

August 7, 2023

City of Monterey
580 Pacific Street
Monterey, CA 93940

RE: Comments on the City of Monterey Draft Housing Element and on the Scope of Its
CEQA Review

City of Monterey Housing Team:

LandWatch has reviewed the [City of Monterey Public Review Draft Housing Element](#). We support your ambitious goal to “increase housing supply and facilitate production of at least 3,654 new homes by 2031.” LandWatch supports almost all of the policies and programs that the City proposes. Many of the programs would simplify project permitting and reduce housing costs. Our detailed comments below propose modifications to some programs to make them even more effective.

Although in other instances the City has shown leadership in addressing climate change and other environmental impacts, the plan to locate 2,100 housing units on the former Fort Ord – approximately 60% of the City’s RHNA allocation – is a significant step backward. Allowing sprawl development of this magnitude would contribute to significant climate impacts by inducing vehicle miles travelled. It would also impinge on sensitive biological resources, disturb a hazardous materials site, and worsen groundwater overdraft. Indeed, there is no available water supply for Fort Ord development because Marina Coast Water District has no committed plan to supply water and is bound by a settlement agreement not to supply additional hookups with non-groundwater sources for residential projects in Fort Ord.

Other cities – Pacific Grove, Sand City, and Carmel among them – will meet their RHNA obligations without this kind of sprawl by focusing on infill. Monterey can as well. LandWatch’s analysis demonstrates that expanding onto open space on the former Fort Ord is unnecessary if the City simply recognizes that its own analysis provides sufficient high density sites for both affordable and market rate units.

Because meeting the City's RHNA does not require providing sites for 2,100 units on the former Fort Ord, we ask that the Housing Element EIR assess potentially feasible alternatives to the proposed Fort Ord development.

- A. The Site Inventory cannot legally rely on Fort Ord sites due to the lack of any plan for water supply; and it should not rely on Fort Ord sites due to biological resource, VMT, and hazardous materials impacts that must be assessed and mitigated through conditions or alternatives.**

We are concerned with the policies and programs being relied upon to provide an adequate site inventory, which rely heavily on sprawl development into the former Fort Ord. Specifically of concern is **Policy 1.3** and **Program 1-H**;

- ***Policy 1.3** recognizing that infill development alone will not be sufficient to meet the City's RHNA obligations, plan holistically to integrate new housing in context sensitive ways on larger vacant properties in the southeast of Monterey to take advantage of opportunities where they exist.*
- **Program 1-H Fort Ord/Ryan Ranch Specific Plan**, with its "Objective: 2,100 new housing units, including 210 homes affordable to moderate-income households and 210 homes affordable to lower income households"

The goal to site 2,100 new units in that Fort Ord/Ryan Ranch Specific plan, represents nearly 60% of the 3,654-unit Regional Housing Needs Allocation (RHNA) for the 6th Cycle Housing Element Update. LandWatch would support development on Ryan Ranch where basic infrastructure is in place. However, to the extent that the City relies on sites on vacant, greenfield land on the former Fort Ord, it will need to identify and mitigate significant environmental impacts to biological resources, hazardous materials, water resources, and Vehicle Miles Traveled –impacts that would not occur on infill properties and non-vacant land in the urbanized portions of the City. Inclusion of Fort Ord areas as future residential growth areas in this 6th Cycle housing element would require substantial CEQA review of these impacts and evaluation of alternative development scenarios to avoid or lessen these impacts.

- 1. The City cannot legally rely on Fort Ord sites due to lack of a planned water supply.**

As for water, properties on the former Fort Ord proposed for residential service by MCWD can only be served by non-groundwater sources due to the 6,160-unit cap on new residential units served by groundwater, a limitation that does not apply to land within the already urbanized areas of the City. The rationale for this limitation is the well-known

condition of overdraft and seawater intrusion caused by excessive coastal area groundwater pumping.

As the City of Seaside acknowledged in its approval of the Campus Town project, after approval of the Campus Town project itself, there were only 10 units remaining in the 6,160 unit cap. ([Campus Town FEIR](#), pp. 3-169 to 3-170.) That unit cap remains in force despite the termination of the Fort Ord Reuse Agency by virtue of a [settlement agreement between MCWD, LandWatch, and Keep Fort Ord Wild](#).

The Site Inventory admits without any analysis that the City is on notice of this settlement agreement from an earlier letter from LandWatch, even while it admits that at most there are “water credits” for only 240 units.

Fort Ord also has water credits sufficient for 240 new homes today, making it one of the more feasible locations for housing development in the near term, although the City has received correspondence from Land Watch about a settlement agreement applicable to the site that may affect development potential.

(Draft HE, p. 3-16.) However, in order to count a site in its inventory, the City must demonstrate that utilities, including water supply, are either available or planned:

Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development.

(Gov. Code, § 65583.2(b)(5)(B).) Clearly there is no existing “mandatory program or plan” to supply water for 2,100 units in Fort Ord, since the Site inventory admits that there is at most some unspecified source of “water credits” to support *only 240 units*. And any agreement with the now defunct Fort Ord Reuse Agency for “water credits” is no longer an enforceable “mandatory program or plan.” Indeed, the only applicable mandatory program at this point is the LandWatch-MCWD-Keep for Ord Wild settlement agreement, which *bars* MCWD from supplying any further groundwater-based water supply hookups after the next ten units are entitled to MCWD water anywhere in the former Fort Ord. And MCWD does not have a “mandatory program or plan” to provide a *non*-groundwater supply to Monterey for its Fort Ord land.

In sum, the discussion of the Fort Ord water supply issue in the draft Housing Element is insufficient. At bottom, the City simply cannot count on the Fort Ord sites because there is no water supply available or committed through a mandatory program or plan.

Even if there were a committed plan to supply water to Fort Ord development, the City would have to disclose significant groundwater impacts in a CEQA review of the Housing Element, including the cumulative impacts associated with depletion of the aquifer, lowering groundwater levels, and seawater intrusion. There is no current committed mitigation for these impacts.

2. The City should not rely on Fort Ord sites due to hazardous materials.

Moreover, if this 6th Cycle housing element were to include Fort Ord sites, the City would need to address site contamination by hazardous materials. (See HE, p. 3-16 [“the presence of unexploded ordnance requires remediation before residential development can take place”].) First, the Environmental Services Cooperative Agreement (ESCA) requires that any amount of soil over 10 cubic yards remain on the same parcel it comes from (see [Fort Ord Cleanup](#)). Second, there are a number of questions that would have to be addressed in a CEQA review of the Housing Element if it relies on residential development of Fort Ord land:

- Were the areas being proposed for residential development in housing elements also designated for residential development in the Fort Ord Reuse Plan?
- Was the level of Army cleanup of Fort Ord soils guided by the then-intended uses for specific areas? For example, were areas intended for residential use cleaned up to a higher level than areas intended for industrial use?
- Has the soil on lands now being proposed for residential development in housing elements been contaminated?
- If the soils in areas now being proposed for residential use in housing elements were previously contaminated, were the soils cleaned up before the land was transferred to the City?
 - If it was [cleaned up](#),
 - Was it cleaned up to a level suitable for residential use, or just for other uses (e.g., industrial or commercial use)? If not, on whom would the cost of incremental cleanup to residential standards fall?
 - What restrictions remain on the use of the land, e.g.,
 - allowable use limitations
 - off-site transport of soils,
 - excavation protocols
 - additional testing and cleanup for excavated sites
 - construction worker protections,
 - capping soils

- What costs will accommodating these restrictions impose on future development? For example, if excavated soils cannot be removed from sites, what cost would be imposed to retain this presumably contaminated soil on site? Would this restrict the amount of land that could be developed?
- Is additional cleanup required? If so, what entity would be responsible for the cleanup, e.g., the current landowner (e.g., the city) or the purchaser (e.g., the developer)?
- Is there a monitoring program in place for soils and waters under lands now being proposed for residential use? What is the purpose of the monitoring? For example, could the monitoring trigger additional cleanup? If so, what entity would be responsible?

If any of the land proposed for residential development in Fort Ord has been contaminated and has not been fully cleaned up for residential uses without restrictions, or if there are additional costs associated with land use restrictions, then an EIR for a Housing Element that includes Fort Ord lands should evaluate alternatives to developing this land. Alternatives should include (1) siting development on uncontaminated sites, including urban infill sites in the already urbanized portions of Monterey, and (2) where contaminated sites are used, minimizing the development footprint by using clustered, compact development instead of low-density development.

3. The City should not rely on Fort Ord sites due to biological resource impacts.

The Fort Ord sites contain sensitive biological resources, including special status species, to which development would cause significant impacts. If the City includes Fort Ord land in the Site Inventory, the City would be required to assess those impacts in the Housing Element EIR and to propose mitigation or alternatives to avoid or reduce impacts found to be significant. The attached map identifies some of the biological resource constraints.

Rein Orchids: Populations of three species of rein orchid occurs in the Pine Woods (see map). Two of these species have special status.

- a. Yadon's piperia (*Piperia yadonii*) – CRPR Rank 1B.1 - ESA endangered
- b. Michael's piperia (*Piperia michaelii*) – CRPR Rank 4.2
- c. Denseflower Piperia (*Piperia elongata*) – no special status

Wetlands and vernal pools: A large natural wetland exists on the western edge of the city's Fort Ord land. The area indicated in the attached map was inundated in May 2023. Several native plant species occur there that are indicators of vernal pools and other wetlands. Impacts to this wetland would need to be mitigated through protection of equivalent wetland elsewhere. However, given the presence of a vernal pool specialist (Hickman's

popcornflower), an equivalent protectable wetland is unlikely to be available. So, it is unlikely that this wetland could be allowed to be developed or impacted by surrounding development.

Wetland species present include:

- d. *Brodiaea hyacinthina* (white brodiaea)
- e. *Brodiaea terrestris* (Dwarf brodiaea)
- f. *Cyperus eragrostis* (tall flatsedge)
- g. *Eleocharis macrostachya* (pale spikerush)
- h. *Isolepis cernua* (slender clubrush)
- i. *Juncus bufonius* (Toad rush)
- j. *Juncus phaeocephalus* (Brown-headed rush)
- k. *Plagiobothrys chorisianus* var. *hickmanii* (Hickman's popcornflower) – CRPR Rank 4.2
- l. *Triglochin scilloides* (flowering-quillwort)
- m. *Trifolium variegatum* (White-tipped clover)

Sensitive Natural Communities: Sensitive Natural Communities are jointly defined by the California Department of Fish & Wildlife (CDFW) and the California Native Plant Society (CNPS) as the formal means of defining rare plant communities as recognized by State law. A number of SNCs and preliminarily SNCs occur in the City's Fort Ord lands. They have not been precisely mapped, but the attached map provides an indication based on mapping by the CalVeg program. Some interpretation is necessary. In particular, any plant community on Fort Ord with a prominent *Arctostaphylos* (manzanita) species is a current or pending SNC named for that species. In turn, most areas mapped as a form of "chaparral" in the City's Fort Ord land would contain prominent *Arctostaphylos* and be considered sensitive under state law. The expected SNCs include:

- n. 37.321.00: *Arctostaphylos hookeri* Alliance (possible in area)
- o. 37.318.00: *Arctostaphylos pumila* Alliance
- p. 37.211.12: *Ceanothus cuneatus* – (*Arctostaphylos* spp.) Maritime
- q. 45.570.04: *Juncus phaeocephalus* Association
- r. 41.080.01: *Leymus triticoides* Association
- s. 42.005.00: *Trifolium variegatum* Alliance
- t. Pending: *Arctostaphylos tomentosa* Alliance

Other rare plant listings: Within the above SNCs in the City's lands on Fort Ord, several plant species occur that themselves have their own special status at the species or subspecies level. A partial list is:

- u. *Arctostaphylos hookeri* ssp. *hookeri* (Hooker's manzanita) – CRPR 1B.2
- v. *Arctostaphylos montereyensis* (Toro manzanita) – CRPR 1B.2
- w. *Arctostaphylos pumila* (Sandmat manzanita) – CRPR 1B.2
- x. *Ceanothus rigidus* (Monterey ceanothus) – CRPR 4.2
- y. *Chorizanthe douglasii* (Douglas' spineflower) – CRPR 4.3
- z. *Chorizanthe pungens* var. *pungens* (Monterey spineflower) – CRPR 1B.2 – ESA threatened
- aa. *Ericameria fasciculata* (Eastwood's golden fleece) – CRPR 1B.1

California Tiger Salamander: Most of the City's Fort Ord lands are within 2 km of a known breeding pool for California Tiger Salamander (CTS) – see map. The closest land is approximately 950 m away from a known breeding pool. All lands are within 2 km of either known or potential breeding pools (USFWS Biological Opinion 2017).

Although the Army's disposal of the land to the City for development purposes is addressed by the Fort Ord Habitat Management Plan (1997), it does not exempt the city from compliance with other applicable state and federal laws and regulations (USFWS Biological Opinion 2017).

It is possible that the city would need to acquire an Incidental Take Permit from the State and that a condition of this permit would be setting aside land in a conservation easement to mitigate the loss of upland CTS habitat. This is what occurred at East Garrison in 2013 in relation to development near known CTS breeding habitat.

Steep slopes: Slopes steeper than 25% occur on a substantial portion of the City's Fort Ord lands. These slopes and a substantial toe area beneath them would be difficult to develop, both from a regulatory and physical perspective.

4. The City should not rely on Fort Ord sites due to increased vehicle miles traveled and associated climate change impacts.

Both the Office of Planning and Research and the City of Monterey have previously recognized that VMT that is not at least 15% below the regional average is a significant

transportation impact under SB 743. To meet current GHG reduction targets, the California Air Resources Board now requires that local Climate Action Plans result in “VMT per capita reduced 25 percent below 2019 levels by 2030 and 30 percent below 2019 levels by 2045.”¹

As the attached letter from Ben Gould of EcoDataLab demonstrates, residential development on the Former Fort Ord would likely cause significant transportation impacts in the form of vehicle miles travelled well *above* the regional average. VMT represents the largest source of GHG in the County and thus the largest cause of climate change impacts.

The 2022 AB 32 Scoping Plan holds local governments accountable to avoid sprawl:

Local government efforts to reduce greenhouse gas (GHG) emissions within their jurisdiction are critical to achieving the State’s long-term climate goals, and can also provide important cobenefits, such as improved air quality, local economic benefits, healthier and more sustainable communities, and improved quality of life. Indeed, a substantial portion of California’s GHG reduction potential comes from activities over which local governments have authority or influence.²

CARB identifies VMT reduction as one of the three most priority efforts that local governments can take to align their policies with the AB 32 Scoping Plan.³ An agency cannot find its plans consistent with AB 32, and thus cannot find GHG impacts less than significant, without taking steps to minimize VMT. Minimizing VMT requires that jurisdictions “[p]reserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert ‘greenfield’ land to urban uses (e.g., green belts, strategic conservation easements).”⁴

5. CEQA disclosures and alternatives

¹ California Air Resources Board, 2022 AB 32 Scoping Plan, November 2022, App. D, p. 16.

² Id., App. D, p. 1.

³ Id., App. D, p. 9.

⁴ Id., App. D, p. 12.

In sum, there are substantial habitat, water supply, hazardous materials, and VMT constraints on Fort Ord development sites. If the City chooses to include any vacant Fort Ord land in the Housing Element site inventory, the EIR for its Housing Element must disclose the significant impacts related to habitat, water supply, VMT, and hazardous materials and must propose and evaluate alternatives that avoids or minimizes the use of Fort Ord land in order to reduce those impacts.

B. The City has a feasible alternative to reliance on Fort Ord land and this alternative is already implicit in the Site Inventory.

As explained below, the City could meet its RHNA requirements without relying on the Fort Ord sites. Accordingly, we suggest that Program 1-H be revised to call for a specific plan just for the Ryan Ranch sites, and not the Fort Ord sites. Omission of Fort Ord sites will greatly simplify the required CEQA review of the Housing Element. However, even if the City does decide to include some Fort Ord sites and, as is inevitable, there are potentially significant environmental impacts from this greenfield sprawl, CEQA requires that the City evaluate alternatives that would reduce or avoid these impacts. (14 C.C.R. § 15126.6.)

As set out in the attached analysis, such an alternative is feasible.

The attached analysis starts with the bottom line from Table 3-4 in the Site Inventory, which aggregates the affordable and above moderate-income unit sites the Site Inventory identifies for each opportunity area or other site. It then first subtracts the 2,100 units that the Site inventory collectively assigns to nine parcels identified as "Ryan Ranch/Fort Ord" without disaggregating the units by parcel. It then adds back the units assumed for the three Ryan Ranch parcels, making the same assumption about the realistic development capacity per acre as the Site Inventory makes for the nine parcels in Fort Ord and Ryan Ranch. The point of these two steps was to net out the assumed Fort Ord units from the Site Inventory's bottom line totals.

The analysis then determines whether there is a surplus or shortage for the high-density sites available for very low, low, and moderate-income units (collectively, "affordable units"). It also determines if there is a surplus or a shortage for the lower density sites available *only* for above moderate-income units, assuming that the above moderate-income units could only be built on lower density sites. However, as discussed below, the above moderate-income units could also be built on high-density sites, so the "shortage" of low-density sites for above moderate-income units can be made up using any surplus of high-density sites.

After elimination of the Fort Ord sites, with no further revisions to the Site Inventory's assumptions, there would be a 377-unit shortage in affordable unit sites, but there would continue to be a 478-unit surplus in above moderate-income unit sites and an overall surplus of 101 units.

However, the Site Inventory's analysis does not accurately identify all high-density sites available for affordable units. The Site Inventory is in fact internally inconsistent because it states that high-density sites along commercial corridors and the Downtown area are all available for affordable units (p. 3-7), but it then fails to count all of the high-density sites toward affordable units in the Lighthouse, North Fremont, and Downtown opportunity areas and in the Del Monte Shopping Center site. (HE, pp. 3-11, 12, 17, 24.) Instead, the Site Inventory arbitrarily assigns some of the units in high-density sites to above moderate-income units and reduces the number available to affordable units. This makes no sense because any urban infill site meeting the Mullin density of 20 units per acre is presumptively eligible for affordable unit development. And, indeed, the Site Inventory does assume all units could be affordable at other opportunity areas on commercial corridors and at other large sites outside of the opportunity areas that can attain Mullin densities. (HE, pp. 3-13 [Garden Road], 3-15 [Del Monte corridor], 3-17 [Elks Lodge, County Courthouse].) The fact that some currently unknown portion of these sites might instead be used for above moderate-income units does not mean that the City should arbitrarily conclude that they will be. At this point, the City's job is to identify sufficient sites for affordable units and separately to verify that there will be sufficient sites for above moderate-income units.

Accordingly, the attached analysis corrects the allocation of units as between high-density sites that *can* accommodate affordable units and lower-density sites that *can only* accommodate above moderate-income units. The analysis makes this correction in the Lighthouse, North Fremont, and Downtown opportunity areas and in the Del Monte Shopping Center site where some units were unnecessarily restricted to the above moderate-income category even though these sites could be developed at sufficient density to support either affordable or above moderate-income units. The Site Inventory states that commercial corridor sites are assumed to accommodate 29 units per acre and Downtown sites are assumed to accommodate 55 units per acre. (Draft HE, p. 3-7.) The Site Inventory states that any site attaining the Mullin densities, which for Monterey are 20 units per acre, should be counted toward the very low and low income unit RHNA. (Draft HE, p. 3-7.) Thus, all of the sites in the Lighthouse, North Fremont, and Downtown opportunity areas and in the Del Monte Shopping Center can accommodate affordable units, and none are restricted to above moderate-income units. Indeed, this assumption was made for all of the other high-density sites, including the Garden Row and Del Monte

corridor opportunity areas and the County Courthouse, and Elks Lodge sites. (Draft HE, pp. 3-13, 3-15, 3-17.)

Next, the analysis adds units that could be developed on seven City-owned parking lots that are within the opportunity areas. The City owns 25 parking lots with a total acreage of 37 acres. Nine of those 25 parking lots (8 acres) are located within the Opportunity Areas. Of those nine, seven parking lots (7 acres) are not listed in the Site Inventory. All of these locations are in a commercial corridor and within 0.5 mile distance to a major public transit stop. Those in the Lighthouse opportunity area are assumed to be developable at 29 units per acre and those in the Downtown area at 55 units per acre, per the Site Inventory assumptions. (HE, p. 3-7.) The following parking lots should be included in the Site Inventory:

Lighthouse Opportunity Area at 29DU/AC:

- Foam St. & David Ave. 1.1 Acre (32 units)
- Wave/CR1: 2.26 Acre (66 units)

Total: 98 units

Downtown Opportunity Area at 55 DU/AC:

- Lighthouse Ave. & Municipal Wharf 2: 1.32 Acre (73 units)
- Tyler St. & Franklin St.: 0.647 Acre (35 units)
- Tyler St. & Franklin St.: 1.38 Acre (71 units)
- #1 Jefferson St. & Calle Principal: 0.32 Acre (17 units)
- # 2 Jefferson St. & Calle Principal: 0.19 Acre (10 units)

Total: 206 units

Grand Total: 304 potential units

All of these parking lot units are at densities that qualify them to be counted toward affordable units.

Finally, the analysis determines the shortage or surplus of units on (1) sites that *can* qualify for affordable units and (2) sites that *can only* qualify for above moderate-income units. The analysis demonstrates that these adjustments to the Site Inventory, all but one of which were actually called for by the Site Inventory's own logic of treating high-density sites as suitable for affordable housing, result in a surplus of 663 sites suitable for affordable units and a shortage of 258 sites that are suitable *only* for above moderate-income units.

However, a "shortage" of sites that are suitable *only* for building above moderate-income units does not mean that there are insufficient sites for these units *because they can also be*

built on high-density sites, which can support either affordable or above moderate-income unit sites. Thus, the important constraint in developing the Site Inventory is first to identify sufficient sites for affordable units. If, as the analysis shows, there is a surplus of high-density affordable unit sites, then some of that surplus can be used to accommodate above moderate-income unit sites. Thus, the City may seek in its Site Inventory to selectively identify some of the high-density sites for above moderate-income units to demonstrate that there will be sufficient sites for both affordable and above moderate-income sites. Since there is an overall surplus of 405 units, this should be possible. The attached analysis shows that if 300 high-density units are allocated to above moderate income units, there would be a 363-unit surplus of affordable units and a 42-unit surplus of above moderate income sites.

However, we recommend that the City forego the arbitrary allocation of high-density sites as between affordable and above moderate-income units and simply note that up to 663 units on the high-density sites may be developed for above moderate-income units without reducing available sites for affordable units below the RHNA. In practice, the City is required to track the use of the high-density sites identified as suitable for affordable units by non-affordable units in the future to ensure compliance with the no-net-loss rule (Gov. Code, § 65863), and the City proposes to do this through Program 6-A (HE, p. 4-19.) The City could rezone additional sites or adopt a program to restrict available high-density sites to affordable units if 663 of the available high-density sites were to be developed with above moderate-income units.

In sum, simply by consistently recognizing that all of its high-density sites are available to affordable units, the City can meet its RHNA goals without development on Fort Ord – even without adding additional parking lot sites. City-owned parking lots provide an additional buffer. If the Site Inventory were to include all of the City-owned parking lots within the opportunity areas, there would be an additional 304 units as a buffer. This figure is conservative since it is based on the 29-unit per acre density assumed for commercial corridor opportunity areas and the 55-unit per acre density assumed for the Downtown opportunity area, whereas Policy 1-G proposes affordable housing development on two City-owned parking lots at up to 100 units per acre. Furthermore, the City owns another 16 parking lots totaling 29 acres, some of which are partially within the opportunity sites. Some of these sites could also be identified for high-density housing in the Site Inventory, creating an even larger buffer.

Finally, even if some additional sites were needed from Fort Ord for a larger buffer, it is clear that the City does not need all 2,100 sites assumed in the Site Inventory, of which only 20% are assumed to be affordable. At most, the City might need a few hundred additional sites. Limiting Fort Ord development to a few hundred tightly clustered high-

density units contiguous to Ryan Ranch might avoid significant biological resource impacts and minimize impacts related to water and hazardous materials.

Accordingly, the City must evaluate at least two alternatives to mitigate effects of the greenfield sprawl that would be caused by sprawl onto Fort Ord: (1) an alternative that forgoes any development on Fort Ord and (2) an alternative that develops only a few hundred units, tightly clustered in an area of minimal biological resource impacts.

Please consider the points made above to be comments on the Notice of Preparation of the EIR for the General Plan Update.

C. Comments on policies and programs

1. Program 1-B Multi-Family Residential Overlay Amendments.

LandWatch supports the proposal for the MFR overlay areas to increase densities from 30 to 50 units per acre and to remove the requirement for covered parking. The overlay district was intended to facilitate conversion of industrial Zoned areas to housing and provides “development standards that are somewhat less stringent than otherwise applicable to multi-family development.” (HE, p. C33.)

We recommend that the program include expansion of the MFR overlay from the Garden Road area to all of the opportunity areas identified in the Site Inventory in order to encourage MFR development in these areas. There appears to be no reason to impose more stringent development standards outside the Garden Road area.

The proposal to “consider establishing a minimum density for the area when adequate water supply becomes available” should be clarified by deleting the phrase “when adequate water supplies become available.” As the Housing Element acknowledges, when water supplies are limited, units cannot be built. (HE, p. C-33.) However, the City can consider and establish minimum densities in advance of the expected availability of additional water supplies (e.g., the Pure Water Monterey Expansion in 2025), and it should do so.

2. Program 1-C Specific Plan Updates.

LandWatch supports the systematic review and updating of the existing Downtown, North Fremont, and Lighthouse Avenue specific plans to increase permitted density and height and to liberalize parking mandates. This work should be coordinated with Program 2-D, which calls for establishing objective development standards for specific plan areas and other areas.

3. Program 1-D Permit Streamlining Pilot Project.

LandWatch strongly supports the proposed pilot project to streamline permitting to fast track *infill* projects, particularly the proposal for by-right ministerial permitting. We recommend that the pilot program area include not just the Downtown opportunity area but also the North Fremont, Lighthouse, and Del Monte opportunity areas where the Site Inventory identifies similar concentrations of infill MFR sites and similar opportunities to fast track housing projects.

We recommend that the City use this pilot program to move toward an eventual system of by-right ministerial permitting for multi-family infill development in all zones that permit any residential uses. Qualifying developments that meet the objective zoning, design review, and use standards should be permitted through ministerial review and without any requirement for a conditional use or other discretionary permit.

Qualifying projects should be limited to infill sites, e.g., as defined by Government Code Section 65913.4(a)(2) [SB 35] or Public Resources Code Section 21094.5(e)(1)(B) [CEQA infill exemption]. Limiting the program to infill sites should simplify CEQA review for the adoption of the program itself.

The City should continue to require discretionary review of projects on specified sites that are environmentally sensitive, e.g., habitat for endangered, rare or threatened species; farmland of statewide and local importance; wetlands; earthquake/seismic hazard zones; federal, state, and local preserved lands, NCCP and HCP plan areas, and conservation easements; riparian areas; Department of Toxic Substances Control (DTSC) facilities and sites; landslide hazard, flood plains and, floodways; and wildfire hazard as determined by the Department of Forestry and Fire Protection. (See, e.g., Gov. Code § 65913.4(a)(6)(B) through (K) [sites excluded from ministerial permitting in SB 35].)

The City could address concerns for gentrification and historic resources by continuing to require discretionary review for projects on existing affordable housing, mobile home sites, or historic resources. (See, e.g., Gov. Code § 65913.4(a)(7), (10) [SB 35].)

Application, design review, and expiration terms could be based on the language used to implement SB 35. (Gov. Code § 65913.4(b), (c), (e).)

Ministerial permitting of residential projects in infill areas of Monterey is appropriate because CEQA review should be accomplished at the program rather than the project level. That is, CEQA review should take place when the City amends its General Plan or zoning code, not when a developer comes to the City with a conforming project.

4. Program 1-E Education Workforce Housing Overlay.

LandWatch strongly supports this program, which would provide by-right permitting of school district housing. By-right permitting is a logical extension of AB 2295, which already limits project review to objective standards.

5. Program 1-F Congregational Overlay.

LandWatch strongly supports this program to provide by-right ministerial permitting to housing projects undertaken by faith-based communities on 12 identified sites.

We suggest that the City consider expanding the program to include other *infill* sites where MFR housing is undertaken by religious institutions. Qualifying sites could be identified using the criteria in SB 35, which applies only to infill projects on sites that are not environmentally sensitive and that do not eliminate historic resources or existing affordable housing. (See Gov. Code § 65913.4(a).)

6. Program 1-G Surplus Municipal Parking Facilities.

LandWatch supports using City-owned lots for housing. As discussed above, there are many more City-owned lots that could be made available.

7. Program 1-H Fort Ord/Ryan Ranch Specific Plan.

As detailed above, the City cannot legally and should not, as a prudential matter, rely on Fort Ord sites to meet its RHNA obligations. Accordingly, Program 1-H should be limited to Ryan Ranch.

8. Program 2-B Permit Thresholds for Multi-Family Projects.

LandWatch supports the proposal to provide at least the same level of liberality in MFR permitting as afforded to other projects, including the elimination of use permits and non-objective development and design reviews.

We understand that the objective of this Program is to remove barriers to smaller MFR projects. Other programs applicable to larger MFR projects should also result in by-right or streamlined permitting of MFR projects.

9. Program 2-C ARC Review.

LandWatch supports this program to eliminate subjective design review. By itself the program should streamline permitting somewhat.

The City should move toward exclusive reuse of objective standards for both design review and development review. Objective standards are an important prerequisite for by-right permitting, which should be expanded to apply to essentially all MFR infill projects.

10. Program 2-D Revise Adopted Plans with Objective Standards.

LandWatch supports revising existing specific plans to ensure that development standards are objective. It is not clear from the language of the program that the intent is to establish that *all* applicable policies and standards be objective. The program should be clarified to provide that it will eliminate all subjective development and design review policies and standards in these specific plan areas.

The City should also consider eliminating subjective development standards and policies for infill housing projects outside these specific plan areas.

11. Program 2-E Revise Parking Requirements.

LandWatch supports liberalizing parking mandates, including going beyond the parking mandate reductions now required by state law. Where possible, the City should reduce or eliminate parking requirements.

The City should also consider requiring that new development unbundle parking so that tenants pay for it separately. Unbundling parking can substantially reduce demand for parking and reduces VMT.

12. Program 2-F Update Density Bonus Ordinance and Program 3-C Local Density Bonus.

Program 2-F proposes to revise the local ordinance to comply with new state mandates, and Program 3-C proposes to offer additional bonus for small lot consolidations. We support both programs.

In preparation to accommodate proposals under AB 2011 and SB 6, we also recommend extending the density bonus program to all commercial zones.

We also recommend that the implementing ordinance for the State Density Bonus Law include an additional density bonus that goes beyond the state requirements in order to more effectively promote affordable housing development. For example, the City could provide a local density bonus greater than the state DBL bonus, e.g., a 50% bonus for projects providing 8% very low-income units instead of the state DBL's 27.5% bonus. Such an approach is being taken by Sand City, which is proposing a 250% density bonus as long as 15% of the units are affordable to lower income households. In addition, the City could increase the number of concessions given at specified levels of affordability beyond the number mandated by the State DBL.

13. Program 2-I Inclusionary Zoning.

Program 2-I proposes to amend the inclusionary housing ordinance to mandate that its existing 20% affordability requirement be met by providing 10% very low and low income units and 10% moderate income units, which the housing element states is the typical practice.

LandWatch suggests that there is no need for this program if the existing practice already attains its objective.

Furthermore, adoption of any amendment to an inclusionary housing ordinance after September 15, 2017 that mandates more than 15% affordable units, as does Monterey's, will make the amended ordinance subject to HCD review and may require the City to prepare an economic feasibility study and to limit the affordable mandate to 15%. (Gov. Code, § 65850.01.) Sometimes it is best to leave well enough alone.

14. Program 2-J Water Distribution Policy and Program 2-K Addressing Water Supply Constraints.

Program 2-J should be amended to reflect the fact that the Cal-Am has in fact entered the water purchase agreement for the Pure Water Monterey Expansion and that there will be sufficient water supplies to accommodate the City's RHNA.

Program 2-K should be amended to clarify that the City does not support, or at least does not take a position on, Cal-Am's controversial effort to impose an unnecessary and very expensive desalination project on its ratepayers. At minimum, the first bullet point should be revised as follows:

Support efforts by the Monterey Peninsula Water Management District (MPWMD) and the California American Water Company (Cal-Am) to pursue the Sand City

desalination plant, Pebble Beach water recycling facility, and new lawful rights in the Carmel River;

Thank you for this opportunity to comment.

Regards,

Michael DeLapa
Executive Director

Attachments

Analysis of Monterey Site Inventory showing feasible alternative to Fort Ord sprawl

Ben Gould, President, EcoDataLab, letter to Michael DeLapa, August 22, 2023.

Map of biological resources

Analysis of Monterey Site Inventory showing feasible alternative to Fort Ord sprawl

	Mullin density sites available for any units including Very Low, Low, and Moderate Income units	Lower density sites not available for VL and L income units	total sites
Starting balance: Adjusted Total RHNA based on draft Housing Element Site Inventory from Table 3-4 (3rd line from bottom of table)	2,440	3,362	5,802
less aggregate Ryan Ranch/Ford Ord units from Table 3-4 (note that Site Inventory assigns the units collectively to 9 parcels identified as "Ryan Ranch/Fort Ord" without disaggregating the units by parcel)	(420)	(1,680)	(2,100)
add back Ryan Ranch units , assuming 3.3 acres are available (APNs 259-041) with a realistic development capacity (RDC) at 54% of 30 units per acre, which is the average RDC used in the Site Inventory for the Ryan Ranch/Fort Ord sites	11	42	53
subtotal - non-Fort Ord units in draft Housing Element site Inventory	2,031	1,724	3,755
RHNA requirement (from Table 3-4, second line from bottom of table)	2,408	1,246	3,654
(shortage)/surplus before adding additional sites and adjusting for consistent treatment of high density sites as available for affordable units	(377)	478	101
North Fremont opportunity area adjustment: The Site Inventory discussion allocates 328 units to this high-density area along a commercial corridor. (p. 3-11.) But it counts 110 units as above moderate income and only counts 218 units as affordable, even though the Site Inventory states that any site attaining Mullin densities should be counted toward the VL and L income unit RHNA. (p. 3-7.) Since the entire area is assumed to exceed Mullin densities, all units can be counted toward affordable units or above moderate income units. Accordingly, the Site Inventory could reallocate the 110 above moderate income units to identify them as available for affordable units.	110	(110)	-
Lighthouse opportunity area adjustment - The Site Inventory allocates 296 units to this high-density area along a commercial corridor. (p. 3-12) But it counts 265 units as above moderate income units and only counts 31 units as affordable, even though the Site Inventory states that any site attaining Mullin densities should be counted toward the VL and L income unit RHNA. (p. 3-7.) Commercial corridor sites are assumed to accommodate 29 units per acre. (p. 3-7.) Since the entire area is assumed to exceed Mullin densities, all units can be counted toward affordable units or above moderate income units. Accordingly, the Site inventory could identify the 265 above moderate income units as affordable units instead.	265	(265)	-
Del Monte Shopping Center adjustment - The Site Inventory allocates 150 units to this 48 acre site, of which 120 are counted toward above moderate income units and only 30 counted toward affordable units. (p. 3-17.) The Site Inventory states that sites that can attain Mullin densities are counted toward affordable income units. (p. 3-7.) Other large sites outside of the Opportunity Areas that can attain Mullin densities are counted toward affordable units, including the Elks Lodge and County Courthouse sites. (p. 3-17.) Since the entire area is assumed to exceed Mullin densities, all units can be counted toward affordable units or above moderate income units. Accordingly, the Site inventory could identify the 120 above moderate income as affordable units instead of above moderate income units.	120	(120)	-
Downtown opportunity area adjustment - The Site Inventory allocates 457 units to the Downtown area, of which 241 are above moderate income units and only 216 are affordable units. (p. 3-24.) The Site Inventory assumes that the RDC for the Downtown area is 55 units per acre based on survey results. (p. 3-7.) Since the entire area is assumed to substantially exceed Mullin densities (p. 3-7), all units can be counted toward affordable units or above moderate income units. The Site Inventory could identify the 241 above moderate income units as affordable units instead.	241	-241	-
(shortage)/overage after reallocations of high density sites to affordable units	359	(258)	101
add units on additional City owned parking lots within opportunity areas. (7 additional lots in Downtown area developed at 55 units per acre)	304	-	304
(shortage)/overage after all adjustments - additional parking lots and reallocations of high density sites to affordable units	663	(258)	405
assume 300 above moderate income units are identified in high density areas	-300	300	-
(shortage)/overage	363	42	405



August 22, 2023

Dear Michael DeLapa,

Per your request, EcoDataLab has reviewed and analyzed the City of Monterey's proposal to include the Ryan Ranch and Fort Ord site ("Fort Ord") as a Tier 1 Opportunity Site for its 2023 Housing Element. Based on our analysis, I believe that new development at Fort Ord is likely to have per-capita vehicle miles traveled (VMT) which are *higher* than the countywide average, and that this increase in VMT would constitute a significant impact under CEQA using the City of Monterey's adopted VMT policy.

EcoDataLab uses state-of-the-art research and data to help communities understand their complete carbon footprints and take the most effective actions to reduce environmental impacts. We have partnered with the CoolClimate Network at UC Berkeley to develop models of household behavior, including VMT and energy use, to predict consumption-based emissions. Our model outputs and findings are used by over a dozen cities and counties across the US and Canada to understand and address their consumption-based emissions, including San Francisco¹, Seattle², and New York City³.

For this analysis of the Fort Ord site, we used our Household VMT model and US Census data to determine per capita household VMT for Monterey County and for existing communities near Fort Ord. Because our methodology evaluates only household VMT, and it includes all household trips (including non-home trips), it is not directly comparable to the methods used to develop or evaluate VMT impacts for CEQA analysis. Our methodology cannot predict or determine CEQA impacts. However, it can provide a useful comparison of household VMT across a county, and in doing so can allow for a reasonable approximation of the direction and magnitude of household VMT in a proposed development compared to the countywide average.

A map of our modeled outputs for Monterey County household VMT is included in Figure 1.

¹ <https://escholarship.org/uc/item/4k19r6z7>

² <https://www.seattle.gov/environment/climate-change/climate-planning/performance-monitoring#consumptionemissions>

³ <https://climate.cityofnewyork.us/wp-content/uploads/2023/04/NYC-Household-Consumption-GHG-Emissions-Inventory.pdf>

Data: Vehicle Miles Traveled (VMT) per household

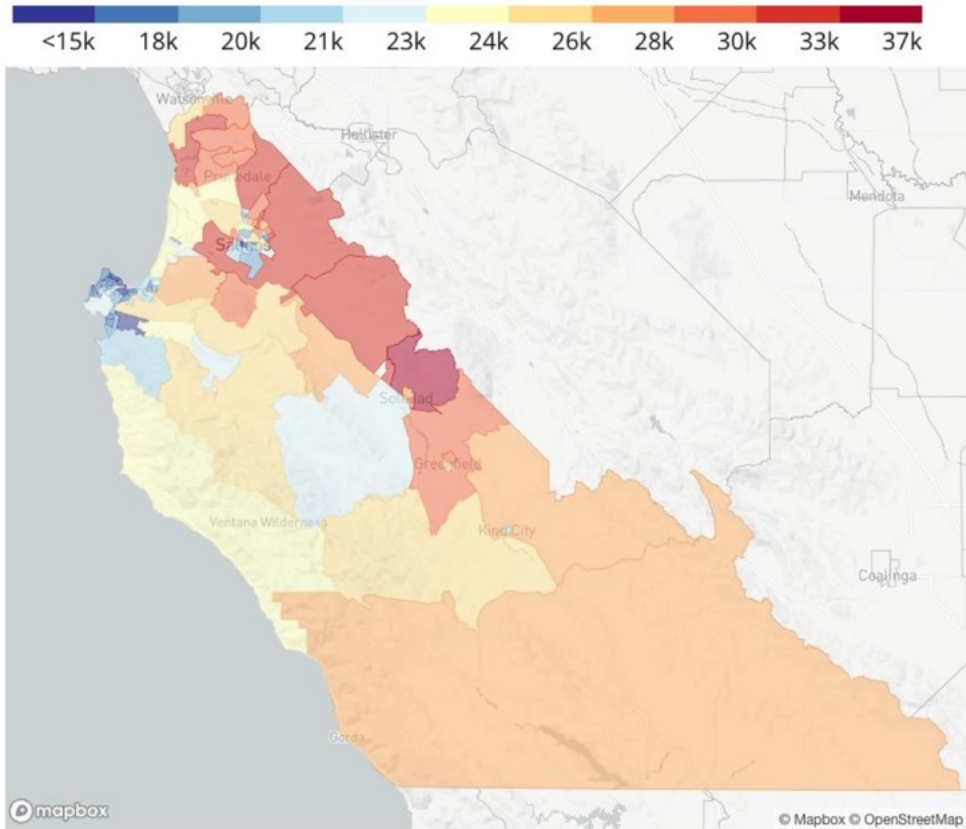


Figure 1. Monterey County Household VMT map (2021)

Countywide, the average household VMT is estimated at 24,904 miles per household. The City of Monterey has adopted per capita VMT metrics, not per household, and so these VMT estimates must be divided by household size to calculate VMT per capita. (Mapped VMT per capita data was not immediately available).

Figure 2 shows household size data across the county.

Data: Household size

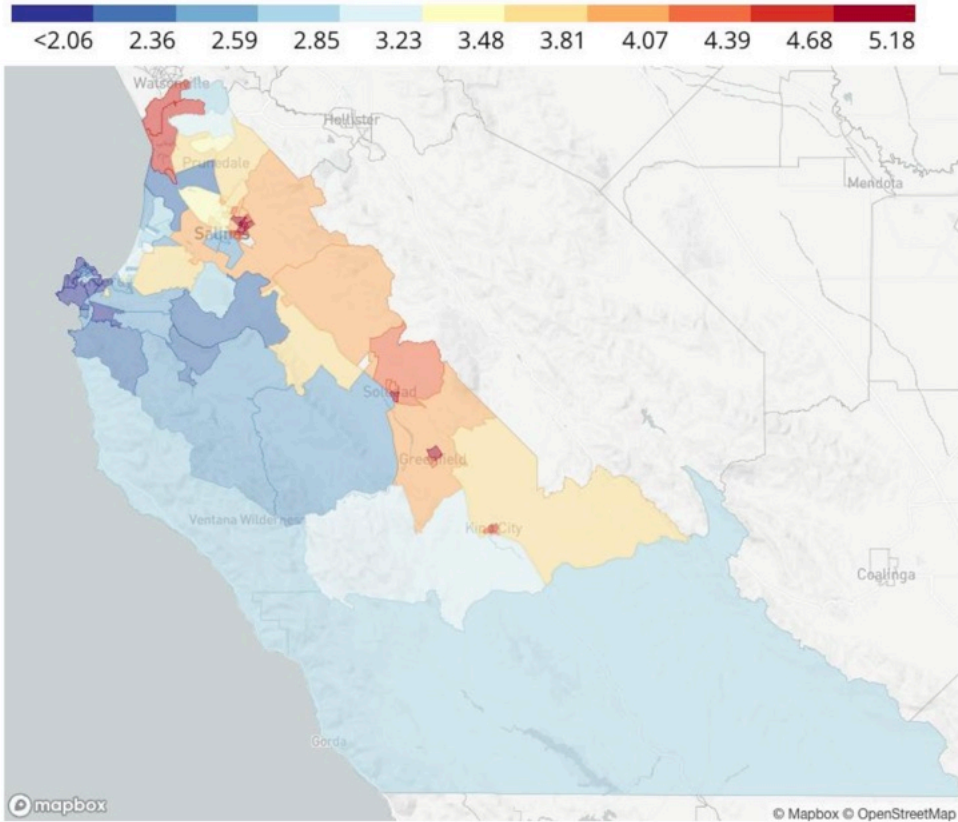


Figure 2. Monterey County Household Size Map (2021)

The average household size in Monterey County is 3.14, for a total of 7,931 VMT per capita.

We evaluated two Census tracts adjacent to the proposed Fort Ord site to determine their present-day estimated VMT per capita.

Census tract 06053013200 ("13200") is a geographically large tract stretching from Cabrillo Highway on the west to Laureles Grade Road on the east, bordered to the north by Fort Ord and the Monterey Regional Airport.

Census tract 06053013400 ("13400") is a geographically compact tract of the Del Rey



Oaks neighborhood, tracking Canyon Del Rey boulevard from N Fremont St to the Monterey Salinas Highway. It is bordered to the north by the city of Seaside, to the east by the Fort Ord site, and to the southwest by the Monterey Regional Airport. It is immediately north of 13200. Images of tracts 13200 and 13400 are attached.

The average household VMT, household size, and average per capita VMT for these census tracts and Monterey County are in Table 1.

Table 1. Per Capita VMT Breakdown by tract

Location	Per Household VMT	Household Size	Per Capita VMT	% Difference from County
Monterey County	24,904	3.14	7,931	-
Tract 13200	24,765	2.58	9,599	+21%
Tract 13400	23,375	2.5	9,350	+18%

Both of these neighboring tracts have significantly higher per capita VMT than the county average under our Household VMT model.

In addition to these modeled estimates, the Fort Ord site is roughly 5 miles or further from major destinations like Downtown Monterey, the Del Monte Shopping Center, and the Edgewater Shopping Center, and still further from many major employers. Due to this geographic distance, adults living at the Fort Ord site may not be able to live ordinary lives without driving an average of roughly 10+ miles per day to visit common destinations. The City's threshold of significance is 9.7 VMT per capita.

Based upon these analyses, it seems likely that new development near Fort Ord would exceed CEQA thresholds for significant impacts from VMT. I encourage you to urge the City to evaluate alternative locations for new housing, closer to key destinations and with greater access to transit and bicycle infrastructure that will reduce the need for automobile ownership and usage.

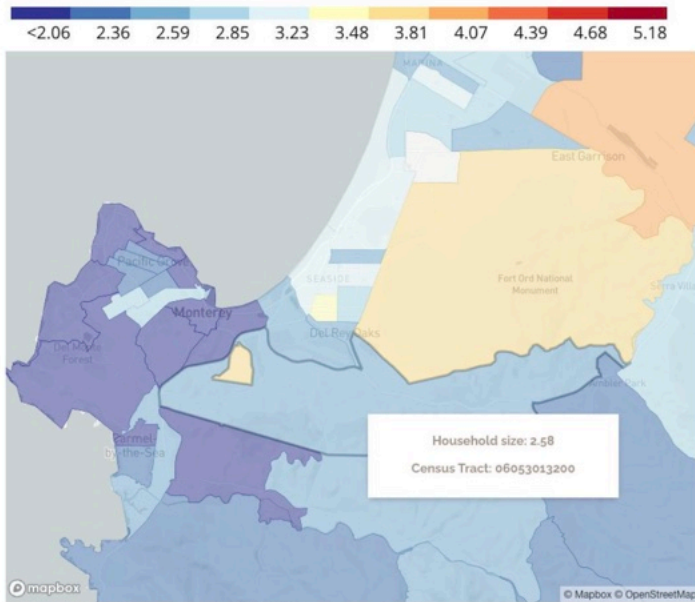
Sincerely,

A handwritten signature in black ink that reads "Ben Gould".

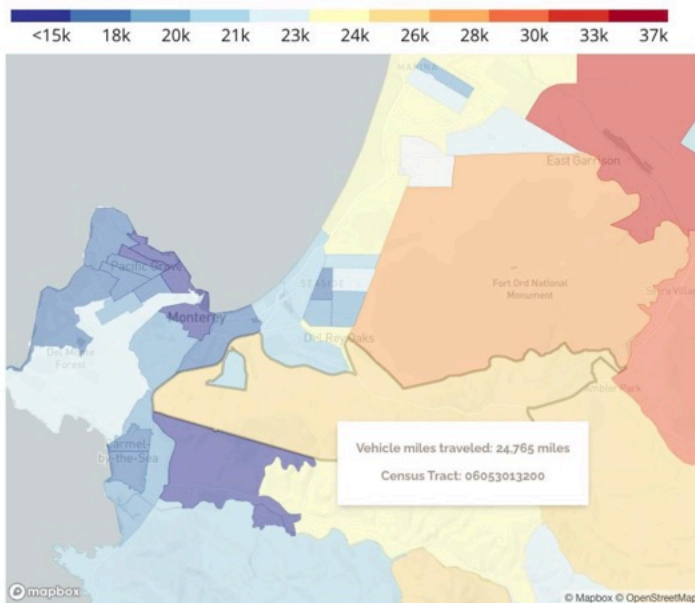
Ben Gould, MPP, MS
President, EcoDataLab

Attachments: Census Tract-level VMT and Household Size Maps

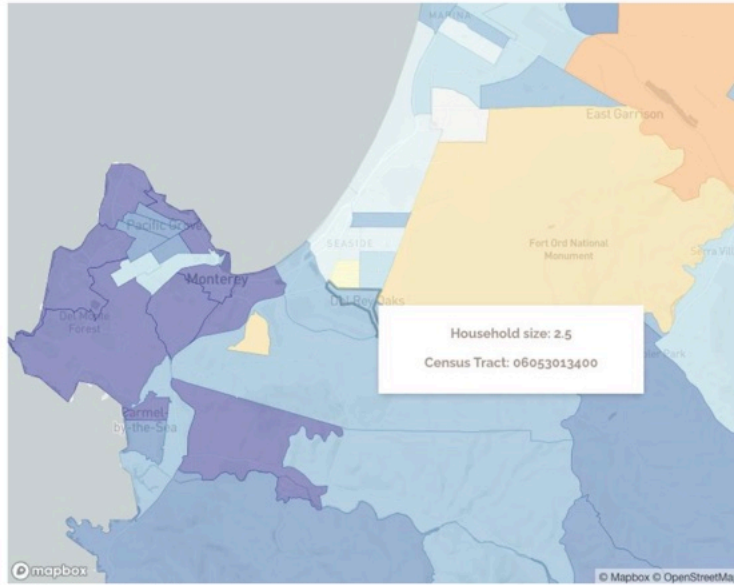
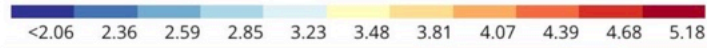
Data: Household size



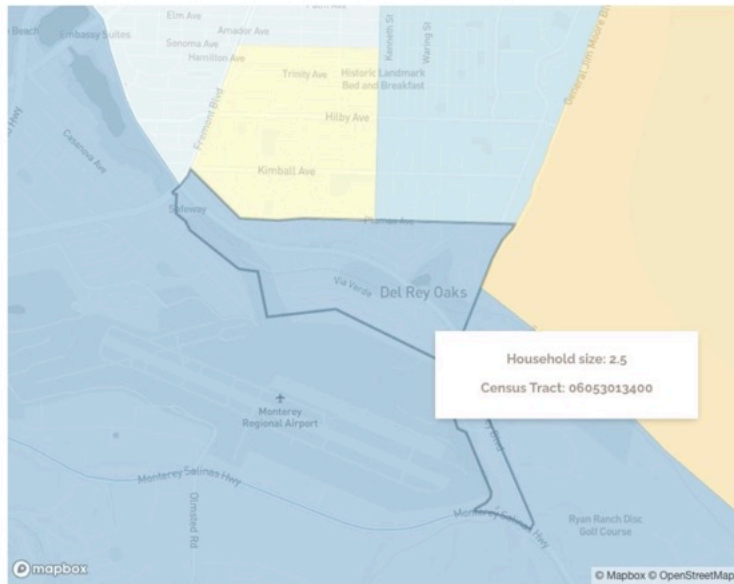
Data: Vehicle Miles Traveled (VMT) per household



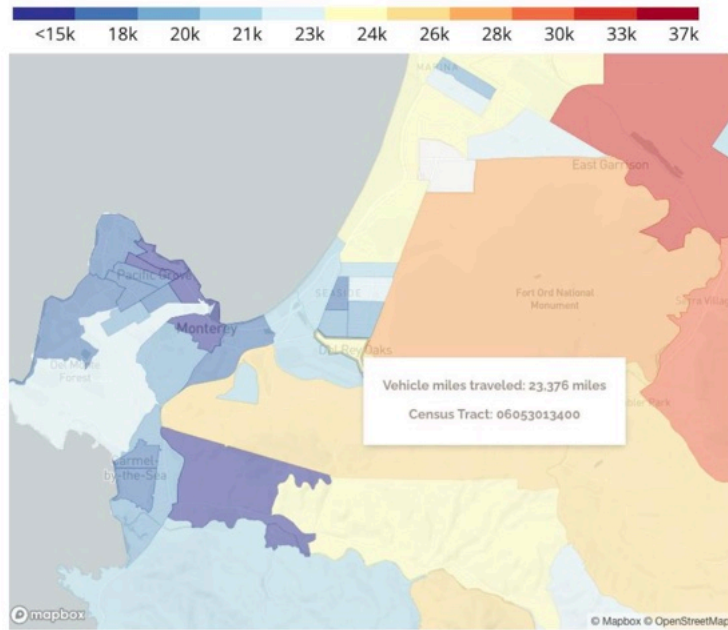
Data: Household size



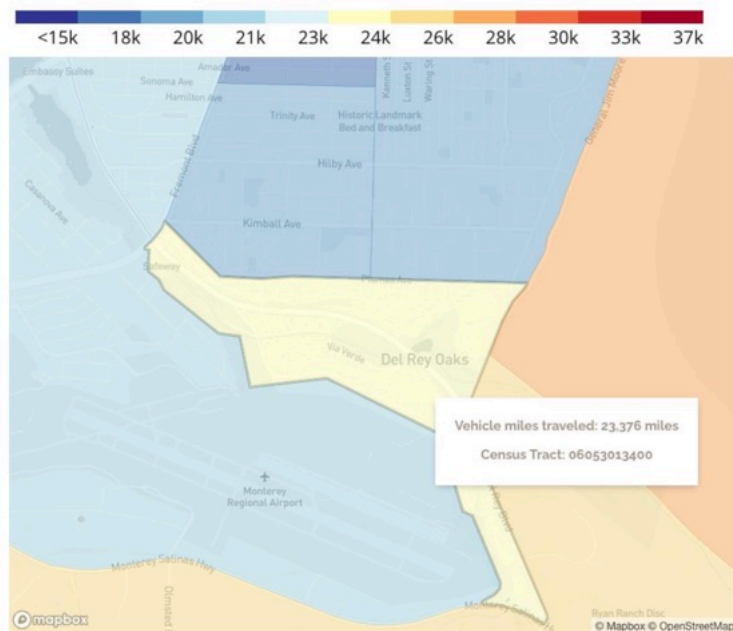
Data: Household size



Data: Vehicle Miles Traveled (VMT) per household



Data: Vehicle Miles Traveled (VMT) per household



Map of biological resources

