

June 20, 2023

City of Monterey
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RE: City of Monterey - Housing Elements Site Inventory Review of Fort Ord Properties:

Dear City of Monterey Planning Department,

LandWatch has conducted a preliminary review of the City of Monterey's site inventory. This letter identifies serious issues with Site 7 at Fort Ord. We are concerned that this site is part of the City's plans to comply with RHNA. As explained below, the site is very problematic and may not be feasible for residential development.

One key consideration is the presence of unexploded ordnance and the required approval from the State of California Department of Toxic Substances Control (DTSC). The lifting of covenants and restrictions necessitates DTSC's approval prior to permitting residential use on the former Fort Ord sites. It is essential to evaluate the feasibility and potential cost implications associated with obtaining this approval, as residential use typically entails more stringent cleanup requirements compared to commercial use.

Furthermore, the absence of evidence indicating the State of California's approval for residential use on these sites raises concerns. Before designating these areas for residential use through an amendment to the city's general plan, a comprehensive assessment and confirmation of the State's approval should be conducted. Premature assumptions could lead to potential legal, environmental, or financial complications.

To address these concerns effectively, it is imperative to conduct a thorough evaluation of the sites included in the inventory. This evaluation should identify any sites that have not yet received approval for residential use and provide a transparent explanation of whether additional cleanup measures will be necessary. Moreover, clarity regarding the responsibility for the expenses associated with obtaining DTSC approval, including costs related to testing, monitoring, insurance, and cleanup, is crucial. Providing estimates for the ranges of these expenses will enable a comprehensive assessment of the feasibility of residential development.

Water constraints present another significant consideration for the Fort Ord sites. The claim that these sites have a viable water supply or a comprehensive water supply plan raises questions. As outlined in the Marina Coast Water District (MCWD) Urban Water Management Plan (UWMP), water supply is not allocated to local jurisdictions; instead, advice is provided based on current and historic water use. The purported "remaining supplies" mentioned in the UWMP rely on allocations made by the Fort Ord Reuse Agency (FORA) and subsequent reallocations by land use jurisdictions.

The dissolution of FORA further raises concerns regarding the relevance of their allocations as a basis for claiming a water supply. Clarity is required regarding the alignment of these allocations with MCWD's current water supply policies and whether MCWD has allocated water to the City of Monterey sites on former Fort Ord.

Additionally, it is essential to acknowledge the existing 6,160 unit cap on water supply connections for new residential development in the former Fort Ord. The implementation of this cap was motivated by concerns of overdraft and seawater intrusion, with no effective solutions in place.

The most recent accounting of units approved under the 6,160-unit cap indicates that the cap was essentially exhausted with the approval of the Campus Town Project in 2019. The Campus Town FEIR states that "there is a remaining capacity of 1,495 new residential units as of May 3, 2019," which is "adequate to accommodate the Project, which proposes 1,485 new residential units." (City of Seaside, Campus Town FEIR, p. 3-170, excerpt attached.) **In short, as of 2019, there were only 10 units left in the 6,160-unit residential connection cap, beyond which MCWD is contractually bound by its settlement agreement not to provide any additional residential connections served by groundwater.** MCWD has no apparent source of water supply that is not dependent on groundwater to serve new residential development in Del Rey Oaks. Accordingly, the Housing Element should be revised to acknowledge these substantial constraints on water supply for residential development on the Fort Ord sites. Unless the Housing Element can identify a plan to provide water supply despite these constraints, it should not rely on the Fort Ord sites as part of its housing site inventory. The absence of a viable water supply source not dependent on groundwater further exacerbates this issue.

Considering the significant constraints outlined above, the Housing Element should be revised to acknowledge these challenges with residential development on the Fort Ord sites. A comprehensive plan addressing these constraints should be presented before considering these sites as part of the housing site inventory. Failure to do so may result in unfeasible development plans and potential long-term consequences for the community and the environment.

LandWatch appreciates the City of Monterey's attention to these concerns and their commitment to responsible development practices.

Sincerely,



Michael Delapa
Executive Director

Attachments:

Settlement Agreement between MCWD, LandWatch, and Keep Fort Ord Wild
Excerpt from City of Seaside, FEIR for Campus Town project