

**From:** [Natalie Anicetti](#)  
**To:** [FORA Board](#)  
**Subject:** Eastside Parkway  
**Date:** Thursday, March 08, 2018 12:25:19 PM

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FORA board members,

Tomorrow, you will determine whether to proceed toward construction of the Eastside Parkway by requesting an environmental impact report for the land which has been targeted for its development.

The goal the FORA board is being tasked with is to find a way to relieve congestion on the Monterey-Salinas Hwy 68 and Highway 1.

The plan for the Eastside Parkway does not accomplish this goal. It does not connect to either Highway 1 or Highway 68.

There are existing roadways within Fort Ord that need to be improved and would benefit traffic flow without creating, unnecessary urban sprawl.

Let me familiarize you with the parcel of land that's been selected by FORA. It's a rare oak woodland, wildlife corridor and outdoor recreation area the locals call Happy Trails. The landscape is a hybrid between the coastal dune environment and an oak woodland.

The biologist who presented the last EIR of this land stated the environment is, "extremely rare" one of only a few examples in all of California.

The peninsula communities share a common appreciation for the natural and diverse beauty that exists here. In order to preserve our way of life, we need to be stewards of the unique lands we hold dear.

FORA can benefit our communities by:

- 1) Improving existing roadway infrastructure to increase traffic flow
- 2) Preserving Happy Trails as the gateway to the Ft Ord National Monument.

FORA board members, I am asking you to please, vote "No" on the Eastside Parkway.

Thank you,

Natalie Anicetti

Sent from my iPhone

**From:** [jfarrow@mrwolfeassociates.com](mailto:jfarrow@mrwolfeassociates.com)  
**To:** [FORA Board](#)  
**Cc:** [Michael DeLapa](#)  
**Subject:** Agenda Items 8a - Eastside Parkway Goals and Objectives and BRP Streets and Roads Program A-1.2  
**Date:** Thursday, March 08, 2018 8:11:57 PM  
**Attachments:** [LandWatch letter to FORA re Program A-1.2 and ESP Goals and Objectives.pdf](#)

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Dear Members of the Board,

Attached please find a letter submitted on behalf of LandWatch Monterey County concerning Agenda item 8a, the Eastside Parkway Goals and Objectives.

Please let me know if you have any questions.

Thank you,

John Farrow

--

John H. Farrow | [M. R. Wolfe & Associates, P.C.](#) | Attorneys-At-Law  
555 Sutter Street | Suite 405 | San Francisco, CA 94102  
Tel: 415.369.9400 | Fax: 415.369.9405 | [www.mrwolfeassociates.com](http://www.mrwolfeassociates.com)

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March 8, 2018

Via e-mail and hand delivery

Board of Directors  
Fort Ord Reuse Authority  
920 2nd Ave.  
Marina, CA 93933  
board@fora.org

Re: Eastside Parkway Goals and Objectives and Streets and Roads Program A-1.2; Agenda Items 8a and 7e

Dear Member of the Board:

LandWatch Monterey County continues to object strenuously to the proposed statement of Eastside Parkway Goals and Objectives set out in the Attachment A for Agenda Item 8a. A fundamental problem with the adoption of the proposed Eastside Parkway Goals and Objectives is that FORA has failed to comply with its obligation to review alternatives and to select the most effective option to mitigate regional transportation impacts *before* committing any funds to a particular project.

Fort Ord Reuse Plan's Streets and Roads Program A-1.2 mandates such a review:

“FORA shall review the options for distributing its financial contributions to all or selected off-site transportation improvements so as to maximize the effectiveness of these contributions in reducing traffic impacts to the regional roadway system.”  
([http://www.fora.org/Board/2018/Packet/Additional/030918\\_Item7e-Attachment\\_D.pdf](http://www.fora.org/Board/2018/Packet/Additional/030918_Item7e-Attachment_D.pdf) )

The above wording describes precisely what LandWatch and other members of the public have been demanding for the past few months, i.e., that FORA “review its options for distributing its financial contributions to all or selected off-site transportation improvements *so as to maximize the effectiveness of these contributions in reducing traffic impacts to the regional roadway system.*”

For example, LandWatch’s February 1, 2018 email to FORA asked that FORA determine the optimal investments of its funds before committing to the proposed Eastside Parkway:

“Prioritize regional transportation needs. Identify and prioritize funding for the most economically and environmentally cost effective network of regional road improvements that by 2035 would mitigate known development impacts on the former Fort Ord and provide a level of service ‘D,’ taking into account the

Transportation Agency of Monterey County's regional transportation plans, already programmed and funded road improvements and their expected benefits." Many letters and e-mails from members of the public made the same point.

**A. FORA has a mandatory duty to comply with Streets and Roads Program A-1.2, which requires a review of options to determine the most effective use of funds to mitigate regional impacts. FORA's action in taking the first vote on the Eastside Parkway Goals and Objectives was taken without compliance with Streets and Roads Program A-1.2 and was thus uninformed as to the most effective use of funds to mitigate regional impacts.**

Although FORA has been obliged under Program A-1.2 to review options to optimize regional mitigation ever since it certified the EIR for the Reuse Plan, the obligation may have escaped FORA's attention because the critical language was unaccountably omitted from the statement of Streets and Roads Program A-1.2 in Volume II of the Fort Ord Reuse Plan. Coincidentally, agenda item 7e, attachments D and E in the March 9 agenda, acknowledge this clerical error in publishing the Fort Ord Reuse Plan.

Thus, because FORA Board members were apparently unaware of the requirement in Program A-1.2, they took the first vote on Eastside Parkway goals and objectives on February 9 despite the fact that there has been no review of options for maximizing the effectiveness of regional mitigation.

Had FORA undertaken the mandated review, it would have considered roadway conditions that differ materially from the assumptions made when the Eastside Parkway was proposed. The recommendation for Eastside Parkway originates from analysis based on the 1997 Monterey County Transportation Analysis Model. (See pages 292-298 titled "Future Conditions" at [http://5e1.3e2.myftpupload.com/wp-content/uploads/1996\\_Draft\\_Reuse\\_Plan\\_Vol-2.pdf](http://5e1.3e2.myftpupload.com/wp-content/uploads/1996_Draft_Reuse_Plan_Vol-2.pdf).) The assumptions in that model for "Future Conditions" bear no resemblance to current conditions. For example, these assumed improvements have *not* occurred:

- Figure 4.2-2 titled "Proposed 2015 Transportation Network" shows a Fort Ord Bypass located running through the Fort Ord National Monument designated by President Obama in April 20, 2012;
- Highway 68 is shown converted to a "freeway" between Highway One and Spreckels;
- State Highways 156, 183, 218 and Blanco Road are shown widened;
- Reservation Road and Del Monte Blvd. is shown widened; and
- the Prunedale Bypass is shown as built.

Ironically, the proposed goals and objectives for the Eastside Parkway call for FORA to "fully evaluate the utilization of existing roadways as the foundation for the future

network.” This evaluative task is essential, but identifying it as an objective to be fulfilled as *part of* the Eastside Parkway project puts the cart before the horse. Program A-1.2 mandates that the evaluation must occur *before* committing any additional funds to the Eastside Parkway, including funds for design and environmental review.

Because the requirement for optimal use of resources to mitigate regional impacts was tucked away in Volume IV but never added to Volume II, Board members did not realize they had a mandatory duty to “prioritize funding for the most economically and environmentally cost effective network of regional road improvements that by 2035 would mitigate known development impacts on the former Fort Ord.”<sup>1</sup> Thus, the Board did not direct staff to obtain an updated transportation analysis study, and staff did not do so. That is unfortunate, but it can still be corrected by FORA collaborating with TAMC to obtain an updated Monterey County Transportation Analysis Model – and doing so *before* any further action on the Eastside Parkway Goals and Objectives.

**B. FORA has a mandatory duty under CEQA to mitigate the significant environmental effects of Base Reuse on the regional transportation system. However, FORA has no duty under CEQA to mitigate effects of increased demand within the Former Fort Ord. Thus, the Eastside Parkway is not required as mitigation to address *internal* impacts.**

The California Environmental Quality Act (CEQA) mandates mitigation of a project’s potentially significant environmental impacts. Public Resources Code, § 21002; 14 CCR § 15091(a); *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390. There is no duty to mitigate when environmental effects are less than significant. 14 C.C.R. §§ 15126.4(a)(3).

The Fort Ord Reuse Plan EIR in Volume IV of the Base Reuse Plan, Table 2.5-1, lists which impacts caused by Base Reuse are potentially significant, and which are not. As shown in the excerpts from Table 2.5-1 attached to this letter, environmental effects on the regional transportation system are potentially significant and must be mitigated *through compliance with Streets and Roads Policy A-1.2*. However, Table 2.5-1 finds

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<sup>1</sup> FORA has purported to comply with CEQA Guideline §15091(d) which requires the agency to adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. However, in the case of mitigating the project’s potentially significant impacts on regional transportation, FORA was careless by not publishing accurately or complying with the mandatory provisions of Streets and Roads Program A-1.2. In connection with Consent Agenda item 7e, FORA staff should acknowledge to the Board its unintended omission of the required addition to Streets and Roads Program A-1.2 in Base Reuse Plan Volume II, so Board members will understand why they are only now learning about the need for an update to the 1997 Monterey County Transportation Analysis Model.

reuse effects from increased travel demand within former Fort Ord are less than significant. Thus, no mitigation is required.

Consequently, construction of a southwest-northeast corridor through former Fort Ord is *not* a required CEQA mitigation. However, prioritization of funding for the most economically and environmentally cost effective network of regional road improvements *is* a required CEQA mitigation.

Thus, pursuant to Streets and Roads Program A-1.2, FORA must collaborate with TAMC to obtain an updated Monterey County Transportation Analysis Model before engaging in any further action on the Eastside Parkway Goals and Objectives.

Not only is a review of options to determine the most effective use of funds mandated by CEQA and by Streets and Roads Policy A-1.2, it is mandated by common sense. As traffic engineer Keith Higgins, P.E., explained in his October 9 letter, the need and purpose of a project must be determined “in the context of the Fort Ord Reuse Plan and specific mitigations required by CEQA.”

**C. The February 9 TAMC presentation shows the Eastside Parkway is not the most effective use of funds for regional mitigation because it would have negligible mitigating effect on the regional roadway system. Thus, the Eastside Parkway is not required as mitigation to address *regional* impacts**

The Transportation Agency of Monterey County (TAMC) presented an analysis at the February 9 FORA Board meeting by traffic engineers showing the Eastside Parkway would have negligible beneficial effect on the regional roadway system. The analysis shows:

- Sixty-three percent of Eastside Parkway traffic would be internal to the former Base.
- Eastside Parkway would cause “almost no change to Hwy 68 commute traffic”
- Linking Eastside Parkway to the regional road network would require additional improvements that are not in place, including
  - Reservation & Davis Road widening
  - Seaside connections
  - Access to Highway One

Because the TAMC presentation shows the Eastside Parkway would not mitigate impacts to the regional roadway system, it is not a CEQA-required funding priority as required by Streets and Roads Program A-1.2.

March 8, 2018

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**D. Conclusion: FORA must comply with Program A-1.2 to determine the most effective use of funds before it commits more funds to the Eastside Parkway.**

Before committing funds to additional improvement projects, FORA has an obligation under Streets and Roads Program A-1.2 to undertake a review of its options for the most effective mitigation of regional impacts. FORA has not undertaken this review. The Eastside Parkway is *not* the most effective mitigation of regional impacts, as is evident from both TAMC's presentation and the fact that the Eastside Parkway is based on the out-of-date assumptions about regional roadways. Accordingly, LandWatch asks that the FORA Board decline to adopt the proposed Eastside Parkway Goals and Objectives and direct staff to cease spending funds on the project until FORA has determined the most effective use of its funds.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



John Farrow

JHF:hs

Table 2.5-1 Summary Table of Proposed Project Impacts and Mitigation Monitoring Plan (continued)

PROPOSED PROJECT IMPACTS						
Environmental Effects	Policies & Programs That Address Environmental Effects <sup>1</sup>	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation	Mitigation Schedule	Mitigation Responsibility <sup>2</sup>
<b>4.6 Public Health and Safety cont.</b>						
4. Exposure to Hazardous and Toxic Materials	<b>HTMS Policy A-1</b> Program A-1.1 Program A-1.2 <b>HTMS Policy B-1</b> Program B-1.1 Program B-1.2 Program B-1.4 <b>HTMS Policy B-2</b> Program B-2.1 Program B-2.2 <b>HTMS Policy B-3</b> <b>HTMS Policy C-1</b> Program C-1.1	Potentially significant	FORA, through consultation with the Army and involved land use agencies, shall ensure that clean-up levels are consistent with all revised land uses proposed in the Fort Ord Reuse Plan.	Less than significant	Prior to implementing the proposed project	FORA, Army, Cities of Marina and Seaside, and County of Monterey
5. Long-term Exposure to Unexploded Ordnance	(HTMS) Program B-1.3	Less than significant	None required	N/A		
Cumulative Public Health and Safety Impacts	As above	Potentially significant	Same as for Impacts #1, #2, and #4 above	Unavoidable significant	As above	As above
<b>4.7 Traffic and Circulation</b>						
1. Increased Travel Demand on Regional Transportation System	<b>SRC Policy A-1</b> Program A-1.1 Program A-1.2 <b>SRC Policy B-1</b> Program B-1.1 Program B-1.2 <b>TC Policy A-1</b> Program A-1.1 Program A-1.3 <b>TC Policy B-1</b> Program B-1.1 <b>TC Policy C-1</b> Program C-1.1	Potentially significant	Amend Streets and Roads Policy A-1.2 to add the following wording: FORA shall review the options for distributing its fair-share financial contributions to all or selected off-site transportation improvements so as to maximize the effectiveness of these contributions in reducing traffic impacts to the regional roadway system.	Unavoidable significant	Prior to implementing the proposed project	FORA



Table 2.5-1 Summary Table of Proposed Project Impacts and Mitigation Monitoring Plan (continued)

PROPOSED PROJECT IMPACTS						
Environmental Effects	Policies & Programs That Address Environmental Effects <sup>1</sup>	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation	Mitigation Schedule	Mitigation Responsibility <sup>2</sup>
<b>4.7 Traffic and Circulation cont.</b>						
1. cont.	TDMC Policy A-1 Program A-1.1 Program A-1.2 Program A-1.3 Program A-1.4 AQC Policy A-3 Program A-3.1					
2. Increased Travel Demand Within Former Fort Ord	SRC Policy C-1 Program C-1.1 Program C-1.2 Program C-1.3 Program C-1.4 Program C-1.5 SRC Policy C-2 Program C-2.1 TC Policy A-1 Program A-1.1 Program A-1.2 Program A-1.3 TC Policy C-1 Program C-1.1 AQC Policy A-3 Program A-3.1 PBC Policy A-1 Program A-1.1 PBC Policy B-1 Program B-1.1 Program B-1.2	Less than significant	None required	N/A		
<b>Cumulative Traffic and Circulation Impacts</b>						
Off-site	Same as for Impact #1 above	Significant	Same as for Impact #1 above	Unavoidable significant	Prior to implementing the proposed project	FORA
Within Former Fort Ord	Same as for Impact #2 above	Less than significant	N/A	N/A		

**From:** [JaneHaines80@gmail.com](mailto:JaneHaines80@gmail.com)  
**To:** [FORA Board](#)  
**Subject:** FORA March 9, 2018 Agenda item no. 8a - outdated assumptions  
**Date:** Friday, March 09, 2018 7:37:13 AM  
**Attachments:** [1997BRP.pdf](#)  
[ATT00001.htm](#)

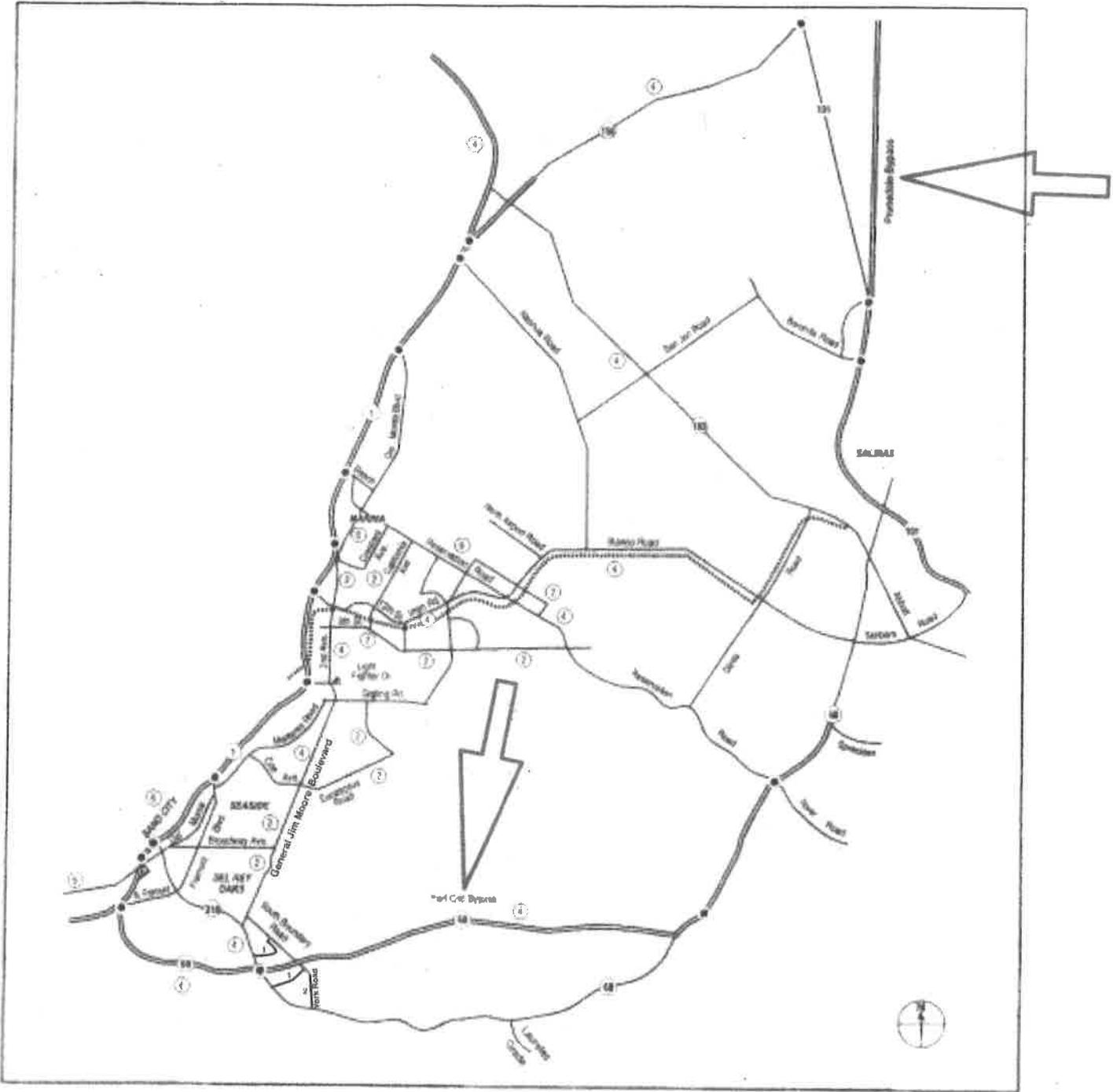
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Dear FORA Board members,





Before you vote today regarding goals and objectives for the Eastside Parkway, please remember that the rationale for the parkway rests on the outdated assumptions about the proposed 2015 transportation network contained in the “future conditions” section of the 1997 Base Reuse Plan, at pages 292-298, including the attached map from [http://www.fora.org/Reports/BRP/BRP\\_v2\\_ReusePlanElements\\_1997.pdf](http://www.fora.org/Reports/BRP/BRP_v2_ReusePlanElements_1997.pdf)

To illustrate how outdated the assumptions are, I inserted an arrow pointing to the Highway 68 “FREEWAY” bypass running through what today is the Fort Ord National Monument, and another arrow pointing to the COMPLETED Prunedale Bypass.

Sincerely,  
Jane Haines



**LEGEND**

-  Freeway
-  Multimodal Corridor ROW
-  Interchange
-  Number of Lanes

1 The modifications to the Reuse Plan adopted by the FORA Board on June 13, 1997 specify that an 80-foot wide floating easement shall be provided connecting Ryan Ranch Road to South Boundary Road and Upper Regadale Drive to South Boundary Road in the York Road Planning Area.

2 The modifications to the Reuse Plan adopted by the FORA Board on June 13, 1997 specify that an 80-foot wide floating easement shall be provided connecting Ryan Ranch Road to South Boundary Road and Upper Regadale Drive to South Boundary Road in the York Road Planning Area.

**Figure 4.2-2  
Proposed 2015  
Transportation Network**

**From:** [Karen Blank](#)  
**To:** [FORA Board](#)  
**Subject:** East Side Parkway  
**Date:** Friday, March 09, 2018 8:52:16 AM

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To the Board Members of FORA;

Please do not approve the concept of the East Side Parkway until there has been a current detailed exploration of its proposed impact on the Fort Ord area and cost with the opportunity for public comment.

Thank you,

Karen Blank

**From:** [Molly Erickson](#)  
**To:** [FORA Board](#)  
**Cc:** [Dominique Jones](#); [Jon Giffen](#); [Michael Houlemard](#)  
**Subject:** KFOR letter on Reuse Plan and Eastside Parkway items -- for today's meeting  
**Date:** Friday, March 09, 2018 2:06:05 PM  
**Attachments:** [18.03.09.FORA.BOD.ltr.to.re.A-1.2.pdf](#)

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FORA Board:

Please see attached public comments. Thank you.

Ms. Jones and Mr. Houlemard, please ensure that the Board received these comments. Thank you.

Regards,

Molly Erickson  
**STAMP | ERICKSON**  
479 Pacific Street, Suite One  
Monterey, CA 93940  
tel: 831-373-1214, x14

Michael W. Stamp  
Molly Erickson

**STAMP | ERICKSON**  
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479 Pacific Street, Suite One  
Monterey, California 93940  
T: (831) 373-1214  
F: (831) 373-0242

March 9, 2018

Via Email

Ralph Rubio, Chair  
Members of the Board of Directors  
Fort Ord Reuse Authority

Re: Eastside Parkway and Reuse Plan items on March 9, 2018 agenda;  
FORA obligations under the FORA Act and adopted CEQA mitigations

Dear Chair Rubio and FORA Directors:

Keep Fort Ord Wild objects to the Eastside Parkway item.

- FORA's actions have made a mockery of the public process. The parkway is not a CEQA mitigation. FORA has continued its unswerving commitment to the new road, without considering reasonable and regional alternatives.
- FORA is required to comply with Program A-1.2 because compliance is mandated by the FORA Act and also by CEQA. KFOR joins in the objection by LandWatch that FORA has failed to comply with Program A-1.2. This comment also goes to FORA's ongoing failure to comply with many mitigations required by the Reuse Plan EIR.

Keep Fort Ord Wild objects to the Reuse Plan item.

- It is not clear what the proposed action today would mean and what FORA staff would do based on the Board action.
- KFOR objects to the apparent intent to modify the Reuse Plan without following the appropriate formalities. Your advisors misunderstand the doctrine of equal dignities.
- The hundreds of pages of actual changes are not part of the staff report. The public and decision makers are required to click on a link and sort through pages that are very difficult to comprehend and understand because the proposed changes are extracted from the underlying complete documents and the surrounding materials are not provided and thus the information is out of context.

You should defer both items to the future to allow adequate and thoughtful consideration, transparent and accurate documentation, and public review and input. Please consider these comments before you act.

Chair Rubio and FORA Directors  
March 9, 2018  
Page 2

We offer to meet with you to discuss these comments in an effort to resolve the controversies. Please let me know if you would like to meet. Thank you.

Very truly yours,

STAMP | ERICKSON

*/s/ Molly Erickson*

Molly Erickson

**From:** [Michael DeLapa](#)  
**To:** [cityclerk@ci.seaside.ca.us](mailto:cityclerk@ci.seaside.ca.us); [rrubio@ci.seaside.ca.us](mailto:rrubio@ci.seaside.ca.us); [Councilmember Alexander](#); [Councilmember Pacheco](#); [Councilmember Campbell](#); [Kayla Jones](#)  
**Cc:** [Gloria Stearns](#); [Kurt Overmeyer](#); [Craig Malin](#); [Michael Houlemard](#); [FORA Board](#)  
**Subject:** LandWatch comments on Agenda Item 9.A. Consistency of the Seaside Zoning Ordinance with the Fort Ord Reuse Plan  
**Date:** Thursday, March 15, 2018 8:46:35 AM  
**Attachments:** [LandWatch Seaside Zoning consistency with BRP.pdf](#)  
[ATT00001.htm](#)

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Mayor Rubio and Members of the Seaside City Council:

Attached are LandWatch's comments on the March 15, 2017 City Council Agenda, *Item 9.A. Consistency of the Seaside Zoning Ordinance with the Fort Ord Reuse Plan*. Please confirm receipt.

Regards,

Michael

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**Michael D. DeLapa**  
Executive Director  
[LandWatch Monterey County](#)  
[execdir@landwatch.org](mailto:execdir@landwatch.org)  
650.291.4991 m

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March 14, 2018

Mayor Ralph Rubio and Members of the Seaside City Council  
Seaside City Hall  
440 Harcourt Avenue  
Seaside, CA 93955  
cityclerk@ci.seaside.ca.us

Subject: Agenda Item 9.A. Consistency of the Seaside Zoning Ordinance with the Fort Ord Reuse Plan

Mayor Rubio and City Councilmembers,

LandWatch opposes voting to reaffirm consistency of the comprehensive updates to the zoning ordinance, amending Title 17 of the Seaside Municipal Code with the Fort Ord Reuse Plan for the following reasons:

- It is unclear from the March 15, 2018 memo from Rick Medina to Craig Malin whether text changes have been made to the City's Zoning Code since February 20, 2014. An actual redlined comparison between the February 20, 2014 zoning ordinance and the current ordinance should be prepared for public review.
- It is also unclear that the City's current Zoning Code is consistent with [FORA's Regional Urban Design Guidelines](#). Since the Guidelines were adopted in June 2016, after the February 20, 2014 comprehensive update of the Zoning Code, it is unlikely that the Zoning code implements the Guidelines. The Guidelines establish standards for road design, setbacks, building height, landscaping, signage, and other matters of visual importance, standards with which the Zoning Code either omits or is likely to be inconsistent. For example, the Zoning Code does not implement the Guidelines' building orientation requirements or its requirements for mixes of building types, mixed-use neighborhoods, or setbacks and height; and the existing Zoning Code requirements may be inconsistent. The City should prepare an analysis of the consistency of its Zoning code with the new Guidelines, which are mandated by the Fort Ord Reuse plan as enforceable implementation measures and refinements of its policies, and should share that analysis with the public before voting on consistency.
- As one example of an inconsistency that we know of, the City's Zoning Code noise standards at section 17.30.060 fail to implement the statistical noise standards mandated by the Fort Ord Reuse Plan. The zoning standards in section 17.30.060 in Tables 3.2 and 3.3 are all based on 24-hour average CNEL measurements and contain

no reference to the Fort Ord Reuse plan's mandated statistical noise standards. Statistical noise standards ("Ln" standards or "Exceedence Level" standards) are standards for the noise levels that may not be exceeded for various periods of time, typically much shorter than 24 hours. Statistical noise standards are highly relevant to determining annoyance from noise, particularly when a noise source is not continuous over a 24-hour period but instead consists of short-term, episodic and/or irregular loud noise. The rationale for applying statistical noise standards in addition to 24-hour noise standards is that irritation can be caused by these short periods of relatively loud noise, even if the average noise level complies with standards for longer periods, e.g., 24-hour average CNEL standards. The Reuse plan includes both 24-hour standards and statistical noise standards for just this reason. Fort Ord Reuse Plan Noise Policies B-1, B-2, B-3, and B-5 require compliance with the statistical noise standards from its Table 4.5-3. Under those statistical noise standards, applicable from 7 am to 10 pm, noise may not ever exceed 65 dBA, may not exceed 60 dBA for more than 1 minute, may not exceed 55 dBA for more than 5 minutes, may not exceed 50 dBA for more than 15 minutes, and may not exceed 45 dBA for more than 30 minutes, e.g., for one minute, five minutes, ten minutes, 15 minutes, or 30 minutes. The Zoning Code noise standards at section 17.30.060 not only fail to include the statistical noise standards, but also are inconsistent with those standards. For example, under the Fort Ord Reuse plan, it is never acceptable to exceed 65 dBA, whereas the Zoning Code Table 3-2 would permit noise levels to exceed 65 dBA. Furthermore, the noise standards in the Zoning Code fail to include the Fort Ord Reuse plan noise standards that are intended to protect open space uses. The Zoning code does not even identify a standard applicable to open space uses, whereas the Fort Ord Reuse Plan requires protection of open spaces via a 50 dBA CNEL/Ldn noise standard specifically applicable to passively used open space; via its statistical noise standards, which are applicable at the property line of noise-generating uses; and via Policy B-8, barring a 3 dB Ldn/CNEL increase where noise levels are already over the 50 dBA standard. FORA cannot reasonably find the Zoning Ordinance to be consistent with the Fort Ord Reuse Plan in view of these omissions and inconsistencies.

- Finally, the City is currently updating its 2004 General Plan and zoning ordinances. The City should prepare a comprehensive consistency determination once the General Plan has been updated rather than piecemeal confirmation. Such consistency determination should include a careful analysis of the updated General Plan and [FORA's Regional Urban Design Guidelines](#).

Regards,



Michael DeLapa  
Executive Director

**From:** [Craig Malin](#)  
**To:** [City Clerk City Clerk](#); [cityclerk.IS\\_PO.COS@ci.seaside.ca.us](mailto:cityclerk.IS_PO.COS@ci.seaside.ca.us); [Councilmember Alexander](#); [Councilmember Pacheco](#); [Councilmember Campbell](#); [Kayla Jones](#); [Ralph Rubio](#); [Michael DeLapa](#)  
**Cc:** [Gloria Stearns](#); [Kurt Overmeyer](#); [FORA Board](#); [Michael Houlemard](#)  
**Subject:** Re: LandWatch comments on Agenda Item 9.A. Consistency of the Seaside Zoning Ordinance with the Fort Ord Reuse Plan  
**Date:** Thursday, March 15, 2018 3:05:38 PM

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Michael:

Thank you for your letter. Staff will be responsive before and at tonight's Council meeting.

I've attached pictures from today of two blighted parcels which require the resolution on tonight's agenda, or something substantively similar, to be approved by the City Council, in order to move forward with blight removal and redevelopment. As you may be aware, one of the parcels is for senior housing and the other is proposed to be re-developed into workforce housing.

Thanks, again.

Craig

>>> Michael DeLapa <[execdir@landwatch.org](mailto:execdir@landwatch.org)> 3/15/2018 8:45 AM >>>  
Mayor Rubio and Members of the Seaside City Council:

Attached are LandWatch's comments on the March 15, 2017 City Council Agenda, *Item 9.A. Consistency of the Seaside Zoning Ordinance with the Fort Ord Reuse Plan*. Please confirm receipt.

Regards,

Michael

---

**Michael D. DeLapa**  
Executive Director  
[LandWatch Monterey County](#)  
[execdir@landwatch.org](mailto:execdir@landwatch.org)  
650.291.4991 m

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**From:** [Michael DeLapa](#)  
**To:** [FORA Board](#)  
**Cc:** [Michael Houlemard](#); [Jon Giffen](#); [Dominique Jones](#)  
**Subject:** How Will the Eastside Parkway Facilitate Workforce Housing?  
**Date:** Monday, April 02, 2018 9:23:42 AM  
**Attachments:** [LandWatch Housing Questions of FORA.pdf](#)  
[ATT00001.htm](#)

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## **Please confirm receipt**

Dear Chair Rubio and Board of Directors:

One of the arguments in support of the Eastside Parkway is that it will facilitate much needed affordable or workforce housing on the Monterey Peninsula. LandWatch remains perplexed by this argument because 65% of new units under the 6,160 residential housing cap has already been approved; the remainder is in the pipeline to be approved; very little has been built; of the housing built a small percentage of it is permanently affordable; and none of the housing is contingent on the Eastside Parkway.

Moreover, FORA's original housing projections have been grossly optimistic. Over the past 20 years, through three economic cycles, on average approximately 50 new residential units are built on the former Fort Ord each year. At this rate, LandWatch forecasts it would take more than 50 years to build-out the inventory of approved but unbuilt homes.

LandWatch asks FORA to validate its housing data and demonstrate the relationship between housing and the Eastside Parkway. To this end, we have compiled data on built, approved, and projected housing (attached).

There are many people in the community eager to understand FORA's reasoning in relentlessly pursuing a road that is not supported by either housing or traffic projections. Thank you for your consideration and timely response.

Regards,

Michael

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**Michael D. DeLapa**  
Executive Director  
[LandWatch Monterey County](#)  
[execdir@landwatch.org](mailto:execdir@landwatch.org)  
650.291.4991 m

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April 2, 2018

Mayor Ralph Rubio, Chair  
Fort Ord Reuse Authority (FORA) Board of Directors  
920 2<sup>nd</sup> Avenue, Suite A  
Marina, CA 93933

Dear Chair Rubio and Board of Directors:

One of the arguments in support of the Eastside Parkway is that it will facilitate much needed affordable or workforce housing on the Monterey Peninsula. LandWatch remains perplexed by this argument because 65% of new units under the 6,160 residential housing cap has already been approved; the remainder is in the pipeline to be approved; very little has been built; of the housing built a small percentage of it is permanently affordable; and none of it is contingent on the Eastside Parkway.

I'm writing to ask the Fort Ord Reuse Authority (FORA) to shed light on its perception of the relationship between the Eastside Parkway and housing. Please explain:

- How much affordable housing has been built on the former Fort Ord?
- How much additional residential housing does FORA forecast will be approved within FORA's 6,160 housing cap?
- Within the 6,160 cap, how much additional affordable housing does FORA expect to be built?
- How many years do you estimate until the cap is reached? When will significant new affordable housing come on the market?
- Why is the Parkway necessary for housing?

Here is our data and analysis. We would welcome seeing yours.

### **How much affordable housing has been built on the former Fort Ord?**

Table 6 FY 2018/2019 Through Post-FORA Development Forecasts in the [Fort Ord Reuse Authority Administrative Committee February 14, 2018 agenda](#) identifies new and existing/replacement residential housing on the former Fort Ord. How many of the residential units are legally set aside, either permanently or for 20 years or longer, as "affordable" housing as defined by local inclusionary housing ordinances?

[LandWatch's research](#) suggests that the number of currently affordable housing units is exceedingly low. LandWatch estimates that ~1,007 residential housing units have actually been

built since 1997. (Table 6 FY 2018/2019 Through Post-FORA Development Forecasts identifies 1,062 new residential units that have been constructed.) We estimate that at most 20% of these are permanently affordable. Please provide a full accounting of all affordable housing that has been built on the former Fort Ord so we can reconcile our records with yours.

We would also appreciate your verifying the following:

- Del Rey Oaks, a FORA member, has no permanently affordable housing, and its housing plan was apparently last updated in 1997.
- The [Seaside Housing Element, 2009-2014](#) (Table 26: Inventory of Assisted Rental Housing) identifies 441 assisted rental units, but none of these appear to be on the former Fort Ord.
- The [City of Marina Interim Housing Element 2015-2023](#) identifies 476 affordable housing units, but 201 of these were built in the 1970s, so at most there are 275 new affordable housing units.
- The [Monterey County Fort Ord Committee](#) reports that 616 residential units have been built at East Garrison, of which 83 (16%) are affordable (Agenda Item #2, March 22, 2018, Monterey County Fort Ord Committee). FORA's Table 6 FY 2018/2019 Through Post-FORA Development Forecasts reports that 668 new residential units have been constructed at East Garrison. Why is there a discrepancy between these numbers?

**How much additional residential housing does FORA forecast will be approved within FORA's 6,160 housing cap?**

Our research shows that since 1997, local governments have approved 4,012 new residential units and built 1,007 units, leaving an inventory of 3,005 approved but unbuilt residential dwelling units on the former Fort Ord:

<i>Jurisdiction</i>	<i>Project</i>	<i>Approved</i>	<i>Built</i>	<i>Unbuilt</i>
Marina	The Dunes on Monterey Bay	1,237	391	846
	Marina Heights	1,050	0	1,050
	Cypress Knolls	200	0	200
Seaside	Seaside Resort	125	0	125
Monterey County	East Garrison	1,400	616	784
<b>TOTAL</b>		<b>4,012</b>	<b>1,007</b>	<b>3,005</b>

If the cap for new residential units is 6,160 and local governments have approved 4,012 then they can still approve an additional 2,148 residential units. Please confirm, correct, or explain.



However, Table 6 FY 2018/2019 Through Post-FORA Development Forecasts identifies projects and forecasts that don't reconcile with our research. Would you please clarify, correct, or explain:

- For Del Rey Oaks, FORA projects 691 new housing units, but the [1997 Del Rey Oaks General Plan](#) shows only five new housing units.
- For Seaside East, FORA projects 310 housing units, but the City has estimated a much higher number; the [draft 2010 Seaside East Conceptual Plan](#) envisions 25-105 acres of Seaside East zoned "residential" with 8 to 15 dwelling units/acre, potentially 200-1,500 new housing units.
- For Campus Town, Seaside estimates 1,000 general residential units and 450 residential student units, a total of 1,450 dwelling units (per Kurt Overmeyer, City of Seaside, Economic Development Program Manager).
- For Main Gate, Seaside estimates 1,050 residential units (per Kurt Overmeyer).
- For Cypress Knolls, it was approved for 200 units. Where did the forecast of 712 originate?
- What is UC Blanco Triangle? We are unfamiliar with that project.

**Within the 6,160 cap, how much additional affordable housing does FORA expect to be built? That is, what percentage of the planned housing will be permanently affordable?**

FORA expects more than 20% of the units will be below market priced:

There are many housing projects planned for the former Fort Ord. In most cases, California redevelopment law requires that 15% of the units built be affordable, and an overall total of 20% has been adopted by the land use jurisdictions that will receive land on the former Fort Ord. It is currently expected that over 20% of the units on Fort Ord will be below market priced. (FAQ on [FORA website](#))

Why does FORA expect that over 20% of the units will be affordable? Would you please clarify, correct, or explain.

LandWatch estimates that at most 20% of the 2,148 new residential units, or about 430 units, that can be approved under the cap will be permanently affordable.

**How many years do you estimate until the cap is reached? When will significant new affordable housing come on the market?**

Over the past 20 years, through three economic cycles, on average approximately 50 new residential units are built on the former Fort Ord each year. At this rate, LandWatch forecasts it would take more than 50 years to build-out the inventory of approved but unbuilt homes.

FORA's forecast (Table 6 FY 2018/2019 Through Post-FORA Development Forecasts) suggests that the inventory will be built out by 2029, or in 11 years.

Why would FORA expect the rate of residential housing construction in the next 10 years to be on average more than five times faster than it's been over the past 20 years? What economic factors would drive this historically unprecedented rate of growth?

**Why is the Parkway necessary for housing?**

With no housing dependent on the Eastside Parkway and extremely slow housing growth, why has FORA made the Parkway a priority now? Why not first improve existing roads that are a problem today?

There are many people in the community eager to understand FORA's reasoning in relentlessly pursuing a road that is not supported by either housing or traffic projections.

Thank you for your consideration and timely response.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. DeLapa". The signature is fluid and cursive, with the first name "Michael" and last name "DeLapa" clearly legible.

Michael D. DeLapa  
Executive Director

## LandWatch comments on FORA Affordable Housing Report, dated April 13, 2018

Michael DeLapa [execdir@landwatch.org]

**Sent:** Friday, April 06, 2018 9:57 AM

**To:** FORA Board

**Cc:** Michael Houlemard; Jon Giffen [jgiffen@kaglaw.net]; Dominique Jones

**Attachments:** LandWatch comments on FORA~1.pdf (519 KB) ; ATT00001.htm (10 KB)

### Please confirm receipt

Dear Chair Rubio and Board of Directors:

LandWatch has reviewed Fort Ord Reuse Authority's Affordable Housing Report, dated April 13, 2018 (**comments attached**). Regrettably, FORA's report doesn't answer most of the questions posed in LandWatch's April 2, 2018 letter, including:

- How much additional residential housing does FORA forecast will be approved within FORA's 6,160 housing cap?
- Within the 6,160 cap, how much additional affordable housing does FORA expect to be built?
- How many years do you estimate until the cap is reached? When will significant new affordable housing come on the market?
- Why is the Eastside Parkway necessary for housing?

In addition, the report raises additional questions related to FORA's leadership on affordable housing, which we identify in our letter.

Strangely, the FORA report also states, "Recognizing that housing affordability is a regional challenge, the FORA Board also supported formation of the Monterey Bay Economic Partnership to bring a regional focus on this critical issue." However, [The Monterey Herald](#) reported that FORA chose not to support the Partnership when it was formed:

Also at the meeting, the authority board voted to rescind \$100,000 it gave to the Monterey Bay Economic Partnership for economic development work. It was the culmination of an equally long saga. An attempt to hire an economic development director failed when candidates said the pay was too low at \$164,000 for a two-year deal, and the authority decided to pursue the partnership. Partnership co-chair Bud Colligan agreed to give the nonprofit \$100,000 of his own money if the authority matched it. Colligan pulled the plug after he said FORA began making demands that were not part of the original agreement. (Emphasis added)

Gunter said outside the meeting he was deeply frustrated by the deal falling apart. "Our understanding was they were going to report quarterly. Somehow they got the word they had to report monthly. So, they said, 'How am I going to get any economic development done if I keep coming back?' "He said. "Think about it. We've spent 20 years, \$400 million. What do you see?" Gunter said, pointing to blight. "We haven't quite stood up."

Unless the story is misrepresented, it appears FORA had no role forming the Monterey Bay Economic Partnership and its claim in the Affordable Housing Report is false. Worse, the Herald article suggests not only was FORA unhelpful but it actually hindered the Partnership's formation by changing expectations, negotiating unreasonably, wasting time, and having no clue what a highly motivated entrepreneur and venture capitalist like Bud Colligan could deliver to Monterey County if given the chance.

This pattern of misrepresenting facts, claiming failures as successes, and hoping that slick marketing will obfuscate reality reinforces the perception that FORA is undeserving of the public's trust.

Truth matters.

Regards,

Michael

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**Michael D. DeLapa**

Executive Director

[LandWatch Monterey County](#)



April 5, 2018

Mayor Ralph Rubio, Chair  
Fort Ord Reuse Authority (FORA) Board of Directors  
920 2<sup>nd</sup> Avenue, Suite A  
Marina, CA 93933

RE: Affordable Housing Report, dated April 13, 2018

Dear Chair Rubio and Board of Directors:

LandWatch has reviewed Fort Ord Reuse Authority's Affordable Housing Report, dated April 13, 2018. Regrettably, FORA's report doesn't answer most of the questions posed in LandWatch's April 2, 2018 letter, including:

- How much additional residential housing does FORA forecast will be approved within FORA's 6,160 housing cap?
- Within the 6,160 cap, how much additional affordable housing does FORA expect to be built?
- How many years do you estimate until the cap is reached? When will significant new affordable housing come on the market?
- Why is the Parkway necessary for housing?

In addition, the report raises additional questions related to FORA's leadership on affordable housing:

- Please provide details on the additional water allocation that FORA facilitate from the U.S. Army under the requirements of the California Public Records Act.
- What specific actions has FORA taken related to implementing, reviewing, tracking or enforcing local government zoning requirements related to affordable housing?
- The FORA report appears to define "affordable housing" differently than the [California Department of Housing and Urban Development](#). In a footnote, the report states, "FORA Master Resolution Defines Workforce Housing as up to 180% above median area income." However, HUD does not define workforce housing. What are FORA's workforce housing goals for each local government, and how are those goals achieved when local general plans do not define or require workforce housing?
- Please explain this statement, "Practically speaking this resulted in a 30% inclusionary target with workforce housing kicking in at 21-30%." To the best of our knowledge no local land use plan requires more than 20% and there are no specific general plan requirements for workforce housing.
- The report references 2012 and 2014 economic studies that reveal a mismatch between Monterey County residence incomes and home prices. What specific local government policies has FORA advocated for over the past 6 years? Have any local housing policies changed? What have been the results in terms of affordable housing constructed?

- The Affordable Housing Report identifies 1,253 existing residential units on East Campus, CSUMB as “affordable.” Are these year-round residences for a designated “affordable” class, or simply dorms for students? If the latter, under what or whose definition are dorms “affordable” housing?
- The Report also identifies 1,590 affordable units at the Presidio of Monterey (POM) Annex. However, these units are where “the majority of students and permanent party assigned to the Institute live in military housing.” How is military housing, restricted to military personnel, “affordable” under California law or local general plans?
- What are the 240-proposed/planned units in UC/Marina? Who is proposing them?
- What are 883 proposed/planned units in Seaside? Who is proposing them?
- The report identifies 712 units at Cypress Knolls development in Marina, but records previously show that only 200 units were approved. Please explain.

The report also states, “Recognizing that housing affordability is a regional challenge, the FORA Board also supported formation of the Monterey Bay Economic Partnership to bring a regional focus on this critical issue.” However, [The Monterey Herald reported](#) that FORA chose not to support the Partnership when it was formed:

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Unless the story is misreported, it appears FORA had no role forming the Monterey Bay Economic Partnership and its claim in the Affordable Housing Report is false. Worse, the *Herald* article suggests not only was FORA unhelpful but it actually hindered the Partnership’s formation by changing expectations, negotiating unreasonably, wasting time, and having no clue what a highly motivated entrepreneur and venture capitalist like Bud Colligan could deliver to Monterey County if given the chance.

This pattern of misrepresenting facts, claiming failures as successes, and hoping that slick marketing will obfuscate reality reinforces the perception that FORA is undeserving of the public’s trust.

Truth matters.

Sincerely,



Michael D. DeLapa  
Executive Director

Fred Meurer  
26411 Lucie Lane  
Salinas, Ca. 93908



TO: FORA Board of Directors

April 11, 2018

At recent FORA board meetings, I have commented on the importance of creating opportunities for affordable workforce housing on former Fort Ord lands. I have also noted the need for regional traffic improvements including key projects on former Fort Ord. LandWatch's recent communications to your board on these two issues seem to question both the need for and the interrelationship of housing and road/traffic improvement. It is important to recognize the faulty assumptions in LandWatch's position.

First is a statement in the letters that a single project – generally referred to as the 'Eastside Parkway' – is to facilitate affordable or workforce housing. In fact, a north-south/east-west connector road is, and has long been, part of an overall transportation network included in the Base Reuse Plan. Such a road was initially required and endorsed by TAMC as necessary regional traffic mitigation. A connector through former Fort Ord provides new capacity for traffic between the Salinas Valley and the Monterey Peninsula, facilitates flow of traffic through and around development on the former base, and avoids 2035 gridlock – a conclusion unmistakably noted by TAMC and its consultants.

A CEQA process for review of a connector road, as was recently initiated and approved by the FORA board, does not endorse a single project called 'Eastside Parkway'. The process does allow for a full and legally appropriate study of a connector and possible alternatives that can accomplish movement of traffic and elimination and avoidance of gridlock. Wishful thinking or political obfuscation will not make the traffic issues go away. Do any of us who drive Highway 68 and/or Highway 1 truly believe there is no need for an alternative/additional Peninsula-Valley connection?

Tied to the discussion of traffic and roads in LandWatch's communications is the topic of affordable housing. Yes, it is possible that if more on-base affordable housing is built, any road improvements could help alleviate traffic impacts, as might additional transit options and improvements to existing roads such as roundabouts. All of these ideas and alternatives will be identified and considered in the CEQA process.

LandWatch questions how transportation planning on the former Fort Ord affects affordable housing. The answer would seem obvious: Very few people have the option of walking from their home to school or their job. People live, work and shop in different areas of the county. Road improvements will continue to be a necessary part of regional goals. The lack of housing stock – especially affordable

workforce housing – is a problem in most parts of California and especially acute in coastal California. LandWatch itself has been known to oppose housing projects because of the traffic impacts and inadequate roadways. Improvements to both housing availability and road capacity are key elements of a healthy future for Monterey County.

My observation as a person involved in the development of the Base Reuse Plan and a former city manager, is that FORA has been at the forefront in addressing and taking action on affordable housing – including obtaining advisory assistance from the Silicon Valley Housing Trust (SVHT) and helping to establish an independent local non-profit Community Housing Trust (CHT). FORA has worked with SVHT, CHT and Monterey Bay Economic Partnership to identify incentives to the development of needed housing. It should be noted that some of the same people questioning ‘Eastside Parkway’ were those questioning the need for and value of FORA funding and participation in these economic development consortiums. It is equally important to remember that it is individual jurisdictions (cities and county) that actually approve housing development on former Fort Ord lands. Community acceptance of affordable housing projects also plays a role in how much progress we are able to make.

At some point, we all need to accept that when Fort Ord closed, the regional consensus and agreement was to use the base’s land for education (done), the environment (done) and economic improvement (not done). The entire region suffers from lack of affordable workforce housing and gridlocked major arteries at commute time. A connector road is not by itself an answer to our traffic problems but it is a vital piece of the answer. A connector road does not make housing magically appear, but without it we will undoubtedly find some who will oppose any new housing because the “roads” are inadequate.

I encourage your board to not get distracted by convoluted arguments from LandWatch or anybody else. We need road and traffic improvements and we need to address the housing issue. And, we need to keep on the path to successfully accomplishing all three aspects of the Fort Ord Base Reuse Plan.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Fred Meurer', written in black ink.

Fred Meurer

Former Director of Engineering and Housing at Fort Ord

Former Monterey City Manager