



**LandWatch**  
monterey county

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June 12, 2003

Mayor John Huerta, Jr., and Council Members  
c/o City Clerk, City of Greenfield  
Greenfield City Hall  
45 El Camino Real  
Post Office Box 127  
Greenfield, CA 93927  
[Sent By FAX: 831-674-3149]

RE: Proposed Amendment to the Redevelopment Plan for the Greenfield Redevelopment Project  
and the Proposed Negative Declaration Prepared for the Amendment

(Written Comments To Be Considered At Your Public Hearing on June 12, 2003)

Dear Mayor Huerta and City Council Members:

This letter is to follow up on our earlier letter of April 2, 2003, addressed to your Planning Manager Mark McClain. By this reference, we hereby include our comments made in that letter, and request that our earlier letter, like this one, be made part of the administrative record.

We continue to be greatly troubled by the proposal to amend the redevelopment plan for the Greenfield redevelopment project by adding various parcels of commercially productive agricultural land to the existing redevelopment project area.

We have the following comments at this time:

1. We believe, contrary to the Notice of Intent to Adopt a Negative Declaration, that the proposed amendment to the Greenfield Redevelopment Plan might have a significant negative impact on the environment, and that a full Environmental Impact Report (EIR) must be prepared, as required by the California Environmental Quality Act (CEQA).
2. The proposed project is to include within the redevelopment project area boundaries approximately 200 acres of agricultural land, and to develop that land for residential and other purposes. Inclusion of the land within the redevelopment project area boundaries will facilitate and advance the proposed development, and the development, if in fact undertaken, will undoubtedly have multiple impacts on the physical environment, as well as cumulative and growth-inducing impacts. Because inclusion of the land within the redevelopment project area boundaries will contribute to and facilitate the physical development of the land, this is a project for which CEQA requires an EIR. Court cases make very clear that changes in planning documents are projects that may have a

significant environmental impact, and when they may have such negative impacts, an EIR is required.

3. We note that the proposed Negative Declaration and Initial Study state that annexations to the City of the lands proposed to be added to the redevelopment project area boundaries will have environmental impacts, and that, in fact, it is contemplated that an EIR will be prepared for those activities. If such an EIR were available, that EIR might well be adequate to serve as the required EIR for this project, but the use of a Negative Declaration is not appropriate.
4. CEQA requires that environmental analysis and review may not be deferred, but should take place at the earliest possible time. If the City prepares an EIR for some other action, it may well be able to rely on that EIR for this proposed project. What it may not do, legally, is to avoid environmental analysis now, saying “we’re going to get to that later.” This is, in essence, what the City seems to be proposing, and LandWatch believes that this violates the requirements of CEQA.
5. In the May 9, 2003 Public Notice of an Intent to Adopt a Negative Declaration, under the “Environmental Setting” section, it is stated that the all of the proposed additions to the existing redevelopment project area will be considered only after annexations of the land to the city have been completed. We do not believe that this has, in fact, been accomplished, and if it hasn’t, the Council cannot properly proceed to consider an expansion of the redevelopment project area now, consistent with the Public Notice provided on May 9th.
6. With respect to the “merits” of the proposed annexations of the City of Greenfield, and thus their ultimate eligibility for inclusion in the City’s redevelopment project area, LandWatch refers the Redevelopment Agency to the LandWatch report and analysis, “Room Enough,” previously provided to the City, and available on the LandWatch website at [www.landwatch.org](http://www.landwatch.org). The “Room Enough” report demonstrates that there are feasible alternatives to meeting the City’s need for future residential and other development that do not require the annexations as proposed.
7. LandWatch strongly argues that some or all of the lands in question, whether or not ultimately annexed to the City of Greenfield, are not “blighted” within the meaning of the State’s Redevelopment Law, and thus are not eligible for inclusion in the redevelopment project area. We specifically refer the Council to the following provisions of state law governing redevelopment (emphasis added), which we believe indicate that the Council cannot, properly, take the action that it is contemplating at the June 12, 2003 public hearing:
  - **Health and Safety Code Section 33030(b)**  
A blighted area is one that contains both of the following: (1) An area that is predominantly urbanized, as that term is defined in Section 33320.1, and is an area in which the combination of conditions set forth in Section 33031 is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the area to such an extent that it constitutes a serious physical and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

**Comment:** We do not believe that the areas proposed to be added are “urbanized,” and we believe, as to at least a large percentage of the lands, that they are not an “economic burden” on the community that require “redevelopment.” In particular, we do not believe that commercially productive agricultural lands are “blighted.”

○ **Health and Safety Code Sections 33300 and 33302**

Before any area is designated for redevelopment, the community authorized to undertake such development shall comply with the requirements of this article...[33302] The community shall have a general plan which complies with Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code....

**Comment:** We do not believe that Greenfield’s current General Plan fully complies with the requirements of the State’s Planning and Zoning Law.

○ **Health and Safety Code Section 33320.1**

(a) "Project area" means, except as provided in Section 33320.2, 33320.3, 33320.4, or 33492.3, a predominantly urbanized area of a community which is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part, and which is selected by the planning commission pursuant to Section 33322.

(b) As used in this section, "predominantly urbanized" means that not less than 80 percent of the land in the project area:

(1) Has been or is developed for urban uses; or

(2) Is characterized by the condition described in paragraph (4) of subdivision (a) of Section 33031; or

(3) Is an integral part of one or more areas developed for urban uses which are surrounded or substantially surrounded by parcels which have been or are developed for urban uses.

**Comment:** We do not believe that the areas proposed to be added to the project area qualify under state law.

○ **Health and Safety Code Section 33321.5**

(a) Agricultural land and open-space land that is enforceably restricted shall not be included within a project area.

(b) A parcel of land that is larger than two acres and is in agricultural use, but that is not enforceably restricted, shall not be included within a project area unless the agency makes each of the following findings, based upon substantial evidence in the record:

(1) The inclusion of the land in the project area is consistent with the purposes of this part.

(2) The inclusion of the land in the project area will not cause the removal of adjacent land, designated for agricultural use in the community's general plan, from agricultural use.

(3) The inclusion of the land within the project area is consistent with the community's general plan.

(4) The inclusion of the land in the project area will result in a more contiguous pattern of development.

(5) There is no proximate land that is not in agricultural use, that is both available

and suitable for inclusion within the project area, and is not already proposed to be within the project area.

(c) As used in this section the following definitions apply:

(1) "Agricultural use" has the same meaning as that term is defined in subdivision (b) of Section 51201 of the Government Code.

(2) "Enforceably restricted" has the same meaning as that term is defined in Sections 422 and 422.5 of the Revenue and Taxation Code.

(3) "Suitable" has the same meaning as that term is defined in subdivision (c) of Section 51282 of the Government Code.

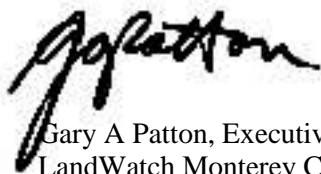
(d) The provisions of subdivision (b) shall not apply to the territory described in Section 33320.8.

**Comment:** We do not believe that there is any substantial evidence in the record before you that would allow you to make the required findings.

In conclusion, LandWatch believes that the proposed project is contrary to both the state redevelopment law and the California Environmental Quality Act. We urge the Council not to proceed to amend its redevelopment project area without full compliance with CEQA and the state's redevelopment law.

Thank you for taking our comments into consideration.

Very truly yours,



Gary A Patton, Executive Director  
LandWatch Monterey County

cc: Members, LandWatch Board of Directors  
Local Agency Formation Commission  
Other interested persons