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December 13, 2010

Bill Farrel, AICP
Community Development Department
City of Gonzales
P.O. Box 647
Gonzales, CA 93926

SUBJECT: FEIR FOR GONZALES 2010 GENERAL PLAN

Dear Mr. Farrel:

LandWatch has reviewed the FEIR for the proposed project and has the following comments:

1. Population Forecasts. In response to LandWatch comments regarding AMBAG forecasts the following paragraph was revised as noted: “This alternative scenario is considered unlikely as ~~AMBAG population projections are developed in coordination with~~ the aggregated population forecast for the AMBAG region is developed by the California Department of Finance (DOF) using a methodology unconstrained by local plans and infrastructure capacity - that is to say that the experts at DOF ~~and AMBAG~~ believe that the ability of the AMBAG region to compete for statewide growth is more a factor of state and regional economics than of local general plans.”

The forecasts referenced in the DEIR are AMBAG forecasts which are used in regional plans such as Air Quality Management Plans. These forecasts, not DOF forecasts, are used to make consistency findings. The AMBAG forecasts including the aggregated forecasts are developed by AMBAG, not DOF, and account for infrastructure capacity as noted below (AMBAG Monterey Bay Area 2008 Regional Forecasts Report p. 62):

Land use and other regulatory constraints are implicit in the supply assumptions and within the 2008 Regional Forecast, were identified through consultation by FTAC members”. See also the Appendix: Summary of Growth Constraints. The misrepresentation of how AMBAG forecasts are developed requires that the findings regarding growth inducement be revised.

2. Traffic Model. The FEIR states the AMBAG traffic model was updated “to include the roadway network and land uses proposed as part of the proposed project. Hatch Mott MacDonald [the traffic consultant] also made adjustments to the traffic model to be able to project out to 2050, which is the approximate time period during which buildout of the Urban Growth Area would occur...the plan assumes that the rate of growth in Gonzales will track AMBAG growth rates. Therefore, the forecast used in the traffic model is completely consistent with the proposed project...”. (Emphasis added)

Since the traffic model was updated to include only land uses proposed as part of the proposed project and not land uses of adjacent jurisdictions, please explain how the traffic model accounts for cumulative traffic impacts. Further, since AMBAG found “...the buildout population exceeds the forecast total for the City of Gonzales...” (DEIR, p. 4-19), please explain the statement made above that “...the plan assumes that the rate of growth in Gonzales will track AMBAG growth rates.”

3. Cumulative Traffic Impacts. The FEIR finds, “While the cumulative impact may be considerable, the project’s contribution to the impact is less than significant because the proposed project would not push the needed road capacity improvements for Highway 101 past any threshold that was not already crossed without the project.” (Emphasis added).

CEQA Guidelines (§15130) states, “An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable as defined in section 15065(a)(3).” As noted above (underlining), the FEIR finds the project impact is cumulatively considerable. However, it attempts to determine that it is not significant, contrary to CEQA, since it “would not push the needed road capacity improvements for Highway 101 past any threshold that was not already crossed without the project”. The finding of insignificance is not consistent with CEQA guidelines which states, “The project has possible environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probable future project.” [§ 15065(a)(3)]. A cumulative project analysis must be done within the context of a cumulative project list since it cannot be determined with any certainty when one or more projects will cause thresholds to be exceeded.

The FEIR then attempts to rely on a letter from Caltrans indicating that in regions where regional impact fee programs are in place, the collection and application of fees for impacts of new development mitigate cumulative impacts to State Highways. The FEIR fails to identify if Gonzales has agreed to participate in the TAMC regional impact fee program.

The FEIR fails to respond to our comment on the DEIR that there are no projects currently identified in TAMC’s Strategic Expenditure Plan 2010 Update that addresses widening Highway 101 to 6 lanes nor is there a 6 lane freeway identified on the constrained project list of the regional transportation plan. Please note the TAMC legal opinion that found that only projects on a constrained list can be used as mitigation under CEQA:

“...with respect to the proposed regional transportation improvements projects by the Transportation Agency that have been identified and prioritized as being constrained and therefore fully funded by either impact fees alone, or in combination with other potential federal, state and local sources, payment of impact fees should be deemed to be adequate mitigation of a private development project’s impacts on regional transportation improvements pursuant to the California Environmental Quality Act.” (FEIR, Corral De Tierra Neighborhood Retail Village FEIR, p. 442).

The FEIR then finds, “The inability...of transportation planning agencies to program improvements 40 or more years ahead is not a sufficient basis upon which to conclude that the proposed project’s cumulative transportation impact on the State Highway System is significant and unavoidable. In fact, common sense suggests that such transportation impacts are ultimately mitigable and in time dealt with...” (Emphasis added). While we agree that impacts may be mitigable, lack of local, federal and State funding undermines any conclusion that impacts will be dealt with in a timely manner as local history has shown.

Finally, the FEIR did not respond to our comment on the DEIR that the failure of the Circulation Element to show how it accommodates proposed land uses makes the Element inconsistent with State General Plan Guidelines.

4. Air Quality. Our comment letter on the DEIR provided extensive data regarding the project’s inconsistency with the Air Quality Management Plan contrary to AMBAG’s finding. Further, we requested that AMBAG provide supporting data for its finding, which we never received. The FEIR references AMBAG’s consistency letter but fails to identify where it can be found. We assume the reference is to the original letter. If so, our comments have not been responded to, and the project should be found to be inconsistent with the Air Quality Management Plan and have a significant impact on regional air quality (ozone levels).
5. Required Use of Roundabouts. The FEIR finds that exposure to toxic air contaminants (TACS) is the only air quality impact the project would have and that the use of roundabouts would not address impacts from TACSs. As noted above, the project would have a significant impact on regional air pollution (ozone). The use of roundabouts would reduce ozone precursor emissions (VOC and NO_x) and help mitigate air quality impacts.
6. Greenhouse Gas Emissions. We support proposed revisions to the General Plan regarding climate change. We also suggest that the section address SB 375 and the Air Resources Board’s GHG emission target for the AMBAG region.
7. Groundwater Percolation. The FEIR finds, “The amount of urban water finding its way back into the Salinas Valley Groundwater Basin can be expected to be greater than if the water was used for agriculture, because less water would be lost through evaporation and evapotranspiration⁴.” Footnote 4 references Wikipedia! While this source defines evapotranspiration, it fails to support the finding that more water is percolated from urban use compared to agricultural use. Please provide substantive data comparing water loss due to runoff from impermeable surfaces compared to agricultural use.

This finding also contradicts the finding in the DEIR that assumes water use by agriculture and urban uses are equivalent. We asked in our comments on the DEIR if the analysis accounts for groundwater percolation from agricultural use of between 20 and 33 percent. The FEIR did not respond to this question.

8. Lack of Quantitative Analysis Regarding Water Demand. The General Plan's commitment to no net increase in groundwater extractions over existing levels does not excuse the requirement to substantiate the feasibility of this commitment. Specifically, the analysis relied on the assumption that agricultural and urban uses are equivalent. As noted above, the FEIR did not respond to our comment regarding groundwater percolation. Furthermore, the FEIR provided no quantitative analysis showing how the increased demand of 358 AFY can be offset.

9. Cumulative Impacts Associated with Existing Water Demand. The FEIR relies on the General Plan policy regarding no net increase in water use to avoid the CEQA requirement to address cumulative impacts. As noted above, no supporting data have been supplied that supports the feasibility of the no net increase policy. The only way to assure that this policy is implemented is to expand the policy requiring the city to place a cap on future development if water demand exceeds existing use.

Further, even though the Gonzales General Plan includes policies intended to limit water demand, the FEIR fails to address cumulative impacts associated with existing water demand within the Salinas Valley. Perpetuating existing demand does not address cumulative impacts, and without a new water supply beyond the Salinas Valley Water Project, water quality will continue to worsen based on projected growth and development with the Salinas Valley. The project's cumulative impact on water supply and saltwater intrusion should be found to be significant and unavoidable.

10. Conclusions. The FEIR finds that no substantive changes were required to the DEIR based on LandWatch comments. We disagree. The project would have significant cumulative impacts on transportation and air and water quality, and the land use and circulation elements are inconsistent.

Thank you for the opportunity to review the FEIR.

Sincerely,



Amy L. White
Executive Director

cc: Monterey County LAFCO