. The Draft Housing Element is strictly a policy document and does not provide entitlements to any specific land use projects. Further, the Draft Housing Element does not revise, replace or attempt to supersede any existing greenhouse gas emission standards adopted by the MBARD or the State of California. Individual future development proposals will be subject to project-specific environmental review to ensure that the project will be in compliance with local and regional standards and procedures for minimizing short-term and long-term impacts related to increases in greenhouse gas emissions.

Thus, all future projects would be subject to MBARD standards and potential indirect effects would be addressed through standard construction best management practices (i.e., MBARD CEQA Guidelines), applicable conditions of approval, and project-specific mitigation (if applicable). In addition, the Draft Housing Element includes policies and programs that promote energy efficiency (*Housing Element Policy E.4*) as well as encourage mixed-use and infill housing (*Housing Element Policy A.2*). These policies and programs could provide GHG emission reduction benefits. As a result, the Draft Housing Element would not generate GHG emissions, and adoption of the Housing Element would have no impact on greenhouse gas emissions.

- b) **No Impact.** Neither the State, MBARD, nor the City have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the project. But as shown above, the project is not expected to generate GHG emissions that would exceed applicable thresholds. The Draft Housing Element would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases as described above.

5.9 HAZARDS AND HAZARDOUS MATERIALS**Setting**

Hazardous materials, as defined by the CCRs, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. A hazardous waste is any hazardous material that is discarded,

abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

There are no contaminated sites within the City. However, the entire former Fort Ord is included on the Federal National Priority List (NPL), also known as the Superfund list. Portions of the former Fort Ord land identified in the Land Use Inventory within the City for redevelopment had unexploded ordnance (UXO) removed by the U.S. Army, this area is referred to as the Del Rey Oaks/Monterey Munitions Response Area (MRA). UXO is composed of bombs artillery, mortar, rocket and small arm ammunitions, mines, demolition charges, pyrotechnics, grenades, high explosives and propellants. The Del Rey Oaks/Monterey MRA Record of Decision (ROD) is an official document that provides a record of how the area has been cleaned of UXO. The RODs implemented land use controls to include MEC safety education programs for site users, construction support, and restrictions on residential use for specified areas. As a result, the Department of Toxic Substance Control (DTSC) and the EPA, the federal regulatory agencies responsible for oversight of the former Fort Ord site, concluded that the parcel was safe for redevelopment and reuse for most purposes (e.g., hotel, time-share, recreation, commercial), and subsequently transferred the parcel to the City.

As part of the transfer, the Army entered into a State Covenant to Restrict Use of Property with DTSC, with which the City agreed. This Covenant prevented the following types of use for the entire Del Rey Oaks MRA: residential use, day care facilities that do not have measures to prevent contact with soil, schools for persons under 21 years of age, and hospitals (other than veterinary hospitals). During the development of the 2006 Draft Housing Element, DTSC and the City discussed removing the restriction on residential use and how this may be accomplished. Future implementation of program(s) in the 2019 Draft Housing Element provide for rezoning of Site 1 and 1a in former Fort Ord to allow for up to 86 units of residential units to meet the RHNA. DTSC covenant restrictions will either need to be amended or lifted to construct the units under the RHNA.

In addition, the Draft Housing Element area of the City is not located within the vicinity of a private airstrip. The Draft Housing Element is compliant with the Monterey Regional Airport Land Use Compatibility Plan. There are no schools located within the City limits, the nearest school is Del Rey Woods Elementary School, located within the City of Seaside, approximately 500 feet north of the City.

The California Department of Forestry and Fire Protection (“CalFire”) prepares maps of Very High Fire Hazard Severity Zones (“VHFHS”), which are used to develop recommendations for local land use agencies and for general planning purposes. The City is not within a State Responsibility Area for high fire severity hazard. However, former Fort Ord is within Federal Responsibility Area for high fire severity hazard, in addition lands directly to the south within unincorporated Monterey County are designed as “high” and “very high” fire risk. (Cal Fire, 2007 & 2008).

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	1, 2, 6
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?				X	1, 2, 6
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				X	1, 2, 6
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?				X	1, 2, 6, 9
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 or excessive noise for people residing or working in the project area?				X	1, 2, 6, 10
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 2, 6
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X	1, 3, 6, 11

Explanation

a-d) **No Impact.** The Draft Housing Element would not result in an impact to the creation of potential hazards or hazardous materials through the routine transport, use, or disposal of hazardous materials. The Draft Housing Element is strictly a policy document and does not provide entitlements or specific development proposals to any land use projects. Future home developments would be subject to separate environmental review to address any subsequent project-level impacts relating to hazards or hazardous materials. Portions of the property, identified as Sites 1 and 1a in the Draft Housing Element's Land Use Inventory within the former Fort Ord, had UXO that have since been removed per removal standards. Any development in this area would need to adhere to the land use controls outline in the ROD, meet requirements under DTSC and transfer deed to minimize potential residual hazards. Furthermore, future development of projects would be subject to local City General Plan and Monterey Airport Land Use Plan policies as well as any other local, State, and federal regulations that minimize impacts due to hazardous materials. As a result, the Draft Housing Element would have no impact on hazards or hazardous materials.

e, f) **No Impact.** Del Rey Oaks is within two miles of the Monterey Regional Airport; the Draft Housing Element is consistent with the Monterey Airport Land Use Plan as described below in

Section 5.11 Land Use and Planning. The Monterey Airport Land Use Plan includes a proposal to improve the emergency response plan for the Monterey Regional Airport. The Monterey Regional Airport is proposing to construct a road which would connect with Del Rey Gardens Drive. The proposed access road would allow access to the north side of the Airport, which would reduce the emergency response time. The Draft Housing Element would not physically interfere with an adopted emergency plan or result in a safety hazard or excessive noise for people working or residing in the City, due to the location of the proposed road being outside the area where future home development is being considered.

- g) **No Impact.** The City is not within a State Responsibility Area for high fire severity hazard. However, former Fort Ord is within Federal Responsibility Area for high fire severity hazard. The Draft Housing Element is the adoption of a planning document and would not directly expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Future home developments resulting from the adoption of the Draft Housing Element would be subject to separate environmental review and any impacts due to placement of housing near wildland fire areas would be evaluated at that time. As a result, there is no impact due to wildland fires.

5.10 HYDROLOGY AND WATER QUALITY

Setting

The City contains the Frog Pond Wetland Preserve, a natural drainage that serves as habitat for resident and migratory wildlife. Adjacent lakes include Laguna Seca, a seasonal lake located 0.25 miles west of the City, as well as Del Monte Lake, which is located a little less than a mile to the southwest of the City.

The Sustainable Groundwater Management Act of 2014 (SGMA) is a California State law that requires groundwater basins are made sustainable by maintaining balance of pumping and recharge and assuring water quality. The City is served by the Seaside Groundwater Basin, which is managed by MPWMD in cooperation with California American Water (CalAm). The Seaside Groundwater Basin is not designated as a critically over-drafted basin.

The project site is not located in an area subject to significant seiche or tsunamis. However, certain portions of the Draft Housing Element area located in areas designated within flood hazard zones by the Federal Emergency Management Agency (FEMA) flood maps. FEMA flood maps indicate that a majority of the City is located within Zone X (Shaded). Zone X is defined as an area of moderate and minimal flood risk. Shaded areas are characterized as moderate risk within the 0.2 percent-annual-chance floodplain, areas of 1-percent-annual-chance flooding where average depths are less than one foot, areas of 1-percent-annual-chance flooding where the contributing drainage area is less than one square mile, and areas protected from the 1-percent-annual-chance flood by a levee.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				X	1, 11
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X	1, 2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				X	1, 2
i) Result in substantial erosion or siltation on- or off-site;				X	1, 2
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;				X	1, 2
iii) 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; or				X	1, 2
iv) impede or redirect flood flows?				X	1, 2
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X	1, 2
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X	1, 2

Explanation

- a-e) **No Impact.** The Draft Housing Element would not directly result in physical development that could impact to hydrology and water quality. The Draft Housing Element is strictly a policy document that identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. The Draft Housing Element also provides a Land Use Inventory of potential sites for development and establishes policies and programs to meet the RHNA. Any future development proposal that is intended to assist in meeting the City's projected housing need would be reviewed for impacts related to hydrology and water quality pursuant to the CEQA. In addition, future housing projects would also be subject to mandatory water quality standards implemented through NPDES permit requirements which helps control the discharge of pollutants into stormwater and subsequent receiving waters during both construction and operations activities. The NPDES permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and construction Best Management Practices (BMPs), to reduce impacts to hydrology and water quality. All future development proposals would be subject to site-specific environmental studies as deemed appropriate by the City and would be required to adhere to all water and waste discharge standards. Therefore, the Draft Housing Element would have no impact on hydrology and water quality.

5.11 LAND USE AND PLANNING

Setting

As shown in **Figure 4, Land Use Designations**, a majority of the City consists of low-density single-family homes. There are also areas of medium-density housing, retail commercial, offices, and industry. Lands annexed in the former Fort Ord area have not been developed, but the General Plan designates the area for visitor-serving, office, recreational, and open space uses. Within the City, development is governed by the General Plan, which provides an overall policy guide, as well as several other plans depending on the location of development; these include:

Fort Ord Base Reuse Plan. The Monterey Bay Local Agency Formation Commission (LAFCO) approved a significant expansion of the City in 1997, when 360 acres were added to the Sphere and City limits as part of the “Fort Ord Properties Reorganization.” The Reuse Plan is designated under the FORA Act as the official local plan for all purposes related to planning, disposition, reuse and redevelopment of the former Fort Ord (Government Code section 67675). The Reuse Plan EIR evaluated impacts of full buildout of Fort Ord estimated to occur over 40-60 years. On June 13, 1997, the FORA certified, and adopted findings in consideration of, the Draft Reuse Plan EIR. The Final Reuse Plan EIR was certified with the intent that it would serve as a program EIR and provide a “first-tier” analysis for future development within the former Fort Ord.

In approving the Reuse Plan, FORA adopted a Constrained Development scenario that significantly reduced development potential from what was evaluated in the 1996 Public Draft Plan based on limited water availability. The Master Resolution adopted by FORA indicates that the plan would result in a population of approximately 37,340 people, 10,816 housing units, and 18,342 jobs with utilization of a maximum of 6,600 acre-feet of water per year throughout the entire former Fort Ord base, including all jurisdictions. The FORA resolution adopting the Reuse Plan includes a water allocation to the member jurisdictions within the former Fort Ord boundaries. As part of the proceedings to adopt the Reuse Plan, FORA adopted the Development and Resource Management Plan (DRMP) to ensure that reuse of the former Fort Ord will restrain development to available resources and service constraints, including water and transportation. Per FORA Resolution 98-1, local jurisdictions must include policies and programs consistent with the DRMP.

The General Plan addresses and incorporates objectives and policies from the Reuse Plan, containing specific residential land use policies and program actions. Upon adoption of the Reuse Plan, local jurisdictions were required to amend and submit their General Plans to FORA for a determination of conformity with the Reuse Plan, and to conform their zoning regulations to the FORA-approved amended general plans (Government Code sections 67675–67675.7, inclusive). The City prepared its General Plan Amendment, and FORA found the City’s General Plan Amendment was consistent with the Reuse Plan by Resolution (June 17, 1997). The Reuse Plan has been reviewed for consistency with the Draft Housing Element and was found to be consistent.

City Redevelopment Plan for the former Fort Ord Base. The City adopted amendments to its Zoning Ordinance covering the Redevelopment Plan area in conformance with the land use designations, development standards, and policies of the Reuse Plan.⁴ The City's Redevelopment Plan for the former Fort Ord Base has been reviewed for consistency with the Draft Housing Element and was found to be consistent.

Air Quality Management Plan. Consistency of a Draft Housing Element with the regional population and employment forecast will result in consistency of the project with the local AQMP. MBARD incorporates the population in its preparation of the regional AQMP. Therefore, the regional population and employment forecast is consistent with the applicable AQMP.

Monterey Regional Airport Land Use Plan. Government Code section 65302.3 requires that the General Plan must be consistent with airport land use plans. This plan identifies safety and noise considerations and appropriate mitigation measures for areas surrounding the airfield. The requirement of consistency can impact both the development of housing and the cost of residential development due to development restrictions and/or the inclusion of noise attenuation features.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	1, 2, 6
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X	1, 2, 5, 6, 7, 10

Explanation

- a) **No Impact.** The Draft Housing Element would not physically divide an established community. . The Draft Housing Element would not result in development or new entitlements, nor would the Draft Housing Element divide the community or allow for extended City limits or development.
- b) **No Impact.** The adoption and implementation of the Draft Housing Element would not create a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. There are several planning documents (outlined above) that govern development within City limits and the Draft Housing Element is generally consistent with all of them.

In addition, the Draft Housing Element examines the City's housing needs, as they exist today, and projects future housing needs. It sets forth statements of community goals, objectives, and

⁴ Resolution #97-1, approved by the City Council on July 17, 2002, adopted the General Plan Update and Certified the EIR for the General Plan Update.

policies concerning those needs and it includes housing programs that respond to current and future needs within the limitations posed by available resources. The Draft Housing Element does identify a number of policies and programs that would result in amendments to the City's General Plan and Zoning Ordinance. However, policies and programs identified in the Draft Housing Element require adherence to state law; these requirements are necessary to bring the Housing Element to conformance to current state law and thus would not have a physical impact on the environment. Further, the proposed General Plan and Zoning Amendments are generally consistent with the current planning documents and consistent with regional goals to provide a range of additional housing for the City's residents and reach the RHNA.

In considering methods for meeting the City's RHNA, the Draft Housing Element also includes a Land Use Inventory that assesses potential development constraints, such as water and zoning/planning documentation consistency, to identify areas that are most suitable for development. The City has determined lands within the former Fort Ord as the most suitable for development, consistent with the Reuse Plan and other planning documents that govern development in the former Fort Ord. However, as stated previously, the Draft Housing Element is strictly a policy document that encourages housing opportunities and any future development proposal that is intended to assist in meeting the City's projected housing need will be reviewed pursuant to the CEQA. The proposed Draft Housing Element does not propose to change any of the City's practices which require that all future development projects comply all adopted local and State laws as well as the City General Plan and Municipal Code. Any and all future housing projects that proposed to meet the projected housing needs for the City will be considered a project, pursuant to the CEQA and will require project specific environmental review as well. As a result, the Draft Housing Element would not create a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

5.12 MINERAL RESOURCES

Setting

In accordance with the Surface Mining and Reclamation Act of 1975 (SMARA), the California Geological Survey (CGS) maps the regional significance of mineral resources throughout the State, with priority given to areas where future mineral resource extraction could be precluded by incompatible land use or to mineral resources likely to be mined during the 50-year period following their classification. The CGS delineates Mineral Resource Zones (MRZs) based on their mineral resource potential. According to the City General Plan, there are no large mines or mining operations currently occurring in the City.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
MINERAL RESOURCES. Would the project:					
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?				X	1, 2, 6
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?				X	1, 2, 6

Explanation

- a, b) **No Impact.** The Draft Housing Element would not result in the loss of mineral resources that are of value to the region and residents, or availability of locally-important mineral resource recovery site. The adoption of the Draft Housing Element would not result in the development of new homes or entitlements. Furthermore, there are no mineral resources found within City limits, and as a result, the potential future development proposals would have no impact on mineral resources as well.

5.13 NOISE**Setting**

Major noise sources in the immediate project vicinity include the Monterey Regional Airport, Highway 218, and Highway 68. Generally, noise levels diminish as distance from the noise source increases. Some land uses are more sensitive to noise than others. Noise sensitive land uses are generally defined as residences, lodging, schools, hospitals, nursing homes, churches, meeting halls, and office buildings. Potentially sensitive noise receptors in the area consist of the residential neighborhoods in and around the project area. The former Fort Ord property is not located adjacent to any sensitive noise receptors (i.e., homes, hospitals, schools). However, the project area is located near the Frog Pond Wetland Preserve Area, a regional public park preserve with nature trails. In addition, several residences are located on a bluff just south of Highway 218.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
NOISE. Would the project result in					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	1, 2, 6
b) Generation of excessive groundborne vibration or groundborne noise levels?				X	1, 2, 6

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
c) For a project located within the vicinity of a private airstrip or 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?				X	1, 2, 6, 10

Explanation

- a-c) **No Impact.** The Draft Housing Element would not result in the generation of substantial noise throughout the City. The Draft Housing Element is strictly a policy document and does not provide entitlements to any specific land use projects. Although the Draft Housing Element would not result in physical changes to the environment, the Draft Housing Element would provide for programs and policies that could facilitate new residential development. Future proposed development activities and projects would be required to be consistent with the City's Noise Ordinance and the General Plan's Noise goals, programs and policies. Future development would also be subject to CEQA compliance and permitting, which would minimize noise impacts. Goals of the General Plan include minimizing noise generated from streets, roads and highways; reducing aircraft generated noise to State noise standards; soundproofing in new constructions; and protecting citizens from exposure to excessive levels of noise. Additionally, the Monterey Regional Airport District works alongside the City to minimize the noise impacts of airport operations and all projects would need to be consistent with the Monterey Airport Land Use Plan. Potential noise from construction activities can be regulated by standard mitigation practices, conditions of approval and BMPs that are imposed as part of a permit process. As a result, the Draft Housing Element would have no impact on temporary or permanent increases in ambient noise levels or ground borne vibrations or noise levels nor expose people residing or working within the vicinity of a private airstrip or public or private airport.

5.14 POPULATION AND HOUSING

Setting

The City currently has over 1,700 residents in a total area of 0.5 square miles. Over the past decade, the City has maintained a static population with little variation from year to year. Population growth over the past two decades has increased slightly overall with a population increase of approximately 3 percent since 1990. Del Rey Oaks' total population at the start of 2018 was estimated at approximately 1,727 (DOF, 2019). Data for the 2012-2016 reporting years indicates there were 140,169 units in the City with single-family residential development as the predominant housing type (82%) (U.S. Census Bureau, 2017).

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
POPULATION AND HOUSING. Would the project:					
a) Induce substantial unplanned 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)?				X	1, 2, 6
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 6

Explanation

- a) **No Impact.** Population growth may be induced by the construction of housing, the creation of jobs, or the construction of infrastructure that removes impediments or limits on growth. Population growth, by itself, does not result in environmental effects; however, growth can drive commensurate needs for infrastructure or residences that cause significant environmental effects. The Draft Housing Element contains a variety of plans and programs to facilitate the production of housing to meet the RHNA and appropriate for a range of household income groups.

The Draft Housing Element provides a policy framework for housing needs within the City according to HCD requirements. However, the Draft Housing Element does not directly generate housing, nor does it displace substantial numbers of people in a manner that would require growth elsewhere. Furthermore, the Draft Housing Element does not require future annexations or increase the City's development capacity. The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. A major constraint to development within the City is the availability of water and cost; these non-governmental constraints are discussed in the Draft Housing Element and are widely beyond the City's control. FORA has adopted a limitation on water use for each jurisdiction; the DRMP ensures that reuse of the former Fort Ord will restrain development to available resources and service constraints, including water. The location and nature of development would continue to be guided by the City's General Plan and Zoning Code, as well as the various Fort Ord Planning documents where applicable. No policy or program in the Draft Housing Element has the ability to induce substantial unplanned population growth in an area or extend infrastructure. The Draft Housing Element would not result in new home developments or entitlements as it does not directly generate housing or demand for new housing. Therefore, the Draft Housing Element would not result in substantial unplanned population growth.

- b) **No Impact.** The Draft Housing Element would not result in population growth or displacement of housing or people as the projected housing needs are in direct relation to state projected population growth in the City. Thus, the Housing Element would have no impact related to these issues.

5.15 PUBLIC SERVICES

Setting

Fire Protection Services. The City is currently provided with fire protection services through a contract with the City of Seaside. The fire protection services include fire prevention and public education services and response to fires, rescues, hazardous material incidents, medical aid calls, and natural or man-made disasters. In addition, services include: fire hydrant testing, coordination of disaster planning with the City, provision of public education classes in earthquake preparedness, cardiopulmonary resuscitation, and First Aid.

Police Services. The City Police Department is located at 650 Canyon Del Rey in Del Rey Oaks. The police department currently has five full time officers including the chief of police.

Schools. Local schools are operated by the Monterey Peninsula Unified School District (MPUSD). The MPUSD also serves Monterey, Seaside, Marina, Sand City, and adjacent unincorporated areas. The closest schools to the City are Del Rey Woods Elementary School, Colton Middle School, King Middle School, and Monterey High School.

Parks. Del Rey Oaks has a number of large parks which dominate the lowland section of the City along the creek. Work Memorial Park is located on the west side of Rosita Drive and Del Rey Park is located on the east side of Rosita Drive at the end of Angelus Road.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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?				X	1, 2, 6
b) Police protection?				X	1, 2, 6
c) Schools?				X	1, 2, 6
d) Parks?				X	1, 2, 6
e) Other public facilities?				X	1, 2, 6

Explanation

a-d) **No Impact.** The Draft Housing Element would not result in new home developments or entitlements as it does not directly generate housing or demand for new or physically altered public service facilities, including fire protection, police, schools, and libraries. The Draft Housing Element provides a policy framework for housing needs within the City. Each future

residential development project would be subject to separate environmental review at the time a specific development proposal is made, and project-specific impacts to public service facilities would be further assessed at that time in accordance with the CEQA. Further, potential future development would be required to adhere to *General Plan Policy S-1* which specifies that “New development shall be required to ‘pay its own way’ and not overly burden existing City residences and services consistent with applicable laws.” Generally, the areas where increased housing opportunities are being encouraged by the Draft Housing Element are near areas planned for services and development, where services, schools, and other governmental facilities are located nearby. It is the Draft Housing Element’s objective to designate new residential development in areas where appropriate levels of services are already available or can be feasibly provided. Also, future development proposals would be required to pay all applicable fees to offset potential impacts on public service facilities. As a result, the Draft Housing Element would have no impact on public services.

5.16 RECREATION

Setting

The City has three major recreational park areas: Work Memorial Park, Del Rey Park, and the Frog Pond Wetland Preserve. Work Memorial Park includes a golf driving range, tennis courts, and a large area of natural oak woodland. Del Rey Park includes basketball courts, a baseball/softball diamond, play equipment, a picnic area and play field, and the old Town Hall. A portion of this land is leased by the City for residents’ storage of Recreational Vehicle parking. The Frog Pond Wetland Preserve provides an important wetland open space area and is managed by the Monterey Peninsula Regional Park District.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
RECREATION. Would the project:					
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?				X	1, 2
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	1, 2

Explanation

- a, b) **No Impact.** The Draft Housing Element would not result in direct impacts to recreational resources in the City. The Draft Housing Element is strictly a policy document and does not provide entitlements to any specific land use projects. All future development would be subject to the City General Plan policies which minimize potential impacts to parks and recreation, including *Policy PS-2* which states that new development should provide landscaping, natural areas of open space, recreation areas or amenities wherever appropriate and General Plan *Policy PS-2* which addresses the maintenance and upgrades to existing park facilities within the City by creation of a

Park Master Plan. The Draft Housing Element would not result in new home developments or entitlements as it does not directly generate housing or demand for new or expanded recreational facilities, which might have an adverse physical effect on the environment. As a result, the Draft Housing Element would have no impact related to recreational resources.

5.17 TRANSPORTATION

Setting

Highway 218 (Canyon Del Rey Road) is a two-lane state arterial connecting Highway 1 with Highway 68 through the City. Highway 68 (Monterey – Salinas Highway) is a two-lane rural highway connecting Highway 1 in Monterey and Highway 101 in Salinas. It serves as a commuter route between Salinas and the Monterey Peninsula, provides access to the low-density developments along it, and functions as a scenic route to the Monterey Peninsula.

Monterey-Salinas Transit (MST) provides fixed-route bus service in Monterey County and Peninsula cities. MST route 8 serves as the direct bus route along the entirety of Highway 218, providing access to the City, while route 7 and the “DRO Shuttle” also operate within City limits. Additional bus routes run along Highway 68 (route 21) and Del Monte Boulevard (route 20).

Pedestrian facilities include sidewalks, crosswalks and pedestrian signals. There is not a significant amount of foot-traffic in the vicinity of the City. Due to topographical constraints, it is not anticipated that pedestrian movements will significantly increase in the future. There is an existing Class II bike facility along Highway 218. There are no other bicycle facilities in the area.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
TRANSPORTATION. Would the project:					
a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?				X	1, 2, 3
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?				X	1, 2, 3
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 2, 3
d) Result in inadequate emergency access?				X	1, 2, 3

Explanation

- a-d) **No Impact.** The Draft Housing Element identifies a projected need for 27 affordable housing units to be constructed or rehabilitated under the RHNA for the 5th Planning Cycle and a carryover of 59 housing units from the 4th Planning Cycle. The Draft Housing Element, however,

does not grant entitlements for new projects, nor does it include site-specific proposals. The Draft Housing Element would not otherwise result in new development within the City. Potential future housing development could ultimately result in an increase in the overall number of vehicle trips. However, the Draft Housing Element includes programs for increased densities, infill development, and mixed-use development patterns which can be beneficial to overall transportation. All future development would be subject to City General Plan policies which would minimize potential impacts to transportation. This would include General Plan *Policy C-10* which aims to reduce the need for motor vehicle trips and promote complementary land uses where feasible, and which requires land use and circulation plans to be integrated to create an environment that supports a multi-modal transportation system. In addition, the City has committed to fund, or require developers of future projects within the City to fund, circulation infrastructure improvements on a fair share basis. As a result, the Draft Housing Element would not conflict with a plan, ordinance or policy addressing the circulation system. In the case of any future residential development projects, a separate environmental review of potential transportation impacts would be conducted at that time. As a result, the proposed project would have no impact related transportation impacts.

5.18 TRIBAL CULTURAL RESOURCES

Setting

Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to Appendix G (Initial Study Checklist) of the California Environmental Quality Act Guidelines to include questions related to impacts to tribal cultural resources. Changes to Appendix G were approved by the Office of Administrative Law on September 27, 2016. Senate Bill 18 (SB 18), which went into effect January 1, 2005, requires local governments (city and county) to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent is to “provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places.” The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level, land use designations are made by a local government. The consultation requirements of SB 18 apply to General Plan or Specific Plan processes proposed on or after March 1, 2005. All lead agencies approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the potential impact of a project on tribal cultural resources before releasing an environmental document. Under California Public Resources Code section 21074, tribal cultural resources include site features, places, cultural landscapes, sacred places, or objects that are of cultural value to a tribe and that are eligible for or listed on the California Register of Historical Resources (CRHR) or a local historic register, or that the lead agency has determined to be of significant tribal cultural value.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
TRIBAL CULTURAL RESOURCES. Would the project:					
Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
a) Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X	1, 2
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X	1, 2

Explanation

- a-b) **No Impact.** The project site does not contain any resources that are listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). Further, the City is not within an area of high archaeological sensitivity. The National American Heritage Commission's (NAHC) review of their Sacred Lands Files did not yield any results for the project site. Furthermore, no tribal cultural resources or Native American resources have been identified to date, and findings of these resources are unlikely.

Pursuant to Public Resources Code Section 21080.3.1, the Native American Tribes are required to request notification by the City of potential projects; if consultation is requested, the City shall provide formal written notification to the California Native American tribe or tribes that are traditionally and culturally affiliated within the project area.

The City has not received a request for notification from any Native American Tribes, however, notification was conducted by the City on October 7, 2019, with applicable tribal representatives identified by the NAHC as a result of the sacred lands search. Information in the letter included the project description, a map of the project location, and lead agency contact information. The parties contacted were asked to consider the letter and project information as notification of a Draft Housing Element as required under CEQA. No Native American Tribes that are or have been traditionally culturally affiliated with the project vicinity have requested consultation from the City. Since the City has not received a request for consult by any Native American tribes and the sacred lands search yielded a negative finding, there is no impact. Consistent with Government Code Section 655352.3, prior to the adoption or any amendment of a City's General Plan amendment, should the City receive a request to conduct consultation in accordance with the

Code Section, the City will complete consultations with tribes, and recommendations, if requested, by the tribes will be considered as part of the deliberative process.

The adoption of the Draft Housing Element update, itself, will not impact Tribal Cultural Resources. Any future housing development project submittal will be required to be reviewed for Tribal Cultural Resources and would require future consultation of traditionally and culturally affiliated California Native American tribes. Additionally, future projects will be reviewed for compliance with the CEQA, and as a general rule; any potential impacts will be mitigated through project conditioning and review. Therefore, the adoption of the Draft Housing Element would have no impact on tribal cultural resources.

5.19 UTILITIES AND SERVICE SYSTEMS

The City currently provides (or is provided via contract with other jurisdictions) a variety of services including water supply, sewage and solid waste disposal as described further below:

Water Supply. Two water suppliers, the Marina Coast Water District (MCWD) and CalAm, serve the City. CalAm is a privately owned and operated water company with a system capacity regulated by the MPWMD. The City has negligible acre-feet per year (AFY) of water to allocate to new uses in the City within their MPWMD allocation, but they do have an allocation of water assigned for redevelopment of the former Fort Ord area of the City within the MCWD jurisdiction.

The majority of the City, with the exception of the area within the former Fort Ord, is under the CalAm operation and supply. CalAm draws from Carmel River surface water, alluvial ground water in the Carmel Valley, and Seaside coastal ground water to supply customer needs. The Monterey Peninsula has historically experienced water shortages that limit residential development. CalAm is under a cease and desist order (CDO) and no new water connections are allowed within the service boundaries, which includes the City, until a new source of water supply is implemented. The portion of City within the boundaries of the former Fort Ord is within the jurisdiction of the MCWD, and new development must abide by its requirements and limitations.

Wastewater Treatment. Wastewater treatment services are supplied to the City by the Seaside Sanitation District. Wastewater is treated by the Regional Water Pollution Control Facility, operated by Monterey One Water (M1W), with treatment facilities located outside of the City of Marina. Wastewater treatment services are supplied to the City by the Seaside Sanitation District. Wastewater is treated by the Regional Treatment Facility operated by the M1W.

Solid Waste Disposal. A Waste Management Disposal Service has a contract with the City to provide weekly solid waste collection and disposal for Del Rey Oaks residents. Seaside Disposal Service provides curbside pickup of all recyclable materials.

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X	1, 2, 6
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X	1, 2, 6
c) 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?				X	1, 2, 6
d) Generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure?				X	1, 2, 6
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X	1, 2, 6

Explanation

- a-e) **No Impact.** The Draft Housing Element would not directly result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities which would cause significant environmental effects. Furthermore, the Draft Housing Element would not have a significant impact on water supply, wastewater capacity, generate excessive solid waste, solid waste reduction goals, or local, state or federal reduction statutes related to solid waste. The Draft Housing Element is strictly a policy document and does not provide entitlements to any specific land use projects. However, the adoption of the Draft Housing Element could result in future residential developments. In the case of any future residential development projects, a separate environmental review of potential utilities and service systems would be conducted at that time. As a result, the Draft Housing Element would have no impact on utilities/service systems.

5.20 WILDFIRE**Setting**

The City is not within a State Responsibility Area for high fire severity hazard. However, former Fort Ord is within Federal Responsibility Area for high fire severity hazard, in addition lands directly to the south within unincorporated Monterey County are designed as “high” and “very high” fire risk. (Cal Fire, 2007, 2008).

CEQA Thresholds

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X	1, 2, 11
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X	1, 11
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X	1, 11
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X	1, 11

Explanation

- a-d) **No Impact.** The Draft Housing Element would not result in an impact to the ability of the City, State, federal agencies or local fire districts or law enforcement agencies from carrying out an adopted emergency response or emergency evacuation plan. The Draft Housing Element is strictly a policy document and does not provide entitlements to any specific land use projects. The Draft Housing Element does not identify development proposals, therefore, there would be no impact to an emergency response plan or emergency evacuation plan. Further, the Open Space/Conservation Element of the City's General Plan identifies a goal to "discourage development of areas that should be permanently protected for future generations because of their importance in maintaining vegetation and wildlife, and protecting public health and safety;" General Plan goals and policies such as these would further minimize impacts due to wildfire. All potential wildland fire hazards would be reviewed at the time when a site-specific development project is made, including for compliance with appropriate California Building Codes. As a result, the Draft Housing Element would have no impact on wildland fire or adopted emergency response plans.

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less-Than-Significant Impact with Mitigation	Less-Than-Significant Impact	No Impact	Checklist Source(s)
MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) Does the project have the potential to substantially 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, substantially 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?				X	1-11
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.				X	1-11
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X	1-11

Explanation

- a-c) **No Impact.** Based on the analysis provided in this Initial Study, the Draft Housing Element would not have the potential to substantially 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, substantially 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. Further, the Draft Housing Element would have no impact on environmental effects that are individually limited by cumulatively considerable. Under CEQA, "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. As stated throughout this document, the Draft Housing Element is strictly a policy document, intended to guide the City in meeting the projected housing need over the next four years. The adoption of the Draft Housing Element would not grant any entitlements for the development of housing. Additionally, all future housing development projects, whose outcome assists in meeting the City's housing development objectives, would be considered a project under the CEQA and would require project-specific environmental review at the time of project submittal. As a result the Draft Housing Element would have no impact due to: 1) the project's potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory; 2) environmental effects that are individually limited but cumulatively considerable; or, 3) environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly.

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6. SOURCES/REFERENCES

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Appendix A

**Chapter 7.0 Housing Plan
of the Draft Housing Element**

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CHAPTER 7.0 HOUSING PLAN

Housing Goals, Policies and Programs

Under California law, the housing element must include the community's goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing. This Housing Element contains five goal statements the City has identified to address major housing related issues facing the community. The following goals, policies, and programs are identified to meet the City's unique and specific position in the regional housing market while meeting the community demands of a growing community and changing housing market.

The Housing Plan is organized into two sections: Goals and Policies, and Housing Programs. A goal is a higher-level statement that addresses the general nature and intent of the City's housing objectives. Under each goal statement, policies are also identified which provide guidance and expand upon the City's goals. Following the Goals and Policies section, the Housing Programs section describes specific actions, procedures, or strategies the City will take to carry out the identified goals and policies. These programs also specify primary responsibility for carrying out the action and an estimated timeframe for its accomplishment. The timeframe indicates the fiscal year in which the activity is scheduled to be completed. These timeframes are general guidelines and may be adjusted based on City staffing and budgetary considerations.

Goals and Policies

Housing Opportunities

GOAL A: THE CITY WILL PROVIDE ADEQUATE SITES TO BUILD NEW HOUSING UNITS FOR ALL INCOME LEVELS AND TO MEET THE CITY'S FAIR SHARE OF HOUSING NEEDS.

The City wants to facilitate a wide range of housing types to ensure there is adequate supply to meet the current and future needs of the City. By maintaining a balanced inventory of housing types including sizes, price and style, the City will ensure that adequate supply is available to meet existing and future housing needs. Persons and households of different ages, types, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. This goal will ensure the provision of adequate sites that will allow for development of a variety of affordable housing in a safe and sustainable environment for all residents of the City, consistent with the City's housing allocation adopted by the AMBAG.

Policies

- A.1 Development of Underutilized Sites: The City shall ensure adequate vacant land and underutilized sites suitably zoned and prepared for residential development and/or redevelopment are available to meet the City's housing need as identified by AMBAG.
- A.2 Diversity of Housing Types that Meet City and Regional Housing Needs: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, live-work units, and units in mixed-use developments.
- A.3 Affordable Housing: The City shall promote the development of housing affordable to lower- and moderate-income households by pursuing State and federal funding sources for affordable housing

projects. Where possible, the City shall partner with existing non-profit and for-profit corporations that are interested and able to construct and manage very low- and low-income households in the City.

- A.4 New Sources of Infrastructure Financing: The City shall continue to seek new sources of financing for necessary infrastructure improvements for new development to facilitate new housing development.

Affordable Housing

GOAL B: THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE CITY.

The City is committed to provide adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. In order to do this, the City has identified a number of policies and programs ranging from seeking funding from varied sources, thereby increasing the opportunities for the development of affordable housing units, to working with non-profit and for-profit developers in the production of affordable for-sale and rental housing. Recognizing that homeownership plays a significant role in establishing strong neighborhoods and a sense of community pride, the City also supports programs that make purchasing a home a realistic option for lower-income households.

Policies

- B.1 Adoption of Inclusionary Housing Ordinance: The City shall safeguard availability of affordable housing to moderate-, low-, very low-, and extremely low-income households through the adoption of Inclusionary and Affordable Housing Requirements.
- B.2 Homeownership Housing: The City shall encourage the development of ownership housing and assist tenants to become homeowners within the parameters of federal and state housing laws.
- B.3 Provide Incentives for Affordable Housing: The City shall promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low-income households.
- B.4 Affordable Rentals: The City shall identify and solicit redevelopment funds as well as federal and State financial assistance for the construction of rental housing units and for rent subsidies for very-low-income and low-income households.

Remove Constraints

GOAL C: THE CITY WILL WORK TO REMOVE GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS TO HOUSING DEVELOPMENT.

Pursuant to State law, the City is obligated to address, and where legally possible, remove governmental constraints affecting the maintenance, improvement, and development of housing. Removing constraints on housing development can help address housing needs in the City by expediting construction, and lowering development costs.

Policies

- C.1 Flexible Development Standards: The City shall continue to improve and streamline the project review process by periodically evaluating and ensuring that zoning provision, City site improvement standards, development review procedures, entitlements procedures, and development fees do not unreasonably constrain the development, conservation, and rehabilitation of housing. Should constraints be

identified, actions such as amendments to policies and procedures may be implemented to reduce or eliminate those constraints.

- C.2 Reduce or Eliminate Non-Governmental Constraints: The City shall monitor non-governmental constraints, such as interest rates, construction costs, water availability, and others, through consultation with developers, lenders and other entities directly involved in the provision of housing. Should constraints be identified, actions such as amendments to policies and procedures may be implemented to reduce or eliminate those constraints.

Equal Housing Opportunities

GOAL D: THE CITY WILL PROMOTE EQUAL HOUSING OPPORTUNITIES FOR ALL PERSONS.

The City recognizes the importance of extending equal housing opportunities for all persons, regardless of race, religion, sex, family status, marital status, ancestry, national origin, color, age, physical or mental disability, sexual orientation, source of income, or any other arbitrary factor.

The City has many residents who have special housing needs. State law requires the housing element to address the needs of specific “special needs” groups, including seniors, persons with disabilities, large families with children, female-headed households, and people who are homeless. Meeting the needs of these residents requires a broad range of strategies for housing and other services. This section also addresses student and faculty housing.

Policies

- D.1 Fair Housing Services: The City shall support efforts to eliminate housing discrimination on the basis of race, gender, color, religion, age, marital status, offspring, or disability. The City shall ensure compliance with federal, State, and local Fair Housing and anti-discrimination laws and ordinances. Federal, State, and local Fair Housing laws make it illegal to discriminate against any person because of race, color, religion, gender, disability, familial status, national origin, ancestry, marital status, sexual orientation, source of income, or age in the rental or sale, financing, advertising, appraisal, provision of real estate brokerage services, etc., and land-use practices.
- D.2 Reasonable Accommodation: The City shall encourage provision of an adequate supply of suitable housing to meet the needs of people with disabilities. The City will continue to implement a reasonable accommodation process for persons with disabilities to request exceptions or modifications of zoning, permit processing, and building regulations to ensure housing is accessible. The City will require incorporation of ADA and California Title 24 Disabled Access Regulations into new construction.
- D.3 Housing for Seniors: The City shall support housing programs that increase the ability of senior households to remain in their homes or neighborhoods, and if necessary, to locate other suitable affordable housing to rent or purchase.
- D.4 Family Housing: The City shall facilitate and encourage the development of larger rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.
- D.5 Student and Single-Room Occupancy Housing: The City shall facilitate and encourage the development of rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.

- D.6 Support Organizations Serving the Homeless Community: The City shall support the efforts of non-profit and community organizations that provide emergency shelter and other assistance for the homeless population, including alcohol and drug recovery programs.

Quality Housing Opportunities

GOAL E: THE CITY WILL CONTINUE TO CONSERVE AND IMPROVE THE CONDITION OF THE EXISTING HOUSING STOCK TO ENSURE THE SAFETY, WELFARE, AND AFFORDABILITY OF RESIDENTS.

Conserving and improving the housing stock helps maintain investment in the community and keeps existing housing affordable. Many factors can contribute to the deterioration of residential units including quality of workmanship, age, type of construction, and location. Preventing these problems from occurring and addressing them when they do occur protects the safety and welfare of residents and assists in meeting housing needs throughout the City. As a majority of the City's housing stock is over 30 years old, it is important to maintain residential units and keep them from deterioration. The City will focus its efforts on rehabilitation, code enforcement, preservation of quality of family home and will take a proactive approach to conserving the current housing stock.

Policies

- E.1 Residential Rehabilitation: The City shall assist lower-income households whose housing units are in need of rehabilitation to ensure the safety and habitability of housing units and the quality of residential neighborhoods.
- E.2 Code Enforcement: The City shall promote the continued maintenance of the City's existing housing stock and residential neighborhoods through enforcement of adopted code requirements that set forth the acceptable health and safety standards for the occupancy of housing units.
- E.3 Preserve Quality Single Family Housing and Rental Stock: As single family and rental stocks deteriorate, the City shall preserve the existing single-family housing, especially those single-family and rental units occupied by lower-income households.
- E.4 Sustainable Housing Design: The City shall improve affordability by promoting the incorporation of energy efficient practices into residential design.

Housing Programs

Housing Opportunities

- Program A.1 Accommodate the City's RHNA – General Plan and Zoning Update in the former Fort Ord area (where water is available for development)

To meet the City's share of the RHNA, the General Plan and Zoning Ordinance will be revised as needed to provide a range of housing on adequate housing sites. The City will re-designate sufficient property in the portion of former Fort Ord within City limits to provide a range of types of housing units and prices and to meet the regional housing allocation needs for Del Rey Oaks.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Update General Plan and Zoning Ordinance to allow residential uses as an allowed use in the former Fort Ord area (consistent with the densities allowed in the City's adopted Redevelopment Plan). Complete by the 3 rd quarter of 2020.
Source of Funding	General Fund

Program A.2 Adopt Amendments to the Zoning Code to Accommodate Mixed Use Higher Densities in Commercial Areas

Amend the Zoning Ordinance to permit residential uses as well as mixed uses at higher intensities, where appropriate, in commercial-zoned and visitor-serving designation areas to allow mixed use (both in the former Fort Ord areas and in commercial sites defined by the City).

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Review General Plan and Zoning Ordinance densities to identify areas of the City where higher zoning and mixed use would be appropriate, depending on services and access. Update General Plan and Zoning Ordinance to allow mixed use at higher densities in these areas, including in the former Fort Ord area, by the end of 2022.
Source of Funding	General Fund, Developer Fund

Program A.3 Small Lot Residential in New Subdivisions

The City shall amend the General Plan and Zoning Ordinance to allow small lot Planned Unit Developments (PUD) consisting of individual lots that utilize Traditional Neighborhood Design (TND) techniques for development of cottage or small bungalow-type homes. Further, provide an overlay or PUD ordinance for projects as needed to allow for privately maintained common open space and mixed housing types.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Update the General Plan and Zoning Ordinances to promote a range of housing sizes and project designs by the end of 2022.
Source of Funding	General Fund

Affordable Housing

Program B.1 Develop Inclusionary and Affordable Housing Requirements

The City will adopt an Inclusionary and Affordable Housing Ordinance that will require new residential development or redevelopment in the City to provide at least 20 percent of the total units affordable to households of very low- to moderate-incomes, as identified in the AMBAG RHNA. The City's RHNA requirement are identified as follows.

**Table 7-1
Regional Housing Need Allocation**

Income Category	5 th Cycle Allocation	4 th Cycle Allocation*	Total
Very low- (31-50% of area of median income)	7	34	41
Low-income (51-80% of area median income)	4	25	29
Moderate-income (81-120% of area median income)	5		5
Above moderate (over 120% of area median income)	11		11
Total	27	59	86
Source: HCD, n.d. *4 th Planning Cycle carry over requirements			

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Develop a City Inclusionary and Affordable Housing Ordinance that meets the RHNA inclusionary housing requirements and ensures new development projects will be required to provide at least 20 percent affordable units; adopt ordinance by the end of 2021.
Source of Funding	General Fund

Program B.2 Facilitate Affordable Housing for All Income Levels

The City will support housing for low-income, extremely low-income, and moderate-income households and persons with disabilities (including developmental disabilities). The City will actively seek to participate in and promote housing assistance service provided by such agencies as the Monterey County Housing Authority, the Redevelopment Agency, and the U.S. Department of Housing and Urban Development.

As opportunities arise, new funding sources for lower-income housing will be sought from available non-profit, local, State, and federal programs. Planning and entitlements should consider how to position an affordable project to qualify for future grant applications.

The City will also work with developers to facilitate affordable housing development. Specifically, as funding permits, the City will provide gap financing to leverage State, federal, and other public affordable funding sources. Gap financing will focus on rental housing units affordable to lower-income households and households with special needs (such as seniors and disabled). To the extent feasible, the City will also ensure a portion of the affordable housing units created will be available to extremely low-income households.

Responsible Agency	City Hall, City Manager's Office
Timeline and Objective	Actively seek funding opportunities to increase the supply of affordable housing for lower income households, analyze sites owned by the City to identify those that could be suitable to support affordable housing. Seek to leverage these funds with federal, state, and County HOME funds to increase the amount of affordable housing on housing strategy sites. Work with developers of housing strategy sites and non-profit developers to identify opportunities to increase the percentage of affordable housing by encouraging developers to apply for available funds and utilize other creative mechanisms. (Ongoing work with developers; report on funding annually to City Council)
Source of Funding	General Fund

Program B.3 Utilize Section 8 Housing Choice Vouchers

The Housing Authority of Monterey County (HAMC) which administers the Section 8 Certificate/Voucher Program for Del Rey Oaks and throughout Monterey County provides rental subsidies to very low-income families and elderly households that spend more than 30 percent of their gross income on housing.

To help overcome the reluctance of many landlords to sign Section 8 agreements, the City shall work with the Housing Authority to offer incentives to property owners that sign Section 8 agreements.

Responsible Agency	City Hall, City Manager's Office
Timeline and Objective	The City, working with the HAMC, shall provide information and incentives to property owners to encourage them to sign Section 8 agreements with the HAMC. The number of applications received will depend upon how many property owners apply for Section 8 agreements with the HAMC and City. This program could provide rental assistance to at least two or three renters per year, with the first full active year being 2022.
Source of Funding	Staff time, HAMC, and private owners/developers

Program B.4 Preferential Housing for Del Rey Oaks Residents and Workers

To the extent that such policy can be legally implemented, the City shall consider adoption of a new ordinance in compliance with the Fair Housing Law, requiring that all newly constructed inclusionary dwelling units for below-market-rate income, moderate-income, and lower-income households within the City, and all first time homebuyer programs, be provided on a preferential basis to Del Rey Oaks residents and workers.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Adopt a Preferential Housing Ordinance by the end of 2020.
Source of Funding	General Fund, Developer Fund

Program B.5 Develop a Density Bonus Ordinance Consistent with State law

Government Code section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. State Density Bonus Law requires a local jurisdiction to grant an increase in density, if requested by a developer, for providing affordable housing as part of a development project. Key provisions of the law include incremental density bonuses that correspond to the percentage of housing set aside as affordable units. The City shall develop and adopt a Density Bonus Ordinance consistent with the current Government Code and State Density Bonus Law. Once passed, the City will review any future amendments to State Density Bonus law to ensure that its local ordinance remains consistent with State law. Once passed the City shall commit to consider requests under State Density Bonus Law (including requests for incentives, concessions, waivers, and parking reductions) so that projects that qualify are not prevented from developing at the densities to which they are entitled.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Adopt a City Density Bonus Ordinance, consistent with Government Code and State Density Bonus Law, by the end of 2021.
Source of Funding	Staff Time

Program B.6 Facilitate Affordable Rental Units

The City will apply for low interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, Farmers Home Administration, and the HCD, and also provide funding through use of tax increment funding for a housing fund as such funds are available.

Responsible Agency	City Council & Redevelopment Agency
Timeline and Objective	2020
Source of Funding	Staff time; State, federal, and regional grants; and private property owners/developers
Objective	Research available funds to assist in the construction of affordable units (and accessory dwelling units) to low-income and very low-income households (anticipated to start seeking funding opportunities beginning 2020). .

Remove Constraints

Program C.1 Support efforts of public and private groups providing housing for the elderly and disabled, including assistance with obtaining permits, or where appropriate, waiving City fees or regulatory requirements.

The City will continue to find opportunities to streamline the permitting process to remove unnecessary barriers, without compromising public health, safety and community character. In order to do this, as part of the City's Zoning Ordinance update, site improvement standards and development procedures will be reviewed to ensure that such standards and procedures do not unnecessarily constrain the development, conservation, and rehabilitation of affordable housing.

Responsible Agency	City Planning and Building Departments
Timeline and Objective	Review of City Zoning Ordinance and update by the end of 2020.
Source of Funding	General Fund

Program C.2 Update the Accessory Dwelling Unit Ordinance to Existing Standards

A major constraint to housing in the City is affordability. ADUs help meet the City's needs for housing that is affordable by providing a housing resource for seniors and low- and moderate-income households. State ADU law has been updated since the passage of the City ADU ordinance. The City will update their ADU Ordinance (also known as auxiliary housing) to be compliant with updated State regulations that promote the development of ADUs.

The City will encourage the construction of ADUs by providing incentives such as waiver or reduction of development fees and expedited permit processing for ADU applications. Further, information to all eligible property owners concerning the City's amended ordinance will be provided at the City Hall.

In addition, the City will explore the availability of prefabricated tiny homes and micro-units that may be suitable for ADUs, with the intent of providing additional information to interested homeowners.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	January 2021
Source of Funding	Staff time
Objective	Adopt updated ADU Ordinance by the end of 2020. City staff shall give an annual report to City Council on the number of new secondary units that are being built each year, starting at the end of 2021. If this number cannot meet the goal of two to three units per year, City Council will act to further amend the standards of the ADU Ordinance and height/setback requirements (for those units that have adequate water availability). Information detailing the requirements of the City's amended ADU Ordinance, and incentives for developing ADUs including permits waiver or reduction of development fees and expedited permit processing, shall be readily available at the City Hall and shall be included on the City's website and in the City newsletter by first quarter 2021 (anticipated to follow the approval and adoption of the ADU Ordinance in the end of 2020).

Program C.3 Mitigating Constraints

Based upon this review of the City's standards, the following additional Zoning Ordinance amendments will be considered:

- Amend the Zoning Ordinance to eliminate limits on number of persons allowed to live in housing unit under definition of "Family".
- Amend the Zoning Ordinance to include language on density bonuses to comply with State requirements.
- Review Zoning Ordinance to ensure that transitional and supportive housing is allowed in the same way other residential uses are allowed in all zoning districts allowing residential uses.
- Review and amend the Zoning Ordinance to conditionally permit SRO housing in the C-1 (Commercial) zone.
- Consistent with the California Employee Housing Act, amend the Zoning Ordinance to update standard that requires that housing for six or fewer employees be treated as a regular residential use.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission, and City Hall
Timeline and Objective	Adopt updated Zoning Ordinance by the end of 2020.
Source of Funding	Staff time

Program C.4 Ensure the Availability of an Adequate Water Supply to Serve the Long-Term Housing Needs of the City

A major constraint to development within the City is water supply. The City will continue to work with the MPWMD, MCWD, FORA, and other appropriate agencies through meetings and consultation to seek securement of sufficient water resources to meet the expected needs of projected housing development.

Responsible Agency	City Council & Redevelopment Agency
Timeline and Objective	Participate in an annual meeting with MPWMD, MCWD, FORA, and other appropriate agencies by the end of 2020.
Source of Funding	General Fund

Equal Housing Opportunities

Program D.1 Promote Fair Housing by Providing Educational and Referral Materials

The City will continue to provide Fair Housing education and outreach, making information available in multiple languages, and refer persons with fair housing questions to the Housing Authority, Department of Equal Housing and Employment, and California Rural Legal Assistance on an as-needed basis. The City will make information about fair housing services available at City offices and on the City's website.

Responsible Agency	City Hall, Planning & Building Departments
Timeline and Objective	Provide Fair housing education materials at City Hall in English and Spanish, post information on the City website by first quarter 2020; and provide information in City newsletter annually.
Source of Funding	Staff time, General Fund

Program D.2 Provide Opportunity for and Encourage the Development of Adequate Housing for the City's Special Needs Groups.

The City shall facilitate the provision of housing for the elderly and disabled and other special needs housing by modifying the Zoning Ordinance to define licensed residential care facilities, to explicitly allow small residential care homes by right in all residential zone districts, and to permit larger residential care homes in the City's R-2 and C-1 districts consistent with the standards of these districts.

The City shall also support the efforts of public and private groups to provide housing for the elderly and disabled. Such support may include staff assistance in obtaining permits or financing, or, where appropriate, the waiver of City fees or regulatory requirements, some combination of these, or other tangible measures of support.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, and Planning Commission
Timeline and Objective	The City will aim to update the Zoning Ordinance by the end of 2020. It will aim to identify at least one residential project by 2024 that is targeted for seniors and/or persons with mobility impairments. The City will monitor these programs through annual reports to the City Council, with the first annual report by the end of 2021.
Source of Funding	Staff Time, General Fund, and State and federal programs designated specifically for special needs groups

Program D.3 Special Needs Housing for Disabled Persons

The City shall amend the Zoning Ordinance to ensure that future projects incorporate accessible design. Specifically, the zoning ordinance will be amended to:

- 1) Require new multi-family development to be in compliance with Title 24 of the California Code of Regulations;
- 2) Eliminate restrictions on occupancy standards for group homes by amending the definition of family to comply with section 801(c) and 801(k) of the Fair Housing Act; and

- 3) Allow reduced parking standards for all transitional housing and homeless shelters, for age-restricted housing (regardless of affordability), and for persons with disabilities.

The zoning code will be further reviewed to identify and remove any additional constraints and ensure that reasonable accommodations are provided with regard to housing designed for persons with disabilities. This update will expressly include ramps as a permitted encroachment into required front and rear yards in order to ensure accessibility for persons with disabilities.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, and Planning Commission
Timeline and Objective	Review zoning code and report to City Council on needed updates to address State law by first quarter 2020. Amendments to Zoning Code specific to this program shall be adopted by end of 2020.
Source of Funding	Staff Time, General Fund

Program D.4 Support Programs to Reduce Homelessness

The City shall identify adequate sites for emergency/transitional shelters and then amend its Zoning Ordinance to make appropriate zone changes if needed to provide for the zoning for the site to allow for the transitional and emergency shelters in the City's zoning districts consistent with State law. Adequate sites for these housing types are available throughout the City in R-2 and C zones that allow residential use with a permit (refer to **Figure 2**).

To the extent that funds are available, the City will provide financial support to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low cost loans, to operating agencies.

Responsible Agency	City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Amend the City Zoning Ordinance to include provisions for emergency/transitional shelters as needed by the end of 2020.
Source of Funding	State and federal programs designated specifically for special needs groups

Quality Housing Opportunities

Program E.1 Assist in Rehabilitating Housing

The City will investigate available low-interest loans, subsidies, and grants from federal and State agencies to provide rehabilitation funds. As funding becomes available, the City shall provide grants and/or low interest, deferred, and/or forgivable loans for building code violations, health and safety issues, essential repairs, upgrades of major component systems, and modifications to accommodate disabilities. Rehabilitation funds will be available to low-income homeowners and to owners of rental units that will rent to low-income households. Subject to federal funding the City will look to assist an average of one to two households (ranging from single-family, multi-family, and mobile homes), dependent on need.

Responsible Agency	City Council & Redevelopment Agency, City Manager
Timeline and Objective	Assist two households by the end of 2021.
Source of Funding	Loans, subsidies, and grants and tax increment funding

Program E.2 Continue Code Enforcement

The City will continue to perform code enforcement for areas or homes with building code violations posing life and/or safety risks to occupants and/or significant property maintenance concerns and ensure that such violations are adequately abated.

Responsible Agency	Police Department
Timeline and Objective	Continue to implement code enforcement efforts in the targeted areas with concentrated issues of code violations; ongoing.
Source of Funding	General Fund

Program E.3 Energy Conservation and Energy Efficient Opportunities

The City will promote subsidy and incentive programs for energy conservation available to residents. Some of these programs include PG&E's rebates, Energy Watch Partnerships, and Energy Savings Assistance Program; CARE/FERA program, and the CaliforniaFIRST program. The City will promote these programs in their newsletter and on their website.

Responsible Agency	City Hall, Planning Department, and Building Department
Timeline and Objective	Information detailing energy conservation programs shall be provided at the City Hall and shall be included on the City's website and updated at least once per year. Energy conservation programs targeted to low-income households shall be promoted in the City newsletter at least once per year and available at the City Hall. Complete annually by December of each year.
Source of Funding	General Fund

Attachment to Appendix A

Appendix A consists of **Chapter 7.0 Housing Plan**, from the Draft Housing Element submitted to HCD for review on September 18th, 2019. This **Attachment** is a new version of **Chapter 7.0** that has been revised based on comments received from HCD on the September 18th draft of the Housing Element. All additions are shown in underline while deletions are shown in ~~strike through~~. None of the proposed text changes constitute a significant change to the Draft Housing Element.

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CHAPTER 7.0 HOUSING PLAN

Housing Goals, Policies and Programs

Under California law, the housing element must include the community's goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing. This Housing Element contains five goal statements the City has identified to address major housing related issues facing the community. The following goals, policies, and programs are identified to meet the City's unique and specific position in the regional housing market while meeting the community demands of a growing community and changing housing market.

The Housing Plan is organized into two sections: Goals and Policies, and Housing Programs. A goal is a higher-level statement that addresses the general nature and intent of the City's housing objectives. Under each goal statement, policies are also identified which provide guidance and expand upon the City's goals. Following the Goals and Policies section, the Housing Programs section describes specific actions, procedures, or strategies the City will take to carry out the identified goals and policies. These programs also specify who the primary responsibility is for carrying out these actions and an estimated timeframe for its accomplishment. The timeframe indicates the fiscal year in which the activity is scheduled to be completed. These timeframes are general guidelines and may be adjusted based on City staffing and budgetary considerations.

Based on the goals, policies, and programs outlined in the Housing Element and findings from the Housing Needs Assessment, the following objectives represent a reasonable expectation of the number of new housing units that can be developed, rehabilitated, or conserved/preserved for the 5th Cycle Planning Period (Table 7-1).

Table 7-1
Quantified Objectives Summary

Income Category	Allocation by Cycle*		Totals by Income Category	New Construction	Rehabilitation	Conservation/ Preservation	Total Units By Housing Type	
	5 th Cycle	4 th Cycle						
Very Low (0-50% of AMI)	7	34	41	41	0	0	41	Combined Low and Very Low = 70
Low (51-80% of AMI)	4	25	29	29	0	0	29	
Moderate (81-120% of AMI)	5	0	5	5	0	0	5	Combined Moderate/ Above Moderate = 16
Above Moderate (more than 120% of AMI)	11	0	11	11	0	0	11	
Total Units	27	59	86	86	0	0	86	

*4th Planning Cycle affordable housing shortfall requirement applies to very low- and low-income only.
 ** Total very low and low-income
 Source: HCD Projected Housing Needs – Regional Housing Needs Allocation (HCD, 2019)

Goals and Policies

Housing Opportunities

GOAL A: THE CITY WILL PROVIDE ADEQUATE SITES TO BUILD NEW HOUSING UNITS FOR ALL INCOME LEVELS AND TO MEET THE CITY'S FAIR SHARE OF HOUSING NEEDS.

The City wants to facilitate a wide range of housing types to ensure there is adequate supply to meet the current and future needs of the City. By maintaining a balanced inventory of housing types including sizes, price and style, the City will ensure that adequate supply is available to meet existing and future housing needs. Persons and households of different ages, types, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. This goal will ensure the provision of adequate sites that will allow for development of a variety of affordable housing in a safe and sustainable environment for all residents of the City, consistent with the City's housing allocation adopted by the AMBAG.

Policies

- A.1 Development of Underutilized Sites: The City shall ensure adequate vacant land and underutilized sites suitably zoned and prepared for residential development and/or redevelopment are available to meet the City's housing need as identified by AMBAG.
- A.2 Diversity of Housing Types that Meet City and Regional Housing Needs: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, live-work units, and units in mixed-use developments.
- A.3 Affordable Housing: The City shall promote the development of housing affordable to lower- and moderate-income households by pursuing State and federal funding sources for affordable housing projects. Where possible, the City shall partner with existing non-profit and for-profit corporations that are interested and able to construct and manage very low- and low-income households in the City.
- A.4 New Sources of Infrastructure Financing: The City shall continue to seek new sources of financing for necessary infrastructure improvements for new development to facilitate new housing development.

Affordable Housing

GOAL B: THE CITY WILL ENCOURAGE THE PROVISION OF A WIDE RANGE OF HOUSING BY LOCATION, TYPE OF UNIT, AND PRICE TO MEET THE EXISTING AND FUTURE HOUSING NEEDS IN THE CITY.

The City is committed to provide adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. In order to do this, the City has identified a number of policies and programs ranging from seeking funding from varied sources, thereby increasing the opportunities for the development of affordable housing units, to working with non-profit and for-profit developers in the production of affordable for-sale and rental housing. Recognizing that homeownership plays a significant role in establishing strong neighborhoods and a sense of community pride, the City also supports programs that make purchasing a home a realistic option for lower-income households.

Policies

- B.1 Adoption of Inclusionary Housing Ordinance: The City shall safeguard availability of affordable housing to moderate-, low-, very low-, and extremely low-income households through the adoption of Inclusionary and Affordable Housing Requirements.
- B.2 Homeownership Housing: The City shall encourage the development of ownership housing and assist tenants to become homeowners within the parameters of federal and state housing laws.
- B.3 Provide Incentives for Affordable Housing: The City shall promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low-income households.
- B.4 Affordable Rentals: The City shall identify and solicit redevelopment funds as well as federal and State financial assistance for the construction of rental housing units and for rent subsidies for very-low-income and low-income households.

Remove Constraints**GOAL C: THE CITY WILL WORK TO REMOVE GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS TO HOUSING DEVELOPMENT.**

Pursuant to State law, the City is obligated to address, and where legally possible, remove governmental constraints affecting the maintenance, improvement, and development of housing. Removing constraints on housing development can help address housing needs in the City by expediting construction, and lowering development costs.

Policies

- C.1 Flexible Development Standards: The City shall continue to improve and streamline the project review process by periodically evaluating and ensuring that zoning provision, City site improvement standards, development review procedures, entitlements procedures, and development fees do not unreasonably constrain the development, conservation, and rehabilitation of housing. Should constraints be identified, actions such as amendments to policies and procedures may be implemented to reduce or eliminate those constraints.
- C.2 Reduce or Eliminate Non-Governmental Constraints: The City shall monitor non-governmental constraints, such as interest rates, construction costs, water availability, and others, through consultation with developers, lenders and other entities directly involved in the provision of housing. Should constraints be identified, actions such as amendments to policies and procedures may be implemented to reduce or eliminate those constraints.

Equal Housing Opportunities**GOAL D: THE CITY WILL PROMOTE EQUAL HOUSING OPPORTUNITIES FOR ALL PERSONS.**

The City recognizes the importance of extending equal housing opportunities for all persons, regardless of regardless of race, religion, sex, family status, marital status, ancestry, national origin, color, age, physical or mental disability, sexual orientation, source of income, or any other arbitrary factor.

The City has many residents who have special housing needs. State law requires the housing element to address the needs of specific "special needs" groups, including seniors, persons with disabilities, large families with

children, female-headed households, and people who are homeless. Meeting the needs of these residents requires a broad range of strategies for housing and other services. This section also addresses student and faculty housing.

Policies

- D.1 Fair Housing Services: The City shall support efforts to eliminate housing discrimination on the basis of race, gender, color, religion, age, marital status, offspring, or disability. The City shall ensure compliance with federal, State, and local Fair Housing and anti-discrimination laws and ordinances. Federal, State, and local Fair Housing laws make it illegal to discriminate against any person because of race, color, religion, gender, disability, familial status, national origin, ancestry, marital status, sexual orientation, source of income, or age in the rental or sale, financing, advertising, appraisal, provision of real estate brokerage services, etc., and land-use practices.
- D.2 Reasonable Accommodation: The City shall encourage provision of an adequate supply of suitable housing to meet the needs of people with disabilities. The City will continue to implement a reasonable accommodation process for persons with disabilities to request exceptions or modifications of zoning, permit processing, and building regulations to ensure housing is accessible. The City will require incorporation of ADA and California Title 24 Disabled Access Regulations into new construction.
- D.3 Housing for Seniors: The City shall support housing programs that increase the ability of senior households to remain in their homes or neighborhoods, and if necessary, to locate other suitable affordable housing to rent or purchase.
- D.4 Family Housing: The City shall facilitate and encourage the development of larger rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.
- D.5 Student and Single-Room Occupancy Housing: The City shall facilitate and encourage the development of rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care when feasible.
- D.6 Support Organizations Serving the Homeless Community: The City shall support the efforts of non-profit and community organizations that provide emergency shelter and other assistance for the homeless population, including alcohol and drug recovery programs.

Quality Housing Opportunities**GOAL E: THE CITY WILL CONTINUE TO CONSERVE AND IMPROVE THE CONDITION OF THE EXISTING HOUSING STOCK TO ENSURE THE SAFETY, WELFARE, AND AFFORDABILITY OF RESIDENTS.**

Conserving and improving the housing stock helps maintain investment in the community and keeps existing housing affordable. Many factors can contribute to the deterioration of residential units including quality of workmanship, age, type of construction, and location. Preventing these problems from occurring and addressing them when they do occur protects the safety and welfare of residents and assists in meeting housing needs throughout the City. As a majority of the City's housing stock is over 30 years old, it is important to maintain residential units and keep them from deterioration. The City will focus its efforts on rehabilitation, code enforcement, preservation of quality of family home and will take a proactive approach to conserving the current housing stock.

Policies

- E.1 Residential Rehabilitation: The City shall assist lower-income households whose housing units are in need of rehabilitation to ensure the safety and habitability of housing units and the quality of residential neighborhoods.
- E.2 Code Enforcement: The City shall promote the continued maintenance of the City's existing housing stock and residential neighborhoods through enforcement of adopted code requirements that set forth the acceptable health and safety standards for the occupancy of housing units.
- E.3 Preserve Quality Single Family Housing and Rental Stock: As single family and rental stocks deteriorate, the City shall preserve the existing single-family housing, especially those single-family and rental units occupied by lower-income households.
- E.4 Sustainable Housing Design: The City shall improve affordability by promoting the incorporation of energy efficient practices into residential design.

Housing Programs**Housing Opportunities**

Program A.1 Accommodate the City's RHNA – General Plan and Zoning Update in the former Fort Ord area (where water is available for development)

According to the RHNA, the City has an affordable housing shortfall of 59 units for the 4th Planning Cycle and an allocation of 11 units for the 5th Planning Cycle for low and very low-income categories. The City has identified Site 1a as being the preferred site for development to meet the City's RHNA (please see the Site Inventory in Chapter 3.0 Housing Needs and Resources) for the very low- and low-income categories and Site 1 for development of 16 units of moderate and above-moderate income categories. In order to develop Site 1a to meet the City's share of the RHNA, the General Plan and Zoning Ordinance will be revised to allow affordable residential development on this site Site 1a for low- and very low-income. The site will be rezoned in conformance with Government Code section 65583.2(h) and (i). The City will meet the 16 units of moderate and above-moderate RHNA on Site 1 and will re-designate sufficient property in this portion of former Fort Ord within City limits to achieve this goal. The City will provide a range of types of housing units and prices to meet the total 86 units of regional housing allocation needs for Del Rey Oaks. The Housing Element Site Inventory finds that this density can feasibly be developed on these sites.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Update General Plan and Zoning Ordinance to allow residential uses as an allowed use in the former Fort Ord area (consistent with the densities allowed in the City's adopted Redevelopment Plan and Government Code section 65583). Complete for Site 1a by the 3 rd quarter of 2020 and by 2021 for Site 1.
Source of Funding	General Fund

Program A.2 Adopt Amendments to the Zoning Code to Accommodate Mixed Use Higher Densities in Commercial Areas

Amend the Zoning Ordinance to permit residential uses as well as mixed uses at higher intensities, where appropriate, in commercial-zoned and visitor-serving designation areas to allow mixed use (both in the former Fort Ord areas and in commercial sites defined by the City).

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Review General Plan and Zoning Ordinance densities to identify areas of the City where higher zoning and mixed use would be appropriate, depending on services and access. Update General Plan and Zoning Ordinance to allow mixed use at higher densities in these areas, including in the former Fort Ord area, by the end of 2022.
Source of Funding	General Fund, Developer Fund

Program A.3 Small Lot Residential in New Subdivisions

The City shall amend the General Plan and Zoning Ordinance to allow small lot Planned Unit Developments (PUD) consisting of individual lots that utilize Traditional Neighborhood Design (TND) techniques for development of cottage or small bungalow-type homes. Further, provide an overlay or PUD ordinance for projects as needed to allow for privately maintained common open space and mixed housing types.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Update the General Plan and Zoning Ordinances to promote a range of housing sizes and project designs by the end of 2022.
Source of Funding	General Fund

Program A.4 Adopt Amendments to the Zoning Code to Accommodate AB 2162

The City shall amend the General Plan and Zoning Ordinance to accommodate AB 2162. AB 2162 (Chapter 753, statutes of 2018) streamlines and expedites the approval of supportive housing to better address the need of Californians experiencing homelessness. Specifically, AB 2162 requires supportive housing to be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. The legislation requires a local government to approve, within statutory timelines, a supportive housing development that complies with specified criteria.

Responsible Agency	Planning Department, City Council, Planning Commission
Timeline and Objective	Update the General Plan and Zoning Ordinances to accommodate AB 2162 by the end of 2022.
Source of Funding	General Fund

Affordable Housing

Program B.1 Develop Inclusionary and Affordable Housing Requirements

The City will adopt an Inclusionary and Affordable Housing Ordinance that will require new residential development or redevelopment in the City to provide at least 15²⁴ percent of the total units affordable to households of very low- to moderate-incomes, as identified in the AMBAG RHNA. The City's RHNA requirement are identified as follows.

Table 7-21
Regional Housing Need Allocation

Income Category	5 th Cycle Allocation	4 th Cycle Allocation*	Total
Very low- (31-50% of area of median income)	7	34	41
Low-income (51-80% of area median income)	4	25	29
Moderate-income (81-120% of area median income)	5		5
Above moderate (over 120% of area median income)	11		11
Total	27	59	86

Source: HCD, n.d.
*4th Planning Cycle carry over requirements

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Develop a City Inclusionary and Affordable Housing Ordinance that meets the RHNA inclusionary housing requirements and ensures new development projects will be required to provide at least 15.29 percent affordable units; adopt ordinance by the end of 2021.
Source of Funding	General Fund

Program B.2 Facilitate Affordable Housing for All Income Levels

The City will support housing for low-income, extremely low-income, and moderate-income households and persons with disabilities (including developmental disabilities). The City will actively seek to participate in and promote housing assistance service provided by such agencies as the Monterey County Housing Authority, the Redevelopment Agency, and the U.S. Department of Housing and Urban Development.

As opportunities arise, new funding sources for lower-income housing will be sought from available non-profit, local, State, and federal programs. Planning and entitlements should consider how to position an affordable project to qualify for future grant applications.

The City will also work with developers to facilitate affordable housing development. Specifically, as funding permits, the City will provide gap financing to leverage State, federal, and other public affordable funding sources. Gap financing will focus on rental housing units affordable to lower-income households and households with special needs (such as seniors and disabled, including people with developmental disabilities). To the extent feasible, the City will also ensure a portion of the affordable housing units created will be available to extremely low-income households.

Responsible Agency	City Hall, City Manager's Office
Timeline and Objective	Actively seek funding opportunities to increase the supply of affordable housing for lower income households, analyze sites owned by the City to identify those that could be suitable to support affordable housing. Seek to leverage these funds with federal, state, and County HOME funds to increase the amount of affordable housing on housing strategy sites. Work with developers of housing strategy sites and non-profit developers to identify opportunities to increase the percentage of affordable housing by encouraging developers to apply for available funds and utilize other creative mechanisms. (Ongoing work with developers; report on funding annually to City Council)
Source of Funding	General Fund

Program B.3 Utilize Section 8 Housing Choice Vouchers

The Housing Authority of Monterey County (HAMC) which administers the Section 8 Certificate/Voucher Program for Del Rey Oaks and throughout Monterey County provides rental subsidies to very low-income families and elderly households that spend more than 30 percent of their gross income on housing.

To help overcome the reluctance of many landlords to sign Section 8 agreements, the City shall work with the Housing Authority to offer incentives to property owners that sign Section 8 agreements.

Responsible Agency	City Hall, City Manager's Office
Timeline and Objective	The City, working with the HAMC, shall provide information and incentives to property owners to encourage them to sign Section 8 agreements with the HAMC. The number of applications received will depend upon how many property owners apply for Section 8 agreements with the HAMC and City. This program could provide rental assistance to at least two or three renters per year, with the first full active year being 2022.
Source of Funding	Staff time, HAMC, and private owners/developers

Program B.4 Preferential Housing for Del Rey Oaks Residents and Workers

To the extent that such policy can be legally implemented, the City shall consider adoption of a new ordinance in compliance with the Fair Housing Law, requiring that all newly constructed inclusionary dwelling units for below-market-rate income, moderate-income, and lower-income households within the City, and all first time homebuyer programs, be provided on a preferential basis to Del Rey Oaks residents and workers.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Adopt a Preferential Housing Ordinance by the end of 2020.
Source of Funding	General Fund, Developer Fund

Program B.5 Develop a Density Bonus Ordinance Consistent with State law

Government Code section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. State Density Bonus Law requires a local jurisdiction to grant an increase in density, if requested by a developer, for providing affordable housing as part of a development project. Key provisions of the law include incremental density bonuses that correspond to the percentage of housing set aside as affordable units. The City shall develop and adopt a Density Bonus Ordinance consistent with the current Government Code and State Density Bonus Law. Once passed, the City will review any future amendments to State Density Bonus law to ensure that its local ordinance remains consistent with State law. Once passed the City shall commit to consider requests under State Density Bonus Law (including requests for incentives, concessions, waivers, and parking reductions) so that projects that qualify are not prevented from developing at the densities to which they are entitled.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Adopt a City Density Bonus Ordinance, consistent with Government Code and State Density Bonus Law, by the end of 2021.
Source of Funding	Staff Time

Program B.6 Facilitate Affordable Rental Units

The City will apply for low interest loans, grants, and rent subsidies through the U.S. Department of Housing and Urban Development, the California Housing Finance Agency, Farmers Home Administration, and the HCD. The City will apply for at least one funding opportunity per year within the 5th Cycle Planning period. In addition, the City will also provide funding through use of tax increment funding for a housing fund as such funds are available.

Responsible Agency	City Council & Redevelopment Agency
Timeline and Objective	Research available funds to assist in the construction of affordable units (and accessory dwelling units) to low-income and very low-income households (anticipated to start seeking funding opportunities beginning 2020). The City will file 3 funding application during the 5 th Cycle Planning period.
Source of Funding	Staff time; State, federal, and regional grants; and private property owners/developers
Objective	Research available funds to assist in the construction of affordable units (and accessory dwelling units) to low-income and very low-income households (anticipated to start seeking funding opportunities beginning 2020).

Remove Constraints

Program C.1 Support efforts of public and private groups providing housing for the elderly and disabled, including assistance with obtaining permits and permit streamlining consistent with SB 35, or where appropriate, waiving City fees or regulatory requirements.

The City will continue to find opportunities to streamline the permitting process to remove unnecessary barriers, without compromising public health, safety and community character. In order to do this, as part of the City's Zoning Ordinance update, site improvement standards and development procedures will be reviewed and, as needed, revised to ensure that such standards and procedures do not unnecessarily constrain the development, conservation, and rehabilitation of affordable housing. This Zoning Ordinance update will ensure compliance with SB 35 which allows streamlined approval processes in municipalities not meeting the RHNA.

Responsible Agency	City Planning and Building Departments
Timeline and Objective	Review, and as needed, revise the City Zoning Ordinance and update by the end of 2020.
Source of Funding	General Fund

Program C.2 Update the Accessory Dwelling Unit Ordinance to Existing Standards

A major constraint to housing in the City is affordability. ADUs help meet the City's needs for housing that is affordable by providing a housing resource for seniors and low- and moderate-income households. State ADU law has been updated since the passage of the City ADU ordinance. The City will update their ADU Ordinance (also known as auxiliary housing) to be compliant with updated State regulations that promote the development of ADUs.

The City will encourage the construction of ADUs by providing incentives such as waiver or reduction of development fees and expedited permit processing for ADU applications. Further, information to all eligible property owners concerning the City's amended ordinance will be provided at the City Hall.

In addition, the City will explore the availability of prefabricated tiny homes and micro-units that may be suitable for ADUs, with the intent of providing additional information to interested homeowners.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission
Timeline and Objective	Adopt updated ADU Ordinance by the end of 2020. City staff shall give an annual report to City Council on the number of new secondary units that are being built each year, starting at the end of 2021. If this number cannot meet the goal of two to three units per year, City Council will act to further amend the standards of the ADU Ordinance and height/setback requirements (for those units that have adequate water availability). Information detailing the requirements of the City's amended ADU Ordinance, and incentives for developing ADUs including permits waiver or reduction of development fees and expedited permit processing, shall be readily available at the City Hall and shall be included on the City's website and in the City newsletter by first quarter 2021 (anticipated to follow the approval and adoption of the ADU Ordinance in the end of 2020).
Source of Funding	Staff time
Objective	Adopt updated ADU Ordinance by the end of 2020. City staff shall give an annual report to City Council on the number of new secondary units that are being built each year, starting at the end of 2021. If this number cannot meet the goal of two to three units per year, City Council will act to further amend the standards of the ADU Ordinance and height/setback requirements (for those units that have adequate water availability). Information detailing the requirements of the City's amended ADU Ordinance, and incentives for developing ADUs including permits waiver or reduction of development fees and expedited permit processing, shall be readily available at the City Hall and shall be included on the City's website and in the City newsletter by first quarter 2021 (anticipated to follow the approval and adoption of the ADU Ordinance in the end of 2020).

Program C.3 Mitigating Constraints

Based upon this review of the City's standards, the following additional Zoning Ordinance amendments will be considered:

- Amend the Zoning Ordinance to eliminate limits on number of persons allowed to live in housing unit under definition of "Family".
- Amend the Zoning Ordinance to include language on density bonuses to comply with State requirements.
- Review Zoning Ordinance to ensure that transitional and supportive housing is allowed in the same way other residential uses are allowed in all zoning districts allowing residential uses.

- Review and amend the Zoning Ordinance to conditionally permit SRO housing in the C-1 (Commercial) zone.
- Consistent with the California Employee Housing Act, amend the Zoning Ordinance to update standard that requires that housing for six or fewer employees be treated as a regular residential use.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, Planning Commission, and City Hall
Timeline and Objective	Adopt updated Zoning Ordinance by the end of 2020.
Source of Funding	Staff time

Program C.4 Ensure the Availability of an Adequate Water Supply to Serve the Long-Term Housing Needs of the City

A major constraint to development within the City is water supply. The City will continue to work with the MPWMD, MCWD, FORA, and other appropriate agencies through meetings and consultation to seek securement of sufficient water resources to meet the expected needs of projected housing development.

Responsible Agency	City Council & Redevelopment Agency
Timeline and Objective	Participate in an annual meeting with MPWMD, MCWD, FORA, and other appropriate agencies by the end of 2020.
Source of Funding	General Fund

Equal Housing Opportunities

Program D.1 Promote Fair Housing by Providing Educational and Referral Materials

The City will continue to provide Fair Housing education and outreach, making information available in multiple languages, and refer persons with fair housing questions to the Housing Authority, Department of Equal Housing and Employment, and California Rural Legal Assistance on an as-needed basis. The City will make information about fair housing services available at City offices and on the City's website.

Responsible Agency	City Hall, Planning & Building Departments
Timeline and Objective	Provide Fair housing education materials at City Hall in English and Spanish, post information on the City website by first quarter 2020; and provide information in City newsletter annually.
Source of Funding	Staff time, General Fund

Program D.2 Provide Opportunity for and Encourage the Development of Adequate Housing for the City's Special Needs Groups.

The City shall facilitate the provision of housing for the elderly and disabled, including developmental disabilities, and other special needs housing by modifying the Zoning Ordinance to define licensed residential care facilities, to explicitly allow small residential care homes by right in all residential zone districts, allow group homes of six or fewer to be allowed in all zones allowing single-family uses (not limited to residential uses), and to permit larger residential care homes (seven or more) in the City's R-2 and C-1 districts consistent with the standards of these districts.

The City shall also support the efforts of public and private groups to provide housing for the elderly and disabled. Such support may include staff assistance in obtaining permits or financing, or, where appropriate, the waiver of City fees or regulatory requirements, some combination of these, or other tangible measures of support.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, and Planning Commission
Timeline and Objective	The City will aim to update the Zoning Ordinance by the end of 2020. It will aim to identify at least one residential project by 2024 that is targeted for seniors and/or persons with mobility impairments. The City will monitor these programs through annual reports to the City Council, with the first annual report by the end of 2021.
Source of Funding	Staff Time, General Fund, and State and federal programs designated specifically for special needs groups

Program D.3 Special Needs Housing for Disabled Persons

The City shall amend the Zoning Ordinance to ensure that future projects incorporate accessible design. Specifically, the zoning ordinance will be amended to:

- Require new multi-family development to be in compliance with Title 24 of the California Code of Regulations;
- Eliminate restrictions on occupancy standards for group homes by amending the definition of family to comply with section 801(c) and 801(k) of the Fair Housing Act; and
- Allow reduced parking standards for all transitional housing and homeless shelters, for age-restricted housing (regardless of affordability), and for persons with disabilities.

The zoning code will be further reviewed to identify and remove any additional constraints and ensure that reasonable accommodations are provided with regard to housing designed for persons with disabilities. This update will expressly include ~~allow exceptions to zoning and development standards including, but not limited to,~~ ramps as a permitted encroachment into required front and rear yards in order to ensure accessibility for persons with disabilities.

Responsible Agency	Planning Department, City Council & Redevelopment Agency, and Planning Commission
Timeline and Objective	Review zoning code and report to City Council on needed updates to address State law by first quarter 2020. Amendments to Zoning Code specific to this program shall be adopted by end of 2020.
Source of Funding	Staff Time, General Fund

Program D.4 Support Programs to Reduce Homelessness

The City shall identify adequate sites for emergency/~~transitional~~ shelters and then amend its Zoning Ordinance to make appropriate zone changes, if needed, to provide for the zoning for the site to allow for the ~~transitional~~ and emergency shelters in the City's zoning districts consistent with State law. Zoning changes will allow emergency shelters by right. Adequate sites for these housing types are available throughout the City in R-2 and C zones that allow residential use with a permit (acreages and vacant sites in these zones are shown ~~in~~ in ~~Figure 42~~). Although the City has constraints due to lack of water and available land sites, the R-2 and C zones could be developed into emergency shelters, most the City is within a mile of transit stops and community services.

To the extent that funds are available, the City will provide financial support to sponsor or assist emergency shelter facilities, inside City limits or outside within a reasonable proximity to the City, as well as encourage or support facilities by providing grants, or low cost loans, to operating agencies.

Responsible Agency	City Council and Redevelopment Agency, Planning Commission
Timeline and Objective	Amend the City Zoning Ordinance to include provisions for emergency/transitional shelters as needed by the end of 2020.
Source of Funding	State and federal programs designated specifically for special needs groups

Program D.5 Adopt Amendments to the Zoning Code to Accommodate AB 101

The City shall amend the General Plan and Zoning Ordinance to accommodate AB 101. AB 101 requires a Low Barrier Navigation Center (LBNC) be a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses if it meets specified requirements, including:

- Access to permanent housing.
- Use of a coordinated entry system (i.e. Homeless Management Information System).
- Use of Housing First according to Welfare and Institutions Code section 8255. (Gov. Code section 65662.)

A LBNC is defined as a Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy. (Gov. Code section 65660).

Responsible Agency	Planning Department, City Council and Planning Commission
Timeline and Objective	Update the General Plan and Zoning Ordinances to accommodate AB 101 by the end of 2022.
Source of Funding	General Fund

Quality Housing Opportunities

Program E.1 Assist in Rehabilitating Housing

The City will investigate available low-interest loans, subsidies, and grants from federal and State agencies to provide rehabilitation funds. As funding becomes available, the City shall provide grants and/or low interest, deferred, and/or forgivable loans for building code violations, health and safety issues, essential repairs, upgrades of major component systems, and modifications to accommodate disabilities. Rehabilitation funds will be available to low-income homeowners and to owners of rental units that will rent to low-income households. Subject to federal funding the City will look to assist an average of one to two households (ranging from single-family, multi-family, and mobile homes), dependent on need.

Responsible Agency	City Council and Redevelopment Agency, City Manager
Timeline and Objective	Assist two households by the end of 2021.
Source of Funding	Loans, subsidies, and grants and tax increment funding

Program E.2 Continue Code Enforcement

The City will continue to perform code enforcement for areas or homes with building code violations posing life and/or safety risks to occupants and/or significant property maintenance concerns and ensure that such violations are adequately abated. When violations are cited, enforcement officers will provide a list of potential funding sources to homeowners.

Responsible Agency	Police Department
Timeline and Objective	Continue to implement code enforcement efforts in the targeted areas with concentrated issues of code violations; ongoing.
Source of Funding	General Fund

Program E.3 Energy Conservation and Energy Efficient Opportunities

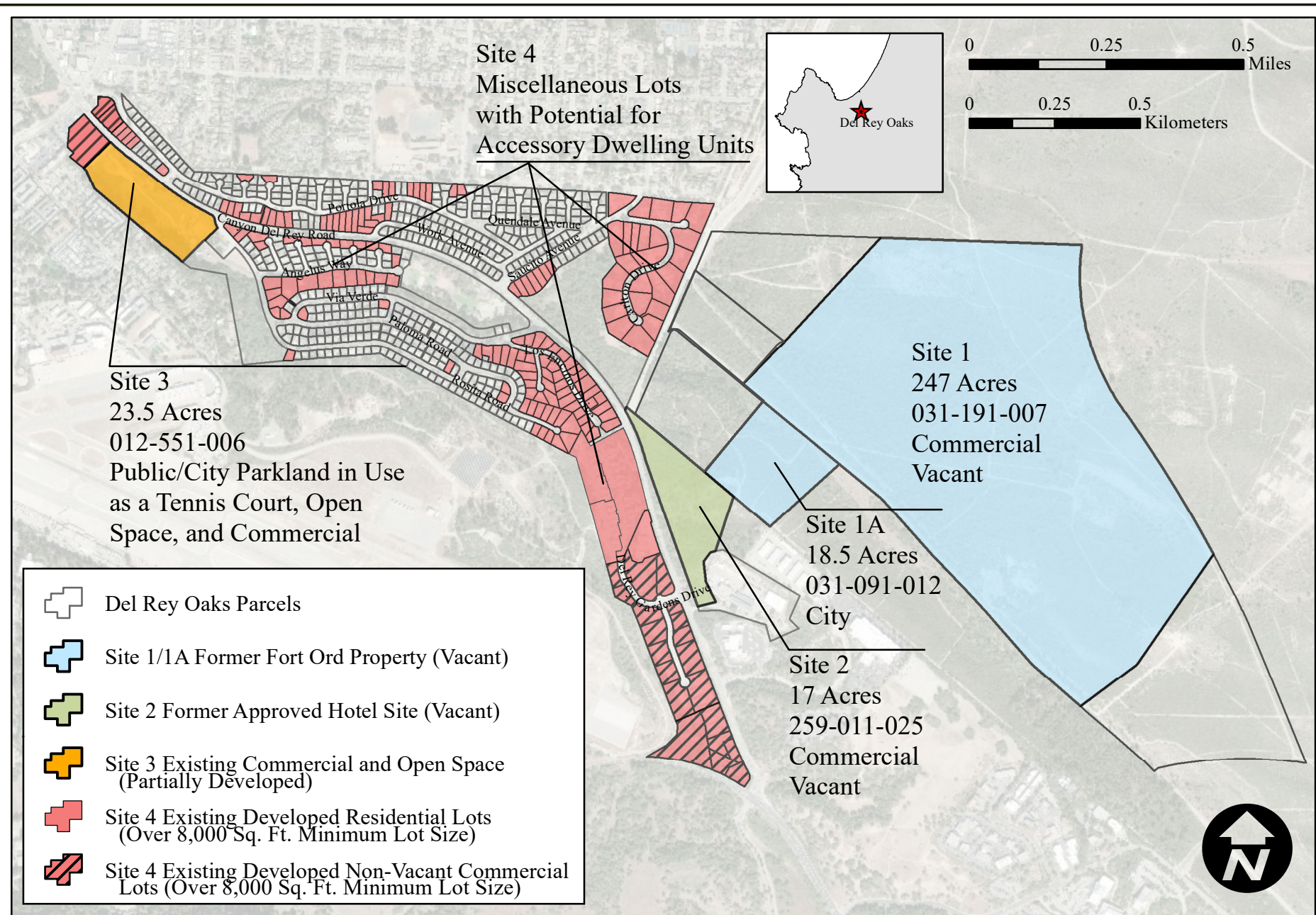
The City will promote subsidy and incentive programs for energy conservation available to residents. Some of these programs include PG&E's rebates, Energy Watch Partnerships, and Energy Savings Assistance Program; CARE/FERA program, and the CaliforniaFIRST program. The City will promote these programs in their newsletter and on their website.

Responsible Agency	City Hall, Planning Department, and Building Department
Timeline and Objective	Information detailing energy conservation programs shall be provided at the City Hall and shall be included on the City's website and updated at least once per year. Energy conservation programs targeted to low-income households shall be promoted in the City newsletter at least once per year and available at the City Hall. Complete annually by December of each year.
Source of Funding	General Fund

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Appendix B
Land Use Inventory Mapping

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Available Land Inventory

Figure
4

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