



August 10, 2020

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Subject: DEIR for Central Area Specific Plan

Dear Ms Miller:

LandWatch Monterey County submits the following comments on the Draft EIR for Salinas' Central Area Specific Plan:

Project Description

The Specific Plan Area includes 23 parcels. All of the parcels are located within the boundaries of the Central Area Specific Plan, although two of the parcels are located within unincorporated Monterey County. The current zoning within the Specific Plan Area is New Urbanism Interim (NI) with a Specific Plan Overlay District, except for the Settrini/Garcia/Igaz properties, which are currently zoned F/40 (Farmlands, 40 acres per unit).

The General Plan Land Use Designations for the proposed Specific Plan include Mixed Use, Residential Low Density, Residential Medium Density, Residential High Density, Public/Semipublic, Open Space, and Park. (p. 2.0-4) The quantifiable objectives of the proposed project include the development of up to 3,911 residential dwelling units, up to 489,700 square feet of commercial uses, approximately 61 net acres of public facilities (including one elementary school, one middle school, one combined elementary and middle school, a fire station, a public library, utility facilities, and a prominent site reserved for public/semipublic use [e.g. religious assembly), and approximately 148 net acres dedicated to parks and open space uses. (p. 2.0-5)

The Specific Plan includes a variety of residential densities:

Neighborhood	Density Net units per residential acre (nra)	Acres	Percentage
Neighborhood Edge	Low 6 to 8 du/nra	208	57%
Neighborhood General	Medium 8 to 10 du/nra High 14 to 16 du/nra	109.7	30%
Village Center	High/Mixed Use 18 to 31 du/nra	50.5	13%

Data from DEIR p. 2.0-23

Agricultural Land

The DEIR fails to evaluate the effect of the Central Area Specific Plan on loss of agricultural land, treating it as a topic that does not warrant further discussion because it was addressed in the General Plan EIR. (DEIR p. 1.0-17.) The DEIR's brief reference to agricultural land loss states that the General Plan EIR adequately addressed the loss of agricultural land and found the impact to be significant and unavoidable. Even if that were the case, CEQA requires that the City adopt feasible mitigation or an alternative that would lessen the impact as long as it remains significant and unavoidable. Here, the Reduced Land Area Project Alternative *would* lessen the loss of agricultural land. The EIR should be revised to disclose this fact. Furthermore, the comparison of alternatives in Tables ES-1 and 5.0-8 should be revised to disclose that the Reduced Land Area Project Alternative would have lesser impacts on agricultural land loss than the proposed project. The public and decision makers cannot evaluate alternatives adequately without this disclosure.

Air Quality

The DEIR finds the proposed project would not conflict with or obstruct the latest air quality plan (DEIR p. 3.1-27) This conclusion is based on the finding that the City of Salinas has worked closely with AMBAG to ensure that City population estimates are included within AMBAG's 2018 Regional Growth Forecast, which will feed into the next AQMP. The latest AQMP is for 2014-2015 and includes the 2014 AMBAG population forecasts, not the 2018 forecasts. The project is inconsistent with the adopted AQMP.

Further, the DEIR finds operation of the Specific Plan would have a significant and unavoidable impact on regional air quality (p. 3.1-30). This finding is contrary to the DEIR finding that the project would not conflict with the latest air quality plan.

Greenhouse Gas Emissions

The DEIR finds cumulative impacts on climate change from increased project-related greenhouse gas emissions to be significant and unavoidable. The operational emissions would be a long-term release totaling approximately 45,347 MT CO₂e without mitigation and 40,134 MT CO₂e with mitigation (DEIR p. 4.0-11).

Although the DEIR states that "the proposed project would be required to implement mitigation measures that are intended to reduce GHG emissions to the maximum extent feasible," the DEIR fails to consider, evaluate, and propose those mitigation measures. Instead it relies on Mitigation Measure 3.4-1, calling for the applicant to prepare a Greenhouse Gas Reduction Plan at some point in the future, "pursuant to CEQA Guidelines section 15183.5(b)." (DEIR p. 3.4-40). This deferred mitigation does not comply with CEQA for several reasons.

First, an agency may not defer formulation of mitigation unless it provides a sufficient reason. The DEIR provides no reason for deferral of the Greenhouse Gas Reduction Plan.

Second, the DEIR does not simply require the future formulation of the Greenhouse Gas Reduction Plan, but also purports to rely on this future plan in its determination of the significance of the Specific Plan's impacts. For example, the DEIR finds that the Specific Plan would not conflict with plans for reducing GHG emissions because of Mitigation Measure 3.4-1:

The Specific Plan would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, as described above. With

implementation of the mitigation measures provided within Section 3.1: Air Quality and with implementation of Mitigation Measure 3.4-1, there would be a less than significant impact (DEIR p. 3.4-46).

But CEQA Guidelines section 15183.5(b) only permits an agency to rely on “Plans for the Reduction of Greenhouse Gas Emissions” when analyzing the significance of impacts “if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances.” Furthermore, the “specified circumstances” include the requirements that the Plan “specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level” and that the Plan has been “adopted in a public process following environmental review.” Here, the Greenhouse Gas Reduction Plans have not yet been adopted, and there is no specification of the measures that demonstrably achieve the specified emissions level. To the contrary, Mitigation Measure 3.4-1 merely mandates that the applicant prepare the plan, not that the future projects actually meet the specified emissions levels. The DEIR allows the future projects simply to claim that the emissions reductions are not feasible:

If sufficient feasible GHG reduction measures are unavailable to reduce GHG emissions to below the threshold of significance, the project applicant shall include evidence in the GGRP to this effect (FRIR p. 3.4-41).

And the DEIR later admits that projects may not attain the required reductions:

On a project-by-project case, the City of Salinas evaluates a project and the potential to impose project-specific mitigation, which has been done through this GHG analysis. However, because it is possible that individual projects within the Specific Plan Area may not achieve GHG reductions needed for their individual impacts to be less than significant, implementation of the Specific Plan would have a cumulatively considerable contribution and significant and unavoidable impact to GHGs (DEIR p. 4.0-11).

In sum, the DEIR improperly relies on deferred Greenhouse Gas Reduction Plans and reaches contradictory conclusions as to the efficacy of these unspecified plans.

The fundamental problem is that the DEIR simply fails to acknowledge that the City has authority to impose specific mitigation measures that would reduce GHG Emissions from the Specific plan. The DEIR claims that “the City does not have the jurisdiction to create far-reaching (i.e. statewide) measures to reduce GHG emissions.” (DEIR p. 4.0-11.) While the City may not impose statewide measures, it does have both the authority and the responsibility to condition the Specific Plan on specific local measures, such as the mitigation measures that would be required if SB 743 were addressed in the Transportation analysis. Even if SB 743 compliance is not mandated for this EIR, the DEIR does have to assess and propose mitigation for GHG impacts, which is the primary goal of the VMT analysis in SB 743.

The DEIR should be revised and recirculated to include a Greenhouse Gas Reduction Plan applicable to all future projects in the Specific Plan area that actually complies with the requirements of CEQA Guidelines section 15183.5(b). In addition, the DEIR must actually specify and propose adequate mitigation measures to ensure that GHG impacts are less than cumulatively considerable (i.e., measures that would ensure meeting the performance specification) or, if that is not possible, then the DEIR must specify and propose all feasible mitigation measures to reduce GHG emissions. For example, the EIR should propose:

- Increased density (i.e., increased residential units/acre). Single family dwelling units generate 9.52 daily trips in contrast to condos which generate 5.81 daily trips, a 40% reduction in daily trips (ITE, 9th edition). Mid-rise apartments generate even fewer trips at 4.20 daily trips. CAPCOAs demonstrates that increased density can reduce emissions up to 30%. (CAPCOA, Quantifying Greenhouse Gas Mitigation Measures, 2010, p. 155, available at <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>)
- Increased transit accessibility by mandating provision of transit stops and subsidies for fast, frequent, and reliable transit service to regional locations. CAPCOA estimates that this can reduce emissions up to 24.6% (CAPCOA at p. 171).
- Mandate employer subsidy for or direct provision of local shuttles (CAPCOA at p. 286).
- Integrate affordable and below market rate housing, i.e., do not permit mere payment of impact fees for offsite affordable housing that may not be integrated (see CAPCOA at p. 176).
- Mandate that commercial projects be oriented toward non-auto corridors (CAPCOA at p. 179).
- Implement neighborhood electric vehicle network (CAPCOA at p. 194).
- Design in urban non-motorized zones (CAPCOA at p. 198).
- Mandate that employers charge for employee parking (CAPCOA at p. 207).
- Unbundle parking cost from property costs, i.e., require rental residential units, commercial leases, and residential sales to charge for parking separately (CAPCOA at p. 210).
- Implement market price public on-street parking (CAPCOA at 213).
- Require residential area parking permits (CAPCOA at p. 217).
- Require employers to implement mandatory commute trip reduction programs (CAPCOA at . 223).
- Require employers to subsidize transit use by employees (CAPCOA at p. 230).
- Require employers to charge employees for parking (CAPCOA at p. 261).
- Requires employers to cash-out employees who do not use parking (CAPCOA at p. 266).
- Require employers to provide end-of-trip facilities for bicycle riders (CAPCOA at p. 234).
- Require preferential parking programs for commercial land uses (CAPCOA at p. 244).
- Require homebuilders to subsidize school bus programs (CAPCOA at p. 258).
- Require installation of programmable thermostat timers (CAPCOA at p. 99).
- Require installation of energy efficient appliances (CAPCOA at p. 103.)
- Require installation of higher efficiency public street and area lighting (CAPCOA at p. 115).
- Limit lighting requirements (CAPCOA at p. 119).
- Require use of gray water (CAPCOA at p. 336).
- Require installation of low-flow water fixtures (CAPCOA at p. 347).
- Adopt a water conservation strategy for the project area (CAPCOA at p. 362).
- Require adoption of water-efficient landscapes (CAPCOA at p. 365).
- Require use of water-efficient landscape irrigation systems (CAPCOA at p. 372).
- Require the developer to reduce turf in landscapes and lawns (CAPCOA at p. 376).
- Require planting of native or drought-resistant trees/ vegetation (CAPCOA at p. 381).
- Require use of electric and hybrid construction equipment (CAPCOA at p. 420).
- Limit construction equipment idling beyond regulation requirements (CAPCOA at p. 426).
- Establish a carbon sequestration project (CAPCOA at p 433).

The DEIR should assess GHG emissions with and without this mitigation, as CEQA requires. The CAPCOA publication and the literature that it references provides guidance for quantifying these reductions.

Hydrology

The DEIR finds:

With the design and construction of flood control improvements, and with implementation of the mitigation measures included in this section, the Central Area Specific Plan would not increase peak stormwater runoff. The proposed project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Monterey County), would not be expected to cause any significant cumulative impacts given that mitigation measures would control peak stormwater runoff. The proposed project would not have cumulatively considerable impacts associated with stormwater runoff. Overall, implementation of the proposed project would have a less than significant and less than cumulatively considerable contribution to stormwater runoff.

Please address if the hydrologic analyses evaluate increased intensity of storm events resulting from climate change. If not, please identify climate change impacts on hydrologic resources.

Schools

Implementation of the Salinas Central Area Specific Plan would add up to 3,911 new residential units and 14,353 residents at project build-out. It is estimated that school enrollment would increase between 3,590 and 4,033 students for the Salinas Unified School District, Alisal Unified School District and Santa Rita Unified School District.

The DEIR finds the following impact on schools:

Impact 3.9-3: Project implementation may result in the need for the construction of new schools, which has the potential to cause substantial adverse physical environmental impacts (Significant and Unavoidable)

As noted in the DEIR, Government Code Section 65996 limits development fees authorized by Senate Bill 50 to impacts caused by new development. In other words, a nexus must exist between project impacts and mitigation fees. The DEIR further indicates that while it is the City's responsibility to collect impact fees, it is the school districts' responsibility to find the resources to fund schools:

Ultimately, the Education Code tasks the affected School Districts with the responsibility for design and construction of their own schools. (p. 3.9-29)

The DEIR finds "Impact 3.9-6: Under cumulative conditions the proposed project may result in the construction of public facilities, which may cause substantial adverse physical environmental impacts (Cumulatively Considerable and Significant and Unavoidable)."

The cumulative impact analysis for public facilities includes schools; however, it fails to quantify impacts resulting from total students expected to attend the various schools affected by the

Central Area and West Area Specific Plans – an estimated student enrollment increase of 5,515 to 6,387 students.

Specific Plan	Low Range of New Students	High Range of New Students
WASP (DEIR p. 3.9-20)	1,925	2,354
CASP	3,590	4,033
Total	5,515	6,387

Due to limitations of Government Code Section 65996, we recommend the following mitigation measure:

Mitigation Measure 3.9-2. Approval of developments within the Central Area Specific Plan is conditioned upon the availability of classroom capacity. Determination of available capacity shall take into account the requirements of both the Central Area Specific Plan and the cumulative demand from other areas sharing the same school facilities, such as the previously approved West Area Specific Plan.

Finally, as noted in the DEIR for the WASP, “This does not mean, however, that a city or county is powerless to require new development to take the steps needed to ensure adequate public services, such as law enforcement service. Such steps are simply beyond the scope of CEQA. They should instead be imposed under some other body of State statutory law (e.g., the Planning and Zoning Law [Gov. Code, § 65300 et seq.] or the Subdivision Map Act [Gov. Code, § 66410 et seq.]) or under a local government’s broad police power under the California Constitution. (See Cal. Const., Art. XI, § 7; *Candid Enterprises, Inc. v. Grossmont Union High School Dist.*(1985) 39 Cal.3d 878, 885.)” (WASP DEIR p.3.9-16)

LandWatch recommends the following mitigation measure:

Mitigation Measure 3.9-4. The City of Salinas shall coordinate efforts with the Salinas Unified School District, the Alisal Unified School District and the Santa Rita Unified School District to raise revenue to fund schools to increase classroom capacity required by implementation of the Central Area and West Area Specific Plans.

Transportation.

The transportation analysis is based on determining consistency of the proposed project with LOS standards. (DEIR p. 3.10-9) While it acknowledges requirements of Senate Bill 743, the DEIR does not address the new CEQA requirements for assessing transportation impacts.

The Central Area Specific Plan is estimated to generate a total of approximately 183,808 average daily vehicle miles travelled (Average Daily VMT) at project buildout (Table 3.10-11). The West Area Specific Plan is estimated to generate a total of approximately 221,017 average daily vehicle miles travelled (Average Daily VMT) at project buildout. (DEIR 3.4-46). Under the CEQA requirements for traffic analysis to be implemented by July 1, 2020, projects that decrease vehicle miles traveled in the project area compared to existing conditions should be

presumed to have a less than significant transportation impact. Please address the project level and cumulative impacts on transportation based on this criterion as applied to the project area consisting of the City of Salinas.

Water Supply

The DEIR finds:

The proposed project has the potential to have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (Less than Significant) (DEIR, p.3-11-37)

This finding is based on estimated on the following:

The estimated 3,648 AFY ground water pumping for existing agricultural use in the Central Area Specific Plan is 813 AFY more than the maximum total buildout estimated water demand for the Central Area Specific Plan, which is 2,835 AFY. Therefore, the total buildout estimated water demand for the Central Area Specific Plan is projected to use less water than required for current irrigated agricultural uses. (DEIR p. 3.6-35)

While the project would use less water than current uses, it would continue to draw groundwater from a critically overdrafted groundwater basin. Because the basin continues to be severely overdrafted with unfunded projects identified in the SBVGSA GSP for the 180/400-foot Subbasin to reverse the trend, the City should find that water supplies are not sufficient to meet the projected water demand associated with the proposed project in addition to the existing and planned future uses.

The DEIR's comparison of a water supply used by agriculture and housing does not reflect the actual impact of committing a water supply to housing. Agricultural water demand is seasonal and can be discontinued if water is not available for some period or not available permanently. Unlike the use of water for agriculture, the use of water for housing requires a permanent commitment to protect the substantial capital investment for housing. Thus, for example, MCWRA has exempted certain non-agricultural uses from pumping restrictions.

As part of the mandated Sustainable Groundwater Plan, SGMA would require cutbacks in groundwater use if there were no other methods available to attain a sustainable basin. Currently, there are no funded, approved groundwater management projects that have the potential to prevent seawater intrusion and overdraft conditions, so cutbacks are the only certain means of SGMA compliance. Thus, the commitment of groundwater that is now used for agriculture on an interruptible basis to be used instead for housing on a non-interruptible basis will limit the options for the future groundwater management. The EIR fails to disclose this conflict with the adopted SGMA plan for the 180-400 Aquifer Subbasin.

Diversion of groundwater to housing may deny groundwater to agriculture. As noted, unlike agricultural wells, municipal supply wells may be exempted from existing and future moratoriums on groundwater pumping. Accordingly, the EIR must acknowledge that the replacement of interruptible water demand with uninterruptible demand is a significant impact, even if the urban demand is less than the displaced agricultural demand. Please evaluate the effect on competing uses, including agricultural uses and industrial uses, of committing a non-interruptible supply of water for the proposed housing.

The DEIR finds the project would not have a significant and unavoidable cumulative impact on the groundwater basin (DEIR p. 3.11-43.) However, the DEIR cumulative water supply impact analysis assumes, without evidence, that there is no impact from replacing agricultural land with urban uses as long as the on-site water use declines. It should not be assumed that the water impact analysis can be confined to the on-site effects of replacing agricultural land with urban uses. Trend analysis of urbanization of agricultural land and of conversions of habitat land to agriculture indicate that displacement of agricultural use by urbanization causes conversion of additional habitat land to provide replacement farmland. For example, the 2010 Monterey County General Plan EIR projects that 10,253 acres of farmland will be added to the SVGB by conversion of previously uncultivated land available in the SVGB. (Final EIR, Monterey County General Plan, March 2010, p. 2-36, available at <https://www.co.monterey.ca.us/home/showdocument?id=45384>.) That analysis assumed that 2,571 acres of farmland would be lost to urbanization within the unincorporated area of the county during the life of the County General Plan. (Draft EIR, Monterey County General Plan, September 2008, p. 4.2-12, available at <https://www.co.monterey.ca.us/home/showdocument?id=43988>.) Consistent with this analysis, the West Area Specific Plan DEIR acknowledges that for every acre of agricultural land converted to urban uses, ten acres of previously unirrigated land (e.g., range land or open space land) have been converted to agricultural use. (WASP DEIR, p. 3.11-42.) It is clear that conversion of land for new cultivation within the Salinas Valley Groundwater Basin exceeds the loss of agricultural land to urbanization. The evidence is that there is a continuing demand for new irrigated land in the Salinas Valley. Accordingly, the conversion of the project site to urban uses, displacing existing agricultural use, could accelerate conversions of previously uncultivated land for agriculture, with the net effect of an increase in cumulative water demand from the Salinas Valley Groundwater Basin, even if the demand at the newly urbanized site declines. Thus, there is no basis to assume that the project's new water use will not increase overall water use in the Salinas Valley.

In light of moratoria on pumping in the 400-foot and Deep Aquifers, groundwater supplies may be cut back further in the future to address the currently unsustainable state of groundwater pumping in the Basin. The County, MCWRA, and the SVGBGSA all have the authority to order such cutbacks in the use of groundwater. So far, the moratoria have exempted water used for municipal supply purposes and have thus disproportionately targeted agricultural. Again, the evidence is that demand for agricultural land use is increasing and that displaced agricultural land is being replaced by conversion of other areas in the Valley to irrigated agriculture. Please evaluate the effect on the demand for additional agricultural land conversions within the Salinas Valley Groundwater Basin caused by displacing the existing agricultural use from the project site. Please estimate the water demand from new agricultural conversions that are attributable to this displacement.

Stormwater Facilities

The DEIR finds the cumulative impact on stormwater facilities to be Less than Significant and Less than Cumulatively Considerable (DEIR p. 3.11-65).

Please address if the analysis evaluates increased intensity of storm events resulting from climate change. If not, please identify climate change impacts on stormwater facilities.

Alternatives

The alternatives analyzed in this EIR include the following four alternatives:

- No Project (No Build) Alternative
- Reduced Land Area Project Alternative – Under this alternative, the Plan Area would be developed with the same components as described in the Project Description, but the area utilized for the development (i.e., the project footprint) would be reduced by approximately 14 percent. Under this alternative, approximately 110 acres of land in the northwest corner of the Plan Area would be removed. The resultant Plan Area would include approximately 652 acres. The proposed land uses within this area identified for removal under this alternative would be incorporated into the remaining 652 acres of the Plan Area, which would increase the residential density of the Plan Area under this alternative, while retaining the same number of residences, mixed use commercial areas, schools, parks, etc. as the proposed project.
- Reduced Residential Intensity/Density Project Alternative
- Smaller-Scale Project Alternative

The Reduced Intensity/Density Project Alternative is identified as the environmentally superior alternative (DEIR p. 5.0-48).

As noted above, increased density will reduce GHG and criteria pollutant emissions. Table ES-1 should be revised to reflect this additional benefit of the Reduced Land Area Project Alternative with respect to Air Quality Impacts. Table ES-1 should also be corrected to reflect an “equal” impact on Population and Housing from the Reduced Land Area Project Alternative, not a “slightly greater” impact. The DEIR so acknowledges that the impact would be equal because it would accommodate the same number of residential units (EIR, p. 5.0-26). As discussed above, Tables ES-1 and 5.0-8 should be revised to disclose that the Reduced Land Area Project Alternative would have lesser impacts on agricultural land loss than the proposed project.

Table 5.0-1, which assesses the ability of the alternatives to meet project objectives, concludes that the Reduced Land Area Project Alternative does not meet the goal of:

Creating a community in which housing, businesses, parks, schools and other community facilities are within walking distance of each other and which is pedestrian-friendly through a network of community pathways, thereby reducing traffic congestion, noise, excessive energy consumption, air pollution and the potential for vehicle accidents and/or incidents

This conclusion flies in the face of the facts that the smaller, denser Specific Plan that would accommodate the same population in a smaller area would necessarily reduce its internal walking distances and reduce emissions, congestion, and excessive energy consumption. The DEIR’s rationale for this surprising conclusion relates solely to the external walking distance from the West Area Specific Plan to other Specific Plan areas:

The Reduced Land Area Project Alternative would not meet this objective since it would reduce geographic pathways between the Specific Plan Area and the West Area Specific Plan, which were designed in tandem in a specific manner to allow for a community within the FGA in which housing, businesses, parks, schools and other community facilities are within walking distance of each other.

This claim is illogical because leaving some land undeveloped will not increase the distance from the developed areas of the Central Area Specific Plan to external locations. Table 5.0-1 should be revised to correct this error. A smaller denser community is clearly more pedestrian-friendly.

Thank you for the opportunity to review the DEIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. DeLapa". The signature is stylized with large, overlapping letters and a long horizontal stroke at the end.

Michael D. DeLapa
Executive Director