

Jill Miller

From: Heather Adamson <hadamson@ambag.org>
Sent: Wednesday, July 8, 2020 9:13 AM
To: Jill Miller
Cc: Heather Adamson; William Condon; Miranda Taylor
Subject: Comment on the Central Area Specific Plan Draft EIR

Importance: High

Jill-

We had a correction on the Draft EIR for the Central Area Specific Plan. The 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) is a document prepared and approved by the Association of Monterey Bay Area Governments (AMBAG), not MBARD. Please correct in the final EIR.

5.0 Alternatives to the Proposed Project

- Page 5.0-20: "The Reduced Land Area Project Alternative would have an equal impact with respect to Air Quality Impact 3.1-1, which is identified as "the potential to conflict with or obstruct implementation of the applicable air quality plan." This is because the Association of Monterey Bay Area Governments (AMBAG), in consultation with the City of Salinas, included the North of Boronda FGA (inclusive of the Central Area Specific Plan) within the AMBAG 2018 Regional Growth Forecast. The AMBAG 2018 Regional Growth Forecast feeds into the **Monterey Bay Air Resources Board's (MBARD) 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS)** as well as the future version of the Air Quality Management Plan (AQMP). Since the Plan Area under this alternative would be developed with the same components as described in the Project Description, this impact would be equal when compared to the proposed project."

Please let me know if you have any questions.

Thanks,
Heather

Heather Adamson, AICP
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JULY 29, 2020

VIA EMAIL: JILL.MILLER@CI.SALINAS.CA.US

Jill Miller, Senior Planner
City of Salinas
65 W. Alisal Street
Salinas, CA 93901

Dear Ms. Miller:

NOTICE OF AVAILABILITY OF THE CENTRAL AREA SPECIFIC PLAN DRAFT ENVIRONMENTAL
IMPACT REPORT, SCH# 2017091022

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Central Area Specific Plan Draft Environmental Impact Report (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The Central Area Specific Plan will establish the land use planning and regulatory guidance for the approximately 760-acre Specific Plan Area. The Specific Plan will serve as a bridge between the Salinas General Plan and individual development applications in the Specific Plan Area, applying and adding greater specificity to the goals, policies and concepts of the General Plan for that area. The Specific Plan has been crafted to be consistent with overall community goals as expressed in the General Plan.

The Salinas Zoning Code requirements will apply to development applications and property within the Specific Plan Area unless specifically superseded by the development regulations or design standards contained in the Specific Plan. The underlying purpose of the proposed project is the approval and subsequent implementation of the proposed Central Area Specific Plan and related entitlements. Proposed land uses in the approximately 760-acre Specific Plan Area include residential, mixed-use commercial, neighborhood parks, small parks, schools and open space including supplemental storm water detention/retention basins.

Currently, the project site is in agricultural use and contains Prime, Statewide, and Unique Farmland, as identified by the Department of Conservation's Farmland Mapping and Monitoring Program¹.

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.² All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

As the courts have shown³, agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Conclusion

Prior to approval of the proposed project the Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.

¹ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, <https://maps.conservation.ca.gov/DLRP/CIFF/>

² Public Resources Code section 21002.

³ *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238.

- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with, or, potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Potential impacts, and proposed mitigation for lands held under agricultural easements.

Thank you for giving us the opportunity to comment on the Central Area Specific Plan Draft Environmental Impact Report. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

August 11, 2020

via email: jill.miller@ci.salinas.ca.us

Jill Miller
Senior Planner
City of Salinas, Community Development Department
65 West Alisal Street
Salinas, CA 93901

SUBJECT: Comments on the Draft Central Area Specific Plan Draft Environmental Impact Report

Dear Ms. Miller:

The Transportation Agency for Monterey County (TAMC) is the Regional Transportation Planning and Congestion Management Agency for Monterey County. TAMC staff have reviewed the Draft Environmental Impact Report (DEIR) for the Central Area Specific Plan.

The Central Area Specific Plan is located in the City of Salinas' Sphere of Influence, bound by Natividad Road on the west, Boronda Road to the south, Old Stage Road to the east. The Specific Plan proposes up to 3,911 residential units, up to 489,700 square feet of commercial space, three schools, a fire station and public library.

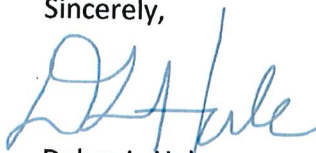
The Transportation Agency staff offers the following comments regarding the DEIR:

1. TAMC predicts that the trip distribution analysis underestimates the percentage of trips going to the Monterey Peninsula through State Route 68 and State Route 183 and requests justification for the proposed distribution along those key regional routes.
2. TAMC predicts that the total applied reductions to the trip generation model are optimistic, unless all the proposed bicycle and pedestrian improvements identified in the draft Specific Plan are built with this project. TAMC recommends that some of the bicycle and pedestrian improvements, such as sidewalk infrastructure, public benches, bicycle lanes, and bicycle parking be conditioned as mitigations for the development projects in order to ensure they are built and contribute to overall trip reduction. Consideration should also be given to providing new housing tenants transit passes to access Monterey-Salinas Transit's services.
3. TAMC and Caltrans consider payment of the Regional Development Impact Fee as mitigation for a development's cumulative impacts to the regional transportation network. Our Agency supports mitigation measure 3.10-6 providing that all new development within the specific plan area will be conditioned to pay their fair share of regional fees to address cumulative impacts.

4. TAMC supports the intention to slow vehicular movement in the neighborhood areas through principles of complete streets. TAMC's Complete Streets Guidebook can serve as a resource for implementation of complete streets, available here: <https://www.tamcmonterey.org/programs/complete-streets/>
5. To accomplish the Specific Plan's Circulation Goal #1, the development should place a premium on safe and accessible pedestrian access to the site from intersections and crosswalks, sidewalks, and bicycle facilities. The project site should also be designed with sidewalks that connect to external facilities and provide access to transit stops. As per Caltrans standards, bicycle lanes should be constructed to the left of any right-hand turn lanes included in the development or constructed off-site as mitigation. Also, the document should address the need for any new roadways be designed to accommodate bicycles with adequate pavement for bike travel, with specific dimensions clearly identified, particularly along major arterials.
6. TAMC supports the mitigation measures 3.1-2, 3.1-6 and 3.1-7 intent to incorporate effective methods of cleaner alternative fuels and alternative transportation such as electric vehicle charging infrastructure, secure bicycle parking locations, and park-and-ride lots. The Agency advises the project applicant to consider pursuing funding for secure bicycle parking through TAMC's Bicycle Secure Program, and Monterey Bay Air Resources District's grant programs to support installation of electric vehicle charging infrastructure.
7. TAMC encourages the use of Monterey-Salinas Transit's *Designing for Transit* Manual as a resource to support current and potential future transit access to the project site. Monterey Salinas Transit is in the process of updating their 2006 manual; the 2020 draft *Designing for Transit* manual is available here: https://www.tamcmonterey.org/wp-content/uploads/2020/07/DesigningForTransit_07-03-20.pdf

Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact Madilyn Jacobsen of my staff at 831-775-4402 or madilyn@tamcmonterey.org.

Sincerely,



Debra L. Hale
Executive Director

Jill Miller

From: Fred Watson <fwatson@csumb.edu>
Sent: Monday, August 10, 2020 1:36 PM
To: Jill Miller
Subject: Comments on Central Area Specific Plan DEIR and DSP

Dear Jill,

I have two comments on the City of Salinas Central Area Specific Plan DEIR and DSP:

1. On Figure 1-6, the "Pedestrian Paths" should also be bike paths - just like the ones that already exist primarily along Gabilan & Natividad Creeks.
2. The bike/ped circulation system should include a connection between the Gabilan Creek drainage and the Natividad Creek drainage that is buffered by a greenway (i.e. an open space corridor) and not directly adjacent to roads. I'm a runner who lives in Marina but runs in Salinas from time to time. I think my experience with City trails is representative of many folks using the existing bike/ped paths in the City. Currently in the City, I can run a loop, say, from Natividad Creek Park down toward Carr Lake, across past the Vietnam Memorial to the Constitution Sports Complex, up Gabilan Creek, and across through streets back to Natividad Creek Park. The whole loop is buffered by open space EXCEPT THE CONNECTION FROM GABILAN CREEK TO NATIVIDAD CREEK (roughly along Nuntucket Blvd). When properly managed, open space corridors beside trails promote a safe and peaceful experience for people of all ages. An open-space / greenway connection between the two creek systems would be a wonderful asset to the community because of the trail LOOPS it would facilitate. At present, almost all Salinas trails run along watercourses, which is an obvious and beneficial design choice available to planners. Making the loop connections BETWEEN creek systems requires a little more initiative, but will be worth it because of the many benefits loops create with respect to frequency of use and and minimization of public safety problems trail dead-ends.

The scope of my review of the documents was limited to trails only, and not any other aspects of the plan.

Thank you.

Fred Watson, PhD
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Jill Miller

From: Michael DeLapa <execdir@landwatch.org>
Sent: Monday, August 10, 2020 1:19 PM
To: Jill Miller
Subject: LandWatch's comments on the Draft EIR for Salinas' Central Area Specific Plan (including addendum)
Attachments: LandWatch Comments on Central Area Specific Plan.pdf

Dear Ms. Miller

LandWatch adds the following GHG mitigation measures to the the measures listed on pages 4-5 of our letter. The key mandate is on-site energy generation - there is no reason not to make this an all-solar project.

- Require building energy efficiency to exceed Title 24 standards by 20%. (CAPCOA at p. 85.)
- Obtain third party HVAC commissioning and verification of energy savings (CAPCOA at p. 101.)
- Require provision of on-site energy production, including solar-panels on all available roofs. (CAPCOA at pp. 125, 128.)
- Require on-site renewable energy via wind power. (CAPCOA at p. 132.)
- Prohibit gas-powered landscaping equipment (CAPCOA at p. 384.)
- Require electric yard equipment compatibility. (CAPCOA at p. 391.)
- Recycle construction waste. (CAPCOA at p. 401.)
- Mandate tree planting to obtain maximum feasible CO2 sequestration. (CAPCOA at p. 402.)
- Use alternative fuels for construction equipment. (CAPCOA at p. 410.)

Thank you.

Regards,

Michael

Michael D. DeLapa
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[LandWatch Monterey County](https://www.landwatch.org)
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Facebook facebook.com/LandWatchMontereyCounty/

Begin forwarded message:

From: Michael DeLapa <execdir@landwatch.org>
Subject: LandWatch's comments on the Draft EIR for Salinas' Central Area Specific Plan
Date: August 10, 2020 at 12:24:05 PM PDT

To: salinasmayor@ci.salinas.ca.us, district1@ci.salinas.ca.us, district2@ci.salinas.ca.us,
district3@ci.salinas.ca.us, district4@ci.salinas.ca.us, district5@ci.salinas.ca.us, district6@ci.salinas.ca.us
Cc: Ray Corpuz <ray.corpuz@ci.salinas.ca.us>

Dear Members of the Salinas City Council,

Attached are LandWatch's comments on the [Draft EIR for Salinas' Central Area Specific Plan](#). As currently proposed, Salinas' Central Area Specific Plan is a case study in urban sprawl. The plan proposes developing approximately 762 acres including approximately 608 acres of farmland with up to 3,911 residential dwelling units, up to 489,700 square feet of commercial uses, and up to 61 acres of public facilities. Average residential density is 6 to 8 units per net units per residential acres for 57% of the Specific Plan.

LandWatch urges a more sustainable planning approach. The Draft EIR offers an improved Reduced Land Area (RLA) Project alternative which is identified as the environmentally superior alternative. The RLA alternate would increase residential density, preserve 110 acres of agricultural land, lower housing prices, and lead to more economically and environmentally sustainable outcomes.

Monterey County faces a housing paradox: housing supply is grossly mismatched with housing demand. We have an enormous inventory of approved but unbuilt houses, yet there is tremendous demand for housing. Local working families need truly affordable, right-sized homes and apartments, ones that are close to jobs, schools, grocery stores, recreation, and other daily needs.

Development in the Central Area Specific Plan will add to Monterey County's inventory of approved but unbuilt homes that fail to serve the needs of local residents. LandWatch documents the potential for more than 19,000 new residential units throughout Monterey County, most of them largely unaffordable to local residents. LandWatch's updated report [Approved/Unbuilt Residential projects in Monterey County](#) identifies more than 12,000 unbuilt residential units that have been approved throughout Monterey County. With the exception of a few projects in litigation, all of these units are legally entitled and could theoretically be built today.

LandWatch's report, [Approved/Unbuilt and Proposed Residential Projects in the Salinas Valley](#), documents more than approximately 20,000 approved/unbuilt and proposed residential units in Salinas Valley cities.. These include mostly low density single family homes in Salinas, Gonzales, and Soledad – again, homes that will be unaffordable to many local working families. LandWatch's analysis excludes more than 4,000 lots of record in unincorporated county areas that also have the potential for development.

LandWatch urges the City to adopt the Central Area Specific Plan's RLA Alternative, which would lead to more sustainable residential development designed for affordability.

Regards,

Michael

P.S. Please subscribe to the LandWatch newsletter, "like" us on Facebook and follow us on Twitter. Thank you!

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August 10, 2020

Jill Miller, Senior Planner
City of Salinas Community Development Department
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email: jill.miller@ci.salinas.ca.us

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. CAPCOA 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 loops for the letters "M", "D", and "L".

Michael D. DeLapa
Executive Director



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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 11, 2020

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**Subject: City of Salinas Central Area Specific Plan
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
State Clearinghouse No. 2017091022**

Dear Ms. Miller:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from City of Salinas for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Salinas; Hugh Bikle; Thrust IV, Inc.

Objective: The objective of the Project is to establish land use planning and regulatory guidance for the Project area which is approximately 760-acres. Primary Project activities include using the principles of New Urbanism and Traditional Neighborhood Development also known as village-style development. It is a comprehensive planning system that includes a variety of housing types and land uses in a defined area. The Project will serve as a bridge between the Salinas General Plan and individual development applications in the Project area.

Location: The majority of the Project is located within the incorporated boundary of the City of Salinas. The Specific Plan Area is bounded by Natividad Road on the west, East Boronda Road on the south, Old Stage Road and the future extension of Constitutional Boulevard on the east, and the future extension of Russell Road on the north. U.S. 101 and North Main Street are located to the west. Unincorporated land under the jurisdiction of the County of Monterey abuts the Specific Plan Area to the north.

Timeframe: Unspecified

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Salinas in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

There are many special-status resources present in and adjacent to the Project area. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. The DEIR indicates there

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is potential significant impact unless mitigation measures are taken but the measures listed are general and may be inadequate to reduce impacts to less than significant. CDFW is concerned regarding potential impacts to special-status species including, but not limited to: the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State endangered foothill yellow-legged frog (*Rana boylei*), the federally threatened California red-legged frog (*Rana draytonii*), the State threatened Swainson's hawk (*Buteo swainsoni*), the State species of special concern burrowing owl (*Athene cunicularia*), western spadefoot (*Spea hammondi*), and special-status plants, including the State endangered Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*). In order to adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture, and to identify any Project-related impacts under CESA and other species of concern.

I. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: California Tiger Salamander (CTS)

Issue: The DEIR states the Project has the potential to significantly impact CTS. A 0.25-acre agricultural basin may provide potential breeding habitat for CTS and remnant upland habitat features and/or small mammal burrows may provide refugia for CTS dispersing from or into the Project area. Mitigation Measure 3.2-2 states that a biologist with a scientific collecting permit (SCP) shall oversee the excavation of burrows, inspect exclusion fencing, and relocate any CTS found on the Project site. However, SCPs cannot be used to mitigate project impacts. If a biologist were to conduct the activities as described in the Mitigation Measure, it would violate both the SCP and CESA, resulting in unauthorized take. Fish and Game Code (Fish & G. Code, § 86) defines take as hunt, pursue, catch, capture, or kill, or the attempt to do so. Several of the actions listed in Mitigation Measure 3.2-2 would be defined as take. For example, relocating CTS or if CTS is trapped within an exclusion this constitutes capture. Therefore, acquisition of an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081(b), is required to implement these actions and comply with CESA.

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Specific Impacts: Potential ground- and vegetation-disturbing activities associated with Project activities include: water inundation as a result of the proposed new reservoir, collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia and breeding sites, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact would be significant: Up to 75% of historic CTS habitat has been lost to urban and agricultural development (Searcy et al. 2013). The Project site is within the range of CTS and has suitable habitat features. CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011) and have been documented to occur near the Project site (CDFW 2020). Given the presence of suitable habitat within the Project site, ground-disturbing activities have the potential to significantly impact local populations of CTS.

Recommended Potentially Feasible Mitigation Measure(s)

Because suitable habitat features for CTS are present throughout the Project site, CDFW recommends the following edits to the DEIR prepared for this Project.

Mitigation Measure 3.2-1:

CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat, and subsequently if CTS are present on or immediately adjacent to the Project site. These surveys will inform what, if any, take authorization is required from CDFW to comply with CESA.

Please note the protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Mitigation Measure 3.2-2:

As stated above, several of the actions listed in Mitigation Measure of 3.2-2 require an ITP to ensure compliance with CESA. CDFW recommends changing SCP to ITP throughout the measure to accurately represent what is required to secure the appropriate take authorization of CTS to minimize Project impacts. In addition, if

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through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would also be warranted prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

COMMENT 2: Foothill Yellow-Legged Frog (FYLF) and California Red-Legged Frog (CRLF)

Issue: FYLF are primarily stream dwelling and require shallow, flowing water in streams and rivers with at least some cobble-sized substrate; CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons, and both species will also breed in ephemeral waters (Thomson et al. 2016). CRLF have been documented to occur in the vicinity of the Project site (CDFW 2020). In the DEIR, it states that there is less than significant impacts to FYLF because there are no documented occurrences in the Project vicinity and there is no potential for the species to occur on the Project site, but also states there are limited habitat features that may be suitable for FYLF. Based on statements provided in the DEIR, it is unclear if FYLF have the potential to occur on or near the Project site. FYLF have been reduced to limited populations in Monterey County and any impact to FYLF that may occur in the Project area is potentially significant.

Specific impact: Without appropriate avoidance and minimization measures for FYLF, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, loss of habitat, and direct mortality of individuals.

Evidence impact would be significant: FYLF populations throughout their southern range, including Monterey County, have experienced ongoing and drastic declines and many have been extirpated; historically, FYLF occurred in mountain streams from the San Gabriel River in Los Angeles County to southern Oregon west of the Sierra-Cascade crest (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to FYLF (Thomson et al. 2016, USFWS 2017). Project activities have the potential to significantly impact both species.

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Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to FYLF, CDFW recommends the following edits to the DEIR prepared for this Project.

Mitigation Measure 3.2-3

CDFW recommends that a qualified biologist determine if FYLF have the potential to occur in the Project area. If this evaluation has already been completed as part of the determination that FYLF cannot occur on the Project site, we recommend that the evaluation is included in the DEIR. If a qualified biologist determines that FYLF have the potential to occur in the Project area, we recommend that this measure is edited to include FYLF in addition to CRLF. The DEIR does not provide the survey method that will be used to determine if CRLF occur in the Project area. CDFW recommends that a qualified wildlife biologist conduct surveys for FYLF and/or CRLF in accordance with the USFWS "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to determine if CRLF and, if warranted, FYLF are within or adjacent to the Project area. While this survey is designed for CRLF, the survey may be used for FYLF with focus on stream/river habitat.

Mitigation Measure 3.2-4

If FYLF are detected during pre-construction surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP is necessary to comply with CESA. Please note that several of the actions required by Mitigation Measure 3.2-4 would be considered take as described above for Mitigation Measure 3.2-2. Therefore, an ITP is required to implement those actions for FYLF. CRLF are not listed pursuant to CESA, and therefore, no ITP is necessary from CDFW for this species.

COMMENT 3: Swainson's Hawk (SWHA)

Issue: SWHA have been documented in the Project vicinity (CDFW 2020) and have the potential to forage and/or nest near or on the Project site. In addition to annual grasslands, SWHA are known to forage in alfalfa, fallow fields, dry-land and irrigated pasture, rice land (during the non-flooded period), cereal grain crops (including corn after harvest), beet, tomato, and other low-growing row or field crops. The DEIR states that there is potential nesting habitat for SWHA near the Project area, but no mitigation measures are provided for this species and the actions listed in Mitigation Measure 3.2-6 alone are unlikely to reduce impacts to less than significant if SHWA are present.

Specific impacts: Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include

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nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

Evidence impact is potentially significant: The Project as proposed will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting any nesting SWHA occurring near the Project site.

Recommended Potentially Feasible Mitigation Measure(s)

Because suitable habitat for SWHA is present throughout the Project site, CDFW recommends adding these additional measures to the DEIR and that these measures be made conditions of approval for the Project. Alternatively, these measures may be incorporated into Mitigation Measure 3.2-6.

Recommended New Mitigation Measure 1: SWHA Surveys

To evaluate potential impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Recommended New Mitigation Measure 2: SWHA No-disturbance Buffer

If ground-disturbing Project activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. While Mitigation Measure 3.2-6 states that a no-disturbance buffer range of 300 feet for an active SWHA nest will be implemented, CDFW recommends a minimum no-disturbance buffer of ½-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended New Mitigation Measure 3: SWHA Foraging Habitat

CDFW recommends compensation for the loss of SWHA foraging habitat to reduce impacts to SWHA foraging habitat to less than significant based on CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites and the amount of habitat compensation is dependent on nest proximity. In addition to fee title acquisition or conservation easement recorded on property with suitable grassland habitat features, mitigation

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may occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

Recommended New Mitigation Measure 4: SWHA Take Authorization

CDFW recommends that in the event an active SWHA nest is detected during surveys and the ½-mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA. In addition, compensatory habitat mitigation would be warranted to offset impacts to nesting habitat or habitat utilized by migrating individuals.

COMMENT 4: Burrowing Owl (BUOW)

Issue: BUOW have been documented near the Project site (CDFW 2020). BUOW inhabit open grassland or adjacent canal banks, ROWs, vacant lots, etc., containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Review of aerial imagery indicates that some of the Project site is bordered by annual grassland and potentially fallow agricultural fields and may be present within the Project site. Like SWHA, the actions listed in Mitigation Measure 3.2-6 alone are unlikely to reduce impacts to less than significant.

Specific impact: Potentially significant direct impacts associated with subsequent activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact is potentially significant: BUOW rely on burrow habitat year-round for their survival and reproduction. Therefore, subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the Project site, adding these additional measures to the DEIR, and that these measures be made conditions of approval for the Project. Alternatively, these measures may be incorporated into Mitigation Measure 3.2-6.

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Recommended New Mitigation Measure 5: BUOW Surveys

CDFW recommends that a qualified biologist assess if suitable BUOW habitat features are present within or adjacent to the Project site (e.g., burrows). If suitable habitat features are present, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

Recommended New Mitigation Measure 6: BUOW Avoidance

Mitigation Measure 3.2-6 states that a no-disturbance buffer range of 300 feet for an active BUOW nest will be implemented. CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Recommended New Mitigation Measure 7: BUOW Passive Relocation and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or

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re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

COMMENT 5: Western Spadefoot

Issue: Western spadefoot inhabit grassland habitats, breed in seasonal wetlands, and seek refuge in upland habitat where they occupy burrows outside of the breeding season (Thomson et al. 2016). Western spadefoot has been documented in the Project vicinity and review of aerial imagery indicates that the Project may contain requisite habitat elements (CDFW 2020). The DEIR does not include any species-specific measures for western spadefoot.

Specific impact: Western spadefoot are known to occur in the area (CDFW 2020). Without appropriate avoidance and minimization measures for western spadefoot, potentially significant impacts associated with ground disturbance include; collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss and fragmentation resulting from agricultural and urban development is the primary threat to western spadefoot (Thomson et al. 2016). The Project area is within the range of western spadefoot, contains suitable upland habitat, and possible breeding habitat. As a result, ground-disturbing activities associated with development of the Project site have the potential to significantly impact local populations of this species.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to western spadefoot associated with the Project, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the DEIR prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended New Mitigation Measure 8: Western Spadefoot Surveys

CDFW recommends that a qualified biologist if requisite habitat features for western spadefoot occurs on the Project site to evaluate potential impacts resulting from ground- and vegetation-disturbance. If suitable habitat is present, CDFW recommends a qualified biologist conduct focused surveys for western spadefoot within the suitable habitat areas.

Recommended New Mitigation Measure 9: Western Spadefoot Avoidance

Within suitable habitat, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows. If western spadefoot is observed on the Project site, CDFW recommends that Project activities

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in their immediate vicinity cease and individuals be allowed to leave the Project site on their own accord. Alternatively, a qualified biologist with appropriate take authorization can move them out of harm's way and to a suitable location.

COMMENT 7: Special-Status plants

Issue: Special-status plant species have been documented to occur in the vicinity of the Project area near the riparian habitats (CDFW 2020). The Project site contains habitat suitable to support numerous special-status plant species meeting the definition of rare or endangered under CEQA Guidelines section 15380. Although the DEIR states that two field surveys were conducted, it does not include the protocol used during plant surveys or disclose if a reference site was used. In addition, it does not compare site conditions when the surveys were conducted (2004, 2015, and 2016) to present conditions. Therefore, CDFW cannot determine if surveys were adequate to detect special-status plant species, if the environmental baseline remains the same, or if mitigation measures listed in the DEIR are sufficient to reduce impacts to less than significant.

Specific impact: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with Project construction include inability to reproduce and direct mortality.

Evidence impact would be significant: Special-status plant species known to occur in the vicinity of the Project site are threatened by residential development, road maintenance, vehicles, grazing, trampling, and invasive, non-native plants (CNPS 2020).

Recommended Potentially Feasible Mitigation Measure(s)

Without additional information to evaluate potential impacts to special-status plant species associated with the Project, CDFW recommends conducting the following survey protocol to determine if special-status plants occur in the Project area, editing the DEIR to include the following additional measures if special-status plants are observed in the Project area, and including the following mitigation measures as conditions of approval.

Recommended New Mitigation Measure 10: Special-Status Plant Surveys

Where suitable habitat is present, CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018b). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In

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the absence of protocol-level surveys being performed, additional surveys may be necessary.

Recommended New Mitigation Measure 11: Special-Status Plant Avoidance

CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended New Mitigation Measure 12: State-listed Plant Take Authorization

If a plant species listed pursuant to CESA is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

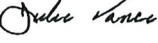
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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist City of Salinas in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Please see the enclosed Mitigation Monitoring (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Aimee Braddock, Environmental Scientist, at aimee.braddock@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment

cc: Office of Planning and Research, State Clearinghouse

Aimee Braddock
California Department of Fish and Wildlife

Jill Miller, Senior Planner
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Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

**PROJECT: City of Salinas Central Area Specific Plan
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**

SCH No.: 2017091022

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Edited Mitigation Measure 3.2-1	
Edited Mitigation Measure 3.2-2	
Edited Mitigation Measure 3.2-3	
Edited Mitigation Measure 3.2-4	
New Mitigation Measure 1: SWHA Surveys	
New Mitigation Measure 2: SWHA No-disturbance Buffer	
New Mitigation Measure 3: SWHA Foraging Habitat	
New Mitigation Measure 4: SWHA Take Authorization	
New Mitigation Measure 5: BUOW Surveys	
New Mitigation Measure 7: BUOW Passive Relocation and Mitigation	
New Mitigation Measure 8: Western Spadefoot Surveys	
New Mitigation Measure 10: Special-Status Plant Surveys	
New Mitigation Measure 12: State-listed Plant Take Authorization	
<i>During Construction</i>	
New Mitigation Measure 6: BUOW Avoidance	
New Mitigation Measure 9: Western Spadefoot Avoidance	
New Mitigation Measure 11: Special-Status Plant Avoidance	



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CEO, Community Foundation Santa Cruz
County

Matt Wetstein
Superintendent/President, Cabrillo College

Staff: Kate Roberts, President & CEO

August 11, 2020

City of Salinas
200 Lincoln Avenue
Salinas, CA 93901

Subject: Central Area Specific Plan Draft EIR Public Comment

Dear City of Salinas Planning Staff,

The Monterey Bay Economic Partnership (MBEP) was founded in 2015 and consists of over 87 public, private and civic entities located throughout Monterey, San Benito and Santa Cruz counties with a mission to improve the economic health and quality of life in the Monterey Bay region. Our Housing initiative consists of a broad coalition of community members, local employers, and organizations to advocate for and catalyze an increase in housing of all types and income levels in the region.

The Central Area Specific Plan proposes a maximum of 3,911 homes and is anticipated to house up to 14,353 residents at buildout. The proposed densities range from a minimum of 5 units per residential acre in the Plan's "Low Density Residential" Area (NE-A) and a maximum of 24 units in the Plans "High Density Residential and Mixed Use" Area (VC-B). Of the estimated total 3,911 homes planned for in the Central Specific Area, 1,367 units are currently designated as part of the Low Density Neighborhood with lots ranging in size from 6,000 to 8,000 square feet. The Central Area Specific Plan's High Density and Mixed Use Village Center proposes a maximum of 1,185 units.

MBEP supports a mix of affordable housing levels that will enable our workforce to live closer to jobs, and thereby reduce traffic and greenhouse gas emissions. In 2018, MBEP partnered with Envision Housing to publish a Housing Policy White Paper, outlining nine specific policies that local governments can implement in the short term to increase the supply of more affordable homes. MBEP worked with the City of Salinas and other community stakeholders to update the City's Inclusionary Housing Ordinance and most recently worked with the City to provide input and community engagement regarding the adoption of the West Area Specific Plan in December 2019. We applaud the City for the progress it has made in adopting some of our recommendations, such as the waiver and deferral of impact fees for housing developments and reducing commercial requirements. However, there remains much work to be done as the City is significantly behind in meeting its Regional Housing Needs goals of 2,093 homes with at least 847 needed to meet low and very low incomes. To date the City has only permitted a fraction of the homes needed (193 low and very low income units according to state reports); the City must take extraordinary measures to meet the existing housing needs of the community.

Given many of the similarities with the West Area Specific Plan which is also part of the City's Future Growth Area, we offer the following recommendations: The adoption of an Enhanced Density Bonus Ordinance would provide additional concessions to market-rate developments in exchange for the inclusion of

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Salinas, Santa Cruz, San Benito, Monterey



Monterey Bay
ECONOMIC PARTNERSHIP

additional deed-restricted housing units. The City's Density Bonus could be strengthened up to 50%. More certainty for long-term ADU policies, such as the City's temporary five-year impact fee holiday, should be codified as a condition of the Plan's development agreement and adoption. Additional opportunities to strengthen the plan include reducing parking requirements and zoning for higher housing densities to yield maximum land use and benefit. Finally, as part of its Covid-19 Housing Response Framework, MBEP has identified the need for concerted community engagement efforts during both the housing planning process and local government hearings. The use of virtual outreach platforms, allowing community members to engage meaningfully in real-time, have already been adopted by other jurisdictions in our region. Given the magnitude of the Central Area Specific Plan, every effort should be made to include the voices of community members.

The housing crisis facing Salinas has only been compounded by the Covid-19 Pandemic. The most vulnerable members of our community, such as low-income households and farmworker families, face the lion share of this hardship. This project has the potential to ameliorate the local housing shortage and implement community-driven housing policies. Every possible step should be taken to strengthen the Project's density in order to maximize the conversion of prime agricultural land. We encourage the City to consider the adoption of such policies to facilitate the creation of affordable housing, mitigate unaffordability and optimize housing outcomes resulting from the Central Area Specific Plan's adoption. We also encourage the City to ensure that increased housing density goals outlined in the Plan are fulfilled by developers such as maximizing mixed use opportunities and ADU development.

In summary, MBEP strongly encourages:

1. Implementation of an enhanced density bonus policy
2. Conversion of commercial space where feasible to maximize housing as part of mixed-use site
3. Incentives for ADU development (fee waivers and clear design standards to streamline permitting)
4. Increased community engagement efforts both around the planning process and forthcoming local government hearings.

The need for concrete housing solutions is greater than ever and the whole of the Salinas Community must be reflected in the City's housing planning. The decisions codified in the Central Area Specific Plan have the potential to maximize density, affordability and access to opportunity for community members, present and future.

Thank you for your consideration.

Sincerely,

Kate Roberts
President & CEO
Monterey Bay Economic Partnership

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South County, South County, Monterey

DEPARTMENT OF TRANSPORTATION

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August 11, 2020

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Jill Miller
Senior Planner
City of Salinas Community Development
65 West Alisal Street (Second Floor)
Salinas, CA 93901

Dear Ms. Miller:

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE CITY
OF SALINAS CENTRAL AREA SPECIFIC PLAN (CASP) – SALINAS, CA

The California Department of Transportation (Caltrans) appreciates the opportunity to review the DEIR for the CASP which plans to develop 760 acres into residential housing, mixed-use commercial, neighborhood parks, schools, and open space. The project will follow the principles of New Urbanism and Traditional Neighborhood Development (TND). Caltrans offers the following comments in response to the DEIR and the traffic study provided that utilized a Level of Service (LOS) analysis.

1. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Projects that support smart growth principles which include improvements to pedestrian, bicycle, and transit infrastructure (or other key Transportation Demand Strategies) are supported by Caltrans and are consistent with our mission, vision, and goals.
2. By following the principles of New Urbanism and TND, CASP will help meet Senate Bill 743 (SB 743) goals of reducing vehicle miles traveled (VMT) and lowering greenhouse gas emissions (GHG's). CASP's focus on facilitating increased daily bicycle and pedestrian trips by connecting residential neighborhoods to public facilities and employment centers will help take vehicles off the roadway network. The decrease in vehicular traffic will assist with State goals of lowering VMT and

GHG's while bettering air quality, alleviating traffic congestion, and strengthening the economy with new housing and employment opportunities.

3. In specific response to the LOS study provided, it is common for trip generation rates to account for pedestrian and bicycle activity and therefore should not be an additional reduction in the findings. The AM and PM reductions of 21% and 24% provided seem to be inconsistent with the typical 5-10% state of practice. Please provide additional justification as to the determination of the trip reductions using the Trip Generation Handbook methodology to show the internal capture rate.
4. The traffic study assumes only 2% of traffic will use the freeway, with the remainder using local roads. Because of the makeup of the project with shopping/retail accounting for 35% of total project infrastructure, traffic will at the very least access the interchanges of US 101 at Boronda Road, Laurel Drive, and to some extent the ramps at Sala Road. Shopping related development carries a large amount of heavy vehicle delivery traffic which would on its own seem to put additional demand on the system. Caltrans concern for the potential of increased conflicts are mostly with the interchanges and therefore a closer look at these locations are merited.
5. Specifically for Boronda Road, given the proximity of CASP to this interchange it would seem reasonable that a significant impact could be at this location particularly with the large amount of retail/big box stores on the west side of the freeway (e.g, Costco).
6. We have appreciated working with the City in the past to develop an improvement plan for the interchanges along US 101 and look forward to continuing that work on finding the right set of enhancements to meet the demand of increased development while reducing potential conflict points.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or email christopher.bjornstad@dot.ca.gov.

Sincerely,

Chris Bjornstad

Chris Bjornstad
Associate Transportation Planner
District 5 Development Review



Devon B. Lincoln
Attorney at Law

E-mail: dlincoln@lozanosmith.com

By Email: jill.miller@ci.salinas.ca.us

August 11, 2020

City of Salinas
Community Development Department
Attention: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, California 93901

Re: Alisal Union School District Comments to the Draft Environmental Impact Report for the Central Area Specific Plan

Dear Ms. Miller:

Our office represents the Alisal Union School District ("District" or "AUSD"). Please accept this letter as the District's comments to the Draft Environmental Impact Report ("Draft EIR") for the Central Area Specific Plan ("Specific Plan" or "Project"). Additional information pertinent to the impact of the Project on the District is included in the Central Area Specific Plan. Accordingly, this letter also references that document.

A. Summary

As discussed in this letter, the District's primary concern with the Draft EIR is its failure to address the real impacts, environmental and otherwise, of the Project on the school districts that will serve the families who will eventually make their homes in the Project. Among other things, the Draft EIR does not adequately address the need for additional schools and facilities that may be needed to serve the number of new elementary-age students that could be generated by the Project. Without that analysis, the Draft EIR does not adequately portray the potential environmental impacts of this Project.

In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address some of the impacts that will result from development of the Specific Plan with regard to school facilities. A key point for consideration prior to finalizing the EIR should be that even when payment of State-mandated impact mitigation fees ("developer fees") are factored in the calculation, there will likely be insufficient funding for the school facilities and staffing needed to serve the additional students resulting

from the Project. Unless the District can obtain that funding, the educational needs of the families residing in the Project may not be met in the manner and at the locations confidently predicted by the Draft EIR.

As an additional overall concern, there may be other impacts to students and staff resulting from build-out of the Project that are not addressed in the Draft EIR. These impacts include, but are not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts.

Finally, the Draft EIR must consider the cumulative impact of the Central Area Specific Plan together with the anticipated impacts of the West Area Specific Plan, and other forthcoming projects in the area, with regard to environmental concerns.

As discussed in this letter, all of the potential impacts of the Project on the District and the territory it serves need to be further analyzed and addressed appropriately in the Draft EIR.

B. Areas of Concern

1. District Communications with City and Developers

As envisioned by its developers, the 760 acre Specific Plan would include up to 3,911 residential units (both single family and multi-family residential units. By the City's calculation, the Project would generate up to 2,752 new elementary age students. (Draft EIR, p. 3.9-25; CASP, p. 141) ¹ The Specific Plan includes three school sites, totaling approximately 48 acres: one 12-acre elementary school site owned by AUSD; one 18-acre middle school site owned by the Salinas Union High School District ("SUHSD") and one 18-acre site currently located within the Santa Rita Union School District ("SRUSD") that was originally designated by the developers for an middle/elementary school. (Draft EIR, pp. 2.0-15-2.0-16.)

As noted in the Draft EIR, on April 28, 2020, the three districts submitted a petition for a territory transfer (i.e., a boundary adjustment) to the County Committee for School District Organization, which, if approved, would result in the transfer of that portion of SRUSD within the Specific Plan to AUSD, meaning that the 18-acre school site would no longer be within the territory served by SRUSD, and AUSD would instead potentially acquire and build facilities on that site (Draft EIR, p. 2.0-16). Although not acknowledged by the Draft EIR but as further discussed below, the proposed territory transfer has been planned, with the City's knowledge, for at least two years.

The Specific Plan states that the Project developers "have worked with and continue to work with, all three School Districts to identify each District's needs in terms of the appropriate size and location of the elementary and middle school sites." (Draft EIR, p. 2.0-16.) That claim considerably overstates the communications between the parties that have occurred concerning the Specific Plan. In reality, the District has had few opportunities to discuss the proposed

¹ As discussed in this letter, these figures are inaccurate, as the City used outdated student generation rates in calculating the number of new elementary-age students that would be generated by the Project.

Project with the City and the developers and has been given only limited information regarding the potential impact of the Project on the District. More to the point, an August 21, 2019, meeting between City Planning staff and District representatives has been the only meeting concerning the Project that has occurred over the past two years.

Recent communications from the Project developers have centered on requests that the District provide written assurances that two elementary school sites within the Specific Plan area would be sufficient to meet the District's needs. The Draft EIR accuses the District of "silence relative to raising any issues or concerns about the location or number of School facilities within the Plan Area" and suggests that until receipt of a May 29, 2020, letter from District Superintendent Jim Koenig to Hugh Walker of Stone Bridge Homes, Inc., the City and the developers had been completely unaware of the potential need for a third school site to serve the numbers of elementary-age students that the Project will generate. (Draft EIR, pp. 2.0-17-2.0-18.) This is inaccurate.

In fact, on October 12, 2018, Mr. Koenig sent a letter to Senior Planner Jill Miller stating that, based on the District's most recent student generation rates ("SGRs"), the number of residential units that the developers were projecting would be constructed in the Specific Plan area, and a maximum student population figure of 850 students per school, the District "will require three new elementary schools in its portion of the Central Area in order to accommodate the students to be generated by the new residences in the development."² Thus, the City and the developers have been aware that the District would likely need a third school site in the Specific Plan area for almost two years. The October 12, 2018 letter also points out that the territory transfer from SRUSD to AUSD is underway, and that the District has not factored in students coming from the SRUSD territory in making its determination that 3 school sites will be needed.

In his May 29, 2020, letter to Mr. Walker, Mr. Koenig made clear that the District was currently unwilling to relinquish its rights to a third school site within the Specific Plan and that until the Draft EIR was released, the District's Board of Trustees would not be able to properly evaluate the Specific Plan and the potential need for additional schools, staffing, and facilities resulting from build-out of the Project. Mr. Koenig's letter stated, in part:

As I am sure you will understand, I cannot unilaterally relinquish a school site without consulting with the District's Board of Trustees. Further, on the advice of legal counsel, my recommendation to my Board would be to postpone making any decision regarding a third school site until the District and its legal counsel have had an opportunity to thoroughly review the draft Environmental Impact Report ("EIR") for the CASP. Your April 16, 2020, email states: "The City is less than 4 weeks from sending out [the CASP Draft EIR] for 45 day public review." Following its review of the Draft EIR, the District will provide its comments to the City concerning the project—including the need for a third school site—during the specified 45-day review public review period.

² Letter from Jim Koenig to Senior Planner Jill Miller, dated October 12, 2018.

2. Suitability of Site for Use as Elementary School

The Districts' plans for the pending territory transfer were also discussed during the August 21, 2019, meeting between the District and City Planning staff. Nonetheless, the Project developers have not addressed potential modifications to the Project that would likely be necessary if the site originally designated for an SRUSD middle/elementary school were re-designated as an AUSD elementary school site.

As an initial concern, the northern half of the 18-acre proposed site is not currently within the CASP, as the landowners have expressly exempted that parcel from the City's annexation process. Until that annexation process is complete, it is not appropriate for the Draft EIR to identify the entire 18-acre parcel as a potential school site. As one example, the Specific Plan includes a road and a segment of greenway/pedestrian path running through the middle of the 18-acre school site. (CASP, Figs. 5-3, 5-5.) Dividing the school site with a public road and pathway may have been acceptable during earlier phases of the Specific Plan planning process when the site was originally designated as a potential middle/elementary school site within the SRUSD. However, AUSD serves elementary students in grades K through 6. A road and public pedestrian path running through the middle of an elementary school campus would raise serious safety concerns and limit the land available for the construction of school facilities. Given those concerns, the inclusion of a road and greenway/pedestrian path that would bisect the site is unacceptable to the District.

Before the District can acquire property for a new school site, it must, among other things, comply with the California Environmental Quality Act (CEQA) and obtain the approval of the California Department of Education (CDE) and the Department of Toxic Substances Control (DTSC) regarding the suitability of the property for a school site. These approvals are mandatory prior to the District moving forward with planning for a new school site.

The CDE has not evaluated the suitability of the 18-acre site for use as an elementary school site, but a CDE consultant who reviewed the Draft EIR has raised concerns about the location of the site in a floodplain and the need for a hydrology study to identify the potential for flooding. The CDE consultant noted that the road running through the campus is likely to collect runoff from adjacent houses and then run downslope through the site, and that overflow from Gabilan Creek will also follow that same path. Of particular concern, the CDE consultant indicated that a gas pipeline study would almost certainly be required for approval of the property for use as a school site.

The Project also contemplates the installation of a large underground water main below the road and greenway/pedestrian path running through the school site. (CASP, Fig. 6-3.) Inspections and repairs to pipes and water main components would be highly disruptive to elementary school operations.

These and other concerns may render the proposed site unsuitable for use as an elementary school. Although the developers had close to two years' advance notice of the pending territory

transfer, the Draft EIR does not identify or address any modifications to the Project that would be necessary if the westernmost school site is ultimately utilized for elementary students. Likewise, the Specific Plan has not set aside sufficient property to serve all of the elementary students who may eventually reside there.

3. Potential Increases in Enrollment

The Specific Plan includes up to 3,911 single family and multi-family residential units which the City has calculated would generate approximately 2,752 new elementary-age students to be served by the District; however, these figures are inaccurate, as they do not utilize the current District SGRs, as set out in the July 2, 2020, *School Facilities Needs Analysis* (“2020 SFNA”).

The District currently operates twelve K-6 elementary schools and is the authorizer of one charter school. As noted in the District’s 2020 SFNA, by the 2024-2025 school year, the District will need to plan for serving 573 students projected to be generated by the construction of future residential units within the City over the next five years. (2020 SFNA, Exhibit K.) This figure does not include the significant number of students that will be generated by the CASP. (2020 SFNA, p.11.)

Land use assumptions set out in the Transportation and Circulation section of the Draft EIR include “two elementary schools with 600 students enrolled in each and one middle school with 803 students enrolled.” (Draft EIR, p. 3.10-28.) Assuming that each elementary school will house up to 600 students—a maximum student population that is educationally far more reasonable than the 850 students per campus that fill most of the District’s other elementary sites, which are very crowded—the District is likely to need at least three sites within the Specific Plan area.

The District’s estimate that it would need at least three new school sites was set out in Mr. Koenig’s October 12, 2018, letter to Senior Planner Jill Miller, which also described the need for additional staffing and new facilities (such as portable classrooms, playing fields, and restroom facilities) at its existing schools. However, except for identifying the 18-acre parcel as a potential school site (in the event the boundary adjustment is approved), the developers have not identified any other potential elementary school sites or given any consideration to the need for the additional facilities and staffing to serve students generated by the Project. This does not comply with the City’s General Plan Policy LU-9.1, which requires the developers to “work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students.” (Draft EIR, p. 3.9-15.) These capacity concerns should be more fully analyzed and addressed in the Draft EIR.

4. Insufficient School Funding

A table of proposed funding sources for public schools set out in the Central Area Specific Plan document lists “School District Fees” (i.e. school impact or developer fees) and “TAMC State and Federal”, which is broadly described as funding that may be available from regional, State and/or federal sources. (CASP, p. 191).

The Draft EIR states that the payment of school impact fees is “full and complete facilities mitigation” for the impact of new development. (Draft EIR, p. 3.9-26.) This is incorrect. In making that assertion, the Draft EIR relies on the language of Senate Bill (“SB”) 50 which declares that the payment of the developer fees authorized by Education Code section 17620 constitutes “full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities.” (Gov. Code § 65995(h).) (Draft EIR, p. 3.9-26.) California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding. (*Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016.)

For purposes of considering the Draft EIR and the impact of the Specific Plan on schools, it is critical to understand that as of the date of this writing, funding at the State for school facilities is virtually nonexistent, and local funding sources are likewise hard to come by. Contrary to the assertions made by the Draft EIR, regional and federal funds are rarely if ever a source of funding for school facilities construction in California. In fact, the current landscape of school facilities funding is governed largely by The Leroy F. Green School Facilities Act (SB 50). Adopted in August 1998, SB 50 was an attempt to create a theoretical “three-legged stool” of school facilities financing, conceptualizing the funding of school facilities from three primary sources – State, local, and developer fees.

One typical source of school facilities financing (one leg of the stool) represents State bond fund grants, administered through the State Facilities Program (SFP). In order to receive State bond funds, school districts first must advance the funds necessary to obtain Division of State Architect (DSA) and California Department of Education (CDE) approvals. After expenditure of these funds, districts will apply for bond funding to the State Allocation Board (SAB), through the Office of Public School Construction (OPSC). Districts must be able to “match” the amount of State funding from local sources in order to be eligible for State funding, and are generally eligible for 50% of acquisition/construction costs from the State. Districts may be eligible for up to 100% if they are able to claim “hardship” status (if the districts are unable to raise sufficient local funds to match the State grant).

After submitting funding applications, and after the applications are received by the OPSC, district projects will then be added to the State’s “workload list” where project applications are reviewed on a continuous basis, generally based on the timing of the applications received. If the applications are approved, then they are moved to the “Unfunded List,” which includes approved applications for which no bond money has yet been apportioned. School districts often have to wait several years to receive state funding, and will only then receive funding sufficient to cover a portion of the district’s project. However, if State bond funding is depleted (as is now the case after the exhaustion of construction funds under Proposition 51 and the failure of Proposition 13 on the March 2020 ballot), then school districts who submit applications will not be guaranteed to receive any funding, and will instead be placed on an “Applications Received Beyond Bond Authority” list. There is no guarantee that these projects will ever receive reimbursement.

In all, the State facilities funding system is in a perpetual state of flux, and it is never certain if, or when, a school district will receive such funding for a given project. This is especially true at the present time, after State voters rejected Proposition 13 on March 3, 2020. That ballot measure would have authorized \$8 billion in construction and modernization for K-12 school districts. Instead, school districts have no reasonable expectation of securing State funding for construction until voters can once again be persuaded to support school construction; given the uncertainty of the current economic picture, we cannot assume that will happen any time soon. Therefore, it is highly unlikely that the District will secure State funding for construction of new schools in time for the families that will move into the homes proposed by the Specific Plan.

Theoretically, another third of school facilities financing should come from local funds, including local general obligation (GO) bond funds and property and parcel taxes. Since the passage of SB 50, the inadequacies of State and developer sourced funding have become more apparent, and more pressure has been placed on school districts to fund facilities from local sources, primarily through local GO bonds. However, districts are often unable to generate sufficient local funds due to bonding capacity limitations, lack of existing community voter approvals to subsidize schools for new development, and general lack of voter willingness to accept additional local property assessments. Even assuming the District had the bonding capacity to seek voter approval for local funds to assist with construction of new schools, it would face the uphill battle of convincing current homeowners to tax themselves for the purpose of building schools that will serve families in homes that have not yet been built – a tough sell, to say the least.

Finally, as noted, statutory school impact fees (also known as “developer fees”) are anticipated to supply one third of school construction costs. The reality is that the amount of developer fees received by school districts often fall woefully short of the impacts caused by such development.

In the case of the Specific Plan, reliance on developer fees and unspecified “regional, State and or federal sources” to fund school facilities is unrealistic, as developer fees will likely cover only a portion of the costs for schools, facilities, staff, and services required in order to serve the new students that could be generated by the Project. The District estimates that, as of July 2019, the site acquisition and facility construction costs for an elementary school will total \$51,177,376. (2020 SFNA, Exhibit E.) This estimate does not include interest costs associated with debt incurred to finance the construction of facilities.

In November 2016, District voters approved Measure M, which authorized the issuance of \$70,000,000 in general obligation bonds for the purpose of financing or reimbursing the costs of construction, repair, modernization, acquisition, and equipping of existing school classrooms, facilities, and school sites within the District. (2020 SFNA, Exhibit L.) As of the date of this letter, any remaining bond proceeds are earmarked for completion of improvements to existing facilities. (*Id.*) Thus, no proceeds from Measure M are available to offset the impact of students generated from future residential units within the City, including the CASP. (*Id.*) The District has not formed any community facilities districts (CFDs) to date, and although it has pass-through agreements with the County of Monterey, it has not received any redevelopment revenue over the past year. Overall, the District has identified a total of \$7,243,316 of potential State and

local funding for school facilities, but as discussed above, there is no guarantee that State funding will be forthcoming and it is highly unlikely that the District will secure such funding in time for the families that will move into the homes proposed by the Specific Plan. (*Id.*) It must also be noted that developer fees would be collected incrementally during the anticipated 20-30 year build out of the Project. Thus, the District will not have access to a “lump sum” amount of developer fees to fund needed new facilities.

The City and the developers may take the attitude that the dire state of funding for school facilities is “not our problem” or outside the concerns of a CEQA review. This attitude is unfortunate, given that quality schools are a crucial part of any community and a key selling point for new homes. However, this issue is also fundamental to the sufficiency of the Draft EIR. If the District cannot secure the funding to build a new school on the parcel it owns and to purchase and construct on such additional parcels as it may need to serve the projected growth from the Specific Plan, it will be forced to consider other means of serving the students who will reside there. This may include massive bussing and other transportation to existing District sites, as well as overcrowding of those sites. These are very real, non-speculative potential environmental impacts of the proposed Specific Plan that have not been contemplated by the Draft EIR, and in that way it is not a sufficient analysis of the potential impacts of the proposed Project.

5. Environmental Impacts from Project “Phasing”

The Draft EIR provides for a “phased” approach to development of the Specific Plan area. This phased approach, which is discussed briefly in Chapter 2.0 of the Draft EIR, provides that the Specific Plan area is owned by multiple landowners and the Specific Plan is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) There is only minimal discussion of this phasing concept located elsewhere in the EIR. The few other references to this phasing concept merely suggest that development of the Specific Plan area (site improvements and construction) are “assumed” by the Draft EIR to take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (*Id.*) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

The Draft EIR’s assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is problematic. (*Id.*) The Draft EIR offers no evidence or other information suggesting why this assumption should be drawn. In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR merely notes that school construction will be based on projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that “the middle school site is expected to be developed first.” (*Id.*) This assumption is equally problematic, as it is just as

likely that AUSD would need to construct one or more elementary schools within the Specific Plan area to accommodate students generated by concurrent construction in the western or central parts of the Project.

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area.

Should the City disagree with this position, the Draft EIR should at least be revised to include a detailed discussion of how the unrestricted phasing approach to development of the Specific Plan Area (inclusive of nearly 760 acres, with an anticipated 3,911 residential units and up to 489,700 square feet of commercial space) actually corresponds to the findings, conclusions, and recommendations made in the Draft EIR with respect to environmental impacts and mitigation. The Draft EIR lacks any information regarding the timing, scheduling, or sequencing of development, rendering it impossible for the Draft EIR to appropriately review and analyze environmental impacts. The Draft EIR is deficient in this regard.

6. Landscape and Lighting Maintenance District

The Central Area Specific Plan proposes the formation of a landscape and lighting maintenance district (“LLMD”) in order to fund certain recurring City costs from the Project. (CASP, p. 191-192.) The District strongly objects to the City’s imposition of these costs on schools and other public entities, particularly in light of the fact that the District is solely responsible for the costs of landscaping, lighting and maintenance on its properties, and does not benefit from the services to be paid for through the LLMD.

7. Design Standards

The Central Area Specific Plan includes a discussion of design standards for public schools which it identifies as “advisory.” (CASP, pp. 87-88.) However, the Plan also provides that all school sites will be “required” to incorporate site parcel-based post construction best management practices to the extent feasible. (*Id.*) As the City knows, schools can be exempted from local zoning requirements, as the construction of schools is under the jurisdiction of the Division of the State Architect (“DSA”). The District is willing to work collaboratively with the City regarding these issues, but cannot agree to the imposition of standards and guidelines that are not legally required.

C. Environmental Factors Impacting District Schools

The Draft EIR acknowledges that development facilitated by the Specific Plan would increase the demand for new schools which has the potential to cause “significant and unavoidable” substantial adverse physical environmental impacts (Draft EIR, pp. 3.9-23, 3.9-24.) The Draft

EIR identifies a number of potential environmental impacts that could result from construction of the school sites within the Specific Plan, but it does not adequately consider the potential impacts on the District that could result from build-out of the Project, which is estimated to take place over 20 to 30 years. (Draft EIR, pp. 3.1-22, 3.9-28.) Depending on the number of residential units completed during the initial phases of Project construction, the District may need to open one or more new schools well before complete Project build-out. The Draft EIR should consider and analyze the potential environmental impacts of such construction on District students and staff and should include mitigation measures as needed to render those impacts less than significant.

Environmental impacts on the District that should be analyzed in the Draft EIR include the following:

1. Noise Generated by Potential Construction

The Draft EIR defines a “sensitive receptor” as “a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of continuous human exposure to pollutants.” (Draft EIR, p. 3.1-12.) Sensitive receptors include schools. Consistent with CEQA, the Specific Plan will have a significant impact on the environment if it generates emissions that, among other things, expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, p. 3.1-20.)

The Draft EIR identifies Everett Alvarez High School as a sensitive receptor to the south of the Plan Area, but does not identify AUSD’s existing 12-acre school site or the 18-acre site that may be transferred to AUSD, as potential sensitive receptors that could be affected by construction of the Project. (*Id.*) The Draft EIR deems the potential exposure of sensitive receptors to substantial pollution concentrations as “less than significant with mitigation,” but the mitigation measures described in the Draft EIR are general in nature, and do not include any measures designed to reduce potential exposure of District students and staff to airborne pollutants, particularly during those times when students are outdoors for recess, play, or physical education. As the District may need to open and operate schools within the Specific Plan area during initial construction phases of the Project, the effects of air quality on schools should be further analyzed in the Draft EIR.

2. Hazards and Hazardous Emissions

The Draft EIR summarizes the results of a 2010 environmental report prepared for the 18-acre school site in the western part of the Specific Plan area, in which the Department of Toxic Substances Control (“DTSC”) “provided a ‘no further action’ determination and granted approval from a potential contamination assessment perspective to construct a school site.” (Draft EIR, pp. 3.5-5, 3.5-6.) Since the land has been in use for agricultural purposes since the completion of the 2010 report, an updated assessment and survey would be needed to confirm whether or not hazardous substances, such as agricultural pesticides, are now present at above regulatory screening levels. The key point here is that the environmental effects of development on the site remain uncertain.

The Draft EIR includes measures intended to mitigate any significant hazards to the proposed school site due to siting or placement of infrastructure, but does not include any discussion of potentially hazardous materials that may be transported or utilized in proximity to the school site(s) during Project construction. (Draft EIR, pp. 3.5-21 to 3.5-24.) The Draft EIR should include specific information as to these specific hazardous materials and should include appropriate mitigation measures, as would be necessary if the District is operating schools during Specific Plan construction.

3. Noise.

The Draft EIR notes the potential exposure to sensitive receptors to noise from proposed park and school uses, and includes proposed mitigation measures that, among other things, would require schools to install sound walls and berms when a school site directly abuts a residential property line and site design cannot achieve minimum noise standards. (Draft EIR, p. 3.7-29.) Missing from the Draft EIR is discussion of the potential impact of noise generated by construction vehicles and construction equipment on District schools which may be operational during Project construction.

4. Environmental Factors Affecting Potential Elementary School Site

As discussed above in Section B.2., the Draft EIR does not consider any of the environmental impacts or studies related to the proposed 18-acre school site, including: (1) the effects of a roadway and public pathway running through the middle of the site; (2) the need for an updated DTSC survey to evaluate potential contaminants; (3) a hydrology report to evaluate potential flooding and runoff issues; or (4) the need for a gas pipeline survey. Without these studies and evaluations, the Draft EIR is incomplete, and the District cannot begin to assess the suitability of the property for use as an elementary school.

D. Cumulative Impacts

Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)

The Project's anticipated impacts on the District, as discussed in this letter, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts.

E. Conclusion and Requested Revisions and Amendments

In sum, the Draft EIR should more accurately reflect the realities of school facilities funding and more appropriately analyze and address the effects on District schools that will result from development of the Specific Plan, including, but not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts, which may impact the District's ability to serve the influx of students resulting from the Central Area Specific Plan and other significant development projects.

The District remains an active and cooperative partner and welcomes further discussions with the City and the developers of the Specific Plan. We are hopeful for the opportunity to discuss our concerns and work together to ensure that quality school facilities can be provided, and other concerns can be mitigated, for District families and staff residing and working within the Specific Plan area. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly.

Sincerely,

LOZANO SMITH



Devon B. Lincoln

DBL/mc

cc: Jim Koenig, Superintendent, Alisal Union School District
(By Email: jim.koenig@alisal.org)
Nancy Pfeiffer, Chief Business Official, Alisal Union School District
(By Email: nancy.pfeiffer@alisal.org)



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By Email: jill.miller@ci.salinas.ca.us

August 11, 2020

City of Salinas
Community Development Department
Attention: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, California 93901

Re: Salinas Union High School District Comments to the Draft Environmental Impact Report for the Central Area Specific Plan

Dear Ms. Miller:

Our office represents the Salinas Union High School District ("District" or "SUHSD"). Please accept this letter as the District's comments to the Draft Environmental Impact Report ("Draft EIR") for the Central Area Specific Plan ("Specific Plan" or "Project"). Additional information pertinent to the impact of the Project on the District is included in the Central Area Specific Plan. Accordingly, this letter also references that document.

A. Summary

As discussed in this letter, the District's primary concern with the Draft EIR is its failure to address the real impacts of the Project on the school districts that will serve the families who will eventually make their homes in the Project. Among other things, the Draft EIR does not adequately address the need for additional schools and facilities that may be needed to serve the number of new middle and high school students that could be generated by the Project. Without that analysis, the Draft EIR does not adequately portray the potential environmental impacts of this Project.

In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address some of the impacts that will result from development of the Specific Plan with regard to school facilities, particularly if facilities funding remains elusive.

A key point for consideration prior to finalizing the EIR should be that even when payment of State-mandated impact mitigation fees (“developer fees”) are factored in the calculation, there will likely be insufficient funding for the school facilities and staffing needed to serve the additional students resulting from the Project. Unless the District can obtain that funding, the educational needs of the families residing in the Project may not be met in the manner and at the locations confidently predicted by the Draft EIR.

As an additional overall concern, there may be other impacts to students and staff resulting from build-out of the Project that are not addressed in the Draft EIR. These impacts include, but are not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts.

Finally, the Draft EIR must consider the cumulative impact of the Central Area Specific Plan together with the anticipated impacts of the West Area Specific Plan, other forthcoming projects in the area, with regard to environmental concerns.

As discussed in this letter, all of the potential impacts of the Project on the District and the territory it serves need to be further analyzed and addressed appropriately in the Draft EIR.

B. Areas of Concern

1. District Communications with City and Developers

As envisioned by its developers, the 760 acre Specific Plan would include up to 3,911 residential units (both single family and multi-family residential units).

The Specific Plan includes three school sites, totaling approximately 48 acres: one 18-acre middle school site owned by SUHSD; one 12-acre elementary school site owned by Alisal Union School District (“AUSD”); and one 18-acre site currently located within the Santa Rita Union School District (“SRUSD”) that was originally designated by the developers for a middle/elementary school. (Draft EIR, pp. 2.0-15-2.0-16.)

As noted in the Draft EIR, on April 28, 2020, the three districts submitted a petition for a territory transfer (i.e., a boundary adjustment) to the County Committee for School District Organization, which, if approved, would result in the transfer of that portion of SRUSD within the Specific Plan to AUSD, meaning that the 18-acre school site would no longer be within the territory served by SRUSD, and AUSD would instead potentially acquire and build facilities on that site (Draft EIR, p. 2.0-16). Although not acknowledged by the Draft EIR but as further discussed below, the proposed territory transfer has been planned, with the City’s knowledge, for at least two years.

The Specific Plan states that the Project developers “have worked with and continue to work with, all three School Districts to identify each District’s needs in terms of the appropriate size and location of the elementary and middle school sites.” (Draft EIR, p. 2.0-16.) That claim overstates the communications between the parties that have occurred concerning the Specific Plan.

2. Potential Increases in Enrollment

The District, which enrolls more than 16,000 students, operates four middle schools, five high schools, a continuation high school, a community day school, an alternative school, and an adult education center. Presently, students attending AUSD, Graves, Lagunita, Salinas City, Santa Rita, Spreckels and Washington Union school districts matriculate to Salinas for middle and/or high school.

The Specific Plan includes up to 3,911 single family and multi-family residential units which the City has calculated would generate up to 837 middle and high school students if the pending territory transfer is approved. Of that number, 311 would be new middle school students and 526 would be new high school students.¹ (Draft EIR, p. 3.9-25)

As an initial matter, the District notes that these figures are inaccurate, as they were calculated using student generation rates (“SGRs”) from the District’s 2018 *School Facility Needs Analysis*, rather than the May 2020 *School Facility Needs Analysis* (“2020 SFNA”). As noted in the 2020 SFNA, the District’s total 2019-2020 enrollment of 16,250 students exceeds its current capacity of 13,433 by 2,817 students (428 students in grades 7-8 and 2,389 students in grades 9-12). Based on information from the City of Salinas and the County of Monterey, the number of new residential units projected to be built in the District over the next five years is 1,040 single-family and 200 multi-family units. These numbers do not include residential units to be constructed within the Central Area Specific Plan. This future residential growth is expected to generate 269 additional students. This means that the District has zero excess pupil capacity available for students in grades 7-12 generated by future residential development, excluding students generated by the Project. (2020 SFNA, pp. 1, 8.)

Land use assumptions set out in the Transportation and Circulation section of the Draft EIR include “two elementary schools with 600 students enrolled in each and one middle school with 803 students enrolled.” (Draft EIR, p. 3.10-28.) Even assuming the District could accommodate middle school students generated by the Project on the site it already owns within the Specific Plan, it will also need new facilities to serve its unhoused high school age students, as well as new high students generated by the Project. However, with the exception of the middle school site already owned by the District, the Draft EIR does not consider the additional facilities or staffing at its existing sites the District will need in order to serve its projected numbers of unhoused pupils, as well as the students generated by the Project. This does not comply with the City’s General Plan Policy LU-9.1, which requires the developers to “work in partnership with local school districts and assist them in identifying land needed for new school sites so that sufficient facilities are provided for students.” (Draft EIR, p. 3.9-15.) These capacity concerns should be more fully analyzed and addressed in the Draft EIR.

¹ If the territory transfer is not approved, the City calculates that the Project would generate up to 1,280 students in middle and high school, of which number, 754 would be middle school students and 526 would be high school students. (Draft EIR, p. 3.9-25.)

3. Insufficient School Funding

A table of proposed funding sources for public schools set out in the Central Area Specific Plan document lists “School District Fees” (i.e. school impact or developer fees) and “TAMC State and Federal”, which is broadly described as funding that may be available from regional, State and/or federal sources. (CASP, p. 191).

The Draft EIR states that the payment of school impact fees is “full and complete facilities mitigation” for the impact of new development. (Draft EIR, p. 3.9-26.) This is incorrect. In making that assertion, the Draft EIR relies on the language of Senate Bill (“SB”) 50 which declares that the payment of the developer fees authorized by Education Code section 17620 constitutes “full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities.” (Gov. Code § 65995(h).) (Draft EIR, p. 3.9-26.) California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding. (*Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016.)

For purposes of considering the Draft EIR and the impact of the Specific Plan on schools, it is critical to understand that as of the date of this writing, funding at the State for school facilities is virtually nonexistent, and local funding sources are likewise hard to come by. Contrary to the assertions made by the Draft EIR, regional and federal funds are rarely if ever a source of funding for school facilities construction in California. In fact, the current landscape of school facilities funding is governed largely by The Leroy F. Green School Facilities Act (SB 50). Adopted in August 1998, SB 50 was an attempt to create a theoretical “three-legged stool” of school facilities financing, conceptualizing the funding of school facilities from three primary sources – State, local, and developer fees.

One typical source of school facilities financing (one leg of the stool) represents State bond fund grants, administered through the State Facilities Program (SFP). In order to receive State bond funds, school districts first must advance the funds necessary to obtain Division of State Architect (DSA) and California Department of Education (CDE) approvals. After expenditure of these funds, districts will apply for bond funding to the State Allocation Board (SAB), through the Office of Public School Construction (OPSC). Districts must be able to “match” the amount of State funding from local sources in order to be eligible for State funding, and are generally eligible for 50% of acquisition/construction costs from the State. Districts may be eligible for up to 100% if they are able to claim “hardship” status (if the districts are unable to raise sufficient local funds to match the State grant).

After submitting funding applications, and after the applications are received by the OPSC, district projects will then be added to the State’s “workload list” where project applications are reviewed on a continuous basis, generally based on the timing of the applications received. If the applications are approved, then they are moved to the “Unfunded List,” which includes approved applications for which no bond money has yet been apportioned. School districts often have to wait several years to receive State funding, and will only then receive funding sufficient to cover a portion of the district’s project. However, if State bond funding is depleted (as is now the case

after the exhaustion of construction funds under Proposition 51 and the failure of Proposition 13 on the March 2020 ballot), then school districts who submit applications will not be guaranteed to receive any funding, and will instead be placed on an “Applications Received Beyond Bond Authority” list. There is no guarantee that these projects will ever receive reimbursement.

In all, the State facilities funding system is in a perpetual state of flux, and it is never certain if, or when, a school district will receive such funding for a given project. This is especially true at the present time, after State voters rejected Proposition 13 on March 3, 2020. That ballot measure would have authorized \$8 billion in construction and modernization for K-12 school districts. Instead, school districts have no reasonable expectation of securing State funding for construction until voters can once again be persuaded to support school construction; given the uncertainty of the current economic picture, we cannot assume that will happen any time soon. Therefore, it is highly unlikely that the District will secure State funding for construction of new schools in time for the families that will move into the homes proposed by the Specific Plan.

Theoretically, another third of school facilities financing should come from local funds, including local general obligation (GO) bond funds and property and parcel taxes. Since the passage of SB 50, the inadequacies of State and developer sourced funding have become more apparent, and more pressure has been placed on school districts to fund facilities from local sources, primarily through local GO bonds. However, districts are often unable to generate sufficient local funds due to bonding capacity limitations, lack of existing community voter approvals to subsidize schools for new development, and general lack of voter willingness to accept additional local property assessments. In this case, the District is seeking passage of a bond in November 2020 that would, in part, fund construction of its middle school site. However, it will still face the uphill battle of convincing current homeowners to tax themselves for the purpose of building schools that will serve families in homes that have not yet been built – a tough sell, to say the least.

Finally, as noted, statutory school impact fees (also known as “developer fees”) are anticipated to supply one third of school construction costs. The reality is that the amount of developer fees received by school districts often falls woefully short of the impacts caused by such development.

In the case of the Specific Plan, reliance on developer fees and unspecified “regional, State and or federal sources” to fund school facilities is unrealistic, as developer fees will likely cover only a portion of the costs for schools, facilities, staff, and services required in order to serve the new students that could be generated by the Project. The cost to acquire property and construct a single new middle school can exceed 60 million dollars. The estimated cost of a new high school is closer to 100 million dollars. This estimate does not include interest costs associated with debt incurred to finance the construction of facilities.

The 2020 SFNA also reports the costs of providing school facilities to for the District’s 2,817 currently “unhoused” students. For its 428 unhoused 7-8 grade students, those costs total \$25,500,668. The District has a total amount of \$21.7 million in funding (bond funds, developer fees, and special reserve funds) available for facilities for its existing unhoused 7-8 grade

students—a shortfall of approximately 3.8 million dollars. The cost for providing school facilities for the District’s existing unhoused pupils in grades 9 to 12 totals \$144,835,514. The District’s total available funds for housing these students is approximately \$42,986,786—a shortfall of approximately \$101 million dollars. In sum, the District does not have sufficient funds for school facilities for its projected 2,817 unhoused pupils over the next five years, let alone more than 800 new 7-12 grade students generated by the Project. (2020 SFNA, pp. 8-9.)

It must also be noted that developer fees would be collected incrementally during the anticipated 20-30 year build out of the Project. Thus, the District will not have access to a “lump sum” amount of developer fees to fund needed new facilities.

The City and the developers may take the attitude that the dire state of funding for school facilities is “not our problem” or outside the concerns of a CEQA review. This attitude is unfortunate, given that quality schools are a crucial part of any community and a key selling point for new homes. However, this issue is also fundamental to the sufficiency of the Draft EIR. If the District cannot secure the funding to build a new school on the parcel it owns or add new facilities to its existing sites to accommodate the projected growth from the Specific Plan, it will be forced to consider other means of serving the students who will reside there. This may include bussing and other transportation to existing District sites, as well as further overcrowding of those sites. These are very real, non-speculative potential environmental impacts of the proposed Specific Plan that have not been contemplated by the Draft EIR, and in that way it is not a sufficient analysis of the potential impacts of the proposed Project.

4. Environmental Impacts from Project “Phasing”

The Draft EIR provides for a “phased” approach to development of the Specific Plan area. This phased approach, which is discussed briefly in Chapter 2.0 of the Draft EIR, provides that the Specific Plan area is owned by multiple landowners and the Specific Plan is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) There is only minimal discussion of this phasing concept located elsewhere in the Draft EIR. The few other references to this phasing concept merely suggest that development of the Specific Plan area (site improvements and construction) are “assumed” by the Draft EIR to take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (*Id.*) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

The Draft EIR’s assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is problematic. (*Id.*) The Draft EIR offers no evidence or other information suggesting why this assumption should be drawn. In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR merely notes that school construction will be based on

projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that “the middle school site is expected to be developed first.” (*Id.*)

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area.

Should the City disagree with this position, the Draft EIR should at least be revised to include a detailed discussion of how the unrestricted phasing approach to development of the Specific Plan Area (inclusive of nearly 760 acres, with an anticipated 3,911 residential units and up to 489,700 square feet of commercial space) actually corresponds to the findings, conclusions, and recommendations made in the Draft EIR with respect to environmental impacts and mitigation. The Draft EIR lacks any information regarding the timing, scheduling, or sequencing of development, rendering it impossible for the Draft EIR to appropriately review and analyze environmental impacts. The Draft EIR is deficient in this regard.

C. Environmental Factors Impacting District Schools

The Draft EIR acknowledges that development facilitated by the Specific Plan would increase the demand for new schools which has the potential to cause “significant and unavoidable” substantial adverse physical environmental impacts (Draft EIR, pp. 3.9-23, 3.9-24.) The Draft EIR identifies a number of potential environmental impacts that could result from construction of the school sites within the Specific Plan, but it does not adequately consider the potential impacts on the District that could result from build-out of the Project. (Draft EIR, pp. 3.1-22, 3.9-28.) Depending on the number of residential units completed during the initial phases of Project construction, the District may need to construct and open a middle school on the site it already owns in the Specific Plan area and may need to add additional facilities to existing sites, well before complete Project build-out. The Draft EIR should consider and analyze the potential environmental impacts of such construction on District students and staff and should include mitigation measures as needed to render those impacts less than significant.

Environmental impacts on the District that should be analyzed in the Draft EIR include the following.

1. Noise Generated by Potential Construction

The Draft EIR defines a “sensitive receptor” as “a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of continuous human exposure to pollutants.” (Draft EIR, p. 3.1-12.) Sensitive receptors include schools. Consistent with CEQA, the Specific Plan will have a significant impact on the

environment if it generates emissions that, among other things, expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, p. 3.1-20.)

The Draft EIR identifies Everett Alvarez High School as a sensitive receptor to the south of the Plan Area, but does not identify the middle school site the District already owns with the Plan area (or any future high school site) as a sensitive receptor that could be affected by construction of the Project. (*Id.*) The Draft EIR deems the potential exposure of sensitive receptors to substantial pollution concentrations as “less than significant with mitigation,” but the mitigation measures described in the Draft EIR are general in nature, and do not include any measures designed to reduce potential exposure of District students and staff to airborne pollutants, particularly during those times when students are outdoors for recess, play, or physical education. As the District may need to open and operate at least one new school within the Specific Plan area during initial construction phases of the Project, the effects of air quality on schools should be further analyzed in the Draft EIR.

2. Hazards and Hazardous Emissions

The Draft EIR includes measures intended to mitigate any significant hazards to the proposed school site due to siting or placement of infrastructure, but does not include any discussion of potentially hazardous materials that may be transported or utilized in proximity to the school site(s) during Project construction. (Draft EIR, pp. 3.5-21 to 3.5-24.) The Draft EIR should include specific information as to these specific hazardous materials and should include appropriate measures to mitigate those hazards during Specific Plan construction.

3. Noise

The Draft EIR notes the potential exposure to sensitive receptors to noise from proposed park and school uses, and includes proposed mitigation measures that, among other things, would require schools to install sound walls and berms when a school site directly abuts a residential property line and site design cannot achieve minimum noise standards. (Draft EIR, p. 3.7-29.) Missing from the Draft EIR is discussion of the potential impact of noise generated by construction vehicles and construction equipment on District schools during Project construction.

D. Cumulative Impacts

Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)

The Project's anticipated impacts on the District, as discussed in this letter, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts.

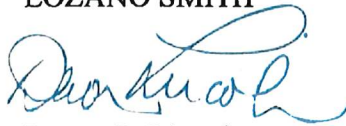
E. Conclusion and Requested Revisions and Amendments

In sum, the Draft EIR should more accurately reflect the realities of school facilities funding and more appropriately analyze and address the effects on District schools that will result from development of the Specific Plan, including, but not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts, which may impact the District's ability to serve the influx of students resulting from the Central Area Specific Plan and other significant development projects.

The District remains an active and cooperative partner and welcomes further discussions with the City and the developers of the Specific Plan. We are hopeful for the opportunity to discuss our concerns and work together to ensure that quality school facilities can be provided, and other concerns can be mitigated, for District families and staff residing and working within the Specific Plan area. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly.

Sincerely,

LOZANO SMITH



Devon B. Lincoln

DBL/mc

cc: Dan Burns, Superintendent, Salinas Union High School District
(By Email: dan.burns@salinasuhd.org)
Ana Aguillon, Chief Business Official, Salinas Union High School District
(By Email: ana.aguillon@salinasuhd.org)



Devon B. Lincoln
Attorney at Law

E-mail: dlincoln@lozanosmith.com

By Email: jill.miller@ci.salinas.ca.us

August 11, 2020

City of Salinas
Community Development Department
Attn: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, California 93901

Re: Santa Rita Union School District Comments to the Draft Environmental Impact Report for the Central Area Specific Plan

Dear Ms. Miller:

Please accept this letter as the Santa Rita Union School District's ("District" or "SRUSD") comments to the Draft Environmental Impact Report ("Draft EIR") for the Central Area Specific Plan ("Specific Plan" or "Project").

The Specific Plan includes three school sites, totaling approximately 48 acres: one 12-acre elementary school site owned by AUSD; one 18-acre middle school site owned by the Salinas Union High School District ("SUHSD") and one 18-acre site currently located within SRUSD that was originally designated by the developers for a middle/elementary school. (Draft EIR, pp. 2.0-15-2.0-16.)

As noted in the Draft EIR, on April 28, 2020, the three school districts submitted a petition for a territory transfer (i.e., a boundary adjustment) to the County Committee for School District Organization, which, if approved, would result in the transfer of that portion of SRUSD within the Specific Plan to AUSD, meaning that the 18-acre school site originally designated as a middle/elementary school would no longer be within the territory served by SRUSD, and AUSD would instead potentially acquire and build facilities on that site (Draft EIR, p. 2.0-16). If the territory transfer is approved, the District will not serve students generated by the Project; however, approval of the petition is not a certainty. For that reason, and also in support of the comments regarding the Draft EIR submitted by AUSD and SUHSD, the District submits this letter.

The District's major area of concern is the Draft EIR's failure to consider the real impacts, environmental and otherwise of the Project on the school districts that will serve the families who will eventually make their homes within the Specific Plan area. Among other things, the

Draft EIR does not adequately address the need for additional schools and facilities that may be needed to serve the students that could be generated by the Project. Without that analysis, the Draft EIR does not adequately portray the potential environmental impacts of the Project. In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address the impacts that will result from development of the Specific Plan without the necessary school facilities in place.

In addition, the Draft EIR does not accurately reflect the realities of school facilities funding, and in turn, fails to appropriately analyze and address some of the impacts that will result from development of the Specific Plan with regard to school facilities. A key point for consideration prior to finalizing the EIR should be that even when payment of State-mandated impact mitigation fees (“developer fees”) are factored in the calculation, there will likely be insufficient funding for the school facilities and staffing needed to serve the additional students resulting from the Project. Unless the District can obtain that funding, the educational needs of the families residing in the Project may not be met in the manner and at the locations confidently predicted by the Draft EIR.

As an additional overall concern, there may be other impacts to students and staff resulting from build-out of the Project that are not addressed in the Draft EIR. These impacts include, but are not limited to, air quality, noise, hazardous materials, and other reasonably foreseeable impacts.

Finally, the Draft EIR must consider the cumulative impact of the Central Area Specific Plan together with the anticipated impacts of the West Area Specific Plan, other forthcoming projects in the area, with regard to environmental concerns.

All of the potential impacts of the Project on the District and the territory it serves need to be further analyzed and addressed appropriately in the Draft EIR.

By the City of Salinas’s own calculations, if the pending territory transfer is approved, the 3,911 new homes included in the Specific Plan will generate up to 3,591 new students. (Draft EIR, p. 3.9-25-3.9-26.) Of that number, 2,752 would be elementary students, 311 would be middle school students, and 526 would be new high school students. (*Id.*) In the event the territory transfer is not approved, the Project could generate up to 4,033 new students, including 2,752 elementary students, 754 middle school students, and 526 high school students. (*Id.*)

As discussed in comments letters submitted by AUSD and SUHSD, the critical issue here is that there are insufficient school facilities to house these students and limited available funding to construct new facilities. The funding mechanisms referenced in the Draft EIR are both inadequate and overly optimistic. The bottom line is that the Specific Plan and Draft EIR simply assume that new school facilities will be provided, despite the fact that funding for such facilities is likely to be extremely limited or in some cases, entirely unavailable. This will result in an influx of students to the existing facilities of the school districts serving the Specific Plan area as well as other school districts in the area, including the District, and the environmental impacts of this influx, when appropriate school facilities are not available, have not been properly assessed.

In the case of the District, denial of the pending territory transfer would mean that SRUSD will be responsible for serving elementary and middle school students generated by the Project. SRUSD currently serves approximately 3,569 students in kindergarten through eighth grade at its four elementary schools and two middle schools. As acknowledged in the Draft EIR, the District's existing school sites are already over-capacity. In addition to students generated by this Project, the District will also be responsible for serving students generated by the West Area Specific Plan.

The Specific Plan identifies the 18-acre site in the western part of the Project area as a potential location for a District middle/elementary school (if a boundary adjustment is not approved). As discussed in the letter submitted by AUSD, a CDE consultant who reviewed the Draft EIR has identified a number of potential concerns with the proposed site. As an initial concern, the CDE consultant noted the need for a hydrology study to evaluate the potential for flooding. The consultant indicated that the road and greenway/pedestrian pathway running through the center of the site is likely to collect runoff from adjacent houses and Gabilan Creek and then run downslope through the site. Of particular concern, the CDE consultant indicated that a gas pipeline study would almost certainly be required for approval of the property for use as a school site. As the property has been used for agriculture, a new Department of Toxic Control Substances ("DTSC") survey to identify contaminants such as pesticides, is also essential. The Project also contemplates the installation of a large underground water main below the road and greenway/pedestrian path running through the school site. Inspections and repairs to pipes and water main components would be highly disruptive to school operations.

These and other concerns may render the proposed site unsuitable for use as a school. As discussed in the letter submitted by AUSD, the Project developers had close to two years' advance notice of the pending territory transfer, but the Draft EIR does not identify or address any environmental impacts related to the western school site with regard to its use as a campus for elementary or middle school students.

The law does not excuse a lead agency from conducting environmental review of impacts other than those that are direct impacts on school facilities. In this instance, there will be impacts resulting directly from the affected school districts' inability to fund the construction of new school facilities and the influx of students to existing school facilities. Installation of portables and ongoing construction on existing sites necessary to accommodate these students will affect noise levels, air quality, loss of greenspace or play areas, and other reasonably foreseeable impacts connected with adding or modifying school facilities at existing school sites. The changing of attendance boundaries, bussing, and inter-district transfer or parents electing to send their children to other school districts or school sites will increase traffic (both vehicular and pedestrian), and will similarly affect noise, and air quality/pollution. The increased traffic in or around existing school sites also raises significant concerns regarding the safety of school visitors, whether it be staff or students and their families. These impacts are a direct result of the Specific Plan and the Draft EIR is required to analyze and address them appropriately. The current Draft EIR fails in this regard.

As was the case with the West Area Specific Plan EIR, the Draft EIR describes a “phased” approach to development of the Specific Plan area that is intentionally designed to allow each landowner to develop their property independent of the development by other landowners. (Draft EIR, p. 2.0-25.) The few other references to phasing in the Draft EIR suggest that development of the Specific Plan area will take place over the course of approximately 20 years (2020 to 2040), and that such development is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed development. (*Id.*) The Draft EIR does not include an estimated schedule for development (or any other information regarding the sequencing or scheduling of development), nor does the Draft EIR impose any restrictions or limitations on the timing of development within the Specific Plan area.

The Draft EIR’s assumption that development within the Specific Plan area will generally proceed from the surrounding arterial and collector streets towards the center of the Specific Plan area is unsupported. (*Id.*) In fact, it seems equally likely that significant development of the Specific Plan Area will happen concurrently in different sections of the Plan area. With regard to public schools, the Draft EIR simply states that school construction will be based on projections of the needs for schools as the Specific Plan area and surrounding area develop. Without further explanation, the Draft EIR goes on to state that “the middle school site is expected to be developed first.” (*Id.*)

The City has acknowledged that there is a shortage of housing available in the Salinas area and that the need for additional housing is critical. Additionally, economic and market conditions are not selective, and when they are good for one developer, they are typically good for all developers. The bottom line is that to adequately review, analyze, and address all potential environmental impacts arising from the project, the Draft EIR must analyze the impacts to the environment resulting from significant concurrent development within the Specific Plan area. The Draft EIR is deficient in this regard.

Environmental impact reports must discuss cumulative impacts of a project when the project’s effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 Cal. Code Regs. § 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. 4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIR into the agency’s analysis of a project’s cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 Cal. Code Regs. 14183(b)(3).)

As noted above, the District will also be responsible for serving students generated by the West Area Specific Plan. This Project’s anticipated impacts on the District, combined with the impacts of the West Area Specific Plan and other forthcoming projects in the area, are cumulatively considerable with regard to environmental concerns. Accordingly, the Draft EIR must consider the Central Area Specific Plan in light of these cumulative impacts.

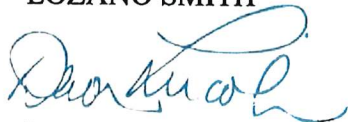
City of Salinas
August 11, 2020
Page 5

The Specific Plan's failure to ensure funding for necessary school facilities and the resulting inadequacies of the Draft EIR are a significant concern for every local educational agency serving the City of Salinas. The District fully supports other local educational agencies that have submitted letters commenting on the inadequacy of the Specific Plan and Draft EIR and agrees with the issues raised in their respective comment letters.

We are hopeful for the opportunity to discuss our concerns and work together to reach a solution that ensures that quality school facilities can be provided. Should you have any questions or would like to discuss these issues further, please feel free to contact the District office directly.

Sincerely,

LOZANO SMITH



Devon B. Lincoln

DBL/mc

cc: Timothy Ryan, Superintendent, Santa Rita Union School District

August 11, 2020

Community Development Department
ATTN: Jill Miller, Senior Planner
65 West Alisal Street
Salinas, CA 93901

Email: jill.miller@ci.salinas.ca.us

Re: City of Salinas Central Area Specific Plan DEIR

Dear Ms. Miller:

Thank you for providing the Monterey Bay Air Resources District (Air District) with the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments:

3.1. AIR QUALITY

- **Mitigation Measure 3.1-1:** While *traffic calming measures* in neighborhoods can improve public safety, the Air District encourages the City to implement Vehicle Miles Traveled (VMT) reduction measures to maximize emission reductions and for congestion management.

The Air District highly supports the inclusion of roundabouts and making the project plan area a bike- and ped-friendly community. If signalizing intersections is selected, then the use of currently available Adaptive Traffic Control Systems (ATCS) in the intersection design should be employed. *Local annual funding opportunities from the Air District are available for ATCS and roundabout design and construction projects. Please contact Alan Romero, aromero@mbard.org, for more information.*

- **Mitigation Measure 3.1-2:** The Air District supports incorporating electric vehicle infrastructure in the project plan area designs. To achieve further emission reduction of criteria pollutants and greenhouse gases, the Air District suggests including publically available dual port Level 2 & DC fast-charge charging stations throughout the project plan area. *Local annual funding opportunities from the Air District are available for EV charging infrastructure. Please contact Alan Romero, aromero@mbard.org, for more information.*
- The Air District prefers that operational emissions be mitigated at the project level; however, since mitigation measures cannot reduce emissions below significance thresholds, the Air District requests that the City of Salinas cooperate with the Air District to develop off-site mitigation measures. Please contact David Frisbey at the Air District office at (831) 647-9411 or dfrisbey@mbard.org.

3.5. HAZARDS AND HAZARDOUS MATERIALS

- **Mitigation Measure 3.5-1-3.5.3:** Any construction activity that involves the disturbance or removal of building materials or structures must be thoroughly inspected for asbestos by a California Certified Asbestos Consultant (CAC) prior to the construction activity, as regulated by the Federal EPA Asbestos NESHAP (National Emission Standards of Hazardous Air Pollutants) and Air District Rule 424. Work to remove any regulated quantities of asbestos must be notified to the Air District at least 10 working days prior to the beginning of work.

Any load-bearing removal in the structures is defined as a demolition activity by the Federal EPA Asbestos NESHAP regulation and District Rule 424. This activity must also be notified to the Air District at least 10 working days prior to the beginning of work.

Please contact Shawn Boyle or Cindy Searson in the Compliance Division at (831) 647-9411 for more information regarding these rules. <https://www.arb.ca.gov/drdb/mbu/cur.htm>

Please let me know if you have any questions. I can be reached at (831) 718-8021 or hmuegge@mbard.org.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Hanna Muegge', with a stylized, cursive script.

Hanna Muegge
Air Quality Planner

cc: Richard A. Stedman
David Frisbey

LAFCO *of Monterey County*

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Kate McKenna, AICP

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P. O. Box 1369
Salinas, CA 93902

Voice: 831-754-5838

www.monterey.lafco.ca.gov

August 11, 2020

Jill Miller, Senior Planner
City of Salinas Community Development Department
65 West Alisal Street
Salinas, CA 93901

RE: City of Salinas' Central Area Specific Plan Draft Environmental Impact Report

Dear Ms. Miller,

Thank you for this opportunity to comment on the Draft Environmental Impact Report (EIR) for the City of Salinas' Central Area Specific Plan (CASP) Project. LAFCO is a Responsible Agency under the California Environmental Quality Act for the proposed project, and will have regulatory authority for any future annexations for areas included in the proposed project, which have not been annexed into the City of Salinas. It is in this role that LAFCO is commenting on the Draft EIR.

1. Annexation of the Settrini/Garcia/Igaz Properties within the City's Sphere of Influence

If the City approves the CASP, LAFCO anticipates that, in the future, the City may request annexation of the Settrini/Garcia/Igaz Properties from LAFCO. If this occurs, as a CEQA Responsible Agency, LAFCO would plan to use the City's plan-level CASP Draft EIR and future project-level CEQA document prepared by the City.

We appreciate that the Draft EIR references LAFCO's October 9, 2017 comment letter on the Salinas CASP Notice of Preparation. LAFCO has reattached this letter for reference.

In our review of the Draft EIR, LAFCO Housing and Jobs Policy is described on page 3.8-7. However, in our review, the Draft EIR did not include an analysis of the CASP's conformance to the full range of LAFCO's adopted policies and related State laws as requested in our October 9, 2017 letter. We ask that you respond to this request to the extent possible. Inclusion of this information will help ensure that the Commission will have adequate information to act in its role as a CEQA Responsible Agency should a future annexation proposal be submitted to LAFCO. LAFCO's adopted policies are available on LAFCO's web site: <http://www.monterey.lafco.ca.gov/>

2. Conformance to the Adopted 2006 Greater Salinas Area Memorandum of Understanding (MOU)

Similarly, in our October 9, 2017 letter, we requested that you include an analysis of the CASP's consistency with the adopted 2006 City-County MOU. In our review of the Draft EIR, we did not find that this analysis was included. We also ask that you address this request to the extent possible.

We appreciate this opportunity to review the Draft EIR. Please continue to keep us informed throughout your process. City staff and consultants are welcome to contact

LAFCO staff if you have any questions. We would be happy to meet with you and your staff for more detailed discussions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kate McKenna", with a stylized flourish at the end.

Kate McKenna, AICP
Executive Officer

Enclosure

LAFCO of Monterey County

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

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*Special District Member
Alternate*

Graig R. Stephens
Special District Member

Counsel

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Staff

Kate McKenna, AICP
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132 W. Gabilan Street, #102
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Fax: 831-754-5831

www.monterey.lafco.ca.gov

October 9, 2017

Jill Miller, Senior Planner
Community Development Department
City of Salinas
65 West Alisal Street
Salinas, California 93901

RE: Notice of Preparation – Salinas Central Area Specific Plan (CASP)

Dear Ms. Miller:

Thank you for this opportunity to comment on the Notice of Preparation for a draft Environmental Impact Report for the Salinas Central Area Specific Plan. In order to comply with the deadline for commenting on the Notice of Preparation, I am providing the following comments in draft form. This letter is subject to review and authorization at the next regular meeting of the Local Agency Formation Commission on October 23, 2017.

LAFCO's statutory authority is derived from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000, et seq.). Among LAFCO's purposes are: Discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances (Government Code Section 56301). The Cortese-Knox-Hertzberg Act identifies factors that must be considered, and determinations that must be made, as part of LAFCO's review of annexation proposals.

Under the California Environmental Quality Act (CEQA), LAFCO is a Responsible Agency for this proposal, and will have regulatory authority for the proposed annexation application. It is in this role that LAFCO is commenting on the Notice of Preparation.

Most of the proposed 760-acre future development area was annexed to the City on May 19, 2008 following a collaborative effort which also resulted in a sphere of influence expansion and a new Memorandum of Understanding between the City and the County of Monterey. However, a portion of the northwest corner of the CASP includes three parcels (totaling 50 acres) currently outside of the existing city limits but within the City's Sphere of Influence, as designated by the Local Agency Formation Commission of Monterey County (LAFCO). Development of currently unincorporated areas would be subject to LAFCO's approval of annexation at a future date.

I. Annexation of the Settrini Property within the City's Sphere of Influence

The September 2002 Salinas General Plan included the designation of an area to the northeast of the City as a "Future Growth Area" for urban development. A portion of this area now forms the CASP. At that time, the area was outside the City's sphere and

jurisdictional boundary and required annexation prior to any city development. In the late 2000s, the City submitted an application to LAFCO requesting two actions: (1) sphere of influence expansion of approximately 3,350 acres and (2) annexation of approximately 2,400 acres within this proposed sphere of influence boundary. The portion of the sphere amendment area that was not included within the annexation area, referred to as the "Remainder Areas," totaled approximately 950 acres and encompassed two non-contiguous sub-areas. One of the remainder areas is known as the "Settrini" property, which includes 3 parcels totaling 50 acres, and is currently located in the CASP. The second area is located northeast of the Salinas Municipal Airport and not part of the CASP. As part of the May 19, 2008 sphere resolution, the City acknowledged that additional studies, including but not limited to ones relating to water supply, traffic, and wastewater treatment, needs to be completed prior to the annexation of areas not annexed back in 2008.

If the CASP is approved, LAFCO anticipates at a future date a request to consider approval of the Settrini property annexation, in accordance with the Cortese-Knox-Hertzberg Act and local LAFCO policies. The full text of LAFCO's adopted Policies is available on LAFCO's web site: <http://www.monterey.lafco.ca.gov/>

As a CEQA Responsible Agency, LAFCO plans to use the City's environmental document to fulfill CEQA clearance for the annexation, and to support the evaluation of the proposal's consistency with the applicable LAFCO laws and policies, including adopted "Preservation of Open-Space and Agricultural Lands" and "Housing and Jobs" policies, among others. LAFCO requests that the draft EIR currently being prepared include an analysis of the CASP's conformance to the full range of LAFCO's adopted policies and related State laws to the extent possible, recognizing that "plan-level" review may only provide for generally limited conformance analysis. LAFCO staff can provide examples of similar analyses from other recent proposals.

A more detailed, site-specific, and updated analysis to LAFCO laws and policies should also be anticipated as a required part of subsequent, project-level CEQA documents when future proposals are brought forward to LAFCO. Provision of this information in current and future CEQA documents will help ensure that the Commission will have adequate information to act in its role as a CEQA Responsible Agency, when the future annexation proposal for the area within the CASP is submitted to LAFCO.

2. Conformance to the Adopted 2006 Greater Salinas Area Memorandum of Understanding (MOU)

Please include in the draft EIR an analysis of the CASP's consistency with the adopted 2006 City-County MOU. The intent of the MOU was in part to preserve agricultural lands within Monterey County, provide future growth areas for Salinas and offer adequate financing for services and facilities for the City and the County's Greater Salinas Area Plan territory.

We appreciate this opportunity to provide comments on the Notice of Preparation, subject to Commission authorization on October 23. Please continue to keep us informed throughout your process. I would be happy to meet with you and your staff for more detailed discussions.

Sincerely,



Kate McKenna, AICP
Executive Officer