

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)

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.) 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.”¹ 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

¹ 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

Page 5

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 ¹	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation	Mitigation Schedule	Mitigation Responsibility ²
4.6 Public Health and Safety cont.						
4. Exposure to Hazardous and Toxic Materials	HTMS Policy A-1 Program A-1.1 Program A-1.2 HTMS Policy B-1 Program B-1.1 Program B-1.2 Program B-1.4 HTMS Policy B-2 Program B-2.1 Program B-2.2 HTMS Policy B-3 HTMS Policy C-1 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
4.7 Traffic and Circulation						
1. Increased Travel Demand on Regional Transportation System	SRC Policy A-1 Program A-1.1 Program A-1.2 SRC Policy B-1 Program B-1.1 Program B-1.2 TC Policy A-1 Program A-1.1 Program A-1.3 TC Policy B-1 Program B-1.1 TC Policy C-1 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 ¹	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation	Mitigation Schedule	Mitigation Responsibility ²
4.7 Traffic and Circulation cont.						
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		
Cumulative Traffic and Circulation Impacts						
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		