

December 6, 2018

Sent via Email

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**Re: Lynwood Transit Area Specific Plan Amendment and Veterans Village Residences Draft SEIR**

Dear Ms. Ramirez and Mr. Naulls, Sr.:

This law firm represents the Southwest Regional Council of Carpenters (Southwest Carpenters) and submits this letter on the above-referenced project on its behalf.

Southwest Carpenters represents 50,000 union carpenters in six states, including in Southern California, and has a strong interest in ensuring well-ordered land-use planning and reducing the environmental impacts of development projects, such as the Lynwood Transit Area Specific Plan Amendment and Veterans Village Residences (Project). In its Draft Supplemental Environmental Impact Report (SEIR) for the Project, the City of Lynwood (City) determined the Project would have a significant effect on several aspects of the environment.

The Project would rezone approximately 13.8 acres within the Lynwood Transit Area Specific Plan (LTASP), the majority of which is zoned as Industrial and Open Space, but which also includes a narrow strip (2.5 acres) of land zoned as medium-density residential (20 dwelling units per acre). The Project would rezone this area to permit the Veterans Village development, which would include 632 dwelling units at a density of approximately 50 units per acre and 25,000 square feet of commercial space. Project approvals include the LTASP Amendment, rezoning the Project site from Industrial, Open Space, and medium-density residential to West Town Center, and ant the *potential exploration* of vacation of Alameda Avenue between Fernwood Avenue and Imperial Highway. While the SEIR states the Project Description would contain a list of other approvals needed, no other approvals are presented. Thus, based on information contained in the SEIR, the LTASP Amendment is the only discretionary approval needed to construct the Project.

Southwest Carpenters submits its comments regarding the Project, below.

### **Faulty Notice, Insufficient Time to Consider Comments**

The City's notice regarding its December 11, 2018 consideration of the Project is faulty. The November 29, 2018 Notice of Public Hearing states the Planning Commission will consider, among other things, "a Mitigated Negative Declaration for the proposed General Plan Amendment, Zoning Code Amendment, and the Future Atlantic Avenue Apartments." (Nov. 29, 2018 Planning Commission Notice of Public Hearing, p. 2.) This Notice either inaccurately states the nature of the Commission's proposed action, or it includes another portion of the Project the City fails to discuss in the SEIR.

Furthermore, pursuant to CEQA, prior to certification of the SEIR, the City is required to consider comments submitted by members of the public in the form of a Final Supplemental Environmental Impact Report. It is highly unlikely the City will be able to adequately consider comments submitted in response to the Draft SEIR in the three-business-day timeframe between the date comments are due (December 6, 2018) and the date the Planning Commission will consider the Project (December 11, 2018). If it is the intention of the City to certify the Final SEIR at its December 11, 2018 meeting, it is also clear the City does not intend to provide adequate time to circulate the Final SEIR, if it indeed intended to circulate this document at all. Failure to circulate a Final SEIR and adequately respond to comments would both constitute violations of CEQA.

For the above reasons, Southwest Carpenters believes that the December 11, 2018 hearing on Project should be postponed, to provide the public adequate notice and to provide the City adequate time to respond to comments and circulate a Final SEIR.

### **Project Description and Overall Analysis of Project Impacts**

CEQA defines "Project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (14 Cal. Code Regs. § 15378(a).) Under this definition, the Project (the City's action), here, should include, at minimum, the LTASP Amendment, as well as any environmental impacts that flow from this action, including the permitted construction of the Veterans Village development.

Instead of analyzing the Project as such, the City erroneously, and confusingly, splits the Project into the "LTASP Amendment" and the "Veterans Village," in a manner that minimizes and masks the impacts of the Project and fails the informational purposes of CEQA. For instance, throughout most of the SEIR, the City separately analyzes impacts from the LTASP

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Amendment and the Veterans Village development, often claiming the LTASP Amendment would have significant impacts under some thresholds while the Veterans Village component of the Project would not, and vice versa. Likewise, the City would sometimes propose mitigation for the LTASP Amendment but not the Veterans Village, and vice versa. As mentioned, above, the LTASP Amendment is the only *approval* the City identified was necessary to permit the development of the Veterans Village. The LTASP Amendment only affects the land use designations of land to be developed into the Veterans Village and nothing else. It was incorrect of the City to separate the impacts of the Project.

To add to this confusion, the City sometimes also references mitigation measures that it applied to the LTASP Amendment 2018-01, which permitted construction of the Plaza Mexico shopping center. The Plaza Mexico project was approved mere months prior to the City's first mention of the Project and arguably should not have been approved prior to the certification of this SEIR. To address this, the City simply states "the scale of the Veterans Village component was not known" at the time the City considered and approved the Plaza Mexico project. (SEIR, p. 3-7.) This is not a valid reason to piecemeal environmental review. Regardless, as Amendment 2018-01 only applied to land use within the Plaza Mexico development, it is unclear and confusing to include reference to the environmental analysis and mitigation measures proposed for this development, as the City does not consistently clarify whether these impacts and mitigation measures apply to the Project, as well.

Please revise the SEIR to ensure it provides a stable, finite Project description that fully and correctly analyzes Project impacts.

### **Cumulative Impacts**

"Cumulative impacts" are "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (14 Cal. Code Regs. § 15355.) "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (14 Cal. Code Regs. § 15355(b).)

The SEIR unduly narrows the scope of the cumulative impacts analysis, identifying only three Projects: a warehouse, Northgate Market, and the Plaza Mexico Residences. (*See, e.g.*, SEIR, p. 4.3-17.) However, throughout the SEIR, the City lists several other development projects, which it for some reason does not list or consider in any of its cumulative impacts analysis. These projects include:

- Plaza Mexico regional shopping center and (future) multi-family residential building
- Light and heavy industrial uses along the Alameda Street corridor
- Commercial and residential uses along the eastern and western portions of Imperial Highway
- Commercial uses along Long Beach Boulevard
- Single-family and multi-family residences along Beachwood Avenue, Sanborn Avenue, Mulford Avenue, California Avenue, and other local streets
- St. Francis Medical Center and surrounding commercial and residential uses along Imperial Highway and Martin Luther King Jr. Boulevard

(SEIR, p. 4-2.) The City identifies other projects that have occurred since 2016, including a drive-through fast-food restaurant (El Gavilan), a retail store (WSS), and a 201,207-square-foot logistics warehouse (Duke Realty). (SEIR p. 4-2 – 4-3.) Further, as the City repeatedly states, “Full buildout of the Specific Plan is envisioned to occur within a 25-year period and would allow 3,500 multi-family residential units, 1.2 million square feet of new commercial development, 750,000 square feet of industrial development, and 350 hotel rooms.” (*See, e.g.*, SEIR, p. 4.3-3.) The City fails to explain why any of these past, present, and reasonably foreseeable future development projects are not included throughout the City’s SEIR in any of its cumulative impacts analyses.

Further, the City does not identify cumulative impacts arising from projects that fall outside of City limits. This is true despite the fact that the Project is located at the edge of the City and will cause and contribute to impacts outside of City limits. The City must universally revise its cumulative impacts analysis to ensure it provides an adequate discussion of impacts arising from past, present, and reasonably foreseeable future projects. (14 Cal. Code Regs. § 15355.)

### **Air Quality**

The City’s analysis of air quality impacts is contradictory and uninformative. For instance, in reference to the Plaza Mexico Residences SEIR, the City states:

The 2018 LTASP/Plaza Mexico Residences Supplemental EIR found that the Lynwood Transit Area Specific Plan Amendment would result in potentially significant short-term air quality impacts related to construction activities that would require substantial demolition or site preparation, including soil export. Under the California Building Industry Association v. Bay Area Air Quality Management District (2015, 62 Cal. 4th

369, Case No. S213478), environmental impacts to future project-related land uses are not considered CEQA impacts.

(SEIR, p. 4.3-15.) This misstates and misapplies the holding of *CBIA*. According to *CBIA*, an EIR need not consider *most* impacts of the environment on the Project and should, instead, focus on the Project's impacts on the environment. As no City action results in an immediate environmental impact, all impacts that flow from the Project are, by default, future impacts caused by the Project on the environment. Further, "air quality impacts related to construction activities" would never remain on-site and, thus, would certainly result in Project impacts to the environment. To the extent the City relied on this faulty analysis of environmental impacts, its air quality analysis is flawed and must be revised.

The SEIR also states:

short-term air quality impacts would exceed SCAQMD significance thresholds during the long-term operation phase and therefore would cumulative contribute to non-attainment designations of the South Coast Air Basin; long-term emissions would not exceed SCAQMD regional significance thresholds and would not cumulatively contribute to non-attainment designations of the South Coast Air Basin.

(SEIR, p. 4.3-15.) We do not understand what this means. This statement claims long-term impacts will both cumulatively contribute to non-attainment of air quality standards, and also *not* cumulatively contribute to the violation of these standards. The Project cannot do both.

The City confusingly states air quality impacts arising from the LTASP Amendment would be significant and unavoidable, whereas the same impacts arising from the Veterans Village would be less than significant. (SEIR, pp. 4.3-20 – 4.3-21.) As mentioned, above, it is misleading and uninformative to split the evaluation of Project impacts in this manner.

The SEIR references and appears to apply mitigation measures from the Plaza Mexico Residences SEIR to the Project. Confusingly, the City only analyzes impacts reductions from MM-AQ-1 to address the significant and unavoidable impacts from the "LTASP Amendment," which impacts remain significant and unavoidable, according to the City. (SEIR, p. 4.3-20 – 4.3-21.) There appears to be no reason for the City to have done this. Further, the City states that implementation of Mitigation Measures MM-AQ-5 and MM-AQ-6 would render Veterans Village impacts less than significant. (SEIR, p. 4.3-21.) However, these mitigation measures are primarily directed at reducing PM emissions and do little to nothing to reduce what the SEIR otherwise identifies as significant and unavoidable NO<sub>x</sub> impacts. (*See* SEIR, p. 4.3-20.)

Finally, as mentioned above, the City fails to adequately analyze Project-related cumulative air quality impacts. Please revise the SEIR to provide an adequate air quality impacts analysis.

### **Cultural Resources**

The City claims no new impacts to cultural resources would occur because “existing conditions have not changed, and the overall size and location of the LTASP has not changed.” (*See, e.g.*, SEIR, p. 4.3-25.) However, this reasoning does not resolve the potential of the Project to cause new, significant impacts. As mentioned, above, the 2016 LTASP designated nearly half of the Project site as open space, thus avoiding impacts to this portion of the Project site. Because this land use designation will change to residential and commercial, it is possible the Project site will cause impacts not previously considered or evaluated in the 2016 LTASP EIR. The City should have appropriately evaluated this potential in the SEIR.

The City’s summary of Project impacts is confusing. The SEIR states, “No new significant impacts related to Cultural Resources have been identified for the Project . . . Therefore, additional mitigation measures are required.” (SEIR, p. 4.3-29.) The SEIR further states, “Project development and operation will not result in new or more severe impacts to Cultural Resources. However, there is a proposed Mitigation Measure pertaining to Tribal Cultural Resources . . . Therefore, no new Mitigation Measures are required.” (SEIR, p. 4.3-29.) Based on this contradictory language, it is unclear what the City’s conclusions are as to impacts to cultural resources. Please revise the City’s discussion to ensure the public understands whether these impacts are significant and what mitigation is proposed.

### **Geology and Soils**

The City, again, erroneously divides its impacts analysis of the Project between the LTASP Amendment and the Veterans Village. Regarding the LTASP Amendment, the City reasoned “The proposed amendments to the LTASP would involve only changing land use designations . . . to facilitate development of 632 multi-family residential units.” (SEIR, p. 4.3-32.) The City goes on to state, “Therefore, because the existing conditions have not changed, and the overall size and location of the LTASP has not changed, the LTASP Amendment would not change this finding.” (SEIR, p. 4.3-32.) This is incorrect. The Project would permit greatly increased development on the Project site when compared to the LTASP land use designations currently in effect, which permitting nearly 600 more residential units to be constructed than would have been previously allowed under the current LTASP. This represents a substantial change in existing conditions, which, under the City’s own reasoning, must be addressed.

The City provides a flawed discussion of impact threshold GS-3 in reference to the Veterans Village. The City states, “the site is located within an area identified as having a potential for liquefaction,” yet determines impacts would be less than significant prior to mitigation. (SEIR, p. 4.3-33.) The City states this is so “particularly with implementation of the “Recommendations” stipulated in the Preliminary Geotechnical Investigation prepared for the Project.” (SEIR, p. 4.3-33.) Again, under this significance threshold, Project impacts are significant where, as here, the Project site is “located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site . . . liquefaction or collapse.” (SEIR, p. 4.3-31.) The City admits the Project site is prone to liquefaction, thus triggering this significance threshold. The City’s conclusion regarding threshold CR-3 is not supported by evidence in the record. Also, the City’s reliance on “Recommendations” that are not binding on the Project is unfounded. Unless the City adopts these “recommendations” as mitigation measures, these recommendations cannot be relied on to reduce Project impacts to less than significant. As shown in the SEIR, these recommendations are substantial, and must be made mitigation measures to ensure they will be adhered to. (See SEIR, pp. 4.3-34 – 4.3-35.)

### **Greenhouse Gas**

The City’s analysis of greenhouse gas impacts is severely deficient and its conclusion that Project impacts will be less than significant is not supported by evidence in the record.

The City admits it has not adopted significance thresholds for greenhouse gas impacts and elects to employ the 3,000 metric tons of carbon-dioxide equivalent (MTCO<sub>2e</sub>) per year threshold first advanced by SCAQMD in its Interim CEQA Greenhouse Gas (GHG) Significance Threshold Draft Guidance Document. The City determined the Project would greatly exceed this significance threshold, emitting 7,764.33 MTCO<sub>2e</sub> annually. (SEIR 4.3-40.) The City confusingly determined that, whereas the LTASP Amendment would have significant and unavoidable impacts, implementation of mitigation measure MM-GG-1 would reduce Veterans Village greenhouse gas impacts to less than significant. The City presents no evidence to support the conclusion that incorporation of MM-GG-1 would reduce Project greenhouse gas emissions to below the significance threshold of 3,000 MTCO<sub>2e</sub> per year.

The City’s analysis of the second impact threshold (consistency with plans, policies, and regulations *adopted* for the purpose of reducing the emissions of greenhouse gases) is also deficient. The City reasons:

the Veterans Village component of the Project is considered an “infill” development. Therefore, according to the Air Quality Study prepared for the Project the impacts related

to conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of Greenhouse Gases are considered to be less than significant

(SEIR, p. 4.3-40.) However, the Air Quality and Noise Study provided no evaluation of the consistency of the Project with plans, policies, and regulations, and instead simply reiterates the reasoning in the SEIR:

It is important to note that the project is an “infill development” and is seen as an important strategy in reducing regional GHG emissions. As a result, the impacts related to conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases are considered to be less than significant.

(Air Quality & Noise Study, p. 14.) Southwest Carpenters is aware of no “infill development” exemption from any of the dozens of plans, policies, or regulations it has reviewed, and the City in its analysis cites to none. In fact, as shown above, the City cites to no plan, policy, or regulation *at all*, nor does it evaluate whether the Project is consistent with specific policies designed to reduce greenhouse gas emissions. The Air Quality and Noise Study provides no additional analysis to support the conclusory statement in the SEIR. Infill development has the potential to conflict with plans designed to reduce greenhouse gas impacts. The SEIR does not evaluate the consistency of the Project to any plan, policy, or regulation designed to reduce greenhouse gas impacts and, as disclosed by the City, the Project will serve to increase, rather than reduce, greenhouse gas impacts. The City’s reasoning is especially improper where, as here, the Project will create a severe jobs-to-housing deficit. (*See* SEIR, pp. 4.3-74, 4.3-80.) Infill development that places more housing away from job centers does not serve to reduce greenhouse gas emissions. Absent some evidence and related analysis displaying that the Project will be consistent with the contents of specific, defined plans, policies, and regulations, the SEIR does not support the City’s conclusion regarding this significance threshold.

The City confusingly determines greenhouse gas impacts from the LTASP Amendment would be significant and unavoidable, but, somehow, impacts from the Veterans Village would be less than significant. (SEIR, p. 4.3-42.) The City reasons this is so, in part, because “The Veterans Village component of the Project is a small fraction of the total anticipated LTASP build out.” (SEIR, p. 4.3-42.) This detail is irrelevant, as the City has determined Project emissions would exceed significance thresholds. As mentioned, above, the LTASP Amendment and the Veterans Village are the “project” pursuant to CEQA, and it does not serve the informational purposes of CEQA to divide the City’s analysis of the Project in the SEIR.

### **Hazards and Hazardous Materials**

The City disclosed that Project soils are contaminated. (SEIR, p. 4.3-47.) The City determined that adherence to MM-HH-1 and MM-HH-2 would reduce Project impacts to a less than significant level. (SEIR, p. 4.3-48.) However, neither mitigation measure is designed to *reduce* project impacts, as would be required to support a less-than-significant finding. Both mitigation measures are aimed at further studying Project soils, which will do nothing to prevent releasing or otherwise exposing the public, future residents, or workers to these contaminants. (SEIR, p. 4.3-48.)

MM-HH-1 and MM-HH-2 are not appropriate mitigation measures. Rather, these are studies the City must conduct to fully disclose baseline Project conditions, and to evaluate in order to better formulate mitigation measures aimed at reducing Project-related impacts. Currently, no evidence supports the City's conclusion that Project impacts will be reduced to less than significant, and its discussion of baseline Project conditions remains deficient.

To add to this confusion, the City states, "The Veterans Village component of the Project *may contribute to cumulative Hazards and Hazardous Materials Impacts* and therefore *development impacts would not be cumulatively considerable*." (SEIR, p. 4.3-47.) This sentence is internally inconsistent. Please clarify whether the City has determined Project impacts will be cumulatively significant. Further, please ensure the City evaluates cumulative impacts from the whole of the City's action, not just the "Veterans Village component of the Project."

### **Hydrology and Water Quality**

The City's discussion of hydrology and water quality impacts is also flawed.

The City states:

The proposed amendment to the LTASP would include a change in land use as explained in the Project Description section of this SEIR. Because the existing conditions have not changed, and the overall size and location of the LTASP has not changed, the LTASP Amendment portion of the proposed Project would not change this finding. Thereby, no new impacts would occur.

(SEIR, p. 4.3-51.) This reasoning is insufficient to support a conclusion that impacts will be less than significant. As mentioned, above, the Project will convert land currently designated as open space, industrial, and medium-density residential to high-density residential and commercial. In

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particular, the LTASP currently in effect never considered the conversion of the portion of the Project site that is currently open space to high-density residential uses.

The City further states “the Hydrology Study Report does not indicate the scope of impacts would be significant. Therefore, no mitigation Measures are required. (SEIR, p. 4.3-52.) Contrary to this assertion, the Hydrology Study Report indicated “there is an impact from the proposed development on the downstream storm drain infrastructure.” (Hydrology Study Report, p. 9.) The significance threshold discussed in this report claimed, “any proposed discharge at the offsite must be at or below the predevelopment peak discharge rate for the design storm.” (Hydrology Study Report, p. 10.) The Report found that Project flows would surpass this threshold and then proposed a series of mitigation measures to reduce flows to below the level of significance. (Hydrology Study Report, p. 10.) In its SEIR, the City fails to analyze Project impacts in reference to the significance threshold discussed in the Hydrology Study Report. Thus, the City’s analysis in the SEIR is contradicted, rather than supported by evidence in the record.

Further, the City again fails to provide adequate mitigation for Project impacts. The City claims “With incorporation of the Hydrology Study Report recommendations, the impact would remain less than significant.” (SEIR, p. 4.3-52.) As mentioned above, the City cannot rely on “recommendations” to determine impacts will be reduced, as recommendations are not binding on the Project applicant, cannot be enforced, and are, thus, illusory. The City has failed to adopt all mitigation measures needed to ensure discharge remains “at or below the predevelopment peak discharge rate for the design storm.” (Hydrology Study Report, p. 10.)

### **Land Use**

The SEIR states:

Although the GPA and LTASP were adopted by the Lynwood City Council in 2016, the current (2003) Lynwood General Plan elements and land use map do not reflect these amendments. The adopted General Plan land use designation for the LTASP area is “Specific Plan Area.”

(SEIR, p. 4-4.) Please elaborate on this. Specifically, please clarify whether the 2003 General Plan and Land Use Map are outdated, and, if so, why they have not been updated to reflect the 2016 General Plan Amendment and LTASP.

The City fails to establish or apply a consistent baseline. The City states, “Because existing conditions have not changed, and the overall size and location of the LTASP has not

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changed, the LTASP Amendment would not change this finding, no new impacts would occur.” (SEIR, p. 4.3-62.) The City, again separating out impacts arising from the Veterans Village, provides almost no analysis regarding impact threshold LU-2 as to this portion of the Project. (SEIR, pp. 4.3-63 – 4.3-64.)

The baseline of the Project is “the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published.” (14 Cal. Code Regs. § 15125(a).) The existing land use setting primarily consists of lands designated as open space and industrial, with a narrow band of land designated as medium-density residential (maximum 20 dwelling units per acre). Whereas the current setting would permit a maximum of approximately 50 dwelling units, *total*, the Project proposes the construction of over 600 units, in addition to 25,000 square feet of commercial uses. Thus, all evidence shows the Project would drastically change existing conditions. This is self-evident. Absent the LTASP Amendment, the Project could never be constructed. Thus, the Project clearly conflicts with the current zoning designation in a manner that, if approved, will serve to greatly intensify land uses and related environmental impacts. This is a significant impact that was never considered in the 2016 LTASP EIR.

### **Noise**

The City’s evaluation of noise impacts is contradictory and confusing. First, the City references analysis from the Plaza Mexico SEIR, but it is unclear whether the City intends to apply this analysis equally to the Project. In this section, the City states:

Mitigation measures identified in the 2016 Certified EIR do not reduce traffic noise impacts on the surrounding community and there are no additional Mitigation Measures that would reduce traffic noise. The permanent increase in ambient noise levels would be less than significant.

(SEIR, pp. 4.3-69 – 4.3-70.) This is contradictory. Please revise this to ensure consistency.

Regarding cumulative impacts, the City states operational noise would be cumulatively significant and unavoidable. However, the City concludes cumulative impacts during the construction phase of the Project would be less than significant, reasoning as follows:

Construction noise and vibration impacts are confined to a localized area of impact. Cumulative impacts would occur only if other projects were being constructed in the Project vicinity simultaneously as the Veterans Village component of the Project.

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(SEIR, p. 4.3-71.) This reasoning is insufficient to conclude Project-related noise impacts during the construction phase of the Project would be less than significant, as this reasoning irrationally excludes all non-construction noise impacts from the City's consideration of cumulative noise. There is no justification for doing this and provides for an incomplete, flawed analysis of cumulative noise impacts.

The City, again, arrives at opposite significance determinations in regard to the LTASP Amendment and Veterans Village, determining noise impacts would be significant and unavoidable for the LTASP Amendment, yet that noise impacts would be less than significant for the Veterans Village. This determination is illogical and should be revised.

### **Public Services**

The City fails to adequately evaluate the cumulative impacts of the Project on public services. The City relies on at least County fire and law enforcement agencies to provide services to its residents. (SEIR, p. 4.3-82.) However, as mentioned above, the City fails to evaluate the cumulative impacts of the Project, save for in relation to three development projects that fall within City boundaries. Because dozens of incorporated and unincorporated areas rely on these County services, the City should have evaluated the incremental impacts of the Project on these services in relation to these other past, present, and reasonably foreseeable future demands on these services.

### **Recreation**

The City has created severe parks-per-person deficit. (SEIR, p. 4.3-90.) The City recognizes the Project will worsen this deficit by developing residential uses on land currently designated as open space. (SEIR, p. 4.3-94.) Despite this massive deficit and the recognition that the Project will significantly reduce the amount of open space within the City, the City nonetheless finds Project impacts will be less than significant. (SEIR, pp. 4.3-96 – 4.3-99.) However, the City presents no evidence to support a conclusion that the Project will in any way ameliorate the unacceptably low parks-per-resident ratio within the City. The City's determination that Project impacts are not directly, indirectly, or cumulatively significant is not supported by substantial evidence.

### **Traffic and Transportation**

The SEIR determines LTASP Amendment traffic impacts would be significant and unavoidable, but that Veterans Village impacts would not be. (SEIR, pp. 4.3-113 – 4.3-115.) These conclusions are contradictory and must be revised.

### **Utilities**

The City's analysis of impacts to public utilities does not support a finding of a less than significant impact. The City states, "individual projects . . . would be required to mitigate wastewater collection and conveyance system capacity impacts if existing facilities become insufficient." (SEIR, p. 4.3-131.) This statement is not supported by evidence in the record, as no mitigation exists to reduce these impacts to less than significant. Further, the issue is not one of capacity, alone, but also of the potential for the Project to cause or contribute to the need to construct new facilities, which construction may have a significant impact on the environment. The SEIR presents no analysis of this issue.

Water supply within the City is a serious issue. To address impacts to water supply, the City proposes Mitigation Measure MM-US-1, which "will require a 20% reduction in water use when compared to baseline conditions. No future development would be approved until availability of sufficient water supply is confirmed and compliance with Mitigation Measure MM-US-1 is confirmed." (SEIR, p. 4.3-131.) The City cannot rely on its statement that "No future development would be approved until availability of sufficient water supply is confirmed" because this is not a legally binding mitigation measure. Further, the City cannot rely on MM-US-1 to reduce impacts, as this mitigation measure is infeasible. This mitigation measure would require the Project to reduce water usage by 20% when compared to baseline conditions. However, most of the Project is undeveloped open space or low-intensity industrial use. It would be infeasible for the Project to ensure a 20 percent reduction from baseline conditions, as the Project would greatly increase water usage. Crucially, the City failed to establish baseline water use for the Project and failed to disclose projected Project-related water demand, and, thus, has provided insufficient evidence and analysis with which to determine Project impacts would be reduced to less than significant.

### **Alternatives Analysis**

In the EIR, the City must consider a reasonable range of feasible alternatives that may serve to avoid or reduce Project impacts. (14 Cal. Code Regs. § 15126.6(a).)

The City's alternatives analysis is deficient and must be revised. The City proposes no new discussion of alternatives, reasoning:

Because the Specific Plan has not significantly changed, the alternatives to the project have not changed; therefore, there is no supplemental analysis required . . . . The Veterans Village component of the Project is a development considered under the

Specific Plan Amendment . . . The development would not have significant unavoidable impacts on a project level. Therefore, no additional alternatives to the proposed project are required as part of this SEIR.

(SEIR, p. 8-1.) This is incorrect. The Project would permit conversion of land zoned as Open Space to land zoned for high-density residential and commercial development, in a manner not previously considered in the 2016 EIR. It defies logic to state the Project requires a Specific Plan Amendment but would not change the LTASP in a manner that would benefit from a renewed alternatives analysis. If the Project did not result in new, significant impacts not previously considered in the 2016 EIR, an SEIR would have been unnecessary. However, the SEIR identifies dozens of new impacts when compared to the 2016 EIR, including new significant and unavoidable impacts (*See, e.g.,* SEIR, p. 4.3-42.) It fails to serve the substantive, procedural, and informational purposes of CEQA for the City to refuse to evaluate a reasonable range of alternatives that may serve to avoid or lessen the impacts of the Project.

Alternatives that would serve to reduce the significant impacts of the Project include a “no-LTASP Amendment 2018-03” alternative, retaining the current zoning designations of the Project site and, thus, only allowing a narrow strip of residential use. Without the LTASP Amendment, only approximately 50 dwelling units would be permitted on the Project site. Such an alternative would further serve to preserve the Open Space designation of nearly one-half of the Project site and reduce use intensity of the remainder of the site. Another alternative the City could have considered is a Residential-Commercial “reduced intensity” alternative, permitting a fraction of the total number of dwelling units allowed by the Project. The City’s failure to consider a reasonable range of alternatives violates CEQA, especially in light of the significant changes and new environmental impacts brought about by the Project.

### **Affordable Housing**

Throughout the SEIR, the City refers to between 100 and 120 of the proposed dwelling units as “affordable,” but nowhere states these units will be deed restricted or otherwise legally required to provide this housing to moderate, lower, very low, or extremely low income individuals. In the Final SEIR, please clarify whether these units will be legally restricted to be provided to any of the above categories of income classes and, if so, please specify which categories. Conversely, if there will be no legal restrictions on the sale or lease of these properties at market-rate, please disclose this, as well.

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**Conclusion**

Southwest Carpenters thanks the City for providing an opportunity to comment on the SEIR. Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, Southwest Carpenters request notification of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Law. In addition, pursuant to Public Resources Code section 21167(f), please provide a copy of each Notice of Determination issued by the City in connection with this Project and please add Southwest Carpenters to the list of interested parties in connection with this Project and direct all notices to my attention. Please send all notices by email, or if email is unavailable, by U.S. Mail to:

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Very truly yours,  
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