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January 15, 2003

Mayor Ila Mettee-McCutchon [Sent By FAX and Email]

City of Marina

Marina City Hall

211 Hillcrest Avenue

Marina, CA 93933

RE: Project Description For Cypress Marina Heights Development Project
Marina City Council Agenda, January 21, 2003

Dear Mayor Mettee-McCutchon and Council Members:

I understand that the Marina City Council will discuss the Cypress Marina Heights Development Project at its January 21, 2003 meeting. This letter is to make a specific suggestion on how the Council can best approach this project procedurally. We propose a process that will:

- Allow full public participation in helping to define the project.
- Shorten the overall time necessary for project review.

Please consider the following points:

1. The Cypress Marina Heights Development Project is not a typical development project. In a typical project, the land on which the project is proposed is private land. The land on which the Cypress Marina Heights Development Project is proposed is public land. In fact, the citizens of the City of Marina (acting through their City Council) are jointly involved with the developer in a "public-private partnership."
2. In view of the fact that this is a "public-private partnership," and that the City Council represents all the citizens of Marina with respect to the "public" side of the partnership, it is appropriate that the public have an opportunity to comment on the project design before official project review begins. So far, the public process has included one Planning Commission meeting during which the public, the Planning Commission, and the staff identified many substantive concerns about the appropriateness of the current definition of the project. The developer has not responded to the concerns raised, and they have not been resolved. They should be resolved, before the official project review begins.
3. At the time that the "Option Agreement" was approved by the City Council, members of the Council promised the public that the Council would consider their views on the project design.

4. If the Council is sincere about this promise to the public (which we are certain that it is) it makes sense to hear from the public before official project review begins. Otherwise, the public is being treated as though they were not part “owners” of the project property, which they are. Since an asset of the City of Marina, the land, is being made available to the developer, the citizens should be able to give their views at the outset, not at the end of the process. (Of course, citizens will be able to participate throughout the process. State law gives them that right). Because they are part owners of the project land, however, it is most appropriate that citizens of Marina be allowed to make their comments at the start, so that the City’s action in initiating the process can reflect citizen concerns from the beginning.
5. If official project review is based on the project design submitted by the developer, and later public comment convinces the City Council that a different approach would be better, then it is likely that parts of the project review process will need to be “redone.” This is particularly true of the environmental review process. If any project design changes are going to be made by the Council at any point in the process, making those design changes before the official review process begins will help speed up the overall process.
6. LandWatch has a number of substantive suggestions for project design changes. A list is attached. We believe that a number of citizens of Marina also have proposed design changes. If the Council hears and reacts to these concerns now, before officially commencing the project review process, they will not only give citizens a sense of “inclusion” in the project design (to which they are entitled, as part owners of the land). They will also speed up the overall project timetable, which is an advantage to the private developer, as well as to the public.
7. LandWatch believes that a few weeks added to the start of the project timeline will shorten the overall time needed for the process, given the likelihood that the Council will listen to public concerns, and make changes in the project. If the Council is going to make any changes, to respond to public concerns, then it is to everyone’s advantage for the Council to do that at the start, not the end, of the process.

The environmental review process mandated by the California Environmental Quality Act (CEQA) begins with a “project description.” All the analysis done on the project is tied back to that project description, and everything in the process ultimately depends on that. Because this is true, it is critically important that the project description actually describe the project desired. While changes can certainly be made later, additional time and expense are almost always required if that happens.

Since the City of Marina is part of the public-private partnership that is going to undertake the Marina Heights development, it is important to make sure that public help establish the project description. Currently, the only project description available for the proposed Cypress Marina Heights Development is the project design submitted by the developer. (We note that the Council has not, as yet, adopted the developer’s proposal as the official project description). LandWatch is urging the Council to:

- Hear from the public.
- Consider possible changes to the project description.

- Start the process based on a project description that takes account of public comment.

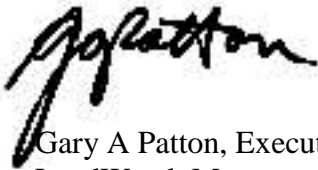
We propose a specific process to accomplish this result. The process we recommend is as follows:

- January 21, 2003 – Council Establishes Process
- January 23, 2003 – Staff Informs Planning Commission of Process
- February 2003 – Planning Commission holds a public hearing or hearings, hears from the public and the developer, and makes a recommendation to the City Council on the a “project description” for the proposed Cypress Marina Heights Project.
- March 2003 (First Meeting in March) – City Council reviews the recommendation from the Planning Commission, hears from the public and the developer, and makes a final decision on the “project description” for the proposed Cypress Marina Heights Project.
- March 2003 – EIR and project review process begins, following Council action, based on the “project description” adopted by the Council.

Again, LandWatch strongly urges the Council to follow a process like this, to maximize citizen involvement, and to involve the public in the public-private partnership at the outset. We also believe that this process (adding about six weeks at the start of the process) will actually speed up the overall timeline, presuming that changes will be made to the developer’s proposal at some point. If changes are going to be made, the earlier they can be made the better for everyone.

Thank you for taking our views into consideration. Again, I am attaching a list of our substantive concerns and suggestions on the proposed Cypress Marina Heights Project.

Very truly yours,



Gary A Patton, Executive Director
LandWatch Monterey County

cc: Interested Persons

LandWatch Concerns And Recommendations For Changes To Project Description For Proposed Cypress Marina Heights Development Project

1. The developer's proposal is for 1050 units and no housing within that new construction that would be affordable to a very low, low, or moderate-income family. We think that this is wrong. The lands of the former Fort Ord come to our local communities as a public asset, and they should provide maximum public benefit. Considering the housing market today, that means that each community should strive to maximize affordable housing opportunities.

We believe that the affordable housing "Framework" policies adopted by the Marina City Council should be applied to the proposed Cypress Marina Heights Development Project. That means that the "project description" should require housing that will be permanently protected for rental or sale at the following income levels (at a minimum):

- 6% - Very Low Income (0 – 50% of Median Income)
- 7% - Low Income (51 – 80% of Median Income)
- 7% - Moderate Income (80 – 120% of Median Income)

[Subtotal: 20% for very low, low, and moderate-income families]

- 2-_% - Below Market Rate (121 – 140% of Median Income)
- 2-_% - Bridge (140 – 185% of Median Income)

[Subtotal: 5% for below market rate and "bridge" homes]

[Total: 25% Affordable Housing (consistent with Marina Framework)]

2. We believe that the project description should be modified to incorporate Greenbelt requirements equivalent to those specified in the City of Davis General Plan, and that the project design should be modified to preserve the Council-approved Greenbelt designated along the fence line periphery of the former Fort Ord.
3. We believe that the project description should be modified to require that mixed income neighborhoods be created within the development, and that a greater range of housing types should be included within the project.
4. We believe that the Council should consider alternatives to provide for mixed uses within the proposed development, and higher density housing for a part of the project.