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July 8, 2000

Jeff Dack, Planning Director
City of Marina
Marina City Hall
211 Hillcrest Avenue
Marina, CA 93933

RE: Comments on Draft EIR--Proposed City of Marina General Plan

Dear Mr. Dack:

LandWatch Monterey County submits the following comments on the Draft Environmental Impact Report on the Draft Marina General Plan, prepared for the City of Marina by Lamphier & Associates and dated May 2000. Our request is that the City of Marina respond to these comments, and the comments of other organizations, agencies, and individuals, by revising and recirculating the Draft EIR. We believe this is necessary because of the need for significant new information and analysis, properly and adequately to identify potential adverse environmental impacts, and to recommend appropriate mitigation measures:

1. On page ES-6, we note that the DEIR accurately states that the General Plan policies of the County of Monterey would not permit development of the unincorporated northern portion of the Marina Planning Area (commonly known as the Armstrong Ranch) with the type of urban densities and uses that would be permitted if the draft Marina General Plan were adopted. This statement contradicts public statements made by some City officials that if the current development of the Armstrong Ranch were not permitted by the City of Marina the developer would be successful in having a similar development approved by the County of Monterey.

2. On pages ES-6, ES-7 and ES-8, the Draft EIR suggests that the "conflict" between the Monterey County General Plan policies and the proposed Marina General Plan policies itself represents a significant adverse environmental impact associated with the implementation of the Draft General Plan, and that this impact would be reduced to a level of less than significant if the area were annexed to the City of Marina, and brought within its planning jurisdiction. This is an analytical confusion. While the "conflict" between the County and City plans may indicate that a potential adverse effect would exist if the City's Draft Plan is adopted, and while this "conflict" would disappear if the portions of the Armstrong Ranch not within the City were annexed to the City, this "conflict" is not itself an "environmental impact," and an annexation of the Armstrong Ranch to Marina would not, in fact, eliminate any of the environmental impacts associated with the Draft Marina General Plan.

CEQA is intended to focus analysis on real impacts--in other words, on impacts on the actual, physical environment. The adverse environmental impacts associated with the Draft Marina General Plan, with respect to the Armstrong Ranch, are related to the impacts that would be caused by the conversion of agricultural and open space lands into more densely developed urban environments, with traffic, water, noise and other such effects. The fact that there would not be any formal "conflict" between the County Plan and the City Plan, were the area annexed, would not change these effects in the slightest. In fact, such an annexation would put the City in the position to be able to permit the development that would cause such impacts. The DEIR contains a fundamental flaw in analysis, in erroneously suggesting that annexing the Armstrong Ranch to the City of Marina would reduce any impacts to a level less than significant.

3. On page 1-5, the Draft EIR states that the Draft General Plan is based on various "assumptions," including an assumption that "...development of all or part of Armstrong Ranch is essential to providing an adequate supply of housing." To comply with the requirements of CEQA, the EIR must not simply reiterate such "assumptions," but must analyze and test them. The Draft EIR fails to analyze whether, using different types of approaches within its authority, the City could achieve its goal of a future jobs-housing balance without utilizing portions of the Armstrong Ranch now located outside the current City limits. This is a key failure within the Draft EIR, since it is clear that utilizing Armstrong Ranch for intensive urban uses, as proposed, will have a large number of adverse effects, many of which cannot be effectively mitigated.

4. On pages 2-1 and 2-2, the Draft EIR describes, and indicates in a diagram, a "sphere of influence" for the City of Marina, which the Draft EIR says "... can reasonably be expected to be annexed by the City of Marina at some point during the planning period." The indicated area includes the entirety of the Armstrong Ranch, located generally to the north of the current City limits. While such a significant expansion of the current City limits is possible, it may well not occur. Attached is full copy of the Marina Urban Growth Boundary Initiative, as circulated by Marina 2020 Vision. The proponents of the initiative have collected sufficient signatures to qualify this measure for the ballot in November. This means that there is a significant chance that the people of the City, acting through the initiative process, will decide to establish a 20-year Urban Growth Boundary (UGB) as proposed in the initiative. If they do so, the provisions of the initiative will be included within the Marina General Plan. The City should specifically analyze an alternative within the EIR that fully incorporates the provisions of the Marina UGB initiative, since the measure very clearly presents feasible alternative provisions that would arguably eliminate or reduce many of the adverse impacts identified in the current document.

5. Page 2-17 of the Draft EIR, containing Figure 2.4, the Land Use Plan, appears to be not consistent with the Land Use Plan published as Figure 2.2 in the Draft General Plan. The Draft General Plan shows a large acreage on the Armstrong Ranch as yellow, or "Village Homes." The Land Use Plan map in the Draft EIR colors this area as red and designates it as "Retail/Service." To be adequate, the EIR on the Draft Marina General Plan must thoroughly consider alternatives to proposed land use designations, and specifically whether different land use designations on the Armstrong Ranch could eliminate or mitigate impacts associated with the project. Therefore, it is critically important that the analysis be based on the actual Draft General Plan. The Final EIR needs to clarify the basis of the environmental analysis made.

6. On page 2-19, the Draft EIR notes that the northern extension of California Avenue as proposed would be in conflict with the adopted Habitat Management Plan for the former Fort Ord. On page 2-7, the Draft EIR properly notes, as does the comment of UCSC in Appendix A, that the HMP is "a legally binding document." A General Plan that adopts an illegal provision as

a key part of its circulation element is inadequate and deficient as a matter of law. The Final EIR must consider alternatives that are legally consistent with the Habitat Management Plan. It is obvious from the remainder of the Draft EIR that significant land use and/or circulation element changes will be necessary, particularly on the Armstrong Ranch. Again, the EIR must analyze alternatives that would result in a legally adequate General Plan.

7. Page 2-20 elaborates on the statements discussed in comment #2, namely the observation in the Draft EIR that the proposed Marina General Plan is inconsistent with the Greater Monterey Peninsula Area Plan. CEQA focuses on actual impacts to the physical environment. A real environmental impact is not eliminated because of the annexation to Marina of an area that is protected under the County's current General Plan. The key issue is the actual physical impacts of the proposed Armstrong Ranch development, as permitted and encouraged by the Draft Marina General Plan. Annexation of the area to the City of Marina does not eliminate an adverse impact; it would in fact facilitate developments that would realize the impacts on the physical environment.

8. On page 2-21, the Draft EIR notes that the Draft Marina General Plan contains the following language: "Wherever possible, lands with significant agricultural, natural habitat, or scenic value shall be retained and protected from degradation." As correctly noted in the Draft EIR, the proposed Marina General Plan would not, in fact, carry out this supposed policy. The Draft Marina General Plan is therefore internally inconsistent--which is an issue to be addressed by the City Council when it considers adoption of the General Plan. For the purpose of the environmental analysis, however, the EIR should analyze alternatives that would, in fact, achieve, the policy objectives articulated in the Draft General Plan, which the current Draft EIR does not do. The Draft EIR simply accepts the inconsistency in the Draft General Plan, going no further, which makes it inadequate in terms of the analysis called for by CEQA. CEQA requires feasible alternatives to "the project" to be considered. The "project" is a Draft General Plan that calls for protecting significant agricultural lands "wherever possible." There are clearly alternatives that would preserve such lands--but they would require a change in the proposed development on the Armstrong Ranch. To be adequate, the Final EIR needs to analyze such alternatives.

In connection with the analysis of alternatives that could protect agricultural lands of statewide importance, the Final EIR should specifically consider ways that organic agriculture on small parcels might be consistent with appropriate urban development, and maintain economically viable small agricultural businesses. Each acre of agricultural land in Monterey County produces about \$15,000 per year, per acre, in gross revenues, and requires very little public expenditure for services. Alternatives that continue small parcel organic agriculture should be analyzed. Further information on the viability of such parcels for agricultural purposes can be obtained from the Rural Development Center, Box 5415, Salinas, CA 93915; telephone: (831) 758-1469.

9. On page 2-22, the Draft EIR says that there is "no feasible way for 'this development' to proceed by avoiding the Farmland of Statewide importance...." This statement indicates a basic failure to understand the requirements of CEQA. While the City Council may believe that development of the Armstrong Ranch ("this development") is "critical to the overall development pattern" they propose, the requirements of CEQA are that the EIR analyze possible feasible alternatives--not simply take for granted that the project must proceed the way originally proposed. The Draft EIR is significantly deficient in not examining other ways that the City of Marina might meet its General Plan objectives, without destroying Farmland of Statewide importance. Different development patterns, and different housing densities both within the

existing City and on the Armstrong Ranch, must be examined, to see if significant impacts associated with the proposed Armstrong Ranch development can be eliminated or reduced. As indicated earlier, the UGB initiative proposed by Marina 2020 Vision should specifically be analyzed.

10. On pages 2-22 and 2-23, the Draft EIR perpetuates the misperception that annexing the Armstrong Ranch to the City of Marina, and allowing its development in accordance with the proposed General Plan can eliminate some sort of real "impact."

11. On page 2-23, the Draft EIR suggests that agricultural land preservation issues exist only with respect to proposed developments on the Armstrong Ranch. In fact, the Draft General Plan would allow the conversion of significant and highly productive agricultural lands (in current production) on lands owned by the MBEST Center, to the East of Blanco Road. The EIR should analyze possible alternatives, and should consider the economic productivity of the land when used for agriculture (as a business proposition) in comparison to other business uses, as proposed in the Draft General Plan.

12. On page 3-11, the Draft EIR indicates that if the expansion of the City Hall site for a Civic Center were to proceed, as permitted under the Draft General Plan, that project would have a significant impact on housing resources unless the General Plan absolutely required that any such project replace any and all housing units lost to the Civic Center development. The Final EIR should identify this measure as a feasible mitigation measure for a potential impact, and state that such a policy must be included within the Final General Plan, should the City Council decide to retain flexibility, within the Final General Plan, to destroy existing single family and multi-family residences as part of a Civic Center expansion.

13. While the section of the Draft EIR focusing on "Housing and Population" provides some interesting information on existing housing resources in the City of Marina, it fails to comply with the requirements of CEQA. The Draft EIR is inadequate because it does not analyze possible ways to provide for the future housing needs of the community with either none of or fewer of the environmental impacts associated with the housing strategies contained in the Draft General Plan. Specifically, CEQA requires the EIR to analyze alternatives that could eliminate or reduce the impacts on scenic views, loss of agricultural land, and loss of open space and habitat associated with the proposed development of the Armstrong Ranch. It is not clear, from the Draft EIR, whether a different use of the land resources of the former Fort Ord than that called for in the Draft General Plan could produce more housing, eliminating some of all of the necessity to utilize the Armstrong Ranch. It is not even clear from the Draft EIR whether or not the Draft General Plan proposes the amount of housing on the lands of the Former Fort Ord, now within the City of Marina, that would be allowed under the Fort Ord Reuse Plan. The same comment could be made about alternative land use strategies on the Armstrong Ranch property. It seems obvious that a "country club" development on the agricultural and open space areas on the Armstrong Ranch, as proposed in the Draft General Plan, is not the most efficient way to utilize the land resources found there. The Final EIR must analyze how other patterns of development could reduce the environmental impacts that would be caused by implementation of the Draft General Plan policies. The Local Government Commission operates a "Center for Livable Communities" that can provide information on the standards used to produce efficient, compact and "livable" communities. The LGC can be contacted at: 1414 K Street, Suite 250, Sacramento, CA 95814-3929; telephone: (916) 448-1198. The Final EIR should test the land use patterns proposed in the Draft General Plan against the patterns used elsewhere in California and the United States to build better communities and to reduce environmental impacts.

14. On page 5-13 of the Draft EIR, the EIR says "although implementation of the Draft General Plan would result in a substantial increase [sic] the local demand for groundwater relative to current demand levels, this would not be expected to result in a substantial depletion of groundwater supplies...." This conclusionary statement absolutely fails to meet the requirements of CEQA. The commentary at pages 10-8 and 10-9, and the material at pages 10-21 through 10-24, is similarly deficient. CEQA requires the EIR actually to analyze the possible adverse impacts of the project. Since this is a "program level" EIR, it is particularly important that the "program level" impacts be properly evaluated at this time. In Monterey County, one of the most significant environmental constraints is adequate water quality and supply. This is specifically true in the Marina area, where issues of seawater intrusion and the loss of the groundwater aquifers serving existing residents are of particular importance. To be adequate, the Final EIR must actually undertake a quantitative analysis of water availability, quantify the demand expected from the build out contemplated by the Draft General Plan, utilizing the factors listed on pages 10-24, and then show how the "substantial increase in the local demand for groundwater" caused by implementation of the project will not lead to unacceptable adverse impacts. In short, just claiming that there is "no problem" is not enough to comply with CEQA. The EIR must demonstrate why its conclusion is supported by the actual facts (if it is).

15. State law requires a much more significant analysis of water availability that either the Draft General Plan or Draft EIR provide. Government Code Section 65352.5 outlines a process by which the City should be provided with information on water supply issues, to be considered prior to adoption of a new General Plan. Because CEQA requires that the EIR prepared by the City provide full information on the impacts expected to be associated with its decision on the project, the Draft EIR must analyze the information required to be provided under this section.

16. The "Traffic and Circulation" chapter of the Draft EIR provides some interesting information on the current and possible future traffic and transportation situation in the City. However, as in the "Housing and Population" section, the Draft EIR is lamentably short of analysis, and simply presents a number of facts, without gauging their significance, or analyzing how the proposed General Plan would impact the physical environment with respect to traffic and circulation issues. Again, the statements made in this section are largely "conclusionary," and are not the product of the kind of careful analysis required by CEQA. The following questions (at a minimum, and as examples of the type of analysis needed) should to be addressed in the Final EIR:

- What quantities of traffic are likely to be generated from the proposed development of the Armstrong Ranch?
- How will that new Armstrong Ranch traffic, added to existing traffic at LOS C on Del Monte Avenue, south of Reindollar, not result in an unacceptable level of service on Del Monte, since the acceptable level of service identified in the Regional Transportation Plan is LOS C (the current condition)?
- What percentage of the new housing proposed on the Armstrong Ranch will likely be used by commuters to the Silicon Valley, and what will the impacts of such new traffic be on Highway One going north, and on Highway 156?
- To the extent that the new housing proposed on the Armstrong Ranch will house commuters to the Monterey Peninsula, what will the impacts of such traffic be on Highway One going south, where peak commute traffic is already at unacceptable levels?
- With respect to the Imjin Road/12th Street corridor, if this connection effectively routes Salinas commuters to the Peninsula more easily through Marina (as it appears to do), will that increase Salinas-Peninsula commuting, and will that then result in additional

degradation of service on Highway One? Additionally, what will the completion of the Imjin Road/12th Street corridor do to existing traffic volumes on Reservation Road? Will reductions of traffic along Reservation Road, as traffic is diverted to the Imjin Road/12th Street corridor (and particularly when combined with new commercial development on the Armstrong Ranch), impair the viability of existing businesses on Reservation Road, leading to vacancies and possible physical deterioration?

- In general, the regional traffic impacts of the proposed project need to be analyzed and explained.
- Finally, the most up to date traffic data available should be used. It appears that the Draft EIR has not utilized the most current data from TAMC. The Final EIR needs to do so.

17. On page 10-27, the Draft EIR states that development anticipated under the Draft General Plan would result in a demand for potable water that would exceed available supply. This statement seems contradictory to the statement quoted earlier, from page 5-13, indicating "no problem" with water supply. The Final EIR must undertake the rigorous analysis called for by CEQA with respect to water supply, and if that analysis shows that there is inadequate water for the amount of development specified, the EIR must suggest feasible mitigation measures, including substantive changes in the proposed land use designations contained in the Draft General Plan. It is not legally adequate for the City to adopt a General Plan that calls for development that goes beyond available resources, and then say, as a policy in the Plan, "we'll stop when we run out." That appears to be the solution offered by the EIR and the Draft General Plan. Because the General Plan must be internally consistent, vital portions of the Plan may not be able to be completed if the Plan is premised on a "develop until we run out of water" theory. The Final EIR must fully analyze these complex issues.

18. On page 11-11, the Draft EIR notes that visitors currently approaching Marina from Highway One generally find the views pleasant. Development of the Armstrong Ranch, as proposed in the Draft General Plan, will essentially destroy the beautiful views coming towards Marina from the north, and leaving Marina going south. The EIR properly notes that this is a significant impact (a "profound" impact in the words of the Draft EIR). Because CEQA requires the EIR to be an "informational document" that truly tells the decision makers what the consequences of their actions will be, the Final EIR needs to provide a simulation of what views will be like after the Armstrong Ranch is developed according to the proposed General Plan. Failure to provide such a simulation, which is now quite feasible technically, makes the current EIR inadequate, since without such a visual simulation the EIR fails to inform the public and decision makers what one of the most important effects of the project will be. The Local Government Commission, whose contact information was previously provided, can direct the City and the EIR consultant to the software necessary to prepare the required visual simulations.

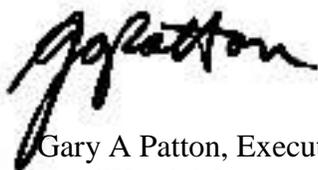
19. The section on "Alternatives to the Project" is, as indicated in earlier comments, fundamentally inadequate. What the EIR needs to do, to comply with CEQA, is actually to consider possible alternative ways to utilize the land within the City limits, and within the planning area, that could better accomplish the City's goals, but with fewer impacts. Could other land use designations and patterns of development feasibly accomplish the goals of the project without any or as great environmental impacts? Specifically, if different densities and development patterns were utilized could a development of lands within the current City limits, including the lands of the former Fort Ord, provide for equivalent housing and other opportunities, but without the need for the destruction of the scenic views, agricultural resources, and open space and habitat lands that will all be lost under the proposed General Plan? The Final EIR needs to examine more compact development scenarios, both inside the current City limits,

and on the Armstrong Ranch itself, since if the Armstrong Ranch were developed, it could be developed in a much more efficient manner than in the proposed "country club" format, with much less impact on critical environmental and economic resources. The EIR needs to illuminate the real options.

LandWatch Monterey County appreciates this opportunity to comment on the Draft EIR. We strongly urge the City to respond to the comments submitted here, and comments submitted by other agencies, organizations and individuals, and then to recirculate a new Draft EIR that more adequately complies with the requirements of the California Environmental Quality Act.

Thank you for taking our comments into account.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Patton". The signature is written in a cursive, flowing style.

Gary A Patton, Executive Director
LandWatch Monterey County