



February 22, 2016

Fort Ord Reuse Authority, ESCA Remediation Program
920 2nd Avenue, Suite A
Marina, CA 93933
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SUBJECT: REVISED DRAFT RPI TECHNICAL REPORT-PARKER FLATS MRA

Dear Staff:

The removal of development restrictions against residential homes in the Parker Flats area is premature and questionable. LandWatch submitted the following comments on the Parker Flats “land swap” in comments on the DEIR for Monterey Downs:

The DEIR fails to explain how the Project could be consistent with the East Garrison/Parker Flats Land Swap Agreement.

Table 4.9-1 purports to reflect development capacity for the Project site as a whole, and Table 4.9-3 purports to reflect development capacity for the portion of the Project site within the County of Monterey. DEIR 4.9-5 and 4.9-15. In both instances the Tables claim that the analysis reflects the East Garrison/Parker Flat Land Use Modification MOU.

In its December 14, 2012 Final Reassessment Report, FORA explained that the East Garrison/Parker Flat Land Use Modification MOU and the Zander report prepared in connection with the East Garrison/Parker Flats Land Swap Agreement (“LSA”) failed to resolve how the LSA affects land uses. Reassessment Report, pp. 3-73 to 3-74. The Final Reassessment Report suggests that these issues might be resolved in the context of a future consistency determination for the County’s 2010 General Plan. Id. at 3-74. However, FORA has declined to find that the 2010 Monterey County General Plan is consistent with the BRP. Without a resolution of this issue, the DEIR cannot claim that the Project is consistent with the LSA.

- a. The BRP originally called for 3,184 residential units on 520 acres with an acre of commercial use and a hotel at Parker Flats, but that level of development was altered by the LSA

As adopted, the BRP called for two Planning Districts in the Eucalyptus Road Planning Area: the University Corporate Center District and the Residential/Recreational Center

District, also known as Parker Flats. Parker Flats was to include a large low-density residential area of about 520 acres accommodating about 3,184 units with some limited retail and a hotel, as follows:

“This District is designated to include a significant new residential area at the perimeter of the BLM lands and to link the POM Annex residential district in Seaside with the CSUMB housing areas north of Intergarrison Road. This district is designated as SFD Low Density Residential in order to provide the flexibility to retain portions of the significant oak woodland community. A focal point of this community could be a golf course and visitor-serving hotel.

Projected Land Uses:

Residential Land Use. This area will accommodate various density of residential land use in a total area of approximately 520 acres and accommodating approximately 3,184 dwelling units.

Retail and Services Land Use. A one-acre site is projected for convenience retail and services accommodating approximately 11,000 sq. ft..

Visitor-Serving Land Use. A 300-room hotel is projected with an 18-hole golf course on a total of approximately 194 acres.” BRP, p. 181.

However, in order to adopt the East Garrison Specific Plan, the County agreed to reduce the proposed future development at Parker Flats as mitigation. In particular, the East Garrison Specific Plan provides that loss of vegetation and wildlife habitat at East Garrison will be “mitigated through the designation of 450 acres of habitat reserve at Parker Flats previously designated for development.” East Garrison Specific Plan, p. 5.

The 2010 Monterey County General Plan Land Use Policy LU-2.24 references the East Garrison Specific Plan and development agreements and provides that “[t]he General Plan shall, as applicable, be construed in a manner consistent with development as provided for in these specific plans and development agreements.” Thus, the County and the City in this EIR are bound to honor this East Garrison Specific Plan provision limiting future development at Parker Flats in interpreting the 2010 Monterey County General Plan.

The Zander Report, prepared in support of the MOU for the Land Swap Agreement, clearly contemplated that Parker Flats residential use would be reduced if not eliminated:

“The modifications proposed for Parker Flats would change the Base Reuse Plan designations for the area by removing the residential, light industrial, golf course and other uses to accommodate the MPC officer training and EVOC facilities. Parker Flats would also provide areas for the Central Coast Veterans Cemetery, the Monterey Horse Park and other potential development (Figure 5). The MPC facilities would require minor adjustments to the existing HMP and Base Reuse Plan boundaries associated with Range 45 (HMP polygon E21b.3, Base Reuse Plan polygon 21b) to allow improvement and reuse of the existing range area (Figure 6). The line between HMP-designated development and habitat reserve areas, which currently bisects Range 45, would need to be extended to the south to accommodate

the entire improved range area. The polygon boundaries would also be adjusted to balance species gains and losses and avoid recently identified populations of listed plants (see discussion below). This revised use concept for Parker Flats would reduce the development footprint originally envisioned for the area and resolve outstanding land use conflicts on properties at Fort Ord scheduled for transfer to the County. The revised use designations would also allow approximately 380 acres adjacent to the NRMA and primary habitat corridor area to be added to the existing habitat reserve areas. In addition, large areas within the Monterey Horse Park section of Parker Flats, notably a central oak woodland reserve area comprising about 70 acres would remain in native habitat. With development of appropriate resource conservation and management requirements and identification of suitable resource management entities, the new habitat reserve areas would provide greater than a 2:1 replacement ratio for the habitat acreage lost at East Garrison as a result of the proposed expanded development there.³ These new reserve areas would also expand and enhance the habitat corridor connections to reserve areas (UC Natural Reserve, CSUMB, Landfill) to the north. However, because much of the maritime chaparral in the new reserve areas has been mechanically cleared to remove unexploded ordnance in preparation for transfer and development, the existing habitat values and species diversity in those areas may have been compromised (see further discussion below).” Zander, p. 11. Significantly, the Zander Report contemplated that the changes would be made by changing the Base Reuse Plan. LandWatch is unaware that FORA has acted to implement the changes that were intended by the Land Swap Agreement, but we believe that it has not in fact taken any formal action on the matter.

b. The 2010 Monterey County General Plan provisions state that allowable land uses at Parker Flats have been modified, but do not say how; thus, the 2010 Monterey County General Plan is incomplete and insufficient to guide future development or a consistency review

2010 General Plan’s Fort Ord Master Plan (“FOMP”) references the Land Swap Agreement and the requirement to preserve approximately 447 more acres at Parker Flats. FOMP, p. FO-2 to FO-3. However, the Fort Ord Master Plan’s description of the Eucalyptus Road Planning Area Residential/Recreation Center District at Parker Flats is incomplete, because it does not identify the allowable uses, density, or intensity:

“Residential/Recreation Center District (Parker Flats). This Planning District totals approximately 946 acres. The District was intended to accommodate a residential community of up to 3,184 residential units on 520 acres, at an overall density of up to 5 units per gross acre, neighborhood serving retail commercial uses on a one-acre site, visitor-serving uses (potentially including hotel and golf course development) on 194 acres, and 231 acres of open space preserve. As explained earlier, the Land Swap Agreement modified the allowed uses in this District and in the East Garrison District. The detailed descriptions and arrangement of land uses are subject to the preparation and approval of a Specific Plan or other planned

development mechanism. Development constraints related to water allocation and transportation as adopted by FORA shall be addressed by the Specific Plan or other mechanism and may limit the number of residential units permitted.” FOMP, p. FO-11.

This language is entirely opaque. The 2010 Monterey County General Plan provides that the originally intended uses at Parker Flats have been “modified” but it does not say how. Instead, it simply punts the issue until the “preparation and approval of a Specific Plan or other planned development mechanism.”

The language of the 2010 Monterey County General Plan is wholly insufficient to guide future development in the area since it acknowledges that the originally intended land uses have been modified but does not say how. More problematically, neither the City of Seaside nor FORA can determine if the 2010 Monterey County General Plan provisions for development at Parker Flats are consistent with the BRP without knowing what those provisions are. All we know at this point is that the originally intended uses, which are still the allowable uses set out in the BRP itself, have been “modified,” somehow.

c. The EIR should clarify how land uses have been modified by the LSA, and FORA should amend the BRP as necessary

As discussed above, the 2010 Monterey County General Plan’s Fort Ord Master Plan states that the allowable land uses in Parker Flats were “modified” by the Land Swap Agreement, although it does not say how. FOMP, p. FO-11. Thus, the East Garrison Specific Plan, the Zander Report, the 2010 General Plan Fort Ord Master Plan, and the Fort Ord Final Reassessment Report all indicate that the allowable land uses at Parker Flats have been modified, but none of these documents, other than the Zander Report, purport to provide a definitive statement of what land uses are now allowed. Modifications to the allowable land uses should be reflected in a revision to the BRP, or at least in an explanation as to what those modifications are and how they remain consistent with the BRP’s original provisions governing Parker Flats.

The BRP is intended to control the land use plans of the County and the other member jurisdictions, and the County’s General Plan must be found consistent with the BRP before it takes effect. Government Code, §§ 67675.3, 67675.7. The Project must be consistent with the BRP. Thus, it is incumbent on project EIR to clarify how the Land Swap Agreement modified the BRP.

If, as the Zander Report and the East Garrison Specific Plan indicate, residential use has been reduced or eliminated at Parker Flats but increased at East Garrison, and FORA has not taken action to revise the BRP accordingly, then there is no assurance that the allowable density and intensity at Parker Flats and East Garrison are in fact consistent. The Project EIR should explain in detail what the allowable density and intensity provisions are at East Garrison and Parker Flats under both FORA’s BRP and the

County's Fort Ord Master Plan. Since land use designations are reflected both in land use designation maps and in summaries of allowable development by planning area, this explanation should update as necessary the relevant land use designation maps and summaries of allowable density by planning area contained in both the BRP and the Fort Ord Master Plan.

If FORA still needs to take legislative action to implement the Land Swap Agreement's modification of land uses, then it should do so before considering this Project. Since the City apparently contemplates stepping into the shoes of the County through annexation of the portion of the Project site currently in the County's area, the City or the County should avail itself of the FORA Act provision for revisions to the Fort Ord Reuse Plan initiated by a member by requesting a change. Government Code, § 67675.8(a). The City or the County should follow this process by requesting a revision in the Fort Ord Reuse Plan that implements the effect of the Land Swap Agreement. In addition, the DEIR must be revised and recirculated to explain how the LSA affected the permissible uses in the Parker Flats area and how the Project would be consistent with the LSA and BRP provisions.

In summary, the land use designations of the BRP and the County's Fort Ord Master Plan must be consistent. These designations are reflected in land use designation maps and in summaries of allowable development by planning area. Thus, the Fort Ord Master Plan land use designation maps must be consistent with the BRP land use designation maps. And Fort Ord Master Plan summaries of allowable development by planning area must be consistent with the BRP summaries of allowable development by planning area.

Consistency can be judged only if the land-use designation maps and the summaries of allowable development by planning area are provided and are adequately detailed. Since neither FORA nor the County has clarified the matter, and since the City now intends to act in reliance on what it construes as the LSA provisions, the EIR must provide clear maps and summaries of allowable development by planning area for both Parker Flats and East Garrison so that the public can be assured that the Project and the Fort Ord Master Plan are consistent with the BRP with regard to the Parker Flats area land uses.

The issues raised in our comment letter on the DEIR for Monterey Downs should be addressed prior to any action to lift restrictions

Sincerely,

A handwritten signature in black ink, appearing to read "Amy L. White". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Amy L. White
Executive Director